

Allegheny Forest Alliance

Summer 2004 Newsletter

Phone: 814-837-9249

Email: afa@penn.com

Web: www.renewableforests.com

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East Side Decision Appealed

Not so surprisingly, the ADP, et al, appealed the East Side Project decision in the 3rd Circuit recently. You may recall Judge William Standish's decision confirmed an earlier opinion by the Magistrate favoring the Forest Service on nine of ten counts brought by plaintiff. Having lost substantially once again and being backed into a corner, plaintiff is now lashing out (pro-bono of course) one more time. Actually, this latest in a long line of legal decisions was typical of plaintiff's success rate, but that is only a minor part of the overall agenda.



Given 45 days to appeal following the District Court decision, plaintiff followed customary practice of stretching the process to the limit by filing at the last minute (43rd day). Such a delay maximizes monkeywrenching tactics, which is actually the primary goal of obstructionists. Keep in mind, the East Side lawsuit languished in district court for three years and in fact resulted in cancellation of the then antiquated project.

Interestingly, plaintiff is seeking relief on only two of nine counts lost in the District decision. The first count addresses the contention that the Forest Service manages the ANF as a black cherry tree farm. The second is the common complaint that far too little consideration is given by the Forest Service to silvicultural techniques other than even-aged management. These are bedrock issues in ADP's continuing struggle to achieve the zero cut agenda.

The AFA will continue to act as interveners in the lawsuit on behalf of the Forest Service. Although the cost is considerable, the Board believes it is important to our constituents to do so for social, economic and ecological reasons, the three pillars of forest planning.

Summer Board Meeting Set for Aug. 3

The summer Board of Director's meeting for the **Allegheny Forest Alliance** has been scheduled for noon on Tuesday, August 3rd. It will be held at the Kane Country Club, and all directors are urged to attend. If there are issues deserving the Board's attention, please contact your Board representative or Jack Hedlund at the **AFA** office.

The Forest Service on Wilderness

The Forest Service recently presented the "Analysis of Management Situation" (AMS) for the new ANF Plan scheduled to be rolled out in 2006. Included in the AMS was the determination that only Tracy Ridge, some 9,727 acres, qualifies for wilderness consideration. Using a two-step process that follows the guidelines prescribed for plan revision, Forest Service personnel determined only Tracy Ridge has the characteristics required for such consideration. All others proposed by various third parties fall short under analytic guidelines.

Following the announcement, Forest Service personnel were quick to point out that Congress holds exclusive rights for additions to the National Wilderness Preservation System. Indeed Congress could very well include other areas on the ANF, but one must assume such determination would be made for political rather than qualified reasons. The addition of Tracy Ridge would more than double the amount of wilderness on the ANF, but would fall far short of the 54,000 acres being proposed by wilderness advocates. (*Continued...*)

Interestingly, a similar scenario is playing out on the Green Mountain National Forest in Vermont. There too, 38,000 acres are being proposed while only 9,000 acres meets the criteria. Comments regarding wilderness on the GMNF ran nine to one opposed and I believe the same sentiment prevails on the ANF.



USFS Considering Certification

The **Allegheny Forest Alliance** has long advocated for certification of the Allegheny National Forest. In fact, we financed a modest “Green Tag Certification” for the East Side Project, which currently under appeal at the 3rd Circuit.

The reason for our belief in certification is primarily twofold. First, the Pennsylvania Bureau of Forestry has undergone Forest Stewardship Certification (FSC) with no ill effects. In fact it has added legitimacy to much of their planning at least in the eyes of obstructionists who insist that harvesting trees is an evil act.

Second, the USFS is continually being beat up for their decisions, which often include sustainable forestry. They are taken to task for planning as well as execution and everything in between. Certification allows for independent evaluation of the entire process, perhaps limiting the potential of frivolous lawsuits that occur often under current practices.

Alas, the USFS is considering the possibility. In an article published recently on GreenBiz.com, a forest service spokesperson suggested substituting ISO 14001 for the current forest planning process, which dates back to the 1980s. As we have stated on many occasions, the suggestion for using such a system could go a long way to ensure compliance with international standards for environmental planning, which would certainly reinforce their ability to manage more effectively.

Wild or Domestic?

By Jack Hedlund, AFA Executive Director

Recent editorials in area newspapers extolling tourism would be very much on target would the ANF a park be. Alas, it is not! It is a national forest with a mission quite different than that of a national park. Consider the two:

- National forest: “...to have a healthy, vigorous forest providing wood products, watershed protection, variety of wildlife habitats, and recreational opportunities for everyone.”
- National park: “...to preserve the scenery, the natural and historic objects, and the wildlife of the United States, and leave them unimpaired for the enjoyment of future generations.”

While tourism can indeed benefit the economy of the region, it will not do so to the extent of the wood products industry. A review of a recent study by Dr. Charles Strauss at Penn State supports that fact by better than a \$4 to \$1 margin. In addition, the “quality of life” issues commonly referred to by environmental zealots could not possibly connect to better schools, roads, jobs, support services, or taxable assets. On the contrary, it is little more than a spiritual connection associated with the pantheistic notion that creation is more revered than the Creator.

Make no mistake about it. The word **WILD** means essentially the same thing whether applied to the ADP’s [Allegheny Wild! Citizens’ Proposal](#) or [The Wildlands Project](#) (see www.wildlandsprojectrevealed.org). The same can be said of “wilderness,” “wild and scenic,” “Pennsylvania Wild,” etc. One thing is crystal clear, **WILD** means “not domesticated, not lived in.” Get the point? You can tour there, but do not live there. That is the bottom line.

I know my Swedish heritage may affect my power of reason on occasion, but I do not believe all this **WILD** talk will enhance our rural living standard one iota.

Windthrow Salvage Update

The Forest Service has initiated the process of salvaging last July's windthrow under a federal regulation known as "categorical exclusions." Implemented by the current administration, this regulation improves planning efficiency "where no significant adverse effects are anticipated based on past experience with similar work." Categorical exclusions are designed for the recovery of damaged trees due to fire, wind, ice, insects or disease.

You may recall last July's storm caused considerable damage throughout the region. ANF personnel estimated 10,000 acres were affected, 6,000 acres of which fell in areas designated for harvest management. Analysis is still required to assess effects on threatened, endangered and sensitive species as well as habitat. In addition, project areas for consideration cannot exceed 250 acres, but there is no limit on the number of such projects.

Currently, there are 20 windthrow projects being planned that will salvage approximately 3.5 MMBF. Given the fact that estimates of damage range as high as 50 MMBF across the ANF from the last year's storm alone, many more projects will need to be planned to deal with the issue.

Just Take a 'Hard Look'

A review of the **Healthy Forests Restoration Act of 2003 (HFRA)** passed last December offers interesting insight. The law was primarily designed to address the fire dilemma in the West, but it also applies to the East relative to dead and dying trees caused by various events. More importantly, it was designed to expedite the planning process, which too often has contributed to gridlock.

HFRA substantially reduces the appeal process by front loading public participation and restricting the appeals time schedule. Perhaps most importantly, the law requires judges to consider the consequences of "no action" in their deliberation. In addition, judges are required to grant deference to the Forest Service as the hired professionals provided they have taken a "hard look" at all the consequences in their planning. In other words, the Planning Team has not acted in an arbitrary and capricious manner.

This new review process holds promise for future salvage projects in particular. Rather than being held hostage by obstructionists bent on monkey-wrenching the process while costing the taxpayers hundreds of thousands of dollars per case, the judge simply must determine if the Forest Service has taken a "hard look" while planning regardless of their "Record of Decision."

Make Plans To Attend ANF Workshops

The Allegheny National Forest supervisor, Kevin Elliott issued a statement on June 30 announcing the next round of public workshops regarding the development of a new forest plan to replace the outdated 1986 Plan. Details are highlighted below.

For those who continue to criticize the Forest Service for not providing adequate opportunity for public input, these workshops will bring to eleven the number to date with more planned over the next two years. Although several have been "in the field" so to speak, several have been planned in locations easily accessible to metropolitan areas in the region. Attendance, however, has generally been less than 50 participants per meeting.

In his letter Mr. Elliott stressed the importance of civility, which quite frankly has waned at times in previous workshops. Too often, participants have dominated discussion and accused the Planning Team of ignoring their wishes when the analytical perspectives prove contrary to their own. It is important, therefore, to attend the meetings in order to ensure balanced discussion. In fact, the Planning Team has expressed that desire on several occasions.

This round of workshops is particularly important since previous input has now been synthesized and planning alternatives will be presented. Parties interested in multiple-use and sustainable management need to be in force to voice their support for appropriate choices to achieve that objective. *(Continued)*

The meetings are scheduled for **September 10 in DuBois** and **September 11 in Warren**. Times and places were not disclosed in the letter, but you are urged to mark the dates on your calendar. Attending both meetings is preferred, but by all means plan to attend at least one.

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

