

# **ENVIRONMENT INC**

***Special Series in the Sacramento Bee***

**By Pulitzer Prize Winning Writer**

**Tom Knudson**



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**To our readers**

*(Published April 22, 2001)*

Today, on the 31st anniversary of Earth Day, the environmental movement is at a crossroads. No one can deny its many successes in preserving precious natural resources, but they have come with a price. In fact, some say the environmental movement is fighting for its very soul.

In this five-part series, Tom Knudson, The Bee's Pulitzer Prize-winning environmental reporter, examines the high-powered fund raising, the litigation and the public relations machine that has come to characterize much of the movement today. His stories are based on exhaustive research conducted over 16 months with travel to 12 states and northern Mexico. And what he has found is that the movement established, in part, to combat the influence of the powerful has itself become big business.

**-- Rick Rodriguez  
Executive Editor**

## **The series**

### **Sunday, April 22: Price of power**

A century after John Muir served as the Sierra Club's first president, environmental groups have successfully traded on his legacy, becoming bigger and richer than ever before. But in their quest for power and money, have they cashed in their tradition?

### **Monday, April 23: Cause or commerce?**

When you give \$20 to an environmental organization, you expect it to go toward protecting the environment. But creative accounting hides the myriad ways groups can fold a hefty chunk of that donation back into their fund raising and bureaucracy.

### **Tuesday, April 24: Strongest suit**

Suing the government has long been one of the environmental movement's most important tools. But today, the targets and proliferation of environmental lawsuits are yielding an uncertain bounty for the land.

**Wednesday, April 25: Apocalypse now**

Scientists say Western forests are gigantic tinderboxes inviting disaster, badly in need of thinning. But many environmental organizations are ignoring -- and sometimes manipulating -- that message.

**Thursday, April 26: Hope, not hype**

A new kind of conservation is blossoming at the grass roots that focuses on results, not rhetoric. Its goals include buying, protecting and restoring land, and making commerce and conservation work together -- without crying wolf.



**Although environmental organizations have achieved important victories, such as the Trust for Public Land's purchase of this property above San Jose, today groups are prospering while the land is not -- and much more of their money is used for bureaucratic overhead and fund raising. (Click photo for larger view in gallery)**  
Bee/José M. Osorio

## **Fat of the land: Movement's prosperity comes at a high price**

*(First of five parts)*

**By Tom Knudson**

Bee Staff Writer

*(Published April 22, 2001)*

As a grass-roots conservationist from Oregon, Jack Shipley looked forward to his visit to Washington, D.C., to promote a community-based forest management plan. But when he stepped into the national headquarters of The Wilderness Society, his excitement turned to unease.

"It was like a giant corporation," Shipley said. "Floor after floor after floor, just like Exxon or AT&T."

In San Francisco, Sierra Club board member Chad Hanson experienced a similar letdown when he showed up for a soiree at one of the city's finest hotels in 1997.

"Here I had just been elected to the largest grass-roots environmental group in the world and I am having martinis in the penthouse of the Westin St. Francis," said Hanson, an environmental activist from Pasadena. "What's wrong with this picture? It was surreal."

Soon, Hanson was calling the Sierra Club by a new name: Club Sierra.

Extravagance is not a trait normally linked with environmental groups. The movement's tradition leans toward simplicity, economy and living light on the land. But today, as record sums of money flow to environmental causes, prosperity is pushing tradition aside, and the millions of Americans who support environmental groups are footing the bill.

High-rise offices, ritzy hotels and martinis are but one sign of wider change. Rising executive salaries and fat Wall Street portfolios are another. So, too, is a costly reliance on fund-raising consultants for financial success.

Put the pieces together and you find a movement estranged from its past, one that has come to resemble the corporate world it often seeks to reform.

Although environmental organizations have accomplished many stirring and important victories over the years, today groups prosper while the land does not. Competition for money and members is keen. Litigation is a blood sport. Crisis, real or not, is a commodity. And slogans and sound bites masquerade as scientific fact.

"National environmental organizations, I fear, have grown away from the grass roots to mirror the foxes they had been chasing," said environmental author Michael Frome, at a wilderness conference in Seattle last year. "They seem to me to have turned tame, corporate and compromising."

This series of articles -- based on more than 200 interviews, travel across 12 states and northern Mexico, and thousands of state and federal records -- will explore the poverty of plenty that has come to characterize much of the environmental movement. Some of the highlights:

[image]Salaries for environmental leaders have never been higher. In 1999 -- the most recent year for which comparable figures are available -- chief executives at nine of the nation's 10 largest environmental groups earned \$200,000 and up, and one topped \$300,000. In 1997, one group fired its president and awarded him a severance payment of \$760,335.

[image]Money is flowing to conservation in unprecedented amounts, reaching \$3.5 billion in 1999, up 94 percent from 1992. But much of it is not actually used to protect the environment. Instead, it is siphoned off to pay for bureaucratic overhead and fund raising, including expensive direct-mail and telemarketing consultants.

[image]Subsidized by federal tax dollars, environmental groups are filing a blizzard of lawsuits that no longer yield significant gain for the environment and sometimes infuriate federal judges and the Justice Department. During the 1990s, the U.S. Treasury paid \$31.6 million in legal fees for environmental cases filed against the government.

Those who know the environment best -- the scientists who devote their careers to it -- say environmental groups often twist fact into fantasy to serve their agendas. That is especially true in the debate over one of America's most majestic landscapes: its Western evergreen forests. A 1999 report by the U.S. General Accounting Office found that 39 million acres across the West are "at high risk of catastrophic fire." Yet many groups use science selectively to oppose thinning efforts that could reduce fire risk.

"A lot of environmental messages are simply not accurate," said Jerry Franklin, a professor

of forest ecology and ecosystem science at the University of Washington. "But that's the way we sell messages in this society. We use hype. And we use those pieces of information that sustain our position. I guess all large organizations do that."

And sometimes when nature needs help the most, environmental groups are busy with other things.

As the tiny Fresno kangaroo rat struggled for survival in the industrialized farmland of California's San Joaquin Valley in the 1990s, for example, the environmental movement did not seem to notice.

As a fisheries conservationist tried to save rare trout species across remote parts of Oregon and Nevada, he found no safety net in major environmental groups.

As sea turtles washed up dead and dying on Texas beaches in 1993, no groups made the turtles their mascot.

"I contacted everybody and nobody listened," said Carole Allen, who rehabilitates turtles injured in fishing nets. "Everybody wants to save dolphins. Turtles aren't popular. It really gets frustrating."

Yet look closely at environmentalism today and you also see promise and prosperity coming together to form a new style of environmentalism -- one that is sprouting quietly, community by community, across the United States and is rooted in results, not rhetoric.

"I'm so frustrated with the opportunism and impulsiveness of how groups are going about things," said Steve McCormick, president of The Nature Conservancy, which uses science to target and solve environmental problems. "What's the plan? What are the milestones by which we can measure our success?"

Today's challenges are more subtle and serious than those of the past. Stopping a dam is child's play compared to halting the spread of destructive, non-native species. Protecting old-growth forests from logging is simple; saving them from fire and disease is more difficult.

But as the Bush administration takes control in Washington, many groups are again tuning up sound bites -- not drawing up solutions. "President Bush is forging full steam ahead ... to open up the Arctic!" says John Flicker, president of the National Audubon Society, in one of the first mass-market fund-raising letters focusing on Bush's environmental policies. "I need you to make a Special Emergency Gift."

There is no clearinghouse for information about environmental groups, no oversight body watching for abuse and assessing job performance. What information exists is scattered among many sources, including the Internal Revenue Service, philanthropic watchdogs, the

U.S. Department of Justice and nonprofit trade associations.

Sift through their material and here is what you find:

Donations are at flood stage. In 1999, individuals, companies and foundations gave an average of \$9.6 million a day to environmental groups, according to the National Center for Charitable Statistics, which monitors nonprofit fund raising.

"Our business is booming," said Patrick Noonan, chairman of the Conservation Fund, an Arlington, Va., group that provides financial and educational assistance to environmental organizations.

The dollars do not enrich equally. The nation's 20 largest groups -- a tiny slice of the more than 8,000 environmental organizations -- took in 29 percent of contributions in 1999, according to IRS Form 990 tax records. The top 10 earned spots on the Chronicle of Philanthropy's list of America's wealthiest charities.

The richest is The Nature Conservancy, an Arlington, Va., group that focuses on purchasing land to protect the diversity of species. In 1999, The Nature Conservancy received \$403 million, as much as its six nearest rivals combined: Trust for Public Land, Ducks Unlimited, World Wildlife Fund, Conservation International, National Wildlife Federation and Natural Resources Defense Council.

Forty years ago, the environmental movement was a national policy sideshow. Today, it is a strong, vocal lobby that weighs in on everything from highway transportation to global trade. Some groups, such as the National Audubon Society and Environmental Defense, are generalists, dabbling in many things. Others, such as Ducks Unlimited and Conservation International, have found success in specialization.

Public support runs deep, too. "Many, many people feel almost religious about the environment," said Patricia Schifferle, former regional director for The Wilderness Society in California. "It really does touch their inner souls."

One recent public opinion poll commissioned by The Nature Conservancy found that 54 percent of the nation's 104 million households were "extremely concerned" or "very concerned" about the environment. An additional 31 percent were "somewhat concerned."

About three-fourths of all contributions in 1999 came from an estimated 8 million to 17 million Americans. Most personal contributions were modest, but some were not.

Vice President Dick Cheney, then-CEO of Halliburton Co., gave \$10,000 to the Conservation Fund. Harrison Ford gave \$5 million to Conservation International. Julian Robertson Jr., a leading money manager, gave more than \$100,000 to Environmental Defense and more than \$50,000 to The Nature Conservancy.



"This is a growth industry -- a huge growth industry," said Daniel Beard, chief operating officer at the National Audubon Society. "There is a lot of wealth that has accumulated in this country over the last 20 years. And people are wanting to do good things with it."

Conservation has not always been so comfortable. Much of its history is rooted in simplicity. Henry David Thoreau, perhaps America's earliest conservationist, set the tone with his 19th-century classic -- "Walden" -- about living in harmony with nature.

"Simplicity. Simplicity. Simplicity!" Thoreau wrote. "I say, let your affairs be as two or three, and not a hundred or a thousand; instead of a million, count half a dozen and keep your accounts on your thumbnail."

John Muir, the California naturalist whose spirited defense of the Sierra Nevada brought conservation to the forefront of the nation's attention a century ago, expanded on Thoreau's theme.

Living on bread, oatmeal and water, Muir would disappear into the Sierra for weeks, then return and pour his passion into print. "Climb the mountains and get their good tidings," he wrote. "Nature's peace will flow into you as sunshine flows into trees."

David Brower, the legendary former Sierra Club leader who led successful battles to keep dams out of Dinosaur National Monument and the Grand Canyon in the 1950s and '60s, said success springs from deeds, not dollars.

"We were getting members because we were doing things," Brower said before he died last year. "Our (strength) came from outings and trips -- getting people out. It came from full-page ads and books."

Today, there is a new approach -- junk mail and scare tactics.

**Dear Friend,**

*If you've visited a national park recently, then some of the things you're about to read may not surprise you!*

*America's National Park System -- the first and finest in the world -- is in real trouble right now.*

*Yellowstone ... Great Smoky Mountains ... Grand Canyon ... . Everglades. Wilderness, wildlife, air and water in all these magnificent parks are being compromised by adjacent mining activities, noise pollution, commercial development and other dangerous threats ...*

So begins a recent fund-raising letter from the National Parks Conservation Association, a 400,000-plus-member organization. The letter goes on to tell of the group's accomplishments, warn of continued threats, ask for money -- "\$15 or more" -- and offer something special for signing up. "Free as our welcome-aboard gift ... The NPCA bean bag

bear!"

Let's say you did send in \$15. What would become of it?

According to the group's 1998-99 federal tax form, much of your money would have been routed not to parks but to more fund raising and overhead. Just \$7.62 (51 percent) would have been spent on parks, less than the minimum 60 percent recommended by the American Institute of Philanthropy, a nonprofit charity watchdog group.

And the parks association is not alone.

Five other major groups -- including household names such as Greenpeace and the Sierra Club -- spend so much on fund raising, membership and overhead they don't meet standards set by philanthropic watchdog groups.

It's not just the cost of raising money that catches attention these days. It is the nature of the fund-raising pitches themselves.

"What works with direct mail? The answer is crisis. Threats and crisis," said Beard, the Audubon Society chief operating officer.

"So what you get in your mailbox is a never-ending stream of crisis-related shrill material designed to evoke emotions so you will sit down and write a check. I think it's a slow walk down a dead-end road. You reach the point where people get turned off." Then he hesitated, adding:

"But I don't want to say direct mail is bad because, frankly, it works."

Even some of those who sign the appeals are uncomfortable with them.

"Candidly, I am tired of The Wilderness Society and other organizations -- and we are a culprit here -- constantly preaching gloom and doom," said William Meadows, the society's president, whose signature appears on millions of crisis-related solicitations. "We do have positive things to say."

Many environmental groups, The Wilderness Society included, also use a legal accounting loophole to call much of what they spend on fund raising, "public education."

In 1999, for instance, The Wilderness Society spent \$1.46 million on a major membership campaign consisting of 6.2 million letters. But when it came time to disclose that bill in its annual report, the society shifted 87 percent -- \$1.27 million -- to public education. The group also shrank a \$94,411 telemarketing bill by deciding that 71 percent was public education.

The Wilderness Society's spokesman, Ben Beach, said that kind of accounting is appropriate because fund-raising solicitations are educational.

"No one is trying to do anything that isn't right by the rule book here," he said. "A lot of us don't particularly like getting (telemarketing) calls. But that's not to say you don't learn something."

Still, the accounting practice is controversial. Nine of the nation's 20 largest groups don't use it. "Playing games with numbers is not worth the effort or questions that would come from it," said Stephen Howell, chief operating officer at The Nature Conservancy.

"It should be called what it is," said Noonan, the Conservation Fund leader. "As we become larger and more successful, I worry about the ethics of our movement. We need to think about self-regulation and standards. If not, the ones who make mistakes are going to hurt it for all of us."

Dollars can disappear in other ways, of course.

Some groups lose money on Wall Street. In 1997, Environmental Defense watched with dismay as a \$500,000 "short-selling investment partnership" tumbled to \$18,000. Acknowledging it was "a lot of money to lose," the group's deputy director of operations, Edward Bailey, pointed out that Environmental Defense has done well with other investments. "No one is going to be right 100 percent of the time," he said.

Comfortable office digs and sumptuous fund-raising banquets are another drain on donor dollars. The Sierra Club spends \$59,473 a month for its office lease in San Francisco. In Washington, Greenpeace pays around \$45,000 a month.

In June 1998, The Nature Conservancy spent more than \$1 million on a single fund-raising bash in New York City's Central Park. Carly Simon and Jimmy Buffett played. Masters of ceremonies included Dan Rather, Peter Jennings, Mike Wallace and Leslie Stahl. Variety magazine reported that the 1,100 guests were treated to a martini bar and a rolling cigar station.

"The goal was to raise (our) profile among high-dollar donors," Conservancy spokesman Mike Horak said in a statement. And it paid off: \$1.8 million was raised.

Fund-raising banquets never sat well with Alfred Runte, an environmental historian who served as a board member of the National Parks Conservation Association from 1993 to 1997.

"We would always go to a sumptuous hotel or the most expensive lodge -- places most Americans couldn't afford," said Runte, author of "Yosemite, The Embattled Wilderness."

"If we have to get big donors by spending money that average, dedicated members think is going to the parks, we've lost," he said. "We're no longer environmentalists. We're party-givers."

Salaries gobble up money raised, too. In 1999, top salaries at the 10 largest environmental groups averaged \$235,918, according to IRS tax forms. By contrast, the president of Habitat for Humanity, International -- which builds homes for the poor -- earned \$62,843. At Mothers Against Drunk Driving, the president made \$69,570.

Among environmental groups, Ducks Unlimited paid its leader the most: \$346,882.

"Those salaries are obscene," said Martin Litton, a former Sierra Club board member, who worked tirelessly over a half-century to help bring about the creation of Redwoods National Park in 1968 and Sequoia National Monument last year. Litton did it for free.

"There should be sacrifice in serving the environment," he said.

One large payment occurred in 1997 when the National Parks Conservation Association (NPCA) fired its president, Paul Pritchard, in a dispute over management style and direction. It awarded him \$760,335 to settle his contract -- the equivalent of more than 50,000 individual \$15 donations.

Thomas Kiernan, the group's current president, dismissed the incident as "3-year-old history" and called it "profoundly irrelevant."

"NPCA made an offer. We countered. It was just like every other negotiation," said Pritchard, now president of the National Park Trust, another parks-based group in Washington. "I'm proud of what I did at NPCA."

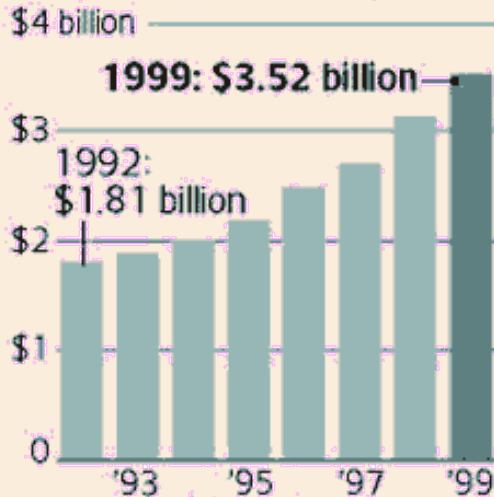
Others have a different view. "I told Paul that I thought his salary and benefits had become egregious," said former board member Runte.

Speaking of the environmental movement as a whole, Runte said: "The larger problem is the disease of money. In truth, what the environmental community has become is a money machine ... We have come to the point where we keep score by the almighty dollar. And we need to start keeping score by the health of the planet."

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## Giving to environment

Giving to environmental organizations hit \$3.5 billion in 1999, nearly double the 1992 total of \$1.8 billion.



Source: National Center for Charitable Statistics

Sacramento Bee/Scott Flodin



### The Otter Project



"Cody" may seem incredibly cute, but don't let that fool you: she knows how to protect herself.

Unfortunately, these days her survival instinct isn't enough. For four of the past five years, sea otters have been dying in record numbers. Now the very *future* of the species is in doubt . . . and, with it, *the fabric of life* in California's coastal waters.

If we're to save Cody and California's other sea otters, swift action -- and *your help* -- are needed today!

Dear Friend,

Maybe they're being poisoned by industrial pollutants and oil leaks. Maybe they're being shot by vandals, or being accidentally drowned in fishing gear. Or maybe it's a combination of all these things.

But whatever the cause, the result is certain:

California's sea otters are in deep trouble. Their population is on a roller coaster when it should be increasing. In recent years, their population has declined more often than it has increased. With no

Info: some otters may be dying from disease. Scientists also have found that as many as 38% of dead otters are diseased -- a figure far above what's seen in other wildlife populations.

"Disease" in this case does not always mean "natural causes." It's not one particular disease at work, but a range of diseases. Scientists suspect -- but do not yet know for sure --

***Fund raising: fact and fancy***

More than 160 million environmental fund-raising pitches swirled through the U.S. mail last year. Some used the power of cute animals to attract donors. The problem is that in many cases those campaigns were less than honest.

**Pitch: California sea otter**

"We're facing a monumental challenge. The Marine Mammal Commission 'blueprint' on how to save California's sea otters says there's no hope for a solution unless a crucial question can be answered: what role is toxic contamination playing in the terrifying plunge in the otter population."

-- The Otter Project, fund-raising solicitation

**Fact:**

The Marine Mammal Commission document is not a blueprint but a "discussion draft." It suggests several possible actions to help protect otters, including monitoring gill nets for otter mortality, developing otter-proof lobster pots and fish traps and field studies.

Source: Marine Mammal Commission

**Forgotten:**

Focusing on otters overlooks other compelling -- but less glamorous -- marine ecological plights. The bocaccio, a once-abundant rockfish, is considered "critically endangered" by the International Union for the Conservation of Nature. White abalone numbers have declined so steeply the species has been proposed for listing on the federal endangered species list.

Source: International Union for the Conservation of Nature; U.S. National Marine Fisheries Service.

I urge you to sign the enclosed Letters of Protest to the Presidents of Mitsubishi and Mexico right away. By doing so, you will be joining hundreds of thousands of Americans who are mobilizing to block a massive industrial operation that endangers the last undisturbed birthing grounds of the magnificent Gray Whale. Please read on ...

Our continent's most spectacular  
wildlife nursery is in grave danger.

Within weeks these sheltered lagoons are teeming with playful one-ton newborns.

Gray whale mother and her newborn calf in the Laguna San Ignacio nursery.

The Federal government ought to know better! After all, it played a key role in helping the Gray Whale back from the edge of extinction.

Commercial whaling dominated the Pacific Gray Whale population by the 1930's. Harbors and seaboards were heavily trawped and cluttered by their shallow and unlined legume resources.

(next page, please)

"The fight to save the great whales has largely been won. All but ignored has been the plight of smaller cetaceans, which continues to worsen. Some species ... of dolphins,



porpoises and small whales are in greater danger of extinction than any of the great whales...However, (this) situation has received little publications -- indeed, they are almost forgotten species."

Source: Oceanus, 1989



### **Fund raising: fact and fancy**

More than 160 million environmental fund-raising pitches swirled through the U.S. mail last year. Some used the power of cute animals to attract donors. The problem is that in many cases those campaigns were less than honest.

### **Pitch: Gray wolf**

In Salmon, Idaho, anti-wolf extremists committed a horrible crime. They killed two Yellowstone wolves with the lethal poison, "Compound 1080".... Please don't allow anti-wolf extremists to kill our wild wolves... These wolf families don't deserve to die. Please -- we need your help now.



-- Defenders of Wildlife, fundraising solicitation

### **Fact:**

The two wolves were not Yellowstone wolves, but wolves re-introduced by the U.S. Fish and Wildlife Service into central Idaho. Some wolves are killed illegally but the population of wolves continues to increase -- at a pace faster than federal wolf recovery officials anticipated. The government expects to remove wolves from the federal endangered species list in 3-4 years.

Source: U.S. Fish and Wildlife Service

### **Forgotten:**

While wolves attract tens of millions of dollars in contributions, other creatures are virtually ignored, including the riparian brush rabbit in California, which is down to fewer than 100 animals -- and in imminent danger of extinction. Sixty-nine percent of freshwater mussel species are in biological danger or already extinct, compared with just 16 percent of mammals and 14 percent of birds.

Source: U.S. Fish and Wildlife Service; Precious Heritage, The Status of Biodiversity in the United States, Copyright, 2000, a publication of The Nature Conservancy and the Association for Biodiversity Information.

## **At what cost?**

The American Institute of Philanthropy suggests fund-raising expenses should not exceed 35 percent of funds raised. Below, fund-raising effectiveness, measured as a percentage of actual funds raised.

Example: The Trust for Public Land spends \$2 to raise \$100. The National Parks Conservation Association, on the other hand, spends \$33 to \$41 to raise \$100.

### **The best**

1. The Conservation Fund	1%
2. Trust for Public Land	2%
3. Save the Redwoods League	4%
4. Conservation International	5%
5. Rocky Mountain Elk Foundation	6%

### **The worst**

1. Sierra Club	42%
2. National Parks Conservation Association	33-41%
3. Defenders of Wildlife	20-50%
4. Greenpeace	26-56%
5. National Park Trust	23-74%

Note: Range indicates differences between charities' own estimates of fund raising and the highest possible estimates of the philanthropy watchdog.



# Green machine: Mission adrift in a frenzy of fund raising

*(Second of five parts)*

**By Tom Knudson**

Bee Staff Writer

*(Published April 23, 2001)*

**Dear Friend,**

*I need your help to stop an impending slaughter.*

*Otherwise, Yellowstone National Park -- an American wildlife treasure -- could soon become a bloody killing field. And the victims will be hundreds of wolves and defenseless wolf pups!*

So begins a fund-raising letter from one of America's fastest-growing environmental groups -- Defenders of Wildlife.

Using the popular North American gray wolf as the hub of an ambitious campaign, Defenders has assembled a financial track record that would impress Wall Street.

In 1999, donations jumped 28 percent to a record \$17.5 million. The group's net assets, a measure of financial stability, grew to \$14.5 million, another record. And according to its 1999 annual report, Defenders spent donors' money wisely, keeping fund-raising and management costs to a lean 19 percent of expenses.

But there is another side to Defenders' dramatic growth.

Pick up copies of its federal tax returns and you'll find that its five highest-paid business partners are not firms that specialize in wildlife conservation. They are national direct mail and telemarketing companies -- the same ones that raise money through the mail and over the telephone for nonprofit groups, from Mothers Against Drunk Driving to the U.S. Olympic Committee.

You'll also find that in calculating its fund-raising expenses, Defenders borrows a trick from the business world. It dances with digits, finds opportunity in obfuscation. Using an accounting loophole, it classifies millions of dollars spent on direct mail and telemarketing not as fund raising but as public education and environmental activism.

Take away that loophole and Defenders' 19 percent fund-raising and management tab leaps above 50 percent, meaning more than half of every dollar donated to save wolf pups helped nourish the organization instead. That was high enough to earn Defenders a "D" rating from the American Institute of Philanthropy, an independent, nonprofit watchdog that scrutinizes nearly 400 charitable groups.

Pick up copies of IRS returns for major environmental organizations and you'll see that what is happening at Defenders of Wildlife is not unusual. Eighteen of America's 20 most prosperous environmental organizations, and many smaller ones as well, raise money the

same way: by soliciting donations from millions of Americans.

But in turning to mass-market fund-raising techniques for financial sustenance, environmental groups have crossed a kind of conservation divide.

No allies of industry, they have become industries themselves, dependent on a style of salesmanship that fills mailboxes across America with a never-ending stream of environmentally unfriendly junk mail, reduces the complex world of nature to simplistic slogans, emotional appeals and counterfeit crises, and employs arcane accounting rules to camouflage fund raising as conservation.

Just as industries run afoul of regulations, so are environmental groups stumbling over standards. Their problem is not government standards, because fund raising by nonprofits is largely protected by the free speech clause of the First Amendment. Their challenge is meeting the generally accepted voluntary standards of independent charity watchdogs.

And there, many fall short.

Six national environmental groups spend so much on fund raising and overhead they don't have enough left to meet the minimum benchmark for environmental spending -- 60 percent of annual expenses -- recommended by charity watchdog organizations. Eleven of the nation's 20 largest include fund-raising bills in their tally of money spent protecting the environment, but don't make that clear to members.

The flow of environmental fund-raising mail is remarkable. Last year, more than 160 million pitches swirled through the U.S. Postal Service, according to figures provided by major organizations. That's enough envelopes, stationery, decals, bumper stickers, calendars and personal address labels to circle the Earth more than two times.

Often, just one or two people in 100 respond.

The proliferation of environmental appeals is beginning to boomerang with the public, as well. "The market is over-saturated. There is mail fatigue," said Ellen McPeake, director of finance and development at Greenpeace, known worldwide for its defense of marine mammals. "Some people are so angry they send back the business reply envelope with the direct mail piece in it."

Even a single fund-raising drive generates massive waste. In 1999, The Wilderness Society mailed 6.2 million membership solicitations -- an average of 16,986 pieces of mail a day. At just under 0.9 ounce each, the weight for the year came to about 348,000 pounds.

Most of the fund-raising letters and envelopes are made from recycled paper. But once delivered, millions are simply thrown away, environmental groups acknowledge. Even when the solicitations make it to a recycling bin, there's a glitch: Personal address labels, bumper stickers and window decals that often accompany them cannot be recycled into paper -- and

are carted off to landfills instead.

"For an environmental organization, it's so wrong," said McPeake, who is developing alternatives to junk mail at Greenpeace. "It's not exactly environmentally correct."

The stuff is hard to ignore.

Environmental solicitations -- swept along in colorful envelopes emblazoned with bears, whales and other charismatic creatures -- jump out at you like salmon leaping from a stream.

Open that mail and more unsolicited surprises grab your attention. The Center for Marine Conservation lures new members with a dolphin coloring book and a flier for a "free" dolphin umbrella. The National Wildlife Federation takes a more seasonal approach: a "Free Spring Card Collection & Wildflower Seed Mix!" delivered in February, and 10 square feet of wrapping paper with "matching gift tags" delivered just before Christmas.

The Sierra Club reaches out at holiday time, too, with a bundle of Christmas cards that you can't actually mail to friends and family, because inside they are marred by sales graffiti: "To order, simply call toll-free ... " Defenders of Wildlife tugs at your heart with "wolf adoption papers." American Rivers dangles something shiny in front of your checkbook: a "free deluxe 35 mm camera" for a modest \$12 tax-deductible donation.

The letters that come with the mailers are seldom dull. Steeped in outrage, they tell of a planet in perpetual environmental shock, a world victimized by profit-hungry corporations. And they do so not with precise scientific prose but with boastful and often inaccurate sentences that scream and shout:

[image]From New York-based Rainforest Alliance: *"By this time tomorrow, nearly 100 species of wildlife will tumble into extinction."*

Fact: No one knows how rapidly species are going extinct. The Alliance's figure is an extreme estimate that counts tropical beetles and other insects -- including ones not yet known to science -- in its definition of wildlife.

[image]From The Wilderness Society: *"We will fight to stop reckless clear-cutting on national forests in California and the Pacific Northwest that threatens to destroy the last of America's unprotected ancient forests in as little as 20 years."*

Fact: National forest logging has dropped dramatically in recent years. In California, clear-cutting on national forests dipped to 1,395 acres in 1998, down 89 percent from 1990.

[image]From Defenders of Wildlife: *"Won't you please adopt a furry little pup like 'Hope'?"*

*Hope is a cuddly brown wolf ... Hope was triumphantly born in Yellowstone."*

Facts: "There was never any pup named Hope," says John Varley, chief of research at Yellowstone National Park. "We don't name wolves. We number them." Since wolves were reintroduced into Yellowstone in 1995, their numbers have increased from 14 to about 160; the program has been so successful that Yellowstone officials now favor removing the animals from the federal endangered species list.

Longtime conservationist Peter Brussard has seen enough.

"I've stopped contributing to virtually all major environmental groups," said Brussard, former Society for Conservation Biology president and a University of Nevada, Reno, professor.

"My frustration is the mailbox," he said. "Virtually every day you come home, there are six more things from environmental groups saying that if you don't send them fifty bucks, the gray whales will disappear or the wolf reintroductions in Yellowstone will fail ... You just get super-saturated.

"To me, as a professional biologist, it's not conspicuous what most of these organizations are doing for conservation. I know that some do good, but most leave you with the impression that the only thing they are interested in is raising money for the sake of raising money."

Step off the elevator at Defenders of Wildlife's office in Washington, D.C., and you enter a world of wolves: large photographs of wolves on the walls, a wolf logo on glass conference room doors, and inside the office of Charles Orasin, senior vice president for operations, a wolf logo cup and a toy wolf pup.

Ask Orasin about the secret of Defenders' success, and he points to a message prominently displayed behind his desk: "It's the Wolf, Stupid."

Since Defenders began using the North American timber wolf as the focal point of its fund-raising efforts in the mid-1990s, the organization has not stopped growing. Every year has produced record revenue, more members -- and more emotional, heart-wrenching letters.

**Dear Friend of Wildlife:**

*It probably took them twelve hours to die.*

*No one found the wolves in the remote, rugged lands of Idaho -- until it was too late.*

*For hours, they writhed in agony. They suffered convulsions, seizures and hallucinations.*

*And then -- they succumbed to cardiac and respiratory failure.*

"People feel very strongly about these animals," said Orasin, architect of Defenders' growth.

"In fact, our supporters view them as they would their children. A huge percentage own pets, and they transfer that emotional concern about their own animals to wild animals.

"We're very pleased," he said. "We think we have one of the most successful programs going right now in the country."

Defenders, though, is only the most recent environmental group to find fund-raising fortune in the mail. Greenpeace did it two decades ago with a harp seal campaign now regarded as an environmental fund-raising classic.

The solicitation featured a photo of a baby seal with a white furry face and dark eyes accompanied by a slogan: "Kiss This Baby Good-bye." Inside, the fund-raising letter included a photo of Norwegian sealers clubbing baby seals to death.

People opened their hearts -- and their checkbooks.

"You have very little time to grab people's attention," said Jeffrey Gillenkirk, a veteran free-lance direct mail copywriter in San Francisco who has written for several national environmental groups, including Greenpeace. "It's like television: You front-load things into your first three paragraphs, the things that you're going to hook people with. You can call it dramatic. You can call it hyperbolic. But it works."

The Sierra Club put another advertising gimmick to work in the early 1980s. It found a high-profile enemy: U.S. Secretary of the Interior James Watt, whose pro-development agenda for public lands enraged many.

"When you direct-mailed into that environment, it was like highway robbery," said Bruce Hamilton, the club's conservation director. "You couldn't process the memberships fast enough. We basically added 100,000 members."

But environmental fund raising has its downsides.

It tends to be addictive. The reason is simple: Many people who join environmental groups through the mail lose interest and don't renew -- and must be replaced, year after year.

"Constant membership recruitment is essential just to stay even, never mind get bigger," wrote Christopher Bosso, a political scientist at Northeastern University in Boston, in his paper: "The Color of Money: Environmental Groups and the Pathologies of Fund Raising."

"Dropout rates are high because most members are but passive check writers, with the low cost of participating translating into an equally low sense of commitment," Bosso states. "Holding on to such members almost requires that groups maintain a constant sense of crisis. It does not take a cynic to suggest ... that direct mailers shop for the next eco-crisis

to keep the money coming in."

That is precisely how Gillenkirk, the copywriter, said the system works. As environmental direct mail took hold in the 1980s, "We discovered you could create programs by creating them in the mail," he said.

"Somebody would put up \$25,000 or \$30,000, and you would see whether sea otters would sell. You would see whether rain forests would sell. You would try marshlands, wetlands, all kinds of stuff. And if you got a response that would allow you to continue -- a 1 or 2 percent response -- you could create a new program."

Today, the trial-and-error process continues.

The Sierra Club, which scrambles to replace about 150,000 nonrenewing members a year out of 600,000, produces new fund-raising packages more frequently than General Motors produces new car models.

"We are constantly turning around and trying new themes," said Hamilton. "We say, 'OK, well, people like cuddly little animals, they like sequoias.' We try different premiums, where people can get the backpack versus the tote bag versus the calendar. We tried to raise money around the California desert -- and found direct mail deserts don't work."

And though many are critical of such a crisis-of-the-month approach, Hamilton defended it -- sort of.

"I'm somewhat offended by it myself, both intellectually and from an environmental standpoint," he said. "And yet ... it is what works. It is what builds the Sierra Club. Unfortunately the fate of the Earth depends on whether people open that envelope and send in that check."

The vast majority of people don't. Internal Sierra Club documents show that as few as one out of every 100 membership solicitations results in a new member. The average contribution is \$18.

"The problem is there is a part of the giving public -- about a third we think -- who as a matter of personal choice gives to a new organization every year," said Sierra Club Executive Director Carl Pope. "We don't do this because we want to. We do it because the public behaves this way."

Fund-raising consultants "have us all hooked, and none of us can kick the habit," said Dave Foreman, a former Sierra Club board member. "Any group that gives up the direct mail treadmill is going to lose. I'm concerned about how it's done. It's a little shabby."

Another problem is more basic: accuracy. Much of what environmental groups say in fund-



raising letters is exaggerated. And sometimes it is wrong.

Consider a recent mailer from the Natural Resources Defense Council, which calls itself "America's hardest-hitting environmental group." The letter, decrying a proposed solar salt evaporation plant at a remote Baja California lagoon where gray whales give birth, makes this statement:

"Giant diesel engines will pump six thousand gallons of water out of the lagoon EVERY SECOND, risking changes to the precious salinity that is so vital to newborn whales."

Clinton Winant, a professor at Scripps Institution of Oceanography who helped prepare an environmental assessment of the project, said the statement is false. "There is not a single iota of scientific evidence that suggests pumping would have any effect on gray whales or their babies," he said.

The mailer also says:

"A mile-long concrete pier will cut directly across the path of migrating whales -- potentially impeding their progress."

Scripps professor Paul Dayton, one of the nation's most prominent marine ecologists, said that statement is wrong, too.

"I've dedicated my career to understanding nature, which is becoming more threatened," he said. "And I've been confronted with the dreadful dishonesty of the Rush Limbaugh crowd. It really hurts to have my side -- the environmental side -- become just as dishonest."

Former Mexican President Ernesto Zedillo halted the project last year. But as he did, he also criticized environmental groups. "With false arguments and distorted information, they have damaged the legitimate cause of genuine ecologists," Zedillo said at a Mexico City news conference.

A senior Defense Council attorney in Los Angeles, Joel Reynolds, said his organization does not distort the truth.

"We're effective because people believe in us," Reynolds said. "We're not about to sacrifice the credibility we've gained through direct mail which is intentionally inaccurate."

Reynolds said NRDC's position on the salt plant was influenced by a 1995 memo by Bruce Mate, a world-renowned whale specialist. Mate said, though, that his memo was a first draft, not grounded in scientific fact.

"This is a bit of an embarrassment," he said. "This was really one of the first bits of

information about the project. It was not meant for public consumption. I was just kind of throwing stuff out there. It's out-of-date, terribly out-of-date."

There is plenty of chest-thumping pride in direct mail, too -- some of it false pride. Consider this from a National Wildlife Federation letter: "We are constantly working in every part of the country to save those species and special places that are in all of our minds."

Yet in many places, the federation is seldom, if ever, seen.

"In 15-plus years in conservation, in Northern California, Nevada, Idaho, Oregon and Washington, I have never met a (federation) person," said David Nolte, who recently resigned as a grass-roots organizer with the Theodore Roosevelt Conservation Alliance -- a coalition of hunters and fishermen.

"This is not about conservation," he said. "It's marketing."

Overstating achievements is chronic, according to Alfred Runte, an environmental historian and a board member of the National Parks Conservation Association from 1993 to 1997.

"Environmental groups all do this," he said. "They take credit for things that are generated by many, many people. What is a community accomplishment becomes an individual accomplishment -- for the purposes of raising money."

As a board member, Runte finds something else distasteful about fund raising: its cost.

"Oftentimes, we said very cynically that for every dollar you put into fund raising, you only got back a dollar," he recalled. "Unless you hit a big donor, the bureaucracy was spending as much to generate money as it was getting back."

Some groups are far more efficient than others. The Nature Conservancy, for example, spends just 10 percent of donor contributions on fund raising, while the Sierra Club spends 42 percent, according to the American Institute of Philanthropy.

Pope, the Sierra Club director, said it's not a fair comparison. The reason? Donations to the Conservancy and most other environmental groups are tax-deductible -- an important incentive for charitable giving. Contributions to the Sierra Club are not, because it is a political organization, too.

"We're not all charities in the same sense," Pope said. "Our average contribution is much, much smaller."

Determining how much environmental groups spend on fund raising is only slightly less complex than counting votes in Florida. The difficulty is a bookkeeping quagmire called

"joint cost accounting."

At its simplest, joint cost accounting allows nonprofit groups to splinter fund-raising expenditures into categories that sound more pleasant to a donor's ear -- public education and environmental action -- shaving millions off what they report as fund raising.

Some groups use joint cost accounting. Others don't. Some groups put it to work liberally, others cautiously. Those who do apply it don't explain it. What one group labels education, another calls fund raising.

"You use the term joint allocation and most people's eyes glaze over," said Greenpeace's McPeake. The most sophisticated donor in the world "would not be able to penetrate this," she said.

Joint cost accounting need not be boring, however.

Look closely and you'll find sweepstakes solicitations, personal return address labels, free tote bag offers and other fund-raising novelties cross-dressing as conservation. You also find that those who monitor such activity are uneasy with it.

David Ormsteadt, an assistant attorney general in Connecticut, states in *Advancing Philanthropy*, a journal of the National Society of Fundraising Executives: "Instead of reporting fees and expenses as fund-raising costs, which could ... discourage donations, charities may report these costs as having provided a public benefit. The more mailings made -- and the more expense incurred -- the more the 'benefit' to society."

The Wilderness Society, for example, determined in 1999 that 87 percent of the \$1.5 million it spent mailing 6.2 million membership solicitation letters wasn't fund raising but "public education." That shaved \$1.3 million off its fund-raising tab.

One of America's oldest and most venerable environmental groups, the Wilderness Society didn't just grab its 87 percent figure out of the air. It literally counted the number of lines in its letter and determined that 87 of every 100 were educational.

When you read in the society's letter that "Our staff is a tireless watchdog," that is education. So is the obvious fact that national forests "contain some of the most striking natural beauty on Earth." Even a legal boast -- "If necessary, we will sue to enforce the law" -- is education.

"We're just living within the rules. We're not trying to pull one over on anybody," said Wilderness Society spokesman Ben Beach.

Daniel Borochoff, president of the American Institute of Philanthropy, the charity watchdog, said it is acceptable to call 30 percent or less of fund-raising expenses "education." But he

deemed that the percentages claimed by the Wilderness Society, Defenders of Wildlife and others were unacceptable.

"These groups should not be allowed to get away with this," Borochoff said. "They are trying to make themselves look as good as they can without out-and-out lying ... . This doesn't help donors. It helps the organization."

At Defenders of Wildlife, Orasin flatly disagreed. The American Institute of Philanthropy "is a peripheral group and we don't agree with their standards," he said. "We don't think they understand how a nonprofit can operate, much less grow."

Even the more mainstream National Charities Information Bureau, which recently merged with the Better Business Bureau's Philanthropic Advisory Service, rates Defenders' fund raising excessive.

"We strongly disagree with (the National Charities Information Bureau)," said Orasin. "They take a very subjective view of what fund raising is. We are educating the public. If you look at the letters that go out from us, they are chock-full of factual information."

But much of what Defenders labels education in its fund raising is not all that educational. Here are a few examples -- provided to The Bee by Defenders from its recent "Tragedy in Yellowstone" membership solicitation letter:

[image]Unless you and I help today, all of the wolf families in Yellowstone and central Idaho will likely be captured and killed.

[image]It's up to you and me to stand up to the wealthy American Farm Bureau ...

[image]For the sake of the wolves ... please take one minute right now to sign and return the enclosed petition.

[image]The American Farm Bureau's reckless statements are nothing but pure bunk.

"That is basically pure fund raising," said Richard Larkin, a certified public accountant with the Lang Group in Bethesda, Md., who helped draft the standards for joint cost accounting. "That group is playing a little loose with the rules."

Defenders also shifts the cost of printing and mailing millions of personalized return address labels into a special "environmental activation" budget category.

Larkin takes a dim view.

"I've heard people try to make the case that by putting out these labels you are somehow educating the public about the importance of the environment," he said. "I would consider it virtually abusive."

Not all environmental groups use joint cost accounting. At the Nature Conservancy, every dollar spent on direct mail and telemarketing is counted as fund raising.

The same is true at the Sierra Club. "We want to be transparent with our members," said Pope, the club's director.

Groups that do use it, though, often do so differently.

The National Parks Conservation Association, for example, counts this line as fund raising: "We helped establish Everglades National Park in the 1940s." Defenders counts this one as education: "Since 1947, Defenders of Wildlife has worked to protect wolves, bears ... and pristine habitat."

"It's a very subjective world," said Monique Valentine, vice president for finance and administration at the national parks association. "It would be much better if we would all work off the same sheet of music."

At the Washington, D.C.-based National Park Trust, which focuses on expanding the park system, even a sweepstakes solicitation passes for education, helping shrink fund-raising costs to 21 percent of expenses, according to its 1999 annual report.

Actual fund-raising costs range as high as 74 percent, according to the American Institute of Philanthropy, which gave the Trust an "F" in its "Charity Rating Guide & Watchdog Report." Borochoff, the Institute's president, called the Trust's reporting "outrageous."

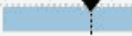

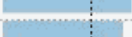
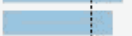



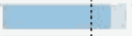







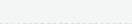
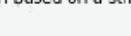
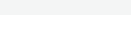
"Dear Friend," says one sweepstakes solicitation, "The \$1,000,000 SUPER PRIZE winning number has already been pre-selected by computer and will absolutely be awarded. It would be a very, very BIG MISTAKE to forfeit ONE MILLION DOLLARS to someone else."

Paul Pritchard, the Trust's president, said the group's financial reporting meets non-profit standards. He defended sweepstakes fund raising.

"I personally find it a way of expressing freedom of speech," Pritchard said. "I can ethically justify it. How else are you going to get your message out?"

## Related Material:

### Philanthropic report card

Group	AIP grade American Institute of Philanthropy	Budget spent on charitable purpose* AIP target: 60% or more	Annual pieces of direct mail
Conservation International	A	89% 	None
Save The Redwoods League	A	88% 	0.8 million
Trust for Public Land	A	88% 	0.8 million
Sierra Club Foundation	A	82% 	2.0 million **
The Nature Conservancy	A-	75% 	35.0 million
World Wildlife Fund	B+	81-88% 	19.0 million
Ducks Unlimited	B+	87% 	9.2 million
National Audubon Society	B	70% 	7.0 million
Environmental Defense	B	68-78% 	5.0 million
National Wildlife Federation	C+	73-84% 	12.5 million
Earthjustice Legal Defense Fund	C+	59-71% 	4.2 million
Center for Marine Conservation	C+	66-73% 	3.6 million
The Wilderness Society	C	60-80% 	8.3 million
Natural Resources Defense Council	C	58-80% 	6.5 million
Sierra Club	C-	59% 	10.5 million
Greenpeace Inc.	D	55-76% 	8.0 million
National Parks Conservation Association	D	51-58% 	17.0 million
Defenders of Wildlife	D	45-73% 	10-12 million
Conservation Fund	Not ranked	Not ranked	None
Rocky Mountain Elk Foundation	Not ranked	Not ranked	3.2 million

\*Higher numbers in ranges indicates charities' own estimates; lower numbers reflects AIP's recalculation based on a stricter definition of fund-raising costs.

\*\*Sierra Club Foundation solicits in conjunction with Sierra Club.

Source: American Institute of Philanthropy, Bee research

Sacramento Bee/Scott Flodin



# Litigation central: A flood of costly lawsuits raises questions about motive

*(Third of five parts)*

**By Tom Knudson**

Bee Staff Writer

*(Published April 24, 2001)*

No one knows the Sacramento splittail better than Peter Moyle.

For 20 years, Moyle, a professor of fisheries biology at the University of California, Davis, has struggled to protect the silvery fish that lives in the Sacramento-San Joaquin River Delta. He even helped prepare a petition requesting that the U.S. Fish and Wildlife Service list the fish under the Endangered Species Act in 1992.

But when the Southwest Center for Biological Diversity sued the wildlife service in 1998 to force a ruling on the petition, Moyle wasn't pleased.

The reason? By then, three wet winters had touched off a splittail population explosion. What's more, a multibillion-dollar habitat restoration plan for the Delta, called Cal-Fed, was brightening the fish's future.

"I was sorry to see it," Moyle said of the suit. "Things were getting better."

When Moyle later learned that the center's law firm had been awarded \$13,714 in public money for a court victory that led to the fish being listed as "threatened," he was shocked.

Suing the government has long been a favorite tactic of the environmental movement -- used to score key victories for clean air, water and endangered species. But today, many court cases are yielding an uncertain bounty for the land and sowing doubt even among the faithful.

"We've filed our share of lawsuits and I'm proud of a lot of them," said Dan Taylor, executive director of the California chapter of the National Audubon Society. "But I do think litigation is overused. In many cases, it's hard to identify what the strategic goal is, unless it is to significantly reshape society."

The suits are having a powerful impact on federal agencies. They are forcing some government biologists to spend more time on legal chores than on conservation work. As a result, species in need of critical care are being ignored. And frustration and anger are on the rise.

"It's all about power and the trophy," said Kay Goode, assistant field supervisor for endangered species at the U.S. Fish and Wildlife Service in Sacramento, which has been



sued so often that employees call it "litigation central."

"We can't continue at this pace," Goode said.

The crush of cases is prompting some lawyers and government officials to speculate that the suits could be motivated, at least in part, by money. Under federal law, an attorney who wins an environmental "citizen suit" against the government is entitled to an award of taxpayer-funded attorney fees.

"I worry that the propensity to sue the (fish and wildlife) service every time it misses a deadline sets our community up for an easy assault on the availability of fees," said Michael Bean, a senior attorney for Environmental Defense, one of the nation's largest conservation groups.

The Southwest Center's lawyers say money is not a factor for them.

"We file a lot of cases, but the point is not to generate income; it is to win and spur change," said James Tutchton, lead lawyer on the splittail case, which was filed in conjunction with the Sierra Club. "People don't like the fact that we represent unpopular groups and species and win."

There is no central repository for environmental lawsuits. But information obtained by The Bee from the Department of Justice using the U.S. Freedom of Information Act and from federal courthouses around the nation shows that:

\* During the 1990s, the government paid out \$31.6 million in attorney fees for 434 environmental cases brought against federal agencies. The average award per case was more than \$70,000. One long-running lawsuit in Texas involving an endangered salamander netted lawyers for the Sierra Club and other plaintiffs more than \$3.5 million in taxpayer funds.

\* Attorneys for environmental groups are not shy about asking for money. They earn \$150 to \$350 an hour, and sometimes they get accused of trying to gouge the government. In 1993, three judges on the U.S. Circuit Court of Appeals in Washington were so appalled by one Sierra Club Legal Defense Fund lawyer's "flagrant over-billing" that they reduced her award to zero. "Even a perfunctory examination of (the lawyer's) time entries would show that she billed on a Brobdingnabian scale," wrote the judges, referring to the giants in "Gulliver's Travels" to drive their point home.

\* Lawyers for industry and natural resource users get paid for winning environmental cases, too. When California water districts won a follow-up suit over the splittail last year, their law firms submitted a bill for \$546,403.70 to the government. The Justice Department was stunned.

"Plaintiffs have failed to exercise any billing discretion," wrote U.S. Attorney Matthew Love in a January brief. "They seek compensation for excessive, duplicative and redundant

tasks ... charge their normal hourly rates for (routine) activities such as telephone calls, letter writing (and) review of files."

\* Since 1995, most cases brought have not been about dams, nuclear power or pesticides, but about rare and endangered species. That flood of suits has turned judges into modern day Noahs who decide which species are saved -- and which aren't. But the judges -- guided by law, not science -- aren't always the best-equipped to make biologically correct decisions.

\* Suing on behalf of species is a specialty niche. Four law firms filed more than half of all such suits from 1995 to 2000. A whopping 75 percent of those cases were lodged in six states: California, Arizona, Oregon, New Mexico, Texas and Colorado. One kind of case -- over "critical habitat" -- has so swamped the Fish and Wildlife Service that it has halted the biological evaluations necessary to add new species to the federal endangered species list.

\* Lawyers don't just bill for legal work. They also submit claims for lobbying, talking to the news media and flying and driving to and from meetings and courthouses.

"This has become a cottage industry," said Elizabeth Megginson, former chief counsel for the U.S. House Committee on Resources. "And it is being paid for by you and me, by taxpayers.

"Lawsuits are filed not so much to benefit species but for other reasons," said Megginson, who investigated dozens of cases for the committee. "It certainly is a way of supporting lawsuits that might not be filed if (environmental groups) had to pay their own way."

Citizen suits came into prominence three decades ago when Congress passed sweeping environmental laws, including the Endangered Species Act and the Clean Water Act. Realizing that political pressure could deter federal agencies from enforcing the law, Congress granted environmental groups and ordinary citizens the right to hold the government accountable in court.

Since then, citizen suits have played an essential role in cleaning up and restoring the American landscape. A 1988 endangered-species suit by the Natural Resources Defense Council forced the U.S. Bureau of Reclamation to restore water to the San Joaquin River, bringing a ghost stream back to life. Another citizen suit led to the listing of the northern spotted owl as a federally "threatened" species, dramatically curtailing logging in the Pacific Northwest.

But like strong medicine, the power of the law works both ways. Used strategically, it can work miracles. Used otherwise, it can generate powerful side effects, even hurt what it is meant to help.

"Lawyers can be like engineers," said Gregory Thomas, chief executive officer of the Natural Heritage Institute, an environmental law and mediation group in Berkeley. "The engineering mentality says that if something can be built, it should be built. The legal mentality tends to be that if a case can be brought, it should be brought.

"But we know, from both engineering and lawyering, that that leads to socially undesirable results. It leads to dams that ought not be built. And it leads to lawsuits that ought not be brought."

On April 15, 1998, when millions of Americans were filing their taxes, the Southwest Center for Biological Diversity was filing a lawsuit to protect Alaska's Queen Charlotte goshawk. Six weeks later, the center's legal team was in California to sue over the Sacramento splittail. Then came another California case concerning 39 species, from the Pacific pocket mouse to the California gnatcatcher.

No environmental group in America files more endangered species cases at a more frenetic pace than the Southwest Center, which has since dropped the "Southwest" from its name to reflect its expansion into California and Oregon. Public records show that from 1994 to 1999 alone, the Center for Biological Diversity and its lawyers filed 58 lawsuits, an average of one every 32 days.

"We're panicked," said Kieran Suckling, the center's executive director. "There are species going down before our eyes."

But most of the suits don't hinge on the science of endangered species -- they're based on statutory deadlines. When Congress passed the Endangered Species Act in 1973, lawmakers filled it with deadlines to force bureaucrats to make timely decisions. When the Fish and Wildlife Service fails to meet those deadlines, which is often, it can be sued.

Missed deadline suits can be sweeping in scope. When the service failed to make timely decisions on 44 rare California plants proposed for the endangered list, the center sued on all 44 -- and won.

To date, the center has succeeded in adding 87 species in California to the federal endangered list.

"What we have accomplished is huge and real," Suckling said. "If citizens were not able to file these suits, the law would be meaningless. Politics would rule. And politics is always against endangered species."

Other environmentalists question the wisdom of such an approach.

"A missed-deadline case is like shooting fish in a barrel," said Thomas at the Natural Heritage Institute. "Anybody can bring such a case. Anybody can win such a case. The question is, having won it, have you advanced a broader strategic solution?"

Frequently, the answer is no, said Bean, of Environmental Defense, one of the country's most experienced endangered species attorneys.

"The reality is listing often doesn't do a whole lot to improve the status of these species,"

Bean said. "Nine percent of listed species are improving. Thirty to 35 percent are declining. It won't do a lot of good to list species if they continue to decline -- and we ultimately lose them."

But it's not missed-deadline cases that are stirring up the most conflict. It's another category of lawsuit that seeks to secure "critical habitat" for species listed as federally threatened or endangered. Critical habitat is defined as habitat essential to the survival and recovery of a species.

Such suits generate playful headlines. Consider one recent case involving the California red-legged frog, a federally threatened species.

"Threatened Frogs May Get Leg Up," the Hartford Courant wrote after federal biologists last year -- in response to a center suit -- proposed to designate one-twentieth of California, 5.4 million acres, as critical habitat for the frog. The Engineering News-Record -- a trade journal -- hopped on the story. "Builders Jumpy Over Frog Limits," it reported.

Federal officials say the case was actually a leap backward for conservation.

"Critical habitat does not add a lot of value and -- in many cases -- almost no value to the conservation of species," said Michael Spear, head of the California-Nevada office of the Fish and Wildlife Service. "We will cover a significant part of California, one way or the other, with critical habitat this year."

But to Suckling, critical habitat has a near-magical power: to halt development, logging and other activity on land not occupied by endangered species but "critical" to their recovery. The idea is that species could eventually re-colonize such areas, or at least pass through them during migration.

Work stoppages are already happening in Arizona, where the designation of 790,000 acres of critical habitat for the cactus ferruginous pygmy owl, spurred by a center suit, has brought sprawl to a crawl around Tucson.

And what the owl has done for Tucson, the red-legged frog will do for California, only more so, Suckling said.

"Ten years from now, when tens of millions of acres of critical habitat will have been in existence across the West, there will be an enormous increase in species recovery and habitat restoration," he said in an e-mail. "The money spent on its designation will be seen as a bargain. It is a heck of a lot cheaper than keeping species in the emergency room for the rest of eternity."

The most massive critical habitat allotment of all came earlier this year when the Fish and Wildlife Service, again prodded by a center suit, designated 39,000 square miles of Alaska

as critical for the spectacled eider, a sea duck.

"You know what is so important about the spectacled eider?" Suckling said. "That designation will be the only thing standing between George Bush and the oil rigs."

But such cases may be backfiring. In January, then-wildlife service director Jamie Rappaport Clark placed a moratorium on additions to the endangered list, saying the agency's resources are being gobbled up by critical habitat litigation.

"Critical habitat has turned our priorities upside-down," Clark said. "Species that are in need of protection are having to be ignored. This is a biological disaster."

Clark also voiced concern about the tax dollars that flow to environmental lawyers who win critical habitat, missed deadline and other cases. "I guess it's pretty good employment," she said.

Like other Fish and Wildlife officials, Clark has no direct role in negotiating attorney fees. That is handled by the Justice Department and, when talks break down, federal judges. The money comes not out of the Fish and Wildlife budget, but from a special "Judgment Fund" that pays claims of all kinds against the government.

So the size of the awards was news to Clark. Informed that some climb to \$100,000 or more, she reacted angrily. "I guess they (lawyers) dress pretty well," she said. "I believe citizens should have the opportunity to sue the government, but this has gone over the edge."

William Curtiss, a vice president with the Earthjustice Legal Defense Fund -- the nation's largest nonprofit environmental law firm -- said public anger should be directed at government officials for breaking the law and for prolonging cases in court.

"It's hypocritical for the government to drag these things out for years, make the plaintiff jump through every hoop and hurdle, then turn around and whine about how much it costs," Curtiss said. "I don't buy it."

Few firms win larger fee awards than San Francisco-based Earthjustice, formerly the Sierra Club Legal Defense Fund. When Earthjustice won a coho salmon suit recently, for example, it submitted a bill for \$439,053 to the Justice Department, and settled for \$383,840. Most of the invoice was for 931 hours of legal work by Earthjustice senior attorney Michael Sherwood -- at \$350 an hour.

Curtiss said \$350 is a reasonable hourly fee for an experienced San Francisco attorney and Sherwood is the firm's most experienced.

Other lawyers, though, say the rate is high. "Nobody I'm aware of charges \$350 an hour on

our side," said Gregory Wilkinson, an attorney who represents irrigation and water districts. Wilkinson's rate is \$225 to \$250 per hour.

Earthjustice President Vawter "Buck" Parker said that unlike trial lawyers, his firm's lawyers have no incentive to win big awards.

"When we win fees, they go into a common pot for the general support of the whole organization," Parker said. "No one sees a change in their salary. No one sees their office budget go up ... on account of it."

One big controversy unfolded outside of public view in 1994 when a Sierra Club lawyer and other attorneys asked for \$5 million, the largest fee request of the decade, as a partial settlement for winning an endangered species suit in Texas.

"The claim is excessive by any standard of fairness or reasonableness," U.S. attorneys wrote in protest to a federal judge.

The judge put the billing documents under seal. But, obtained by The Bee, they show that U.S. Attorney Charles Shockey was so irritated that he did not limit himself to dry legalese. He titled one legal motion:

"FEDERAL DEFENDANT\$ OPPO\$ITION TO PLAINTIFF\$ MOTION ... FOR AWARD OF THEIR COMBINED CO\$T OF LITIGATION."

The Justice Department and plaintiffs' lawyers settled the partial claim for \$2 million. But the lawsuit eventually cost the government an additional \$1.5 million, federal records show, ranking it first among fee awards in the 1990s.

Fee disputes are fairly common. Lawyers for the Environmental Defense Center in Santa Barbara asked for \$123,462.53 in a 1996 Endangered Species Act case that led to the listing of the red-legged frog as "threatened." U.S. District Judge Manuel Real balked. He cut the award to \$44,511, calling the billable hours "overstated."

The original frog invoice included charges for time spent talking to the news media, traveling, even adding up the legal bill itself.

"Hours spent are grossly unreasonable ... given the straightforward, simple unchanging nature of the case," Justice Department lawyers argued in papers filed with Real.

The 1993 suit that infuriated the Washington, D.C. circuit judges involved a Clean Air Act case filed by the Environmental Defense Fund against the Environmental Protection Agency.

In the case, the judges wrote that the Defense Fund's attorney Kirsten Engel "claimed to

have spent 73.45 hours -- nearly two work weeks -- preparing two letters to the EPA about EDF's request for attorney fees.

"We are compelled to conclude that Engel submitted outrageously excessive time entries ... Therefore, we award the petitioner none of the \$17,773.50 it asks for Engel's work," the judges said in their decision.

"We regard over-billing the government as a serious transgression, damaging to the public and violative of the trust reposed in each member of the bar," the judges concluded.

Occasionally environmental lawsuits cause other damage -- to the very groups that file them.

One such case unraveled in Arizona recently when the Southwest Center sued the U.S. Forest Service, alleging that it failed to "consult" with the Fish and Wildlife Service about cattle grazing's effect on endangered species -- a violation of federal law.

The suit targeted large swaths of federal land leased to ranchers, including a lease held by Joe and Valer Austin, owners of the picturesque El Coronado Ranch in the Chiricahau mountains.

The Austins are no ordinary husband-and-wife ranch team.

Since buying El Coronado in 1984, they have invested more than \$1 million to return it to ecological health. They have constructed 20,000 erosion control structures, cut back herds dramatically and reduced the seasons they graze, and worked to restore threatened and endangered species. They have welcomed university and government scientists to the ranch to observe their efforts.

Their work has earned them numerous awards, including the Joseph Wood Krutch Award from The Nature Conservancy in 1996 and, two years later, the W.R. Chapline Land Stewardship Award from the Society for Range Management.

That didn't satisfy the Southwest Center, which alleged in its 1998 Forest Service suit that the Austins' ranching practices were harming endangered species.

"It was a real slap in the face," Joe Austin said.

Valer Austin added: "They just put us in the same bucket with everybody else. They didn't even come out here to see what we were doing."

The Austins didn't stand idly by. They jumped into the lawsuit with the federal government -- and emerged victorious. Senior U.S. District Judge Alfredo Marquez in Tucson ruled that

the suit had been brought in bad faith and ordered the center to pay the Austins' \$56,909 legal bill.

Still, Joe Austin feels conservation has suffered a defeat.

"Everything we were trying to do to convince other ranchers and landowners that endangered species are not a liability has been lost," he said. "The Southwest Center proved me wrong. The Southwest Center proved to everybody that having an endangered species is a liability.

"In fact, many people think you should just get rid of them," Austin said. "That is the exact thing I didn't want to happen."

What's the center's view? "It's a bummer," said Suckling. "I wish it had not come down this way. But would I sue again? Absolutely. (The Austins) are having an impact on public land. The fact that they are doing good things elsewhere doesn't excuse it."



# The cost of environmental litigation

## Environmental Defense Center vs. Bruce Babbitt, et. al.

**Filed:** May 1, 1995, in U.S. District Court, Central District of California, Los Angeles.

**Issue:** EDC sued to compel defendants to decide whether to list the California red-legged frog as a threatened or endangered species.

**Outcome:** On August 14, 1995 federal Judge Manuel Real ordered Babbitt to take final action on the listing petition. Later, the U.S. Fish and Wildlife Service listed the frog as threatened.

### Sticker shock

**Defendants:** On May 20, 1996, the U.S. Justice Department filed a legal document opposing two EDC lawyers' request for \$123,462.53 in public money for their attorney fees (at rates of \$175 and \$185 per hour).

*"Hours requested by plaintiff are grossly unreasonable ... Plaintiff's suit did not contribute to the goals of the Endangered Species Act or to the public interest. ... Both attorneys are claiming substantial amounts of time for the same activities...This duplication of effort is not compensable."*

**Plaintiffs:** On May 23, 1996, EDC attorney Neil Levine responded:

*"The amount of hours was reasonable given the amount of work performed during the multiple phases and fast-moving nature of the litigation."*

### Settlement

On June 14, 1996, after reviewing fee request, Real reduces attorney fee payment 64 percent, to \$44,511.53.

*"The Court found that the total hours expended by Plaintiff's counsel to be overstated."*

## Sierra Club vs. Bruce Babbitt, et. al.

**Filed:** May 16, 1991 in U.S. District Court, Western District of Texas, Midland

**Issue:** Sierra Club sued to compel federal government to restrict groundwater pumping to protect federally threatened and endangered species, including the Texas blind salamander.

**Outcome:** On Feb. 1, 1993, federal Judge Lucius Bunton ruled in the Sierra Club's favor.

### Sticker shock

**Plaintiffs:** File June 1, 1994 document criticizing the Justice Department for not acting on their multimillion-dollar fee request:

*"The federal defendants need to quit wasting their time, and the plaintiffs' time, and the Court's time, and the taxpayers' money, on side issues."*

**Defendants:** The Justice Department responded July 19, 1994, saying in a legal brief that plaintiff attorneys' request for \$5 million in taxpayer-funded legal fees was "grossly exorbitant."

*"The claim is excessive by any standard of fairness or reasonableness. Plaintiffs knowingly included enormous amounts of time and expense that were not incurred in this litigation."*

### Settlement

**Settlement:** On Sept. 23, 1994, Justice Department lawyers and plaintiff attorneys signed a settlement agreeing to a payment of \$2 million.

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# Playing with fire: Spin on science

## puts national treasure at risk

*(Fourth of five parts)*

**By Tom Knudson**

Bee Staff Writer

*(Published April 25, 2001)*

The scientific paper that landed on Tammy Randall-Parker's desk was thick with jargon and data. But to Randall-Parker, a biologist with the Coconino National Forest in Arizona, it was riveting.

Citing an enormous accumulation of vegetation and deadwood in Western forests -- the legacy of years of effective federal firefighting -- the report by a prestigious team of specialists warned that unless such stands were thinned, they were likely to erupt into flame, threatening a rare, falcon-like bird: the northern goshawk.

Randall-Parker felt compelled to act. But when she and others suggested thinning near a goshawk nest, environmentalists protested on the bird's behalf, stopping the proposal dead.

Then came the fire that Randall-Parker feared. "I watched it just explode," she said. The 1996 blaze devoured centuries-old trees as if they were kindling -- including the one that cradled the goshawk nest.

"There was not a green tree left," she said. "What the scientists said could happen -- did happen, right in front of my eyes."

Environmental advocacy has long struggled with scientific fact, despite its very basis in science. But in the battle over the majestic conifer forests that blanket much of the West, advocacy is often shoving science aside -- and forests, wildlife and human communities are suffering the consequences.

Tweaking science to make a point is nothing new for environmental groups. To protect rare species, for example, some groups trot out just those studies -- or snippets of studies -- that support their view. Some will pick and choose facts that serve their interests in campaigns to create wilderness areas.

Misusing forest science is different.

It is playing with fire. Not the natural fires that have nourished forests for centuries, but unusually savage ones that jeopardize homes and human lives and can inflict more serious environmental damage than logging.

"We're not sure if some of these burned areas will ever recover their native biological diversity," said Wallace Covington, a professor of forest ecology at Northern Arizona University and a nationally recognized fire scientist. "Certainly, over evolutionary time, new species will emerge. But these are major devastations."

Science will never settle all conflict over forest and fire management. But during the past two decades, university, government and industry scientists have written a series of papers published in academic journals and elsewhere that point again and again to the rapid and dangerous accumulation of woody debris in Western forests -- and the need for thinning.

"There is strong consensus among credible scientists that 100 years of fire suppression has led to a buildup of fuel in Western forests that makes them very susceptible to destructive, unnatural, ecosystem-destroying wildfire," said Neil Sampson, a visiting fellow at the Yale School of Forestry and Environmental Studies and former chairman of the 1994 National Commission on Wildfire Disasters.

"Time is not an ally," he said.

Environmental groups aren't convinced. Where science sees a tinderbox, they see timber sales in disguise. And despite a steep drop in the volume of timber sold from federal forests in recent years, they say the U.S. Forest Service cannot be trusted.

"We're dealing with an agency that -- at the district level -- is a rogue agency," said Carl Pope, executive director of the Sierra Club, which is backing a "no commercial logging" campaign in Congress.

"There are some very good people in the Forest Service," Pope said. "But there are some people who really still think their job is to keep the local mill running."

Sampson said it's just not so. "The idea that thinning the forest is a boondoggle for the timber industry is bizarre," he said. "Much of what needs to be removed isn't even economically valuable. They are going to spin the science and lose the forest."

Wildfire today is inflicting nightmarish wounds -- injuries made worse by a failure to heed scientific warnings. For example:

\* In 1994, Covington and a colleague warned that the Kendrick Mountain Wilderness Area in northern Arizona was so clotted with vegetation, it was ready to explode. "Delay ... will only perpetuate fuel buildup and increase the potential for uncontrolled and destructive wildfire," they wrote in a scientific analysis for the Kaibab National Forest.

Some thinning was done -- but not enough. Last year, a large fire swept through the region, carving an apocalyptic trail of destruction.

"What happened is much worse, ecologically, than a clear-cut -- much worse," Covington said "And that fire is the future. It's happening again and again. We're going to have skeletal landscapes."

\* Listening to fire and forest scientists, Martha Ketelle pleaded in 1996 for permission to log and thin an incendiary mass of storm-killed timber in California's Trinity Alps. "This is a true emergency of vast magnitude," Ketelle, then supervisor of the Six Rivers National Forest, wrote to her boss in San Francisco. "It is not a matter of if a fire will occur, but how extensive the damage will be when the fire does occur."

Because of an environmental appeal, the project bogged down. Then, in 1999, a fire found its way into the area. It spewed smoke for hundreds of miles, incinerated spotted owl habitat and triggered soil erosion and stream damage in a key salmon-spawning watershed.

\* Early last year, officials of Santa Fe National Forest in New Mexico urged that dense pine stands near Los Alamos be thinned. "The underlying need is to reduce the potential for large, high intensity crown fires that threaten people, property, wildlife (and) watersheds," they stated in a report.

The project was slowed by a lack of funds and by environmental concerns. Last May, the Cerro Grande fire, the largest and most destructive in New Mexico history, erupted in the very area recommended for thinning, damaging or destroying more than 220 structures, including several portable structures at Los Alamos National Laboratory.

"Witnessing the Cerro Grande fire is the closest I'll come to seeing a biblical event in my lifetime," said Bill Armstrong, a forester with the Santa Fe National Forest. "It was unstoppable. Awe-inspiring. Futile. It was not, however, an unpreventable act of God."

Step into the forest outside Flagstaff, Ariz., and you enter a world of living matchsticks. You see dozens, hundreds, thousands of spindly, stunted ponderosa pines, crowded close together in shadowy thickets -- each competing with the others for moisture, soil nutrients and sunlight.

It is a much different setting from the one described by E.F. Beale, an explorer who passed through the area in 1858. "We came to a glorious forest of lofty pines," Beale wrote in a journal. "The forest was perfectly open and unencumbered with brush wood, so that the traveling was excellent."

What made that 19th century forest spacious was fire.

"Frequent surface fires were as important to ... forests as sunshine and rain," Thomas Swetnam, director of the University of Arizona's Tree-Ring Laboratory, told Congress last year. "Indeed, in southwestern ponderosa pine forests, the only natural events more frequent and regular than fire were the changing seasons."

Smokey Bear changed all that. Preventing and putting out fires, though, turned forests into thickets. Covington, the fire scientist, has quantified the change. In the Kaibab National Forest in Arizona, he found an area that sprouted 36 to 81 trees per acre in 1876 had grown shaggy and dense with 692 to 1,801 trees per acre by 1994.

A 1999 report by the U.S. General Accounting Office concluded: "The most extensive and serious problem (for) national forests in the interior West is the overaccumulation of vegetation. According to the Forest Service, 39 million acres are at high risk" of fire.

Not content to lick lightly along the surface of the forest, snapping up grass, brush and small trees, modern-day blazes roar up a staircase of woody debris, leaping high into the forest canopy. Such contemporary "crown fires" burn so hot that they destroy everything from microscopic life in the soil to majestic, old-growth trees that have been nourished by centuries of cooler fires.

"The fires we are experiencing now -- and I've been in this business 27 years -- are unlike anything we have experienced in this country before," said Paul Summerfelt, a fuel management officer with the Flagstaff fire department. "And this is just the beginning."

The buildup of fuels in Western forests was a prominent topic in the 1996 Sierra Nevada Ecosystem Project report, a 3,187-page scientific assessment of the California mountain range.

Citing a remarkable accumulation of vegetation and deadwood, the \$6.5 million, congressionally funded report warned of a fiery future -- unless overcrowded stands were thinned soon.

"Current quantities of flammable biomass -- primarily small trees and surface fuels -- are unprecedented," the report stated. "Simple physics and common sense dictate that the area burned by high-severity fires will increase. Losses of life, property and resources will escalate accordingly."

One suggested remedy was small-tree logging, followed by prescribed fire. "Logging can serve as a tool to help reduce fire hazard," it stated.

Environmental groups overlooked that part of the report.

Instead, they plucked one sentence from thousands to argue that all logging is bad. Here's how the National Forest Protection Alliance, a consortium of activists, used the report last fall in an action alert, under the heading, "What the Government's Own Scientists Say about Logging and Wildfires":

"Timber harvest, through its effects on forest structure, local microclimate and fuels accumulation has increased fire severity more than any other recent human activity."

Fire scientist Phillip Weatherspoon knows the sentence well. He helped write the Sierra Nevada report. The excerpt, he said, refers to historic logging that left Western forests littered with woody debris -- not modern thinning designed to clean up such debris.

"By itself it is misleading," he said. "This has been really abused."

Informed of Weatherspoon's concern, Jeanette Russell, network coordinator for the forest alliance, said: "This is the most popular fact we have. It is a quote congresspeople have used."

Chad Hanson, executive director of the John Muir Project and prominent foe of commercial logging, maintained there is nothing wrong with using the passage in isolation.

"It's a true statement," Hanson said. "It does not require additional statements to make it true."

The controversy is white-hot, powered by decades of distrust of the Forest Service. As Timothy Ingalsbee, director of the Western Fire Ecology Center in Oregon, explained in a letter:

"The fact that thinning is an abstract concept makes it subject to discretionary abuse .... In every single case of an alleged 'fire hazard reduction/forest ecosystem restoration' project that the agency has proposed the use of commercial thinning, the first thing the agency seeks is removal of the logs."

Not all environmental groups oppose commercial thinning, though. In Flagstaff, the Grand Canyon Trust has joined with Northern Arizona University, the Forest Service and others in an effort to thin dense stands.

The group, though, has hit a snag with no-commercial cut advocates within other environmental groups. "They say we are a tool of the timber industry," said Brad Ack, the Trust's conservation director.

"They say that logging increases the risk of fire," he said. "But that is out-of-context science. A lot of these folks are simply against cutting trees. It's almost spiritual environmentalism."

Hanson remains skeptical.

"This is not about science," he said. "This is the drumbeat of thinning being driven by the (Forest Service) commercial timber program. Science is being victimized."

No pro-thinning effort has drawn more heat than the Quincy Library Group, a coalition of conservationists, loggers and business people in the Sierra Nevada that is a national model

for fuel-reduction efforts. What's fueling that heat is sometimes partial truth and hyperbole.

During congressional debate, for example, a coalition of environmental groups -- including the Sierra Club and the Sierra Nevada Forest Protection Campaign -- claimed a Quincy-sponsored bill would "double logging." What the coalition didn't say was that logging volume was already at a 50-year low and that doubling it -- which is not actually what the bill proposed -- would have kept it well below historic levels.

"I still support that statement," said Craig Thomas, conservation director of the forest protection campaign in an e-mail. "It doesn't matter what the logging level was in the clear cut days (of the) 1980s. Those levels had no ecological validity."

The bill, passed by Congress, was meant to end the jobs versus trees gridlock, reduce fire risk and restore forests to health; it calls for thinning 40,000 to 70,000 acres of dense stands a year, while protecting 650,000 environmentally sensitive acres.

"They claim that we're clear-cutting, that we're going to destroy the spotted owl and ruin ancient forests -- and we're not," said Michael Yost, a professor of forestry at Feather River College and a member of the Quincy group.

"My wife and I have belonged for many years to the Sierra Club, The Wilderness Society and other organizations. And we've stopped our memberships," Yost said. "It's not in retaliation. It's just that I can't believe what these people are saying anymore."

In another case, the forest protection campaign distributed a flier to the U.S. Senate featuring a photo of a gigantic stump. "Sierra Old Growth Still Being Logged," it said. "Vote No on the Quincy Logging Bill." But the tree stump had nothing to do with the Quincy effort, or with Quincy itself. The tree was logged in another area.

"There is truly a conviction on the part of environmental groups that they can distort reality to convey impressions they believe are the truth," said Linda Blum, another Quincy member. "The focus is on ideology and politics -- not the environment."

Thomas said Quincy supporters are blowing smoke.

"This is their tactic: to try to demonstrate that we're some evil beast," Thomas said.

And while Thomas said he was not involved with the flier, he defended its use. "Who cares where the tree was cut?" he said. "The important thing was to convey a truthful message that old-growth forests were at risk in the Quincy proposal."

Some environmentalists don't merely manipulate the science. They attack the credibility of the scientists, including Covington, a Regents professor at Northern Arizona University.



For more than two decades, Covington has labored to bring a science-based ecological restoration gospel to pine forests around the West. His work has been published in academic periodicals, including the prestigious British journal Nature. Yet environmentalists consider his research suspect.

"Wally Covington is a darling of timber-industry supporters in Congress," said Hanson. "A lot of his data is open to question. He is a competent guy, but he is guessing."

Covington replied: "The science is solid. This is not a guess. They are attempting to discredit me because my views are different than their views."

"Science is not just the selective citation of studies," Covington said. "Science is built upon an entire body of knowledge. It's not slanted toward proving a particular point of view."

Sorting fact from fiction can sometimes be difficult. Armstrong, the New Mexico forester, recalled attending a meeting last year at the invitation of the Forest Conservation Council, a local environmental group.

The subject: a thinning project proposed by Santa Fe National Forest officials aimed at protecting the forests and streams that make up Santa Fe's watershed. The forest council didn't like the idea.

"The director got up and presented to the audience a long list of scientific authors and citations, all of them refuting what we were proposing to do," Armstrong said.

The list sounded impressive. "But we didn't know what to make of it," Armstrong said. Later, the group forwarded its scientific objections to the national forest in a letter.

"The claim that 'thinning,' whether commercial or not, will decrease the risk of wildfire continues to be conjecture," the group's president, John Talberth, wrote on Feb. 18, 2000.

Then he cited some science. "According to Forest Service researcher Jack Cohen, thinning forests ... does little, if anything to protect nearby homes and towns from losses during wildfire and may, in fact, be inefficient and ineffective," Talberth wrote, footnoting a 1999 report by Cohen.

Cohen's report does say that. But it also says: "This (research) should not imply that wildland vegetation management is not without a purpose and should not occur."

The forest council left that part out.

Cohen said the group is misrepresenting his research, which focuses narrowly on risk to homes and does not assess the ecological impact of thinning. "They're certainly distorting

the context," he said.

In an e-mail, Cohen said: "I think it very unfortunate that some environmental groups play the current spin games that have become very much a part of our culture. Intellectual dishonesty has become a norm."

Talberth responded with an e-mail, too: "We stand by all that we have said," he wrote. "The truth is that there are two sides to the story and if these researchers cannot stand to acknowledge that, then maybe they should consider careers as politicians and leave science to those with more objective thinking."

Talberth's original letter quoted another study, in the journal *Forest Science*. That article, too, was cited out of context, said Carl Skinner, a California fire scientist who co-authored it.

Armstrong said the scientific citations show up again and again in other environmental appeals and protests. "We get this pseudoscience and misquoted stuff all the time," he said.

## ***Seeds of Change:***

### ***Solutions sprouting from grass-roots efforts***

*By Tom Knudson*

*Sacramento Bee*

(Published April 26, 2001 - 5 of 5)

Change is knocking on the door of America's environmental movement. Change is remodeling it from within.

From the outside, the pressure is coming from ranchers, corporate executives, small-town merchants, educators, schoolkids and other ordinary people embracing a home-grown style of environmentalism that is quietly saving species, restoring forests and grasslands, and preserving open space.

From the inside, it is coming from a broad spectrum of environmentalists -- chief executive officers, fund-raising specialists, state directors, program officers, lawyers and others -- struggling to bring more science, entrepreneurial skill, accountability, teamwork and results to a movement they say has grown self-righteous, inefficient, chaotic and shrill.

"Haphazard conservation is worse than haphazard development. We've had haphazard

conservation for 30 years," said Patrick Noonan, chairman of The Conservation Fund, a Virginia group that provides financial and technical support to small environmental organizations.

Yet this new brand of stewardship remains more seed than storm, lacking the clamor and conflict that often accompany environmental news. Its disciples do not view the world darkly. Their habitat is one of hope, not hype.

"We've effectively sold the idea that the world is screwed up," said Dan Taylor, executive director of the National Audubon Society's California chapter. "What people are looking for now are some durable solutions on how to make it better."

Just as consumer taste shapes the corporate landscape, so, too, is hunger for a new kind of environmentalism changing the conservation world. The number of environmental groups is booming -- up from a few hundred in 1970 to more than 8,000 today. And most are sprouting not in traditional power centers -- such as Washington, D.C., or San Francisco -- but in other cities, small towns and rural areas.

The grass-roots nature of the change can be read in the names of the organizations themselves: the Malpai Borderlands Group in Douglas, Ariz.; the Henry's Fork Foundation in Ashton, Idaho; the Great Valley Center in Modesto; the Applegate Partnership in Oregon.

"People now realize they can organize themselves," said Noonan. "They can band together in their community to save that river, field, mountain or whatever. It's America at its best."

Behavioral patterns are shifting, too. No longer is influencing public policy so lofty a goal. Today, some groups focus on a more tangible prize: buying, protecting and restoring land. And no longer do all groups simply say no to economic development; today, a few are learning how to make commerce and conservation walk side by side.

Change is leafing out at the national level, as well, where five of the country's 10 largest groups focus not on advocacy but buying and protecting land -- up from just one 30 years ago. Those groups -- The Nature Conservancy, Conservation International, Ducks Unlimited, the Trust for Public Land and the Conservation Fund -- have another common denominator: They are among the fastest-growing environmental groups in America.

Two of the 10 biggest groups, and many smaller ones, prosper without junk mail or telemarketing. Five are wealthy enough to compete with corporations for land. Two have their own scientific research institutes. At least two take in significant sums of money -- \$4 million a year or more -- from corporations, including oil, timber and mining companies.

Like experimentation on the dot-com frontier, such activity is bringing a burst of creativity to the conservation community, spawning start-ups and spinoffs that bear little resemblance to conventional environmental groups.

Look closely at this landscape and you see organizations with no members, no lawyers, even no payrolls. You also see conservation efforts sprouting in unlikely places -- including an Appalachian farm supply store, a commercial fishing fleet in Mexico, a fast-growing Florida suburb and cattle ranches in California and Arizona.

"You have to manage with people in mind nowadays ... You can't turn the land back to what it was in 1840," said Warner Glenn, a southeast Arizona rancher. Glenn is working with The Nature Conservancy, university scientists and others to keep grasslands healthy for rural families and for wildlife.

Priorities are beginning to change, too. No longer is the designation of parks and wilderness areas as dominant a theme. Today, some are focusing on the restoration of worked-over land, public and private alike, an approach many scientists say can produce greater benefit for the natural world. Some are taking conservation to the inner city, creating parks and cleaning up toxic sites in neighborhoods overlooked by mainstream groups.

And no longer is it enough simply to point out problems. Today, people inside the environmental movement and outside are picking up shovels, planting trees, healing wetlands, tearing out parking lots, working with government and industry -- and solving problems themselves.

This new environmental frontier has no road map, no catalog of places saved or species protected. But plenty of people know it well. One is Bill Kittrell, director of the Clinch Valley program for The Nature Conservancy in the Appalachian Mountains of southwest Virginia.

Closer to Nashville than Washington, southwest Virginia seems an odd place for a branch office of the nation's largest environmental group. The countryside -- thickly forested with hickory, walnut and other hardwoods -- is picturesque. But, speckled with small towns and abandoned coal mines, it is no pristine wilderness. Eighty-nine percent of the area is private land.

Yet for the Conservancy, which focuses on protecting rare and endangered species, this quiet corner of Appalachia is more important than a national park. One morning not long ago, Kittrell was waist-deep in the Clinch River, trying to illustrate why.

He sloshed this way and that, using a large viewing scope to peer into the water. Five minutes passed. Ten minutes. A few moments later, one of his colleagues -- biologist Braven Beaty --

reached into the river and scooped what looked like a small yellow-brown stone off the bottom.

"Here we go!" Beaty said. "This is a fine-rayed pigtoe mussel. This is a federally endangered species."

Held in the sun, the mussel gleamed. And Kittrell beamed. "This is what we call a G-1 species," he said. "That means there are fewer than five population groups worldwide. The loss of any one population is a threat to the entire species."

All told, southwest Virginia's rivers and creeks are home to 48 rare and endangered mussels and fish, the highest number of imperiled species in any ecosystem in the United States, outside Hawaii. That concentration of rarity -- and a determination to remedy it -- was what drew the Conservancy to southwest Virginia.

"Most environmentalists, they always want more," the Conservancy's former President John Sawhill told The Bee before his death last year. "We wanted to know, 'How much is enough? What do we really need to do to conserve biological diversity in the U.S.? How will we measure success?' "

"So we came up with the idea of creating what we call a conservation blueprint: a map showing all the sites nationwide that need to be protected in order to accomplish our mission," Sawhill said. On that map, a handful of areas glow red and orange -- color codes for extreme biological danger. They are southwest Virginia, Hawaii and parts of California, Nevada and Florida.

"Now we know where we're headed and what we're trying to accomplish," Sawhill said.

The Conservancy also works closely with local residents, including Buddy Thomas, owner of the Castlewood Farm Supply & Garden Center and president of the chamber of commerce in Russell County, Va.

"I've heard it so many times from these farmers: 'What importance are these little mussels?' " Thomas said. "When I tell them those mussels are God's little filters to clean the water, they look at it a whole different way."

"I got a 2-year-old girl," Thomas continued. "You know what my favorite thing in the world is to do? It is to get my fishing rod and my kid and play in that creek. Everybody loves the creek. I can't find many people who want to see it hurt."

Thomas even formed his own conservation start-up -- the all-volunteer Copper Creek Watershed Citizens' Awareness Group -- to bring farmers, environmentalists and others together to solve problems.

"We'll get a lot further doing things together than by butting heads, making threats and telling people they can't do things," he said. "You tell people around here they can't do something, they'll do it or die."

A similar approach is unfolding outside the United States, where Conservation International, the youngest of the nation's major environmental groups, concentrates on a handful of the planet's richest biological zones, from the Congo Basin in Africa to Mexico's Gulf of California.

On turquoise water under a sweltering sun, Conservation International scientist Juan Garcia is putting a new strategy to work to save a wide variety of marine life in the gulf. He is working with the very people who are exploiting the gulf, also known as the Sea of Cortez.

Garcia labors alongside fishermen, trying to make shrimp trawling, one of the world's most wasteful fishing technologies, less destructive. Dragged behind large boats, trawl nets snare everything in their path, including sea horses, marine turtles and silvery schools of fish too small to eat.

In the Sea of Cortez, trawl nets capture up to 9 pounds of unwanted species for every pound of shrimp, one of the highest ratios anywhere.

"We are working with six or seven vessels," Garcia said. "They are very enthusiastic about trying to find a solution."

Such community-driven conservation efforts are the brainchild of Conservation International's founder and chairman, Peter Seligmann, who believes the secret to environmental success in other countries is to "make sure everybody understands conservation is in their self-interest."

Seligmann is applying conservation to internal matters, too. A few years back, he abandoned junk-mail fund raising in favor of personal solicitations to major donors. The result: more accountability for donor dollars.

"If you have a million people giving you \$25, nobody has the leverage to say -- 'OK, how did you spend my money?' -- because they don't care. It's just 25 bucks," he said. "But when somebody gives you \$1,000, they have the right to know, and you have the obligation to inform

them, how you spend their money."

"The other problem with direct mail is it requires exaggeration," Seligmann said. "You don't build effective long-term conservation programs based on exaggeration."

Even some groups that continue to raise money though the mail are doing it differently: They refuse to cry wolf.

"We very rarely say, 'The world is coming to an end, send \$25,' " said Taylor, the Audubon Society leader. "What we do say is, 'Send us money so we can buy this area, restore that area.' That approach has performed nicely."

In Tucson, the Sonoran Institute takes matters a step further -- it doesn't have a membership at all.

"A membership is very expensive," said Luther Propst, executive director of the organization, which protects open space across the western United States, Canada and Mexico. Instead, it raises money from foundations.

A membership "will also influence your decision-making, often in ways that take you away from science and what your field people tell you. You are tempted to oversimplify. We find that foundation officers appreciate it when you are honest."

Frustrated with junk mail, even Greenpeace is trying alternatives, including something called "direct dialogue" in which volunteers stand on street corners and ask for donations.

But instead of seeking a one-time contribution of cash, the Greenpeace volunteers are asking for a monthly credit-card or checking-account deposit, thus eliminating junk mail and cutting fund-raising costs. That approach is popular in Europe but relatively new in the United States.

"Our argument to donors is, 'This (direct deposit) is how you can really help us,' " said John Passacantando, Greenpeace's executive director. "We're spending too much money to get your money."

Some environmentalists are even taking a fresh look at the movement's most potent weapon: the law. "The law prohibits bad things; it doesn't encourage good things," said Michael Bean, a senior attorney with Environmental Defense, a major national group.

Bean, one of the nation's most seasoned endangered species lawyers, has sued to get the California desert tortoise on the endangered species list and compel American shrimp fishermen to reduce the accidental catch of sea turtles in their nets.

Now he's found a new niche: saving wildlife without litigation.

"The preconceived notion is that the best way to get results is always to tighten the screws," Bean said. "But there are some circumstances in which you get better results by creatively loosening the screws."

One such case unfolded in North Carolina where landowners, wary of land-use restrictions, were leveling pine forests to ward off an endangered woodpecker.

Bean helped broker a deal in which landowners not only agreed to stop such "panic cutting" but also to manage their forests in ways that would attract the birds -- all in exchange for a guarantee from the federal government that they would suffer no new restrictions on using their land.

Bean said the idea behind such "safe harbor agreements" is simple: People who do good deeds shouldn't be punished for doing them.

Incentives are coming to regulatory matters, too.

"We believe in regulation. But you can only go so far with a regulatory system. Free enterprise is the greatest motivator the world has ever known," said Noonan, the Conservation Fund chairman.

"Developers come to us all the time," Noonan continued. "They don't want to get tied up, fight it out for years. They want certainty. I can jam any developer I want. I may not win, but I can jam them. For two, three, four years. That's power. But it's also frightening power."

When a large investment group recently announced plans to build a new subdivision in fast-growing Palm Beach County, Fla., Noonan worked with the developer to create ribbons of open space that will provide habitat for endangered species, restore surface and groundwater flows, and link neighborhoods with bicycle and pedestrian trails.

"We're not going to stop population growth, at least not in our lifetime," Noonan said. "So I suggest the next big leap is: How do we support good development?"



Increasingly, environmental groups also are using the free market to accomplish something that has proved nearly impossible for local, county and state regulators: stopping sprawl.

They are doing it by buying land, even in some of the most booming real estate markets in America. "We're un-developers," said Will Rogers, president of the Trust for Public Land, which recently saved a choice 534-acre parcel from subdivision in the hills above San Jose, for \$1.9 million.

Some of the trust's work takes place in an ecosystem overlooked by many conservation groups: the inner city. In Oakland, it is turning urban blight into parks. In Los Angeles, it is converting a toxic Superfund site into a soccer field.

"There is an increased awareness that land can be recycled, that parks can be created often out of brownfields" -- abandoned industrial sites, Rogers said. "It's gnarly stuff, in terms of toxics and liability. But it's a big, exciting category. We've done probably 36 brownfields projects over our history."

Noonan's Conservation Fund recently pulled off one of the biggest conservation transactions of all -- buying from a logging company 300,000 acres in New York, Vermont and New Hampshire for \$76.7 million.

"We outbid Wall Street on that one," Noonan said. "That's happening more and more."

Like a brokerage house for the environmental movement, the Conservation Fund brought together other nonprofit groups, foundations and public agencies to complete a transaction none could have completed on its own.

"The big weakness of our movement is we don't collaborate very well," Noonan said. "We're seeing a new set of people come into the movement who can talk the language of business and who are humble enough to know they can't do it alone."

Land also can be protected through strategies such as that adopted by California rancher Scott Stone: Restore it to ecological health. Last year, as bright orange flames raced along a creek at the Yolo Land and Cattle Co. northwest of Winters, Stone stood nearby, watching contentedly.

"You can see what we're trying to get rid of," he said, pointing to vast golden fields of yellow star

thistle, medusa head and goat grass -- non-native, ecologically harmful weeds and grasses.

The spread of non-native weeds and other species may seem insignificant, but it is actually one of the nation's most serious ecological problems. Exotic weeds and grasses choke out native plants, increase fire danger and destroy wildlife habitat.

Conventional remedies -- herbicides and hoes -- offer little hope. The problem is simply too large. For many weed species in the West, the only option is fire. And in California, few people know more about the therapeutic power of fire than Central Valley farmer John Anderson, who helped Stone plan and carry out his pastoral pyrotechnics.

"That star thistle is history!" Anderson shouted gleefully as knee-high flames raced along a dirt road.

Sitting on the ground as smoke curled around him, his face streaked with ash, Anderson turned philosophical. "We need to reinstitute a culture of fire in the West," he said. "We've feared it for years, and now nobody knows how to burn."

Anderson took advantage of his fireside chat to call for the creation of a massive new federal program to restore land to ecological health -- "a national land health care system," he called it.

"You really can't nickel-and-dime habitat restoration," said Anderson, a member of the National Audubon Society board. "Most of the money we're getting now (from government agencies) is nickel and dime. We need big bucks ... We need millions and millions of dollars to fight weeds right now."

But there are alternatives to federal money, too. You can, for example, call on school kids, as The Nature Conservancy is doing south of Sacramento at its Cosumnes River Preserve.

"We decided that the way to the heart of the community was through the schoolchildren," said Mike Eaton, director of the preserve. "So we set out to create hands-on opportunities." Today, about 4,000 school kids a year plant trees, collect acorns and gather frog, fish and duck stories to take home.

Tapping into community spirit is also an approach used by the Malpai Borderlands Group, a network of ranchers in Arizona and New Mexico. There, free market tools such as conservation easements and cooperative grazing partnerships are put to work to protect ranches and open space critical to wildlife.

"There are very few ranchers in this country that are not pro-wildlife," said Warner Glenn -- a member of the group's board -- relaxing on the porch of his ranch home last year as lightning illuminated Mexico's Sierra Madre range to the south.

In 1996, Glenn became the first person to photograph a wild jaguar in the United States. He wrote a book about it and is donating a portion of the proceeds to jaguar conservation.

When the population of a rare species of leopard frog dropped precariously in a drought a few years back, another Malpai rancher, Matt Magoffin, fashioned a homemade water truck. He and his family hauled 1,000 gallons of water a week to the frogs for 2 1/2 years.

"Environmentalists are fighting with ranchers, but we both want the same goals," Magoffin said. "We want to maintain open space and keep subdivisions from spreading across the landscape."

Corporations have also joined the ranks of nontraditional conservationists. And many environmentalists are distrustful.

"The lack of accountability on the part of America's corporate leadership is back where it was in the 1870s," said Carl Pope, executive director of the Sierra Club. Less than 1 percent of the Sierra Club's budget comes from corporations, and such gifts are run through a rigorous environmental screening process.

But Conservation International President Russell Mittermeier embraces corporate wealth.

"The private sector drives much of what happens in the world," said Mittermeier, who has been likened to Indiana Jones for his intrepid travels through tropical jungles to save endangered primates. "One can either be in an adversarial relationship with it, or one can work with people in the private sector who are really concerned and interested in change."

Ford Motor Co. has donated more than \$5 million to Conservation International for habitat protection in Brazil and Mexico. Starbucks is backing efforts to promote the cultivation of shade-tolerant coffee plants in Chiapas, Mexico, saving forests from being logged to make way for coffee plantations.

William Clay Ford Jr. -- the car company's chairman -- has served on the Conservation International board member. So has retired Intel Chairman Gordon Moore, who recently gave the group \$35 million to start its own research arm.

Although many environmentalists say corporate support is a public relations ploy, Mittermeier said his own experience indicates otherwise.

"William Ford is as strong on this stuff as anybody in the organization," he said, "Gordon Moore is totally committed. He goes on every field trip, climbs every mountain."

The National Audubon Society welcomes corporate donations, too. "Somebody once had a great phrase when asked, 'Would you accept tainted money?'" said Dan Beard, the society's chief operating officer. "The response was, 'The only thing wrong with tainted money is there t'ain't enough of it.'"

"What we ought to be doing is building an environmental ethic in corporate minds," Beard said. "We ought to be converting the world to an environmental ethic. If you just ignore people -- or point fingers at them -- that isn't going to do anybody any good."

# Environmentalists' tactics face review

**By Tom Knudson**

Bee Staff Writer

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The House Resources Committee, sparked by last week's series of articles in The Bee, plans to hold hearings later this year on environmental fund-raising techniques and other matters.

The environmental movement "is a very powerful force. It has become an industry," said Resources Committee Chairman James Hansen, R-Utah, who said the committee plans oversight hearings examining the environmental movement.

"They've got buildings, automobiles, airplanes, batteries of lawyers," Hansen said, speaking of national environmental groups. "And they don't want to settle issues. They keep wanting more."

The Bee series -- [Environment, Inc., published April 22-26](#) -- investigated the increasingly corporate nature of the nation's growing environmental movement, including its reliance on costly, crisis-related direct-mail fund-raising pitches and its use of litigation.

In 1999, environmental groups nationwide took in a record \$3.5 billion in donations. But, according to charitable ratings organizations and IRS records, some groups spend substantial portions of donations not on conservation but on administrative overhead and fund raising.

"To my knowledge this is the first time any paper in this country has ever done this kind of report," said Rep. Richard Pombo, a Tracy Republican and member of the House committee.

"What most of these groups are -- are fund-raising machines," Pombo said. "They don't really care if they solve a problem. Their interest is in maintaining the battle because that is what funds their organization."

Environmentalists reacted coolly to such comments.

"Frankly, I don't think this is the government's business," said Dan Taylor, executive director of the National Audubon Society's California chapter. "Since (environmental) groups are funded and supported through the public, let the market decide."

John Passacantando, executive director of Greenpeace, said Congress is the problem.

"Congressmen, working with industry, have done their best over the last 30 years to block good environmental regulations," he said. "To say that somebody who cares about rising rates of cancer or global warming, to say there is some sort of greed motive in that is shameful."

Colorado Rep. Scott McInnis, another Republican committee member, said environmental groups have learned to sell fear.

"They have every right to tell their side," McInnis said. "But there ought to be a fundamental obligation to tell the truth."

Another sore spot is the use of "citizen suits" to compel federal agencies to enforce laws, such as the Endangered Species Act. While such suits have resulted in dramatic victories, Pombo said they are prone to abuse -- and are generating hefty taxpayer-funded attorney fee awards.

"Groups have figured out a way to exploit" citizen suits, Pombo said. "When they have a friendly administration, they use that (legal) process to get things done that they could not get done through Congress."

But in testimony before a House subcommittee Wednesday, Nick Rahall, D-W.Va., a Democratic member of the House Resources Committee, defended the citizen suit provision.

"The administration claims (it) is necessary to stop the lawsuits that have made the Fish and Wildlife Service's job of listing species more difficult," he said.

"The real answer is to provide the Fish and Wildlife Service with those resources it needs to address the backlog of numerous species that are either candidates for listing or are in need of critical habitat designation."

Key committee members are expected to voice their views about The Bee series on the House floor Tuesday, to be aired live from 4 to 5 p.m. PDT on C-SPAN.

The series has generated a flood of letters and e-mail and has launched a debate within the environmental movement itself.

Some environmental leaders reacted with indignation.

"Yes, we are still spending more on fund raising than groups like Save the Redwoods League or Conservation International," wrote Sierra Club Executive Director Carl Pope. "But those groups, bluntly, don't take on corporate or governmental abuse of the environment. Instead, they take their money, in many cases, from the very corporations that damage the environment, or from big foundations afraid of controversy."

"Yes, we occasionally have donor events in fancy hotels," he said about a prominent event in the penthouse of San Francisco's Westin St. Francis. "Not, I can assure you, nearly as often as ... the Conservation Fund and the Trust for Public Land."

Others sounded a different tone. "Congratulations for taking on a tough subject and pulling up the shades for a little light to enter," wrote Amos Enos, former executive director of the National Fish and Wildlife Foundation.

The series drew numerous responses from scientists, foresters and professional organizations.

"As a professional ecologist for about 30 years," wrote Richard Shepard, president of Applied Ecosystem Services in Oregon, "I became disillusioned over a decade ago with what I've been calling the Fear, Uncertainty and Doubt Industry."

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