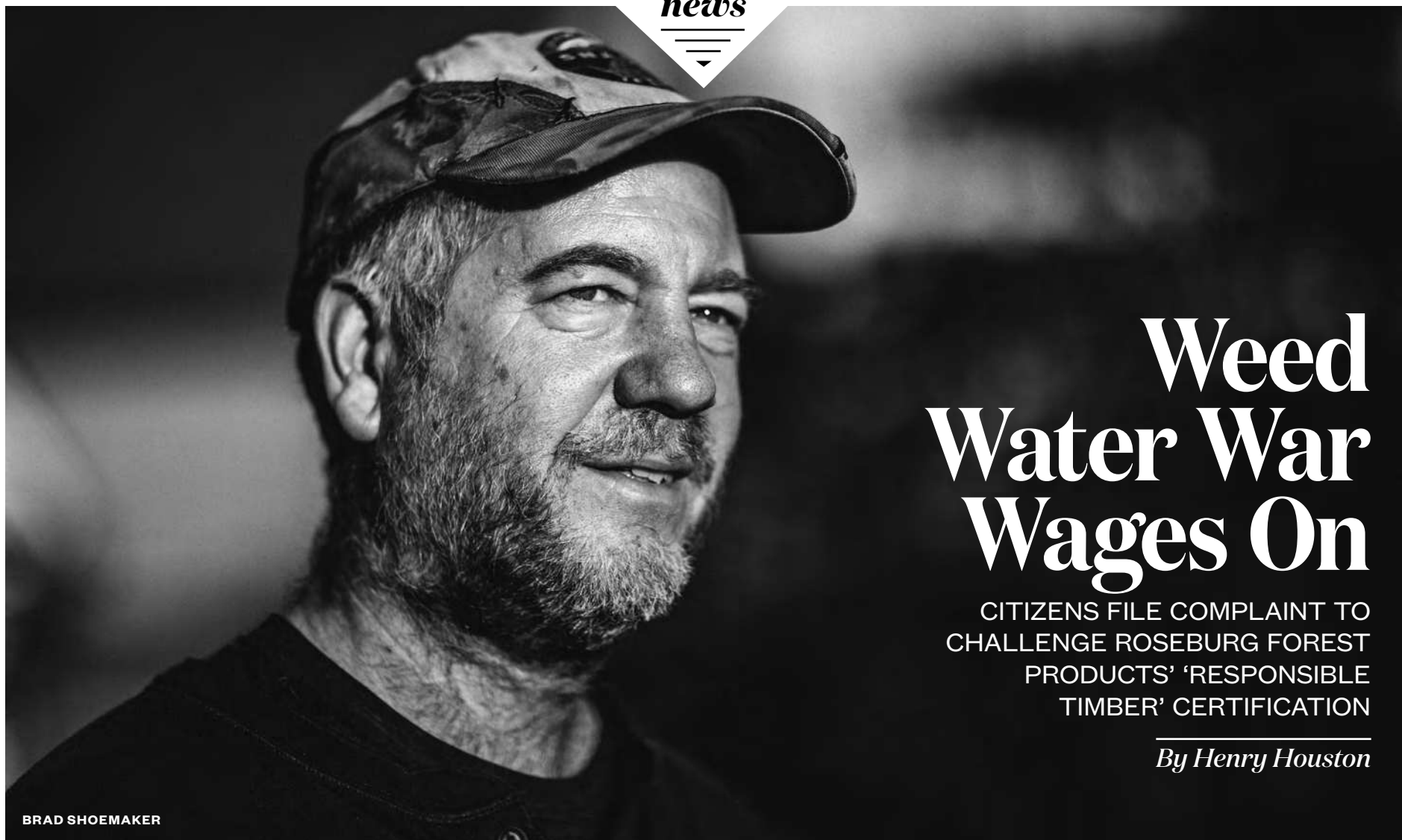




BRAD SHOEMAKER

Weed Water War Wages On

CITIZENS FILE COMPLAINT TO CHALLENGE ROSEBURG FOREST PRODUCTS' 'RESPONSIBLE TIMBER' CERTIFICATION

By Henry Houston

One thing the city of Weed, California, is known for, aside from its name, is its pure spring water that flows from the faucet — or out of a bottle of Crystal Geyser.

The city of Weed has a population of 2,716, and it's still fighting the multinational company Roseburg Forest Products over access to its water resources. Water for Citizens of Weed filed a complaint Feb. 27 against Roseburg Forest Products with Forest Stewardship Council (FSC).

The group alleges that the timber company, which operates a lumber mill in Weed, has violated their human rights by trying to control the city's primary water resource and abusing the legal process to silence their protests.

Roseburg, however, says it's just trying to claim the water rights that it bought in the 1980s.

Brad Shoemaker, spokesperson for Water for Citizens of Weed, says sending the complaint to Forest Stewardship Council is a way to engage the company on the ethical problems of forcing the city to hand over its water resources.

It would hit them in the wallet, he says.

"If you have that kind of certification," Shoemaker says, "you can sell your products to the green building industry, the people who want to source wood from sustainable sources. You know the company is being a good steward of the forest where they're getting their products from."

Roseburg received its certification in 2000, making it one of the earliest companies to pursue the sustainability certification. In 2016, the company received an FSC Leadership Award for being one of the longest continuously certified companies in the U.S., according to a statement from Roseburg Senior Vice President Stuart W. Gray, who's also the company's general counsel.

"It's not just about your forest and what you're doing about cutting," Shoemaker says. "An important part is how you treat communities where you operate."

Brad Kahn, FSC communications director, says its mission is to promote environmentally appropriate, socially beneficial and economically viable management

of the world's forests. It developed the "Policy for Association" in 2007 to specifically describe what sort of behavior is unacceptable because it recognized member behavior affects FSC's reputation and mission statement.

Water for Citizens of Weed filed a Policy for Association complaint to FSC International, alleging that Roseburg is violating human rights of the city's residents.

The northern California city is a former company town. International Paper, when it owned the water resources, made an agreement with the city that dedicated 2 cubic feet per second of water for 50 years, priced at \$1 per year.

When International Paper left town, no clear documentation was left behind that clarified who owned the water resources, the Water for Citizens of Weed's complaint says.

Crystal Geyser-Roxane came to Weed to inquire about buying water to sell as bottled water. Roseburg Forest Products, which purchased mill property in the city in 1983, sold the water to the water company. In 2014, Roseburg Forest Products notified Weed residents that it would no longer acknowledge the water deal made by International Paper. This decision was made to sell more water to Crystal Geyser, according to the complaint filed to Forest Stewardship Council International.

Water for Citizens of Weed says it is asking Roseburg Forest Products to recognize the city's past water arrangement and for the company to drop the strategic lawsuit against public participation (SLAPP). The SLAPP lawsuit targets nine individuals in the city, including a 92-year old former mayor and retired mill employee.

The legal fees have cost the city more than \$400,000 as of December 2018.

SLAPP suits are used as a harassment tool, according to Civil Liberties Defense Center (CLDC). CLDC references *Gordon v. Marrone*, a 1992 New York Supreme Court Case, in which the court stated that SLAPP filers use it to force the defense to bear legal expenses to discourage future activism.

"Through suing people who are merely trying to protect a community's water and speaking out on the issue and asking their government agencies to investigate

and look into the situation, which is what we were doing, it's a punitive thing — a violation of First Amendment rights to speak out on issues," Shoemaker says.

He adds that the city of Weed and its residents can't afford to shoulder the burden of paying future legal costs to keep fighting.

Gray of Roseburg Forest Products told *Eugene Weekly* that the ongoing litigation, which is only asking the court to uphold the company's water ownership rights, does not concern the company's FSC certification.

However, FSC has a policy that certificate holders must not violate traditional or human rights violations. The organization defines human rights according to the United Nation's *Universal Declaration of Human Rights*.

FSC certifications pulled due to human rights are rare in the U.S., Shoemaker says.

"Most cases are in places like Cambodia or Indonesia, the Congo," he says. "It's a very rare mechanism to have applied in the U.S."

Water for Citizens of Weed received help from a coalition of environmental nonprofits (including Greenpeace, Earth Rights International and Environmental Investigation Agency) in putting together the complaint.

Shoemaker says residents will have to access water by drilling for groundwater, which not only will require more energy to acquire but its availability is uncertain with the future of climate change. The spring water resource in Weed is otherwise fed through pipes and goes into resident's homes.

"It's a good, green system," he says. "That's what Roseburg is taking away from us."

He adds that the city built the water delivery infrastructure and that Roseburg uses it to get water to its mill.

FSC says the organization is aware of the complaint. The procedure for processing the complaint begins with sending an acknowledgement within 10 days of receiving it. Then FSC International has 20 additional days to either accept or reject the complaint.

"I'd like Roseburg to respond and not get disassociated from FSC but to meet our demands," he says. "That would be a much better outcome." ■