

## **FRIENDS OF WHITE'S WOODS: LEGAL COMPLAINT UPDATE**

Hello Friends,

There has been some misinformation disseminated about our legal action regarding WWNC, and we'd like to offer a brief clarification.

On May 22, 2020, Fair Shake Environmental Legal Services, on behalf of Friends of White's Woods, filed a legal complaint alleging White Township violations of both the Pennsylvania Sunshine Act and the Second Class Township Code bidding regulations, and, on the basis of this complaint, requested an injunction to halt all work in The White's Woods Nature Center.

In response, the Township's attorney has filed three rounds of preliminary objections, and Fair Shake attorney, Tim Fitchett, filed either an amended complaint or a rebuttal to each. Also, on July 22, 2020, White Township held a Special Meeting to re-do all of those votes allegedly taken in violation of the Sunshine Act requirements, thereby mooting the alleged Sunshine Law violations originally filed by FWW.

Recently, the Indiana County Court of Common Pleas overruled both of the Township's preliminary objections (one: that as a non-profit organization, FWW had no standing to sue; and two: that rototilling was a professional service and, therefore, did not need to be bid), and a pre-trial conference is scheduled for November 25, 2020. If work should commence in White's Woods, based on these contested contracts, and an injunction becomes necessary, Fair Shake will appeal to the Court immediately.

It is important to underscore that the FWW legal complaint addressed ***legally-defined processes regarding both Open Meeting laws and the bidding of contracts***. This litigation is aimed to support good-government practices which maximize citizen input into decision-making and municipal responsiveness to citizen concerns. It in no way impedes public, or official, discussion about our beloved park or plans for its proper care. And it is **not** related to the stewardship plan, which will be addressed by DCNR.

## **Friends of White's Woods: DCNR UPDATE**

White Township sent their Draft Stewardship Plan to the PA Department of Conservation and Natural Resources (DCNR) for approval on July 24, 2020.

***As you know, FWW's response to the White Township Draft Stewardship plan took the form of a 263-page binder*** that assembled FWW member letters, survey data, a petition, original Project 70 documentation of the establishment of White's Woods as a nature area, and evaluations of the Millstone plan provided by IUP biologists, Appalachian Forestry Consultants forester Mike Wolf, and the FWW Board. Copies of this binder were provided to White Township and to numerous DCNR officials, as well.

**It is important to remember that DCNR will issue a "ruling" regarding the WT Draft Stewardship Plan, not the Courts.** White's Woods was purchased through the Pennsylvania Project 70 Land Acquisition and Borrowing Act and, as such, DCNR has the authority to rule on the White Township Draft Plan.

We do not know when DCNR will issue their findings. We can say that in 2008, the last time that DCNR was asked to rule on a White's Woods timbering plan, they held that plan under review for five-seven months.

We hope this will inform your understanding of the current situation. In the near future, we will update a detailed chronology on our webpage, and will let you know when it is available for your review. Please reach us at any time with your questions.