



# OTZINACHSON

## Federal Magistrate Recommends Allegheny National Forest Logging Halted

*Earlier this year Rachel Martin of the Allegheny Defense Project came to our region and gave two excellent slideshow presentations about protecting Pennsylvania's only national forest. The following update by Jim Kleissler appeared in the fall issue of HEARTBEAT the newsletter of HEARTWOOD ([www.heartwood.org](http://www.heartwood.org)).*

Federal Magistrate Judge 11a Jeanne Sensenich has issued a recommendation that a logging project in the Allegheny National Forest be halted as a result of a lawsuit filed by a coalition of conservation groups. The recommendation was provided to District Judge William Standish late last week and upheld conservationist claims that managing the Allegheny National Forest primarily for the commercially valuable black cherry tree over other tree species violated the National Forest Management Act. The lawsuit was initially filed in May, 2001.

If adopted, the Magistrate's recommen-

dation would halt the East Side Timber Sale - the largest timber sale on any eastern national forest. The U.S. Forest Service would also be required to revisit a management study prepared for endangered species management and consider alternatives to its overwhelming use of clearcutting in the Allegheny National Forest.

At issue, is the U.S. Forest Service's management for black cherry in the Allegheny National Forest. Black cherry is a naturally rare species with high commercial value. Once comprising less than 1% of the forest, black cherry now dominates 50% of the forest understory due to intensive

*(Continued on page 3)*

### Bari Settlement Reinforces Civil Rights

On June 11, 2002, a federal jury in Oakland, California vindicated Earth First! activists Judi Bari and Darryl Cherney in a 1990 car-bombing incident in which they were accused of being suspects when in fact they were the victims of the bombing. The jury found six FBI and Oakland Police investigators liable for violating Bari and Cherney's First and Fourth

Amendment rights, and ordered the guilty parties to pay the activists \$4.4 million in damages for false arrest, illegal search, defamation, and with discrediting their nonviolent campaign to halt clearcutting of California's ancient redwood forests. Eighty percent of the damages awarded were for the violation of the activists' First Amendment rights. □

*Courtesy of Heartbeat Newsletter*

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“The finest workers in stone are not copper or steel tools, but the gentle touches of air and water working at their leisure with a liberal allowance of time.”

-John Muir

### **Message from the Chair: A Unique Gift**

Each of us has a unique gift. It is the power to speak up for what we believe, to give voice to our convictions, literally, to be an advocate for a society that is both just and sustainable.

The Bush administration is flagrantly attempting to limit public input on a wide range of issues. A bad policy such as this can only beget worse policies.

More typically though it is simply a lack of inertia or procrastination that keeps us from being the advocate, from sending the fax or making the call that lets our elected representatives know that WE CARE and want them to care also.

It undeniably takes a degree of focus and discipline to follow through on bringing our gift to light. Now, each unique light is needed so that together we can move our country in a positive direction.

*Ed Lawrence, President*

### *Otzinachson Welcomes New Outings Coordinator*

David Jansky, well known to Edward Abbey Hiking Society outing participants, has taken over as Outings Coordinator. David is all ready working on next years schedule so members who would like to lead an outing can contact him at [padavej@yahoo.com](mailto:padavej@yahoo.com).

We would like to thank out-going outings coordinator Ken Warn for his stewardship of the position for the past 3 years.

## **OTZINACHSON**

### **Executive Committee:**

Ed Lawrence, Orangeville; Chair  
Dave Hafer, Lewisburg; Vice-Chair  
Roy Fontaine, Watsontown; Treasurer  
Nicole Faraguna, Coal Township;  
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Stephen Rhoads, Sunbury

### **Volunteer Committee Chairs:**

Conservation, Ed Lawrence  
Internet Communications/Energy, Ken Warn  
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## **Renew Your Commitment to the Environment**

Please remember to renew your membership to Sierra Club  
You can renew online at [www.sierraclub.org/membership](http://www.sierraclub.org/membership)  
Or via mail:



## Federal Magistrate (con't)

management practices including clearcutting and herbicide spraying which eliminates naturally competitive species. The Plaintiffs argued that other species important to wildlife, and valued for their ecological and aesthetic qualities, were being diminished in order to promote monoculture of the valuable cherry trees. The federal magistrate agreed.

Plaintiffs include Allegheny Defense Project, Heartwood, Pennsylvania Environmental Network, Communities for Sustainable Forestry, the Sierra Club, the National Forest Protection Alliance and numerous individuals. The Plaintiffs were represented by attorney Tom Buchele.

The East Side timber sale called for 8,000 acres of logging primarily through even-aged management, the cutting system that emphasizes clearcutting. In addition, the East Side timber sale called for more than 15 miles of new road construction and 3,500 acres of herbicide spraying.

"The Federal Magistrate has found that the U.S. Forest Service failed to follow through on the Court's 1997 Order against this same logging project," explained Jim Bensman, Forest Watch Coordinator for Heartwood, a Plaintiff in the case. "Once again the courts have found that the U.S. Forest Service continues to push their industrial logging plans instead of using sound science."

The Magistrate's recommendation must be approved by the District Court Judge William Standish before it becomes law. The U.S. Forest Service, as well as timber-company interveners, can still object to the magistrates findings. □

## Imagine the Wind

On June 11, 2002, a federal jury in Oakland, California vindicated Earth First! activists Judi Bari and Darryl Cherney in a 1990 car-bombing incident in which they were accused of being suspects when in fact they were the victims of the bombing. The jury found six FBI and Oakland Police investigators liable for violating Bari and Cherney's First and Fourth Amendment rights, and ordered the guilty parties to pay the activists \$4.4 million in damages for false arrest, illegal search, defamation, and with discrediting their nonviolent campaign to halt clearcutting of California's ancient redwood forests. Eighty percent of the damages awarded were for the violation of the activists' First Amendment rights. □

## Why The Courts Matter

by Ed Lawrence

In a lawsuit filed by the Clean Air Council, a U.S. District Judge ruled that the state Department of Transportation put Pennsylvania in violation of the U.S. Clean Air Act when it failed to enforce strict new auto-emission standards in the metropolitan Philadelphia area.

Yet another example of the courts forcing agencies to OBEY THE LAW.

The next time Mr. Bush complains about too much citizen involvement and the need to curtail litigation remind him that the real problem is government agencies which ignore or violate the law not the lawsuits that seek to redress these violations.



Check out EARTHJUSTICE at [www.earthjustice.org](http://www.earthjustice.org) to see other examples of how important the courts are to the environmental cause. □

## White Pines Owner in Deep Sludge

J.P. Mascaro @ Sons has had criminal charges filed against them by Attorney General Mike Fisher for illegally receiving and handling sewage sludge at their Lehigh County transfer facility. The defendants are no strangers to criminal charges and violating the law.

In this case they are accused of accepting sludge without DEP approval and, in some cases, even when their applications were denied. They also took sludge for months and even years before applying for DEP approval. J.P. Mascaro @ Sons is the owner of White Pines Landfill in Columbia County which was denied a permit to accept municipal waste and sewage sludge after citizens formed an organization C.L.E.A.N. to fight the application. □

## Get Into the Act/ The Wilderness Act

This fall Otzinachson hosted speakers from two groups that are working to protect public lands by having them designated wilderness under the 1964 Wilderness Act.

Kirk Johnson of Friends of Allegheny Wilderness spoke on efforts within the Allegheny National Forest. (see information on page 1).

Dave Pacheco of the Southern Utah Wilderness Alliance (SUWA) presented a stunning slide show on the public lands managed by the Bureau of Land Management (BLM) that would be protected under America's Redrock Wilderness Act, a bill (H.R.1613) before congress.

Although Utah citizen groups have been working to have this area designated for over ten years the Bush Department of the Interior has targeted this same region to be carved up into leases for oil and gas development. In January 2002 an internal memo from the Washington office of



Photo courtesy of SUWA's website, [www.suwa.org](http://www.suwa.org)

the BLM to the Utah office said "Utah needs to ensure that existing staff understand that when an oil and gas lease parcel or when an [application for a permit to drill] comes in the door, that this work is their No. 1 priority. "that this work is".

Currently there are six Congressional Cosponsors of America's Redrock Wilderness Act H.R.1613 from Pennsylvania. SUWA is asking that we contact our Representatives and ask them to sign on. Due to the way mail is now handled in Washington it may take weeks for a letter to get delivered, a fax or phone call is a more direct and sure connection. Please take time to help our friends in Utah.

Contact SUWA's Web site <http://www.suwa.org/> for more information. □

## SB1413 Receives Opposition: From Sierra Club & Others

Otzinachson and Pennsylvania Environmental Network members joined other concerned citizens in Harrisburg in October to rally against factory farms, sewage sludge and Senate Bill 1413. While states such as Missouri and North Dakota have outlawed corporate-owned farms to protect family farming, Pennsylvania is on the verge of rolling out the red carpet for them while stripping local governments of their rights to protect public health.

SB1413 contains two provisions; (1) prohibits municipal governments from adopting any ordinance that would regulate agricultural operations; and (2) enables agribusiness operations to be awarded legal fees by the very municipalities that are trying to keep them out.

SB1413 currently sits in the House Appropriations Com-

mittee, where it could be voted on by the House at any time. To become more educated on this bill, review the General Assembly's website at [www.legis.state.pa.us](http://www.legis.state.pa.us) and click on "session" and then "electronic bill room". You can then type in the name of the bill (e.g., sb1413).

A technical analysis of SB1413 prepared by the coalition of Township Supervisors concerned about the loss of local control and quality of life, is available through the Community Environmental Legal Defense Fund at [info@celdf.org](mailto:info@celdf.org) or phone 717.709.0457. A Frequently Asked Questions (FAQ) sheet about the bill is also available through CELDF.

Please write your representative and oppose the passage of this bill. You can obtain contact information for your legislator at [www.legis.state.pa.us](http://www.legis.state.pa.us). □

## *Anti-Activist Bill Will Make Activists Pay*

A bill was passed in the Pennsylvania Senate which could penalize environmental activists for disrupting the business and causing a loss of revenue.

The bill focuses on potential situations in which environmental activists may harm or endanger human life, cause damage to personal property or interrupt the profit of a business.

The bill discourages activists from becoming vocal and may intimidate individuals from becoming involved in local challenges.

An individual who is convicted under this law would be convicted of a misdemeanor of the 3rd degree and in addition to the imposed sentence, would be required to pay restitution to the dollar amount equal to the loss in revenue that the business apparently lost in result of the activist's actions.

The bill, which passed 36-14 in the state Senate, was introduced by Sen. Joseph Scarnati, R-Jefferson, in response to timber mill protests in his district. The bill is currently to the House Environmental Resources & Energy Committee.

Jeff Schmidt, director of the Pennsylvania chapter of the Sierra Club, said activities the bill bans, including threatening or causing violence and destroying property, are already illegal. He said the bill "uses the violence phrase as a cover when the real goal is to shut down protest-type activities, in our opinion."

For more information on this bill, view the General Assembly's "electronic Bill Room" at [www.legis.state.pa.us](http://www.legis.state.pa.us) and clicking on "session information". □

**Check out the Group's Website  
at  
[www.sierraclub.org/chapters/pa/  
Otzinachson/](http://www.sierraclub.org/chapters/pa/Otzinachson/)**

## *50 MILES EARNS HIKERS GUIDE BOOK*

Starting in 03 participants in Group Outings can earn a copy of the Keystone Trails Association HIKING TRAILS IN PENNSYLVANIA by logging 50 miles with the Edward Abbey Hiking Society. This book is the best compendium of information on hiking trails in Pennsylvania available. Outing leaders will also earn a copy. One more reason to get outside and walk



## *Hall of Shame*

Pennsylvania's rain and snow is America's most acidic according to the National Atmospheric Deposition Program. "King Coal" continues its reign of death & destruction, killing our lakes & damaging our forests.

## *Gilbert Black Remembered* by Roy Fontaine

**L**ocal environmentalists were saddened to learn of the death of Gilbert Black on October 19, 2002 as a result of injuries sustained in an automobile accident. He is survived by Betty, his wife of 47 years, and a similarly committed environmentalist who collaborated with him on innumerable projects promoting environmentalist values in law, attitudes, and public policies.

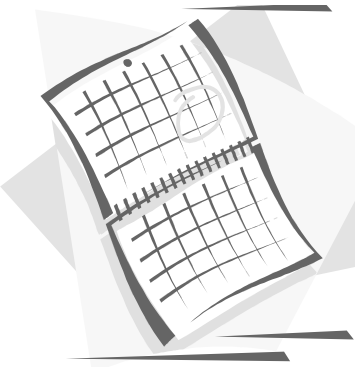
Gilbert was born in 1923 in Butler, Pennsylvania where he spent his youth. After World War II service in the Navy, he went off to college, earning both a BA (Allegheny College) and an MBA (University of Michigan). For most of his professional life he was a business writer and editor in New York. In 1983, he and Betty moved to Lewisburg, where in retirement he worked diligently for the environment and numerous other social causes that he believed were thoroughly interconnected. He served as Group Chair of the Otzinachson Group of the Sierra Club during 1985-1986. Working as a team with Betty, he represented the Local

Group of the Sierra Club at the state chapter level from 1987 until 1999 when he and Betty moved to Charlottesville, Virginia.

Gilbert was also active in Organizations United for the Environment (OUE) and played a significant role in gathering and analyzing the technical data that facilitated successful community resistance to the construction of a hazardous waste incinerator in Union County. Gil attended innumerable hearings and public meetings and offered well-prepared and logical testimony. His presence will be missed by all those who cherish the natural world.

Betty designated the Otzinachson Group as a beneficiary for memorial contributions. We have, as of Thanksgiving, received \$245 in Gil's Memory. Donations were received from Lovetta Dinius, Roy Fontaine, Cindy & Dick Nickelsen, Tom & Susan Travis, Bettyann Sade, and Douglas & Margie Sturm. □

### *Please Purchase 2003 Calendars*



As in past years, we are selling Sierra Club calendars as our chief fundraiser. We are selling only two kinds this year, the 2003 Wilderness Wall (at \$10.75) and the 9" X 6" 2003 Engagement Book (at \$11.75). The photographic quality is superb and you will find them a great gift. Please enclose \$3.00 for shipping for the first calendar and 50 cents per each additional calendar after the first one. All proceeds are used to support the newsletter and other local group activities.

Make check out to: **Otzinachson Group/Sierra Club.** Send orders and payments to: Roy Fontaine ~ 3 Kirkland Estates ~ Watsonstown, PA 17777

### Order Form

	Number	Cost
Engagement @ 11.75	_____	\$ _____
Wilderness Wall @ \$10.75	_____	\$ _____
Shipping and Handling:		\$ _____
Total enclosed:		\$ _____

## *A Portion of Brush Valley Preserved: BVPA Will Still Fight to Preserve Remaining 2000 Acres*

*By John R. Faraguna*

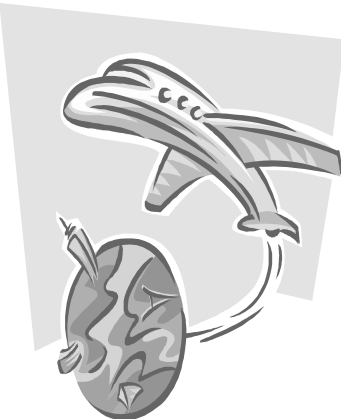
The Brush Valley Preservation Association has obtained a copy of a letter from the Conservation Fund to the Coal Township Supervisors. In the letter the Conservation Fund describes how it hopes to purchase, with the help of state and private financing, the 10,000-acre watershed east of Route 54 along the South Branch of Roaring Creek. While this is not the controversial Trout Run section that BVPA has fought so hard to protect, it is definitely a step in the right direction.

The Conservation Fund letter describes how "the conservation of this land represents the chance to conserve for future generation tremendous outdoor recreation and opportunities, such as hunting, fishing bird watching, and hiking, and the protection of a unique and nearly pristine ecosystem." This all sounds very familiar, at least to BVPA. Although BVPA had no direct input regarding the upper valley, mainly because it was not threatened as was the lower valley, we did contact the Conservation Fund nearly two years ago and made them aware of the overall situation in our area, thereby helping to prompt their involvement. In a private meeting the Conservation Fund director stated as much. Also, BVPA believes the attention we helped build around the Brush Valley issue has spurred interest about the environment and has shown how nature and recreation are

### *An Opportunity To Travel Abroad*

Travel to Germany, Austria, and Switzerland in July 2003. Walking & hiking in the Black Forest Area, the Karwendels in Austria, one night in Alps Faulkenhut. Cruise at sunset on Lake Lucerne and travel to Mount Rigi.

These are just some highlights. You will not be constantly packing and unpacking and this is not a touristy trip. This trip caters to the people and outdoors. We will experience some sights as there are some you just want to see.



There are many things to do. Meals, lodging, transportation, and fees are all included. This is a great trip!

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important to a community. We humbly hope that this interest has played at least a small role in this proposed project.

No doubt large egos and continuing hidden agendas will make it impossible for some to ever admit BVPA accomplished anything. It is just too frightening for some to accept that average citizens could do that. But no matter how much, if any influence BVPA has had on all of this, one thing is certain. Before BVPA (and others) got involved the "plan" was for the County to control Brush Valley with The Bureau of Prisons taking what they wanted to build multiple prisons, the rest of the valley developed piecemeal, and NO talk of preserving ANYTHING or of ANY recreation. Thankfully, things have changed.

It will be interesting to observe how our local politicians, news outlets, and business leaders react to the proposed conservation of the upper valley. Most of these people were strongly against anything BVPA envisioned, so much so that they often belittled and criticized the very concept of nature's value. (Remember the newspaper cartoon about the weird kid who hated nature?) Will these same naysayers now embrace and support preservation if it doesn't threaten their precious prison? Will they even step forward to take credit for what THEY have done and claim to be environmentalists themselves? We shall see.

The above paragraph was not written to take shots at anyone, but it is legitimate to question the motives of some of these people. The preservation of the upper valley is a worthy goal, but when it was revealed to BVPA eight months ago it was part of a compromise plan that included the construction of a prison in Trout Run adjoining the existing State prison. (The water company would also retain water rights). BVPA rejected this idea then, and will continue to fight any attempt to develop any part of Trout Run. All the facts we have uncovered, including many recently found, clearly indicate a prison does not need to be there, but can be built on an alternate site. We have also learned that many of the original Brush Valley Prison promoters are still working very hard to destroy that valley. Will they now offer this new preservation deal as an excuse for the destruction of the lower valley? Will they say that now that we have a recreation area it is OK to needlessly ruin another area? BVPA believes they may.

The possible preservation of the upper valley is indeed a welcome development. It shows that not only SHOULD places like Trout Run and the Roaring Creek valleys be saved, but that they CAN. It proves there is concern for the environment. It proves people care. If this project actually happens it will be a great first step. Let's keep it going by preserving and opening the lower valley as well, and by locating the prison (and any other meaningful employment) elsewhere in our area. Let's hit one tremendous grand slam for our community. □



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*Otzinachson will be cosponsoring along with  
The Fishing Creek Watershed Association:*

**SUSAN STRANAHAN**  
author of  
**SUSQHEHANA - RIVER OF DREAMS**

*Sunday, February 9, 2003*

*location not yet confirmed*

*look for announcements in local papers in the new year*