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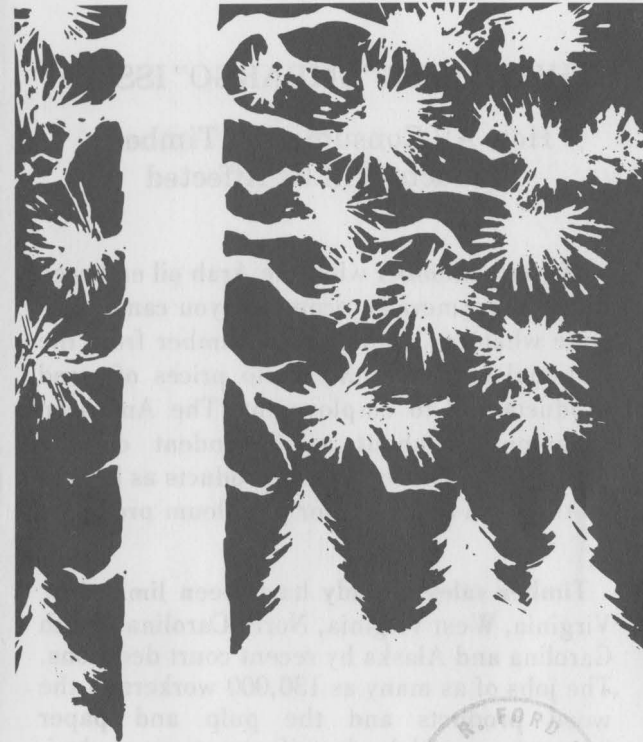
managed so they can contribute their share in meeting the nation's paper and wood products needs. Industry believes the Forest Service should have the flexibility to practice modern scientific forest management without the limitations imposed by court interpretations of the 1897 Organic Act. A bill introduced March 5 by Senator Hubert H. Humphrey (D-Minn.), S.3091, would provide that flexibility. It would allow 75 years of research and experience in forestry to be applied to the National Forests to insure that all of their benefits would be encouraged and perpetuated. Hearings on the Humphrey, Randolph and other pending bills were scheduled for mid- and late-March. The Administration has elected not to sponsor legislation dealing with the Monongahela issue.

The role of Congress is crucial. Only Congress can avert this economic malady — bankruptcies and unemployment, shortages and higher prices, half the wood fiber at twice the cost, loss of county road and school revenues from federal timber sales (in lieu of land taxes), and unsound silviculture. The forest industry supports a permanent legislative remedy that will allow the National Forests to be managed on the basis of environmentally sound forest management principles that consider all multiple-use values. If this is not feasible in an election year, the industry supports the objectives of a number of bills that have been introduced in the House which would suspend the effects of the Monongahela decision until Congress can act, even though preservationists threaten "a bloody battle" on any interim legislation.

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National Forest Products Association
1619 Massachusetts Avenue, N.W.
Washington, D.C. 20036



THE TIMBER "EMBARGO" ISSUE:

How All Consumers of Timber
Products Will Be Affected

THE TIMBER "EMBARGO" ISSUE:

How All Consumers of Timber Products Will Be Affected

If you remember what the Arab oil embargo did to the American economy, you can appreciate what an "embargo" on timber from the National Forests could do to prices of wood products and to employment. The American consumer is about as dependent on the National Forests for timber products as he was on the Arab countries for petroleum products.

Timber sales already have been limited in Virginia, West Virginia, North Carolina, South Carolina and Alaska by recent court decisions. The jobs of as many as 130,000 workers in the wood products and the pulp and paper industries could be lost if recent court decisions were extended across the entire National Forest System. Further, an "embargo" on timber from National Forests could result in shortages and price increases in wood and paper products that would be damaging to the economic recovery now under way, particularly to homebuilding.

The Monongahela issue threatens bankruptcies, unemployment, and shortages and higher prices for wood, housing, paper, and the thousands of other products of the forest. The cause: court decisions strictly interpreting an 1897 law, despite later laws and over three-quarters of a century of broader interpretation and technological advances. Judges suggested the 19th Century law is outmoded -- "an anachronism," said one -- and could cause economic suffering. But they said it was up to Congress and not the courts to remedy matters. Congress, in an election year, may be hard-pressed to do so. Neither Congress nor the

White House wants to act on such a controversy until after the polls close in November. But America's consumers, who will bear the burden, can ill afford to wait.

The Monongahela decision, by the U.S. Fourth Circuit Court of Appeals on August 21, 1975, upheld a 1973 lower court decision that narrowly defined the 1897 Organic Act for the National Forests. It forbade the Forest Service to sell trees from the Monongahela National Forest in West Virginia unless they were dead, physiologically mature, large, individually marked, and removed. The federal government did not appeal to the U.S. Supreme Court. The Forest Service applied the ban throughout the Fourth Circuit, covering nine National Forests in Virginia, West Virginia, and North and South Carolina. Officials warned that the decision, if extended to all 155 National Forests, would end professional forestry for federal timber and "seriously reduce our ability to produce a variety of wildlife habitat." They said it could drop timber production 75 percent in 1976 -- from 12 billion board feet to 3 billion -- and 50 percent for the rest of the century. This is because the court ruling requires harvesting schedules that are 60 to 100 percent longer than at present and prohibits sales of immature trees in thinnings that open the forest to provide light and space for the healthier trees. On December 5, 1975, the first mill closed in Appalachia for lack of National Forest timber. Others were on the brink.

The issue moved West on December 29, 1975, when the U.S. District Court for Alaska agreed with the Monongahela decision. It ordered a halt to a portion of an existing sale, a 50-year, 8.2 billion-board-foot contract, with 26 years to run, on Alaska's Tongass National Forest. At stake

were 1,500 jobs that the company, Ketchikan Pulp, provides in a one-industry town. If appealed and lost, this decision could shut down the entire Ninth Circuit, encompassing such great forest states as Oregon, Washington and California. Other suits are pending, including one against another 50-year Tongass sale involving 1,200 potential jobs.

What do the preservationists want? Forest Service officials say the preservationists who sued the government want to cut the federal timber harvest in half. This, they say, would be accomplished if the court decisions prevail, and at double current administrative costs. They say the plaintiffs want "a shift of timber harvesting from National Forests to private lands." But the industry, with only 13.4 percent of the nation's forestland, can not meet U.S. needs without more, not less, National Forest timber. The United States is a net importer of wood fiber.

The preservationist-plaintiffs favor a bill by Senator Jennings Randolph (D-W. Va.), S. 2926, that would incorporate the Monongahela ruling into law. It contains restrictive management prescriptions that would severely limit professional land managers in carrying out the kinds of activities needed to manage forest land properly for timber, wildlife, water, recreation and all other multiple uses. Independently, the Forest Service and National Forest Products Association estimate that the Randolph bill would reduce harvests in the National Forests by 50 to 60 percent. The bill is opposed by the forest industry and is of serious concern to professional foresters and wildlife management groups.

What does the forest industry want? Industry would like the National Forests

FOREST INDUSTRY SUPPORTS HUMPHREY BILL

The forest industry supports the concept of Senator Humphrey's permanent legislative remedy. It would allow the National Forests to be managed on the basis of environmentally sound forest management principles that consider all forest benefits—water, wildlife, recreation and timber. But if this is not feasible in an election year, the industry supports the objectives of a number of pending bills that would suspend the effects of the court decisions and give Congress more time to develop permanent legislation.

PRESERVATIONISTS DRAFT RIVAL RANDOLPH BILL

The preservationist-plaintiffs, who sued the government, want to cut the timber harvest in half on National Forests in 40 states and lock the court decisions into law. They support a bill introduced by Senator Jennings Randolph (D-W. Va.), which they helped draft, that contains restrictive forest management prescriptions. It would severely limit professional land managers in carrying out the kinds of activities needed to grow trees, and to increase wildlife, water and recreation values.

Independent analyses by the Forest Service and National Forest Products Association reveal that the Randolph bill would reduce harvests in the National Forests by 50 to 60 percent.

CONGRESS MUST BE INFORMED

Members of Congress must be thoroughly informed on these issues as they prepare to debate corrective legislation. Only Congress can avert this economic malady—bankruptcies and unemployment, shortages and higher prices, half the wood at twice the cost, loss of county road and school revenues from federal timber sales and unsound silviculture. Every American consumer has a stake. Every American would be affected by a timber "embargo."

The only remedy is a new law.

Senator Randolph's bill (S. 2926) has been introduced in the House by Rep. George Brown (D-Ca.), where it is numbered H.R. 11894. This bill is even more restrictive than the 1897 law and must be defeated.

The principles embodied in the bill introduced by Senator Humphrey in the Senate (S. 3091) and Rep. Harold T. (Bizz) Johnson (D-Ca.) and others in the House (H.R. 12503), will allow the Forest Service to manage the National Forests for all the benefits of the land—wildlife habitat, recreation and watershed, as well as timber supply.

The Congress needs to know that you support this approach, and members need to know that you want something done now to prevent the possibility of a timber "embargo."

You can write, or wire, your Senators, by name, in care of the Senate, Washington, D.C. 20510, or your Representatives, in care of the House of Representatives, Washington, D.C. 20515.

Only
Congress
Can Avert

A TIMBER EMBARGO

that would:

- Cripple the forest products industry
- Reduce supplies of all paper and wood products
- Threaten 130,000 jobs in 40 states
- Distort the whole U.S. economy
- Ignore 75 years of forestry science
- Slash \$120 million in county income



If you remember what the 1973 Arab oil embargo did to you and the U.S. economy, you can appreciate how an "embargo" on timber from the National Forests could affect paper and wood products as well as employment in many industries. The American consumer is about as dependent on the National Forests for timber products as he was on the Arab countries for petroleum products in 1973.

SHORTAGES AND UNEMPLOYMENT AHEAD

Timber sales already have been limited on National Forests in Virginia, West Virginia, North Carolina, South Carolina and Alaska by recent court decisions. An "embargo" on timber from the entire National Forest system would result in shortages and higher prices for all wood-based products—from lumber and plywood for homebuilding to toilet tissue, disposable diapers and milk cartons. And the jobs of as many as 130,000 workers in the lumber and wood products and the pulp and paper industries—plus those in many allied industries—could be lost.

Cause of the problem is an 1897 law. Recent court decisions have interpreted the law strictly, despite later laws and over three-quarters of a century of broader interpretation and technological advances.

Here are the states where national forests are located. If timber from these forests is cut back 50 to 75 percent, their economies will suffer—but the effect will be felt by everyone who uses paper or wood products. These forests supply 15 percent of our total wood fiber and the Arab embargo took the same percentage of oil from our economy.

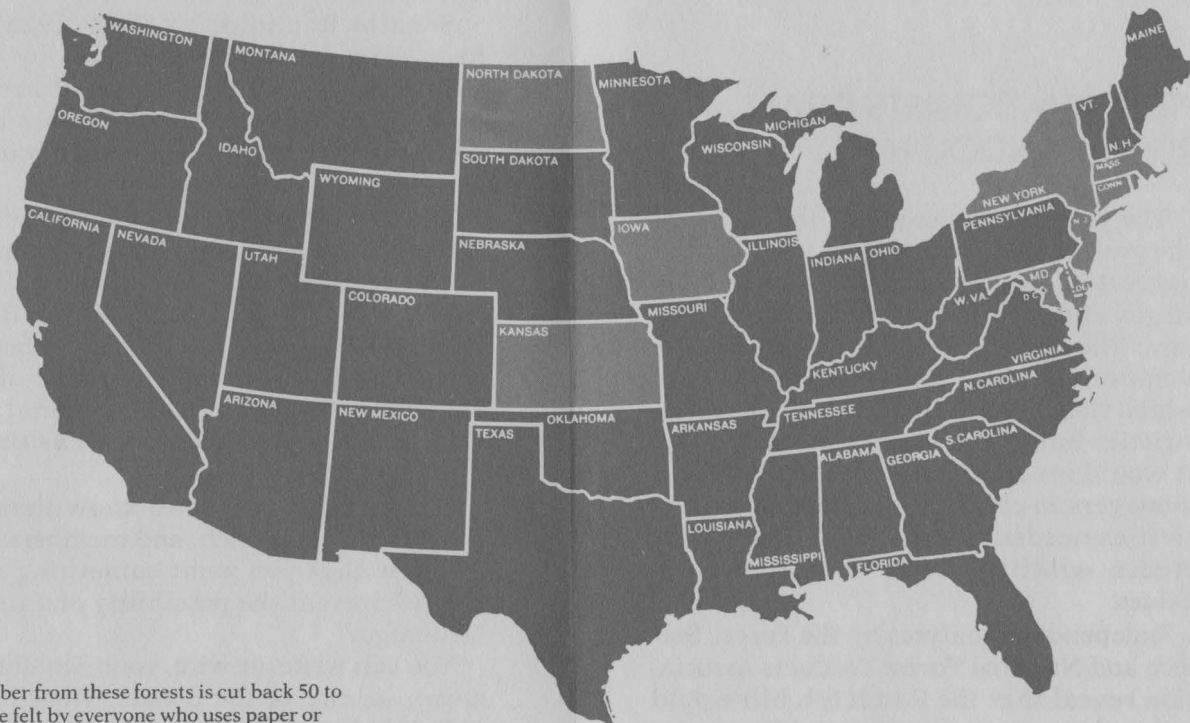
JUDGES SEE LAW AS ANACHRONISM

Judges have acknowledged the 19th Century law is outmoded—"an anachronism," said one—and could cause economic suffering. But they said it is up to Congress, not the courts, to remedy matters. In an election year, neither Congress nor the Administration wants to act on anything controversial until after the polls close in November.

The controversy here is whether National Forests shall be locked up for recreation or used as Congress originally intended—as a major source of products

and jobs. Congress has dedicated the National Parks, and other lands, exclusively to recreation.

The American consumer, who will bear the burden, can ill afford to wait. Congress can avert this economic malady. Senator Hubert H. Humphrey (D-Minn.) has introduced legislation that would amend the antiquated law. His bill would give the U.S. Forest Service, which manages the National Forests, the flexibility to practice modern scientific forest management without the obsolete limitations of the 1897 Act. It is permanent legislation that would allow 75 years of research and experience in forestry to be applied to the National Forests.



pounds per capita, including 32 rolls of toilet tissue per person.

Those 14 mills produced 301,486 tons last year. Their raw material comes from logs. More than half of the logs come from the National Forests.

If timber supply were reduced 50 to 75 percent, as the Forest Service predicts, some of these mills would have to close. Perhaps all of them. You can't run a paper mill at 50 percent of capacity.

Obviously, Los Angeles would eventually have to be supplied. But there would be great confusion for a while, until new distribution channels were set up.

Some mills elsewhere don't use National Forest timber. Their tissue could be sent to Los Angeles. But what about *their* regular customers?

Nobody knows.

SHORTAGES COULD BE PERMANENT

The National Forests supply about 15 percent of the country's total supply of wood fiber. We lost roughly the same percentage of oil during the embargo by the Arab states.

Even those of us who do not use Arab oil felt that shortage, and even those who do not use National Forest fiber will feel this one.

Except that this shortage could be permanent, especially if the court decisions are perpetuated by new laws.

Toilet paper shortages may be funny, until they affect you. Unemployment and economic distress are remote until they hit your town.

A shortage of wood fiber won't be any more fun, or any more remote, than the gasoline shortage.

Senator Jennings Randolph (D-W. V.) and Rep. George Brown (D-Ca.) have introduced legislation that would reduce production of timber on the National Forests by 60 percent. In the

Senate the bill is S. 2926; in the House it's H.R. 11894.

Senator Hubert H. Humphrey (D-Minn.) and many others have cosponsored S. 3091 in the Senate. This bill would permit the National Forests to be managed to the best advantage for all uses—watershed, recreation and wildlife habitat as well as timber supply.

The same bill has been introduced in the House by Rep. H. T. "Bizz" Johnson (D-Ca.) and other Congressmen as H.R. 12503.

COURTS HAVE NO CHOICE

If the courts continue to dominate the situation, they have no choice but to follow the obsolete 1897 legislation that caused this problem in the first place: The courts say it may not be in the public interest, but it's the law.

The only remedy is a new law.

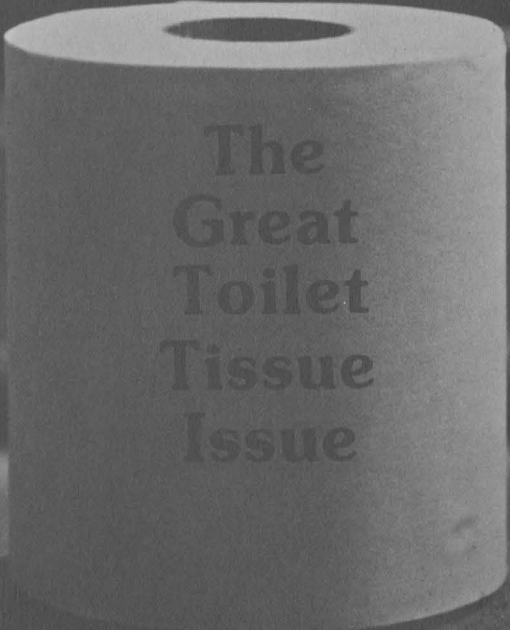
The Randolph-Brown bill would make things worse.

The Humphrey-Johnson bill will protect present jobs and supplies of products and encourage future growth.

The anti-harvesting organizations are well organized and are flooding the Congress with letters.

You should express your views by writing or wiring your own legislators, by name, care of the U.S. Senate, Washington, D.C. 20510 or the House of Representatives, Washington, D.C. 20515.

And you'd better hurry, while you've still got paper to write on.



The
Great
Toilet
Tissue
Issue

Recent court decisions in Alaska and West Virginia are threatening to cut the supply of toilet tissue to Los Angeles.

Legislation introduced by a Senator from West Virginia and a Representative from near Los Angeles would assure continuing shortages.

It may sound ridiculous, but it's true.

That's not all. The same court decisions, and the same legislation, directly affect 130,000 jobs in 40 states, and, indirectly, hundreds of thousands of other jobs everywhere.

HOW IT BEGAN

All this started when the U.S. Forest Service, which manages the National Forests, put the results of some new forestry research into action on the Monongahela National Forest in West Virginia.

One of the purposes for which Congress created the National Forests was production of timber.

Some conservationists want National Forests preserved only for recreation, a need already served by the National Parks.

They cited a law that was passed in 1897 in a suit against the Forest Service, claimed that the procedures being followed on the Monongahela were illegal, and stopped all harvesting in four states—West Virginia, Virginia, North Carolina and South Carolina.

Another group used this case as a precedent and brought suit against a timber sale on an Alaskan National Forest—and won.

The four eastern states were treated alike because they are part of the same federal judicial circuit as West Virginia. Oregon, Washington, Idaho, California and other western states are in the same judicial circuit as Alaska.

The ultimate effect of the Alaska case still is unclear. But the Monongahela suit virtually

closed down the National Forests in the Eastern region.

In West Virginia, the industry gets only 8.4 percent of its raw material from the National Forests, so the only people directly affected are the 7,200 workers and the mill owners.

In Alaska, 88.5 percent of all wood fiber comes from National Forests. In Oregon it's 39 percent, in Idaho 51 percent, in Arizona 75 percent.

The employment picture is different, too. In Oregon it's 84,000 jobs; in California 88,000 and in Washington 64,000.

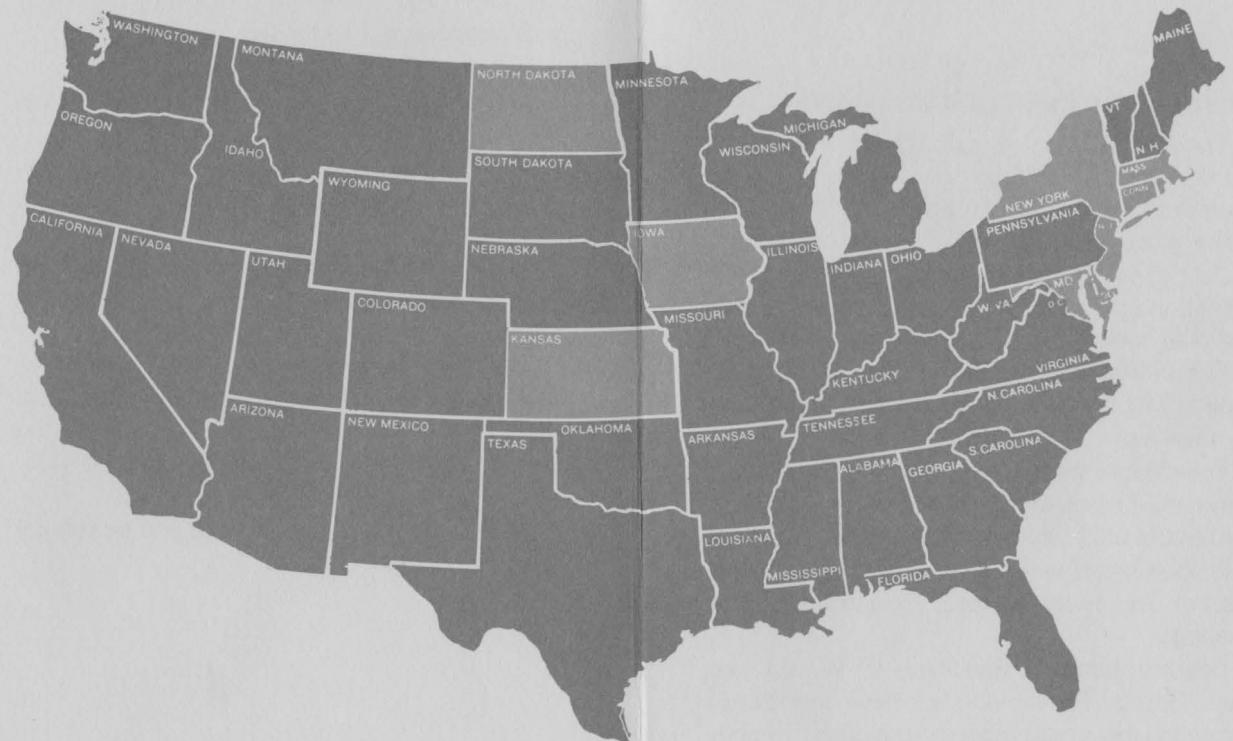
That's direct employment. Whole economies, of course, are affected.

That's where Los Angeles comes in.

Tissue products include paper towels and napkins, toilet and facial tissue, disposable diapers and so on. There are 14 paper mills in the west that produce tissue. It's a bulky product, so it's usually used near where it's produced. These 14 mills supply Los Angeles, along with other Western cities.

The Los Angeles metropolitan area used about 180,000 tons of tissue products last year—35

Here are the states where national forests are located. If timber from these forests is cut back 50 to 75 percent, their economies will suffer—but the effect will be felt by everyone who uses paper or wood products. These forests supply 15 percent of our total wood fiber and the Arab embargo took the same percentage of oil from our economy.





**THE MONONGAHELA ISSUE:
A SPREADING ECONOMIC MALADY**

BACKGROUND
prepared by the
National Forest Products Association

Revised March 9, 1976



SUMMARY AND CONTENTS

The **Monongahela issue** is an economic malady that arose in West Virginia, spread to Alaska and imperils the entire nation. It threatens bankruptcies, unemployment, and shortages and higher prices for wood, housing, paper, and the thousands of other products of the forest. The cause: court decisions strictly interpreting an 1897 law, despite later laws and over three-quarters of a century of broader interpretation and technological advances. Judges suggested the 19th Century law is outmoded — “an anachronism,” said one — and could cause economic suffering. But they said it was up to Congress and not the courts to remedy matters. Congress, in an election year, may be hard-pressed to do so. Neither Congress nor the White House wants to act on such a controversy until after the polls close in November. But America’s consumers, who will bear the burden, can ill afford to wait. **Page 1**

The **Monongahela decision**, by the U.S. Fourth Circuit Court of Appeals on August 21, 1975, upheld a 1973 lower court decision that narrowly defined the 1897 Organic Act for the National Forests. It forbade the Forest Service to sell trees from the Monongahela National Forest in West Virginia unless they were dead, physiologically mature, large, individually marked, and removed. The federal government did not appeal to the U.S. Supreme Court. The Forest Service applied the ban throughout the Fourth Circuit, covering nine National Forests in Virginia, West Virginia, and North and South Carolina. Officials warned that the decision, if extended to all 155 National Forests, would end professional forestry for federal timber and “seriously reduce our ability to produce a variety of wildlife habitat.” They said it could drop timber production 75 percent in 1976 — from 12 billion board feet to 3 billion — and 50 percent for the rest of the century. This is because the court ruling requires harvesting schedules that are 60 to 100 percent longer than at present and prohibits sales of immature trees in thinnings that open the forest to provide light and space for the healthier trees. On December 5, 1975, the first mill closed in Appalachia for lack of National Forest timber. Others were on the brink. **Page 2**

The **issue moved West** on December 29, 1975, when the U.S. District Court for Alaska agreed with the Monongahela decision. It ordered a halt to a portion of an existing sale, a 50-year, 8.2-billion-board-foot contract, with 26 years to run, on Alaska’s Tongass National Forest. At stake were 1,500 jobs that the company, Ketchikan Pulp, provides in a one-industry town. If appealed and lost, this decision could shut down the entire Ninth Circuit, encompassing such great forest states as Oregon, Washington and California. Other suits are pending, including one against another 50-year Tongass sale involving 1,200 potential jobs. **Page 4**

What do the preservationists want? Forest Service officials say the preservationists who sued the government want to cut the federal timber harvest in half. This, they say, would be accomplished if the court decisions prevail, and at double current administrative costs. They say the plaintiffs want “a shift of timber harvesting from National Forests to private lands.” But the industry, with only 13.4 percent of the nation’s forestland, can not meet U.S. needs without more, not less, National Forest timber. The United States is a net importer of wood fiber. **Page 7**

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What does the forest industry want? Industry would like the National Forests managed so they can contribute their share in meeting the nation’s paper and wood products needs. Industry believes the Forest Service should have the flexibility to practice modern scientific forest management without the limitations imposed by court interpretations of the 1897 Organic Act. A bill introduced March 5 by Senator Hubert H. Humphrey (D-Minn.), S.3091, would provide that flexibility. It would allow 75 years of research and experience in forestry to be applied to the National Forests to insure that all of their benefits would be encouraged and perpetuated. Hearings on the Humphrey, Randolph and other pending bills were scheduled for mid- and late-March. The Administration has elected not to sponsor legislation dealing with the Monongahela issue. **Page 8**

The **role of Congress is crucial**. Only Congress can avert this economic malady — bankruptcies and unemployment, shortages and higher prices, half the wood fiber at twice the cost, loss of county road and school revenues from federal timber sales (in lieu of land taxes), and unsound silviculture. The forest industry supports a permanent legislative remedy that will allow the National Forests to be managed on the basis of environmentally sound forest management principles that consider all multiple-use values. If this is not feasible in an election year, the industry supports the objectives of a number of bills that have been introduced in the House which would suspend the effects of the Monongahela decision until Congress can act, even though preservationists threaten “a bloody battle” on any interim legislation. **Pages 7 and 8**

COVER PICTURE: The Monongahela National Forest — the effects of early harvesting have been rapidly erased by the forest’s dynamic ability to renew itself, with the help of man, and to do it in perpetuity.

THE MONONGAHELA ISSUE: A SPREADING ECONOMIC MALADY

The **Monongahela issue** is not yet a household phrase. But it might well become one in 1976. It is an economic malady that sprang to life in the wooded hills of West Virginia only a short while ago and then spread to the far reaches of Alaska, threatening the Far West now, the entire United States soon. If it is unchecked, the nation will be seized by a shortage of wood, paper and the thousands of other products of the forest, a shortage that could be worse than the recent fuel and energy crisis — with consequent spiraling prices. And, worst of all, thousands upon thousands of Americans will be put out of jobs.

Two U.S. District Courts and one U.S. Circuit Court of Appeals have said they are powerless to stop it. The judges were asked to interpret a 19th Century law and, despite all the legislation and technological advances of the intervening decades, apply it narrowly to the modern-day practice of forest management. Their findings were that the narrow interpretation of the law’s restrictions and prescriptions must be observed despite 75 years of broader interpretation. In two of the three rulings, the judges acknowledged the law may be out of kilter with the times — one called it “an anachronism” — and could cause economic hardship. They said, however, that was a situation to be remedied, not by the courts, but by Congress.

Congress, however, may be hard-pressed to do so. This is an election year, a presidential election year. The Monongahela issue is controversial, and controversies require participants to pick and choose. Taking sides in a controversy loses votes as well as gains them and, with all 435 House of Representatives members and one-third of the Senate up for election, some of the members say they would like the Monongahela issue to go away

— at least until after the polls close in November. The White House, which must take the lead if Congress is to act, showed little enthusiasm long after the issue appeared.

But the nation can ill afford to wait for a time convenient for the White House and Congress, not even until November. The malady is a clear and present danger, and it is growing and spreading. The U.S. Forest Service says the **Monongahela issue** could prohibit the use of three-fourths of the timber available from the nation’s 155 National Forests in fiscal 1976 and of 50 percent from now to the end of the century. These lands provide more than 25 percent of the softwood sawtimber consumed annually in the United States. They provide 15.6 percent of the total U.S. harvest of all timber — the same percentage of U.S. dependency on Arab oil at the time of the 1973 embargo. A wood fiber “embargo” could mean unemployment, intense shortages, higher prices, new taxes to support county schools, and further delay in the long-awaited housing recovery, and every consumer would bear the burden.

Already, in chronically depressed Appalachia, where the **Monongahela issue** first arose, one mill in a small town has gone out of business because of it, wrecking the local economy. Others are on the brink. Several are on a day-to-day supply basis, and private landowners, their timber in more demand than ever, are holding back on sales in expectation of higher prices. What if the threat to the far West becomes a reality, through court actions already launched and Congress’ continued inaction? What will happen in Oregon and Washington, whose forest industries in 1973, their last strong year, had sales of \$5.9 billion and employed 138,000 persons?

COLUMBUS AND THE FORESTS

The United States has plenty of trees, nearly three-fourths as much forestland as when Columbus landed. It totals 754 million acres, about one-third of all the nation's land. A half-billion acres are "commercial." The other 254 million -- about one-third of the total forestland -- can not be harvested because they are set aside for parks, wilderness and recreation, or deemed unsuitable. These non-commercial forest areas are equal in size to the states of California, Oregon, Washington and most of Idaho. Here is how America gets its wood fiber, both softwood and hardwood:

	Acreeage	Inventory	Harvest
National Forests	18.4 pct.	33.5 pct.	15.6 pct.
Other Public	9.0 pct.	10.5 pct.	6.7 pct.
Industry	13.4 pct.	15.4 pct.	26.2 pct.
Non-industry private	59.2 pct.	40.6 pct.	51.5 pct.

THE MONONGAHELA DECISION

On August 21, 1975, the U.S. Fourth Circuit Court of Appeals in Richmond, Va., upheld a 1973 lower court decision in a case brought by the West Virginia Izaak Walton League, the Sierra Club and others against Secretary of Agriculture Earl L. Butz and several Forest Service officials. The suit sought to apply more narrowly the provisions of the 1897 Organic Act for the National Forests in the management of timber on the Monongahela National Forest in West Virginia. These provisions, as defined in the decision, are that the Forest Service may sell only dead, physiologically mature or large trees, that timber to be sold must be both marked and designated, and that each tree sold must be cut and removed. The Forest Service had been interpreting "mature" as commercially ready for harvest, often many years before the tree stops growing, and had been marking only those left when most were to be harvested.

At first, the decision was widely and erroneously interpreted as a ban against clearcutting. But **the Monongahela issue** is much broader than that. Chief John R. McGuire of the Forest Service says that, if applied nationwide, the Monongahela decision would mean the end of professional management of the 155 National Forests. It was McGuire who estimated that, on a national basis, the planned 1976 harvest of timber from the

National Forests — which provide one-fourth of the supply and contain about one-half of the available U.S. softwood sawtimber, the raw material for lumber and plywood essential in homebuilding — could drop 75 percent, from 12 billion board feet to 3 billion board feet.

Half the Timber

On October 3, 1975, Deputy Chief Thomas C. Nelson of the Forest Service discussed the decision at a Washington, D.C., meeting of Regional Foresters and Directors. He made these points:

● "To a large extent, this precludes the use of the professionally accepted, scientifically based silvicultural systems which are applicable to the management of forests for high-level, sustained-yields of timber. Many have stated that it bans clearcutting. As a matter of law it does not, but from a practical standpoint we will find few natural stands which don't have an intermingling of young trees which can not be sold."

● "To the best of our knowledge, no one has ever tried to manage a significant forest area for sustained yield with the constraints imposed by the decision."

● "It seems apparent that in the young eastern forests very little timber can be offered until the forests become mature."

● "In the old-growth western forests, there are ample trees to be cut, but if we hold to our even-flow policy, the allowable harvest will drop more than 40 percent in most forests."

● "Our judgment is that the harvest level we can sustain nationwide, using management regimes compatible with the decision, is about 50 percent below our current harvest level. And this level could be maintained only with very substantial increases in administrative costs, perhaps as much as 80 to 90 percent over current levels."

● "I think we all recognize that loss of control over stand structure will seriously reduce our ability to produce a variety of wildlife habitat. It will also adversely affect the compatibility of timber and range programs."

● "We estimate compliance (with the court's requirement that each tree to be sold must be both marked and designated) will increase sale preparation costs about 25 percent."

On December 1, 1975, the Department of Agriculture, the Cabinet parent of the Forest Service, announced that the Department of Justice would not request U.S. Supreme Court review of the Monongahela decision. Chief McGuire said he would seek remedial legislation through the long-range Assessment and Program required for the Forest Service under the Forest and Rangeland Renewable Resources Planning Act of 1974 (Humphrey-Rarick) to be presented to Congress some time after it convened January 19, 1976.

Timber Sales Halted

In the meantime, while the Forest Service did not interrupt timber sales elsewhere, Chief McGuire cancelled some 110 million board feet of sales scheduled for 1975 in the Fourth Circuit and a total of 285 million board feet, except for 30 million board feet of diseased, dead or dying timber, for the rest of fiscal 1976. The Fourth Circuit encompasses Virginia, West Virginia, North Carolina and South Carolina, which have a total of nine National Forests. Maryland, the other state in the Circuit, does not have a National Forest. While the court decision dealt specifically with the Monongahela, the Forest Service applied it throughout the Fourth Circuit "as a matter of law," as Nelson explained.

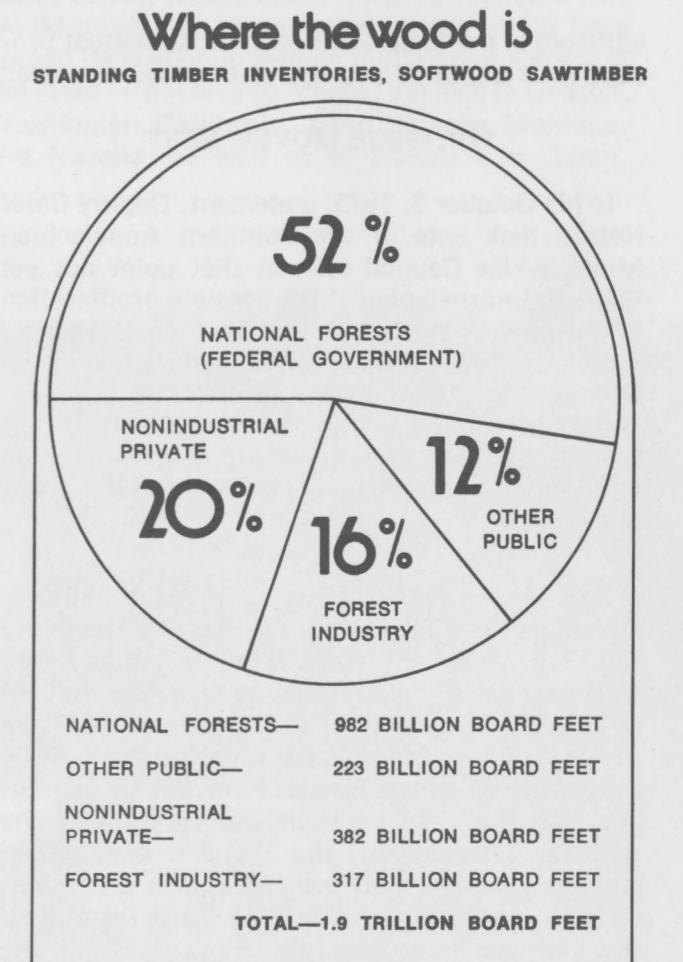
This interpretation was confirmed in a December 29, 1975, ruling by the U.S. District Court in Asheville, N.C., against the Southern Appalachian Multiple-Use Council. The Council, a group of North Carolina purchasers of federal timber, had sought to enjoin the federal government from applying the Monongahela decision throughout the Fourth Circuit or, in the alternative, require its application to all of the nation's National Forests. It argued that the Constitution guarantees equal treatment under the law, that the 1897 Organic Act is national and not regional in nature, and that the Forest Service acted "arbitrarily and capriciously" in banning timber sales on all nine National Forests of the Fourth Circuit. The Council has appealed the decision to the Fourth Circuit Court of Appeals, which could rule by mid-April that the Monongahela decision must apply to the entire National Forest System.

Small Companies Suffer

In his October 3, 1975, discussion of the Monongahela, Deputy Chief Nelson observed: "The 90-percent reduction in planned sales in the Fourth Circuit will have a significant impact, even though the National Forest timber harvest makes

up 5 percent or less of the total timber harvested in each of the states affected. The brunt of the impact will be on small independent companies, particularly in the hardwood industry. We understand some hardwood companies have less than a 3-month timber supply available."

He was prescient. On December 5, 1975, less than a week after it was announced there would be no Supreme Court appeal, the first lumber mill closed in Appalachia as a direct result of the cutoff of federal timber arising from the court decision. James L. Gundy, executive vice president of Appalachian Hardwood Manufacturers, Inc., said: "It is only the first. Others are tottering." It was a small mill — normally producing 5 million board feet of framing for housing and similar structures each year, and employing 22 people, all now out of jobs. But Gundy warned that "the small companies go first," and Thomas E. Orr, an official of the shut-down company, said: "We set up for federal timber, and it's been cut off... *Unless Congress changes the law, we're out indefinitely.*" The 255 million board feet being



IN PERPETUITY
Wolf Point Lookout in Cowlitz County, Wash., was a mess after a 1930 clearcut and a fire. The clearcut was larger than is current practice on the National Forests. The area [left] in 1940. But by 1950 [below] it was green and growing. In 1960 [right] regeneration towers 40 feet.



withheld is the equivalent of the total annual production of about 40 average-size hardwood mills.

THE ISSUE MOVES WEST

In his October 3, 1975, statement, Deputy Chief Nelson took note of the Southern Appalachian Multiple-Use Council suit, at that point not yet filed, and warned also of the possible proliferation of litigation arising from the Monongahela decision. "We already have suits pending in Oregon and Alaska," he said. "Two of these challenge existing sales." And he warned: "Thus there is a possibility — if not a probability — that our entire program may be stopped within the next few months."

The suit pending in Oregon is *Miller v. Mallory*, affecting 17 companies that purchase timber in the Bull Run watershed near Portland. It would stop all timber sales in the watershed. The court did not indicate in advance if it would rule in this case in terms of **the Monongahela issue** or decide it on the basis of other issues involved. If it did, however, and that decision was contrary to the Monongahela finding, the Portland case would provide a conflict between the Fourth and Ninth Circuits, demanding a Supreme Court resolution. But that could take years.



One Alaska suit, *Zieske v. Butz*, was decided December 29, 1975, by U.S. District Judge James A. von der Heydt in Anchorage. The ruling cited the Monongahela decision, agreed with it, and ordered a halt to a portion of a 50-year, 8.2-billion-board-foot timber sale in the Tongass National Forest to Ketchikan Pulp Co. It granted a permanent injunction in the area being litigated for the remaining 26 years of the 1951 contract, "barring the cutting of trees other than those which are large, physiologically matured, or dead and requiring such trees to be individually marked prior to cutting."

At Stake: 1,500 Jobs

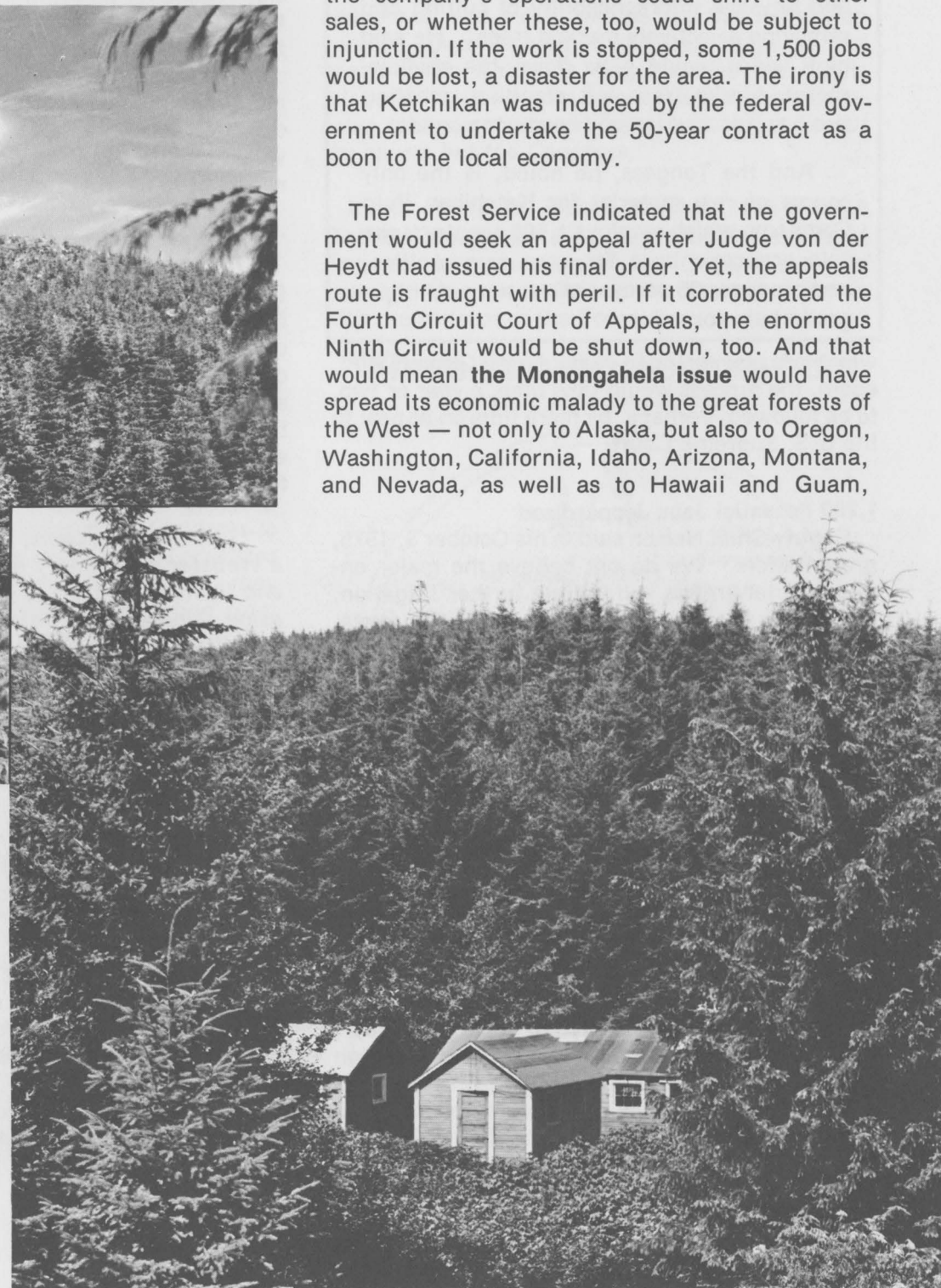
The Alaska suit was filed February 6, 1975, by Herbert L. Zieske, the Tongass Conservation Society and others against Secretary of Agriculture Butz, several Forest Service officials and the company. It arose from a controversy precipitated by the citizens of Point Baker, a fishing and retirement community near the area involved. The immediate impact of the ruling, barring litigative or legislative intervention, would be to delay timber harvesting in the sale area until the Forest

Service can arrange to mark individually all trees to be harvested.

The Ketchikan Pulp Co. had halted operations in the area until early Spring because of weather conditions. The total resource needs of the company average about 350 million board feet annually, half for its pulp mill and half for its three sawmills. Approximately 60 percent of this volume, about 190 million board feet, was to come from the sale now enjoined, and it is uncertain if the company's operations could shift to other sales, or whether these, too, would be subject to injunction. If the work is stopped, some 1,500 jobs would be lost, a disaster for the area. The irony is that Ketchikan was induced by the federal government to undertake the 50-year contract as a boon to the local economy.

The Forest Service indicated that the government would seek an appeal after Judge von der Heydt had issued his final order. Yet, the appeals route is fraught with peril. If it corroborated the Fourth Circuit Court of Appeals, the enormous Ninth Circuit would be shut down, too. And that would mean **the Monongahela issue** would have spread its economic malady to the great forests of the West — not only to Alaska, but also to Oregon, Washington, California, Idaho, Arizona, Montana, and Nevada, as well as to Hawaii and Guam,

"Conservation means the wise use of the Earth and its resources" . . .
Gifford Pinchot



HIGH WINDS AND NO PAYCHECK

On January 20, 1976, Sen. Ted Stevens (R-Alaska) introduced a bill, with Sen. Mike Gravel (D-Alaska), to stay the Tongass decision until September 30, 1977. Congress, Stevens said, could then work out a definitive solution.

All Tongass logging would stop under the ruling, he added, because of "the economic and physical impracticability of cutting and removing selectively marked trees." He said high winds would blow down the shallow-rooted Alaska trees left standing, creating fire hazards and insect breeding grounds.

And the Tongass, he noted, is the only source of raw material for Ketchikan Pulp Company, which employs 1,500 people, is the sole economic base for area communities, and produces 25 percent of the nation's high-grade pulp for rayon.

which are also included in the Ninth Circuit. And, again, the process would take time, a year or two, to be followed, perhaps, by more time on appeal to the U.S. Supreme Court.

1,200 Potential Jobs Jeopardized

Deputy Chief Nelson said in his October 3, 1975, presentation: "We do not believe the major environmental groups will initiate further litigation, unless the Congress simply ignores the issue. They want a thorough Congressional debate of the issue and realize it will not be forthcoming in a crisis atmosphere." With Congress virtually ignoring the **Monongahela issue** throughout the Fall of 1975, the preservationists went to court again, apparently unmindful of creating "a crisis atmosphere."

On December 12, 1975, the Sierra Club filed a motion in the U.S. District Court for Alaska, requesting it to reconsider its March 25, 1971, decision upholding a timber sale on a section of the Tongass National Forest known as the "Juneau Unit." In the 1971 decision, Judge Raymond Plummer refused to stop a 50-year, 8.75-billion-board-foot timber sale to Champion International. That sale requires Champion to build a pulp mill which could create as many as 1,200 jobs. This time, the Sierra Club raised the **Monongahela issue**, contending that the contract

violated the 1897 Organic Act through failure to require that the timber involved be designated prior to sale.

The Forest Service and Champion International, in opposing the new motion, argue that the Court lacks jurisdiction to reconsider its nearly five-year-old ruling. The court held in 1971 that the contract provided "adequate protection against indiscriminate cutting and satisfied the purpose" of Section 476 of the Organic Act. Contract provisions called for (1) continuing cooperation between the Forest Service and the company, (2) designation of blocks of timber every five years in conformity with the overall timber management plan, and (3) set-aside blocks of land for recreational, conservational or esthetic purposes, in which modified cutting practices called for designation of individual trees.

"A Dangerous Precedent"

After the federal government announced on December 1, 1975, that it would not appeal the Fourth Circuit decision, President Eliot H. Jenkins of the National Forest Products Association declared that this was a clear signal to Congress to adopt a prompt legislative remedy. The alternative, he said, was a drift leading to "social and economic dislocations that could afflict our nation for generations." Jenkins warned:

"This decision, based on an 1897 law, and using a Webster's dictionary to define terms like 'dead' and 'mature' and 'large growth of trees,' brushed aside Congressional intent, years-long practices, and the scientific findings of three-quarters of a century of professional silviculture . . .

"A dangerous precedent has been set for all 155 National Forests . . .

"The forest products industry is suffering its worst year for lumber production since 1945. It could be forced into deeper unemployment, and more mill shutdowns, bankruptcies and loss of production capacity . . .

"Unless Congress acts promptly, the nation's struggles against both recession and inflation could be dealt a heavy blow. Counties dependent upon federal timber sales for school and road revenues, already down, may see them virtually disappear. The long-awaited homebuilding recovery will be further delayed, with shortages and inevitably higher prices in wood products, and

every American consumer will bear a heavier burden.

"Professionally, the situation makes no sense. Forestry by fiat is as illogical and unworkable as dictating to doctors how to practice medicine."

With the two Alaska developments spreading the malady West, his worst fears, and those of the Forest Service, were being realized.

WHAT DO THE PRESERVATIONISTS WANT?

Producers and consumers of forest products might be forgiven if they viewed the **Monongahela issue** court actions as over-emphasis on esthetic enjoyment at the cost of shortages and higher prices for things of the forest — housing to toilet paper — with no paper bags at the supermarket. How much, they might ask of Wilderness, is enough?

Deputy Chief Nelson has provided, in his October 3, 1975, discussion of the Monongahela case, what he called the Forest Service's "view (of) the plaintiffs' objectives in this case." He noted that "they have generally been frank in describing what they want," and he explained it in these words:

"We believe their prime objective in bringing the Monongahela suit was to force the Congress to review the basis for timber management practices on the National Forests. From this review, they hope to obtain a shift of timber harvesting from the National Forests to private lands.

"The reduction in harvest which we have projected as a result of the decision" — half of the approximately 12 billion board feet annually at almost double current administrative costs — "about matches their objectives. In reducing the overall level of harvest, they hope to avoid harvesting on marginal areas. Many, in fact, hope that no additional areas will need to be developed. They would like to see uneven-aged management applied as the primary management system, with emphasis on producing large, high-quality trees."

What Congress will find in any review of production performance by private lands, compared with the National Forests, is this: According to Forest Service figures, actual growth for all forest ownerships averages about 49 percent of

potential, with National Forests showing the poorest record at 38 percent and industrial forests the best at 63 percent. But, with only 13.4 percent of the total forest land, the industry alone can not meet the national demand, even if producing at 100 percent.

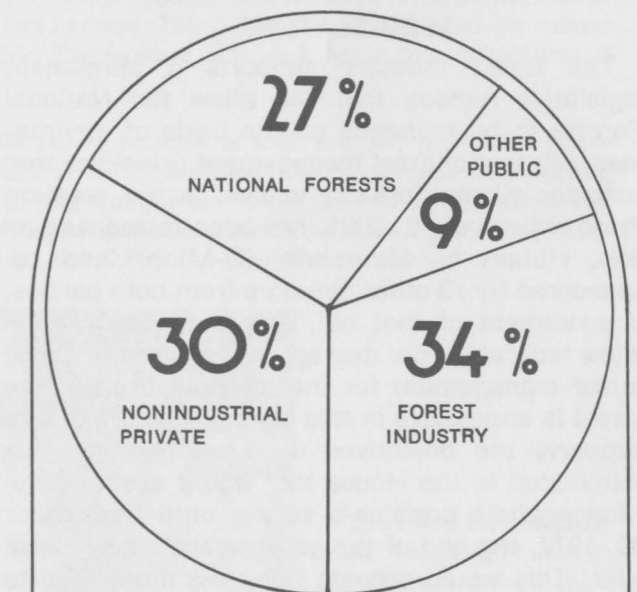
THE ROLE OF CONGRESS

In its ruling on the 1897 Organic Act, the Fourth Circuit Court of Appeals said: "We are not insensitive to the fact that our reading of the Organic Act will have serious and far-reaching consequences, and it may well be that this legislation enacted over seventy-five years ago is an anachronism which no longer serves the public interest. However, *the appropriate forum to resolve this complex and controversial issue is not the courts but the Congress.*"

In its ruling in *Zieske v. Butz*, the Alaska District Court said the Fourth Circuit Court of Appeals' interpretation of the Organic Act "is found to be correct although it may not coincide with the concept of the Forest Service as to sound

Where the wood comes from

HARVESTED SOFTWOOD SAWTIMBER



NATIONAL FORESTS—	12.7 BILLION BOARD FEET
OTHER PUBLIC—	4.2 BILLION BOARD FEET
NONINDUSTRIAL PRIVATE—	14.5 BILLION BOARD FEET
FOREST INDUSTRY—	16.3 BILLION BOARD FEET
TOTAL (1970)—	47.7 BILLION BOARD FEET

timber management. *That matter, however, is for Congress rather than the Courts to decide.*"

Twice the Cost

Through the courts, the preservationist-plaintiffs are attempting to win their objective: half the production at twice the cost, regardless of the impact on the nation's struggle with inflation and recession, of the loss of county school and road revenues from federal timber sales (paid in lieu of land taxes), of new shortages and higher prices to all consumers, of increased unemployment, and of all the scientific evidence that the result will be unsound silviculture.

The forest industry believes the Congress must, in the national interest:

- Provide immediate relief for the Appalachian region, and limit the decision's effect, while Congress develops a permanent solution.
- Avert threatened application of the Monongahela decision nationwide, with disruption of federal timber supply in 1976 and beyond.
- Make an in-depth study of the nation's need for forest products, and develop legislation that establishes a sound forest management policy.

LEGISLATION

The forest industry supports a permanent legislative remedy that will allow the National Forests to be managed on the basis of environmentally sound forest management principles that consider all multiple-use values. A bill meeting these objectives, S. 3091, has been introduced by Sen. Hubert H. Humphrey (D-Minn.) and co-sponsored by 13 other Senators from both parties. If enactment of that bill, or others, that would allow federal timber managers to practice modern forest management for the multiple uses of the forest is impossible in this election year, industry supports the objectives of a number of bills introduced in the House that would suspend the Monongahela decision's effects until September 30, 1977, the end of the government's next fiscal year. This would provide Congress more time to debate and adopt definitive new legislation.

The industry, several wildlife groups and professional foresters are opposed to a bill introduced by Sen. Jennings Randolph (D-W. Va.) which, by and large, was drafted by groups represented as plaintiffs in the Monongahela case. As introduced in both the Senate and House (S. 2926 and H.R. 11894), these measures generally would incorporate the Monongahela ruling into law. They contain many restrictive management prescriptions that

would limit severely the flexibility of professional land managers to carry out the kinds of activities that are required to manage forest land properly for timber, wildlife, water, recreation and other multiple uses. Independently, the Forest Service and National Forest Products Association estimate that the Randolph bill would reduce timber harvests in the National Forests by 50 to 60 percent. This is due to provisions in the bill requiring no decline in either timber quantity or quality on Ranger Districts, and a definition of "mature" timber that would extend harvest schedules by 60 to 100 percent over present practice.

The Randolph bill would apply the same rules for forest management to lands as diverse as those in Puerto Rico and Alaska, Arizona and Maine. Professional foresters argue that no specific set of guidelines can be applied successfully to lands within a given state, much less within the total United States. Forest managers need the flexibility to tailor their management plans to the natural characteristics of the particular trees and lands they are managing. The Humphrey bill would provide that flexibility, while maintaining the traditional Congressional role of approving the multiple-use objectives in these plans and assessing their results. Because of its restrictions, the Administration, Society of American Foresters, the National Wildlife Federation, American Forestry Association and Wildlife Management Institute have expressed serious concern about the Randolph bill.

Election Year Difficulties

Although interim legislation is virtually no one's first choice, some form of remedial legislation is essential to forestall the partial or total shutdown of the National Forests -- and a decline in wildlife, water and grazing, as well as timber volumes and values, while administrative costs skyrocket. Bills have been introduced that would postpone the need for a permanent new law until fiscal 1978, which begins October 1, 1977. This would give Congress time to hear all sides and debate the issues fully after the elections. Preservationists have threatened a "bloody battle" if an interim solution is attempted.

It would be tragic for the country, for the economy and for the well-being of the National Forests if the heat and confusion of a national election year were allowed to lessen this national asset — that is owned by all Americans — even more, while causing severe economic and social dislocations for all consumers.

PROFILE OF THE MONONGAHELA

The Monongahela National Forest, when it began in 1920, was known as "the great brush patch." After three decades of heavy logging and uncontrolled fires, some started by citizens to encourage the growth of berries and grasses, it had earned its name. Today, it is vigorous and valuable, the most productive of the 17 forests that make up the Eastern Forest Service Region (R-9). Its 860,000 acres, mostly of fine, young, even-aged stands of shade-intolerant hardwoods, constitute a strong argument for even-aged management, including clearcutting.

Until 1964, uneven-aged management, using single-tree selection methods, was the primary system of management on the Monongahela. This was found unsatisfactory because it was difficult to avoid "high-grading" the timber stands — that is taking the best and leaving the poorest, to the detriment of the forest — and of the wildlife dependent upon clearings for food.

By 1964, the deficiencies of the uneven-aged management system were apparent and the Forest Service adopted even-aged management systems, using clearcutting as the primary management method. This created controversy, resulting in a decline in clearcutting and more extensive use of other harvest methods (selection, shelterwood, group selection, thinning, salvage and seed tree). In 1971, under pressure from the West Virginia legislature, the Forest Service shifted its policy to a "variety of methods, with no one method as primary." It limited clearcuts to 25 acres, but they have averaged less than 18 acres since then. From 1968 to 1973, the peak years of the controversy, only 2 percent of the Monongahela's total acreage was clearcut. Nature has successfully regenerated all the areas involved.

The Forest Service concedes now that not enough effort and attention were given to informing the public of its plan to change from uneven- to even-aged management. It admits that the local citizens should have been more personally involved in the decision and educated as to the sound ecological basis for the change. Appalachian hardwoods are best managed through the even-aged method to regenerate the most desirable tree species for all the multiple uses of the forest. It was a case, it has been said, of good forestry and poor public relations.

The major area of controversy — some 600 acres of Hunter's Run in the Monongahela's Gauley Ranger District — was not a clearcut at all, although it looked like one. It was a partial cut followed by removal of the overstory. Today, it has so grown out and blended with its surroundings that a layman would have great trouble picking it out.

Under the court decision, Forest Service studies show, only minor volumes of trees meet the 1897 Act's strict harvest prescriptions — an average of less than 1,000 board feet per acre. This is less than one-third of the volume generally required to make a timber sale economically feasible. The forecast, with such harvesting restrictions, is "high-grading."

The court decision is tragic. The Monongahela is an outstanding example of what a highly productive public forest could be — and should be. The Forest Service estimates that the Monongahela has the potential of supplying an annual timber harvest of 118 million board feet, while enhancing multiple-use values for wildlife, recreation and abundant quantities of pure water. But virtually no timber is being harvested because of the court injunction. The result is a wasted forest resource, which is capable of supporting over 1,000 new jobs, if used wisely.



In 1970, a U.S. Senator said "Shocking!" when viewing a clearcut in this area. Only five years later, the same area, foreground, is a thing of beauty. An example of how the forest renews itself under scientific management.



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S. 3091

NEWS

Hubert H. Humphrey

HUMPHREY INTRODUCES
FOREST, RANGELAND BILL

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FOR IMMEDIATE RELEASE

WASHINGTON, D. C., Mar. 5--Senator Hubert H. Humphrey (D-Minn.) today introduced legislation to remedy the confusion and uncertainty in the management of national forest and rangeland renewable resources caused by two recent court decisions in West Virginia and Alaska.

Joining in sponsoring this legislation were Senators Eastland (D-Miss.), Hatfield (R-Oreg.), Packwood (R-Oreg.), Gravel (D-Alaska), Stevens (R-Alaska), Hollings (D-S.C.), Helms (R-N.C.), Huddleston (D-Ky.), Church (D-Ida.), Thurmond (R-S.C.), Eagleton (D-Mo.), Dole (R-Kans.), and Hansen (R-Wyo.).

A variety of conservation and forestry groups have pointed to the need for the new legislation. These include the National Wildlife Federation, the Society of American Foresters, the Wildlife Management Institute, and the American Forestry Association.

In his introductory statement, Humphrey pointed out that the bill would require the Secretary of Agriculture to:

1. Prescribe by regulation the environmentally approved forest practices and cutting methods generally available for application in the National Forests;
2. Define forest regions, forest types and forest species;
3. Spell out the practices generally applicable to each region, type and species;
4. Make certain that foresters apply these practices in an interdisciplinary manner so that all of the renewable resources would be treated in an ecologically sensible manner; and
5. Establish that forest cutting would proceed only if done in accord with the approved guidelines, with the exception that, for research purposes, the exploration and application of new concepts could be applied on a limited basis.

(more)



In introducing the bill, he stated: "My purpose today is to continue these comprehensive discussions. Time has demonstrated that we need more than a new prescription for selling timber. We need a fundamental reform in managing all of the resources associated with the forested land of the National Forest System."

This bill would build on the foundation of the Multiple Use and Sustained Yield Act of 1960.

The Senator stated: "The days have ended when the forest may be viewed only as trees and the trees viewed only as timber. The soil and the water, the grasses and the shrubs, the fish and the wildlife, and the beauty that is the forest must become integral parts of resource managers' thinking and actions."

Hearings have been scheduled by the Committee on Agriculture and Forestry for March 15, 16, and 22.

#

(1976)



IN THE SENATE OF THE UNITED STATES

Mr. HUMPHREY

introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476) and the Act of June 4, 1897 (30 Stat. 35)

(Insert title of bill here)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 1 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476) is amended by inserting "(a)" immediately after the word "That" and by adding a new subsection (b) as follows:

"(b) The Congress finds that --

"(1) The management of the Nation's renewable resources is highly complex and the uses, demand for, and supply of the various resources are subject to change over time;

"(2) The public interest is served by the development and preparation by the Forest Service, Department of Agriculture, in cooperation with other agencies, of an Assessment of the Nation's renewable resources and a national renewable resource Program which are periodically reviewed and updated;



- "(3) To serve the national interest, the renewable resource program must be based on a comprehensive assessment of present and anticipated uses, demand for, and supply of renewable resources from the Nation's public and private forests and rangeland; careful analysis of environmental and economic impacts; coordination of multiple use and sustained yield opportunities as provided in the Act of June 12, 1960 (74 Stat 215), the public having an opportunity to participate in the development of the program; and
- "(4) That new knowledge derived from a coordinated public and private research program will promote a sound technical and ecologic base for effective management, use and protection of the nation's renewable resources.
- "(5) With the bulk of America's forest and rangeland in private, state and local governmental management and with the major capacity to produce goods and services from their renewable resources, the Federal Government should be a catalyst to encourage and assist these owners in the wise long-term use and improvement of these lands and their renewable resources;
- "(6) That the Forest Service through its statutory authorities for management of the national forest system, research and cooperative programs and its role as an agency in the Department of Agriculture has both a responsibility and opportunity to be a leader in assuring that the nation maintains a natural resource conservation posture that will meet the requirements of our people in perpetuity.



Therefore, the Congress reaffirms and charges that these obligations be met in a timely way.

SEC. 2. Section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 477) is amended by striking the word "and" at the end of paragraph (3), by substituting a semicolon and the word "and" for the period at the end of paragraph (4), and by adding the following new paragraph:

"(5) national program recommendations which:

"(A) describe and evaluate objectives for the major Forest Service programs in order that multiple use and sustained yield relationships among and within the renewable resources can be determined.

"(B) explains the opportunities for various owners of forest and rangelands.

"(C) recognize the fundamental need to assure soil, water and air resources.

"(D) state national goals that recognize the interrelationships and interdependence between the several renewable resources.

SEC. 3. Section 5 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 477) is amended by adding the following subsections:

"(c) In the development and revision of land management plans, the Secretary shall provide for public participation in the formulation and review of proposed plans.

"(d) Within 2 years after enactment of this Act the Secretary shall in accordance with the procedures set forth in section 553 of Title 5, United States Code, promulgate regulations, under the principles of the Multiple Use Sustained Yield Act of 1960,



that set out the process for the development and revision of the land management plans and guidelines and standards prescribed by this section. Said regulations shall include, but not be limited to:

- "1. Specifying how the interdisciplinary approach, as required in subsection (b) of this section, will be implemented.
- "2. Specifying the type or types of plans that will be prepared and specifying the relationship of those plans to the program developed pursuant to section 3.
- "3. Specifying the procedures and steps in the process where public participation will be sought, as required in subsection (c) of this section.
- "4. Specifying the procedures to insure that plans are prepared in accordance with the National Environmental Policy Act of 1969, including direction on when an environmental statement prepared in accordance with section 102(c) of the National Environmental Policy Act of 1969, will be prepared.
- "5. Specifying guidelines for land management plans which include:
 - (A) Those to be used to identify the suitability of lands for resource management including the harvesting of trees;
 - (B) Those to be applied to prescribe the system or the systems of silviculture which include but are not restricted to management, intermediate thinning and harvesting of trees and products, regeneration and other treatment methods,



protection of forest resources, and methods and systems to provide for water, soil, fish and wildlife, range and esthetic and recreational resources including wilderness, to be utilized for geographic areas, forest types, or other suitable classifications;

- (C)(i) Those needed for the special or unique requirements necessary to coordinate the multiple uses applicable to management areas; and (ii) special provisions where needed to protect soil, water, esthetic, and wildlife resources where fragile or subject to major ecologic disruption, where site conditions are critical for tree regeneration within a reasonable period either by natural or artificial means, where the size of a timber sale or cutting areas or stand size and species composition are critical in terms of multiple use impacts.
- (D) Those which will assure a sustained yield of the various resources on the National Forests.
- (E) Those to be followed in the preparation and revision of resource plans using an interdisciplinary review.
- "(e) Resource plans, permits, contracts and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans. When such management plans are revised, resource plans, permits, contracts and other instruments, when necessary, shall be revised as soon as practicable.



"(f) Land management plans and revisions shall become effective 30 days after completion of prescribed public participation and publication of notification by the Secretary of a notice to adopt same.

"(g) The Secretary shall within 90 days after the date of enactment of this Act adopt interim procedures to guide the land management planning program set forth in subsection (3)(d) above.

SEC. 4. The twelfth undesignated paragraph under the heading "SURVEYING THE PUBLIC LANDS" in the Act of June 4, 1897 (30 Stat. 35, as amended; 16 U.S.C. 4/6) is hereby amended by deleting the same and inserting in lieu thereof the following paragraphs:

"For the purpose of achieving the policies set forth in the Multiple Use and Sustained Yield Act (the Act of June 12, 1960 (74 Stat. 215)) and the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 476), the Secretary of Agriculture may sell at not less than appraised value trees, portions of trees, or forest products located on National Forest System lands. The Secretary of Agriculture shall advertise all sales unless he determines that extraordinary conditions exist, as defined by Secretarial regulation, or that the appraised value of the sale is less than \$10,000. If, upon proper offering, no satisfactory bid is received for a sale, or the bidder fails to complete the purchase, the sale may be offered and sold without further advertisement. Designation, marking, when necessary, and supervision of harvesting of trees, portions of trees, or forest products shall be conducted by persons employed by the Secretary, and such persons shall have no personal interest in the purchase or harvest of such products nor be directly or indirectly in the employment of the purchaser thereof.



(b) Timber sales made pursuant to the Act of June 4, 1897 (30 Stat. 35, as amended; 16 U.S.C. 476) prior to the date of enactment of this Act are hereby validated.

SEC. 5. The Multiple Use Sustained Yield Act of 1960 (P.L. 86-517, 97 Stat. 215, 16 U.S.C. 528-531) and all related acts which use the terms "multiple use" and "sustained yield" are amended to be printed "MULTIPLE use" and "SUSTAINED yield" and the Act is retitled "An Act for the Development and Administration of Renewable Surface Resources for MULTIPLE use and SUSTAINED yield of Products and Services".



ANALYSIS OF SENATOR RANDOLPH'S INTERIM BILL S. 3135

On March 11, 1976, Senator Randolph introduced a bill which would provide temporary and limited authority to sell National Forest timber.

Sec. 1 would authorize sale of timber from National Forests within the Fourth Judicial Circuit (Virginia, West Virginia, Maryland, North Carolina and South Carolina) notwithstanding the provisions of the 1897 Organic Act. These are the states where the Forest Service imposed a ban on sales from National Forests which are not in conformity with the Monongahela decision. (Note: Maryland has no National Forest.)

Sec. 2 requires that such timber sales be in conformity with Program and Policy statements adopted for the National Forests in accordance with the Humphrey-Rarick Act, and shall also conform to the National Environmental Policy Act of 1969.

Sec. 3 requires that sales from mixed hardwood forests be in accord with forest management practices which are consistent with recommendations in the August 1, 1970 Report of the West Virginia Forest Management Practices Commission, subject to two provisos.

The West Virginia report contains 15 recommendations. Recommendations 5, 6 and 7 are the only ones which deal directly with forest management practices. They contain the provisions which would be given legal status on nine National Forests of the five states in the Fourth Circuit under the Randolph proposal.

Recommendation No. 5 approves the use of both unevenaged and evenaged management, but "with greater emphasis placed on uneven-aged management."

Recommendation No. 6 advocates the use of the selection cutting system as the "main silvicultural technique to implement uneven-aged management."

The first proviso in the S. 3135 requires, in the implementation of these two recommendations, that greater emphasis be placed on unevenaged management in the harvest of timber in the general forest zone. Since Recommendation No. 5 already calls for such greater emphasis (presumably in every and all zones) the proviso merely stresses the previously expressed emphasis.

Recommendation No. 7 recognizes the validity and necessity of evenaged management but recommends 8 restrictions be placed on its use. Under current Forest Service policies, clearcutting in the

mixed hardwood type would apparently not be in conflict with these recommended restrictions. There is one major exception to this. Recommendation (f) states: "Clearcuts should not be made or located in a manner that would impair, harm or detract from aesthetic values, watersheds, outdoor recreation, wildlife and fish purposes." Thus S. 3135 would impose on the Forest Service a new obligation to consider matters which could, in some cases, preclude clearcutting. The second proviso in Sec. 3 of the bill forbids the use of thinnings and improvement cuts to create evenaged timber stands. This is a gratuitous restriction which, except for the precedent, is of no practical significance.

Sec. 4 of S. 3135 limits the life of this new authorization to September 30, 1977 or earlier if superceded by other timber sale authorizing legislation.

National Forest Products Association
March 12, 1976

94TH CONGRESS
2D SESSION

S. 2926

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 1976

Mr. RANDOLPH introduced the following bill; which was read twice and referred to the Committees on Agriculture and Forestry and Interior and Insular Affairs jointly by unanimous consent

A BILL

To provide for sound forest management practices in the national forests of the United States consistent with the principles of multiple use and sustained yield.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "National Forest Timber
4 Management Reform Act of 1976".

FINDINGS AND PURPOSES

5 SEC. 2. (a) The Congress finds and declares:

6 (1) whereas the National Forest Organic Act of
7 1897 may not permit the Secretary of Agriculture to
8 utilize on the national forests certain management prac-
9

II



Section 2 - Findings and Purposes

A primary objective of S. 2926, set forth in Subsection 2(b), states that "the purpose of the Act is to require specific timber management standards and procedures for the National Forests in order to insure that those forests are managed on a multiple use sustained yield basis."

Although such an objective is sound, the manner in which S. 2926 would attempt to achieve it is not. The bill would severely limit the ability of the Forest Service to practice scientifically sound forest management on the National Forests. Many sections of the bill set forth rigid, impractical prescriptions for the practice of National Forest timber management. In addition, many of these requirements are couched in highly subjective terms. As such, these terms are susceptible to being the focus of disruptive and costly lawsuits whenever special interest groups are not pleased with the actions of National Forest administrators.

1 tices—such as sale of timber for thinning—which are
2 silviculturally and environmentally sound;

3 (2) whereas the Secretary of Agriculture has uti-
4 lized on the national forests of the United States man-
5 agement practices—such as excessive clearcutting—
6 which are unduly harmful to the environment and to
7 uses of the national forest other than timber production;

8 (3) whereas the purpose of this Act is to assure
9 that the Secretary hereafter manages the national forest
10 by employing practices which are silviculturally sound,
11 which preserve and maintain environmental quality, and
12 which fulfill the purposes for which the national forests
13 were established, including the purposes of the Organic
14 Act of 1897 and of the Multiple Use-Sustained Yield Act
15 of 1960; and

16 (4) whereas, in order to maintain a national supply
17 of high quality saw timber on a sustained-yield basis
18 from the national forests and to insure that the national
19 forests are managed on a multiple-use basis, the Con-
20 gress must specify certain timber management standards
21 and procedures for the national forests.

22 (b) It is therefore the purpose of this Act to require
23 specific timber management standards and procedures for
24 the national forests in order to insure that those forests are

Of the four items in Section 2(a) purporting to justify the need for imposition of specific standards and procedures, there are at least two questionable statements:

In Section 2(a)(2) it is asserts that 'management practices - such as excessive clearcutting - which are unduly harmful to the environment' have been employed. This is improper and misleading. A more correct statement would be that timber management practices previously used are not compatible with present day concepts of environmental protection and multiple use coordination.

In addition, the implication is made that clearcutting is 'unduly harmful to the environment and to uses of the National Forests other than timber production.' This is not so. There have been instances in which clearcutting has been improperly used in the past and has caused unwarranted damage to other resource values. The same can also be said concerning improper use of partial cutting techniques. It is equally clear that when done correctly, clearcutting is a proper and essential tool for managing many forest types. It is also necessary for managing the habitats of many wildlife species.

The concept behind Section 2(a)(3) is sound. This subsection states the general objective that the National Forests should be managed by 'employing practices which are silviculturally sound, which preserve and maintain environmental quality, and which fulfill the purposes for which the National Forests were established.' The concept behind this subsection has broad support both by the general public and within the forest industry.

Section 2(a)(4) requires that the National Forest timber harvest be regulated on a sustained yield basis. This is sound and is already required by the Multiple Use-Sustained Yield Act of 1960. However, Section 5 of the bill contains an additional requirement for 'even flow', an unwise constraint not synonymous with sustained yield. This requirement is entirely inappropriate for forests with large inventories of old-growth timber. The policy leads to unnecessary waste since it fails to utilize old-growth timber which is dying due to insects and disease and which is occupying land which could be better utilized for growing vigorous young forests to meet the wood supply needs of our nation.

1 managed henceforth in perpetuity on a multiple-use, sus-
2 tained-yield basis.

3 (c) Nothing contained in this Act shall be construed
4 as amending the Wilderness Act, Wild Rivers and Scenic
5 Rivers Act, or the Endangered Species Act of 1973.

6 DEFINITIONS

7 SEC. 3. As used in this Act—

8 (1) The term "national forest" means all lands which
9 are part of the national forest system and all other lands
10 subject to laws relating to the national forests of the United
11 States or to rules and regulations issued under such laws.

12 (2) The term "Secretary" means the Secretary of
13 Agriculture.

14 (3) The term "mature" means that stage of a tree's life
15 cycle when its bark, crown, size, and other visible indicators
16 of age and vigor indicate the tree has reached the stage
17 in its life and development during the preceding ten years
18 at which its average annual growth rate in volume, has
19 peaked and begun to decline.

20 (4) The term "large tree" means a tree whose diameter
21 and height are equal to or larger than the average mature
22 dominant and co-dominant trees of the species growing
23 in natural stands on sites of a given production capability or
24 quality.

Section 3 - Definitions

From a technical and professional standpoint, there are serious deficiencies with many of the definitions contained in this section. This is likely to result in confusion and unnecessary litigation aimed at determining the intent of the legislation.

To delay harvest of individual trees, as required in Section 8, until they comply with the definition of 'mature' contained in Section 3(3) would be a serious and unnecessary limitation upon flexibility needed to practice scientifically sound forest management. The definition would seem, at first glance, to be similar to the concept of 'culmination of mean annual increment' which the Forest Service presently uses to determine rotation age (the average age at which trees are planned for final harvest). However, the definition 'mature' contained in Section 3(3) refers to individual trees, whereas the 'culmination of mean annual increment' which the Forest Service uses as a basis for determining rotation age refers to entire stands of trees. This difference is significant. Timber stands contain many trees which never live to reach full growth potential, but are crowded out and die in the continuous competition for light and moisture. Thus, a timber stand will reach a point at which the growth in wood volume peaks and begins to decline significantly before individual trees within that stand reach this point.

By way of illustration, coastal Douglas-fir stands on the average site in western Oregon generally reach the culmination of mean annual increment, measured on a board-foot basis (Scribner), at an age of 90 to 100 years. However, individual trees within such stands reach 'maturity' under the definition of Section 3(3) at approximately 180 years.

Forestry is concerned with scientific management of entire stands of trees. It makes little sense to be concerned with the artificial constraint of physiological maturity for individual trees.

If this entirely unnecessary constraint is imposed, the rotation age of most timber types will be lengthened to 180 years or more. This will make it extremely difficult to justify investments in scientific management aimed at improving growth and yield. Such practices as precommercial thinning, fertilization, and development of genetically improved planting stock will be difficult to justify at any reasonable rate of return if these investments must be carried for such extended periods of time.

It is estimated that limiting the harvest to 'mature' trees will reduce the harvest of timber from the National Forests by at least 30 percent.



1 (5) The term "uneven-aged forest management" means
2 a system of forest management under which individual trees
3 or small groups of trees not to exceed one-half acre are
4 selected and removed from a forest in order to maintain or
5 create uneven-aged stands of trees.

6 (6) The term "selection cutting" means a method of
7 selecting and removing trees to implement uneven-aged forest
8 management. This includes group selection wherein small
9 groups of mature trees, not over one-half acre in extent, hav-
10 ing similar dominance are selected and removed.

11 (7) The term "even-aged forest management" means a
12 system of forest management under which trees are selected
13 and removed from a forest in order to maintain or create even-
14 aged stands of trees.

15 (8) The term "clearcut" means the removal of all or
16 substantially all trees from a specific area of the forest at the
17 same time.

18 (9) The term "even-aged cut" means all variations of
19 cuts designed to regenerate an even-aged stand. Such cuts
20 include, among others, those types of cuts commonly referred
21 to as shelterwood cuts, seed tree, and clearcuts.

22 (10) The term "improvement cutting" means the cutting
23 of trees of undesirable form or condition for the purpose of
24 improving the residual stand of trees.

1 (11) The term "thinning" means a cutting of trees made
2 in immature stands to reduce the density and accelerate the
3 growth of the remaining trees.

4 (12) The term "interdisciplinary review" means a re-
5 view by a multidisciplinary team.

6 (13) The term "multidisciplinary team" means a group
7 of individuals consisting of specialists in the fields of silvicult-
8 ure, wildlife biology, fish biology, soils, hydrology, recrea-
9 tion, and such other specialists in other disciplines as the Sec-
10 retary may prescribe.

11 (14) The term "eastern mixed hardwood forests" means
12 deciduous hardwood forests east of the one hundredth merid-
13 ian except those forests consisting principally of one or more
14 of the following kinds of trees: aspen, paper-birch, or cotton-
15 wood.

16 STANDARDS FOR NATIONAL FOREST TIMBER PRODUCTION

17 SEC. 4. (a) The Secretary shall promulgate and publish
18 in the Federal Register, within three years after the date of
19 enactment of this Act, standards for determining those areas
20 of the national forests from which timber may be sold. No
21 timber may be sold from any national forest after the pub-
22 lication of such standards except in accordance with such
23 standards.

24 (b) The standards promulgated by the Secretary under

Section 4 - Standards for National Forest Timber Production

Section 4(a) requires that the Secretary promulgate mandatory standards for the sale of National Forest timber which comply with the criteria set forth in Section 4(b). Some of these criteria are sound, others would significantly reduce the flexibility to carry out scientifically sound management practices in many National Forest areas.

A primary difficulty with the requirement for promulgation of Secretary's standards based upon limited and inflexible statutory criteria is that such standards cannot be responsive to complex local conditions or to national needs. The National Forests are natural systems highly diverse in terms of climate, soils, vegetational and wildlife communities, hydrology, and geology. Secretary standards based upon the criteria of Section 4(b) will insure that these natural systems will not receive the quality of management possible given current technology and knowledge of these communities and ecosystems. Such standards will likely be broadly drafted to reflect conservative averages which will insure that large areas of land will be managed at suboptimal levels.

If statutory guidance is to be given, it should be limited to stating objectives, such as optimizing human benefits under the provisions of the Multiple Use-Sustained Yield Act of 1960, the National Environmental Policy Act of 1969, and the Forest and Rangeland Renewable Resources Planning Act of 1974.

It is estimated that the criteria of Section 4(b) taken together would reduce timber harvest from the National Forests by 25 percent or more.

1 subsection (a) shall include such criteria as may be necessary
2 to insure that timber sales from national forest lands are made
3 only from—

4 (1) lands which are stable and do not exceed the
5 maximum degree of slope appropriate for each soil type
6 on which roads may be constructed or timber cut;

7 (2) lands on which the timber does not consist
8 solely of patches and stringers;

9 (3) lands which, within five years after being tim-
10 bered, will regenerate the growth of trees naturally or
11 will do so with a modest reforestation investment;

12 (4) lands which are capable of regenerating a com-
13 mercial stand of timber;

14 (5) lands sufficiently distant from streambanks,
15 shorelines, and wetlands to avoid disturbance of streams,
16 other bodies of water, and wetlands; and

17 (6) lands on which timber cutting will not sub-
18 stantially impair important nontimber resources.

19 (c) The standards promulgated by the Secretary under
20 subsection (a) shall include minimum reforestation require-
21 ments for national forest lands that are hot, dry, wet, frost
22 prone, at high elevations, or characterized by thin soils, or
23 that for other reasons have a low probability of regeneration.

(b)(1) Land stability is a consideration in classifying some commercial forest lands as 'marginal,' and there are specific criteria now to be met before timber harvesting takes place on these lands. Degree of slope is only one relevant consideration. Other considerations are: (1) road design criteria - sophisticated road designs are available for traversing sensitive slopes. Particularly sensitive areas can be avoided entirely by roadbuilding; (2) logging systems - advanced logging systems, such as helicopters and skyline, can significantly reduce the impact of timber harvest on sensitive soils; and (3) silvicultural systems - partial cutting systems can be prescribed for sensitive landscapes.

The promulgation of Secretary's standards based only upon some maximum degree of slope would ignore these and other considerations. In addition, the development of promising new techniques for managing marginal and sensitive areas would be discouraged due to prohibition on application to terrain over the indicated maximum degree of slope.

(b)(2) Timber in patches or stringers may justify harvesting under some circumstances. The patches or stringers may be all that is left in overmature timber after a fire, but the general area can be restocked.

(b)(3) Reliance on natural regeneration within five years is an inappropriate standard. Some conifer species are not assured of having a good seed crop each five year period. Such uncertainties can be overcome by planting. The Forest Service now classifies certain areas of difficult regeneration as 'marginal' and timber harvesting is not to be done until regeneration can be assured.

(b)(5) It is uncertain what is meant by the requirement that timber management activities be 'sufficiently distant from stream banks, shorelines, and wet lands to avoid disturbance of streams . . . ' (Emphasis added.)

A major difficulty is that this subsection is so ambiguous as to invite costly litigation over the precise meaning of 'avoid disturbance'. It potentially could have a very significant impact on timber management activities since virtually any activity has some impact on the water regime within the watershed in which it is carried out.

Hydrologists have found that harvesting even relatively minor volumes of timber in a watershed will to some extent affect the stream hydrograph. However, in most cases only summer low flows are increased. It has been shown that timber harvest usually does not affect the damage caused by peak storm flows which occur in the winter and spring when soils are saturated and vegetative cover, or lack of it, exerts little influence.

Even the cutting of overmature trees near streams may be justified in some instances to prevent their uncontrolled fall and loss of other resource values. Such overmature timber if not removed often falls into streams and becomes a barrier to fish passage.

(b)(6) This subsection would prohibit timber management on any lands where it 'would substantially impair important non-timber resources' (which are unspecified). Aside from the fact that such a requirement is ambiguous and an invitation to future litigation, it would establish that all other values are held to be absolutely more important than the needs of society for timber products. This is indefensible, and would be contrary to the provisions of the Organic Act of 1897, the Multiple Use-Sustained Yield Act of 1960, and the Forest and Range-land Renewable Resources Planning Act of 1974.

SUSTAINED YIELD LIMIT ON TIMBER SALES

1 SEC. 5. (a) The Secretary shall limit the sale and
2 harvest of timber from each ranger district to a quantity
3 equal to or less than a quantity which can be removed from
4 such district annually in perpetuity on an even flow, sus-
5 tained-yield basis and shall limit the sale and harvest of
6 timber from any such district in a manner that will, under
7 long-term management, prevent the quantity and quality of
8 the timber on such district from declining. The foregoing
9 shall not prevent the Secretary from exceeding the quantity
10 sales limitation from time to time in the case of any range
11 district so long as the average sales of timber from such
12 district over any ten-year period do not exceed such quantity
13 limitation. In those cases where ranger districts exceed
14 five hundred thousand acres, the Secretary shall designate
15 sustained-yield units of not more than five hundred thousand
16 acres within such ranger district for the purposes of this
17 provision.

18 (b) Nothing in subsection (a) of this section shall pro-
19 hibit the Secretary from salvaging timber stands which are
20 substantially damaged by fire, blown down, or other
21 catastrophe.
22

Section 5 - Sustained Yield Limit on Timber Yields

There are three primary objections to the procedures and limitations which would be established by Section 5(a). Cutting limitations by ranger districts, and even flow non-declining yields are inadvisable. The third item which is not so readily evident comes from a requirement for no reduction in either the quality or the quantity of timber on a ranger district. On most western National Forests, mature and overmature age classes predominate. Consequently timber quality and quantity now exceed that which is appropriate for objectives of management in the next rotation when old-growth harvesting has been completed. It is estimated that the non-declining quantity and quality requirement would reduce timber harvest to 15 or 20 percent of current levels on many western National Forest ranger districts.

The objective of maintaining "quantity and quality" in Section 5(a) may be inconsistent with the prohibition on even-aged management in eastern mixed hardwoods in Section 7(c)(2)(C), since studies in eastern hardwood forests have shown that continuous application of uneven-aged management has resulted in a reduction of both.

The requirement in Section 5 that management plans not exceed a ranger district, or 500,000 acres, would have a drastic limiting effect on timber availability from the National Forests. Forest Service plans for regulated forests are intended to create an even distribution of the area to a series of age classes so that when the forest is fully regulated, a relatively constant volume of timber will mature for harvest annually. In achieving the objective of regulated forests, the opportunity for developing necessary distribution of age classes for the practice of sustained yield forestry is limited as the size of the planning area is reduced. Modern transportation systems permit the regulation of larger forest areas more effectively than previously was possible. It is estimated that this provision alone would reduce the potential yield of National Forest timber by at least 20 percent.

The evenflow, non-declining yield limitation is presently a self-imposed Forest Service policy. It is entirely inappropriate for forests with large inventories of old-growth timber or forests which are stocked with trees of poor form and/or less desirable species.

Several studies indicate that several billion board feet of timber would be denied use under such a limitation.

An analysis of the waste resulting from the non-declining yield policy was recently done on the Lassen National Forest in California by the Western Timber Association using Forest Service data and the Forest Service's computer program (Resources Allocation Model). It was shown that just eliminating the non-declining yield policy would result in a very sizable increase in allowable harvest. The volume represented in the increase would be lost if the non-declining yield policy is continued. This waste could represent over 1 billion board feet on the Lassen National Forest alone. It should be noted that at no time did allowable harvest levels, with the non-declining yield constraint removed, ever drop below those harvest levels presently planned by the Forest Service with that constraint intact. These harvest levels were projected for 360 years. Environmental policies were assumed to be equal for both cases.

The waste associated with the non-declining yield policy is easy to recognize even without the use of a computer program. If allowable harvest is not to drop over the next two and three hundred years, then it must be set initially at a level equal to the long-term productivity of the forest. In an old-growth forest, this means that large volumes of timber presently existing must be allowed to collapse and go to waste because utilizing this large surplus volume would inevitably mean a later drop in harvest rate. In old-growth forests, non-declining yield is an untenable principle.

It is estimated that the Section 5 requirement for no reduction in quality or quantity and that management units not exceed ranger districts or 500,000 acres would reduce timber harvest at least 25 percent below current levels.

UTILIZATION STANDARDS

1
2 SEC. 6. The Secretary shall promulgate and publish in
3 the Federal Register, within two years, after the date of
4 enactment of this Act, utilization standards for all species
5 of trees sold from the national forests. All purchasers of
6 timber from the national forests shall be required to remove
7 the timber purchased in accordance with such standards.
8 Nonutilized parts of trees left on the cutting site shall be as
9 evenly distributed as feasible or otherwise disposed of or
10 distributed as required by such standards.

LIMITATIONS ON EVEN-AGED MANAGEMENT AND

CLEARCUTS

11
12
13 SEC. 7. (a) In the administration of the national forests
14 the Secretary shall give full consideration to all systems of
15 silviculture, including uneven-aged as well as even-aged man-
16 agement, and shall insure that no single system dominates
17 in the national forests, except that uneven-aged forest man-
18 agement primarily implemented by selection cutting shall be
19 used in the eastern mixed hardwood forests.

20 (b) (1) Before permitting any timber to be cut from a
21 national forest, the Secretary shall have made an inter-
22 disciplinary review of the potential environmental, biological,
23 esthetic, engineering, and economic impact of the proposed
24 cut. After such review, the Secretary shall make a finding
25 as to whether the proposed cut is consistent with the multiple

Section 6 - Utilization

This section, which would require that utilization standards for trees sold in National Forest timber sales be published in the Federal Register, would be burdensome and serve no real purpose. Such standards already exist in guidelines provided at several levels in the Forest Service and are included in each National Forest timber sale contract designed to reflect current economic and technological conditions. They reflect local economic and market conditions which ultimately determine what can or cannot be utilized from the forest.

The requirement that unutilized wood be left on the site "as evenly distributed as feasible" would be unnecessary, as well as very difficult to accomplish in many situations. For example, in cutting units which are cable yarded, it is often desirable to concentrate unutilized material near the landing to facilitate later disposal by burning or sale.

Section 7 - Limitation of Even-Aged Management and Clearcuts

These provisions are cumbersome and inadvisably rigid. In addition to requiring uneven-aged management in eastern hardwood forests by statute, the section would obstruct rather than facilitate the conduct of timber sales on the National Forests.

The prohibition of even-aged management in eastern mixed hardwood forests ignores not only valid results from years of research on this method of forest management but also ignores the natural development of millions of acres of new forest resulting from "clearcutting." The beautiful Monongahela National Forest, which is one of the areas substantially affected by this bill, is the result of clearcutting in the early 1900' s.

The requirement that all systems of silviculture be given full consideration is sound. However, the mandate that "no single system dominate in the National Forests" not only is ambiguous as to specific meaning but also ignores the general failure of uneven-aged management systems to achieve desirable multiple use objectives.

The section fails to recognize that the flexibility which is available for management of tree species depends on their silvical characteristics. Factors such as wind firmness, fire resistance, shade tolerance, and susceptibility to certain insects and diseases often act to seriously constrain silvicultural flexibility. Any policy which ignores the biological constraints and variables and attempts to artificially force the use of one management system over another is not professional or sound. Research and management experience have shown that uneven-aged management is not a viable system either economically or biologically in most forest types. Flexibility in the practice of silviculture must be recognized as an integral part of multiple use forestry. The need for varying silvicultural prescriptions in response to various management objectives must be recognized.



1 use of the resources of the acreage on which the proposed cut
 2 is to be made and on the surrounding area. In making such
 3 finding, the Secretary shall, among other pertinent matters,
 4 consider—

5 (A) the effect of the proposed cut on the nontimber
 6 resources of the acreage on which the proposed cut is to
 7 be made and on the surrounding area, and the effect of
 8 the proposed cut on the value of such nontimber re-
 9 sources;

10 (B) the specific effects of the proposed cut and
 11 logging roads on the soils of the area in which such cut
 12 is to be made; and

13 (C) whether the acreage on which the proposed cut
 14 is to be made will naturally regenerate within five years
 15 after the proposed cut, and, if not, what technical meas-
 16 ures, if any, will be taken to achieve reforestation and
 17 the cost of applying such measures.

18 (2) Each finding shall include a brief statement explain-
 19 ing its basis and shall be available to the public for a sixty-
 20 day period prior to each sale.

21 (3) The provisions of this subsection 7 (b) shall not
 22 apply to sales of timber of less than \$5,000.

23 (4) The interdisciplinary review and findings required
 24 by this subsection 7 (b) may encompass more than one tim-
 25 ber sale, at the discretion of the Secretary.

In most forest types of this country, uneven-aged management definitely is not a viable system for controlling either growth or stand composition. In timber stands which have two or more species which have difference in shade tolerance, uneven-aged management will discriminate against the less tolerant species. Thus, uneven-aged management produces an inevitable conversion of the stand to the most tolerant; and, almost always, the least commercially desirable species.

On the surface it would appear that undesirable environmental impacts associated with uneven-aged management systems utilizing single tree and group selection would be significantly less than with even-aged management systems which emphasize clearcutting. However, such is not the case in many, if not most, situations. Single tree and group selection systems require frequent re-entry (often at three to five-year intervals) into the same forest stand to harvest trees which have matured during that period. In contrast, management of even-aged stands usually requires entry for thinning or other intermediate cuts at only fifteen to twenty-year intervals. Thus, under the selection system, the environmental impacts associated with frequent harvests are magnified. Soil compaction, with resultant surface erosion and loss of productivity, may become a problem, particularly under more intensive management regimes. Frequent re-entry also increases the likelihood of logging damage to residual timber and may result in reduced growth and increased susceptibility to insects and disease.

Under the selection system there will be a significantly larger area of land disturbed annually. Research has indicated that the primary source of sedimentation associated with timber management are the roads required to harvest the timber rather than the silvicultural prescription employed. Not only will more miles of road per unit of area managed be required under a selection system, but more miles of road will need to be left open and maintained, thus increasing the risk of soil erosion from the road surface resulting from actively used roads. Since even-aged management reduces entry into stands to fifteen to twenty-year intervals, significant mileages of road can be scarified, seeded to grass, and "put to bed" until needed for the next management treatment.

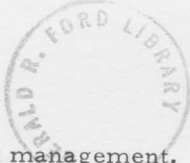
1 (c) (1) The Secretary shall promulgate and publish
2 in the Federal Register, within two years after the date
3 of enactment of this Act, standards for clearcuts and even-
4 aged cuts. The Secretary shall not permit any clearcut or
5 even-aged cut thereafter except in accordance with such
6 promulgated standards.

7 (2) Standards promulgated by the Secretary under
8 paragraph (1) shall include such criteria as may be necessary
9 to insure that—

10 (A) the size and shape of openings are determined
11 by the biological requirements of forest regeneration,
12 wildlife habitat needs, esthetics, slope, soil composition,
13 rainfall, and such other factors as the Secretary shall
14 deem relevant;

15 (B) the area cut shall generally not exceed twenty-
16 five acres in size and, whenever feasible, no cut shall be
17 closer than one thousand feet of another clearcut or
18 even-aged cut made within the preceding ten years.
19 For purposes of this criterion, the Secretary may permit
20 appropriate exceptions for the purpose of permitting the
21 salvage of timber damaged by fire, disease, pest infesta-
22 tions, blowdowns, or other catastrophe, and to insure that
23 timber is not left in inoperable small patches;

24 (C) such cuts are used in the eastern mixed hard-
25 wood forests only for the special purposes of the im-



There are other secondary effects of uneven-aged management. Wide-spread use of this system will have an adverse effect on many wildlife species, particularly large and small game populations whose habitats would be adversely impacted by frequent re-entry patterns of this cutting system. In the West where water availability is becoming critical, the broad application of uneven-aged management systems would make it virtually impossible to manipulate vegetation to increase water yields.

The question of limiting the size of cutting areas has several shortcomings. A 25-acre maximum limitation denies professional foresters the flexibility needed to consider such questions as: log landing locations, minimizing potential for windthrow, slash disposal requirements, and providing satisfactory access into steep areas. Many areas should be harvested by long-line or helicopter systems due to steep slopes. At the present time approximately 20 percent of the area being managed for timber on Western National Forests is subject to long-reach aerial systems of some kind (long span skyline or helicopter). A primary reason for using these systems is to minimize the erosion which results from road construction on steep slopes by reducing the length of road needed. A 25-acre limitation would require an estimated 60 percent increase in road construction in these areas. This would void any environmental benefits gained by using aerial systems. It is estimated that the 25-acre limitation would require at least a 15 percent increase in the total mileage of roads needed. The cost of these roads would be substantially greater than existing road systems designed to service areas that are harvested by conventional systems. Although clearcuts on most National Forests currently average not much more than 25 acres, mandating a 25-acre maximum size will not permit the flexibility needed to take into consideration ground topographic and timber conditions or other consideration which may dictate that in some situations larger clearcuts may be needed.

1 improvement of wildlife habitats or the salvage of timber
2 damaged by fire, disease, pest infestation, blowdowns, or
3 other catastrophe; and that

4 (D) such cuts are carried out in a manner con-
5 sistent with the protection of soil, watershed, fish, wild-
6 life, recreation, and esthetic resources, and the regenera-
7 tion of the timber resource.

8 LIMITATIONS ON CUTTING IMMATURE TIMBER

9 SEC. 8. (a) Except as otherwise provided in this section,
10 the Secretary shall not cut or permit to be cut any trees in
11 any national forest that are not dead, mature, or large.

12 (b) The Secretary may cut or permit to be cut trees in
13 any national forest that are not dead, mature, or large, if
14 such trees are cut for the purpose of thinning, improvement
15 cutting, removing diseased or damaged trees, pest control,
16 forest research and experimentation, removing trees to be
17 used as Christmas trees, cull elimination, habitat improve-
18 ment, or salvage: *Provided*, That the practices permitted by
19 this subsection shall only be used to supplement the normal
20 timber harvest of dead, mature, or large trees and may not be
21 used as the dominant methods of harvesting the timber of
22 any national forest: *And provided further*, That such prac-
23 tices shall not supplant the policy of uneven-aged manage-
24 ment in eastern mixed hardwood forests.

25 (c) The Secretary may also cut or permit to be cut

Section 8 - Limitations on Cutting Immature Timber

This is a particularly objectionable section of S. 2926 because it perpetuates the use of the terms dead, mature, and large for describing trees which may be cut. As noted previously, the definitions in Section 3 expand the restrictive nature of these terms beyond the dictionary definitions used by Judge Maxwell in his "Monongahela" decision. Incidentally, it should be noted that nowhere in S. 2926 is the timber sale authorization of the Act of June 4, 1897, 16 U.S.C. 476 repealed.

Subsection (b) closely restricts the cutting of trees other than dead, mature, and large. See the discussion under Section 3 - Definitions of the likely impact of this requirement. These restrictions are augmented and supplemented by Subsection 8(d) and 8(e).

1 trees that are not dead, mature, or large, if such trees are cut
2 for the purpose of achieving an even distribution of age
3 classes in southern pine forests.

4 (d) Clearcuts and even-aged cuts authorized to be
5 made in national forests pursuant to section 7 of this Act
6 may include the cutting of trees that are not dead, mature,
7 or large, but only if the stand of trees to be cut consists
8 predominantly of dead, mature, and large trees.

9 (e) The Secretary shall promulgate rules and regula-
10 tions for the cutting of timber under this section which shall
11 be subject to public review. Such rules and regulations shall
12 include provisions to assure that a stock of healthy, well-
13 formed, large trees is maintained, well-distributed throughout
14 the national forests as seed sources and for additional value
15 growth.

16 MARKING, DESIGNATING AND SUPERVISION OF THE

17 CUTTING OF TIMBER

18 SEC. 9. (a) No tree shall be cut or removed from any
19 national forest after the date hereafter unless such tree has
20 been properly marked and designated prior to sale except
21 as provided herein.

22 (b) The Secretary shall designate all planned timber
23 sales on maps which shall be available to the public prior
24 to the sale of any timber from any national forest. Except
25 as provided in subsections (c) and (d), hereof, the Secre-



Thus, in 8(d) the clearcutting of trees not dead, large, or mature is permitted only if the stands to be cut are predominantly of dead, mature, and large trees. Subsection 8(e) requires establishment of rules and regulations for conditions under which trees other than dead, mature, and large may be cut. These regulations must include "provisions to assure that a stock of healthy, well-formed, large trees is maintained, well-distributed throughout the National Forest as seed sources and for additional value growth."

As noted in the discussion of Section 3, the requirement that timber harvest be limited to dead, large, or 'mature' (as defined by Section 3) trees would result in an estimated reduction of timber harvest levels on the National Forests by at least 30 percent.

Section 9 - Marking, Designating and Supervision of the Cutting of Timber

Subsection 9(a) requires that any tree to be cut must be both marked and designated prior to sale. It is an unnecessary waste of time, money, and personnel to be required to mark and designate every tree within areas to be clearcut. Customarily, the boundaries of clearcuts are identified. In some situations, timber sales require that trees above a certain minimum diameter will be harvested. In others, only the trees to be left are marked. Flexibility is needed so that field units can choose the most appropriate method. It is estimated that this requirement will increase Forest Service sale preparatory costs by 25 percent. Further, Section 9(d)(2) would require that in "even-aged cuts" individual trees to be left standing shall also be marked, adding more costs.

1 tary shall also mark prior to sale each tree that is to be
 2 sold and cut in such a manner that it can be identified after
 3 having been cut. All marking and designation shall be by
 4 persons designated by the Secretary and employed by the
 5 United States Forest Service.

6 (c) Any timber sale contract awarded by the Secretary
 7 prior to the date of this Act involving less than one hundred
 8 million board feet of timber in which the timber has been
 9 sold without marking of individual trees is hereby validated.

10 (d) The Secretary shall within six months of the date
 11 of this Act publish in the Federal Register standards for the
 12 marking and designating prior to the sale of the various types
 13 of clearcuts and even-aged cuts which will thereafter be per-
 14 mitted in the national forests. Such standards shall provide
 15 for—

16 (1) the identification of boundaries of the timber
 17 cut;

18 (2) the marking of individual trees the purchaser
 19 is require to leave standing; and

20 (3) at the option of the Forest Service the identifi-
 21 cation of timber which the purchaser is required to
 22 pay for.

23 Following promulgation of said standards, all timber re-
 24 moved from the national forest by clearcut or even-aged
 25 cut shall conform thereto.

Subsection 9(c) could have the effect of cancelling about ten long-term timber sales with over 18 billion board feet of timber remaining and 4-5 million cords of pulpwood. It should be noted that these long-term contracts were sought by the government to encourage development of the economies of the subject areas by getting investment in facilities which provided for basic employment; and thus, community development. Substantial communities have been built as the result of such agreements. Major severe economic dislocations could result in these communities if these contracts are canceled.

1 (e) No timber shall be cut or removed from any na-
 2 tional forest pursuant to any timber sale except under the
 3 frequent, on the ground, supervision of an employee of the
 4 Department of Agriculture. All scaling or other measure-
 5 ments not done by an employee of the Department of Agri-
 6 culture shall be subject to a statistically reliable check of
 7 volume by the Forest Service, and at a sampling rate not less
 8 than currently applied.

9 (f) A tally of the timber cut and the timber to be left
 10 standing shall be made at the time of sale preparation. In the
 11 eastern mixed hardwood forests, the marker will tally to be
 12 left those large trees having a rate of volume growth antici-
 13 pated to continue undiminished to the next cutting cycle.

14 LIMITATIONS ON TYPE CONVERSION

15 SEC. 10. (a) The Secretary shall manage the national
 16 forests located east of the one hundredth meridian in such
 17 a manner as to generally preserve the existing mixed hard-
 18 wood forests therein. The conversion of any eastern mixed
 19 hardwood forest to a coniferous forest type shall only be
 20 permitted on acreage which the Secretary finds, after
 21 making an affirmative finding, has little substantial wildlife,
 22 recreational, watershed, esthetic, and economic values.

23 (b) (1) Prior to permitting the conversion of any natu-
 24 ral plant community of trees within any national forest to a
 25 different plant community, the Secretary shall make a finding

Subsection 9(e) would require a Forest Service employee to be present on each sale area frequently during timber cutting or removal. This is ambiguous. At present, Forest Service sale administrators normally visit each active timber sale once a week. They do not supervise the purchasers operations, but are there to check contract compliance. Due to the ambiguity of the term "frequent," it is uncertain whether current practices satisfy the requirements of this subsection.

Subsection 9(f) requires a volume inventory of the timber to be cut and timber to be left standing. The Forest Service does some of this work now. However, the value of requiring it in every case is dubious. The requirement to leave in eastern hardwood forests those trees "having a rate of volume growth anticipated to continue undiminished to the next cutting cycle" is an unnecessarily rigid statutory requirement which will further limit management flexibility and on a tree-by-tree basis, this may be an impractical decision to make while making marking decisions.

Section 10 - Limitations on Type Conversion

Section 10(a) would prohibit the conversion of any eastern mixed hardwood forest to a coniferous forest type unless the Secretary makes an affirmative finding that the area has "little substantial wildlife, recreational, watershed, aesthetic, and economic values." All areas have some value for wildlife, recreation, watershed, aesthetics, and other uses. To require society to forego the opportunity to carry out type conversion projects would be unwise, especially when an analysis indicates the value to society would be great.

Section 10(b) requires that before any conversion project is undertaken, the Secretary will make a finding as to whether the project is consistent with multiple use of the area and its surroundings. No conversion would be permitted if it is determined that it might result in "significant adverse impact." Analysis of the impact of proposed conversion projects is sound. The Forest Service is already doing this as required by the National Environmental Policy Act. However, to require a detailed analysis as is required by Section 10(b), no matter how small the conversion project, is questionable.

1 whether such proposed conversion is consistent with the
2 multiple use of the resources of the acreage on which the
3 conversion is to be carried out and the area surrounding such
4 acreage. In making such finding, the Secretary shall, among
5 other pertinent matters, consider—

6 (A) the effect of the proposed conversion on all the
7 resources of the acreage on which the proposed conver-
8 sion is to be carried out and on the area surrounding such
9 acreage, including the effect on the value of such
10 resources;

11 (B) the specific effects of the proposed conversion
12 on the soils of the area in which such conversion is to
13 be made;

14 (C) the adverse effect that any chemicals to be
15 used in achieving the proposed conversion will have on
16 the public health and on fish and wildlife resources, and
17 the extent to which such chemicals can be applied on
18 the acreage to be converted without inadvertent contact
19 with privately owned property whose owners may not
20 consent to such contact; and

21 (2) The finding of the Secretary required under para-
22 graph (1) shall include a brief statement explaining its basis
23 and shall be available to the public for sixty days prior to
24 any action being taken to implement said conversion.

25 (c) No conversion of national forest acreage shall be

1 permitted if the Secretary determines that the conversion
2 may result in significant adverse impact on the various re-
3 sources of the acreage on which the conversion is to be made
4 or on the area surrounding such acreage or to the soils of
5 such acreage or area.

6 PROHIBITION ON LONG-TERM TIMBER CONTRACTS

7 SEC. 11. No contract may be entered into after the date
8 of enactment of this Act which provides for the cutting of
9 timber in any national forest over a period of more than
10 thirty-six months.

11 PRESERVATION OF NATURAL FOREST ECOSYSTEMS

12 SEC. 12. (a) The Secretary shall conduct timber man-
13 agement in the national forests in such a way as to preserve
14 the natural diversity of forest types and species.

15 (b) The Secretary shall preserve and maintain in their
16 natural condition examples of the various forest types found
17 naturally in each national forest. Such examples of the vari-
18 ous forest types so preserved and maintained shall be
19 identified on maps published by the United States Forest
20 Service, Department of Agriculture, which maps shall be
21 available to the public.

22 (c) The Secretary shall at all times leave an ample
23 distribution of den trees, nest trees, mast trees, and snags
24 throughout the national forest regardless of the maturity or
25 physical condition of such trees.

Section 11 - Long-Term Contracts

The purpose of prohibiting timber sale contracts with terms over 36 months is not evident. The consequences of such a limitation would be to reduce the ability of the Forest Service to finance construction of road systems for the National Forests through requirements in timber sale contracts that the purchaser build the roads to Forest Service specifications. Over 90 percent of the mileage of roads in recent years have been built by this means.

Sales with terms greater than 36 months are needed to provide both the flexibility and the timber value required for orderly development. Large volumes of timber, requiring more time for orderly harvest, are frequently necessary to absorb the high cost of construction or reconstruction of permanent roads in the mountainous and often undeveloped National Forests of the West. Failure to permit the continuation of this practice would either (1) require appropriation of many additional millions of dollars to complete the planned system, or (2) prevent the development of the National Forests as authorized by Public Laws 88-657 and 93-378.

Section 12 - Preservation of Natural Forest Ecosystems

This section would open the door to much controversy. Every interested individual could have his own idea as to what areas or examples of forest types should be "preserved" and maintained in their natural condition. Existing research natural areas and Wilderness areas contain representative samples of almost all major forest types and ecosystems.

The need for "preserving" examples on each of 155 National Forests as required by Section 12(b) is unclear. The impact of this requirement is difficult to assess since no minimum size for these preserves is given. In any case, it is virtually impossible to preserve a forest type, or any natural system, as required by this section. Natural plant communities are continuously subject to either gradual or catastrophic change in response to natural events and plant successional processes.

With the exception of the proposed "snag" policy in Subsection 12(c), the present National Forest practice is to leave den, nest, and mast trees where recommended by agency and State wildlife specialists. Maintenance of snags often threatens the forest. Snags are proven points of origin for uncontrollable wildfires in which thousands of acres have been destroyed. Snags serve as effective lightning rods which ignite and scatter fires endangering not only natural forests, but the lives of those attempting to control them. In spite of this, several Forest Service Regions are now making efforts to save snags for wildlife when it does not conflict with safety or fire hazard objectives.



1 (d) The Secretary shall take affirmative action to pre-
 2 serve habitats and populations of the native species of plants
 3 and animals found in the national forests, and shall devote
 4 special attention to the preservation of the habitats and pop-
 5 ulations of native plants and animals whose habitats and
 6 populations are diminishing.

7 (e) The pesticide chemical known as DDT and other
 8 chlorinated hydrocarbons shall not be used by the Secretary
 9 in the national forests for pest control purposes.

10 PROTECTION OF NATIONAL FORESTS SOIL RESOURCES

11 SEC. 13. (a) The Secretary shall administer operations
 12 in the national forests in a manner that protects the integrity
 13 and productivity of the soil of such forests; shall initiate and
 14 carry out such measures as may be necessary to prevent ac-
 15 celerated soil erosion, sedimentation, mass wasting, nutrient
 16 degradation, and site degradation of the national forests; and
 17 shall prohibit timber cutting and roadbuilding in any area
 18 of a national forest if such cutting or roadbuilding would
 19 result in significant soil erosion, mass wasting, sedimentation,
 20 nutrient degradation, or site degradation.

21 (b) The Secretary shall prepare or obtain soil maps
 22 which indicate the degree of hazard to the soils in various
 23 areas of the national forests from timber cutting, road build-
 24 ing, and related operations. Such maps shall be prepared by
 25 qualified soil experts and shall be published in a form which

We have also seen the disastrous effects of non-use or limited use of DDT and other chlorinated hydrocarbons which would be prohibited by Section 12(e). In the absence of effective substitutes, it would be unwise to close the door to possible future use of chlorinated hydrocarbon pesticides which may be needed to control such forest pests as the gypsy moth, Douglas-fir tussock moth, and others that have killed the trees on hundreds of thousands of acres of timber.

Additional specific objections to Subsection (e) are:

(1) The proposed ban on "DDT and other chlorinated hydrocarbons" could possibly be construed to include 2,4-D and 2,4,5-T. The chlorinated hydrocarbons are part of a broader group of pesticides known as organochlorines which includes 2,4,5-T and 2,4-D. Chlorinated hydrocarbons and organochlorines are sometimes used synonymously.

(2) This subsection would place a special statutory restriction on the use of DDT on the National Forests while EPA presently acts on the merits of each situation for all other lands of the nation.

(3) The ban would include the chlorinated hydrocarbons Lindane, currently used to control bark beetles by hand spraying the boles of felled infested trees and Endrin, used as a seedcoating in direct tree seeding operations. These are chemicals presently approved by EPA as meeting safe environmental standards.

Section 13 - Protection of National Forest Soil Resources

There is no argument with the objectives stated in the initial clause of Section 13(a). The Forest Service currently seeks to achieve these objectives. The requirement in the second clause of this subsection, however, is impossible to achieve. There is no way to completely "prevent" erosion, mass wasting, or nutrient loss on the National Forests or anywhere else, for that matter, since these are natural processes. However, through careful planning, design, and execution of projects, the environmental impact of management activities can be significantly reduced.

The term "significant" used in the last sentence in Section 13(a) is highly subjective. What is considered "significant" to one person may not be to another. The use of this subjective term invites costly and disruptive litigation.

The purpose of the specific direction given in Subsection 13(b) is not clear. Soil types and conditions are important considerations in the preparation of unit and timber management plans. The development of these plans has assured public scrutiny and opportunity for comment. In addition, soils get specific attention in the environmental analysis and report prepared prior to each timber sale offering.

The compilation of soil maps to cover all planned timber sale and road construction projects is sound but would be an expensive and lengthy task. The language of Subsection 13(b) carries the risk that it could be used to stop sale actions until such maps are available.

Overall, this section has been written to specify ideal rather than practical and workable performance. The embedding of such idealistic performance standards in the statutes sets up opportunities for obstructionist legal actions.

1 will permit such maps to be overlaid with maps showing
 2 current logging roads and areas of tree cuts in such areas.

3 FISH AND WILDLIFE RESOURCES

4 SEC. 14. (a) The Forest Service shall conduct its opera-
 5 tions in such a way so as to protect the fish producing streams
 6 of the national forests from sedimentation, degradation of
 7 water quality and alteration of their banks and stream chan-
 8 nels, thermal degradation and from other manmade dis-
 9 turbances adversely affecting population of native fish. Strips
 10 of timber designed so as to prevent stream disturbance shall be
 11 left along such streams and their tributaries at all times. The
 12 national forests shall be managed to preserve or enhance the
 13 natural populations of fish and wildlife species, whether or not
 14 rare and endangered. The Secretary shall provide for the
 15 review on the ground in advance of all timber sales by com-
 16 petent fish and wildlife biologists in the employ of the Secre-
 17 tary.

18 (b) Prior to taking any actions in a national forest
 19 significantly affecting fish and wildlife populations or habi-
 20 tat, including the award of any timber sale or road con-
 21 struction contract, the Secretary shall ask the fish and game
 22 department for the State in which such action is to take
 23 place and, where appropriate, the United States Fish and
 24 Wildlife Service, whether said action may result in the loss
 25 of fish or wildlife habitat. In the event that either of the

It is unclear just what is meant by the requirement in Section 14(a) that the National Forests be managed to "preserve or enhance the natural populations of fish and wildlife species, whether or not rare and endangered." It is biologically impossible to carry out management practices which will preserve and enhance populations of all fish and wildlife species on the same piece of land. Any land management practice, whether its objective is timber management, recreation, watershed or wildlife will enhance the habitats of some species while at the same time having a negative impact on the habitats of other species. The ambiguity of this requirement invites controversy.

Even nature, if left completely alone, could not enhance the populations of all fish and wildlife species. The progress of natural plant succession, interrupted by natural disturbances such as wildfire, insect and disease epidemics, or windthrow, results in a series of plant communities over time, each with associated wildlife species. The variety, diversity, and population of wildlife depends upon the stage of succession.

Subsection 14(a) could prohibit any activity which could result in any sedimentation, or any degradation of water quality, or any alteration of stream banks, or other man-made disturbance of any fish producing stream. These activities could be prohibited even if no damage to the fishery has resulted. This section, in effect, holds fishery values to be absolutely greater than any other value derived from the National Forests and could prohibit any activity which impacts fishery values to any extent. This is unwise and is contrary to the Multiple Use-Sustained Yield Act which requires balancing resource uses in combination to obtain the highest and best use of the land for society.

Section 14(a) also requires that buffer strips of timber be left along all fish producing streams. Such a practice has definite value in many situations. However, in some situations it may not be necessary for protection of fishery values or may even be counter-productive in those situations in which the buffer strip may blow down and result in a barrier to fish passage.

This subsection also carries a requirement that all proposed timber sales be reviewed on the ground by competent fish and wildlife biologists. This would be an unnecessary and expensive requirement since many timber sales will not require this kind of review. It is presently customary practice on most National Forests for fish and wildlife specialists to review those timber sales on which their inputs are necessary.

Subsection 14(b) requires that every proposed timber sale be reviewed by the U.S. Fish and Wildlife Service and State fish and game departments for possible objection. If such objection can not be overcome by mitigation or enhancement measures, the proposed causative action may not be taken regardless of values at stake. This unprecedented provision in reality gives veto power over National Forest timber sale programs to State fish and game departments and another Federal agency.

1 agencies consulted shall report to the Secretary that any
2 action may result in the loss of fish or wildlife habitat for
3 a species, the Secretary shall determine what mitigation or
4 enhancement measures may be available. If significant loss
5 of habitat cannot be avoided through mitigation or enhance-
6 ment, said action shall not take place.

7 (c) Nothing in this section shall be construed to limit
8 or prevent any fish or wildlife habitat improvement program
9 or action within a national forest.

10 MULTIPLE USE-SUSTAINED YIELD MANAGEMENT PLANS

11 SEC. 15. (a) The Secretary shall adopt multiple use-
12 sustained yield management plans for each national forest,
13 which plans shall be kept current and made available to the
14 public. Each plan shall include components for timber, fish
15 and wildlife, water, and grazing resources and shall also
16 include a thorough, integrated treatment of the biological,
17 soil, esthetic, and wilderness aspects of all resources. Timber
18 management aspects of the plans shall be integrated with
19 the overall objectives of the plan, which plan shall set forth
20 the amount of timber to be cut in each national forest. The
21 timber management aspect of each plan shall set forth in
22 detail sufficient information so that it may be reviewed with
23 understanding by any professional forester. Each plan shall
24 clearly set forth the mathematics and assumptions upon which
25 the timber harvests are based and shall clearly reference all

Section 15 - Multiple Use-Sustained Yield Management Plans

Development of Multiple Use-Sustained Yield Management Plans for each National Forest is a sound concept and is a goal toward which the Forest Service is now striving. There is no question that it is desirable that multiple use plans be developed by multi-disciplinary teams using the most current knowledge and inventories of all resources of the National Forests. Multiple Use-Sustained Yield Plans will be the basis for the development of individual project plans for wildlife habitat enhancement, recreation development, and timber sales.

1 inventory and other data upon which they are based. Such
2 information shall be made available to members of the public
3 upon request.

4 (b) Each multiple use-sustained yield plan shall be
5 prepared by a multidisciplinary team. Each team shall pre-
6 pare its plan based on actual knowledge of the forest and
7 upon inventories of all the resources of the forest, which
8 inventories shall be of equivalent dignity and detail for all
9 resources.

10 (c) Each multiple use-sustained yield plan shall set
11 forth in descriptive material and maps the locations of the
12 proposed and possible actions, including road locations and
13 to the extent possible timber sale cut blocks, necessary to
14 fulfill the plan.

15 (d) Each plan shall include plan, resource and hazard
16 maps which can be compared. Maps and documents for ac-
17 tions implementing any plan shall be prepared to conform
18 with the multiple use-sustained yield plan and its maps and
19 to facilitate easy comparison therewith.

20 (e) Each multiple use-sustained yield plan shall pro-
21 vide for the maintenance of sustained yield for all resources
22 for each ranger district (except when the ranger district
23 exceeds five hundred thousand acres in which instance the
24 Secretary shall establish areas of not more than five hundred
25 thousand acres).



However, it is inappropriate to require that these broad multiple use plans discuss the details of all possible actions, such as apparently required by Section 15(c). This subsection requires that as part of the multiple use planning process for entire National Forests there be a determination of the location of all roads and, where possible, individual cut blocks. This is entirely unnecessary and is beyond the scope or intent of general National Forest multiple use plans. Individual projects such as timber sales should comply with the direction given in the multiple use plan. However, it is unnecessary that the location of all roads and cutting blocks be specified at the time of general multiple use planning. It may be desirable to show the locations of major or arterial roads as part of the development of National Forest Management Plans. To legislatively mandate this, however, is questionable.

Section 15(e) requires that the basic planning unit for timber management purposes be the ranger district. As discussed in our comments under Section 5, this is an unnecessary and unwise requirement.

1 (f) Each multiple use-sustained yield plan shall set
 2 forth its five-year periodic harvest figures in board feet and
 3 cubic feet. These figures shall reflect deductions necessary to
 4 integrate timber management with nontimber resource uses.

5 (g) Neither the Secretary nor any other officer of the
 6 United States shall set or cause to be set the amount of
 7 timber to be harvested from any national forest except as
 8 arrived at through the process of preparing a multiple use-
 9 sustained yield plan. No quotas, target figures or numbers
 10 of a similar nature shall be communicated by the Secretary
 11 or any other officer of the United States to those designated
 12 to prepare a plan which would cause or encourage them to
 13 derive a harvest figure related thereto.

14 (h) Multiple use-sustained yield plans shall be pre-
 15 pared for the national forests at the rate of thirty-six a
 16 year, until they have been prepared for all national forests.
 17 In preparing such plans, the Secretary may draw upon any
 18 existing plans, studies, and materials relative to such plans.

19 (i) Each plan, upon preparation by the designated
 20 team, shall be available to the public for a period of six
 21 months before adoption. The Secretary shall hold public
 22 hearings on each plan. Hearings shall be held both in the
 23 immediate area of the forest and in centers of population.
 24 Such hearings shall be well publicized and provide the
 25 public an opportunity to review the plan in advance.

Section 15(g) seems aimed at insuring that the National Forests will never be used in any planned way to fulfill identified national needs. This section states that: "No quotas, target figures or numbers of a similar nature shall be communicated by the Secretary or any other officer of the United States to those designated to prepare a plan which would cause or encourage them to derive a harvest figure related thereto." This subsection would conflict with the stated objective of the Forest and Rangeland Renewable Resources Planning Act (RPA) enacted last year. This Act in fact calls for long-range planning and a development of goals by the Forest Service to assure the nation of an adequate supply of forest resources in the future, while at the same time maintaining the quality of the environment. As part of the implementation of this Act, in mid-August the Forest Service released the draft "Program" which, among other things, described alternative resource output mixes which could be achieved by various National Forest management programs and requested public response as to preference. The final recommended Forest Service "Program" was transmitted to Congress on March 2, 1976.

The output which is achievable from any identified piece of land is dependent not only on its basic productivity but also upon the type of management it receives. This section ignores the fact that these national goals are based upon inventories and growth studies made on each compartment on each ranger district. The cumulative results of the productivity figures build a national goal and is not generated from the top down as implied by the wording of the Bill. The character and intensity of this management should not only be based on local conditions but also upon projected national demands for renewable resources.

Section 15(g) completely ignores the desirability of setting national goals for resource outputs as is required by RPA. Such goals must be based upon both the needs of the American people and the potential of the National Forests to provide the resource outputs necessary to fulfill these needs.



1 (j) The multiple use-sustained yield plans shall be
 2 revised from time to time and shall be revised at least every
 3 ten years. The Secretary shall follow the procedures set
 4 forth herein for any revision of any plan.

5 (k) The Secretary may, as part of any multiple use-
 6 sustained yield plan, defer management prescriptions for any
 7 wilderness, primitive, wilderness study or roadless areas
 8 until a later revision of such plan.

9 (l) The Secretary shall make all programs, plans and
 10 activities relating to a national forest consistent with the mul-
 11 tiple use-sustained yield plan.

12 ACCOUNTING METHODS FOR FOREST SERVICE TIMBER SALES

13 SEC. 16. (a) The Secretary shall formulate and present
 14 to Congress within one year of the passage of the Act a cost
 15 accounting system for furnishing itemized and cumulative
 16 direct and indirect costs for administering and managing the
 17 growth, sale and reforestation of timber on individual sales
 18 tracts.

19 (b) Within three years of the passage of the Act the
 20 Secretary is to have initiated this cost accounting system
 21 with regard to future sales and, to the extent feasible, timber
 22 sales in progress.

23 (c) Every year thereafter the Secretary shall report to
 24 Congress those sales which were made at less than the cumu-
 25 lative direct and indirect costs for administering and manag-

Section 16 - Accounting Methods for Forest Service Timber Sales

This section requires development of a cost accounting system for 'item-ized and cumulative direct and indirect costs for administering and managing the growth, sale and reforestation of timber on individual sale tracts.' The system is to be in operation within three years. Each year thereafter a report to Congress would be required for sales 'which were made at less than cumulative direct and indirect costs for administering and managing the growth, sale and reforestation of timber on individual sale tracts.'

This proposed requirement calls for an unprecedented detail for government cost accounting. Apparently, the direct and indirect costs of growing timber on each sale area is desired. It would be extremely difficult to produce valid accounting procedures for such costs on individual timber sales. To require the detailed accounting of direct costs of administration of individual timber sales would itself substantially increase such costs.

No justification has been advanced for this proposed accounting requirement. National Forest timber sale receipts are now bringing into the Treasury about \$400 million each year. Annual appropriations for timber sale administration are now about \$60 million. Timber sales account for about 95 percent of all National Forest receipts. There can scarcely be any question over the overall net benefit to the Treasury from this activity. The question may well be raised over the proposal for detailed accounting in timber management related activities without concern for accounting of the other Forest Service resource management activities, virtually all of which fail to bring in receipts equal to annual appropriation costs.

1 ing the growth, sale and reforestation of timber on individ-
2 ual sales tracts.

3 PAYMENTS TO STATE OR LOCAL GOVERNMENTS

4 SEC. 17. (a) A State or local government entitled
5 to receive any payment during any fiscal year under
6 one or more of the provisions of law specified in sub-
7 section (d) may elect, in such manner and at such time
8 as the Secretary of Agriculture may by regulation pro-
9 vide, to receive an amount computed in accordance with
10 subsection (c) in lieu of the sum of the amounts of the
11 payments which such State or local government would
12 receive under all of the provisions specified in subsec-
13 tion (d). Such election shall apply only with respect
14 to amounts required to be paid during the fiscal year for
15 which the election is made, and not more than one such
16 election may be made during any annual period. No
17 amount shall be paid for any fiscal year under any pro-
18 vision specified in subsection (d) to any State or local
19 government which has made an election for such fiscal
20 year under this subsection.

21 (b) In a case of a State or local government mak-
22 ing an election under subsection (a), the Secretary of
23 Agriculture shall provide notice of such election to each
24 department or agency of the United States which, but
25 for such election, would be authorized to pay any amount

Section 17 - Payments to Local Governments

Section 17 would authorize State and local governments to choose between two methods of payment: (1) 25 percent of National Forest receipts as is current practice, or (2) an amount equal to 75 cents for each acre of land within the State or locality which is presently qualified to receive 25 percent receipt funds. Enactment of this Bill will undoubtedly cause a significant reduction in stumpage receipts on each National Forest by reducing the availability of timber and increasing costs for roads and timber harvesting. A significant number of states and counties presently receive 25 percent receipt funds which amount to greater than 75 cents per acre -- often considerably greater. These states and counties would receive less revenue if S. 2926 were passed. They would also be severely impacted by loss of significant employment opportunities.

Enactment of this Bill could reduce the harvest from the National Forests by at least 60 percent. The reduction in net receipts to the Treasury would be enlarged further by the greater costs for road construction and harvesting due to reduced per acre timber yields. However, a reduction of just 50 percent would result in a cost to the Federal Government, due to reduced timber sale receipts, amounting to at least \$200 million annually.

1 to such State or local government under any provision
2 specified in subsection (d).

3 (c) The amount referred to in subsection (a) is an
4 amount equal to 75 cents for each acre of land within
5 the boundaries of the State or political subdivision with
6 respect to which a payment is authorized (or would be
7 authorized if revenue were produced from such land)
8 to be made under any provision specified in subsection
9 (d).

10 (d) The provisions of law referred to in the pre-
11 ceding subsections are as follows:

12 (1) the Act of May 23, 1908, entitled "An Act
13 making appropriations for the Department of Agricul-
14 ture for the fiscal year ending June thirtieth, nineteen
15 hundred and nine" (35 Stat. 251; 16 U.S.C. 500),

16 (2) the Act of June 20, 1910, entitled "An Act
17 to enable the people of New Mexico to form a consti-
18 tution and state government and be admitted into the
19 Union on an equal footing with the original States; and
20 to enable the people of Arizona to form a constitution
21 and state government and be admitted into the Union on
22 an equal footing with the original States",

23 (3) section 33 of the Bankhead-Jones Farm Tenant
24 Act (50 Stat. 522, 526; 7 U.S.C. 1012),

25 (4) section 6 of the Mineral Leasing Act for Ac-
26 quired Lands (61 Stat. 915; 30 U.S.C. 355).



Forest Industries NEWSLETTER

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by NATIONAL FOREST PRODUCTS ASSOCIATION, 1619 Massachusetts Avenue, N.W., Washington, D.C. 20036

66-LL-10

Washington, D.C., March 5, 1976

COURT RULINGS THREATEN TIMBER, WILDLIFE AND WATER

In a report to the Congress, the Forest Service disclosed this week that lawsuits won by preservationists, who filed them in the name of protecting the environment, not only will reduce National Forest timber production by half, at double the administrative cost, but also will actually damage wildlife and water quality in the National Forests.

The disclosures were made in Forest Service proposals for long-range utilization of resources, required under provisions of the Forest and Rangeland Renewable Resources Planning Act of 1974 (Humphrey-Rarick), sent to Congress March 2 by President Ford.

The Sierra Club and other preservationist groups that brought the suits are supporting a bill, S. 2926, introduced by Sen. Jennings Randolph (D-W. Va.), which would write the results of the suits into law. The ruling in one suit was that trees on West Virginia's Monongahela National Forest could be harvested only if dead, mature, large growth and individually marked and removed. This narrow interpretation of the Organic Act of 1897 was applied also in an Alaska case, *Zieske v. Butz*, on an existing 50-year timber sale and applies to a portion of the Tongass National Forest.

Virtually all timber sales have been halted on nine National Forests in Appalachia since the Monongahela suit was upheld last Aug. 21 by the U.S. Fourth Circuit Court of Appeals. Application of the Monongahela decision to all 155 National Forests is one of the alternatives sought by a western North Carolina group of federal timber purchasers.

Only Esthetics Would Benefit

In its program submitted to Congress, the Forest Service analyzed eight possible ways to harvest trees from the National Forests. Using the option of the court's large-trees-only order, it found that only the esthetics of the forest would improve and all its other values would decline, including wildlife and water. This was the breakdown: esthetics favorability, up 24 percent; wildlife favorability, down 17 percent; range potential, down 35 percent; potential water, down 1.2 percent; timber volume, down 50 percent; timber value, down 57 percent; administrative costs, up 82 percent by volume and 113 percent by value, and logging cost, down 2 percent.

Commenting on the Forest Service analysis, NFPA President Eliot H. Jenkins said:

"This shows how heavy the impact of the court rulings and the Randolph bill will be on the forests, their watersheds, wildlife habitat and rangelands. All other values are sacrificed to esthetics because a handful of extremists reached back into the 19th century to exploit a legal loophole. It makes no sense at all.

"Now, what about the social and economic impacts? The Arab oil embargo affected only 15 percent of our supply, and we all remember the chaos that caused. With 15 percent of



Acoustical and Board Products Association • Alaska Loggers Association • American Institute of Timber Construction • American Plywood Association • American Wood Preservers Institute • Appalachian Hardwood Manufacturers, Inc. • California Redwood Association • Canadian Wood Council • Federal Timber Purchasers Association • Fine Hardwoods—American Walnut Association • Hardwood Dimension Manufacturers Association • Hardwood Plywood Manufacturers Association • Industrial Forestry Association • Maple Flooring Manufacturers Association • National Oak Flooring Manufacturers Association • National Particleboard Association • National Woodwork Manufacturers Association • North American Wholesale Lumber Association • Northeastern Lumber Manufacturers Association, Inc. • Northern Hardwood and Pine Manufacturers Association, Inc. • Red Cedar Shingle & Handsplit Shake Bureau • Southern Cypress Manufacturers Association • Southern Forest Products Association • Southern Hardwood Lumber Manufacturers Association • Western Wood Moulding and Millwork Producers • Western Wood Products Association.

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our timber supply hit by an 'embargo,' we are in for an equally rough time — unemployment, bankruptcies, shortages and higher prices for everything from housing to toilet tissue."

The Forest Service proposals to Congress were contained in its Assessment of the nation's renewable resource situation and Program, detailing how the National Forest System will be utilized to help meet national needs for renewable resources. These were accompanied by the President's Statement of Policy, also required by the Humphrey-Rarick Act. The White House Statement is intended to be used for framing budget requests by the Administration for the first five years of the Program proposed to extend to the year 2020.

**House-Senate
Hearings
On Forestry
Legislation**

Congress may revise or modify the President's Statement of Policy as well as the recommended Program. The Senate Agriculture Committee has scheduled hearings to review the Forest Service recommendations, as well as various bills to correct the crisis created by the Monongahela decision, for March 15-16 and 22. It was announced today that the House Agriculture Subcommittee on Forests will hold hearings March 22, 23 and 24 on all forestry legislation pending in the House.

One goal recommended in the Statement of Policy would be to increase timber supplies and quality to the point where benefits are commensurate with costs. Targets for National Forest timber output under this goal would increase sawtimber output from 12.9 billion board feet in 1970 to 15.3 billion board feet in 1980, to 16.9 billion board feet in 1990, and to 20.9 billion board feet in 2020. Another goal would provide for a "moderate" increase in Wilderness designation on National Forest lands. It calls for an increase of up to 13 million acres above the 4.6 million acres presently proposed or under study for Wilderness classification. Ultimately, the National Forest Wilderness System would increase to 25 million to 30 million acres by 2020.

**MONONGAHELA
COURT
DEVELOPMENTS**

The Southern Appalachian Multiple Use Council and the Forest Service filed briefs March 4 with the U.S. Fourth Circuit Court of Appeals in the Council's appeal from a lower court order last Dec. 29 concerning the Monongahela issue. In that decision, U.S. District Court Judge Woodrow W. Jones refused to void Forest Service orders limiting sales to dead or diseased timber in the nine National Forests within the Fourth Circuit area. He also declined to apply the Monongahela decision equally throughout the nation.

Meanwhile, NFPA and the Western Forest Industries Association, seeking the appellate court's permission to file *amicus curiae* (friend of the court) briefs, went ahead and submitted briefs to the court in anticipation of a favorable ruling.

The Multiple Use Council's brief reiterates in large part the arguments made to the District Court, in contending (1) the Forest Service sale of timber within the Fourth Circuit states is on terms differing from those upon which it is offered in other states and is, therefore, an unconstitutional deprivation of due process and equal application of the law, and (2) the Forest Service extension of the Monongahela decision to the limits of the Fourth Circuit, but no further, constitutes arbitrary and capricious action in violation of the Administrative Procedure Act.

The Forest Service brief argues that the agency has neither constitutional nor statutory duty to equalize competitive burdens on Fourth Circuit timber purchasers by imposing uniform timber sales throughout the nation.

**NFPA
Amicus Brief**

NFPA, in its brief, adopted a position midway between those of the Council and the Forest Service, contending that the Monongahela decision should not be extended nationwide but, rather, limited to the Monongahela National Forest in West Virginia. The WFIA asked the Fourth Circuit Court to forego extension of its earlier decision to the Ninth Circuit Court

of Appeals area, since that region, including such states as Oregon, Washington, Idaho, California and Alaska, accounts for the vast majority of National Forest timber production. WFIA also contended that, since the courts of that region are presently considering the Monongahela issue, they should be permitted to decide how federal timber within their jurisdiction should be harvested.

**NATIONAL
FOREST
POLICY
BILL**

A bill, H.R. 12232, to establish a joint Congressional committee to study existing federal policies and statutes concerning National Forests, and to make recommendations within two years for a definitive national policy on forests, has been introduced by Rep. Robert L.F. Sikes (D-Fla.). Sikes said the need for such legislation is "evident," since court decisions on the Monongahela and Alaskan timber sales have "created crisis situations in forest management." Legislative reform is necessary, he said, in view of the fact that over one-half of all the merchantable sawtimber in the nation is on the National Forests. Nevertheless, Sikes said, the legislation should not be limited to timber sales procedures but should be developed from study of all forestry needs and molded into bills encompassing broad, comprehensive forest policy.

Sikes noted that the American Forestry Association has recommended: (1) adoption of interim legislation to resolve the Monongahela-Alaska timber sales problems to prevent disruption of the forest economy and programs, and (2) establishment, as he is proposing, of a Joint Study Committee to develop a national policy for forests and related resources management. He said the proposed committee should include broad representation from both the House and Senate and their respective Agriculture and Interior Committees.

**NEW
MONONGAHELA
BILL**

Rep. Robert Duncan (D-Ore.) has also introduced legislation to resolve the Monongahela issue. The bill, H.R. 12130, would amend the 1897 Organic Act to overcome problems created by the Monongahela decision, and make clear that the National Forests would be managed in accordance with provisions of the Multiple Use-Sustained Yield Act of 1964 and the Forest and Rangeland Renewable Resources Planning Act of 1974.

**EAGLES NEST
WILDERNESS AREA**

The House Interior Committee approved on March 3 a bill to designate an Eagles Nest Wilderness Area of some 130,480 acres in Colorado. Eliminated from the bill, as reported out by the Committee, was a 6,270-acre tract forming the Meadow Creek area, which was included in a Senate-passed version of the measure.

**WATER
QUALITY
STANDARDS**

The National Commission on Water Quality voted this week to recommend a five to 10-year delay in the federal requirement for application by 1983 of the "best available technology" for control of water pollution. The Commission, headed by Vice President Nelson A. Rockefeller, also recommended rewriting the law's eventual goal of zero discharge, to emphasize instead a goal of "conservation and re-use of resources."

**EPA POINT
SOURCE REGU-
LATIONS —
SILVICULTURE**

The Environmental Protection Agency published on Feb. 12 proposed regulations distinguishing point and nonpoint sources of water pollution related to silviculture activities. The proposed regulations reflect EPA's determination "that most water pollution related to silvicultural activities is nonpoint in nature." EPA stated that "this pollution is basically runoff induced by precipitation events and is not and should not be subject to the National Pollutant Discharge Elimination System (NPDES) permit program." Copies of the proposed EPA regulations are available from NFPA's Forestry Affairs Division. Industry comments to EPA are needed by March 25, to demonstrate support for the favorable treatment afforded silviculture and to assure that forest road construction is clearly identified as a nonpoint source activity.

The EPA also published, on Feb. 23, proposed regulations identifying point sources of water pollution in agriculture, which would be subject to the NPDES program. In the proposed agriculture regulations, which also apply to "forestry," EPA identified "irrigation return flow" as a point

source. It is defined as: "...surface water, other than navigable waters, containing pollutants which result from the controlled application of water by any person to land used primarily for crops or forage growth, forestry or nursery operations." All forest management interests are urged to provide comments to EPA opposing this move. The deadline for comment is April 2.

Comment for both the regulations published for silvicultural point sources and for point sources in agriculture should be submitted to: Legal Branch, Water Enforcement Division (EN-338), Office of Water Enforcement, Environmental Protection Agency, 401 M Street, N.W., Washington, D.C. 20460.

**NEW
PUBLIC TIMBER
PURCHASERS
GROUP**

John K. Gram has been appointed president and chief operating officer of the newly formed Public Timber Purchasers Group with headquarters in the Oregon Bank Building, Portland, Ore. The Group was organized to improve coordination of utilization of the timber supply from public timberlands. Objectives of the Group are to: (1) correct grievances arising out of government programs granting preferences in the sale of public timber, (2) influence federal and state legislation relating to public timber sales and (3) challenge governmental policies that grant preference to either "small" or "large" business. Gram previously was president of Forest Utilization, Inc., Kalama, Wash., and is a former executive of a lumber company.

**NEW SMALL
BUSINESS
LUMBER GROUP**

Robert Robertson, who served as Assistant to the Secretary of the Interior, Office of Congressional and Legislative Affairs, for the past two years, has been named executive vice president of the new National Association of Independent Lumbermen. The association includes three regional associations: the Southeastern Lumber Manufacturers Association, Western Forest Industries Association and the North West Timber Association. The office is located at 1050 17th Street, N.W., Washington, D.C.

**NEW
BUILDING CODE
FIELD MAN
APPOINTED**

Peter H. Billing has been appointed Midwest district manager of NFPA's building code department. Billing will handle building code issues in the states of Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North and South Dakota, Oklahoma and Wisconsin. His office address is Glen Hill Office Park, 799 Roosevelt Rd., Suite 201, Bldg. No. 1, Glen Ellyn, Ill. 60137. (312-858-5554). Billing is a graduate of the College of DuPage, Ill., majoring in business administration and fire science, and he was formerly deputy director of code enforcement for the Mount Prospect, Ill., building department. Prior to 1973, he headed the building department of the village of Carol Stream, Ill., a department he founded in 1968.

**BONFIELD
ELECTED AFI
PRESIDENT**

Gordon B. Bonfield, president and chief executive officer of Packaging Corporation of America, Evanston, Ill., has been elected president of the American Forest Institute. Also newly elected were: first vice president — John A. Ball, executive vice president of Champion International Corp. and head of its U.S. Plywood operations, and second vice president — Alfred X. Baxter, president of J.H. Baxter and Co., San Mateo, Calif., a past president and chairman of NFPA. Reelected were Benton R. Cancell as AFI's treasurer and George C. Cheek as secretary and executive vice president. A change in AFI's by-laws enabled this year's election of officers to be conducted by mail ballot. Previous elections were held at the Institute's annual meeting.

**MONONGAHELA
INFORMATION
MATERIALS**

"The Monongahela Issue: A Spreading Economic Malady," a backgrounder prepared by NFPA and distributed with the Feb. 13 *Newsletter*, has been updated and copies are available from NFPA at 15 cents each. Audio-visual materials concerning the Monongahela issue, described in the flyer with this *Newsletter*, also are available from NFPA. Copies of an invoice flyer, also enclosed, can be obtained from NFPA at \$2 per 100 copies — or velox camera-ready proofs of the invoice flyer are available for companies wishing to produce their own copies. These information materials are designed for use by forest industry companies in their communities and states to alert all consumers of forest products of the severe economic and social dislocations that would occur if there is an "embargo" on 15.6 percent of the nation's timber supply, which comes from the National Forests.

Forest Industries NEWSLETTER

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76-LL-11

Washington, D.C., March 12, 1976

CONGRESSIONAL HEARINGS TO OPEN ON MONONGAHELA ISSUE AND FORESTRY BILLS

Forestry legislation, including proposals to resolve the explosive Monongahela issue, will come in for intensive hearings before Congressional committees during the next two weeks. The sessions are expected to attract the most Congressional attention to the forest industry and its timber supply problems since the 1971 "clearcutting" hearings by the Senate Interior Subcommittee on Public Lands. The report of that committee recognized clearcut timber harvesting as a legitimate and necessary tool in forest management.

To meet the crisis situation caused by recent court decisions and to review the Forest Service's recommendations for long-range development of National Forest resources, the Senate Agriculture Forestry Subcommittee, in a joint session with a Senate Interior Subcommittee opens a series of hearings on Monday, March 15. The sessions will continue through the next day and then resume on March 22, when the House Agriculture Subcommittee on Forests opens its own series of hearings, to continue through March 24.

Statements to the Committees will be presented by a long list of witnesses from the forest products industry, schools of forestry, conservation and preservationist organizations and from members of Congress themselves.

New Randolph Bill Proposes Temporary Relief

As final preparations for the Senate hearings were being made, Sen. Jennings Randolph (D-W. Va.), on March 11, introduced a bill, S. 3135, to provide limited and temporary authority for the Forest Service to sell timber in the four states having National Forests in the Fourth Judicial Circuit -- Virginia, West Virginia, and North and South Carolina. Timber sales have been virtually halted by the Forest Service since the U.S. Fourth Circuit Court of Appeals last Aug. 21 upheld a lower court order banning sales of trees except those that are dead, mature, large growth and individually marked.

Randolph's new bill would allow time -- until Sept. 30, 1977 -- for Congress to work out a permanent solution to the Monongahela issue. Timber sales of mixed hardwoods would be in accordance with the recommendations of the West Virginia Forest Management Practices Commission that were published in 1970. The bill supplements Randolph's previously introduced S. 2926, which would lock into law the essentials of the Monongahela court decision. The latter measure, also will be considered in the Senate hearings. It is opposed by the forest industry on grounds that its restrictive management prescriptions would reduce timber harvests in the National Forests by 50 to 60 percent.



Humphrey Bill Sets Flexible Guidelines

The forest industry is supporting a series of principles, some of which are embodied in S. 3091, introduced March 5 by Sen. Hubert H. Humphrey (D-Minn.). Industry's position is that the Forest Service must be provided the flexibility that forest managers need to tailor their management plans to the natural characteristics of the particular trees and lands they are managing. Under the Humphrey bill, guidelines of this nature are included. Limiting of National Forest timber sales to dead, matured or large growth trees would be eliminated, as would the mandatory marking requirement.

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*American Forest Institute • American Paper Institute • American Plywood Association • American Pulpwood Association • National Forest Products Association

Also, coming up for consideration at the hearings will be other measures to provide interim relief from the court decisions by permitting timber sales in National Forests of the Fourth Circuit area and Alaska until a permanent solution is worked out. Another proposal to be heard is for the establishment of a joint Congressional committee to make a study and recommendations within two years for a definitive national policy on forests.

**Forest Service
Long-Range
Program**

Sharing the spotlight with proposed forestry legislation will be the Forest Service's long-range proposals for development of National Forest resources as required by the Forest and Rangeland Renewable Resources Planning Act (Humphrey-Rarick). The proposals were submitted to Congress last week, along with a Statement of Policy by President Ford -- also required under Humphrey-Rarick. At a Forest Service briefing held later, Chief John R. McGuire said the recommendation can be described as an "accelerated investment program." Estimated costs of the program range from \$2.5 billion to \$3 billion annually.

Copies of the Complete Assessment and Program of the Forest Service, as well as a 30-page summary highlighting both documents are available from the Forest Service, U.S. Department of Agriculture, Room S-159, South Building, Washington, D.C. 20250.

**Industry Panel
To Testify**

NFPA will present a five-member panel at the Senate hearings on Tuesday, March 16. Included are John B. Crowell, Jr., general counsel, Louisiana-Pacific, Corp., Portland, Ore.; Paul F. Ehinger, senior vice president, Edward Hines Lumber Co., Westfir, Ore.; Robert Boyd, president, WRP Company, Sedro Wooley, Wash., A.C. Edwards, woodlands manager, Westvaco Corp., Charleston, S.C., and Ralph D. Hodges, Jr., NFPA executive vice president. A number of other industry company and association executives will also present statements to the Committee.

Sen. Jesse A. Helms (R-N.C.), a co-sponsor with Sen. Humphrey of S. 3091, told the Senate in a speech March 9 that without prompt Congressional action on such legislation, the United States will suffer a timber supply crisis fully as disruptive as the fuel and energy crisis. He said that until the Monongahela issue is resolved, the annual timber harvest from federal lands in North Carolina alone will drop from 55-60 million board feet to zero, meaning that 4,000 new homes that could be built each year will not be built. "It is irresponsible for the courts to suddenly curtail the availability of so much timber and to force such extensive hardship upon the consuming public," Helms said.

A resolution urging AFL-CIO headquarters in Washington, D.C., to support remedial legislation to resolve the Monongahela issue was given final approval by the AFL-CIO International Woodworkers of America and Canadian Labor Congress at a recent biennial international convention in Montreal, Canada. The resolution, alerting the AFL-CIO headquarters to the "potentially catastrophic interpretation" of the 1897 Organic Act by the U.S. Fourth Circuit Court of Appeals, previously had been advanced by the union's International Executive Council.

At a meeting in Neenah, Wisc., this week, Region 10 of the United Paperworkers International Union passed a resolution urging: "...the Congress of the United States to pass remedial legislation to resolve the problems resulting from the recent interpretation of the Organic Act so that the National Forests continue to serve in the public interest."

The resolution noted that the interpretation of the recent court rulings is preventing the U.S. Forest Service from managing satisfactorily the National Forests for the production of timber as one of its obligations, and that "the U.S. Forest Service must be allowed to employ the full range of professional and technical forest management practices which have resulted from nearly 60 years of organized forestry research."

**AFL-CIO
ALERTED TO
MONONGAHELA ISSUE**

**PAPER WORKERS
URGE ACTION**

The Paperworkers adopted the resolution following a speech by George C. Cheek, executive vice president, American Forest Institute. Cheek told the union members that if the court ruling is applied nationwide, "We're faced with the possibility of a shortfall in timber supply of about two billion cubic feet in 1977 or 1978, some 15 percent of the total timber available for making paper and wood products."

A basic speech, similar to the one Cheek delivered in Wisconsin, is available to industry representatives for presentation to other interested groups from NFPA's Public Affairs Division.

**HARVESTING
HALTED ON
BULL RUN
RESERVE**

U.S. District Court Judge James M. Burns, in a decision March 5, ruled that Forest Service timber harvesting and recreation activities on the Bull Run Reserve, in Oregon's Mount Hood National Forest, violate a special trespass statute enacted by Congress in 1904 and should be halted. The Bull Run Reserve, the watershed for the Portland area, includes approximately 142,000 acres.

In his opinion, Judge Burns indicated that his final injunction may make allowance for ongoing harvesting and recreation programs within the Reserve. In addition, certain limited types of timber harvesting, for the purpose of protection against insects and for snag removal and similar practices, may be permitted. The Judge is expected to schedule an early conference with the attorneys in the case to consider the precise form and timing of the injunction.

**NATIONAL ENERGY
BUILDING
REGULATION
APPROVED**

The Senate on March 9 passed legislation to provide, for the first time, a nationwide building regulation aimed at conserving energy in new homes and office buildings. The vote, 52-35, masked a much narrower division of opinion over the stiff penalties contained in the bill for failure to apply energy saving regulations.

Building regulations normally are adopted by cities and counties. To compel adoption of the proposed federal code, the bill threatens any local jurisdiction that refuses to accept the federal rules with a cutoff of all federal construction subsidies and conventional mortgage credit from banks and savings and loan associations under federal supervision. Amendments offered to remove the enforcement sanctions were voted down by close margins.

The Administration supports the compulsory federal building code provision as part of its comprehensive energy conservation program. The House last Sept. 8 passed H.R. 8650, which calls for a federal energy budget conservation standard to be available for voluntary adoption by state and local governments. A House-Senate conference committee must try to resolve the differences in the bills.

**CLEAN AIR
ACT
AMENDMENTS**

The Senate Public Works Committee is working to advance its proposed amendments to the Clean Air Act to the Senate floor by mid-March. The bill would require that state plans, submitted to the Environmental Protection Agency showing how health and welfare standards will be achieved and maintained, must contain a section providing for "prevention of significant deterioration" in conformity with strict federal guidelines.

These guidelines would require that the state designate all areas within its borders where air is already cleaner than the health and welfare standards in two categories. Class I areas would be those "pristine" sections, such as national parks, where only a minimum of pollutant increases may be permitted. Class II areas would be regions which are suitable for limited, well-controlled growth. For each class, the Senate proposal sets forth the exact amounts (or "increments") of pollutant concentration increases that can be allowed. The state agency is to see that these "increments" over baseline concentrations (whatever levels of each pollutant are found to exist as of July 1, 1976) are not exceeded.

States would be required to notify EPA of any permit application, and approval of EPA, the federal land manager, and the state governor would be necessary before a permit is issued. Prior to construction, an applicant company would have to spend one year taking air quality monitoring data around the proposed plant site. This and other delays could set back the timetable for construction by at least two years.

The proposed nondeterioration amendment results in federal land use planning, even though the Congress has repeatedly rejected land use planning at the federal level during the last four years. NFPA is urging industry members to call on their Senators to defer enactment of a national nondeterioration policy until its impacts at all levels -- employment, economic, and energy -- can be assessed.

**MILDEWCIDE
ORDER
IS STAYED**

An EPA order of Feb. 19 banning the use of mercurial compounds has been stayed until June 30 at the direction of Administrator Russell E. Train. If judicial review of the order by the U.S. Third Circuit Court of Appeals is completed earlier, the June 30 date may be preempted, Train said. If the judicial review is not completed by June 30, he said, the stay will be extended if requested by the affected parties.

Accompanying the stay order was a statement by Train that producers of mercurial compounds may resume production and continue to produce amounts that correspond to their output during the same period last year. However, he said immediate action will be taken against any producer who appears to be exceeding the production limits. Phenyl mercurials traditionally have been used in mildewcides to protect exterior coatings against unsightly mildew on exterior wood and wood-based products. Prior to the Feb. 19 order, the pending threat of a ban on mercurial compounds had caused many coatings producers to incorporate substitute mildewcides in their products without the benefit of extensive test exposures. There is growing evidence that the alternative mildewcides lack the effectiveness of formulations containing mercury.

A number of producers of phenyl mercury compounds and the National Paint and Coatings Association filed the petition for judicial review of the EPA action shortly after the Feb. 19 order was issued.

**THREAT TO
WOOD FINISHES
AVERTED**

A threat to the use of wood for interior finishes in California has been turned back. The California state fire marshal, who approves materials for use in most public buildings in the state, had stated in a letter to the California Redwood Association that redwood boards and plywood would be acceptable for interior finish only if applied to a noncombustible substrate -- such as the asbestos cement board used as a backing by Underwriters Laboratory in fire-testing redwood finishes. This ruling would have eliminated the use of wood finishes over studs and joists, or forced the industry, at great expense, to demonstrate that the substrate has little effect on the interior finish fire rating. After intervention by NFPA, the fire marshal eliminated this stringent requirement.

**AWWF REJECTED
IN NORTH CAROLINA**

The North Carolina Home Builders Association's proposal to gain approval of the All-Weather Wood Foundation System in the North Carolina State Building Code has been rejected. In addition to the Portland Cement Association, National Concrete Masonry Association and the Carolina Redi-Mix Company, the Deputy Commissioner of Insurance, who administers the state building code, opposed the proposal. Although the state has not granted approval of the AWWF System, many wood foundations already have been installed in North Carolina with approval of local building officials. NFPA will continue to work with representatives of the home builders to win statewide approval.

NEWS BRIEFS

Melvin E. Kurth, Jr., president and chief operating officer for Southland Paper Mills, Inc., Houston, Tex., has been elected 1976 president of the Southern Forest Institute.....**Dr. C. Richard Calkins** has been appointed vice president, environmental affairs, a new position, at the American Paper Institute. Headquartered at the Forest Industries Building in Washington, D.C., Calkins will be in charge of all API air, water and solid waste activities, including collaboration in these areas with NFPA.

March 12, 1976

RANDOLPH AND BROWN BILLS -- S. 2926 and H. R. 11894

BRIEF ANALYSIS

Last month Senator Jennings Randolph (W. Va.) introduced S. 2926, a bill entitled "The National Forest Timber Management Reform Act of 1976." Two weeks later an identical bill, H. R. 11894, was introduced in the House by Representative George Brown of California. The stated purpose of the bills was to resolve problems caused by Federal court decisions involving the Monongahela National Forest in West Virginia. But the contents of the bills go far beyond this objective. Their provisions, if enacted, would seriously impair sound management of all National Forests throughout the nation. The bills' restrictions upon the practice of forestry would deny the public forests of the United States the benefits of the world's best silvicultural knowledge and experience.

S. 2926 and H. R. 11894 would establish in law many rigid and specific land management prescriptions, severely limiting economic production of timber, provision of wildlife, watershed, forage, and the supply of recreational and esthetic values, all of which depend upon scientific forest management. This negative effect is inherent in the provisions of the bills which deny to the Forest Service the flexibility to assure appropriate management of all biological resources on these public lands.

The National Forest Products Association represents companies which manage vast industrial forest areas and also companies which are wholly or partially dependent upon Federal forest lands. We oppose the Randolph and Brown bills because they would have a negative impact on the productivity of the nation's forest lands and they would severely damage the conservation and environmental aspects of this valuable national resource.

Moreover, S. 2926 and H. R. 11894 would impose upon the National Forests precisely the burden of endless litigation over interpretations and implementation of the law which it seeks to cure. This is because, at key points throughout the bills, the language is vague, ambiguous or subjective. S. 2926 and H. R. 11894 were drafted with an eye to imposing general restraints upon timber harvesting. Unhappily, the extension of prescriptive regulation in the legislation would impose requirements which would be extremely difficult to achieve. Further, they are so universal in their scope as to impose unattainable and destructive standards of performance upon biological management, going far beyond timber.

A number of environmental groups advocating flexible biological management have also expressed concerns about S. 2926 and H. R. 11894 because they will impair programs devoted to fish and wildlife. These include the National Wildlife Federation, the Wildlife Management Institute, and the Society of American Foresters.

With respect to timber supply, the Randolph and Brown bills would result in a long-term reduction in National Forest timber harvest of at least 60 percent. They would significantly increase the cost of the National Forest timber management program while drastically reducing the benefits flowing from that program. In addition, by curtailing the flow of timber from National Forests, S. 2926 and H. R. 11894 would lower the current levels of timber sale receipts which go to counties. Provisions in the bill to replace these receipts in part would cost the Treasury at least an additional \$200 million annually.

A number of independent estimates concur that demands for forest products will double by the year 2000. The reduction in wood harvest levels from the National Forests imposed by the bills will create serious voids between material needs of the country and available supplies. The three most significant portions of the legislation causing such sharp reductions in harvest levels are summarized below. The Randolph and Brown bills are identical. Therefore, the section references are the same for both bills.

1. Restrictions imposed by detailed criteria in Section 4 will reduce long-term timber supply by at least 25 percent of current levels, and could drop supply by 35 percent, to about 65 percent of current production depending on how courts might interpret these highly subjective criteria.
2. Section 5 provides that there will be no decline in quantity or quality from timber management units, which can be no larger in size than a ranger district, or 500,000 acres, whichever is smaller. These constraints alone would reduce long-term timber supply by 25 percent or more.
3. Section 8 largely prohibits harvest of trees which are not dead, large, or meet the definition of "mature" contained in Section 3(3). This constraint would roughly double the growing time for National Forest timber. This in itself would reduce long-term harvest levels by about 30 percent.
4. When Section 8 is combined with the constraints imposed by Section 4 and Section 5, it is estimated that there would be a long-term reduction of National Forest timber supply to less than 40 percent of current levels.

Other sections will also contribute to cumulative impacts destined to further reduce long-term supply. These have not been estimated. Neither has there been any estimate as to the impact on timber supply which results from the increased requirements the bills impose on National Forest timber purchasers. These will result in increased costs in operating sales which will in turn reduce receipts to the government from the timber sales.

Further, these higher operating costs will result in a significant increase in the area of forest land on which timber value is not sufficient to cover the costs of logging, roadbuilding, and other requirements of harvesting and processing National Forest timber. This will produce an additional but unestimated reduction in timber supply. There will also be a substantial increase in Forest Service administrative costs for timber sale planning, preparation, and administration. The extent of such additional costs is now being studied by the Forest Service.

The National Forests provide much more than necessary wood fiber to meet our nation's needs. They offer wildlife habitat, quality water, outstanding recreation including Wilderness areas, and forage as well as timber. The yield of these lands across these varied purposes, except for the extensive unmanaged areas set aside for Wilderness, depends upon sound management of the forest cover.

The limits on forest management contained in S. 2926 and H. R. 11894 are as destructive of the productivity of these lands as if they had been subjected to a forest fire which destroyed 60 percent of the timber and the lands were then kept barren.

Fortunately, these public lands can be managed now to obtain multiple-use benefits for all of these socially and economically desirable resources. The report to Congress last week by the Forest Service as required by the Forest and Rangeland Renewable Resources Planning Act of 1974 sets forth in convincing terms the needed management program for these lands for the years 1977-2020. That is a blueprint for productivity. S. 2926 and H. R. 11894 are just the opposite.

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Forest Industries **NEWSLETTER**

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82-LL-12

Washington, D.C., March 19, 1976

SENATE HEARINGS ON NATIONAL FOREST LEGISLATION

Immediate and long-term relief from the adverse impact on National Forest timber sales and on the economy in general, caused by the Monongahela and other court decisions, was urged by the forest products industry this week at joint hearings by the Senate Agriculture and Interior Committees.

Statements were presented to the Committees by a five-member panel representing NFPA and by a four-member group appearing for Appalachian Hardwood Manufacturers, Inc. In addition, a long list of industry representatives testified on their own, as well as members of Congress who urged their colleagues to act swiftly. Preservationist groups were also well represented. A Special Report on the hearings is an enclosure with the *Newsletter*.

The Senate hearings, held March 15 and 16, resume on Monday, March 22. On that same date, the House Agriculture Subcommittee on Forests will open its own series of hearings on both forestry legislation and on Forest Service proposals for long-range development of National Forest resources. The House hearings are scheduled to run through March 24. The NFPA and AHMI panels, along with other industry representatives, will again testify and respond to questions of committee members.


HUMPHREY BILL INTRODUCED IN HOUSE

As the Senate opened its intensive hearings on forestry legislation, a bill, H.R. 12503, identical to the Senate bill, S. 3091, introduced by Sen. Hubert H. Humphrey (D-Minn.), was introduced in the House by Rep. Harold T. (Bizz) Johnson (D-Calif.). Johnson is third ranking Democrat on the House Interior Committee. It was co-sponsored by Rep. B.F. Sisk, also of California, fourth ranking Democrat on the House Rules Committee. An identical companion bill to S. 3091 was introduced also by Rep. Les AuCoin (D-Ore.), and was numbered H.R. 12663.

Just as S. 3091 was discussed at great length at this week's Senate hearings on forestry legislation, the new bills will be on deck for House committee consideration in the coming week. H.R. 12503, like S. 3091, would amend the Organic Act of 1897, the basic federal law authorizing timber harvesting on the National Forests, to eliminate language interpreted in recent court decisions as limiting timber sales to dead, mature and large growth trees that have been individually marked for harvesting.

CHAMPION INTERNATIONAL ASKS CANCELLA- TION OF ALASKA CONTRACT

Champion International Corporation has asked the Forest Service for mutual cancellation of a 50-year contract, dating from 1968, to harvest 8.75 billion board feet of timber on a portion of the Tongass National Forest in Alaska known as the "Juneau Unit." Since 1970 the sale has been involved in litigation instituted by the Sierra Club and others. In requesting the cancellation, Champion International cited the delays caused by the litigation, stated that increased capital


Acoustical and Board Products Association • Alaska Loggers Association • American Institute of Timber Construction • American Plywood Association • American Wood Preservers Institute • Appalachian Hardwood Manufacturers, Inc. • California Redwood Association • Canadian Wood Council • Federal Timber Purchasers Association • Fine Hardwoods—American Walnut Association • Hardwood Dimension Manufacturers Association • Hardwood Plywood Manufacturers Association • Industrial Forestry Association • Maple Flooring Manufacturers Association • National Oak Flooring Manufacturers Association • National Particleboard Association • National Woodwork Manufacturers Association • North American Wholesale Lumber Association • Northeastern Lumber Manufacturers Association, Inc. • Northern Hardwood and Pine Manufacturers Association, Inc. • Red Cedar Shingle & Handsplit Shake Bureau • Southern Cypress Manufacturers Association • Southern Forest Products Association • Southern Hardwood Lumber Manufacturers Association • Western Wood Moulding and Millwork Producers • Western Wood Products Association.

*American Forest Institute • American Paper Institute • American Plywood Association • American Pulpwood Association • National Forest Products Association

requirements make the project uneconomical, and said confusion is arising from settlement of Alaska Native claims in the area. Chief John R. McGuire said the Forest Service has taken the request under consideration.

U.S. District Court Judge Raymond Plummer, in a March 25, 1971, decision, upheld the Juneau Unit timber sale as meeting requirements of the 1897 Organic Act. However, the Ninth U.S. Circuit Court of Appeals returned a portion of the case to the District Court to consider whether a new trial was warranted. A new trial was held in the District Court in Anchorage 18 months ago, but a decision was not reached. Last Dec. 12, the Sierra Club asked Judge Plummer to reconsider his 1971 decision upholding the timber sale, citing the Monongahela decision as precedent.

The case is separate from another one in the same District Court, in which Judge James A. von der Heydt on last Dec. 29 agreed with the Monongahela decision and granted an injunction for a portion of the remaining 26 years of a 50-year, 8.2 billion-board-foot timber sale in the Tongass barring Ketchikan Pulp Co. from cutting any trees other than those that are large, matured or dead and marked.

The American Paper Institute and NFPA will sponsor an Environmental Forum on April 14 at the Marriott Key Bridge Hotel in Rosslyn, Va. Purpose of the Forum is to exchange information on environmental issues affecting the forest industries. Current and emerging issues involving existing and proposed federal legislation and regulations will be covered. Current litigation will also be discussed. The Forum is open to all forest industry-related persons concerned with environmental problems. Primary issues for discussion will include: point water, nonpoint water, solid waste, air and noise, toxic substances, forest chemicals, forest practices and land use, economic impacts and environmental energy. Luncheon speaker will be Rep. Jim Wright (D-Tex.), chairman of the Subcommittee on Investigation and Review of the House Public Works and Transportation Committee. Reservations for the Forum, with \$25 registration fee, should be addressed to: Environmental Forum, in care of NFPA. Those planning to attend should make hotel reservations directly with the Marriott Key Bridge Hotel.

Housing starts rose to a seasonally adjusted annual rate of 1,555,000 in February, the highest rate since April, 1974, the Commerce Department reported this week. This marked a record increase of 27 percent above January's 1,224,000 unit pace and was 63 percent ahead of the year-earlier rate of 953,000, when the housing slump hit bottom. Before the February report, three consecutive monthly declines had been recorded.

All of the February increase resulted from a record 37 percent jump in starts of single-family houses to an adjusted 1,303,000-unit pace from 950,000 units in January. It was the third highest monthly rate on record for single-family houses. But starts of apartments, the weakest link in the housing recovery, continued to lag last month. Most of the increase in starts occurred in the North Central region of the country, which ran 82 percent above January, and in the Northeast, where starts were up 72 percent.

In contrast with housing starts, the rate of permits issued for future construction increased only slightly. The adjusted annual rate was 1,127,000 units, up from the downward-revised January pace of 1,120,000, but still sharply ahead of the depressed year-earlier rate of 701,000, the Commerce Department said.

The American Insurance Association (AIA) has announced that the 1976 edition of the National Building Code (NBC) is now available. Copies of the NBC may be obtained for \$6 each from the American Insurance Corporation, 85 John Street, New York, N.Y. 10038.

API-NFPA ENVIRONMENTAL FORUM

HOUSING STARTS SURGE

NEW EDITION OF MODEL CODE

DETRIMENTAL CODE CHANGE LOSES SUPPORT

The California Building Officials (CALBO), at the urging of NFPA, has withdrawn its support of a proposed code change to the Uniform Building Code of the International Conference of Building Officials. NFPA regards this change as a major threat to the use of wood building products. The change would regulate the size of buildings on the basis of a fire-flow formula developed by the insurance industry for use in establishing fire insurance rates. It would permit a huge increase in allowable building areas for noncombustible types of construction, while allowing wood-frame and heavy timber buildings little or no increase. CALBO's action is a first step toward defeating the proposal. Many deliberations are expected to be held on the issue over the next two or three years, before final resolution.

GEORGIA ADOPTS NEW FIRE RATING SCHEDULE

The Insurance Services Office of Georgia is adopting the new nationwide Commercial Fire Rating Schedule for use in setting rates on unsprinklered commercial, industrial and institutional properties in the state. The action becomes effective April 7. The schedule has the positive effect of virtually eliminating any differential between fire-retardant treated wood and non-combustible construction, but it also increases the differential in premium rates between non-combustible and heavy timber construction, to the detriment of the wood building system. Georgia is the fourth state to adopt the schedule, following Indiana, California and Virginia.

SPRUCE BUDWORM THREATENS MAINE

The Forest Service reports in a draft environmental impact statement that approximately 7.1 million acres of spruce fir timber in northern Maine are heavily infested by the spruce budworm. It proposed a pest control project in June on some 3.5 million acres. Infestations of the same severity are also reported in three Canadian provinces: 45 million acres in Ontario, 100 million acres in Quebec, and some 14 million acres in New Brunswick. The Canadian government plans control programs on 8 million acres in Quebec and on 10 million acres in New Brunswick.

About 40 percent of the area to be sprayed this year was sprayed last year with mexacarbate, fenithrothion or carbaryl. Budworm populations were reduced on an average of 92 percent in 1975, and preservation of foliage for this year averaged about 35 percent. Originally, some 3.5 million acres were scheduled for treatment last year, but this figure was reduced due to the lack of insecticide.

The forest industry in Maine is concerned that the federal government will not provide funds under the Federal Cooperative Forest Pest Control Act for the 1976 project. In 1975, the Forest Service provided 50 percent of the funding and the state 12.5 percent. The forest industry and other forest land owners contributed the remaining amount. The cost of this year's project is expected to be approximately \$3 per acre. Copies of the Forest Service's statement, entitled "Draft Environmental Statement for Cooperative Spruce Budworm Suppression Project — Maine 1976," may be obtained for review and comment from the Forest Service Northeastern Area Office, 6816 Market Street, Upper Darby, Pa. 19082. Comments must be submitted by March 29.

FOREST PEST CONTROL REPORT

The National Academy of Sciences has published "Forest Pest Control," a report of the Academy's Forest Study Team's study on problems of pest control. The report is a five-volume study of present and alternative pest control technologies in the United States. Copies of the report are available from the National Academy of Sciences, 2101 Constitution Ave., N.W., Washington, D.C. 20418, at \$5.75 per copy.

VOLUNTARY TIMBER MANAGEMENT RESTRICTIONS IN REDWOOD AREA

Three timber companies operating on private lands adjacent to the Redwood National Park in California announced recently they are implementing voluntarily a stringent set of timber management and harvesting rules governing operations in that area. Officials of the Arcata National Corp., Louisiana-Pacific Corp. and Simpson Timber Co. said this action was taken when the companies were unable to conclude an agreement with the Park Service. They told Secretary of the Interior

Thomas S. Kleppe in a letter that "certain Park Service demands would remove from production millions of dollars worth of our timberland either permanently or for an extended and/or indefinite period of time."

The companies said that, in voluntarily adopting their special operating practices, they hoped to resolve all fears about "dangers to the Park." The major changes, they said, were more restrictive than either the requirements of the new California Forest Practice Act and Rules or of the existing cooperative agreements with the Park Service. They are: (1) a reduction of 50 percent in the size of clearcuts, (2) use of cable yarding adjacent to streams and on park boundaries and hill slopes steeper than 50 percent, (3) extension of special protective zones on streams to 225 feet and (4) limiting logging activities in designated critical areas to one small operation per year.

**TEXAS GROUP
BACKS
MODEL CODE
ADOPTION**

The Texas Municipal League has recommended to the state legislature, currently considering building code legislation, that it use the model codes as a basis for state code programs — the same position that NFPA has advocated. In a resolution at its 1975 meeting, the Municipal League expressed its opposition to a federal code, and its support of the model code organizations, saying they have "demonstrated their ability to promulgate and publish acceptable codes" that have been adopted by numerous cities in the state.

**TENNESSEE
BUILDING CODE
LEGISLATION**

Legislation calling for statewide adoption of the Standard Building Code (formerly the Southern Standard Code) will be introduced in the 1976 session of the Tennessee General Assembly. At public hearings in Tennessee, NFPA urged adoption of one of the model codes, without amendment, to assure that restrictions on wood construction would not develop in the adoption process. A number of improvements favorable to wood construction have been made recently in the Standard Code.

**USE OF WOOD
RESIDUES
FOR FUEL**

The University of Wisconsin-Extension will offer a two-day institute, "Use of Wood Residues for Fuel," on June 2-3, on the University's Madison campus. The program, pointed at managers and engineers from industry, will present practical information on the potential for use of wood residues as fuel for wood products and other light industries. It will be oriented toward small to intermediate-size producers of wood products. Program and registration information is available from Fred Werren, University of Wisconsin-Extension, Department of Engineering, 432 Lake Street, Madison, Wisconsin 53706.

**FPRS
ENERGY
MEETING**

"Energy and the Wood Products Industry — Sources, Utilization, Conservation" will be the theme of a three-day meeting scheduled for Atlanta, Ga., next Nov. 15-17. The meeting is a response by the Forest Products Research Society to increase interest in the energy crisis by wood products industry leaders, energy equipment suppliers and consultants. Dr. Jerome F. Saeman of the Forest Products Laboratory, Madison, Wis., is chairman. Saeman, his planning committee, and moderators conducted the 1975 FPRS Energy Meeting in Denver, Colo., which brought worldwide attendance of over 600. An even greater attendance is expected at the Atlanta session.

**RECOMMENDATIONS
FOR 1980
CENSUS**

The next national census — the 20th Decennial Census of the United States — will be taken as of April 1, 1980. As part of its planning for this enumeration of population and housing, the Census Bureau is making an extensive effort to find out what a wide range of Americans want from the census. Forestry industry members with suggestions, questions or comments on the 1980 census should contact: The Director, U.S. Bureau of the Census, Washington, D.C. 20233.

**MONONGAHELA
INFORMATION
MATERIALS**

A 90-second newsfilm, using a portion of industry testimony at the Senate hearings this week, has been released to 100 television stations across the country. A list of the stations receiving the newsfilm is available from NFPA. Prints are available for local placements at \$10 each. In addition, a 15-minute radio show, to be available March 25, will summarize the significance and impact of the threatened embargo of National Forest timber. NFPA is suggesting purchase of air time in plant communities. Each tape, with script, is \$5. These materials can be ordered from Department MC319 at NFPA.



SPECIAL REPORT NATIONAL FOREST PRODUCTS ASSOCIATION

1619 Massachusetts Avenue, N. W., Washington, D. C. 20036

March 19, 1976

SENATE CONSIDERS LEGISLATION TO RESOLVE THREAT OF 'EMBARGO' ON FEDERAL TIMBER

Congress, opening two weeks of public hearings on forestry issues, was warned this week that the American consumer will suffer shortages and higher prices for wood and paper products unless new legislation is passed to encourage application of modern forestry on federal forest lands.

That warning, and the likelihood of tens of thousands of workers out of jobs, was sounded by spokesmen for the forest industry in testimony before the Senate Agriculture and Interior Committees. They are considering bills to amend an outdated 1897 law that, under recent court interpretations, threatens to severely restrict timber harvests and sales on the National Forests.

Regulation of Private Lands

While forest industry representatives defended harvesting and management on the National Forests, a spokesman for a preservationist group

voiced an opinion that it may be "absolutely necessary" for Congress to regulate private forest lands as well as public lands. James Moorman, an attorney for the Sierra Club Legal Defense Fund, testified in favor of S. 2926, that he helped draft, which would impose severe restrictions on management of the nation's 155 National Forests. The bill was introduced by Sen. Jennings Randolph (D-W.Va.).

In response to a question from Sen. Lee Metcalf (D-Mont.), inquiring what would happen if timber production were shifted more heavily from public to private lands, and if this would cause overcutting on these lands, Moorman replied that his group would recommend that private lands be regulated as well as public lands.

The joint Senate committee hearings will conclude on Monday, March 22, when similar hearings get



John B. Crowell, Jr., general counsel of Louisiana-Pacific Corp., right, urged a long-term solution to recent court decisions through permanent changes in the laws governing National Forest timber management. Left, is Joseph B. McGrath, NFPA vice president-government affairs and general counsel.

underway before the House Agriculture Subcommittee on Forests. The sessions are attracting the most attention to the forest industry and its timber supply problems since the 1971 "clearcutting" hearings by the Senate Interior Subcommittee on Public Lands. The report of that committee, headed by Sen. Frank Church (D-Idaho), recognized clearcut timber harvestings as a legitimate and necessary tool in forest management.

Industry spokesmen this week stressed that all consumers would suffer under one legislative proposal, S. 2926. The Forest Service and industry estimate it would reduce the wood output of timber from federal forests by 50 to 60 percent. The bill, sponsored by Sen. Randolph, was described as reflecting "a philosophy that is at odds with both economics and forestry." Modern forestry "would be mandated out of existence" with passage of such legislation, industry spokesmen said.

Support Concept of Humphrey Bill

They endorsed the principles and approach contained in another bill, S. 3091, introduced by Sen. Hubert H. Humphrey (D-Minn.), which would amend the 1974 Resources Planning Act and the 79-year old Organic Act, adopted when forestry was a non-existent science in the United States and modern forestry could not be foreseen. S. 3091 was described as a "reasonable and responsible" approach that protects all forest values as well as consumers.

The spokesmen noted that under sound management the growth and harvest of timber on federal lands could be increased by 50 percent over a period of time -- and in a manner that would be environmentally and economically sound. The National Forests now supply 15 percent of the total U.S. timber harvest, industry spokesmen said, the same percentage of U.S. oil supply that was involved in the embargo by Arab countries in 1973.

All Consumers Affected

"This is a consumer issue," a spokesman emphasized, pointing out that even those consumers who do not use National Forest wood fiber directly would feel the effects of wood and paper shortages if timber from the National Forests is "embargoed".

The spokesmen included a six-member panel representing the National Forests Products Association -- John B. Crowell, general counsel of

Louisiana-Pacific Corp., Portland, Ore.; Paul F. Ehinger, senior vice president of Edward Hines Lumber Co., Westfir, Ore.; Robert A. Boyd, president of WRP Lumber Co., Sedro-Wooley, Wash.; A.C. Edwards, woodlands manager of the Westvaco Corp., North Charleston, S.C.; Dr. Casey E. Westell Jr., director of industrial ecology of Tenneco, Inc., Houston, Texas, and Joseph B. McGrath, NFPA vice president-government affairs and general counsel.

Appalachian Hardwood Panel

Appalachian Hardwood Manufacturers, Inc., presented a four-man panel, including John B. Veach Jr., vice president, Bemis Hardwood Division, Whitewater Inc., Asheville, N.C.; James Wright, president, J. Walter Wright Lumber Co., Bristol, Tenn.; Robert Buruss Jr., Robert Buruss Lumber Co., Lynchburg, Va.; and Jacob J. Phillips, Hinchcliff Products Co., Strongsville, Ohio, which has operations in Hendricks, W. Va.

Other forest industry spokesmen testifying were: W.D. Hagenstein, executive vice president, Industrial Forestry Association, Portland, Ore.; James O'Donnell, assistant director special services-forestry affairs, American Plywood Association, Tacoma, Wash.; John B. Veach, chairman, Veach-May-Wilson, and president, Southern Appalachian Multiple Use Council, Asheville, N.C.; Nicholas J. Kirkmire, executive vice president, Federal Timber Purchasers Association, Denver, Colo.; Martin Devere, chief forester, North West Timber Association, Eugene, Ore.; John J. Stanton, vice president, American Door Distributors, Inc., Needham, Mass., and Joseph McCracken, executive vice president, Western Forest Industries Association, Portland, Ore.

Senators Packwood, Gravel Testify

Sen. Bob Packwood (R-Ore.), the opening witness, said recent court decisions are keeping the Forest Service from managing the National Forests properly. The Service, he said, is precluded from using scientifically accepted forestry methods that have been developed over a long period of time and are necessary to manage and perpetuate forest stands. Sen. Mike Gravel (D-Alaska), appearing in the witness chair the next day, called for enactment as speedily as possible of legislation to grant at least temporary relief from the restrictions imposed by recent court decisions. He reminded Committee members also that he is a co-sponsor of S. 3091.

Long-Term Solution Urged

Louisiana-Pacific's John B. Crowell, who is chairman of a forest industry task group established to deal with problems raised by the Monongahela decision, led off on the industry's testimony. He told the Committee that industry wants a long-term solution through permanent change in the laws governing timber management on the National Forests. He said that, if it proves impossible to enact such legislation this year, the industry "would certainly urge that some type of interim measure be enacted to protect the communities, the employment, the commerce and activity which results from timber harvesting on those National Forests which have been, or may shortly be, impacted by the Monongahela decision."

Paul F. Ehinger, Edward Hines Lumber Co., told the committees that in addition to the severe restrictions on forest management imposed by the courts in certain National Forests, chronic underfunding of resource programs threatens the attainment of goals set by the Forest Service under the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA). The committees are also considering long-term planning, as required by the

1974 Act, for the management of the resources on a 155 National Forests.

To meet the requirements of the Act, the Forest Service published a report containing an Assessment of the natural resources of all the nation's forests and rangelands, and recommended Forest Service Programs for managing the National Forests. The report was submitted to Congress on March 2, along with a Statement of Policy from the White House, also required by the law.

RPA Program Assessed

Ehinger, who is chairman of an industry task group that evaluated Forest Service implementation of the Humphrey-Rarick Act, said the Program submitted by the Service is the "blueprint for sound National Forest management." But, he said, it must receive the "necessary statutory framework as contained in S. 3091 and then the annual appropriations to make it the citadel of sound resource management for each and every one of the renewable resources found of these lands."

Speaking in behalf of small forest industry companies, Robert A. Boyd, said that if people who need the timber from the National Forests, "so they



John B. Veach, Jr., vice president of Whitewater, Inc., Asheville, N.C., right, and James Wright, president of J. Walter Wright Lumber Co., Bristol, Tenn., urged immediate relief for workers and mills in Appalachia impacted by the court decision.

can live," are denied the right to buy that timber at a fair price, they will ask Congress why their right to earn a living is being denied.

Boyd said his company, which employs 200 people depends on the Mt. Baker-Snoqualmie National Forest for most of its timber, and has no other reliable source of supply. He said there are thousands of small companies like his that do not have an assured base of timber supply to warrant new investment for manufacturing facilities or prospects for continued operations and retain quality workers.

Timber Harvest Can't Shift to Private Lands

Applying recent court decisions to all National Forests in the country would be "catastrophic" for the South, the committees were told by A. C. Edwards. He said any attempt to shift responsibility for timber production from public to private forest lands would rapidly deplete timber inventories on the South's nonindustrial private forestlands.

"The inevitable results of higher demand and lower supply of wood and wood products will be shortages and skyrocketing prices of innumerable human essentials ranging from homes to toilet tissue," Edwards said. He warned that countless numbers of the 254,000 persons employed in forest products manufacturing in the South would be affected, plus "thousands of construction workers and additional thousands who are indirectly dependent of forest products manufacture or construction for a livelihood."

Dr. Casey E. Westell Jr., speaking for members of the American Pulpwood Association, said the effect of the U.S. Fourth Circuit court decision, and subsequent Forest Service directive limiting timber sales in four states, if applied nationwide, "would be serious."

"Regardless of the vehicle," he said, "legislation to amend the Organic Act must permit application of good forest and wildlife management on a scientific and economically sound basis. For these reasons we support S. 3091, but must oppose S. 2926."

In a statement submitted for the American Paper Institute, NFPA Executive Vice President Ralph D. Hodges, Jr. said a 50 percent reduction in the supply of timber from the National Forests could force the 14 mills in 11 western states that produce tissue

products -- toilet tissue, facial tissue, disposable diapers, and paper towels and napkins -- to close down. "You can't run a paper mill at 50 percent of capacity," he said. Hodges said shortages of lumber and plywood for homebuilding also would occur, as well as of paper milk cartons, paper and newsprint. "You could name any city in the United States, or any household. All will be impacted severely," he said.

Three Myths Exposed

Hodges' statement said that three myths have grown up as a result of the court decisions: first, that timber from the National Forests can easily be replaced with timber from other sources; second, that the court decisions prohibit clearcutting, and third, that consumers will benefit more by curtailing timber supply from the National Forests because they can have more recreational development, while still having ample wood fiber products.

"This is just not so," he said. "You cannot remove 15 percent of the supply of any basic industrial commodity, such as wood fiber, and not feel it."

Hodges cited independent studies prepared for use in the 1971-73 study of timber supply and demand by the President's Advisory Panel on Timber and the Environment, on which he served. He said those studies show that private lands cannot continue to produce timber at this high rate.

The AHMI panel reported to the committees that each of the four companies represented at the hearings faces the prospect of completely closing down during 1976 because all depend on National Forest timber. Sufficient timber to meet the needs of industry just is not available from private woodlands, the panel said.

Panel Urges Immediate Relief

Panel members estimated that if corrective legislation does result from the current hearings, it would take a year to a year-and-a-half from passage of the new law before logs will be rolling into the mills again. "Regardless of the quality of the new legislation -- this may be too late for many of us," the panel warned. "Our immediate need is for relief -- the capacity to continue operating while new laws are developed and implemented."

Forest Industries NEWSLETTER

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Washington, D.C., March 26, 1976

HOUSE FORESTS SUBCOMMITTEE CHAIRMAN URGES PROMPT ACTION ON FORESTRY BILL

Chairman Jerry Litton (D-Mo.) of the House Agriculture Subcommittee on Forests, said today the Subcommittee will go to work immediately on forestry legislation to correct the Monongahela court decision, following three days of extensive hearings this week by the Subcommittee. Litton said he hopes the Congress will act on the legislation before recent court decisions hampering management of the National Forests have any "major disruptive effect on the timber, construction and related industries."

In a statement released to the news media, Litton warned that single-unit houses could rise at least \$2,500 in cost and popularly priced bedroom suites retailing at \$400 could cost the consumer \$600 if the Monongahela and Tongass court decisions are applied nationwide. Chief John R. McGuire of the Forest Service testified at the hearings that, should the court decision be applied to all National Forests, timber volume yields would decrease by 75 percent in the short-term and 50 percent through the end of the century.

Sound Hearing Record

"Our hearings developed a sound record indicating that should this occur, lumber prices would skyrocket," Litton said. "Wood is the largest single material cost item, about 29 percent, of the construction cost of a single-family home. I would hope we could pass corrective legislation before we put homes out of reach of more people and do further damage to an already depressed housing industry."

Litton said he was impressed by arguments presented before the Subcommittee by Reps. James Weaver (D-Ore.) and Ray Thornton (D-Ark.) regarding how little "energy was required in the production of wood compared to alternative materials such as steel in residential construction and petroleum derivatives in furniture."

He said the Subcommittee also received information that the Research Department of the Federal Reserve Bank of San Francisco had found that a 12 percent decline in overall U.S. timber harvest, which would occur with a 75 percent reduction in timber cut from National Forest lands, would result in a layoff of some 140,000 loggers and mill workers at a cost of \$1.3 billion in annual earnings. Litton said this did not include the secondary impact on other related industries such as housing, furniture manufacturing and paper production.

Forest industry spokesmen warned Congress anew this week that the U.S. consumer will suffer shortages and accompanying higher prices for wood and paper products unless there is remedial legislation to resolve the Monongahela issue and stimulate modern forestry on federal forest lands. The warning, and the likelihood of loss of tens of thousands of jobs, was presented by industry spokesmen during three days of hearings before the House Agriculture Subcommittee on Forests.

HOUSE AGRICULTURE HEARINGS

The House subcommittee sessions concluded the second successive week of intensive hearings by Congress on proposed forestry legislation and on Forest Service proposals for long-range development of National Forest resources. Similar testimony was presented by forest industry

Acoustical and Board Products Association • Alaska Loggers Association • American Institute of Timber Construction • American Plywood Association • American Wood Preservers Institute • Appalachian Hardwood Manufacturers, Inc. • California Redwood Association • Canadian Wood Council • Federal Timber Purchasers Association • Fine Hardwoods—American Walnut Association • Hardwood Dimension Manufacturers Association • Hardwood Plywood Manufacturers Association • Industrial Forestry Association • Maple Flooring Manufacturers Association • National Oak Flooring Manufacturers Association • National Particleboard Association • National Woodwork Manufacturers Association • North American Wholesale Lumber Association • Northeastern Lumber Manufacturers Association, Inc. • Northern Hardwood and Pine Manufacturers Association, Inc. • Red Cedar Shingle & Handsplit Shake Bureau • Southern Cypress Manufacturers Association • Southern Forest Products Association • Southern Hardwood Lumber Manufacturers Association • Western Wood Moulding and Millwork Producers • Western Wood Products Association.

*American Forest Institute • American Paper Institute • American Plywood Association • American Pulpwood Association • National Forest Products Association

spokesmen in joint hearings by the Senate Agriculture and Interior Committees last week, which concluded on Monday of this week when the House subcommittee sessions began.

A panel representing NFPA, another panel consisting of members of Appalachian Hardwood Manufacturers, Inc., and a long list of individual witnesses representing the forest industry endorsed H.R. 12503, as a "reasonable and responsible approach" to protecting forest values as well as consumers. The bill was introduced by Rep. H. T. (Bizz) Johnson (D-Calif.). Other similar bills are also before the Subcommittee. The Johnson bill is identical to S. 3091, sponsored by Sen. Hubert H. Humphrey (D-Minn.), and to H.R. 12663, introduced by Rep. Les Au Coin (D-Ore.), whose remarks in the *Congressional Record* are enclosed with the *Newsletter*.

Johnson, testifying before the Subcommittee, said the purpose of his bill is to update the 1897 Act, which "is far out of step with the times." Restriction of timber sales on National Forests to "dead, matured, or large growth," he said, is "counter-productive." He noted that H.R. 12503 would eliminate this restriction and require that forest management be consistent with Multiple Use Act of 1960 and the Forest and Rangeland Renewable Resources Planning Act of 1974.

Industry spokesmen testified that the Johnson bill would protect both the environment and the economy and give the Forest Service the flexibility that both the agency and professional foresters insist is essential to manage multiple-use lands for all values -- timber, water, wildlife and recreation.

Forest industry representatives opposed H.R. 11894, introduced by Rep. George E. Brown Jr. (D-Calif.). They said it would perpetuate the obsolete restrictions resulting from court interpretations of an 1897 Act, would "mandate modern forestry right out of existence," and reduce the total timber harvest from the National Forests by 50 to 60 percent. Sen. Jennings Randolph (D-W. Va.), sponsor of S. 2926, identical with H.R. 11894, contended the legislation would not limit the flexibility of the professional forester in management of National Forests. He said he believed clearcutting was the best method of regenerating conifers in the West, but asserted that clearcutting in the East is done "solely for administrative and economic reasons."

The panel testifying for NFPA in the House included A. Milton Whiting, chairman and president of Kaibab Industries, Phoenix, Ariz.; Paul F. Ehinger, senior vice president, Edward Hines Lumber Co., Westfir, Ore.; James M. White, vice president, Deltic Farm and Timber Co., El Dorado, Ark., and Joseph B. McGrath, NFPA vice president-government affairs and general counsel.

The AHMI panel testified that relief from recent court rulings is needed to avert "economic disaster" in the Appalachian region. Statements were presented by John Crites, president, Allegheny Wood Products, Inc., Circleville, W. Va.; John B. Veach Jr., vice president, Whitewater, Inc., Asheville, N.C.; Donald Wehr, general manager of the Hinchcliff Products Co. plant in Hendricks, W. Va., and James M. Gundy, executive vice president of AHMI.

The United Brotherhood of Carpenters and Joiners of America, representing over 850,000 members, including 150,000 in the forest products industry, endorsed the Johnson-Humphrey bills. The statement asserted that if the Monongahela and Tongass court decisions are applied nationwide, or if the Randolph bill becomes law, "then we can forget any turnaround in homebuilding." "What is more, we can expect woodbuilding material prices to soar to unprecedented levels, making the American dream of home ownership even more difficult to achieve," the union said.

Private forest land managers joined in warning of restrictions to scientific forest management that would follow should the Brown bill be enacted. They included Howard Hanna, land manager, Container Corp. of America, Fernandina Beach, Fla.; Jack O. Cantrell, forest economist and manager-woodlands division, Continental Can Co., Savannah, Ga.; George R. Staebler, forestry research director, Weyerhaeuser Company, Tacoma, Wash., and L.V. Collicutt, technical supervisor of International Paper Company's Panama City Region, Fla.

**Opposed Brown Bill,
H.R. 11894**

**Carpenters
Support
Johnson-Humphrey
Bills**

William R. Sizemore, Tallassee, Ala., consulting forester who served as a consultant to the President's Advisory Panel on Timber and the Environment, said the goal of those advocating drastic reductions in federal timber production was the "conversion of our National Forests into museums."

W. D. Hagenstein, executive vice president of the Industrial Forestry Association, Portland, Ore., referring to preservationist charges, said the "real overcutting" that the nation cannot afford is the 6.2 billion board feet "harvested" annually by pine beetles, spruce budworms, tussock moths, loopers, root rots, heart rots, ice storms, wind and fire on the western National Forests alone.

T. G. Harris, president of the American Pulpwood Association, who also is vice president-woodlands, for the Chesapeake Corporation of Virginia, said that if the recent court rulings interpreting the 1897 Organic Act are extended nationwide, it could mean the loss of one-eighth of all the pulpwood consumed in the United States. Translated in economic activity, he said, the annual loss "could be close to one and a half million dollars." Harris was accompanied by Dr. Casey E. Westell, director of industrial ecology of Tenneco, Inc., Houston, Tex.

Other industry witnesses included J. J. Stanton, vice president, American Door Distributors, Inc., Needham, Mass., testifying for the National Woodwork Manufacturers Association; Martin Devere, North West Timber Association, Eugene, Ore.; Bernard C. Wampler, president, Southern Furniture Manufacturers Association, High Point, N.C.; Jack Jordan, Southeastern Lumber Manufacturers Association, Mt. Gilead, N.C.; Don Finney, Ketchikan Pulp Co., Ketchikan, Alaska; Vern Eliason, Alaska Lumber and Pulp, Sitka, Alaska; Erwin Kulosa, manager of Southwestern forest resource affairs in Albuquerque, N.M., for the Federal Timber Purchasers Association; Larry B. Blasing, Inland Forest Resources Council, Missoula, Mont.; Robert N. Holding, executive director, Montana Wood Products Association, also Missoula, and Arthur P. Flippo, representing the Virginia Forestry Association, Richmond.

Zieske v. Butz -- Oral arguments will be heard March 30 on motions filed by the Ketchikan Pulp Co. and the Forest Service to amend the Feb. 23, 1976, judgment of Judge James A. von der Heydt. That ruling applied the "Monongahela decision" to a portion of an existing 50-year timber sale to Ketchikan Pulp on the Tongass National Forest in Alaska. A number of western forest industry companies have filed an *amicus curiae* brief in support of the motion to amend the judgment.

SAMUC v. Butz -- Motions by NFPA and the Western Forest Industries Association to file *amicus* briefs in the Southern Appalachian Multiple-Use Council's appeal of a lower court ruling were granted March 23 by the U.S. Court of Appeals for the Fourth Circuit. Both NFPA and WFIA had submitted their briefs in anticipation of a favorable ruling. The Appellate Court has, thus far, handled the case in an expeditious manner, but has given no indication when a final decision will be made.

Recent increases in lumber prices were attributed by a forest industry economist this week principally to home builders' demands for quick delivery of greater volumes to meet their construction needs and to inventory building. In reply to builders questioning last week whether price rises in costs of wood construction materials were warranted, Dr. John Muench Jr., NFPA director of economics, noted that housing starts increased 27 percent in February over the January rate and by 63 percent over January, 1975.

He said lumber and plywood prices were responding to rising demand just as they responded downward to the drastic dropoff in housing starts three years ago. Muench noted housing starts and softwood lumber prices peaked in early 1973, both plunged until December 1974, when building activity hit a 20-year low.

He predicted that, as in the past, price pressures from inventory building should ease as distributors reach the levels of inventory they consider appropriate to serve their markets.

**Billion Dollar
Loss**

**FEDERAL
TIMBER
JUDICIAL
DEVELOPMENTS**

**LUMBER PRICES
RESPONDING TO
BUILDERS'
DEMAND**

"Currently demand is strong at two levels," Muench said. "The homebuilding sector is directly drawing large volumes from stocks and wholesalers and retailers are building inventory in anticipation of sustained levels of housing activity," he said. "Producers have responded to increased demand by increasing production. Between January 1975 and January 1976, softwood lumber production increased 41 percent." Muench pointed out that the average price for timber auctioned by the Forest Service at National Forest sales in western Washington and Oregon during January 1976 was 377 percent above the 1970 average.

FINANCIAL REFORM LEGISLATION

Any sudden coupling of a shortage of home mortgage funds with an increase in mortgage interest rates in the next two years could cripple the nation's housing recovery, Congress was warned this week. Joseph B. McGrath, NFPA vice president-government affairs and general counsel, said just such an adverse situation could be in store, if a proposed Financial Reform Act of 1976 is approved.

In a statement to the House Banking Subcommittee on Financial Institutions, McGrath said the forest industry questions whether "the pressures for the bill's reform are so strong and the need for such far-reaching changes so immediate, as to warrant the risk of a housing setback." Moreover, McGrath said, the industry is "not convinced" that the legislation would have any really beneficial effect on interest rate levels. "Probably it would tend to push them upwards, as a result of the increased competition with other forms of investment the proposed legislation affords thrift institutions," he said.

McGrath said the bill contains "several positive features for home finance," such as a five and a half year extension of government authority to set rate differentials, more flexible investment opportunities for savings and loan associations, and an effort to induce commercial banks to invest more assets in home mortgages and related loans. But what is needed, he said, is elimination, or at least amelioration, of the swings of the mortgage finance cycle.

KAISER RIDGE WILDERNESS STUDY

The Senate Interior Committee approved on March 23 a bill, S. 75, authorizing a study of 28,000 acres in the Kaiser Ridge area of the Sierra National Forest, California, for inclusion in the Wilderness System. On March 10, the Forest Service had agreed to delay timber sales in the proposed study area until April 15.

AFFORDABLE HOUSE PROMOTED

The package housing project of the NFPA Wood Products Markets Committee made another regional debut in the course of well-attended builder-dealer meetings March 16-17 in Scottsdale and Tucson, Ariz. Dean Drake, general manager, O'Malley Corporation, and Carl Bastion, Weyerhaeuser Company, presented the MESH (Maximum Energy Saving House) program of the Arizona Lumber and Builders Supply Association to audiences in the two cities that totaled approximately 400 builders, regulatory personnel and dealers.

The meetings on "How to Build and Sell Affordable, Energy Saving Homes" also featured talks by Ray Harrell, vice president, National Lumber and Building Material Dealers Association, and G. F. Prange, NFPA vice president-technical services. Harrell covered the "Arkansas" energy conserving construction system and Prange discussed the objectives of the package program and the "Cost Saver" methods of house framing, including wood foundations. Television and news coverage of the presentations in Phoenix and Tucson demonstrated local interest in reducing air-conditioning and heating costs.

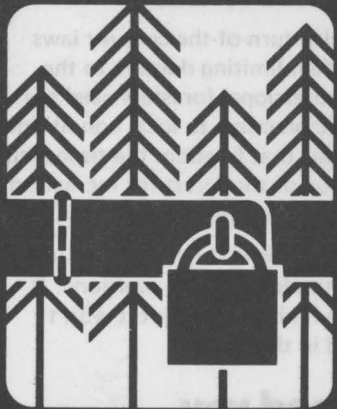
MONONGAHELA INFORMATION MATERIALS

Enclosures with the *Newsletter* are facsimiles of two brochures the American Plywood Association distributed to its members with its March 18 *Management Report*. Both brochures are consumer-oriented for distribution to employees, dealers, customers and other community groups. Both are available in quantity, free of charge. Address orders to Hugh Love, American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.

OBITUARY

Kenneth M. Hancock, president of M.S. Hancock, Inc., of Casco, Maine, died March 15 in Florida, at age 68. He was a former member of NFPA's Board of Directors and served on the CAPA Special Committee on Wood Markets and as chairman of the Subcommittee on Fire Insurance. Contributions to a memorial may be sent to his son, K. David Hancock, vice president, M.S. Hancock, Inc., 19 Maple Street, P.O. Box 8, Casco, Maine 04015.

... costing
Americans
more
than
Arab
oil.



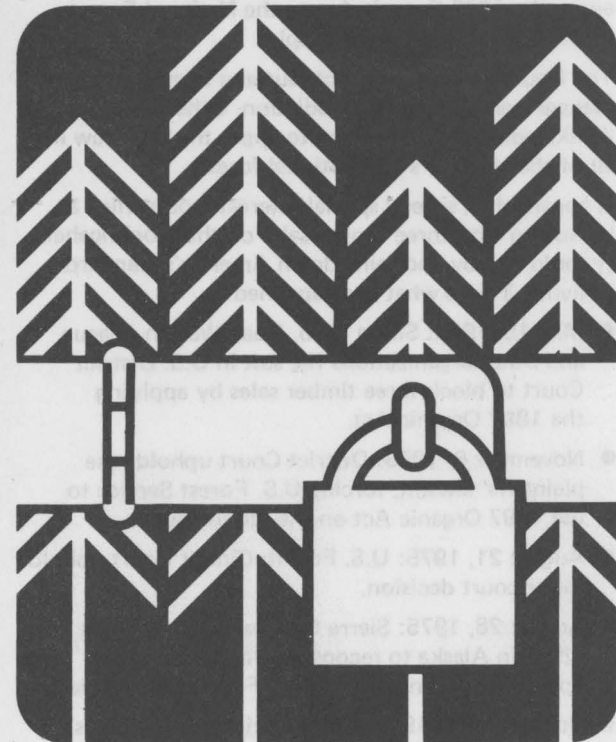
Monongahela costs everyone

If the Monongahela decision is applied nationwide, we will all lose:

- Upwards of 100,000 jobs lost in primary wood products manufacturing alone. Many more in allied industries, the building trades and other segments of the economy which have no substitute for wood.
- Decent housing too costly for millions of families.
- Schools in national forest areas forced to reduce programs if additional taxation does not replace timber sale receipts.
- Thousands of everyday items jumping in price.

Printed for the members
of the American Plywood Association.
Additional copies are available from the Association,
1119 A Street, Tacoma, Wash. 98401.

Monongahela



means
padlocked
forests...



You may not have heard of Monongahela. It's a tongue-twister of a name for a National Forest in West Virginia. It also refers to a Federal Court decision to apply the 1897 Organic Act to the National Forest, drastically cutting timber supply.

The Court's ruling, in effect, outlaws scientific forest management within its jurisdiction. Other cases in Alaska and Oregon threaten to apply the same law in all of the country's 155 national forests.

It began when several special interest groups filed a lawsuit to stop three timber sales on the Monongahela. It could end by chopping down America's standard of living. This is what has happened:

- May 15, 1973: Sierra Club, Izaak Walton League and other organizations file suit in U.S. District Court to block three timber sales by applying the 1897 Organic Act.
- November 6, 1973: District Court upholds the plaintiffs' lawsuit, forcing U.S. Forest Service to use 1897 Organic Act on the Monongahela.
- August 21, 1975: U.S. Fourth Circuit Court upholds lower court decision.
- August 28, 1975: Sierra Club asks U.S. District Court in Alaska to reconsider earlier decision upholding a Tongass National Forest timber sale.
- December 29, 1975: U.S. District Court in Alaska applies 1897 Organic Act to the Tongass, halting a 50 year, 8.2 billion board foot sale to Ketchikan Pulp Company.
- February 1976: The Fourth Circuit Court of Appeals begins hearing the Southern Appalachian Multiple Use Council's appeal of the District Court's refusal to upset a Forest Service order halting timber sales in four Southern states.
- March 1976: Several bills are introduced in Congress dealing with the issue. Some seek permanent solutions, others temporary remedies. Various legislative approaches are being examined at Senate and House hearings.

Forest Service handcuffed

These recent judgments have forced the Forest Service to apply the outmoded 1897 Organic Act to the management of its forests in Appalachia and Alaska. The law limits sales to dead, physiologically mature or large trees. The courts applied dictionary rather than forestry definitions to the terms, severely restricting harvest and new growth. In addition each tree has to be individually marked in each sale area. The decision spurns professional forest management and ignores over 70 years of progress in the forestry sciences.

National Forests threatened

The U.S. Forest Service estimates that the Monongahela court decision, if applied nationally, would reduce federal timber volume by 75 percent this year and by 50 percent for at least the rest of this century.

The decision not only reduces timber volume but causes the nation's forests to deteriorate in every way. The U.S. Forest Service estimates that wildlife, rangeland, and water supply would all suffer. And the forests would be more expensive to manage.

Jobs fall, prices rise

Thousands of jobs in lumber, wood products, pulp, paper and wood fiber related industries may be wiped out if the Monongahela decision is applied nationwide.

Upwards of 100,000 forest industry workers and many more in housing and other secondary manufacturing areas would lose jobs.

Prices would leap in response to a 50 percent reduction in wood from the national forests. The Arab oil embargo removed only 15 percent of our supply yet doubled prices for gasoline, heating fuels, and oil-based products. You can imagine what an even deeper slash in timber supply will do.

Prohibiting sound management of a renewable national resource is senseless. It only leads to another raw

material crisis and higher prices for everyday goods. Houses would become the unaffordable dream. The quality of life would drop for everyone, even the privileged few who support restrictive legislation.

Ruling hits West

The Monongahela ruling applied to national forests in Washington and Oregon would impact 125,000 family members, 72,000 in Oregon and 53,000 in Washington, according to Industrial Forestry Association estimates.

Loss of county road and school receipts would be \$33,750,000 in Oregon and \$13,750,000 in Washington. That loss, based on Forest Service estimates of harvest reductions, would have to be replaced by the taxpayer.

Scientific Forest Management essential

Restricting foresters with turn-of-the-century laws makes no more sense than limiting doctors to the treatments of 1900. Professional foresters need the freedom to fit scientific practices to local conditions and tree species. Without that freedom the timber supply is curtailed and the value of the forest for recreation, water supply, wildlife, and grazing is diminished.

The forest, like a garden or wheat field, can be managed to produce the maximum benefits for everyone. It can support more than hiking trails. But it won't if you are not involved in this issue.

The forests need you

Only Congress can change the law. But it must act quickly. Jobs, timber supply, home building, rural roads and school revenues, sound forest management and much else are at stake. The nation can't afford to wait another year.

Let your congressmen know that you want the Forest Service professionals to have the flexibility they need to properly manage our forests. **The 1897 Organic Act needs to be repealed or brought into the 20th Century.**

MANAGING OUR NATIONAL FORESTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. AuCOIN) is recognized for 5 minutes.

Mr. AuCOIN. Mr. Speaker, I ask unanimous consent to proceed for an additional 15 Minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

(Mr. AuCOIN asked and was given permission to revise and extend his remarks.)

Mr. AuCOIN. Mr. Speaker, today I am introducing a bill that will, I believe, assure improved management of our national forests by strengthening our commitment to the wise use of all forest resources—at a time when the future of our national forests has become a powder keg—a powder keg with a fuse that is very short indeed. This bill is designed to defuse this situation, to lay the ground work for a future in which the Nation can do a better job in meeting accelerated demand for timber products and to do so without relenting on sound environmental safeguards.

Mr. Speaker, population growth, combined with the effects of inadequate long-range resource planning in the private forest sector, is bringing severe pressures to bear on our national forests. We must respond with a determination to protect the renewable quality of these resources with careful planning and with a willingness to work toward meeting both esthetic and economic needs. We must address critical short-term problems while strengthening our commitment to sustained yield and to multiple-use management policies. Most important, we must resist simplistic answers to this complex problem and establish policies and procedures that will stand the test of time.

Mr. Speaker, this bill is a companion to the bill introduced in the other body by the distinguished Senator from Minnesota (Mr. HUMPHREY) whose important role in the passage of the Forest and Rangeland Renewable Resources Planning Act of 1974 has already assured him a secure place in the history of the management of our national resources. A similar bill was introduced in the House earlier this week by my distinguished colleague from California (Mr. JOHNSON).

This bill flatly requires the development of an environmentally sound management plan for each national forest that is consistent with multiple use and with sustained yield principles. It requires the protection of the integrity of the regenerative capacity of our forest soils and waters and assures an end to this Nation's short-sighted and wasteful forest management principles.

This bill also establishes a commitment to stepped-up research to find better answers to the perplexing technical problems of forest management and ecology. It calls for the Federal Government to set a leadership pattern in providing greatly increased productivity in the 59 percent of our Nation's commer-

cial timberland owned by farmers and private individual citizens. And, perhaps most important, it strengthens requirements for public input in the process of reviewing and establishing land management plans for the national forests.

FOREST MANAGEMENT AND THE COURTS

Mr. Speaker, recent disputes over the proper use of clearcutting—an important forest management tool—have cast a cloud on the future use of that tool in the national forests, without regard for the far-reaching consequences that hang in the balance.

The roots of the problem are found in the 1897 law—the so-called Organic Act—that created the National Forest System. Reflecting forest management realities of an earlier day, Congress by law said that, the cutting of trees within national forests must be limited to “dead, matured, or large-growth trees.”

There have been many changes in forest management practices and great advances in the understanding of forest ecology over the past 80 years, but Congress has never taken the occasion to review this phrase—which remains frozen in the law to this day.

Recently, when concerned environmentalists found themselves unable to secure administrative review of clearcutting abuses in the Monongahela National Forest in West Virginia and the Tongass National Forest in Alaska, they brought suit in Federal court on the grounds that the practices used were in violation of the 1897 law.

In upholding the original Monongahela decision, the Fourth Circuit Court of Appeals admitted:

... it may well be that this legislation enacted over seventy-five years ago is anachronism which no longer serves the public interest. However, the appropriate forum to resolve this complex and controversial issue is not in the courts but the Congress.

In the absence of any meaningful congressional review of this prescriptive legislation, the courts felt compelled to enforce a law that has no meaning for modern forests. Mr. Speaker, what is at stake here is the viability of our housing industry, the health of our economy, and our very ability to come to grips with some of our most pressing natural resource management questions.

Should the Tongass decision be upheld in the Ninth District Court of Appeals, clearcutting would be banned in the national forests of the Pacific coast States. This would have the immediate effect of reducing timber production in these forests by one-half.

In the Northwest alone, reduced production would represent the equivalent of about 750,000 3-bedroom homes in the first year.

At least 23,000 people will be out of work in Oregon alone if clearcutting ends in our national forests.

The cost of timber from our national forests would immediately rise 30 to 50 percent.

Who would stand to gain? Not those committed to environmental quality, Mr. Speaker. The immediate effect of a clearcutting ban would be a greatly intensified demand for logs from old, original growth stands in the national forests. A

reduction in the rate of logging these is one of the primary goals of the environmentalists. Yet these stands are the prime locations for “dead, matured, or large-growth trees.”

NATURAL RESOURCE IMPLICATIONS

Mr. Speaker, this crisis confronts us at a time when thinking Americans are engaged in a sober reappraisal of our natural resource allocations. Belatedly, we are coming to realize the finite nature of our nonrenewable resources and to plan how they can be preserved to meet the needs of future generations.

Roughly 25 percent of all photosynthetic matter produced on Earth is timber—and forest products account for about 98 percent of the tonnage of renewable materials currently in use in the United States.

And, Mr. Speaker, at a time when the Nation is coping with an energy crisis, the importance of this natural energy source can be seen by comparing the energy demands for wood and its substitutes. For example:

Steel floor joists need 50 times the energy required to produce wood joists.

Aluminum framing for exterior walls need 20 times the energy required for wood.

Steel studs for interior walls need eight times the energy for wood; aluminum studs need 12 times the energy.

Steel rafters need seven times the energy for wood.

Aluminum siding needs five times the energy for plywood or fiberboard.

Brick siding needs 25 times the energy.

Mr. Speaker, the recently released renewable resource program projects a doubling of our national demand for timber over the next 50 years, assuming constant real prices. Using present management practices, supply will fall far short and replacements using nonrenewable resources will be necessary.

But by improved management of both public and private forests, conservation, and improved utilization, production can meet demand and renewable wood products can reduce the need for more energy-intensive alternatives.

On our national forests this increased management can be provided without abandoning the multiple use concept and at the same time increase the availability of most of the other resources, as provided in the renewable resource program. What is needed, Mr. Speaker, is determination, investment, a sound management plan, and an effective system for implementation.

A FRAMEWORK FOR BETTER FOREST MANAGEMENT

Mr. Speaker, this is the third major bill before the House dealing with the long-term management of our national forests. I believe it is the one bill that strikes a sound, reasonable middle course—permitting timber for our homes and our papermills while protecting the environment and assuring perpetuation of our forests.

This bill provides a framework that will assure the adoption of responsible management programs for our overall national forest system and for each of our national forests. It specifically recognizes that forest management practices

will change with time and avoids setting prescriptive standards that could actually serve to impede introduction of improvements in management methods.

The bill recognizes and affirms the need for a national program planned for the long term and based on a comprehensive assessment of present and anticipated uses. It provides a specific mechanism for the implementation of the goals established by the Forest and Rangeland Renewable Resources Planning Act of 1974, the Multiple Use-Sustained Yield Act of 1960, and the National Environmental Policy Act of 1969 as it applies to forests.

The bill also recognizes the important role research is playing and will continue to play in the management of our forests. Programs now in progress promise a revolution in American forest management practices.

Studies of soil chemistry and hydrologic processes and conditions offer hope for improved stability and integrity during road construction and timber harvesting. New natural and artificial means of providing soil nutrients are under study. New and improved strains of trees are being developed, and work is even being done in growing whole trees from bits of tree tissue to bypass the slow process of growing trees from seeds. More environmentally acceptable weapons for fighting insect pests and tree diseases are already being tested. Computer simulations of forest growth patterns are being developed that will save years in comparing the long-range effects of alternative management practices.

The bill recognizes that while national forests play an important role in providing timber for national needs, they can only supplement timber produced on the 78 percent of American commercial forests which are in private hands. The bill calls for Federal leadership in encouraging more productive use of private timberlands to moderate the demand for timber from national forests. A number of important existing programs to accomplish this have consistently been inadequately funded despite excellent results to date.

The bill requires and establishes a procedure for the development and implementation for a detailed management plan for each and every national forest, consistent with an overall Federal program. These plans will be developed by an interdisciplinary team of professional scientists and foresters qualified to provide specific guidelines and standards based on climate, terrain, soil and water conditions, and type of trees. Public participation is required in both the formulation and review of these plans. Environmental impact statements are required for each plan.

These standards will deal with timber harvesting, conversion of tree types, logging contract conditions, protection of forest ecosystems, preservation of soil and water quality, and the protection of fish and wildlife. To be acceptable, the standards must assure the protection of each forest resource identified in the Multiple Use-Sustained Yield Act of 1960.

These plans are to be monitored by interested professionals and environmentally concerned citizens to determine

whether they are being fulfilled and whether they are producing the intended results. These national forest resource plans, in my view, will provide sound protection for our national forests.

THE TRUE ISSUE

Mr. Speaker, clearcutting is not the true issue in this dispute. More important issue by far is whether we will manage our forest using laws that are prescriptive in nature of bylaws specifying performance standards.

Some feel there are no alternative standards. The Forest Service has been tried, according to this view, and has been found wanting. The agency is characterized as being helpless in the face of pressures of the timber industry, and as a consequence, the agency's regard for long-term environmental concerns has been called into question.

Mr. Speaker, I was not born yesterday and I do know that the timber industry can bring tremendous pressures to bear. But I have seen the Forest Service stand firm under tremendous pressures when the industry fought a reduction in the allowable cut from the Gifford Pinchot Forest in accord with the sustained-yield policy.

I have also seen just as clearly how the Forest Service can botch its management responsibilities. The Agency's resources are so badly misallocated that funds for timber management, reforestation, and stand improvement are greater in regions with low timber values than in regions where values are high.

But Mr. Speaker, I am convinced that prescriptive standards are no solution. Their use implies that 535 Members of Congress—not one of whom is qualified to understand the technical implications—can correctly establish national standards for controlling timber cutting, for assuring water quality, for providing optimum timber production while maintaining optimum quality.

Adoption of prescriptive standards imply these standards must fit coastal Douglas-fir forests in Oregon, southeastern coastal pine forests in Louisiana, mixed pine and hardwood forests in the Lake States, mixed spruce hardwood forests in New England, high altitude mixed conifer forests in the Rocky Mountain States, and for the ponderosa pine forests of New Mexico. Prescriptive standards will have to apply whether the annual rainfall is 7 inches or 70 inches, whether the annual hours of direct sunlight are 1,800 hours or 3,600 hours, whether annual growth rates are 15 cubic feet per acre or 90 cubic feet per acre.

I personally doubt whether the same set of prescriptive standards would be effective in controlling management abuses in the national forests of eastern and western Oregon.

Rather than prescriptive standards, Congress should establish policy-related standards that can be evaluated in terms of performance and instead of being applied with uniformity will instead permit changes to reflect local conditions and management practices. As an example, consider the statement made by Congressman McRae in 1893 when he first

introduced the bill that eventually became the basis for the 1897 Organic Act:

The main purpose of this bill . . . is to protect the forest growth against destruction and the preservation of forest conditions upon which the water flow is said to depend. This standard, which would permit cutting at any age as long as overall forest growth is protected clearly puts the emphasis on critical hydrological conditions. Perhaps that is what should have been written into law rather than the prescriptive prohibition against cutting "dead, matured, or large growth trees".

If we cannot grasp this, then we have learned nothing from the mistake Congress made in 1897.

Mr. Speaker, I want to close by emphasizing that the Congress must recognize the coming problems, and opportunities that we face in the area of timber supply, and must provide itself with adequate professional expertise to handle it—including major oversight responsibilities to assure Forest Service resources are better allocated and that the terms of the Multiple Use-Sustained Yield Act are honored.

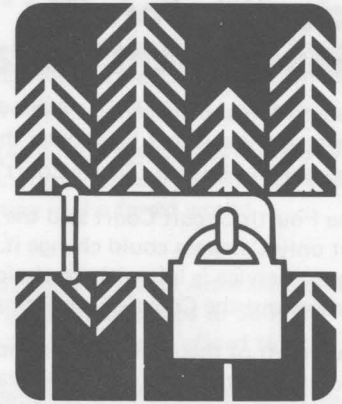
Congress must make it clear to the timber industry and to the Forest Service that Federal forests are not to be raided to tide the industry over because it planned poorly and began management too late. Taking a leaf from this lesson, Congress can reject the President's budget recommendations and provide full funding for the renewable resource program, begin accelerating the reforestation and forest management efforts for our own long-term timber supply needs, and insist that the funds be spent where they will be most productive.

Mr. Speaker, we are at a turning point. We can pass prescriptive criteria for managing national forests that will have very limited effectiveness, and boost lumber prices while sharply reducing supply. We can drop the last restraint on management controls and leave the Forest Service to fend for itself without adequate tools in the face of increased demand for national forest timber.

Or we can roll up our sleeves and get down to work—environmentalists, industry, and Government alike—to hammer out the details of a bill that establishes a means for planning the wisest use of all our national forest resources. I believe the bill I am not introducing is an important point of departure for accomplishing this.

Reprinted from
Congressional Record,
March 18, 1976, by the
National Forest
Products Association

Monongahela means lost jobs, rising prices



You may not have heard of Monongahela. But you will. It is a National Forest in West Virginia. It also refers to a Federal Court decision applying the 1897 Organic Act to that National Forest.

It may come to mean lost jobs, higher prices, and less timber. That could happen this year. If it does, all of us, whether city or country dwellers will know what Monongahela means.

The Court's ruling effectively outlaws scientific forest management within its jurisdiction. Other cases in Alaska and Oregon threaten to apply the same antiquated law to all of the Western forests and possibly all 155 national forests throughout the country.

It began when several special interest groups filed a lawsuit to stop three timber sales on the Monongahela. It could end by chopping down America's standard of living. This is what has happened:

- May 15, 1973: Sierra Club, Izaak Walton League and other organizations file suit in U.S. District Court to block three timber sales by applying the 1897 Organic Act.
- November 6, 1973: District Court upholds the plaintiffs' lawsuit, forcing U.S. Forest Service to use Organic Act on the Monongahela.
- August 21, 1975: U.S. Fourth Circuit Court upholds lower court decision.
- August 28, 1975: Sierra Club asks U.S. District Court in Alaska to reconsider earlier decision upholding a Tongass National Forest timber sale.
- December 29, 1975: U.S. District Court in Alaska applies 1897 Organic Act to the Tongass, halting a 50 year, 8.2 billion board foot sale to Ketchikan Pulp Company.
- February 1976: The Fourth Circuit Court of Appeals begins hearing the Southern Appalachian Multiple Use Council's appeal of the District Court's refusal to upset a Forest Service order halting timber sales in four Southern states.
- March 1976: Several bills are introduced in Congress dealing with the issue. Some seek permanent solutions, others temporary remedies. Various legislative approaches are being examined at Senate and House hearings.



Scientific Forest Management Outlawed

Modern forest management and over 70 years of progress in the forestry sciences have been thrown out the window. It happened in Fourth Circuit Court's jurisdiction and in Alaska.

The Fourth Circuit Court said the law might well be out-dated but only Congress could change it. Meantime, the U.S. Forest Service is left with no choice but to apply the ruling throughout the Court's jurisdiction.

The result of this first case? Sound forestry techniques abandoned, timber supply drastically cut, and jobs eliminated in West Virginia, Virginia, North Carolina and South Carolina. And worse if applied nationally.

The Alaska ruling voids a 50 year contract between Ketchikan Pulp and the U.S. Forest Service. It is now being reviewed by the courts but over a thousand jobs and the economy of the one-industry town are at stake.

Professional Foresters Handcuffed

The 1897 Organic Administration Act was passed into law three years before the first school of forestry was established in this country. Forestry practices must be free to change in the face of 70 years of research and experience.

John R. McGuire, Chief of the U.S. Forest Service says that, "if applied nationwide, the Monongahela decision would mean the end of professional management of the 155 national forests."

R. Keith Arnold, president of the Society of American Foresters, says, "The rigid interpretation of portions of the 1897 Organic Act effectively prohibits certain scientific forest land management practices on national forests."

Forest Renewal Hampered

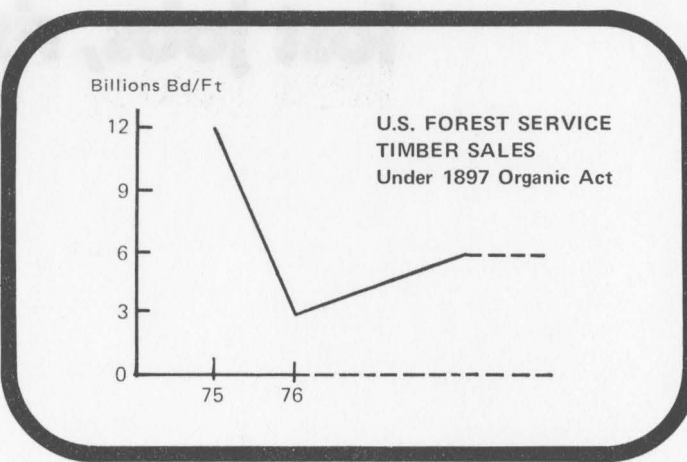
Under the Court's interpretation of the turn-of-the-century law the Forest Service would be prohibited from removing immature but poorly stocked, or low quality stands of trees to make space for new and vigorous stands. Thinning in immature stands to provide maximum growth for the remaining trees or increase wildlife forage is also outlawed.

The decision nullifies the 1960 Multiple Use-Sustained Yield Act which called for, "the achievement and maintenance in perpetuity of a high-level annual or periodical output of the various renewable resources of the national forests. . ."

The law specifically restricts the Forest Service to the sale of dead, physiologically mature or large trees. The courts applied dictionary rather than forestry definitions to the terms, severely restricting harvest and forest renewal. The Forest Service is also required to mark each tree for every sale, greatly increasing administrative costs.

Wildlife, Water Suffer Too

In a report submitted to Congress this March, Forest Service officials estimated that only forest aesthetics would improve under the restraints of this outmoded law. It estimates that wildlife would suffer, range potential would be reduced, water supply would fall and timber volume would drop by at least 50 percent for years to come. It is also estimated that administrative costs would jump by more than 80 percent.



Timber Supply Cut 75%

Wood is one of the few renewable resources and proper silviculture practices can insure that it is renewed just as farmers raise new crops each year. Sound agricultural practices applied to our crops have given this country an abundance. The scientific methods of modern forestry can make multiple use and sustained yield a reality in America. But that might not happen.

Forest Service Chief McGuire estimates that the 1976 timber supply could drop 75 percent if the Organic Act is applied to all national forests. It could drop 50 percent for the remainder of this century.

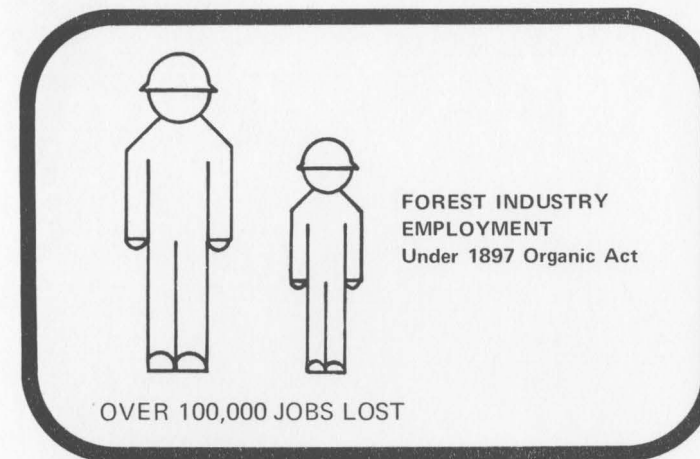
Unless Congress acts to give the professional forester freedom to implement proven management practices, the nation's forests, the forest industry and the consumer will all pay dearly.

Jobs Lost, Prices Up

Upwards of 100,000 wood and paper products workers in forests, plants and offices would be thrown out of their jobs if recent court decisions are extended across the entire national forest system.

Prices for thousands of paper and lumber products as well as housing may very well jump out of sight, and out of reach, when timber supply is chopped in half.

The recent oil embargo affected only 15 percent of the total supply but the prices for gasoline, natural gas, fuel oil and a host of oil-based products have doubled. You can imagine what will happen when 50 percent of the national forest's timber supply is pulled off the market. We could become as dependent on foreign wood as we are on foreign oil. But we can avoid that squeeze. We do have the potential to supply our own wood perpetually through modern forest management.



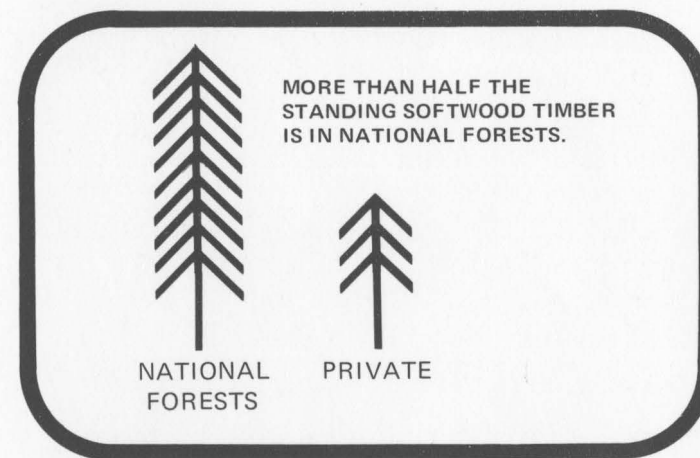
Mills Close

Jobs have already been lost with the closure of one mill in the Appalachia area. Others may follow if Congress does not remedy the situation.

Deputy Chief Thomas C. Nelson of the Forest Service says, "The 90 percent reduction in planned sales in the Fourth Circuit will have a significant impact. . . We understand some hardwood companies have less than a three month timber supply available."

The economic life of a one-industry town and 1,500 jobs provided at Ketchikan Pulp are at stake in the Alaska lawsuit. If the Ninth Circuit upholds the judgment, timber sales throughout its jurisdiction may grind to a halt.

That means a drastic cut in the timber supply from the West. Not only Alaska, but Washington, Oregon, California, Idaho, Montana, Arizona and Nevada would lose timber supply and jobs.



National Timber Supply Essential

Private forests cannot fill the demand. Only a small percentage of the total forest land capable of supplying our softwood needs is privately owned. Many mills throughout the country are totally dependent upon Forest Service sales. None will be able to continue production when this renewable resource is withheld.

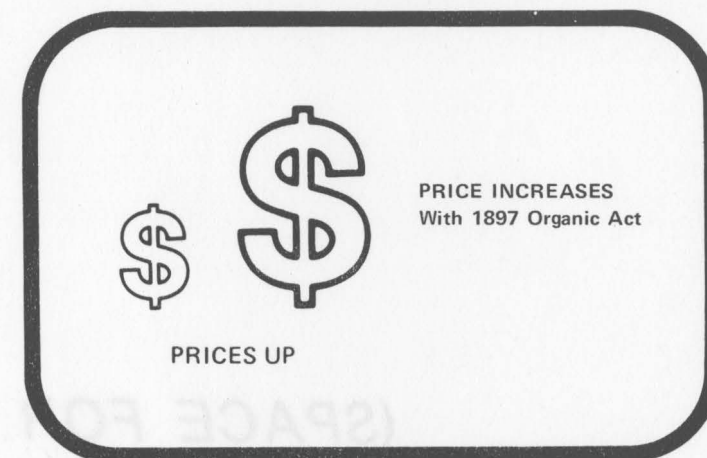
People directly involved in the manufacturing and marketing of wood and paper products will feel the supply crunch first, but that will be just the beginning of the shock wave.

Consumers Will Pay

Consumers will feel the impact on the family budget. Housing and all other industries using wood or paper products will have to contend with high prices and short supply.

Price jumps for paper, packaging and the products it wraps, newsprint, lumber, plywood, particleboard, hardwood, and thousands of goods originating in the forest would cost everyone dearly.

The battle to provide decent housing for all Americans would be lost when the price of a basic house jumps to \$50,000 or even higher. It is a price America cannot afford to pay.



Ruling Hits The West

If the Monongahela decision is applied to national forests in Washington and Oregon, 125,000 family members will feel the impact of lost jobs. Taxpayers would have to make up \$47.5 million in lost county road and school revenue according to the Industrial Forestry Association estimates.

A total of 12,700 forest industry jobs would be gone, 7,510 in Oregon and 5,190 in Washington. In addition, another 26,000 jobs would be lost in related service and trade employment, 15,000 in Oregon and 11,000 in Washington. Total family members impacted would be 72,000 in Oregon and 53,000 in Washington.

Loss of county receipts for roads and schools, which would have to be replaced by the taxpayer, come to \$33,750,000 in Oregon and \$13,750,000 in Washington. These annual losses are based on Forest Service estimates of a total reduction of one and a half billion board feet in annual allowable harvest in the two states.

The Forests Need You

Only Congress can change the law. But it must act quickly. Jobs, timber supply, home building, rural roads and school revenues and sound forest management, and much else are at stake. We cannot afford to wait another year or another day. Only your involvement will prevent massive forest shutdowns, bankruptcies, unemployment, shortages, and much higher prices for infinite varieties of wood-based products essential in our daily lives.

Let your congressmen know that you want the professional foresters to have the flexibility needed to properly manage our forests. **The Organic Act must be repealed or brought into the 20th Century.**

(SPACE FOR YOUR OWN
COMMUNITY MESSAGE)

news release

COMMITTEE ON AGRICULTURE
U.S. HOUSE OF REPRESENTATIVES
Room 1301, Longworth House Office Building
Washington, D.C. 20515

FOR IMMEDIATE RELEASE - FRIDAY, MARCH 26, 1976



WASHINGTON.....Congressman Jerry Litton (D-Mo) said today single-unit houses could go up at least \$2,500 and popularly priced bedroom suits retailing at \$400 could cost the consumer \$600 if recent court decisions limiting timber management practices of the U.S. Forest Service are applied nationwide.

The House Subcommittee on Forestry, chaired by Litton, this week completed three days of extensive hearings on legislation introduced in the House as a reaction to recent Federal court decisions in the 4th Circuit and in the State of Alaska. John McGuire, Chief of the U.S. Forest Service, testified that should these court decisions be applied nationwide, there would be a reduction of 50 percent in timber volume yields off the National Forest lands.

"Our hearings developed a sound record indicating that should this occur, lumber prices would skyrocket," Litton said. "Wood is the largest single material cost item, about 29 percent, of the construction cost of a single family home. It is becoming increasingly more difficult for people to own their own home. I would hope we could pass corrective legislation before we put homes out of reach of more people and do further damage to an already depressed housing industry."

The court decision, based on an interpretation of an 1897 law, may severely reduce the amount of timber cutting and reforestation that could take place in the National Forests. "Approximately 50 percent of the available softwood timber is on the National Forest lands and approximately one-half of the softwood lumber consumed in the United States is used in residential construction," added the Congressman.

Litton said he was impressed by arguments presented before his Subcommittee by two of his colleagues, Congressman Jim Weaver of Oregon and Congressman Ray Thornton of Arkansas regarding how much less energy was required in the production of wood as compared to alternative materials such as steel in residential construction and petroleum derivatives in furniture.

Material furnished to the Subcommittee indicated that the Research Department of the Federal Reserve Bank of San Francisco had found that should there be a 12 percent decline in overall U.S. timber harvest, which would occur from a 75 percent reduction in timber cut from National Forest lands, the result would be a layoff of some 140,000 loggers and mill workers at a cost of \$1.3 billion in annual earnings. Litton said this did not take into consideration the secondary impact on other related industries such as housing, furniture manufacturing, and production of paper.

Litton said his Subcommittee would be working on legislation in response to the court decision and that he hoped the Congress would move on it before it had any major disruptive effect on the timber, construction and related industries.

*Same letter to all
members of House +
Senate Ag. Committees*

April 1, 1976

The Honorable W. R. Poage
Committee on Agriculture
United States House of
Representatives
Washington, D.C. 20515

Dear Mr. Poage:

I want to express the appreciation of the National Forest Products Association for the time, energy and interest you gave so constructively to the hearings on the Monongahela issue and the Resources Planning Act. The NFPA represents more than 2,500 firms that grow, harvest and manufacture the nation's forest products.

We are apprehensive about the future course of Congressional action in view of the many high priority issues before you, the election year work schedule, and the seriousness of this issue. While it is true that the Monongahela decision could be reversed by the courts, it seems clear, realistically, that it should be corrected by the Congress. Indeed, the courts have recommended such a course. Our fear is that the Congress as a whole will not have the time to act with sufficient knowledge -- and might try to prescribe very specific tree growing practices in law, and thereby repeat the very error in the 1897 Act that is causing the present crisis. Just consider where we would be if we had written into law such rules or guidelines for growing corn or other crops fifty or more years ago when per acre production was 1/10 of the present. While advances in agriculture research and production techniques are applauded by the public, it is not generally aware of the great strides made in silvicultural practices over the last 75 years. The Federal government alone has invested more than half a billion dollars in forestry research.

We hope Members of Congress will consider the National Forests in terms of their value, their net costs and the potential benefits to every person in the nation. A foremost authority on this is Dr. Marion Clawson who just retired as president of Resources For The Future. In the February issue of SCIENCE magazine (copy enclosed), and in his testimony, Dr. Clawson showed



that the National Forests earned less than 0.5 percent on investment, although 18 percent of the nation's commercial timber growing land and more than half the softwood timber volume is in the National Forests. He shows a net loss in National Forest operations of \$2 billion a year or about \$9 per person. Dr. Clawson advocates a positive approach and shows that the output of products and services on National Forests including wood growth, could be increased manyfold. Industry experience indicates his figures are conservative.

Recent government, industry and foundation studies show:

1. Wood demand doubling in 25 years;
2. The energy crisis causing more pressures to use wood for residential and business construction because (a) wood is vastly less energy intensive in its manufacture than other building materials, and (b) wood structures can be heated and cooled more efficiently than most other types of construction;
3. Food scarcities are taking forest land for other crops;
4. Increased forestry investments are necessary if the United States is to have wood at prices allowing needed housing production;
5. Forestry investments can be sound and competitive with other investments; and
6. Social benefits from wise and intensive forest management are immense.

Attached is the forest industry's proposal for legislation to cure the Monongahela issue and to accomplish objectives serving the public interest. This draft was submitted as part of the testimony by the National Forest Products Association spokesmen in the hearings. It may be helpful to you in the mark-up sessions.

Sincerely,

Ralph D. Hodges, Jr.

Enclosures (2)



Forest Industries NEWSLETTER

Published as a Service for the Forest Industries Council*
by NATIONAL FOREST PRODUCTS ASSOCIATION, 1619 Massachusetts Avenue, N.W., Washington, D.C. 20036

93-LL-14

Washington, D. C., April 2, 1976

CONGRESS PREPARED FOR MARK-UP OF FORESTRY LEGISLATION

Senate and House committees are now preparing for mark-up sessions on legislation pointed toward resolving the Monongahela crisis and governing forest management on federal forest lands. The "marking up" process follows after Congressional legislative hearings have been held. Following this procedure, a bill is considered line by line by a subcommittee and is open for amendment. After being voted on by a subcommittee and the parent full committee, it is advanced to position for floor debate.

At the outset of the current session of the 94th Congress it was feared progress might be slow in advancing forestry legislation, since this is an election year, a difficult time for resolving controversial matters. A large delegation of forest industry witnesses testified at two weeks of intensive committee hearings and stressed the importance of prompt action to relieve the effects of the Monongahela and other recent court decisions. The pace and depth of interest was increased by the early introduction of the preservationist-plaintiffs' bill and their aggressive tactics.

Chairman Jerry Litton (D-Mo.), of the House Agriculture Subcommittee on Forests, which held hearings on March 22-24, said his committee was going to work immediately on remedial legislation. Mark-up sessions could begin in the House before the Easter Congressional recess. The Senate is expected to begin April 28 following the recess. Senate committee staff is drafting a bill for consideration during mark-up, which would then be submitted to both the Agriculture and Interior Committees. The two Senate groups held joint hearings on forestry legislation on March 15, 16 and 22.

Temporary Relief From Monongahela

Before the committees are a number of bills providing temporary relief from the impact of the Forest Service's virtual halt of timber sales on nine National Forests in Virginia, West Virginia, and North and South Carolina as a result of the Monongahela decision. Other measures would relieve restrictions on timber harvesting on a portion of the Tongass National Forest resulting from the Monongahela precedent.

Bills sponsored by Rep. Roy Taylor (D-N.C.) and other House members, and by Sens. Ted Stevens (R-Alaska) and Mike Gravel (D-Alaska) would provide for a moratorium on application of the court decisions while a permanent solution is worked out by Congress.

Permanent Solution Offered

Measures designed to offer a permanent solution to the Monongahela-Tongass issue are contained in bills gravitating toward two positions. The forest industry supports the principle in S. 3091, sponsored by Sen. Hubert Humphrey (D-Minn.) and others, and H.R. 12503, sponsored by Rep. H.T. (Bizz) Johnson (D-Calif.) and other co-sponsors. Opposed by the industry are S. 2926, introduced by Sen. Jennings Randolph (D-W. Va.), and H.R. 11894, sponsored by Rep. George E. Brown Jr. (D-Calif.).

Acoustical and Board Products Association • Alaska Loggers Association • American Institute of Timber Construction • American Plywood Association • American Wood Preservers Institute • Appalachian Hardwood Manufacturers, Inc. • California Redwood Association • Canadian Wood Council • Federal Timber Purchasers Association • Fine Hardwoods—American Walnut Association • Hardwood Dimension Manufacturers Association • Hardwood Plywood Manufacturers Association • Industrial Forestry Association • Maple Flooring Manufacturers Association • National Oak Flooring Manufacturers Association • National Particleboard Association • National Woodwork Manufacturers Association • North American Wholesale Lumber Association • Northeastern Lumber Manufacturers Association, Inc. • Northern Hardwood and Pine Manufacturers Association, Inc. • Red Cedar Shingle & Handsplit Shake Bureau • Southern Cypress Manufacturers Association • Southern Forest Products Association • Southern Hardwood Lumber Manufacturers Association • Western Wood Moulding and Millwork Producers • Western Wood Products Association.

*American Forest Institute • American Paper Institute • American Plywood Association • American Pulpwood Association • National Forest Products Association

The Humphrey-Johnson bills would remove the language in the 1897 Organic Act, describing the kinds of trees that can be sold, that the courts interpreted so narrowly. The old law authorized selling trees which are dead, mature, large growth and which have been individually marked. Industry spokesmen testified that these bills would protect both the environment and the economy and give the Forest Service the flexibility that both the agency and professional foresters insist is essential to manage forest lands for all values — timber, water, wildlife and recreation.

On the other hand, foresters testified, the Randolph-Brown bills would put into law an array of limitations on forest practices that would cripple future productivity.

The Easter Congressional recess offers the best chance for those threatened by the Monongahela events to personally persuade their Senators and House members to immediately enact remedial legislation without prescribing forestry details. The Senate will be in recess April 14-26 and the House April 15-26.

**SOLID WASTE
MANAGEMENT
PRACTICES**

The House Interstate and Foreign Commerce Subcommittee on Transportation and Commerce is considering a national solid waste strategy. This legislation, the proposed Solid Waste Utilization Act, would require the Environmental Protection Agency to regulate minimum acceptable solid waste management practices essential to the protection of human health and environment. It also requires that states adopt solid waste strategies, including modification of existing facilities and development of new facilities, consistent with EPA regulations. It would also establish Regional Planning Processes to insure effective solid waste management. These last two programs closely parallel the provisions of Section 208 (Area Wide Planning) of the Federal Water Pollution Control Act.

The subcommittee staff has organized a two-day, five-session symposium scheduled for April 6-7 in Washington, D.C. The five sessions scheduled are:

April 6 — Library of Congress, Room 118, 3:30-5:30 p.m. — Dimensions of the Discarded Materials Problem and Its Impact on the Environment; 8:00-9:30 p.m. — The Federal Role in Resource Conservation and Recovery.

April 7 — Rayburn House Office Building, Room 2123, 9:15-10:45 a.m. — The State and Local Role in Resource Conservation and Recovery; 11:00-12:30 p.m. — Technology, Trash and Cash; 2:00-4:00 p.m. — Economic and Institutional Barriers to Private Investment in Resource Recovery.

Depending on progress made in the symposium discussions, the Subcommittee may or may not hold additional hearings on the bill. However, under the new budget process established by the Congressional Budget Act of 1974, legislation must be reported out of committee by May 15 if the House is to consider it for funding in fiscal 1977. The *Newsletter* will report next week on S. 2150, a Senate counterpart.

**Exclusion of
Silvicultural
Activities
Urged**

Earlier, NFPA urged that organic residues in silvicultural activities be expressly excluded from the definition of "solid waste" in the proposed Solid Waste Utilization Act. In a letter to Rep. Fred B. Rooney (D-Pa.), House Transportation and Commerce Subcommittee chairman, Jeffrey H. Teitel, NFPA environmental counsel, said the legislation could have a major impact on the forest industry if it were held to apply to certain residues in silviculture. NFPA suggested an amendment to eliminate silvicultural organic residues because they do not present a solid waste or health problem to the public, and they do contribute to the production of humus as well as soil nutrients.

**PLEA LODGED
FOR FIP FUNDS**

NFPA and the Southern Forest Products Association joined this week in urging Congress to appropriate the full \$25 million authorized under enabling legislation to continue the Forestry

Incentives Program (FIP) through fiscal year 1977. The request, to Rep. Jamie L. Whitten (D-N.C.), chairman of the House Appropriations Subcommittee on Agriculture and Related Agencies, also endorsed a recommendation by C.W. Moody, president of the National Association of State Foresters, that the program become a sustained one for 10 years at a level of \$50 million annually.

"We agree that this level of funding is necessary so that projected demands for timber will be met, so that the tremendous backlog of needed improvements on nonindustrial forest lands may be made, and that workers and suppliers may count on an uninterrupted source of payment," Joseph B. McGrath, NFPA vice president-government affairs and general counsel, and John M. Collier, SFPA vice president-public affairs, said in a letter sent March 26 to Chairman Whitten.

The letter also expressed disappointment that the Administration's fiscal 1977 budget recommended no funding for FIP. "We understand the need for fiscal restraint to keep the nation's economy on the road to recovery, but continue to be astounded at the shortsighted approach to austerity represented by the Administration's continuing efforts to eliminate the Forestry Incentives Program," the letter said.

It noted that both federal and state governments are already beginning to receive returns in tax revenues generated by the new forest management activities under FIP, which was begun in 1974. If FIP is vigorously and effectively implemented, the letter said, the resulting increases in productivity will help hold down inflation and ultimate returns to the federal treasury will several times exceed the estimated long-term cost of the program.

**CLEAN
AIR ACT
AMENDMENTS**

The Senate Public Works Committee has approved for floor consideration S. 3219, the proposed Clean Air Act Amendments of 1976. Senate debate could occur as early as the week of April 5. Forest industry efforts, aimed at the Senate's leadership, are being made to demonstrate the need for more time to assess the impact of the bill before a vote is taken.

**NFPA ACTIVE
IN LUMBERMEN'S
TRADE SHOW**

A large delegation of lumber and building material dealers turned out for a Lumbermen's Trade Show in Cincinnati recently, including NFPA representatives, who explained energy-saving construction methods and the advantages of building codes. An estimated 3,000 dealers from Ohio, Indiana, Kentucky and West Virginia attended the show, held March 23-26, and many of them participated in the two NFPA presentations.

One program, "How Building Codes Can Benefit Your Community," planned by Mike Westfall, NFPA midwest district manager of building codes, was presented by a panel of building code officials and inspectors and representatives from three model code organizations. The other program was entitled "Energy-Saving Construction — The Only Way To Sell Housing." Ward Hitchings, NFPA manager of government specifications, was a member of the panel that made the presentation, along with Richard Tuchbreiter, senior vice president of National Planning Service, and Raymon Harrell, vice president of the National Lumber and Building Material Dealers Association.

**1976 STANDARD
BUILDING CODE
AVAILABLE
FROM SBCC**

The 1976 edition of the Standard Building Code is now available from the Southern Building Code Congress, 3617 Eighth Ave., South, Birmingham, Ala. 35222. The new code includes a number of significant revisions favorable to the wood products industry. Among them are provisions permitting: (1) use of fire retardant treated wood exposed to the weather, where only noncombustible materials were formerly permitted; (2) wood fire separation walls between townhouses; (3) unlimited areas for buildings housing participant sports — including buildings of heavy timber and ordinary construction — and for one-story wood buildings of all types of construction in the covered mall category, and (4) wood smoke partitions for institutional buildings.

Other favorable revisions: (5) permit emergency egress openings in one- and two-family dwellings; (6) allow fire detection systems for one- and two-family dwellings, apartments, hotels, and motels; (7) allow compacted soil under the All-Weather Wood Foundation system, and (8) adopt industry recommendations for wood pile stresses.

The code includes revised requirements for reduction of floor live loads and determination of roof live loads and wind loads. It also contains a new format for the chapters on occupancy and types of construction which reflects industry-approved recommendations and an appendix that lists referenced standards by section, number, title and date.

NFPA PROPOSES CODE CHANGES

NFPA has submitted its proposed code changes for 1976 to the Southern Building Code Congress, whose code is widely used in 10 Southern states. Of major interest are proposals that would: (1) permit unlimited areas of wood-frame construction for recreational facilities, such as tennis courts and skating rinks; (2) permit broader use of wood in grandstands and bleachers; (3) update and improve provisions permitting a new underfloor plenum system; (4) reduce the vent openings and permit operable louvers in foundation walls for energy conservation; (5) clarify the use of heartwood for natural resistance to decay; (6) clarify the number of studs required for supporting headers, and (7) update the physical testing requirements for non-designed, prefabricated assemblies.

BUILDING CODES COURSE

M.M. Westfall, midwest district manager of NFPA's Building Code Department, recently conducted a course in building codes for building officials, bankers, home builders and building material dealers from southern Ohio and northern Kentucky. They were participating in a Housing and Building Inspectors Training Program at Northern Kentucky State College. Westfall's course, titled "Codes and the Local Community," dealt with the model codes, the One- and Two-Family Dwelling Code, the code review process, code adoption through ordinance changes and the duties and responsibilities of a local inspector.

BAN SOUGHT ON SHINGLES AND SHAKES

Spurred by a recent major brush fire that destroyed many homes, Los Angeles County, Calif., is once again attempting to ban wood shingles and shakes. Acting in response to a motion passed by the County Board of Supervisors, the Department of County Engineers will hold a public hearing April 6 on an amendment to the county building code that would ban the use of wood shingles and shakes in the greater portion of Los Angeles County. NFPA is working with the Red Cedar Shingle and Handsplit Shake Bureau to oppose the new amendment at the hearing.

NEW SEISMIC REGULATIONS RECOMMENDED

The Applied Technology Council of San Francisco, Calif., has completed a study, sponsored by the National Bureau of Standards and the National Science Foundation, on design of buildings for protection from earthquakes. It has submitted a comprehensive set of seismic design provisions for buildings, which are intended to be nationally applicable.

A working draft of these recommended regulations is under study by NFPA and nearly 400 other reviewers. The draft provisions present a number of new approaches from those now included in the Uniform Building Code, including a contour map of intensity of ground shaking areas; design factors based on structural materials being utilized at stress levels in excess of those used in normal design practice; seismic hazard exposure and foundation soil conditions; seismic design requirements for non-structural components, such as architectural systems and mechanical and electrical systems which support building function; evaluation of post-earthquake hazards in buildings, and guidelines for earthquake hazards in existing buildings. Comments are due no later than April 10, 1976.

ENERGY-SAVING DESIGN ADOPTED IN OHIO

Stark County, Ohio, which covers metropolitan Canton and the suburbs of Akron, has adopted amendments submitted by NFPA to its building code that incorporate the energy-saving designs of the "Arkansas House" — featuring 2x6-inch wood stud walls and extra inches of insulation. Paul De Ville, a Canton lumber and building material dealer, has helped spur interest in the new design features by participating in the building of several Arkansas houses in the area.

Monongahela Communications Fund
1619 Massachusetts Avenue
Washington, D.C. 20036

The next few weeks will be crucial ones in terms of Congressional committee action to draft a new law governing management of the National Forests. Both the House and Senate are preparing bills for eventual floor action.

Two special publications have been produced to help generate public action in support of that legislation.

Both booklets were prepared primarily for distribution by companies to their employees, distributors, customers, stockholders, friends and residents of plant communities.

"A Timber Embargo" is designed for use with employees, suppliers, stockholders and distributors generally within the industry.

"The Great Toilet Tissue Issue" was prepared primarily for those outside the industry but whose lives could be affected by restrictive legislation guiding management of the National Forests.

The booklets are available in lots of 100 by returning the coupon below. Where possible, checks should accompany all orders, made out to: Monongahela Communications Fund.

If you wish to reproduce the booklets yourself, check the appropriate box on the form and we'll send additional information.

Other similar materials, including advertising layouts for use in local communities are being prepared. As soon as they are ready for distribution, an announcement will be made.

Cost of the booklets is \$5.00 per 100, which includes first class postage and handling.

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THE WHITE HOUSE

WASHINGTON

April 6, 1976

MEMO TO FILE:

SUBJECT: Amendments to the Forest and Range Land Renewable Resources Planning Act -

H.R. 12503 - sponsored by Reps. Bizz Johnson and Bernie Sisk.

S. 3091 - sponsored by Senator Humphrey

Competing bills - H.R. 11894 - sponsored by George Brown
S. 2926 - sponsored by Senator Randolph

The issue is to settle the question arising out of the Monongahela court decision in the U.S. Fourth Circuit Court of Appeals which forbade the Forest Service to sell trees from the Monongahela National Forest unless they were dead, physiologically mature, large, individually marked and removed. The issue moved west when the U.S. District Court of Alaska agreed to the same decision.

Brown and Randolph's bills are supported by the plaintiffs in the case who are labeled "preservationists" and they are trying to make the ruling in the law. The Johnson-Sisk-Humphrey legislation will take the issue out of the courts and provide the U.S. Forest Service with a flexibility to practice what they call "modern scientific management" which amounts to clear cutting of timber. This position is supported by the Forest Products Industry, labor and the U.S. Forest Service.

Status: In the House Congressman Litton has completed hearings before his Subcommittee and is ready to begin markup. However, he is running for the Senate in Missouri so nothing has been scheduled. He is interested in moving the legislation.

In the Senate, the hearings have been completed and markup will begin late in April.



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Memorandum
H.R. 15069
15



THE WHITE HOUSE

WASHINGTON

August 27, 1976

MEMO TO FILE: Amendments to
Forest and Range Land Renewable Resources Planning Act

SUBJECT: H.R.15069

The current bill under consideration is H.R.15069 which as reported by the subcommittee has OMB's blessing. It is anticipated that full action will be completed within a week. Strategy is to keep all but technical amendments from passing. Jim Mitchell at OMB has responsibility for the bill. *x 3184*

Jim Cannon has asked that we push for passage. Hyde Murray suggests that we begin by contacting Republican members of the House Agriculture Committee. Charlie and Max approved this strategy.



Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

Today I am pleased to sign S. 3091 -- the National Forest Management Act of 1976 -- an act of great significance to the conservation and management of this Nation's natural resources.

This Act is another important milestone in the evolution of forest policy and conservation law governing our stewardship of a major part of this Nation's great natural heritage, the National Forest System.

In America's first century, our forests and their vast resources seemed to our forefathers inexhaustible. By the late nineteenth century, however, the spirit of expansion and development had led to much abuse of our forest lands. Fires frequently raged out of control over millions of acres, devastating floods were increasing, and our wildlife was being depleted.

With wisdom and timeliness, this Nation began to establish Federal forest reserves to protect our forest lands and to guarantee that future generations would enjoy their benefits. Although the first Federal forester had been hired just a hundred years ago in 1876, it was the establishment of the forest reserves in 1891 which sped the development and practice of professional, scientific forestry on Federal lands.

Today the National Forest System comprises 187 million acres of forest and range lands in 44 States and Puerto Rico, and provides millions of Americans outstanding outdoor recreation and wilderness experiences, as well as many wood products, substantial mineral and energy resources, clean and plentiful water, forage for domestic livestock, and homes for many species of fish, wildlife, and plants.

From its inception, the National Forest System was administered not only to protect forest lands, but also to restore their productivity. After an early period of basic custodial protection, a philosophy evolved to manage the National Forests in such a way that they provided a variety of uses and benefits for present and future generations. This concept of managing lands on a multiple-use, sustained-yield basis, which was confirmed by law in 1960, has always been a challenge. It has led to continuous discussion and debate over the proper mix of resource uses.

In the past decade, the use and management of the timber resources of the National Forests culminated in a court suit challenging the manner in which National Forest timber is harvested. The decision in the Monongahela National Forest case had the initial effect of severely reducing timber sales on all the National Forests in South Carolina, North Carolina, Virginia and West Virginia, causing hardships for the forest products industry and its many employees. Applied nationwide, the court's decision would severely restrict the timber supply from all the National Forests, led to the Act before me today.

more

While the National Forest Management Act of 1976 evolved from a timber management controversy, the Act goes far beyond a simple remedy of the court's decision. Basically, the Act expands and refines the forest resource assessment and planning requirements of the Forest and Rangeland Renewable Resources Planning Act of 1974 -- one of the first Acts I signed upon taking office. This Act reaffirms and further defines the concept of multiple-use, sustained-yield management and outlines policies and procedures for land management planning in the National Forest System. Emphasis throughout the Act is on a balanced consideration of all resources in the land management process.

Of equal importance, this Act guarantees the public full opportunity to participate in National Forest land and resource planning. Finally, it recognizes the importance of scientific research and cooperation with State and local governments and private landowners in achieving wise use and management of the Nation's forest resources.

In my consideration of this legislation, a statement made in 1907 by Gifford Pinchot, the first Chief Forester of the Forest Service, was brought to my attention. Mr. Pinchot said,

"There are many great interests on the National Forests which sometimes conflict a little. They must all be fit into one another so that the machine runs smoothly as a whole. It is often necessary for one man to give way a little here, another a little there. But, by giving way a little at the present, they both profit by it a great deal in the end."

This National Forest Management Act of 1976 is the product of diverse and often conflicting interests. Officials of the Department of Agriculture and its Forest Service, conservation organizations, the timber industry, labor, professional foresters, and members of Congress have worked for months to develop sound legislation. The Nation has profited as a result of their efforts. On balance, I find this Act to be a reasonable compromise of the many competing interests which affect the National Forest System.

Therefore, in this Bicentennial year of our Nation, and in this Centennial Year of Federal Forestry, I am very pleased to sign into law S. 3091, the National Forest Management Act of 1976.

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