

Allegheny Forest Alliance

Winter 2004 Newsletter

ANF PLAN for 2006

The ANF Planning Team has been actively moving forward with the development of a new forest plan scheduled to go into affect in 2006. The Team is using a collaborative planning approach guided by professional consultants from Oregon and New York.

To date there have been three public comment periods offering forums in Bradford, Warren, Erie and State College. Although attendance is far from what was hoped, input has been spirited and diverse. As the process unfolds, several more opportunities will be afforded the public to engage in discussion concerning the direction the plan takes.

Currently, the planning process has reached a critical stage where alternatives are being developed around specifically selected issues that include *recreation, vegetation management, habitat diversity* and *special area designation*. Alternative plan options will be generated involving such issues as soil and water quality, heritage resources, scenery, transportation systems, monitoring issues, management areas and economics.

Later this spring the alternatives will be presented to the public for further review and comment leading to a draft environmental impact statement (DEIS) presenting the Planning Team's choice for the 2006 Plan. Sometime during the summer months, the public will have yet another opportunity to challenge or support the choice through public hearings.

The **AFA** would encourage all citizens to take an active part in this process since so much is at stake regarding the socio-economic health of the region as well as the well being of our beloved national forest. You are encouraged to watch for public comment announcements and to make your wishes known.

Annual AFA Membership Meeting Held

The annual membership meeting of the **Allegheny Forest Alliance** was held at the Kane Area High School on January 14. Although the wintry weather kept many away, the meeting was lively and informative. Local, national and even international members were in attendance.

By in large the news for the year was positive beginning with the Treasurer Ed Sleeman's report and concluding with a lengthy discussion about such issues as Magistrate Judge Sensenich's latest recommendation concerning East Side, new federal legislation and the current forest planning process.

The meeting concluded with the election of Donald Payne, president of Payne Enterprises and Dale Anderson, Executive Director of the Pennsylvania Forest Industries Association as members-at-large to the Board of Directors.

The Board of Directors will meet on February 3 and included on the agenda for that meeting will be leadership reorganization.

Editorial Comment

By Dale Anderson, Executive Director of Pennsylvania Forest Industry Association

The United States Forest Service and especially the Allegheny National Forest was once a proud organization, a good neighbor and a positive contributor to the rural way of life.

National forest lands were purchased from county tax sales and from the private sector. They were a considerable asset to the area and were by and large managed by very competent staff. The current National Forest system, however, is broken. It does not work as it was intended by the founders of the system. In fact, it has been corrupted through

politics to fail. I suggest it may be time to sell the ANF and others forests like it to someone, anyone with the where-with-all to return these lands to their righteous role in our rural economy.

Currently, the four counties that comprise the ANF have capitulated to PL 106-393 by extortion. This law provides for a safety-net payment taken directly from the U.S. Treasury to help fund townships and school districts. This is nothing more than a welfare payment resulting from the Forest Service's unwillingness and inability to manage the forest to benefit these vital agencies as originally intended through 25% payments.

Surely, in the last 10 years at least, we have seen this valuable asset turn into a complete liability. The ANF has become a lousy neighbor, an unreliable supplier of wood, and a case study in the art of government boondoggle. The net result is a forest in very poor health and a governing agency that has become virtually impotent.

Jim Beers was recently quoted in **EcoLogic** as stating, "Any similarity between Forest Service policies, and the management and use of renewable and durable resources for the benefit of the nation, is purely coincidental." Sad to say, the same can be said about the ANF and its relationship to our local community.

HFRA 2003 Passes

Late in 2003, President Bush was finally given the opportunity to sign his long anticipated healthy forest initiative. After much delay in the Senate, a compromise was hammered out primarily due to the destructive fires in California that burned over 700,000 acres, destroying hundreds of dwellings and killing many people.

The new law promotes the President's commitment to care for America's forest lands, both public and private. As reported, the "Healthy Forests Restoration Act of 2003" will:

- Strengthen public participation in developing high priority forest health projects.

- Reduce the complexity of environmental analysis allowing federal land agencies to use the best science available to actively manage land under their protection.
- Provide a more effective appeals process encouraging early public participation in project planning.
- Issue clear guidance for court action against forest health projects.

Although the bill is heavily skewed toward western fire problems, it substantially addresses infestation and disease issues currently affecting forests throughout the country. This more streamlined approach should afford the Forest Service more flexibility in maintaining healthy, sustainable forest systems.

A Worthy Christmas Gift

On December 24th, Magistrate Judge Ila Jeanne Sensenich issued her revised "report and recommendation" to District Judge William L. Standish concerning the East Side Project. You will recall the ADP *et al.*, in May of 2001, brought yet another suit in Pittsburgh against the USFS attempting to shut down the project. Plaintiffs sought judicial review under the "Administrative Procedure Act" (APA) alleging the Forest Service improperly planned or were in violation the following 10 counts.

- Choosing to manage the ANF as a black cherry tree farm.
- Not giving due consideration to uneven-age management and no logging as alternatives favoring endangered species.
- Using even-aged management because it perpetuates black cherry and gives a greater dollar return.
- Refusing to consider or evaluate additional old growth and implementation of landscape corridors.
- Violating the Land Management Plan by logging 180 acres adjacent to the Tionesta old growth.
- Refusing to acknowledge that logging and related activities have an adverse impact on the Clarion River and Tionesta Creek watersheds.
- Not properly analyzing soil compaction data nor considering mitigation measures to avoid soil compaction.

- Authorizing even-age management on approximately 400 acres of poorly drained soils and riparian zones in violation of the Amended Plan.
- Conducting incomplete and insufficient analysis of the environmental impact of massive herbicide use.
- Not holding public meetings on the East Side Decision was arbitrary and capricious.

After considerable analysis and study since last May's hearing, Ms. Sensenich reversed her opinion on counts I-V and count VII. Whereas in her previous decision (September, 2002) she ruled in favor of Plaintiffs on seven of 10 counts, her new report favors the Defendants on all counts except VIII. Most interestingly, throughout the report she criticizes Plaintiffs for failing to cite any specific material in the record to support their points and even to flat out mis-cite the record.

Magistrate Judge Sensenich is to be commended for thorough review of a tremendous amount of material in order to make a better-informed decision. Certainly, this is a monumental reversal of opinion and we speculate it will have a huge impact on Judge Standish's long anticipated ruling.

NOTE: The entire 125 page "report and recommendation" can be accessed on the **AFA** website at www.renewableforests.com.

Letter To The Editor

The following letter-to-the-editor was written recently by Mark Conolly, an AFA Board member expressing frustration regarding the July windthrow. It states precisely what many folks feel concerning this wanton waste of resources.

"Dear Sir:

"In July 2003, a major windstorm passed through northwestern Pennsylvania leaving in its wake thousands of downed and uprooted trees. The Allegheny Plateau is largely rural and heavily forested. It also has a world-wide reputation for high quality hardwood timber. At the heart of this region is the Allegheny National Forest, 513,000 acres of

second growth timber containing the highest concentration of mature black cherry timber in the world. Preliminary estimates by the USFS were that somewhere between 10-20 million board feet of trees were downed in the storm.

"Throughout the region, landowners are working feverishly to salvage their downed trees because black cherry is the most valuable and highly sought commercial species in North America, regularly fetching prices between \$500-\$1,000 per tree and more. Using conservative estimates, competitive bid prices for the salvageable timber could exceed \$50 million. There is a short window of opportunity, otherwise the trees will degrade and lose their commercial value.

"As it stands today, the USFS trees will most likely stay where they lay because of one small bat. The Indiana brown bat is on the endangered species list. It has a potential range covering most of the eastern deciduous forest and prefers caves normally, but in the listing process the ANF was determined to have a suitable habitat, triggering actions by the USFS to quantify the population.

"They did. In six years of intensive searching, they were able to capture one juvenile male on federal land. Now, according to Supervisor Kevin Elliott, the requirements of NEPA, ESA, and required consultation with USFS wildlife biologists to assess potential habitat disturbance make it virtually impossible to touch the trees. Under a best case scenario, the necessary approvals may fall into place for a limited salvage effort, but not until at least one full budget cycle has passed, by which time it may be too late.

"This is not about clear cutting, old growth timber, global warming or any other forest-related eco hot buttons. This is really about the insanity of well-intentioned regulatory policy being twisted by federal bureaucrats, regulators and special interest groups over time to create outcomes that do not remotely serve the interests of taxpayers. Those trees are valuable assets that will provide jobs, support communities, and provide real revenue to support our economy. What a waste!"

Mark Conolly
Ellicottville, NY

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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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