

Allegheny Forest Alliance

Fall 2004 Newsletter

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Forest Service Being Suited Yet Again!

The USFS is once again being sued by the Allegheny Defense Project (ADP) for their attempt to clean up some of the windthrow created by the July 2003 windstorm. The suit was filed in Pittsburgh District Court on September 23 along with a request for a preliminary injunction to stop any further clean-up activity.



Rather than seek free legal services through the Environmental Law Center at the University of Pittsburgh, this suit was filed by "Wildlaw," an organization funded largely by preservationist groups familiar to most. The suit charges the Forest Service with misapplication of a tool created by the Bush Administration called "categorical exclusions." Under this regulation, the Forest Service is permitted to address catastrophic events such as occurred in July, 2003 in an expeditious manner. In short, to clean up the mess in a year rather than three to four years as is normally the case when a project is proposed.

The ADP contends the use of "categorical exclusions" violates their rights under "National Environmental Policy Act" (NEPA) because it denies what they consider to be appropriate comment. In addition, they contend the nineteen small projects scattered across the forest should be lumped into one project thereby requiring the elongated process for planning.

Keep in mind, the fallen timber has an economic life that extends from approximately six months to two years depending on the species. Therefore, not only would cleaning up the mess benefit the health of the forest and provide greater safety for forest visitors, it would also enhance the local economy.

But as is normally the case, obstructionists such as ADP could care less about the economy and if they can keep the case alive for a year or more, they know whatever value the windthrow may have had will be lost and will never recovered. This is classic monkeywrenching, delay as long as possible until the project is no longer of value to anyone commercially and clean-up will have to be subsidized because no value is left in the product.

Bottom line, the taxpayers suffer twofold, they must fork over money to defend the frivolous lawsuit and then fork over additional money to clean up the mess from roads, trails and recreation areas upon which forest visitors have come to depend. The tactics of the ADP become more apparent daily and they are not for "the greatest good for the greatest majority in the long run."

Board of Directors Meeting Slated for Nov. 9

The fall meeting of the Board of Directors is being planned for **November 9th** at the **Olmsted Manor in Ludlow, PA**. The **noon meeting** will proceed with a lunch followed by a business meeting in Hickman Hall. All Board members are encouraged to attend this important meeting for there are several issues that require Board consideration. Reservations must be made by contacting the office at 837-9249 prior to the scheduled date in order to make appropriate arrangements.



Forest Planning Sessions Continue

The ANF Forest Plan Revision Interdisciplinary Team offered yet another set of day-long public meetings on September 10 and 11, in DuBois and Warren respectively. The reason for these specific meetings was to receive input regarding the **Summary of the Draft Analysis of Management Situations** recently completed by the Planning Team with the intention of developing alternatives for the identified issues. This document itself is a synthesis by Team members relative to input from on-the-ground analyses, review of current regulations and input from 192 separate individuals and interest groups.



To say the least, the document is worth scrutiny by all who have an interest in the ANF. The direction in which Forest Service plans are headed becomes exceeding clear and for those of use who believe national forests requires supervisory decisions made in the interest of local beneficiaries primarily as the **Transfer Act of 1905** directs, you are in for a big surprise.

I encourage you to read the 100-page document in its entirety, but ask that you pay particular attention to the "Forest Vegetation Management" and "Social and Economic Sustainability" sections. I am sure you will be dismayed by the implications inherent in both. Indeed, the future for rural Americans living in and around the ANF will not benefit from what is being proposed in these and other sections of this draft. Nor will our culture and customs. Please take the time to review it and by all means jot down appropriate comments. Forward them to:

Dennis Mattison, Project Coordinator
Allegheny National Forest
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Warren, PA 16365

You may access the **Summary of the Draft Analysis of Management Situations** on the Forest Service site at: "http://www.fs.fed.us/r9/forest/allegheny/project/forest_plan_revision/NOI-From-Federal-Register.pdf" or you can simply call (814) 723-5150 and request that a copy be sent to you. As the lottery folks say, "You can't win if you don't play."

Busy Agenda for the Executive Director



The fall of 2004 has proven to be extremely busy for the Jack Hedlund as executive director of the **AFA**. First and foremost was the forest planning sessions scheduled for early September where the Planning Team rolled out the draft summary of their analysis for management. At those meetings, participants were asked to separate in groups with the intention of developing alternative solutions to the various planning issues (i.e. recreation and special areas, habitat diversity and vegetation management). The "collaborative approach" of mixing diametrically opposed participants in groups proved to be unproductive and frustrating to say the least. It is unfortunate indeed given the importance of intended data.

The second meeting for Jack Hedlund was in Toronto where he delivered an address to representatives from the **Hardwood Plywood and Veneer Association (HPVA)** in late September. The topic of the presentation was conditions on the ANF. The hour-long PowerPoint presentation was well received and several representatives expressed the need for becoming more cognizant of conditions on the ANF, particularly as it relates to black cherry production.

In mid-October, Jack and Doug Carlson will represent the **AFA** on different panel discussions at the **Society of Environmental Journalists (SEJ)** convention at Carnegie-Mellon University in Pittsburgh. Doug will be discussing wilderness issues along with panel members, Kirk Johnson of "Friends of Allegheny Wilderness" and Kevin Elliott, Supervisor of the ANF. Jack will be on a panel along with Jim Kleissler of ADP and Dr. Susan Stout, Director of Forest Research at the facility in Irvine, Pa., and will be discussing Eastern forest issues.

In late October, Jack will head to Madison, Wis., to attend the Executive Committee meeting of the **National Forest Counties and Schools Coalition (NFCSC)**. This meeting will lay the groundwork for consideration of

reauthorization of the safety-net legislation due to sunset the end of next year. Hearings are being scheduled on this important piece of legislation for the first three months of 2005 and all “ducks must be in line” for those hearings. **If anyone would like more details regarding any of these sessions, please do not hesitate contacting Jack at 814-837-9249. He would be glad to fill you in on the details of any or all of these meetings.**

Lawsuit Abuse Reduction Act (H.R. 4571) Passes House

In mid-September, the House of Representatives took decisive action to curtail abuse by obstructionist organizations with the overwhelming passage of **LARA** or **H.R. 4571**. The bill is designed to address frivolous lawsuits so often initiated by extreme preservationists bent on driving their self-righteous ideology down the throats of the law abiding majority.

Rarely do these efforts prevail in court as our experience has shown. Suits initiated by the ADP have prevailed on only three of over twenty counts. But they do accomplish their intended purpose, which is to monkeywrench the system. In all honesty, they are quite effective because the odds are in the obstructionists' favor. They can win the suit outright or they can delay the process long enough for conditions on the ground change to where the intended project can no longer move forward. Or, they can lose the case. Under these scenarios (win, delay or lose) they prevail on two of the three outcomes. Most would accept those odds.

H.R. 4571 will undoubtedly find far stiffer resistance in the Senate next session. Even though the November election will have a huge bearing on the bill's success, we must do all we can to move this bill forward, and I encourage you to keep this issue on your radar screen. When it is brought up in the Senate, you must contact your Senators and insist they support this bill, if for no other reason than to save the taxpayers money fighting these ridiculous suits. Be assured we will keep you abreast of the situation when it surfaces in the Senate.

Preserving to Producing: The Transfer Act of 1905

Of all the federal legislation passed over the years pertaining to national forests, perhaps the least referenced is the **Transfer Act of 1905**, for reasons not quite understood. This Act is a hallmark in a long line of decisions that direct how national forests are to be administered.

First and foremost, the Act transferred the national forest system from the Department of Interior to the Department of Agriculture. This may seem innocuous enough, but in fact is very significant for the former department is entrusted with preserving resources while the latter is responsible for producing resources. The following passage pertaining to the Act comes from a letter sent by James Wilson, Secretary of Agriculture to the Chief of the Forest Service on February 1, 1905. The direction it provides is very clear and precise:

“You will see to it that the water, wood and forage of the reserves are conserved and wisely used for the benefit of the home-builder first of all; upon whom depends the best permanent use of the lands and resources alike. The continued prosperity of the agricultural, lumbering, mining, and livestock interests is directly dependent upon a permanent and accessible supply of water, wood and forage, as well as the present and future resources under businesslike regulations, enforced with promptness, effectiveness and common sense.

In the management of each reserve local questions will be decided upon local grounds; the dominant industry will be considered first, ...; and where conflicting interests must be reconciled, the question will always be decided from the standpoint of the greatest good of the greatest number in the long run.”

Two very important charges are leveled by this directive. First, the Chief of the Forest Service is to ensure a supply of water, wood and forage to benefit the home-builder first. Second, management decisions for each reserve are to be made locally with the interest of the dominant industry considered first. Just as importantly, “greatest good for the greatest number in the long run” pertains to the local region under this directive, not the entire nation.

One must ask why the Forest Service has strayed from this primary objective?



Reminder: Keep your membership current. Payment helps to ensure that your voice is represented in advocating multiple use of the Allegheny National Forest and other public lands. Thank you!

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