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Allegheny Forest Alliance

Spring 2003 Newsletter

FCPC Issues Recommendation

The Forest Counties Payments Committee (FCPC) recently completed its report and recommendation regarding a permanent solution for roads' and schools' receipts. You may recall federal legislation in late 2000 established FCPC to conduct hearings and develop recommended solutions for Congressional consideration. This act was due to the fact that P.L. 106-393, commonly referred to as the "Secure Rural Schools Act," sunsets in 2006.

After nearly two years of testimony across the nation, FCPC has essentially recommended

"reauthorization" of P.L. 106-393. This law requires the U.S. Treasury to reimburse states with national forests an average of their top three years for receipts minus 15%-20% for local collaborative efforts.



The recommendation by FCPC appears to be motivated by at least two major factors. One certainly seems to be their inability to find no better way to resolve this important financial matter. The other factor is tied to counties in the west that are reluctant to give up money they have become accustomed to receiving over last two years. The amounts distributed in states like Oregon, California and Washington are staggering in comparison to what counties receive in the ANF region.

The report is very comprehensive, particularly so with respect to historical analysis. Eight recommendations received consideration including a return to the default option, 25% traditional payment. None, however, satisfied the criteria used for judgment quite like reauthorization. The criteria leaned heavily on factors that included stable and predictable annual payments.

The news of this recommendation is met with deep concern by **AFA** members. There continues to be a strong belief in the nexus between sustainable yield and stable communities. Decoupling the Forest Service from their compact with local communities is not considered to be in best interest of the citizens in the ANF region.

Forest Planning Seminars Slated

The Allegheny National Forest Service is beginning the process of forest planning that will establish the road map for future management decisions well into the 2020s. This process is expected to take two to three years and will involve a great deal of community input and comment. All of our roles in this process are vital.

The first in a series of events was held Wednesday, April 30 in Sheffield. A cadre of FS representatives from Oregon and Utah are meeting with interested community members at the Lion's Den to discuss the format planning. This meeting and personal interviews, including **AFA** Executive Director

Jack Hedlund, will serve as the precursor for daylong collaborative meeting to be held in DuBois and Bradford. Each will follow the same agenda and will run from 9:00 AM to approximately 4:30 PM.

The meeting in DuBois will be held on Friday, May 2 at the Sandy Hose Fire Hall on 15 Forest Avenue. The Bradford meeting will take place on Saturday, May 3 at the “Hanger” on the UPB campus.

Please consider these important events and choose at least one to attend. The future of our communities may well depend on it.

Judge Rescinds Report on East Side



Quite unexpectedly on March 28, Magistrate Judge Ila Sensenich rescinded her recommendation regarding East Side Project, which was issued last fall. In that recommendation, she decided against the Forest Service in seven of 10 issues brought by the plaintiffs. Along with this decision, Magistrate Judge Sensenich has ordered plaintiffs and defendants to appear before her on May 8 to present oral argument.

This startling new development is of keen interest to the **Allegheny Forest Alliance** since we are intervener with the USFS. Most rural Americans living on the Allegheny Plateau will undoubtedly view this as good news as well. It is assumed this decision will be the precursor to a whole new report.

Perhaps of equal importance is Magistrate Judge Sensenich’s decision to strike plaintiffs’ request for a preliminary injunction to stop all activity on the East Side Project. Without the specter of this threat hanging over the Forest Service’s head, perhaps

more attention will be given to regeneration on the East Side.

We all must be mindful that the final decision on the lawsuit lies in the hands of District Judge William Standish. It is now expected that he will delay his decision until this new round of arguments are complete and a revised report is presented to him.

Safety Net Method: The Way to Go

Early this year letters were sent to all townships and school districts in Elk, McKean and Warren Counties encouraging them to reassess their stance regarding reimbursement from the Forest Service. You will recall the 25% fund was created by law in 1908. It stated that 25% of all receipts collected by the Forest Service for use of and production from federal forests were to be given to the states where the national forests existed and were to be use exclusively to roads and schools.

Over the years since then, the revenues shared by the townships and school districts in the ANF region have understandably fluctuated, but held great promise. When the ANF was created in 1923 it was little more than a “brush heap.” With careful management, however, it has matured into a unique forest ecosystems dominated by Allegheny Hardwoods. These species have a relatively short life span, maturing within 80-100 years. Hence, the ANF has hundreds of thousands of acres of mature trees that could be harvested, thus yielding a lucrative 25% payment to supplement townships and schools.

Unfortunately, preservationist zealots have intervened in the process with a variety of monkey-wrenching activities not the least of which is litigation. The net result is that what could have been for the benefit of roads and schools over the last several years has pretty much dried up. Receipts have been

cut by two-thirds leaving the townships and schools scrambling for funds.

The "Secure Rural Schools and Communities Self-Determination Act of 2000" (PL 106-393) was forged by politicians on both sides of the isle to provide a "safety net" for roads and school managers. It was established for six years to offer relief until a permanent solution could be developed to address this dilemma. The long and short of PL 106-393 was to pay townships and schools an average of their top three years of receipts less 15%-20% for collaborative projects. For the ANF folks, 1996-1998 yielded the highest three-year average.

Townships and school districts needed to decide initially in 2001 whether to opt for the safety net or stick with the traditional 25% payment. At that time, there was good reason to believe the amounts that each program might yield would be very similar. The potential associated with vast amounts of mature forest acreage along with the number of jobs supported by harvesting activities presented a compelling argument. Also, the fact that the safety-net payments do not result from forest activity, but rather comes directly from the federal treasury bore on the decision as well. Three of the four counties remained with the 25% payment leaving only Forest County to opt otherwise.

After the initial two years of PL 106-393, it has become painfully apparent that very little harvesting is being pursued on the ANF with little hope of change in the foreseeable future. As a result, the **AFA** has recommended to the townships and schools to reconsider the payment option for their own survival. The windows of opportunity to enter into the safety net structure are every two years. If the townships and school districts do not select the safety net during

this cycle, there will not be another opportunity until 2005.

2003 NFCSC Report

by Jack Hedlund, AFA Executive Director

Linda and I were fortunate to have had the privilege of attending the "6th Annual National Forest Counties and Schools Coalition Convention" in Reno, NV from March 27-30. In addition, Board member Doug Carlson attended representing Forest County.

The conference had many highlights including a state of affairs report by Forest Chief Dale Bosworth. Program emphasis this year was placed on reports by various RACs (Resource Advisory Committees) regarding their success in promoting on-the-ground activities designed to enhance forest and BLM ecosystems. An entire day was devoted to these presentations.

Of particular interest to me were three developments that emerged out of NFCSC Board of Director's meetings that stand to impact our local situation greatly. First was the review of the recommendation by the Forest Counties Payments Committee (FCPC) that is described in complete detail in another article in this newsletter. Consensus of the Board was that this recommendation is inconsistent with the "Principles" and "Mission" of the organization. Both promote active forest management seen as vital to the enhancement of the compact between the Forest Service and local communities.

Second, was the drafting of a new "Legislative Platform" designed to address the next generation of legislation affecting Coalition members. Emphasis was on transition from safety net legislation provided by P.L. 106-393 to the next round of legislation. Thirteen statements were drafted through much discussion and are

yet to be finalized by the Board. More will be forthcoming regarding this important issue.

Last and perhaps most important is the issue of eastern representation. The need to enlist eastern members has become critical. Board members recognize and were told directly by Mark Rey that legislative efforts in the future will depend on support by eastern Congressional representatives. As it stands, the NFCSC is heavily skewed toward western states bearing western agenda. Not all these concerns play well with eastern Congressmen. Why is this important? I believe it gives the **AFA** a leg up when it comes to strategic development. We are among a very few representing eastern interests and that could embellish our role in future NFCSC initiatives.

In summation, the conference again offered a wide variety of interesting topics, was well attended and proved to be highly educational.

Funding Appeal to Industry

In 1995, prominent timber industries in the region met to address a disturbing trend rapidly developing on the Allegheny National Forest. Shifts in government policy and regulations along with increased pressure by preservationists were making it

increasingly more difficult for the Forest Service to prepare and offer timber sales in a timely manner. Thus, allowable sale quantity (ASQ) was beginning to fall at an alarming rate, far below the amount stipulated in the Forest Plan.

This dilemma prompted industry representatives to contribute substantial funds to organize the **Allegheny Forest Alliance**. The purpose for the organization is contained in the logo, namely the promotion of “sustainable forestry, environmental stewardship and stable communities.”

Early on, school districts and townships were sought as partners due to their reliance on forest receipts, supplementing schools and roads as defined by law. As years passed, responsibility for the financial viability of **AFA** fell heavily on these partners. Prevailing conditions will no longer permit them to shoulder the bulk of the burden. Industry once again needs to step to the plate to continue the struggle. Without their help, efforts to successfully litigate, establish affiliations and promote legislation are unlikely.

We are confident industry will recognize the importance of this problem and step forward to help much the same as they did when the **AFA** was organized.

ALLEGHENY FOREST ALLIANCE:

Phone: 814-837-9249

Email: afa@penn.com

Web: www.renewableforests.com

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!

Allegheny Forest Alliance
22 Greeves Street
Kane, PA 16735

