

Allegheny Forest Alliance

Fall 2005 Newsletter

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ANF Endangered, Indeed!

By Jack Hedlund, AFA Executive Director

A news release recently hit the airways entitled “ANF listed as endangered.” While I certainly agree with the assertion, the reasons are completely opposite of what I read in the article.

A left wing, preservationist organization called the *National Forest Protection Alliance*, which is based in Charlottesville, Va., trots out their list of endangered national forests bi-annually couched in a zero-cut ideology. The ANF became a target forest because of “logging for black cherry” and “oil and gas drilling” even though the 3rd Circuit recently ruled managing for black cherry was indeed legitimate and the fact that 93% of the subsurface rights on the ANF are privately owned.

The article further asserts that there is no need to exploit national forests for timber resources because only 2% of the nation’s wood supply comes from nation forests and in addition it would better serve our country to use alternative materials. What ridiculous assertions!

First, the national forests were established to supply the citizens with wood in perpetuity. Clearly, if they are only producing 2% of the supply, they are violating their responsibility. Second, looking to other nations to supply our wood products only increases the trade deficit while transporting the claims of environmental calamity to other parts of the world where far less control is even contemplated. And last, the production of alternative materials such as steel, synthetics and the like are far more damaging to the environment than harvesting wood. Don’t forget, trees on the Allegheny renew themselves completely in 80 years.

Such outrageous claims do nothing to promote the well being of our forests and in fact contribute to their demise. Indeed, the ANF is in danger as are most of the other national forests, but not for the reasons cited. Lack of management, under production, failure to address catastrophic health issues, over stocking of timber, analysis paralysis, countless lawsuits and many other reasons are the real culprits. The sooner the Forest Service faces that fact and ignores the obstructionist drivel from the likes of NFPA, the sooner all national forests will get off the endangered list for sure.



Fall Board of Directors Meeting Set

The Fall ’05 Board of Directors meeting for the Allegheny Forest Alliance will be held at noon on the November 8 at the Olmsted Manor in Ludlow, PA. Lunch will be available followed by the business meeting. All Board members are encouraged to attend.

Federal Court Upholds Forest Service – AGAIN!

Last Thursday, September 15th, a decision was rendered by the 3rd Circuit Court of Appeals in



Philadelphia upholding the Forest Service’s management plan for the East Side Project on the Allegheny National Forest (ANF.) The three judge panel in Philadelphia concluded in their analysis that managing portions of the ANF to feature black cherry was entirely permissible and in fact quite reasonable. The panel further opined that timber profit was a legitimate role for national forest management, thereby lending credibility to the economic portion of the three “pillars of sustainability” (social, economic and ecologic.)

This decision comes after the March 23, 2004 decision by Judge William L. Standish, which struck down nine of ten counts at the district court level that were argued by Plaintiffs (Jim Kleissler, Rachel Martin, Susan Curry, Ryan Talbott, Bill Belitskus, Newkirk Johnson, Heartwood, Sierra Club, et al.) The plaintiff then appealed two counts to the 3rd Circuit in the spring of 2004, which are central to their “zero cut” agenda.

Regardless of the fact that Judge Standish and Magistrate Judge Ila Jean Sensenich saw no merit to their argument, the ADP and other plaintiffs remained convinced the Forest Service was improperly motivated by profit and was managing the ANF to create what they referred to as a black cherry tree farm. In addition, they argued the Forest Service was using even-age silviculture exclusively to perpetuate black cherry.

The struggle for clarification on these important matters has lasted far too long and has cost taxpayers hundreds of thousands of dollars. In fact the East Side Project was stripped from the Forest Service agenda nearly two years ago because project area conditions have altered dramatically over the six years of legal wrangling. Since the project involved salvaging dead and dying trees, they no longer had any commercial value thereby adding to the travesty of the situation.

The Allegheny Forest Alliance has been an active partner with the Forest Service in this lawsuit. We are pleased with the outcome because our constituents fully recognize and appreciate the vital role the Forest Service plays in the struggling regional economy. We will continue to advocate for and support all efforts of the Forest Service to maintain its role as a “good neighbor” as has the 3rd Circuit in its latest decision.

Forest Service Budget

It is well documented that over the nearly 20 year of operation under the current forest plan, only 47% of the scheduled harvest on the ANF has been achieved. Many within the local Forest Service have attributed the shortfall to insufficient funding. While that may be the case a quick analysis may indicate otherwise.

Over the past eight fiscal years, the ANF has received an average of \$12.4M in federal funding. In addition, it was authorized to spend an average of \$4.3M in various permanent and trust accounts such as the Knutsen-Vandenberg Trust Fund and Reforestation and Timber Improvement Fund and Salvage Sale.

While it is difficult to attribute specific expenditure amounts to various assigned goals, the achievement rates may at least indicate where priorities lie.

The “ANF Annual Report for 2004” offers the following composite average achievement rates for seven listed goals:

- Developed recreation – 107%
- Dispersed recreation – 112%
- Wilderness – 173%
- Trail construction – 149%
- Timber – 57% (reforestation 66%, sales 47%)
- Roads – 57%
- Wildlife – 707%

Clearly far greater success was achieved in the categories other than timber and road management. Would it be fair to conclude much of the money budgeted to the ANF is channeled to other activities? Could that be the real reason why there is a budget shortfall relative to timber harvesting? The pie chart provided in the 2004 Report seems to support the same conclusion. While only 18% was allocated for timber related activities, recreation warranted 21% and “Other Budget Categories” a whopping 51%. The pie chart in the 2003 Report is not too dissimilar as well.

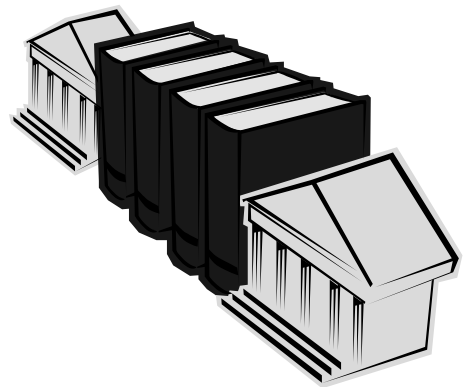
Certainly more analysis would be necessary before a final conclusion could be reached. It would also be helpful if a more detailed breakdown of expenditures would be provided by the local Forest Service.

One Step Forward, Two Steps Back

The AFA and its friends greeted the decision of the 3rd Circuit Court with much gratitude and a sigh of relief. Having spanned several years, it was a long time coming. What made the decision particularly special was the fact that it was stamped “precedential,” making it applicable in future decisions across the land. It seems, however, the elation was short lived.

Less than a week hence, news from an obscure district judge in eastern California (9th Circuit) issued a decision that he too, decided applied nationwide retroactive to July 7, 2005. The case is called “*Earth Island vs. Ruthenbeck*.” The decision presents several damaging consequences.

The root of the case centers around the Forest Service’s ability to apply a management tool called “categorical exclusions” to particular projects. CE was established under the Administration’s “*Healthy Forest Initiative*.” It allows for projects to be designed up to a maximum of 250 acre plots without engaging in extensive environmental analysis accompanied by public comment and appeal. Plaintiffs argued successfully before Judge James Singleton that the use of CE violated the 1992 “*Appeals Reform Act*,” which validates public right to comment and appeal. The USFS reacted immediately to the news as Forestry Chief Dale Bosworth sent a letter to all supervisors suspending any projects using CE. I will add, however, the USDA is seeking a stay while an appeal is being prepared.



What makes this case particularly important is the fact that the AFA is currently involved in a similar case before Judge Ambrose in Pittsburgh District Court. We have joined in a suit with the USFS defending the application of CE as a result of the July 2003 windstorm. Nineteen projects designed to clean up after the storm were challenged in court by preservationist groups arguing the projects did not comply with the 250 acre standard. The case was tentatively scheduled to be heard this October, but to date has not.

The effect the California decision will have on our case is yet to be determined. There are dissimilar facts that may cause Judge Ambrose to dismiss the California decision. Most importantly, the nineteen local projects did seek public comment and all were awarded prior to July 7. Unfortunately, the use of this valuable tool to deal with catastrophic situations has been severely limited by the California decision, perhaps irreparably.

Reauthorization on Hold

By Jack Hedlund, AFA Executive Director



Hurricanes Katrina and Rita have had far reaching effects on the nation as a whole you will agree. What you might not know is the storm has impacted the reauthorization of PL 106-393 (Secure Rural Schools safety-net) as well. It is entirely plausible for the \$500M entitlement aimed at rural communities to be placed on the chopping block given the current environment in D.C.

On a recent trip to Washington, D.C., I learned the watch word on the Hill these days is “reconciliation.” All government committees, subcommittees, departments, etc. have been issued new budget ceilings for 2006, all reflecting a severe drop resulting from the huge sucking sound caused by the war and recent natural disasters. Few are eager to entertain any discussion regarding the continuation of entitlements under these circumstances. Therefore, it is likely no meaningful discussion concerning reauthorization will be broached until FY 2007.

With PL 106-393 scheduled to sunset in 2006, the final payment to school districts and townships within national forests nationwide will be in the spring of 2007. If negotiations for reauthorization stall for any reason during the budget debate for 2007, there may be no safety-net payment for 2008. The system will revert back to the 25% formula.

Congress could exercise other option. They could simply extend PL 106-393 yearly until action is taken on reauthorization. This is a band-aid approach and is being countered aggressively by *The National Forest Counties and Schools Coalition* (NFCSC) in an all-out effort to get reauthorization done in 2007. Personally, I think the chances are better than average they will succeed.

In the meantime, however, forest payment recipients need to be vigilant in their effort to consummate a new forest plan that is most likely to produce higher revenues. It is important for two reasons. First, such a plan could insure an adequate flow of money for roads and schools absent reauthorization. Second, there is a strong possibility the new bill’s language will include opt-in, opt-out potential yearly. If that is indeed the case, regardless as to whether the law is renewed, it may be more advantageous to take the

25% payment in any given year, all things considered. Bottom line, secure a forest plan that meets the socioeconomic needs of the region or take your chances with the federal government.

Age Class Sidestep

One of several problems facing the Forest Service regarding management strategy is the issue of balanced age classification. Documents that address the issue under the current forest plan and subsequent studies refer to a distribution that looks much like the following:

- 0-20 years - seedling/sapling
- 21-50 years - pole timber
- 51-110 years - sawtimber
- 111+ years - old growth

Most analysis to date regarding successional forest mimicked this distribution rather closely until the ***“Draft Alternatives for Forest Plan Revision”*** were recently released. For some unexplained reason, the new distribution looks like this:

- 0-20 years – early seral stage
- 21-150 years – mid seral stage
- 151+ years – late seral stage

Why is this a significant shift? Consider the fact that the ANF is predominantly stocked with Allegheny Hardwoods that by all accounts mature within 80 to 100 years, far more rapidly than all other hardwoods on the forest. Some analysts believe as high as 60% of the current forest inventory is now mature primarily because the ANF was established 80 years ago.

Reclassifying what was considered old growth (111+ years) as now being mid seral opens the door for a much older climax forest, one that will not include Allegheny hardwoods for the most part because they just do not live that long. The new reclassification, however, aligns well to Northern Hardwoods (hemlock and beech predominantly) because their rate of maturity is much longer (150 to 200 years.)

One must wonder, what is the real agenda for successional reclassification in the draft alternatives? It certainly is of no benefit to black cherry, the premier hardwood not only on the Allegheny, but worldwide.



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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