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THE WHITE HOUSE
WASHINGTON

October 8, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

JIM CANNON

FROM:

JIM CONNOR 

The attached letter was returned in the President's outbox with the request that it be forwarded to you for preparation of a response to the Governor.

For your information, the letter was given to the President by Governor Holshouser at the Appalachian Governors meeting in Knoxville on October 7.

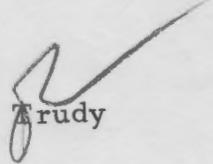
cc: Don Rumsfeld

Jim -

Attachment -

Letter dated October 3, 1975
From James E. Harrington

I'd like to handle
this with a note to Jerry
cc DR OK?


Trudy


THE WHITE HOUSE
WASHINGTON

OCT. 8, 1975

MEMORANDUM FOR THE RECORD

Governor Holshouser gave the attached letter to the President at the Appalachian Governors' meeting in Knoxville on October 7 because it raises a serious problem concerning timber rights on national forest land.

The President would like the Domestic Council to look into this matter and prepare a response to the Governor.


TERRY O'DONNELL



State of North Carolina
Department of
Natural and Economic Resources
Raleigh 27611

JAMES E. HOLSHOUSER, JR.
GOVERNOR

JAMES E. HARRINGTON
SECRETARY
TELEPHONE
AREA CODE 919-829-4984

October 3, 1975

Honorable James E. Holshouser, Jr.
Governor
State of North Carolina
Raleigh, North Carolina

Dear Governor:

Pursuant to a recent court decision, the United States Forest Service has discontinued the sale of timber from the National Forests of North Carolina. When timber from previous sales is harvested only very limited cutting incidental to salvage and other operations will be allowed.

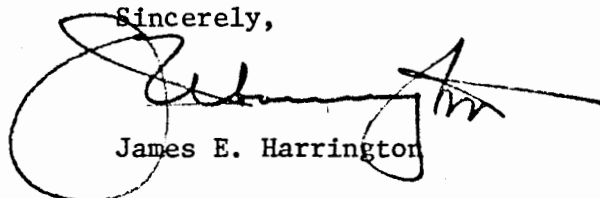
This will have an extremely serious impact on the economy of this State and on several counties which derive income from the Forest Service generated by these sales. Several of our forest based industries, particularly hardwood lumber, veneer, pulpwood, and furniture, and the commerce associated with transportation and distribution of raw materials and finished products depend heavily upon National Forest timber supplies.

I have had the enclosed brief prepared to familiarize you with the background of this court action, its impact on our State, and the possible courses of corrective action available to the U. S. Forest Service. Because the major impact will be in Western North Carolina, it is suggested that this might be an appropriate topic for discussion at the upcoming Appalachian Governors' Conference.

It appears that action from both the Administration and the Congress is needed to expedite solution to this problem. The Forest Service has taken no apparent action to request Congressional action and the Congress seems reluctant to act in the absence of a specific proposal.

Similar situations exist in Virginia, West Virginia and South Carolina. Maryland, the fifth state included in the court's jurisdiction, has no national forests. It is probable that the Governors of these States would agree that this matter should be brought to the attention of President Ford.

Sincerely,



James E. Harrington

JEH/dp

enclosure

BRIEF ON COURT DECISION ON THE MONONGAHELA NATIONAL FOREST

Prepared by Ralph Winkworth, State Forester, DNER

On August 28, 1975 the U. S. Court of Appeals for the Fourth Circuit upheld the decision of the U. S. District Court for the Northern District of West Virginia at Wilkins in the case of the West Virginia Division of the Izaak Walton League of America and other environmental organizations versus Earl L. Butz, Secretary of Agriculture and officials of the U. S. Forest Service.

The plaintiffs alleged that the Forest Service was entering into timber sales on the Monongahela National Forest in West Virginia which involved an aggregate of small units totaling 428 acres to be harvested by clearcutting in violation of the Organic Act of 1897. This Act which set forth the purposes and operating policies of the National Forests reads in pertinent part as follows:

" --- the Secretary of Agriculture --- may cause to be designated and appraised so much of the dead, matured or large growth trees found upon such national forests as compatible with the utilization of the forests thereon, and may sell the same ---. Such timber, before being sold, shall be marked and designated, and shall be cut and removed under the supervision of some person appointed for that purpose by the Secretary of Agriculture ---."

The District Court concluded that the above language constituted a clear directive from the Congress. In reaching this decision the Court applied dictionary definitions to be statutory terms.

The Forest Service argued that later acts of congress, other court decisions, modern economic and silvicultural concepts, and the public interest supported its present interpretation of the Organic Act.

The Court ruled in favor of the plaintiffs and the case was appealed.

The decision of the Court of Appeals based its conclusions upon a literal reading of the statute. It supported its conclusion with the background and legislative history of the Organic Act which indicated serious alarm at that time for the destruction of the Nation's forests and the need to protect both water flow and timber supply.

The decision pointed out the changing role of the national forests since passage of the Organic Act. It stated that for nearly half a century following passage of the Act, the National Forest System provided only a fraction of the Nation's timber supply, with almost ninety-five percent coming from privately owned forests. During this period the Forest Service regarded itself as a custodian and protector of the forests rather

than a prime producer, and in this role faithfully carried out the intent of the Organic Act. However, in 1940, with private timber reserves badly depleted, World War II created an enormous demand for lumber and this was followed by the post-war building boom. As a result the posture of the Forest Service quickly changed from custodial to a production agency. In this new role the Forest Service instituted even-aged management, including the silvicultural practice of clearcutting, first in the West and ultimately in the Eastern Forests.

The decision further stated that economic exigencies do not grant the courts a license to rewrite a statute, no matter how desirable the purpose or result may be and concluded with this statement:

"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 Court's but the Congress."

Following this decision the Forest Service stopped selling timber for harvest in the nine national forests within the five states included in the Fourth Circuit.* Four of these forests are in North Carolina. The impact in this State will indeed be serious and far reaching. (See attachment to this brief).

Although the initial court action was to stop clearcutting, the decision covers virtually all timber harvesting in Eastern National Forests. Individual trees in clearcuts could be marked and designated, at considerable added expense. However, the "dead, matured or large growth trees" harvested in the West at the time and covered by the Act do not occur in the East. Eastern and second growth western timber is now harvested at economic rather than biological maturity. The concept of harvesting timber at the age and size of optimum economic return was not a factor in American forestry at the time this Act was written.

From personal contact with top officials of the Forest Service the current status of the situation appears to be as follows:

Three main options are available; appeal to the Supreme Court, amendment of the Organic Act, and temporary legislative relief to allow more time for amendment of the Organic Act. Appeal to the Supreme Court does not look promising but has not yet been rejected. Major conflict between environmental and timber interests is expected with congressional action to amend the Act. Congressional support for this, the only realistic final solution, is not apparent at this time. The third approach has not been outlined in enough detail for intelligent evaluation. The Forest Service appears to be waiting for internal advice and is not ready to make a decision. Public support

is growing as the impact becomes apparent. In contrast, further opposition is evident, particularly in the form of similar court action in other areas. The precedent gives encouragement to action which could eventually affect the entire National Forest System with disastrous results to the Nation's timber economy. It is of course entirely possible that the Forest Service has developed some strategy and timetable which is not covered in this brief.

*Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

Attachment # 1

IMPACTS OF DECISION IN NORTH CAROLINA

1. No new timber sales on North Carolina National Forests - only salvage sales, dead and damaged timber, will be allowed.
2. Annual sales of 60-70 million board feet will drop to 3-6 million board feet.
3. In North Carolina, thirty-five purchasers of large timber sales and some three hundred purchasers of small sales will be affected. Twenty-five mills will be impacted.
4. Twenty-five percent of the receipts of the National Forest System are returned to the local counties as payment in lieu of taxes. In North Carolina this amounted to over \$200,000 from timber sales last year. These funds are vital to the support of school systems in the twenty-four counties involved. Ninety-five percent of these payments were to eighteen counties in the Appalachian Region of the State.
5. There will be a shortage of hardwood lumber available to the furniture industry in the near future. (Over the past several years 350,000,000 board feet of hardwood lumber was harvested from these National Forests - approximately half of this finds its way into the furniture industry.
6. Hardwood stumpage prices will rise in North Carolina. This will result in higher prices for raw material in the furniture industry, as well as higher prices to the consumer. The continued ban on Forest Service cutting will create heavy demands on private hardwood forest lands and probable overcutting of these stands.
7. Personnel from the Wildlife Resources Commission are concerned with the cutting ban's impact on the wildlife management program of the national forests. Continuation of the ban will have an adverse effect on the wildlife habitat in the area.
8. Forest management and development programs depend substantially upon funds from timber sales receipts. Consequently this loss of revenue will have the effect of curtailing activities essential to the future resource base of the National Forests.



SOCIETY OF AMERICAN FORESTERS

Appalachian Section
Pisgah Chapter

75 Cambridge Road
Asheville, N.C. 28804
September 23, 1975

Honorable Roy A. Taylor
House of Representatives
Washington, D. C. 20515

Dear Mr. Taylor:

Please be informed that at its regularly scheduled meeting in Asheville, N. C. on Tuesday, September 16, 1975, the Pisgah Chapter, Society of American Foresters, unanimously adopted the following position with respect to the sale and harvest of timber on the National Forests. This action followed formal presentation and vigorous discussion of the issue by the Chapter membership.

The recent decision of the 4th Circuit Court of Appeals upholding a 1973 lower court ruling that the U. S. Forest Service has been in violation of its Organic Act of 1897, has led to a halt of all new timber sales in the National Forests of Virginia, West Virginia, North and South Carolina by the Chief of the Forest Service. These actions will have very severe consequences for the strongly timber-based economy of western North Carolina. They will also virtually eliminate the practice of professional forestry for most non-timber management objectives on National Forest lands.

There is need for immediate enactment of legislation amending the Organic Act of 1897 to allow flexibility in the selection of timber sale procedures and harvest cutting practices appropriate to site and species, in conformance with the principles of the Multiple Use-Sustained Yield Act of 1960, and providing the widest range of beneficial uses of the forest consistent with long term public good. Such remedial legislation is also essential to permit proper and effective implementation of the Forest and Rangeland Renewable Resources Planning Act of 1974.

We urge the North Carolina Congressional delegation to act promptly to seek appropriate legislative relief from the strictures imposed by the court ruling, and by the 1897 Organic Act which the court has stated "may well be an anachronism which no longer serves the public interest."

Thank you for your attention to this urgent matter.

Sincerely,

Thomas F. McIntock

Thomas F. McIntock, Chairman
Pisgah Chapter, Society of American Foresters

WESTERN NORTH CAROLINA DEVELOPMENT ASSOCIATION, INC.

TY BUILDING

ASHEVILLE, NORTH CAROLINA 28301

PHONE (704) 252-4783

SEP 24 1975

September 17, 1975

TO CHAIRMEN, BOARDS OF COMMISSIONERS
WESTERN NORTH CAROLINA

The board of directors of the Western North Carolina Development Association, as an 18 county area development organization, are greatly concerned with the events which have resulted in timber sales from the National Forests in North and South Carolina, Virginia and West Virginia being banned.

This matter poses a serious economic threat to the western counties, both in the loss of revenues to the counties from timber sales and probably more important the loss of timber supply to many mills and plants, which could mean putting some of these out of operation.

Our Forestry Commission adopted the enclosed resolution, which was approved by the board and sent to certain members of the North Carolina Congressional Delegation urging early action. The solution is to change some outdated wording in the Organic Act of 1897 in order to enable a resumption of timber cutting on a sound, sensible basis on the National Forest lands.

We thought you might be interested in the enclosed.

Sincerely,

Morris L. McGough

Morris L. McGough
Executive Vice President

MLMcG:mh

Enclosures (3)

A RESOLUTION

WHEREAS, the U. S. Court of Appeals for the Fourth Circuit has ruled the United States Forest Service is in violation of the Organic Act of 1897 in selling timber that is not dead, mature, or of large growth; not logging each individual tree to be harvested and not removing all material from the sales area; and

WHEREAS, the court decision stated "...it may well be that this legislation enacted over seventy-five years ago is an anachronism which no longer serves the public interest;" and

WHEREAS, the Chief of the U. S. Forest Service has ordered timber sales be halted on the National Forests located in North Carolina, South Carolina, Virginia, and West Virginia; and

WHEREAS, the impact on the economy in Western North Carolina will be severe and immediate; and

WHEREAS, the Forestry Commission of the Western North Carolina Development Association, an 18 county area development organization, is greatly concerned about the impact of this action on the area;

NOW THEREFORE, BE IT RESOLVED that the members of Congress be urged to act expediently to provide legislative relief to allow the U. S. Forest Service to resume practicing sound and professional forest management practices.

Adopted at meeting of Forestry Commission on September 15, 1975
Asheville, North Carolina

Peter J. Hanlon

Peter J. Hanlon
Chairman

Adopted at meeting of Board of Directors, Western North Carolina Development Association, September 16, 1975 in Asheville, North Carolina

Sam Folsom

TABULATION OF REF 25% RETURNS TO COUNTIES FOR THE YEARS

1971 - 1975

AMOUNT PAID IN 25% RETURNS FOR YEARS:

	1971	1972	1973	1974	1975
ee	16,238.96	13,285.32	20,185.16	19,066.69	24,233.00
	11,868.75	13,361.42	14,749.26	13,890.12	17,670.00
ly	21,973.72	24,743.42	27,313.50	25,795.00	32,774.00
on	5,583.60	6,310.73	6,977.59	6,581.02	8,423.00
	29,553.57	33,276.90	36,752.79	34,701.51	44,064.00
	3,155.24	3,552.95	3,921.99	4,898.48	6,243.00
lvania	1,033.95	1,164.27	1,285.20	1,212.16	1,541.00
on	635.96	552.19	263.76	178.66	167.00
emery	23,074.61	20,603.54	10,018.05	6,788.21	6,342.00
ph	5,546.66	4,816.06	2,300.44	1,558.22	1,456.00
be	3,408.75	2,988.64	4,860.63	6,061.23	3,739.00
	4,710.32	4,125.98	6,724.26	8,585.18	5,002.00
	7,136.68	6,251.34	10,188.04	12,704.53	7,578.00
ill'	7,411.28	6,491.87	10,565.47	13,171.18	7,857.00
od	10,229.88	8,960.81	14,603.76	18,210.95	10,863.00
son	2,595.32	2,273.36	3,704.97	4,620.12	2,756.00
ill	9,996.39	8,813.99	14,364.49	17,912.58	10,685.00
on	7,100.52	6,227.55	10,237.73	12,766.49	7,616.00
ill	2,456.67	2,151.91	3,519.90	4,406.10	2,628.00
lvania	12,357.03	10,874.82	17,723.08	22,100.76	13,183.00
ga	58.97	51.65	84.18	104.97	63.00
	4,720.98	4,135.32	6,739.48	8,406.83	5,015.00
et	5,675.45	16,053.11	9,239.89	27,512.66	4,755.00
	6,179.82	17,454.46	9,948.66	29,632.81	5,119.00
	3,961.64	11,193.07	6,379.81	19,002.70	3,283.00

Payment to Counties by H. C. N. H. H. H. H. H.

Friday, September 12, 1975

Rules Need Changing On Forest Timbering

A court suit intended to stop the excesses of total tree-cutting in the Monongahela National Forest of West Virginia has effectively stopped all new timber sales in the national forests of that state, Virginia, North Carolina and South Carolina.

A complete ban on timber sales was probably not the intention of the four environmental groups that brought suit against the Forest Service in 1973 to block the Monongahela cutting. But a total ban was declared in these four states Aug. 23 by Forest Service Chief John McGuire after the 4th U.S. Circuit Court of Appeals at Richmond (which represents these states) upheld a U.S. District Court ruling in favor of the plaintiffs.

The Appeals Court upheld a strict reading of the Organic Administration Act of 1897, which limited national forest timber sales to "dead, matured or large growth" trees.

In its written opinion, the court stated, "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."

"...The appropriate forum to resolve this complex and controversial issue is not the courts but the Congress," said the court.

The editors of the Citizen-Times have long recognized and supported the obligation to manage the timber resources of the national forests with diligent care. Nothing less will suffice to maintain the necessary environmental balance between protecting water supplies, appearance and recreational use and preserving the national forests as undiminished sources of timber for worthwhile private purposes.

The U. S. Forest Service, by and large, appears to have observed these conditions faithfully. One unhappy exception has been the over-use of "clear-cutting," the practice of remov-

ing virtually every tree from fairly large tracts. Though the Forest Service and other timber-management specialists have defended clear-cutting as sound forestry practice, the resultant ravaging of whole mountainsides and valleys has raised hot opposition from environmentalists and other private citizens.

West Virginia, which has already been despoiled by strip-mining for coal, was apparently being shown no more mercy in the new enthusiasm for clear-cutting in the Monongahela. The court suit, which has blocked all timbering there since it was filed in 1973, has obviously forced the Forest Service to pay more attention to public opinion about management practices.

Nonetheless, clear-cutting within reasonable esthetic and ecological limits has been proven as a way to improve timber yields. And the Forest Service has a good record, over the years, as a conservative manager of the public lands under its stewardship.

One-fourth of the revenues from National Forest timber sales are returned to the counties where the timber is cut for use in the public schools. In Western North Carolina this year these revenues range from \$44,000 in Macon County down to a low of \$63 in Watauga, with six counties receiving more than \$10,000 and others lesser amounts.

Discontinuation of national forest timber sales would have a pronounced effect on about 25 mills in the state and over 300 individual timber buyers, though sales of timber presently under contract would continue for another year and a half. Other activities in the national forests would also be affected.

Obviously a total cessation of all timbering in the forests is neither necessary nor desirable. Just as plainly, the 1897 Congressional act that permitted it is totally out of date with modern forestry. Congress should change it.

Dedicated to the Upbuilding of Western North Carolina

LUTHER B. THIGPEN, Executive Editor
RICK GUNTER, WILLIAM M. MEBANE JR.
and BOB TERRELL, Associate Editors
JOHN Q. SCHELL, General Manager

Forest Timbering Halt Case of Overkill

There seemed to be a tendency among pseudo-environmentalists to applaud the recent ruling of the Fourth U.S. Circuit Court of Appeals in Richmond that upheld an earlier decision by Judge Robert Maxwell of Elkins against Monongahela National Forest timbering practices.

The popular view is that the decisions served to substantiate what a lot of people have been saying for a long time, and that is that clearcutting is bad.

This view, it seems to us, does not take into account the changes that have occurred in recent years in clearcutting on the Monongahela and perhaps elsewhere. The U.S. Forest Service has conceded it

made mistakes early in the clearcutting game, particularly as to the size of its clearcuts and their placement on steep slopes above streams.

But these mistakes occurred as long as five to seven years ago, during the height of the controversy, and a visit to these areas today would probably convince most critics that nature is a quick healer.

That is all in the past, however. Today's clearcuts average 25 acres or less in size, they are placed more judiciously, and clearcutting is no longer the predominant system of timbering on the Monongahela. In other words, the battle had been won long ago by those who opposed clearcutting as it was practiced in the 1960s. The suit of the 1970s that has led to a suspension of all timbering on the forest seems to be a clear case of overkill.

The million-acre Monongahela is a priceless multi-use resource of which West Virginians can be proud. We can fish its unpolluted streams, hunt without fear of posted signs, hike its wild places and generally enjoy its many bounties. But we also can, and should, harvest its timber.

The Forest Service has decided, rightly it appears, that the 1897 Organic Act upon which the two court decisions were based does not give it the latitude to harvest timber in a reasonable manner.

To sell only "dead, matured or large growth trees," as the act specifies, is not the basis for a sound, economically viable timber management plan. For example, what is a mature or large growth tree? To a pulpwood cutter, a 10-inch tree is mature. To a sawtimber purveyor, a 20-inch tree is mature. To a preservationist, neither of these dimensions would qualify as mature.

Anyway, cutting only mature or large growth trees and leaving the junk timber is a high-grading method of timbering that has no place on the national forest or a private woodlot.

As the federal appeals court in Richmond noted, the 1897 act needs changing, and we trust the Forest Service will pursue this route through Congress rather than drag out the issue further on an appeal to the Supreme Court.

The economic effect of the timbering shutdown on sawmills in the area of the Monongahela hasn't been severe as yet, probably due to the depressed timber demand generally, but it is certain to be felt as time goes on. Until somebody comes along with a substitute for wood, the Monongahela's timber will still be needed.

Monday, September 8, 1975 The Charleston Gazette

September 22, 1975

To: All Directors

As a result of our special board meeting at the Forest Industries Building in Washington at four o'clock on September 18, 1975, members in attendance (not a quorum) unanimously approved the enclosed resolution to present to members of Congress at our breakfast meeting, September 19, in the Capitol.

The following members of Congress were at the meeting:

Senators Attending

Sen. Jesse Helms (NC)
Sen. Strom Thurmond (SC) and John Steer (Staff)
Sen. Jennings Randolph (WVA) and Bill Davis (Staff)
Sen. Robert Morgan (NC)

Representatives Attending

Rep. J. Kenneth Robinson (VA)
Rep. John Slack (WVA)
Rep. Roy A. Taylor (NC)
Rep. L. Richardson Preyer (NC)
Rep. John J. Duncan (TN)

Staff Members Attending for Senators

Jack T. White for Sen. Scott (VA)
Phil Reberger for Sen. Byrd, Jr. (VA)
Jim Giltmire for Sen. Talmadge (GA)
Joe Stewart for Sen. Byrd (WVA)
Bert Rosen for Sen. Hollings (SC)

Staff Members Attending for Congressmen

Tom Adams for Rep. Wampler (VA)
Chuck D. Wilson for Rep. Butler (VA)
Fred Fletcher for Rep. Daniel (VA)
Wayne Long for Rep. Davis (SC)
Charlie Holloway for Rep. Cinn (CA)
Mike Hynes for Rep. Quillen (TN)

- SECRET -

Suppl. Amendment to the 1974 Act, Engr.

Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to sell timber from the National Forests, subject to such rules and regulations as he may prescribe to assure consistency with good silvicultural methods and a fair rate of return for the government: Provided, That such sales conform with the National Environmental Policy Act of 1969 (83 Stat. 862) and the Multiple-Use Sustained Yield Act (74 Stat. 215): Provided Further, That authority to sell timber under this section shall expire on September 30, 1977.

RELEASE

WASHINGTON, August 12 - The U. S. Department of Agriculture (USDA) said today it will not offer any more National Forest timber for sale in four mid-Atlantic states until it decides its next step in a lawsuit against current timber cutting practices in the Monongahela National Forest in West Virginia.

The pause will stop further timber sales in nine National Forests in Virginia, West Virginia, North and South Carolina, all of which are within the area served by the U. S. 4th Circuit Court of Appeals in Richmond, Virginia. That Court last week ruled that trees in the Monongahela can not be harvested unless they are "old, mature or of large growth" and unless they have been individually marked for cutting.

William McGuire, Chief of U. S. Department of Agriculture's Forest Service, said the decision to suspend advertising and award of timber sales will continue in effect until the Forest Service explores available legal alternatives with the Department of Agriculture's General Counsel and the Department of Justice. The suspension will not apply to timber already sold in the nine National Forests.

McGuire said both the possibility of appeal to the U. S. Supreme Court and proposed corrective legislation will be considered. In its ruling, the appeals court said "the appropriate forum to resolve this complex and controversial issue is not the court's, but the Congress".

At present, sales in the four-State area already advertised involved about 11 million board feet. Another estimated 100 million board feet would have been scheduled for sale by the end of the calendar year. This does not include the

NEWS

U.S. DEPARTMENT OF AGRICULTURE

OCT 1 1975

ATED NATIONAL FOREST TIMBER SALES RESUMED IN FOUR STATES:

WASHINGTON, Sept. 24--A limited timber sale program will be resumed on National Forests in four mid-Atlantic states, the U.S. Department of Agriculture (USDA) said today.

Further timber sales on nine National Forests in Virginia, West Virginia, North Carolina and South Carolina were suspended Aug. 28 following review of a recent decision of the 4th Circuit Court of Appeals in Richmond, Va. That court held that trees on the National Forests could not be harvested unless they are "dead, mature, or of large growth" unless they have been individually marked.

John R. McGuire, chief of the USDA's Forest Service, said that after following the decision, the Forest Service has determined approximately 30 million board feet of timber from the four states could be offered for sale during the balance of this fiscal year. Prior to the court decision, the planned timber sale program for that area for the remainder of the year was 285 million board feet.

The timber to be sold includes an estimated 8 million board feet in South Carolina, 6 million board feet in North Carolina, 12 million board feet in Virginia and 4 million board feet in West Virginia.

The timber harvesting will primarily involve the salvage of dead and dying trees, including trees killed by an epidemic of the Southern pine beetle.

Prompt action to harvest the dead trees is essential in order to prevent them from going to waste, Chief McGuire said. Some cutting will be done as part of research projects.

McGuire said the timber to be cut is clearly eligible for sale
Court's interpretations of the Organic Act of 1897. He said the
will continue to examine timber stands within the four states
trees which can and should be sold within the constraints
the decision, and some additional sales may be forthcoming.
at to be sure," he said, "that any sale we offer fully complies
vision. We do not, however, intend to make sales which do not
and forest management."

Government has not decided whether to recommend an appeal
Court. Mr. McGuire said the possibility of an appeal, as
approaches to placing the issue before Congress, as suggested by
Court, are being considered. He indicated his staff is
draft legislation, if it becomes necessary. A description of
of constraining timber harvesting to only dead, physiologically
large-growth trees will be incorporated in the Final Environmental
under preparation as part of the Renewable Resources Program
the Forest and Rangeland Renewable Resources Act of 1974.
said the impact statement would facilitate possible legislative