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NEWS

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The Unkindest Cut

Environmentalists try to save dwindling Louisiana cypress forests from becoming ground cover for gardeners.

by Mollie Day

Winding his boat through the old oil canals and pull boat roads near Bayou Sorrel, Dean Wilson guides a tour into a serene and flourishing section of a magnificent second-growth cypress-tupelo swamp in the Atchafalaya Basin. Warm wind blows through the trees, emitting a low hum. The air is rich and the water is teeming with crawfish. Under the cover of 60- to 100-year-old naturally regenerated cypress, hundreds of giant stumps are submerged in water. The dead wood is bleached and gently rippled. Each stump bears the marks of logging.

Louisiana's Atchafalaya Basin, the "American Amazon," is awe-inspiring in its beauty. But what seems to be an abundance of trees is a mere trace of what once was thousands of acres of ancient cypress-tupelo forests nestled in clean water and bountiful with wildlife. Today, as second-generation cypress are growing attractive to the timber industry for garden mulch, the fate of Louisiana's coastal forest wetlands systems is on the line. Conditions that once permitted a rebirth of coastal forests have drastically changed. Despite extensive evidence that cypress-tupelo forests play an important role in providing a critical habitat for wildlife and maintaining water quality and coastal integrity, cypress trees are being felled -- for mulch.

As an environmental activist and the owner of Louisiana's Last Wilderness tours, Wilson makes it his daily business to survey activity in the Atchafalaya Basin. He is trying to create public awareness about cypress harvesting and what the scientific community suggests might be a nail in the coffin of Louisiana's coast.

Wilson sees a growing demand for cypress mulch affecting the basin in the form of wide swaths of land and water cut bare of its trees. Threats already loom over Louisiana's state tree: A rise in sea level, saltwater intrusion, levee construction and disappearing wetlands (15,300 acres per year) have left cypress rooted in unsound land. According to Wilson, demand for cypress mulch is compounding the problem. Based on recent contacts with landowners, he estimates that more than 200,000 acres of the basin's cypress forests could be ground to cypress mulch this year alone.

The environmentalist/tour guide carries the torch for those who for generations have depended on the bounty of the Atchafalaya Basin. For more than 20 years, Wilson himself has lived both in the swamp -- literally -- and from the land as a trapper and a commercial fisherman. In 2001, he started his tour business as a means to raise awareness about the basin.

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- Bouquets & Brickbats (Bouquets & Brickbats: local heroes and zeroes)

"Dean is our best gauge of what's going on out there," says Dr. Gary Shaffer, a wetlands scientist and cypress expert at Southeastern Louisiana University in Hammond.

The Governor's Coastal Wetland Forest Conservation and Use Science Working Group (SWG) concludes, as does Wilson, that in many areas cypress will not grow back if it is cut. "Surveyed sites are generally not regenerating to cypress-tupelo forests," the SWG states in its final report, issued in April 2005. The report notes that traditional coastal wetland forests are converting to other, weaker species -- or to marsh or open water. The SWG has recommended actions such as aggressive replanting, but loggers are not required to follow a land-management plan.

Part of Wilson's tour, like his vision, includes a glimpse into the past -- and perhaps the future. At one time, millions of thousand-year-old cypress trees grew in Louisiana. A relative of the giant California Redwood, cypress triumphed over a thousand years, reaching 9 feet in diameter and up to 150 feet tall. The ancient groves of mammoth trees provided a habitat and supported an ecosystem that few, if any, today can imagine. Cypress logging peaked in Louisiana in 1913, when more than 700 million board feet of timber were harvested. Today the basin, like much of coastal Louisiana, reveals the past in what has become a natural graveyard, its once monolithic trees, now reduced to stumps, resting quietly as headstones. The clear cutting of Louisiana's cypress forests stands in stark contrast to the image of cypress trees laden with moss as an iconic symbol of the Bayou State. The standing trees hold tremendous economic, ecological and cultural value, but they are threatened.

As a living ecosystem, Louisiana's estimated 845,692 acres of swamp forest have a total economic value of roughly \$6.7 billion per year, according to the SWG's 2005 report. In terms of timber value alone, the report estimates the state's cypress-tupelo forests to be worth \$3.3 billion. Wilson claims that 94 percent of cypress trees logged in the Atchafalaya Basin are ground into mulch.

Citing these facts, Wilson is determined to spread the word about the benefits of living cypress trees and the threats they face. In 2004, he became the Atchafalaya Basinkeeper, earning the support of the Waterkeeper Alliance, an international coalition of clean-water activists. Aligning himself with several other local and national environmental groups, Wilson made his mark as the eyes and ears of a nationwide, anti-cypress-mulch campaign. Wilson regularly patrols the basin by boat, on foot and through aerial surveys. Once he determines that cypress trees are being logged in an area, he follows the trucks to the processing plant. He documents his findings with photographs and eyewitness statements.

Marrow Woods, senior regional representative of the Sierra Club, traveled with Wilson to a wood-processing plant near Darrow, La. "We saw stacks and stacks of mulch -- minimum hundreds -- pallet after pallet, six to seven stacks high ... but no lumber, no boards," Woods says. "We saw a stack of logs about quarter of a mile long that appeared to be cypress. ... We spoke with a man who came out of the building. He confirmed that they made cypress mulch there."

Wilson says he understands that landowners want to cut their trees. The problem, he says, is that the trees are not growing back. Scientists have determined that cypress trees do not easily regenerate. They have specific growth needs and require certain events that allow them to germinate and survive. Cypress are unusual in that once they are established, they can survive extended periods of flooding. Getting them started isn't easy, however.

"We planted 70,000 seedlings on Jones Island," Shaffer says. "They're all dead."

Forests of invasive and weaker species, trees that cannot survive a hurricane, are replacing the sentinels of the swamp. Those trees lack the wide root base that holds cypress and soil in place through hurricane winds and storm surges. The SWG reports that the cumulative effects of "small-scale" factors, including the replacement of coastal forests with invasive species, "can be of equal or greater importance in coastal wetland forest loss and degradation than large-scale alterations." Cypress trees that have managed to regenerate in the basin are dwarfed by their predecessors. Relatively sparse in number, second-growth trees are probably younger than 100 years old and average 2 feet in diameter. Many of Louisiana's first-growth cypress trees had diameters exceeding 10 feet.

"Truly sustainable [cypress] forests would be multi-generational. No industry works on that time frame," says Paul Orr, the Lower Mississippi Riverkeeper and head of Louisiana Environmental Action Network. Experts agree that it is not advisable, from an ecological standpoint, to cut the trees at this time.

"Cypress works as a hurricane barrier," Shaffer adds. "It is very dangerous to mess with cypress south of I-10. We have good ecologists working in the Atchafalaya, in the Maurepas Swamp. ... We know the cypress is hurting."

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As a cypress expert, Shaffer says that until south Louisiana's hydrology is stabilized, the profits to landowners and the logging industry may not be worth the cut. He currently is working with Dr. Hassan Mashriqui, assistant professor at LSU's Hurricane Center, and the Advanced Circulation Model (which simulates water levels and current and can be used to forecast hurricane storm surge and flooding) to study, among other things, how cypress trees interact with storms. Their studies, though not yet concluded, preliminarily show that a healthy cypress forest could deflate a storm's power -- and its storm surge.

It takes 100 years to produce the buttery, rot-resistant cypress heartwood that is cherished for furniture, mantelpieces and other high-value products, says Shaffer, who estimates that about 13 percent of cypress in the Atchafalaya are sustainable. The remaining 87 percent, he says, will not grow back if cut.

The SWG recommends that the state recognize three "condition classes" for Louisiana's cypress-tupelo forests. "Condition Class I" forests have the potential for natural regeneration. Class II sites have potential for artificial regeneration only, meaning seedlings would have to be planted because the water level conditions do not allow natural regeneration. Class III sites have no potential for natural or artificial regeneration. Wilson agrees with Shaffer that most of the coast is at risk. He says the problem is that once harvested, a Class I forest too often becomes a Class III. And by then the final cut has been made.

Where Louisiana's vanishing trees are going is no mystery. After it is ground, the wood is stacked on shelves of stores such as Home Depot, Lowe's and Wal-Mart, packaged in bags labeled "environmentally harvested" cypress mulch. Cypress advocates say such labels are misleading. Bags marked "environmentally friendly" adhere to no credible standards of logging, because none exist. Thus, bags of cypress mulch stacked on pallets can contain entire trees, not just by-products. Logging whole cypress trees for mulch is not illegal, according to State Forester Paul Frey. Illegal logging, he says, is when someone cuts trees he doesn't own.

Buck Vandersteen, executive director of the Louisiana Forestry Association (LFA), a politically influential group whose members include landowners, loggers and industry owners, explains that mulching cypress may enable a landowner to achieve greater value for his land.

"Cypress can be mulched when it is harvested but [trees are] not large enough to travel the miles and become a higher-value product," he says.

Vandersteen's vision of trees, equal to that of a farmer looking at his crop, is emblematic of the organization. "Every landowner is driven by the dollar value of his timber, including the next-best value to its higher value," he says.

Mike Thomas, state stewardship coordinator for the Office of Forestry, supports Vandersteen's view. Timber is bought through bids, he says, and mulching whole cypress trees can help loggers and producers "meet their expenses."

"Yeah, they'll mulch 'em," Thomas says. "They're going to try to maximize their return."

Standing ankle-deep in water on a tract that was clear-cut of its cypress-tupelo forest in Livingston Parish in 2001, Thomas surveys a lush field of new growth. Pointing to a number of sprouting young trees -- Chinese tallow, maple, oak and green ash -- Thomas says, "This is a forest to me -- not a big forest, not all cypress -- but it's got trees on it."

Thomas believes that forests are always changing and that more bureaucracy might unglue the relationship between the Forestry Association's Best Management Plans and landowners who voluntarily maintain a "95 percent compliance" with such recommendations.

Until recently, forest service and timber industry policies have relied heavily on standards from the pine industry. Often used for low-value products such as pulp for paper, pines are fast-growing trees that easily regenerate in less than 20 years. Unlike pine, a mature stand of cypress is cherished for its ability to purify polluted water. In addition, cypress provide habitat for the Louisiana black bear, the bald eagle, the ivory-billed woodpecker and other rare or endangered wildlife. Cypress trees, however, require 60 to 100 years to mature.

"The Department of Agriculture and Forestry and the timber industry won't sit still for a sustainable forest," says Oliver Houck, a law professor and legal advisor at the Tulane Environmental Law Clinic. "The answer to cypress logging isn't litigation. ... It's a no-mulch policy."

The SWG is working on a proposed policy for Louisiana's state tree. Its final report contains much-needed information about cypress-dominated coastal forests, but the group's findings and recommendations have yet to take

root in policy or law. Momentum to change how things are done is gaining significant force among environmentalists and conservationists. Legal advocates for coastal forests are navigating their way through laws such as Section 404 of the Clean Water Act (1972) and Section 10 of the Rivers and Harbors Act (1899).

Section 404(a) of the Clean Water Act authorizes the U.S. Army Corps of Engineers to issue permits allowing discharge of dredge or fill material into U.S. waters, including wetlands. Section 10 prohibits the obstruction of navigable waters and the construction of any object on navigable water. Exemptions and inconsistent interpretations of the law complicate matters.

Robert F. Kennedy Jr. is the attorney for and president of the Waterkeeper Alliance. Speaking to the media in City Park in June, Kennedy took issue with Frey's opinion that much of the cypress logging in coastal Louisiana is perfectly legal. "Even under the broadest interpretation of the law, it's absolutely illegal under 404," Kennedy said.

Environmental lawyers representing Louisiana's cypress have yet to prove Kennedy right in court, however. Even with the law in place, the state is short on law enforcement. And many landowners are slow to request permits.

Louisiana's constantly changing hydrology further destabilizes matters. "In the basin, nobody knows where the bottom is," says environmentalist Harold Schoeffler. "Landowners know that."

Part of the problem is that the state doesn't have boundaries on its land. Some high-water marks -- which determine the boundaries between public and private lands -- have never been surveyed. The last land survey done by the state was concluded in 1840. These circumstances make it difficult for the Corps and the EPA to enforce many land-use laws.

"It's a travesty," Schoeffler says, referring to an incident in Butte La Rose, where several sources claim Royal Martin Lumber logged cypress on 47 acres of state land. "These people know where their own boundaries are," Schoeffler says. "They know they're way past their boundaries when they cut [that] 47 acres."

Dean Wilson followed those logging trucks and has a collection of photographs that clearly show the cypress logs en route from Butte La Rose to a processing plant, going through the mulch grinder and forming a mammoth pile of mulch. Wilson says that more than 1,000 acres were logged from the area, including the controversial, state-owned 47 acres.

Of seven mills processing cypress that is harvested from across Louisiana, Wilson claims that four are producing only mulch from logs. He isn't certain that the other three are producing mulch only, but he contends that the loggers are cutting cypress for these plants from unsustainable stands.

The Butte La Rose case is one of many that Wilson cites in his ongoing efforts to identify producers of cypress mulch who get lumber from what he says are unsustainable cypress forests.

John Ettinger, an environmental protection specialist for the EPA, acknowledges that his agency doesn't know for sure what's going on. He also says he looks to Wilson for ground-level information. "We pay very close attention to what he's doing," Ettinger says. "We will continue to take what Dean says seriously."

To his knowledge, Ettinger says, no request for a [cypress logging] permit has ever been denied. Cease and desist orders, however, have been issued to stop loggers from cutting down trees where the land's ownership is in question.

"These are very difficult technical questions involving a permit," Ettinger says. "We don't have studies to verify either side's claim."

One of the developments that Ettinger says could bring some relief involves \$18.9 million from the Coastal Forest Conservation Initiative. One proposed plan would provide money to buy easements from landowners in order to preserve cypress-tupelo and other types of forests for biological and storm-surge purposes. The plan will likely be approved in October, and the money is expected to follow over a four-year period. That money won't solve the problem, advocates say, but it will certainly help.

Wilson, who has been studying the issue for more than 20 years, has several suggestions. He recommends pushing legislators to get surface rights and easements so that timber can be protected, and he suggests that the state buy whole swamps and protect them in perpetuity. Tax credits and carbon credits also could help landowners get a fair return on their land. In addition, Wilson says that ecotourism could help ensure income from standing cypress.

Landowners will need other incentives and ideas to get the fair value of their land. Gardeners likewise will need education and encouragement to change their dependence on cypress mulch. Consumers can be a powerful blade for felling cypress -- or an equally powerful protector. Kennedy sent consumers a clear message about cypress mulch during his visit to New Orleans.

"The people who grow flowers care about the environment," he said. "Do they know that they are jeopardizing one of the most important cities, Cajun culture, 40 percent of migratory birds, over 100 fish species? They don't understand that we're sacrificing the greatest ecosystem in the country so that they can grow flowers in their gardens, and if they did, they wouldn't stand for it."

Consumers are beginning to discover the melaleuca tree as a viable substitute for cypress mulch. The melaleuca is an exotic, invasive tree that was brought in to drain swamps in Florida and has since become a nuisance.

It makes excellent mulch.

Wilson continues to return from his patrols with the message that the Atchafalaya Basin, like many of Louisiana's coastal forests, is in danger of falling to the cypress mulch industry. Many environmentalists, conservationists and organizations support no-mulch initiatives. The SWG stands by its findings that much of harvested coastal cypress will not grow back if cut and that negative impacts such as accelerated coastal erosion will follow a nonregenerated harvest.

"I could see the whole ecosystem disappearing in my lifetime," Wilson says.

"I could see the kids in the future looking back at the pictures and seeing the whole forest gone -- and for cypress mulch."

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**ATCHAFALAYA
BASINKEEPER**
A cypress-tupelo forest in the Ivory Swamp.

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**ATCHAFALAYA
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The same Ivory Swamp cypress-tupelo forest after loggers cut its larger cypress trees for mulch.

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Tour guide and environmental activist Dean Wilson holds a steaming pot of boiled crawfish that he harvested near his home in the Atchafalaya Basin.

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The end product of cypress forest harvesting in Louisiana is mostly bags of mulch that claim they were harvested in an environmentally friendly way. Conservationists say loggers are cutting trees from nonsustainable stands, meaning they don't easil regenerate themselves.

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A caterpillar lifts a cypress log onto a portable mulching machine near Port Allen that Dean Wilson says makes only gardening mulch.

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