

Allegheny Forest Alliance

Summer 2008 Newsletter

Inside this issue:

- * *What's going on with SRS?*
- * *Declining Visitors across ANF*
- * *Recreation Facilities Analysis*
- * *Landmark Court Decision*
- * *Summer Board Meeting*

Phone: 814-837-9249

Email: afa@penn.com

Web: www.renewableforests.com

NOT SO SECURE RURAL SCHOOLS

Perhaps the question most often asked of me is “What’s going on with SRS?” The acronym stands for “secure rural schools” and is a short version referencing PL 106-393, which was officially called, Secure Rural Schools and Communities Self-Determination Act of 2000. You may recall the law was passed at the end of the Clinton Administration to replace traditional 25% payments from the USFS. The reason for the switch was quite simple. Timber harvesting had gone in the tank in the late 1980’s causing a severe strain on school and road maintenance budgets across the country.

What caused the logging to go in the tank? It was primarily due to strong lobbyists in DC highly funded by preservationist groups. They began to paint the USFS as villains bent on destroying our national forest and its habitat. The theme spread to all corners of our society including our educational system where text books began indoctrinating students with the thought that cutting any tree was an evil act. More and more federal land across the country was being removed from production by various legislative acts as a result of relentless preservationist pressure. The final nail in the sustainable management coffin came with the passage of the Northwest Management Plan, which focused on saving the spotted owl. Harvesting in that region of the country fell dramatically in the last decade and a half of the twentieth century.

Preservationists had more than their foot in the door of Congress at this point and their efforts affected harvesting nationwide. The ANF was no exception. By the late 1990’s, timber production on the Allegheny also dropped by nearly 80%. In fact, production nationwide dropped from nearly 12bbf per year to 2bbf. The effect on 25% payments, which were meant to assist school districts and municipalities, was devastating. Hence “Big Brother” was sent to the rescue. Keep in mind that same “Big Brother” had just reneged on their pledge to provide adequate funding in the form of 25% payments to assist local taxing bodies strapped with national forest land. Could “Big Brother” fail us again?



SRS was funded for six years at a rate equal to the average of the highest three years of 25% payment between the mid 1980’s and 2000. The intent of the act was to serve as a safety-net until school districts and municipalities negotiated better conditions with their local national forest personnel. The problem was, as is often the case when the “Big Brother” provides a handout, remaining on the dole was much more expedient than working for increased production. In addition, the preservationists applauded SRS and its perpetuation because educating children should not be linked to killing

trees. Hence, sustainable management declined even further and communication among local partners continued to erode.

As the situation unfolded, PL 106-393 sunset in 2006 and the last SRS payments went to school districts and municipalities in 2007. Efforts to reauthorize the bill failed for several reasons, many of which continue to plague efforts today. The Feds did see fit to extend the law one more year in 2007 at the current rate, but as of this writing nothing is on the horizon to resurrect or perpetuate SRS.

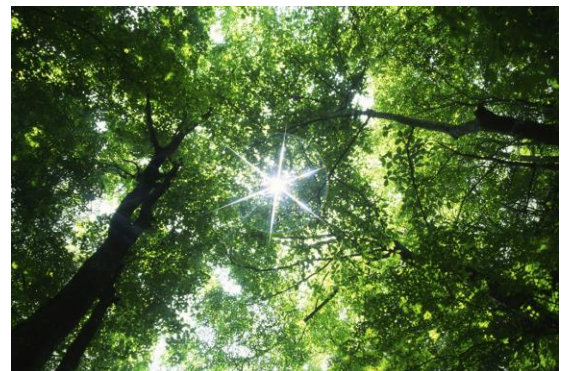
Several problems affect reauthorization, most of which can be categorized as political. All sorts of contingencies have been added that for the most part make efforts unattractive to the majority. One of the biggest problems is offsets. Where will the money come from to finance the bill? Democrats want to raise taxes on oil and gas producers while Republicans want to use royalties from deep sea oil and gas exploration. Guess which side the preservationists support. Even though the Democrats maintain a majority in Congress, it is not a super majority. Hence votes continue to fail. Then, there is the issue of the House wanting just a one year extension while the Senate prefers a multi-year approach.

Latest versions of the bill also include a ramp down over the life of the act by 10% per annum to serve as a weaning off effect. In addition, some western Democrats proposed a one year hold harmless for three of the eight states most affected by the ramp down. Pennsylvania was not included. Most current efforts also include a provision to fully fund PILT, sponsored mainly by notable western Democrats. This will do little for folks on the Allegheny because roads or schools are not managed by county government, the sole recipient of PILT payments.

All this political maneuvering has born little fruit and is not likely to do so even though the Administration has indicated support. Senator Ron Wyden (D-OR) continues to attach his reauthorized version to any bill going through the Senate while Representative Greg Walden (R-OR) crafts his own version for the House to consider. Both, however, must navigate through conference where they will meet stiff resistance, evidenced by their recent failure in both the war supplemental and Agriculture bills. So much for depending on “Big Brother.”

So, what is likely to happen? One obvious result will be the return to 25% payments, pitiful as that is likely to be with little or no harvesting. Rural school districts and municipalities will experience severe budget shortfalls requiring hard decisions similar to the kind ANF district rangers announced recently with respect to recreational facilities. When revenue is short, operations are curtailed. The other possibility is at the eleventh, Congress will offer another one year extension and we will be on bended knees again in 2009.

Keep in mind Congressman Peterson said a couple years ago SRS is, and I quote, “Small potatoes.” Indeed, compared to the billions of dollars Congress throws in all directions, \$400M is small potatoes. Consider this case in point. Senator Max Baucus (D-MT) forced a \$250M earmark into the recently passed farm bill to back bonds for the purchase of 320,000 acres of private land in his state in order to protect it from development. At the same time SRS was being slashed from the bill. Details of that story are in another article in this edition. Unfortunately, we suffer from a serious lack of political capital in our neck of the woods causing “Big Brother” to concentrate efforts elsewhere.



CLOSE IT BECAUSE THEY ARE NOT COMING

Most of us, I'm sure, are familiar with the line from the movie "Field of Dreams" that said, "Build it and they will come." Unfortunately, that is not the case when applied to most of the recreation facilities across the ANF as a recent analysis concluded. As a result, the district rangers at both the Bradford and Marienville stations concluded that many facilities needed to be decommissioned.

Although continuing budget shortfalls were generally cited as the reason for the decision, the plain fact is these facilities are not being used. It makes little sense from a budgeting standpoint to continue to pour resources into recreation facilities that are grossly under utilized and I for one commend the rangers for being prudent, particularly in light of their dwindling resources.

The decision should not be a surprise to anyone. In addition, ample facilities will remain open to accommodate the limited amount of visitors that avail themselves of the opportunity to experience a part of "PA Wilds!" I'm sure however, the preservationist crowd will be filled with anxiety because of this reality check. In all honesty, such should not be the case.



For the past twenty years the percentage of Americans engaging in other nature-based activities has declined according to a recent study done by Oliver Pergams, a University of Chicago biology professor. The decline has been very sharp since the 90's. Pergams contends that those who do not visit natural places might not fight so hard to protect them. Could that be the case with the budget folks in Washington?

Mark Barrow, a Virginia Tech environmental historian, reflects on the changing trend over the centuries from seeing nature as something evil to be tamed, to viewing it as a source of wealth and then as a romantic playground. Now perhaps the "wild" has become something you visit at the zoo or on plasma-screen television. He terms it "the era of mediated nature" and concludes, "It clearly seems to be the case that we seem to not need to experience the natural world in the ways that we did previously." Reflecting on the latest generation adds clarity to that statement for sure. Clearly, building it and maintaining it will not cause them to come.

Could the Forest Service dilemma have been expected? Most of the facilities were constructed pre-1980 and were highly utilized during that period. But, such is no longer the case. Declining visitors means declining dollars. Add that to a declining budget for maintenance and you have a perfect storm. Simply put, the facilities are no longer affordable under existing circumstances and even if they were, few would use them.

You may also recall the FEIS for the current forest plan concluded there will be no appreciable increase in visitors to the forest over the next twenty years. Certainly, that makes the rangers' decisions that much more tangible. The limited resources the Forest Service receives can be better applied in other line-items.

OPPORTUNITY LOST

Recently, the local Forest Service issued a statement regarding the recreation facilities analysis (RFA) they have been working on for several months. The entire recreational spectrum on the ANF was analyzed from a pragmatic, dollars and cents perspective. While much is being offered, little is being used. Therefore, they have recommended closing many facilities to concentrate their limited resources (money and man power) on those actually being used.

The analysis was in part prompted by flat line budgeting for the ANF over the past several years added to a sharp decline in dollar value. With fewer resources, they are able to maintain fewer facilities. Such a scenario contributes to a downward spiral. The less the facilities are maintained the less the public is willing to use them and the less the public uses them, the less reason to maintain or even offer them.

As expected, preservationists of all sorts condemned the proposal, contending the Forest Service harbored some “hidden agenda.” They further contend the actual reason for the cutback is to facilitate oil and gas development, a natural progression in thinking for some, especially when suing the Forest Service for their perceived role in promoting OGM development. So much for a pragmatic look at facility use. The previous article in this addition offers a more logical, less sinister reason for the cutbacks.

Much of this negative response could have been avoided had the Forest Service engaged in coordinated planning with local governmental agencies, a process that is in fact required by law. The National Forest Management Act (NFMA) states: “the Secretary of Agriculture shall develop, maintain and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land resource management planning processes of State and local governments and other Federal agencies.” (__Emphasis added)

By working closely with local county commissions that also do land and resource planning, potential deals may have been made that would have kept some facilities open. Certainly, all county plans include recreation and tourism as an integral part. To that end, resources are available or can be accessed by county agencies to assist in that endeavor. The “partnership” suggested by the two district rangers relative to continued facilities maintenance quite possibly could have been negotiated through coordinated planning before the proposal went public, thus avoiding the black eyes.

SHOCKING JUDICIAL DECISION

Many thought they would never live to see the day when the 9th Circuit Court of Appeals, the most liberal circuit court in the federal system, would issue the decision they did recently. For those of you who have not heard, on July 2, a panel of eleven judges was unanimous in its landmark decision entitled *The Lands Council v. McNair*. By doing so the court reversed several bad opinions over the past decade that second-guessed Forest Service decisions and extended its authority to the project level of forest planning activity.

The unanimous decision was written by Milan Smith, the brother of Senator Gordon Smith (R-OR) and a 2006 court appointee of President Bush. Judge Smith convinced the panel they were meddling in matters beyond their expertise and by doing so have virtually crippled the logging industry in the region. It was not the role of the circuit court judges, in his opinion, to serve as



scientists charged with determining the validity of Forest Service assessment. No kidding!

Scott Horngren, a Portland attorney who has done work for the AFA, said the decision was “long overdue.” He stated that it seems the court now recognizes the need to manage forests for multiple uses as the law requires rather than just for wildlife or non-use as preservationists insist. The so-called “Pillars of Sustainability,” which include ecological, social and economic standards, should be the driving force behind the management perspective and should be treated equally in the analysis process. To that end the court held that district court judges must properly consider the potential loss to interveners as well as all other economic effects and also the potential risks of no action such as catastrophic fire, insect infestation and disease.

The court further opined that to require the Forest Service to “affirmatively present every uncertainty in its EIS would be an onerous requirement, given that experts in every scientific field routinely disagree; such a requirement might inadvertently prevent the Forest Service from acting due to the burden imposed.” Does that sound like the “gridlock” to which recent USFS chiefs have referred?

Overall, this decision sets right a myriad of bad decisions that have plagued the nation most of which have emanated from the 9th Circuit. When asked by reporters what may have prompted this landmark decision, Ag Undersecretary Mark Rey, who is in charge of the USFS, was quoted as saying “One possibility is that the smoke helped improve their vision.” He commented further that it was the most important legal decision in a national forest environmental case in two decades. Indeed so.

SUMMER BOARD MEETING TO BE HELD

The 2008 summer board meeting of the AFA will be held at noon on August 12 at the Olmsted Manor in Ludlow. A light lunch will be provided followed by the board meeting. Please plan to attend this quarterly session as several important issues will be presented for discussion.

Your membership contribution for 2008 is due. Payment ensures you are represented in advocating for multiple-use management and a sustained yield on the Allegheny National Forest. Thank you.

Allegheny Forest Alliance
22 Greeves Street
Kane, PA 16735

