

Friends of Woods develop strategy

Citizens group hires lawyer, seeks talks

By **MARGARET HARPER**
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A group of citizens concerned about a forestry management plan for White's Woods Nature Center is planning legal strategies and attempting to negotiate with township officials to stop implementation before it's too late.

Friends of White's Woods have consulted an attorney and believe the plan — adopted in June — is illegal and based on “misinformation and misunderstanding,” said Mike Kesner, a member of the group.

But White Township officials believe the plan is legal and they have the authority to decide how to manage the land, said Robert Overdorff, chairman of the board of supervisors.

The plan, drafted by local forester Dave Babyak, calls for the removal of about 21 percent — or 550,000 board feet — of trees from the area.

Babyak and township officials say the stewardship plan is meant to foster growth and manage the health of the trees. But members of FOWW say they think the plan will harm the nature area. They want the township to reconsider, study the issue and adopt a new plan that pleases both sides.

“We urge them to reopen the issue,” Kesner said.

Even though township officials think it's legal, the plan has been sent for review to the Department of Conservation and Natural Resources, Overdorff said. DNCR comments would be “something we would look at before we take any actions.”

“We're just sitting tight until we get an opinion from the DCNR,” Overdorff said.

Members of FOWW have opposed the plan since the beginning, speaking out at meetings and a public hearing in June. They have collected petitions, organized hikes, posted fliers and put up a fight against adoption of the plan to no avail, they said.

Now, if attempts to communicate with township officials and supervisors aren't met with a response, the group is ready to take it to the next level, especially if trees begin to be marked for a cut, Kesner said.

They have three goals: to conserve the forest, study management plans from a conservationist's perspective and to reconsider the matter.

Members want to have the issue back on the agenda at public meetings “to lay out the issues and broker some type of agreement,” said Rick Watling, a Pittsburgh attorney representing FOWW. FOWW wants Watling to address the board in an attempt to have peaceful negotiations to avoid litigation.

In an Aug. 30 letter addressed to Larry Garner, township manager, and Michael Delaney, township solicitor, Watling outlines three possible “mutually favorable out-



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Friends of White's Woods developing legal strategy

Continued from **Page A-1** comes," which are:

■ White Township would continue to own the property. Ownership would be subject to a conservation agreement including a requirement that a conservationist approve the management.

■ Continued ownership by White Township subject to a conservation easement or long-term lease through a regional conservancy that would manage the property.

■ The transfer of the property to a conservancy with FOWW and the conservancy assuming any fees or penalties arising from the transfer.

The letter was released Friday at a press conference by FOWW. The group released the letter in an attempt to persuade township officials to openly discuss the matter, something they say isn't happening yet.

Watling said the Aug. 30 letter got no response from the township.

Normally, the township does respond to letters, Overdorff said. But township officials believed all of the information in the letter had already been discussed during public comment portions of township meetings and the June public hearing, when FOWW members have been given time to speak.

"That was our feeling on it," he said.

The letter addresses the legal aspects that FOWW believes the township is violating with the plan. Members say the plan is illegal and attack that accusation from two arguments — Project 70 and the Second Class Township Code.

"The process leading up to the vote was illegal, the vote was illegal, and in fact, any use of White's Woods for commercial purposes (beyond the implementation of pre-existing mineral rights and utility agreements) is clearly illegal," the group writes in docu-

ments.

Project 70 gave funding to municipalities "to provide land for recreation, conservation and historical purposes," according to the Project 70 Land Acquisition and Borrowing Act. With land purchased by Project 70 funds — like White's Woods was — there are restrictions on use of the land, including use as a revenue-producing forest.

Township officials have argued at past meetings that the main purpose of the plan isn't to turn the land into a tree farm, but rather to manage the area, which is allowed.

The Second Class Township Code outlines how a township can govern its forests. While it says a township forest can be timbered without permission of the electorate, the land must have been acquired without restrictions, such as Project 70, and the township must notify the Department of Conservation and Natural Resources of its intended use.

Where the township made a mistake, Watling said, is by assuming that White's Woods is a forest. FOWW members say it's a park under current law, because Project 70 restricts the use to recreation, conservation and historical purposes.

"This is a park, to be operated as a park," Watling said. "A forest can be used as a park, but a park can't be called a forest whenever you want to cut trees down."

"White's Woods is not a commercial forest," Kesner said. "It's a park. They developed a plan for a forest." Overdorff said Delaney looked into the legal issues of management even before the township spent money to develop the plan. Supervisors and Babyak have stressed that the purpose of the plan isn't to profit, but rather to manage. The profit from the plan — an estimated \$166,000 if the timber were sold today — would be put right back into White's Woods for mainte-

nance and other improvements.

"Our solicitor seems to believe that it is legal to manage," Overdorff said of White's Woods.

FOWW members believe time is of the essence and want to start communicating with township officials as soon as possible, and they're afraid that time is drawing closer to the implementation of the plan.

Nothing definitive has been announced regarding when that plan will be put into action, said Susan Dahlheimer, a member. If that happens before negotiations, FOWW members are prepared to file for a court injunction, even though they said it's not how they want to handle the situation. They don't want to waste taxpayers' money on a "useless and expensive" legal battle, Kesner said.

"Court is an absolute last resort," Kesner said.

They are only considering court because they said other attempts to negotiate have failed or been met with no response. All they want to do, members said, is talk with township officials and work things out.

"It would be a nice to start the dialogue," said Neil Asting, a member.

Overdorff just wants FOWW members to be patient and see what happens when the DCNR sends back comments on the plan from their perspective. As far as he is concerned, the plan is at a standstill until the township hears a response from DCNR.

"I think at this time, it's a matter of patience," Overdorff said. "The main point I'd like to make at this time is patience."

Overdorff stressed that there is no date set for implementation. When the township receives a reply from DCNR, the issue will probably be brought up again at a township meeting, he said.

Supervisors will have to vote on when to go ahead, and the work would probably have to be put out to bid, he said.