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Conservationists consider the Inyo N. F.'s wild-and-scenic-river study flawed, in part because it failed to recommend protecting two tributaries to Mono Lake. Photo by Dave Brown

Inyo National Forest's wild-and-scenic study protects developers instead of rivers

By Sally Miller

At long last, the Inyo National Forest has begun a detailed study of 19 streams identified as eligible for wild-and-scenic-river status under the National Wild and Scenic Rivers Act. The "suitability study" now underway will lead to a recommendation by the Forest Service as to which streams the agency thinks are suitable for designation as wild and scenic rivers. The Forest Service currently is accepting comment on its proposal to recommend 15 of the streams as additions to the Wild and Scenic River system.

This phase is only one step in a lengthy process that began with the issuance of the Inyo Forest Plan in 1988. That plan found just one river, the Middle Fork of the San Joaquin, eligible for designation as wild and scenic. The plan was appealed by Friends of the River and American Rivers for its failure to consider other river segments for wild and scenic status. "The Inyo Forest appeared to have a clear bias against flowing bodies of water that didn't meet their idea, in terms of flows, of what constituted a river," says Steve Evans, Conservation Director for Friends of the River. According to the Act, a river is defined as a free-flowing body of water and can be a creek, run, rill, kill, estuary, or small lake. "They also were biased against segments that were not within designated wilderness. The criterion is that the segments possess outstandingly remarkable values. The Inyo certainly has its share of streams which meet this requirement," Evans says.

The river organizations' successful appeals resulted in the Forest
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These trails are made for walking

A proposal to establish hiker-only trails

By Blair Bishop

In this time of economic recession and government deficits, how can we preserve wilderness resources and enhance the "wilderness experience" for backcountry visitors while reducing federal spending? The High Sierra Hikers Association (HSHA) is proposing a network of "foot travel only" trails, which spokesman Peter Browning claims will protect resources and save dollars.

The U.S. Forest Service is currently drafting a wilderness management plan for four areas in the heart of the Sierra—the John Muir, Ansel Adams (formerly Minarets), Monarch, and Dinkey Lakes wildernesses. This plan will guide the management of nearly one million acres of wilderness on both the east and west slopes of the range. In a letter commenting on the draft plan, Browning criticized expensive trail "reconstruction" projects aimed at improving steep, erodible trails for stock users. "About one-fourth of the existing trails in the Sierra are so steep that stock use causes excessive damage. These trails should

be designated for foot travel only," Browning says. "This would not only save millions of dollars from being squandered to keep marginal trails open for stock users, but it would also provide a modest network of trails for hikers who desire an experience free of the dust and manure left behind by stock."

The potential for erosion of any trail is directly related to its steepness. In order to prevent excessive erosion of trails, the Forest Service has adopted nationwide construction standards, including guidelines for maximum steepness. If a trail is too steep to meet the standards, the grade can be lessened by constructing switchbacks. But for some trails, this is too expensive to be practical.

The proposal submitted by the hikers' group quoted the Forest Service's *Wilderness Management* manual, which states: "Whether trail use is by hikers or by parties with pack and saddle stock is an important indicator of potential erosion problems. A small bearing surface carrying heavy weight, a horse's hoof can generate pressures of up
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Coalition news

Monthly Report

It wasn't the hottest day of the year—that had been the previous afternoon's 106°. But it still was mighty warm despite the rapidly whirring ceiling fans in the Village Homes Community Center (aren't we supposed to meet in the mountains during the summer?).

Under the banner of the California Ancient Forest Alliance (CAFA), several dozen activists gathered to plan strategy for protecting the old-growth forests of our state. This loose coalition of local, state, and national groups has been meeting quarterly for several years now as legislation has been advancing in both Sacramento and Washington, D.C.

North Coast activists are usually well-represented, especially by residents of Mendocino, Humboldt, Trinity, and Siskiyou counties. An increasing number of citizens from the Sierra Nevada drive down from Plumas County, up from Porterville, or across the cordillera from Mono County.

In addition to grassroots activists, the "nationals" are well represented. Staff of The Wilderness Society, Sierra Club, Natural Resources Defense Council, and the National Audubon Society usually attend.

Although the California Wilderness Coalition is not leading the efforts to save our ancient forests, we are a partner in the endeavor. Last year the CAFA chair and vice-chair were CWC Board members Steve Evans and Lynn Ryan. This year I am taking the reins.

There often are new folks attending the meetings, and we usually have old warriors like Martin Litton there. After spending decades working to save Mineral King, the Golden Trout Wilderness, and the Grand Canyon, Martin has devoted the past six years of his life to the establishment of a Sequoia National Monument to protect the numerous redwood groves outside the existing national park. Martin's unbounded energy and dry wit always liven up a meeting.

Last weekend we discussed the imminent decision by President Clinton that will determine the future of the forests inhabited by the northern

spotted owl. We talked about the need to get activists to Washington, D.C. this fall when Congress will work on legislation to implement the President's plan.

Linda Blum related her recent lobbying trip that took her from her Quincy home to the nation's capitol. She mentioned how difficult it was to get to see some California representatives, especially as she had to compete with large contingents of lobbyists from the building and timber industries.

The topic changed to ecosystem management and biodiversity councils. Jan and Bob Mountjoy and Joseph Bower recounted efforts in Trinity County to reach an accord that would protect ancient trees while allowing logging in other parts of the forest. Others expressed their skepticism over such negotiations or at least asked that extreme caution be used when participating in such consensus groups.

The gathering was especially interested in a report by Erin Noel and Craig Thomas about the Eldorado National Forest's attempt to authorize a large number of timber sales moments before new regulations were to take effect protecting the California spotted owl. Forest Service officials ignored environmental laws and the agency's own rules in their haste to make trees available for logging. Several sales have since been withdrawn, and others are under appeal or facing lawsuits. We wondered how many other national forests are trying similar tactics to circumvent the law.

Before we left, we agreed to meet in Redding this September and back in Davis in November. It was difficult to schedule these two dates, considering the innumerable other meetings that fill every activist's calendar.

It's frustrating to book so many of our weekends indoors when we would rather be in the mountains or, as David Drell put it, "tending our zucchini." But that is the price we must pay for our commitment to protect California's wild lands and waters.

By Jim Eaton

Thanks

With 1993 half over, it is time to pause, assess our finances (surprisingly healthy by our modest standards), and thank our most generous benefactors:

Lorraine Anderson & Rick Palkovic; The Avid Reader; Arthur & Sidney Barnes; Florian Boyd; California Alpine Club; Alan Carlton; Edythe & Samuel Cohen; Wendy Cohen & Jim Eaton; Richard Crawford; Mr. & Mrs. L.C. Eaton, Jr.; Friends of Plumas Wilderness; Alexander Gaguine; Ruth Gravanis; Grueneich, Ellison & Schneider; Bob Havlan; Andrew & Sasha Honig; Vicky Hoover; Tim & Patsy Inouye; Kelley & Associates; Robin Kulakow & Bill Julian; Martha Lennihan & Paul Thayer; Norman B. "Ike" Livermore; Tom & Carol Lumbrazo; Robert McLaughlin & Theresa Rumjahn; Don Morrill; Trent Orr; John Ott; PG&E Davis Office; William Patterson; Dan Raleigh; Ridge Builders Group; Bob & Anne Schneider; Mary Scöonover & Bill Barnette; William Seiler; Genny Smith; Susan Smith; Solano Press Books; Mary Tappel; Lacey & Rob Thayer; Frannie & Bill Waid; Wilderness Press; Joseph H. Willingham; and Robert Zappala.

and more thanks

Donations of money are just one way our members keep the California Wilderness Coalition afloat. A number of our Davis and Sacramento friends donate a weeknight each month to help us mail the *Wilderness Record*. Through rain, fog, and summer's heat they arrive, house guests, great-aunts, and children in tow, bearing home-brewed beer and home-baked pies to spend an evening affixing mailing labels with ink-stained fingers and swapping tales of wilderness trips.

We don't thank them enough.

Diane Clark, Matt Clark, John Graham, Paul Grant, Ryan Henson, Jack Kenward, Sheila Kenward, Eric Knapp, David Orr, the ever-faithful Mary Tappel, and Carla Visha...Thank you!

and you're welcome!

Environmental restoration is all the rage now, as planners look for ways to create a sustainable economy and clean up our mess. These are not new ideas. In fact, the Resource Renewal Institute (RRI), the California Wilderness Coalition's newest member group, has been advocating just such an approach since 1983.

The RRI works toward the development of Green Plans, "comprehensive environmental recovery strategies" for cities, counties, and states throughout the country. Their goal is to have a Green Plan for every state (and for the country as a whole) by 2000.

Founded by California's former Resources Secretary Huey Johnson as an extension of his work for the state, the RRI will hold its third international Green Plan conference in October.

For more information, contact the RRI at Fort Mason Center, Building A, San Francisco, CA 94123; (415) 928-3774.

Letters

Dear Editor,

Re: What waste products should be packed out, and what should be buried? [*Wilderness Inquirer*, June 1993 WR]

From Isle Royale, the wolf-moose-spruce-goose-pa-poose biome in the middle of Lake Superior, to Indian Peaks Wilderness in the Rockies, to the Sierra Nevada, Cascades, Coast Ranges, and desert southwest, to the extent possible, all alien matter should be carried out, taken home, and recycled. Other than feces and urine, it is poor practice to bring in food and packaging, then convert the residue to particulates and "dispose" of the stuff in the air (smoke). In more intensely used wilderness areas such as Mt. Whitney, feces and urine are collected in solar-assisted privies, then taken out by horse or helicopter.

Existing fire rings, even when used with the best of intentions, consistently become collection points for foil, paper, food refuse, clothing, and other matter. What appears to be an "existing" fire ring may be less than one week old. Over time, many fire rings become backyard

barbeque monoliths. Frequently, residual refuse in "existing" fire rings sends a subliminal message that it is okay to leave other refuse.

Frost heave eventually brings buried items to the surface. Having dismantled and restored thousands of fire ring sites in many ecosystems, I can reach but one ethical conclusion: Have no fire or a minimal fire, restore each site before leaving, and carry out all refuse. The National Outdoor Leadership School's *Soft Paths* and the Sierra Club's *Walking Softly in the Wilderness* provide general guidelines for minimizing impact.

We would not build fire rings in our urban front yards, then "dispose" of our refuse by burning. Why is refuse burning considered acceptable in wilderness ecosystems with shorter growing seasons? Carry out any and all refuse. Old or new refuse that cannot be carried out can be collected at trail junctions. Those who pass by next can then take out what they can carry.

Scott M. Kruse
Fresno

Wilderness Trivia Quiz Question:

How did Taboose Pass get its name?

Answer on page 7

Sierra Nevada

Livestock in the Sierra—still grazing after all these years

By George Wuerthner

Dubbed the "Range of Light" by John Muir, the Sierra Nevada, the largest mountain range in the lower 48 states, is also one of the most beautiful. Studded with thousands of lakes, deep canyons, granite peaks, and some of the most spectacular forests in the world, the Sierra Nevada is more than 400 miles north to south. The range has been the focus of environmental debates for more than a century. Yosemite Valley and the nearby Mariposa sequoia grove were set aside as a public park in 1864, more than eight years prior to the creation of Yellowstone National Park. The expansion of Yosemite in 1890 to take in the headwaters of the Tuolumne and Merced rivers was motivated predominantly by the desire to eliminate livestock grazing in the high country.

Grazing still occurs, however. Though the destruction caused by mining and logging is easy for the average citizen to observe and understand, the impacts of domestic livestock production are largely invisible. Yet nothing has had a greater impact on the Sierra Nevada's biological diversity than livestock grazing and production. While logging and the growth of subdivisions have undeniable impacts, livestock production in and adjacent to the Sierra Nevada may be responsible for the extirpation of more species than all other sources. One of the most unfortunate aspects of these losses is that the public, overwhelmed with obvious issues like air pollution, clearcuts, and subdivisions, remains unaware of the full magnitude of the problem.

From the earliest times, livestock grazing was one of the key issues among conservationists in the Sierra. John Muir, once a shepherd himself, observed in 1873, "It is almost impossible to conceive of a devastation more universal than is produced by sheep." Muir even advocated sending armed troops into the Sierra to run sheepmen and stockmen from the range. His prime motivation for establishing Yosemite and Sequoia-Kings Canyon as national parks was to eliminate livestock from these areas.

Although much of the early grazing damage in the Sierra was simply due to excessive numbers, it is possible that almost any level of domestic livestock grazing would be detrimental to the range.

Much of the Sierra Nevada and adjacent portions of the Great Basin historically did not have large herds of grazing animals. Bighorn sheep were abundant locally in the high Sierra, antelope were found in the sagebrush basins and grasslands east and west of the range, and tule elk were concentrated in wetlands and riparian areas of the Central Valley, but there were no ecological equivalents of cattle anywhere, and certainly not in the mountains.

As a result of livestock impacts (and, of course, the agriculture that plowed up Central Valley grasslands),

native perennial grasslands of the Central Valley and foothills are gone, and the bunch grass-shrub ecosystem of the Great Basin in the eastern Sierra is severely degraded. To put this in perspective, keep in mind that while logging and fire suppression have impacted the Sierran forest, at least the native forest ecosystems still exist. By comparison, California's native perennial grasslands are function-

the factors responsible for the destruction of up to 2,000 miles of Sierran streams.

Great gray owls are another casualty of livestock grazing. Fewer than 50 of these birds are thought to reside in the Sierra—one third of them in Yosemite National Park where livestock grazing was eliminated at the turn of the century. The voles and mice the birds prey upon hide among dense grasses. Since livestock grazing has eliminated hiding cover and thus reduced the rodent population, the bird suffers.

A similar reduction in the population of the rare (there have been fewer than 20 recorded sightings in the past decade) Sierra Nevada red fox of the subalpine and alpine reaches of the mountains may also be due in part to the loss of vole and mouse populations.

Even in places where grazing no longer occurs, past abuses often have so changed the watersheds that meadows have dried up and been invaded by trees, reducing overall meadow habitat and consequently, the ability of the land to support voles and, by inference, great gray owls and fox as well.

Bighorn sheep are another casualty. Once found more or less continuously on the eastern side of the Sierra from the Lake Tahoe area south to Walker Pass, their

numbers were reduced by the 1970s to three isolated populations. Most of these losses can be attributed to past and present grazing by domestic sheep. Domestic sheep carry diseases that are fatal to wild bighorn, and furthermore, grazing of bighorn habitat by either domestic sheep or cattle reduces the area's ability to sustain the animals through the winter.

Even where domestic animals are not in direct contact, their mere presence on public lands may preclude restoration of wild populations. For instance, in order to transplant bighorns to Lee Vining Canyon, private parties had to raise money to buy out the rancher who grazed his sheep on public lands in the canyon. Technically, the Forest Service could have just closed the allotment, but apparently the agency placed domestic animals ahead of wild species until private funds and a buyout made it politically expedient to cancel the allotment.

Loss of bighorn populations may account also for the scarcity of several other Sierra Nevada residents. Both the wolverine and the Sierra Nevada red fox have declined in numbers. These high-country species eat carrion in the winter; loss of major wintering populations of wild sheep, a source of winter carrion, may have contributed to a decline in populations of both these animals. One dead sheep found by a fox is the energy equivalent of thousands of voles.

The sage grouse, once common in the sagebrush region of the eastern Sierra, is another species impacted by livestock. Despite its name, the grouse requires wet meadows, where the chicks hide from predators and feed on insects, for the first three weeks of its life. Since livestock grazing has eliminated or greatly degraded wet meadows,

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Rock columbine (*Aquilegia pubescens*)

Photo by George M. Clark

ally extinct.

Even subalpine and alpine meadow areas have been affected. Research by geographer Thomas Vale has shown that tree invasion of meadows in the high Sierra is correlated with sheep grazing. Once the sheep were removed, the disturbed soils were ideal for tree seedling germination, resulting in an overall reduction of subalpine meadows. Loss of meadows means fewer feeding opportunities for everything from yellow-bellied marmots to pikas.

The litany of impacts on wildlife and natural ecosystems is endless. Obvious historic losses include the extinction of the grizzly and wolf in California, killed off largely to eliminate predation on domestic livestock. Even today, predator control at taxpayer expense still occurs in the Sierra, with the coyote taking the brunt of the eradication efforts.

Domestic livestock lingers in and cause damage to riparian areas. Since 75-80 percent of all species depend upon riparian habitat, the consequences of this damage are staggering. The willow flycatcher, for example, once was common in the Sierra,

where it lived in riparian willow habitat. So much of this streamside vegetation now is gone that flycatcher numbers have plummeted, and the bird recently was listed as an endangered species.

Grazed stream channels are wider and shallower than ungrazed streams, and as a result are less suitable habitat for fish. There is less hiding cover, and water temperatures increase. One state estimate suggests that grazing is one of

Hummingbirds and butterflies searching the high country for flowers may have to hunt longer and travel farther to find sufficient food in areas with heavy cattle grazing.

Wilderness recreation, two views

Hiker-only trails

continued from page 1

to 1,500 pounds per square inch. These pressures, along with sharp shoes, cause stock to break up, not compact the trail surface. Detached soil is more easily eroded, and makes trails dustier when dry and muddier when wet. Use of stock on frequently used, properly located, and well-maintained trails is unlikely to aggravate problems. But on little-used trails that are steep, pass through wet meadows, and are seldom maintained, stock use can be much more damaging than hiker use. Limiting stock use in such areas could therefore reduce trail problems.... Where certain trails are closed to stock use, trail maintenance costs can be substantially reduced."

One example that illustrates the HSHA's concern is the recent proposal by the Inyo National Forest to "reconstruct" the trail to Taboose Pass. This steep, rugged trail has long been a favorite of sturdy hikers seeking the solitude and challenge that have become increasingly elusive on more popular high Sierra trails. The Forest Service insists that the trail is unsafe and has budgeted approximately \$100,000 for improvements. Browning counters that "hikers love the existing trail" and that the reconstruction project is supported mainly by commercial stock interests wanting a short-cut to remote areas of Kings Canyon National Park.

Costs are another major issue. "The Forest Service cannot afford to construct the Taboose Creek trail to meet all-purpose stock standards," Browning says. "But they are willing to spend \$100,000 to remove obstacles that impede stock travel. This will attract more stock parties to a trail not suited for heavy use. The result will be excessive erosion, which will then require more money to fix," Browning says.

Forest Service officials contend that the Taboose Creek trail is rarely used by stock and that "reconstruction" of the route would not result in a "significant" increase in stock use. Browning disagrees: "Practical experience and common sense dictate that improving the access will draw more users. Why would the stock interests want this route improved if they weren't going to use it?"

Members of the HSHA with experience in trail construction surveyed the trail in 1992 and determined that existing safety problems could be addressed for about \$20,000. The surveyors concluded that the bulk of the \$100,000 allocated by the Forest Service would serve primarily to make the trail more comfortable for stock animals and riders. After reviewing the results of the HSHA's trail survey and numerous letters of protest from hikers, the Forest Service delayed the project and agreed to consider public comments, but thus far has flatly rejected the idea of closing the trail to stock travel.

Although pleased that the proposal has been stalled, Browning says serious questions remain. "How could the agency allocate \$100,000 to a project before they had a survey of the trail's condition?" he asks. "How will they spend the \$100,000, and who will benefit? And why do

By Charles Morgan

The trail system on public lands is a valuable asset belonging to all of us, and it needs to be preserved. Backcountry trails are especially important because they delineate corridors of use and provide recreational access. They should be maintained and kept available for all appropriate uses.

The trail design for hikers and riders is essentially the same; the only significant difference is that pack animals require a wider trail (to accommodate their packs) and the riders need more clearance overhead. The cost of accommodating the packer and rider is miniscule when compared with the cost of creating the base and the tread, or surface, of the trail.

Economy of maintenance is achieved by building trails designed so that the tread is stabilized and protected from erosion. Grade is important. It should

To forbid stock use on this historic route suggests more of a deep bias against stock use in general rather than real concern for economy.

be moderate since drainage problems are compounded in direct proportion to the steepness of the trail. Maintenance on well-constructed trails consists of cleaning water bars, removing rocks that roll onto the tread, and cutting dead-falls that block the trail.

There is no foundation in fact that pack and saddle stock destroy or pulverize trails any more than foot traffic. Some backcountry trails have been used by large numbers of stock for over a hundred years without any reconstruction and are still sound. (The switchbacks on Sequoia National Park's Coyote

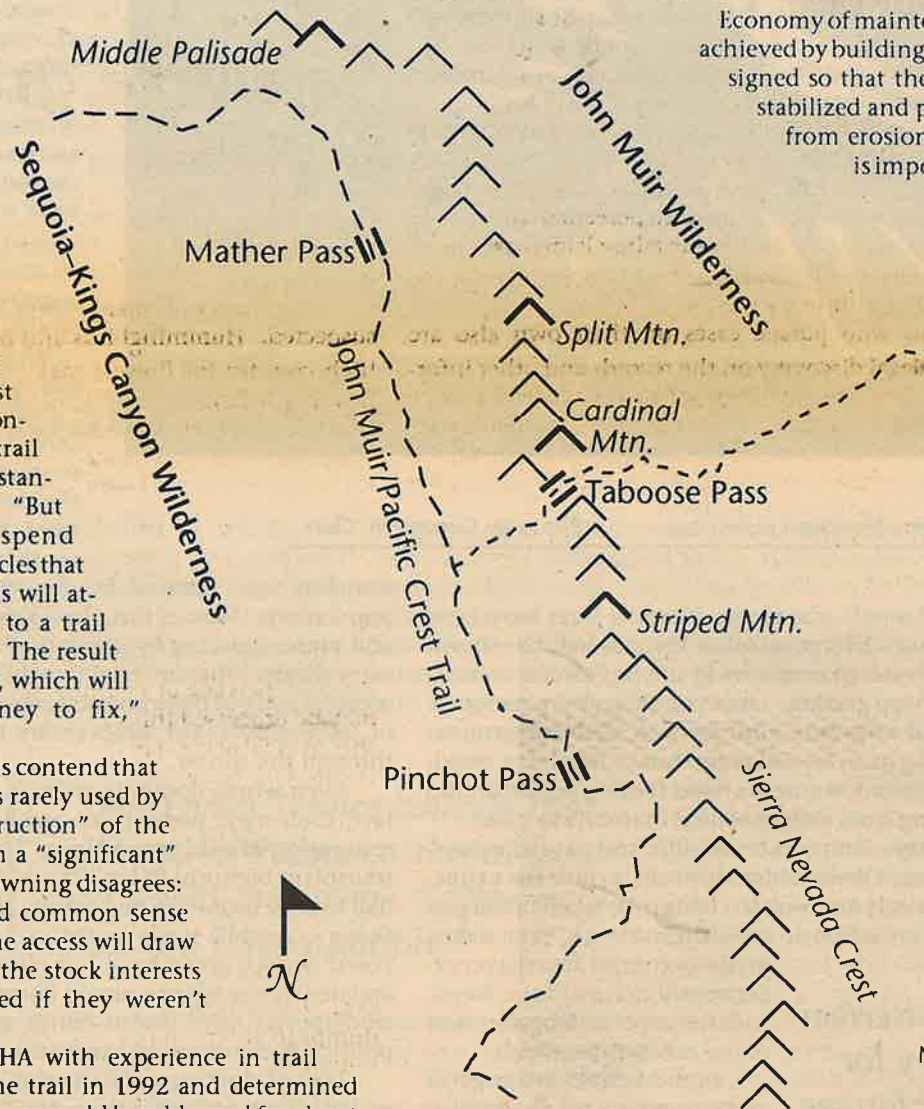
Pass, part of the Hockett Trail of 1863, is a good example.) Hoof prints, unlike the track of a wheeled vehicle, act as miniature catch basins for water. Horses and mules are trailing animals (if not crowded, they will always follow each other head to tail), and unless the trail surface has standing water or is excessively rocky, will almost never walk off the trail.

A few individuals have objected to the Forest Service proposal to improve the Taboose Pass trail on the east side of the Sierra in the Inyo National Forest. In addition, they propose that the trail be designated for "hikers only." We agree that reconstruction should not be a high priority at this time as there are trails in the forest which have a greater need for improvement, but to forbid stock use on this historic route suggests more of a deep bias against stock use in general rather than real concern for economy. It is ridiculous to suggest that a steeper, "hiker only" trail will be more economical to reconstruct and maintain.

Due to poor design of the portion of the trail between the first and second creek crossings, most of the tread has washed away, rendering the trail dangerous for stock. Running water is the problem, not foot or horse traffic. Control the water and you have a stable trail. Below the first crossing, the trail climbs up from the desert floor on one of the loosest decomposed granite side hills in the Sierra, and it would indeed take a "sturdy" and dedicated hiker even to attempt passage.

The Taboose Pass trail should be brought to minimum established standards in order to protect the trail and tread. Use of the backcountry should be dispersed as much as possible to reduce impacts and possible conflicts among visitors. If improved, the route would offer a good alternative for hikers and stock users away from some of the more popular passes. The Forest Service is correct in saying that the trail is rarely used by stock parties, and there is very little threat that any significant increase will occur when the trail is improved. In the days when the trail was more

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Map by Jim Eaton

they claim that improved access will not increase use and erosion?"

The most logical course, Browning contends, is to designate and maintain such steep, erodible trails for hikers only. "First and foremost, the Forest Service's own wilderness manual says that closing these types of trails to stock will reduce damage and save money. Second, the public has expressed a desire for a network of stock-free trails. And third, the money saved on major reconstruction and maintenance of marginal trails could be used for other more deserving projects, including repair and maintenance of primary trails that are being neglected."

The HSHA has submitted a list of trails that it hopes will be designated for "foot travel only" during the current wilderness planning process. It remains to be seen whether the Forest Service will embrace the proposal or even the concept of hiker-only trails.

Comments are currently being accepted on any issue concerning the four wilderness areas listed above. Your thoughts about "foot travel only" trails (plus your suggestions for trails that should be included) should be sent to: Mike LeFevre, Wilderness Plan/EIS Project Manager, U.S. Forest Service, P.O. Box 10, North Fork, CA 93643. For more information, contact the High Sierra Hikers Association, P.O. Box 9865, Truckee, CA 96162.

Blair Bishop is a member of the HSHA.

Wilderness management

Wanted: Environmental bounty hunters

By Dina Rasor

For the past decade, the environmental movement has successfully used federal laws to stop timber sales and force the Forest Service and Bureau of Land Management to abide by their own rules and regulations. But this type of litigation is time-consuming, risky, and costly. Environmental groups must raise enough money to carry out protracted legal battles. Some federal courts are more conservative and less friendly to environmental litigation than others. Even when environmentalists win, their attorneys must try to recoup their costs while fighting the inevitable appeals filed by industry and, often, the government. Meanwhile, environmentalists watch helplessly as timber and mining companies continue to exploit the environment and defraud the taxpayer because federal agencies are unable or unwilling to do anything about it.

But now there is a new legal remedy to protect the environment: *qui tam* provisions. Passed by Congress in 1986 mainly to help stem the widespread fraud in defense contracts, the False Claims Act's *qui tam* provisions can be equally effective in protecting national forests and rangelands. *Qui tam* provisions are designed to make every citizen a potential bounty hunter for those attempting to defraud the federal government. The citizen who knows that a company is submitting a false claim to the government can bring suit on behalf of the U. S. government and get a percentage of the money recovered.

Actually, this provision in the law is not new. *Qui tam* provisions were first enacted in the 1850s at the urging of Abraham Lincoln, who was aghast at defense contractors who sold shoddy weapons at high prices to the Union Army. Yet the *qui tam* provision had been progressively watered down until it was revived by several members of Congress in 1986.

Here is how the law works. If a citizen knows that a government contractor is submitting a false claim for payment or some other benefit from the government, that person can bring suit against the company on behalf of the government.

In order to develop standing to sue, however, the citizen first must report the fraud to the government. Also, the citizen needs to be an "original source" of the knowledge, meaning that the person must have firsthand knowledge of the fraud and not have read about it in a newspaper or heard about it in a congressional hearing.

Once a suit is filed, the Justice Department has sixty days to investigate the charges. Then the Justice Department decides whether to prosecute the suit. If the Justice Department decides not to intervene in the suit, the citizen still has the legal right to pursue the suit through the federal courts.

Either way, the citizen gets a percentage of any money that is returned to the U. S. Treasury. The law allows for tripling the amount of money that has been fraudulently obtained and another \$5,000 to \$10,000 in damages for each false claim. If the Justice Department pursues the case, the citizen can receive up to 15 percent of the money recovered. If a citizen pursues the false-claims case alone, that individual can be entitled to up to 30 percent of the damages, plus attorney's fees.

Citizens who pursue cases on their own also are entitled to legal discovery on the records and other information of the company involved and the federal agency that has been defrauded. There also is a "whistleblower" clause in the *qui tam* provisions that allows for damages to be collected by any employee who assists in exposing the fraudulent activity and is retaliated against.

It is time for the environmental movement to take advantage of *qui tam*, a law that Congress designed to

make every citizen a "deputized bounty hunter" against companies that defraud the taxpayers and, in many cases, the environment.

Qui tam provisions could be used to make timber, ranching, and mining companies that deal with federal natural resource agencies realize that if they defraud the government and the environment, they will do so at a substantial price. After a few of these cases are brought and won, companies finally will get the message and react to the potential loss of profits more than the threat of any court-ordered relief. The environmental bounty hunters need to get busy.

Dina Rasor is an investigator experienced in *qui tam* cases. For more information on pressing false claims suits on a contingency basis, contact Dina Rasor at P. O. Box 41481, San Jose, CA 95160-1481; (510) 235-5021. Reprinted from the June 1993 issue of Forest Watch, newsletter of Cascade Holistic Economic Consultants.

The law allows for tripling the amount of money that has been fraudulently obtained and another \$5,000 to \$10,000 in damages for each false claim.

Sierra grazing

continued from page 3

sage grouse numbers are in decline all along the east slope of the Sierra, as they are throughout the West. In fact, in some parts of its range it soon may be listed as an endangered species.

The impact on many other species is unknown but suspected. Hummingbirds and butterflies searching the high country for flowers may have to hunt longer and travel farther to find sufficient food in areas with heavy livestock grazing. As a consequence, the overall fitness of the population is reduced. Hummingbirds and butterflies still are found in the Sierra, but it is quite possible they are more abundant in areas where livestock grazing has been terminated.

Even where livestock are well-managed, they still consume forage which otherwise would support native species. Grasshoppers, for example, are among the major herbivores feeding on grass plants. In some years, as much as 25-40 percent of the annual (above-ground) biomass may be processed through grasshoppers. When cattle or sheep eat 50 percent or more of the above-ground biomass (a common occurrence on public lands), it means there is that much less for animals like grasshoppers to eat. Fewer grasshoppers mean less food for everything from insect-eating birds like kestrels to trout in the streams.

Some defend livestock grazing as a "traditional" use. So was the shooting of bighorn sheep by market hunters, and we no longer tolerate commercial killing of wildlife. So was driving onto the meadows in Yosemite for camping. So was the nightly firefall and feeding of bears at the dumps to entertain tourists. A lot of "traditional" activities are no longer tolerated, and maybe it is time to end commercial grazing of public lands. Given California's growing urbanization, the only place many sage grouse, willow flycatchers, bighorn sheep, red fox, great gray owls, and wolverines have to survive is on the public domain.

A photographer and writer, George Wuerthner currently is working on a book about California's wilderness areas.

Correction

An article in the June 1993 *Wilderness Record* gave the wrong phone number for the National Park Service's Alan Schmierer. He can be reached at (415) 744-3959.



Congdon's Lewisia (*Lewisia congdonii*)

Photo by George M. Clark

Wilderness news

Snake bites and wolverine sights

Last month you said ordinary bear sightings don't need to be reported. What wildlife sightings *should* be reported? J. P., Santa Barbara

The Department of Fish and Game (DFG) is always interested in sightings of threatened or endangered wildlife species. The agency is especially interested in sightings of wolverine or Sierra Nevada red fox, two elusive and extremely rare species.

Report sightings to the DFG at (916) 653-7203 or to the agency that manages the area where you spotted the species. Be as specific as possible about the location and time of the sighting.

Obviously, the most valuable sightings are from people knowledgeable enough to distinguish between male and female, juvenile and adult, but any sighting will help biologists acquire baseline data.

What should I do if I'm bitten by a rattlesnake when I'm alone in the wilderness? D. F., Davis

First the good news. Few adults die of snakebite. And about a third of the time, the bites are "dry" or with little venom injected. Far more people die of bee stings (and we're not talking "killer" bees, either).

Now the bad news. If you are very young or very old, pregnant, with high blood pressure, or in poor health, a rattlesnake bite can be quite dangerous. Depending upon the

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location of the bite and the amount of poison injected, there may be intense swelling, pain, and tissue damage. Within a few hours you will be in shock.

What should you do? Get to a hospital.

If you are close to a vehicle, walk to it, or walk to a trail in the hopes of encountering people who can help you. If you are bitten on the arm, immobilize the limb as best you can, but even if you are bitten on the leg, the sooner you get to help, the faster treatment can begin.

Within the first five minutes, a suction device (like a Sawyer Extractor) may remove a significant amount of venom. A constriction band (loose enough that your fingers can fit under it), *not a tourniquet*, placed two to four inches above the bite can slow the spread of the venom. Notwithstanding the frightening circumstances, stay as calm as you can.

Not recommended are incisions around the bite or the application of ice. They can cause additional problems.

Although nearly 8,000 venomous snake bites occur each year in the U.S., only about a dozen people die. An emergency room physician confided to us that the cases he has seen have had several things in common: The victims all were drunk men who had been teasing the snakes.



Wolverine

Send questions to: Wilderness Inquirer, 2655 Portage Bay East, Suite 5, Davis, CA 95616.

Trails for everyone

continued from page 4

passable and there was six times as much stock use in the Sierra, very few parties used the trail. The hot, dry climb from the desert valley floor dissuaded most parties from entering the park over this pass; it was for the most part an exit route for people traveling the John Muir Trail.

In most areas of the backcountry, stock are required to stay on the trail, which effectively closes at least 80 percent of the backcountry to stock users. Over half the meadows in Sequoia-Kings Canyon cannot be used for camping by stock users due either to regulation or inaccessibility. There are ample routes and destinations that are never used by stock. The "sturdy" hiker has many opportunities to visit pristine, stock-free areas.

The backcountry of the Sierra is grand and gorgeous, and there is room for all responsible users. To restrict long-established trails to "hiker use only" does not contribute to dispersed access and use. There is very little need for new trails, but reconstruction where indicated is vital to the long-term viability and economy of maintenance of wilderness trails.

Charles Morgan is Executive Director of Back Country Horsemen of California.



Inyo NF floats wild-and-scenic proposal to "test the waters"

continued from page 1

Service agreeing to evaluate a number of streams for eligibility. To be eligible for designation as a wild and scenic river, a stream must possess one or more "outstandingly remarkable" values. These can include, but are not limited to, aesthetic, cultural, ecological, geological, or recreational values. All streams that were studied were found eligible except for the portions of Rush and Lee Vining creeks, tributaries to Mono Lake, that flow below the Los Angeles Department of Water and Power's diversion dams on the streams. "The Forest Service's assessment of these streams was clearly flawed," says Evans. "Besides their remarkable aesthetic values, these streams bring water to Mono Lake, a National Forest Scenic Area and one of the crown jewels of the National Forest system." The river groups and the Mono Lake Committee protested the Forest Service's findings but were unsuccessful. As a result, lower Lee Vining and lower Rush creeks are not included in the current list of candidate rivers (see chart).

Streams found eligible but not recommended by the Forest Service in the current phase of the study are Cottonwood Creek in the White Mountains and the headwaters of the upper Owens River. The upper Owens River headwaters include Glass and Deadman creeks, in the San Joaquin Roadless Area, and Big Springs, the primary source of Owens River water. This stream system is threatened by ski area and geothermal development and by nearby ground water extraction, which has the potential to affect flows in Big Springs. The Forest Service believes that wild and scenic designation would interfere with other plans

for these areas. Cottonwood Creek hosts a transplanted population of endangered Paiute cutthroat trout and is now managed under forest plan guidelines for proposed wilderness and semi-primitive recreation. Somehow the agency found these management prescriptions to be incompatible with designation and management of a wild and scenic river in the White Mountains.

Once the suitability study and the accompanying environmental impact statement (EIS) have been completed, the Forest Service will make a final recommendation which will be forwarded to Congress. As with wilderness, Congress has the final word on which streams will be designated wild and scenic, so it is

important that citizens write not only the Forest Service but also their representatives in Congress.

One curiosity about this process—that forest officials are making a preliminary recommendation prior to any public scoping or the detailed environmental analysis required of such studies—leads to another concern. "Having a proposal before even starting the study is putting the cart before the horse," says California Wilderness Coalition Executive Director Jim Eaton. "How open will the Forest Service be to the facts and public opinion?" he wonders. Forest Service staff see their approach as essentially "testing the waters" of public opinion and note that their current proposal may not be selected as the preferred alternative in the draft EIS.

If you would like to comment on the Forest Service's proposed recommendations, please write to Dennis Martin, Forest Supervisor, Inyo National Forest, 873 North Main Street, Bishop, CA 93514. Send a copy of your letter

to your representatives in Washington. To be most useful, comments should be received by mid-July or as soon as possible thereafter.

Sally Miller is an eastern Sierra activist and a Director of the California Wilderness Coalition.

Recommended for Wild & Scenic

Stream	Total miles
Big Pine Creek	8.6
Bishop Creek, south fork	8.9
Convict Creek	6.4
Cottonwood Crk. (Sierra Nevada)	12.9
Golden Trout Creek	16.9
Hot Creek	2.6
Laurel Creek	3.6
Lee Vining Creek	10.2
Lone Pine Creek	9.5
McGee Creek	6.8
Mill Creek	5.8
Mill Creek, south fork	2.8
Parker Creek	7.1
Rock Creek	21.2
Walker Creek	3.5

Not Recommended

Cottonwood Crk. (White Mtns.)	17.4
Deadman Creek	2.8
Glass Creek	5.8
Owens River	0.8

Book review

An essential addition to the well-read activist's bookshelf

Mastering NEPA: A Step-by-Step Approach

By Ronald E. Bass & Albert I. Herson, Solano Press Books, Point Arena, Ca., 1993, 233 pp., \$35.00.

I began working on wilderness issues before the National Environmental Policy Act of 1969 (NEPA) was signed into law (on January 1, 1970) by President Richard Nixon, so I thought *Mastering NEPA* might be a quick refresher course on the law I've been using all these years. I was wrong. It's far more.

Mastering NEPA is an incredibly thorough analysis of our nation's most comprehensive environmental law. I was surprised at how much I learned: which actions require preparation of an environmental impact statement (EIS), for instance, and which can receive a less complete analysis. I found detailed guidelines on how to prepare and review an EIS and on how different agencies interpret NEPA differently.

There are more than 80 figures and sidebars in the guidebook that give the reader accessible summaries of numerous topics. Even the text, in outline form, is clear and concise. A detailed index allows one to quickly find the information desired.

A surprisingly small chapter covers judicial review under NEPA—small because, as the book makes clear, the Supreme Court consistently supports federal agencies in lawsuits since determining that NEPA's mandate to agencies is "essentially procedural." Environmentally damaging proposals need not be rejected as long as their environmental consequences are "considered."

The appendices also are a great resource. Included are the complete text of NEPA, Council on Environmental Policy NEPA regulations, the "Forty Most Asked Questions" memorandum, and advice on the scoping process.

As useful as *Mastering NEPA* would be for someone writing an EIS, it is essential for conservationists who review environmental documents. This book is a must for

the activist's bookshelf.

—Jim Eaton

Mastering NEPA can be ordered from Solano Press Books at P. O. Box 773, Point Arena, CA 95468; (707) 884-4508.

Wilderness Trivia Answer:

'Taboose' is the Piute word for a small edible groundnut found in the Owens Valley. U.S.G.S. mappers took the name of Taboose Ranch and applied it to the nearby creek and pass.

from page 2



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DATES TO REMEMBER

July 7 PUBLIC HEARING on re-authorization of the Endangered Species Act at Waite Hall, Yolo County Fairgrounds in Woodland from 9:30-1:00 p.m. Reps. Gerry Studds, Vic Fazio, Dan Hamburg, and Richard Pombo will hear testimony from pre-selected witnesses. Conservationists are encouraged to attend.

July 10 MEETING of the Sierra Nevada Bioregion Task Force at Quaking Aspen Campground, Sequoia National Forest, from 10:00-5:00 p.m. For more information, call Joe Fontaine at (805) 821-2055.

July 15 COMMENTS DUE on the Inyo National Forest's proposed wild-and-scenic-river recommendations. Send to: Dennis Martin, Forest Supervisor, Inyo N. F., 873 North Main St., Bishop, CA 93514. (See article beginning on page 1.)

July 20 SCOPING DEADLINE on the environmental impact statement being prepared for the California spotted owl recovery plan. Send comments to: USDA Forest Service, Janice Gauthier, Ca. Spotted Owl Team Leader, 2999 Fulton Ave., Sacramento, CA 95821.

July 30 COMMENTS DUE on a trail system planned for the San Luis Obispo County portion of the Los Padres National Forest. None of the proposed hiking, equestrian, or vehicle trails penetrates the three wilderness areas (Garcia, Machessa, and Santa Lucia) in this part of the Los Padres, but some trails would follow wilderness boundaries. For more information, call the Forest Service's K. J. Silverman at (805) 925-9538.



California Wilderness Coalition

Purposes of the California Wilderness Coalition

...to promote throughout the State of California the preservation of wild lands as legally designated wilderness areas by carrying on an educational program concerning the value of wilderness and how it may best be used and preserved in the public interest, by making and encouraging scientific studies concerning wilderness, and by enlisting public interest and cooperation in protecting existing or potential wilderness areas.

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The *Wilderness Record* is the monthly publication of the California Wilderness Coalition. Articles may be reprinted; credit would be appreciated. Subscription is free with membership.

The *Record* welcomes letters-to-the-editor, articles, black & white photos, drawings, book reviews, poetry, etc. on California wilderness and related subjects. We reserve the right to edit all work.

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