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PROTECT OUR WOODS

Winter 1990

Number 12

Protect Our Woods Defends Triple Damages for Timber Theft

Vice President Bob Klawitter testified recently before the Indiana Senate Committee on Natural Resources on a bill to amend the law that grants landowners triple damages for trees cut on their property without permission. The change, providing for "up to triple damages" would have put the burden of proof on the landowner that the unauthorized cutting was not an innocent mistake.

Bob argued that unauthorized taking of someone else's property is ordinarily treated as theft—"I didn't know it was his" is not ordinarily a permissible defense. Furthermore, intention is almost impossible to prove in court. Besides, landowners already have a heavy burden of proof, including surveying, appraisal, and court costs. Damages equal to market value are simply not enough, because trees cut before financial maturity or during a cyclic low market may be worth much less than the owner would otherwise expect. Timberland owners, mostly small farmers, want everybody to think three times about whose trees they are cutting down.

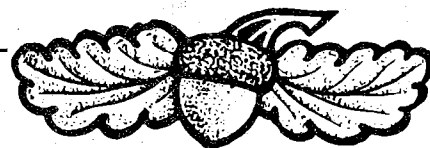
Senators Vi Simpson (D-Monroe CO.) and Richard Young (D-Crawford CO.) and environmental lobbyist Bill Hayden joined us in opposing the amendment. Unfortunately, the Committee voted 6-4 to amend. But Senator Edward Pease (R-Clay CO.) amended the bill for us on the Senate floor, giving triple damages unless the cutter could prove to the judge that he made an honest mistake. We are thankful to these people for their help. The struggle over this law is not over, however, and may not end in the 1990 Legislature.

John Shanks, timber industry and Indiana Woodland Owners Association, lobbyist for the bill, argued that triple damages was too much. Given the large amounts of money that might be involved, an honest mistake was too harshly punished, perhaps even bankrupting a small operator. Shanks pointed out that landowners cutting their own timber also make such mistakes, since property lines are often hard to locate precisely in the woods. Shanks found Senator Pease's compromise acceptable.

The importance of this issue was especially clear to us because one of our members recently had 39 large trees cut without permission on her property by one of the State's largest timber operators. In this case, the trees were priceless, standing on a clearly-marked, dedicated nature preserve and never intended for harvest. Even triple damages would be poor payment for the owner's anguish. Law enforcement and State officials have not been helpful so far. And legal expenses alone will eat up at least one-third of any damages awarded in the pending civil suit. Apparently, even the triple damages law that industry has been trying so hard to eliminate is not an adequate deterrent.

Small landowners have always been the exploited poor cousins of the timber industry. A prominent industrial forester tells us that no other industry is so well organized to be taken advantage of by crooks. Often timber sales during estate settlements are literally robbing widows and orphans. The marketing system is so vulnerable to abuse that getting a fair price for your timber is difficult, and the average owner is at the mercy of buyers, cutters, haulers, and mills. Further, state and national forestry policies are primarily aimed at ensuring plentiful timber supplies to industry at competitive prices. These public cheap timber policies are then inadequately compensated by small subsidies and educational programs for landowners.

If the State Division of Forestry, the Indiana Woodland Owners Association created by former State Forester John Datena, and the respectable timber industry are serious about improving their public relations, they will have to begin by improving relations with the part of the public they deal with most directly, the small landholders who own most of Indiana's timber. Let the new era of cooperation begin here.



GOOD NEWS! PRESIDENT BUSH'S
BUDGET ELIMINATES BELOW COST
SALES IN 10 NATIONAL FORESTS
INCLUDING THE WAYNE-HOOSIER
AND THE SHAWNEE (SOUTHERN
ILLINOIS)

A Reader Responds

Mark Ristow WRITES FROM INDIANAPOLIS ABOUT TILLERY HILL:

I feel the proposed amusement park at Tillery Hill is a totally inappropriate use of scarce state natural lands, especially lakefront land. Such a park is appropriate for private development on private lands and waters. I oppose any of this sort of development on state natural area lands.

I enclose a xerox of page one of Section B of the Indianapolis Star of 7-22-89. As this article points out, Hoosiers need more access to natural areas, not more development on the few natural area we have left.

Your "draft plan" seems to provide much more of the kind of experience Hoosiers want from their state natural lands than does the amusement park idea. We need lands to recreate on--to walk, to birdwatch, hunt, fish, feel the quiet. Certainly the Tillery Hill theme park provides none of what we really need. Indeed it destroys more of the very kinds of areas Indiana is so short of.

Keep up your work to protect our open, natural, wooded spaces.

earth day

PROTECT OUR WOODS will plant small groves of American chestnut trees on April 22 at the Patoka Lake and at Vincennes University Jasper. Join us or celebrate in your own community.



What If They Gave A Theme Park and Nobody Came?

Indianapolis is a primary market for the proposed theme park. We would be surprised if people there really wanted to come down to Orange county for an urban scene like a theme park. City people like to visit the country. Country people like to visit the city. Once the country has been developed into one giant suburb, why would anyone want to visit it at all?

If the Patoka Partners' speculation falls, who will be hurt? Not the developers--their borrowed capital will be backed by public banking insurance, financed by the same taxpayers who payed for the looting of the Savings and Loans through speculative real estate deals.

The area would be left with a white elephant, less natural public land, a trashed lake, a larger unskilled population plagued by unemployment, and with overstressed health, education, welfare, sewage, garbage, and law enforcement services.

LOU GOLD
SLIDES & STORIES
OF THE OREGON WILDERNESS

A JOHNNY APPLESEED OF ENVIRONMENTALISM-- A HERMIT WHO COMES DOWN FROM HIS MOUNTAIN EVERY YEAR TO SOW SEEDS OF ECOLOGICAL IDEALISM ACROSS THE COUNTRY"
Don Bostick, IN BRIDGEVILLE, BRIDGEVILLE, OREGON

"A RARE KNACK FOR GOOD STORY-TELLING... SPINS COMPLEXITIES INTO A VIVID PICTURE..."
BYRON PALM, THE SHELBY COUNTY

"A PRACTICED 'PROPHET'"
THE SHELBY COUNTY

"CARRIES THE LISTENER TO THE HEART AND SPIRIT OF THE ANCIENT FOREST"
BRUCE EVANS, VICE PRES. NATIONAL AUDUBON SOCIETY

"COMPELLING"
THE TON, GARDNER NELSON

"A SPLENDID TOUR THROUGH OLD-GROWTH FOREST ECOLOGY... COMBINED WITH A HARD-HITTING CRITIQUE OF THE BENEVOLENT DAMAGE BEING DONE TO OUR WOODLANDS... SHOWS US... EXPERTS... LAYPEOPLE ALIKE... WHAT CAN + MUST BE DONE."
PAUL LLOYD, VICE PRES. NATIONAL AUDUBON SOCIETY

LOU GOLD'S SLIDE SHOW IS THE MOST THOROUGH AND INSPIRING CONSERVATION MESSAGE I'VE SEEN!
DAVE FORKNER, EARTH FIRST!

THE SIXTYFOUR MOUNTAINS CONTAIN AN ANCIENT... GENETIC RESOURCE OF GLOBAL SIGNIFICANCE. NOW THEY HAVE A POWERFUL VOICE IN LOU GOLD. WE CAN ONLY HOPE THAT HIS MESSAGE IS HEARD BEFORE IT'S TOO LATE."
DAVE PALM, NORTHERN ARIZONA, THOROUGH

MEET LOU GOLD AT 7700 N MERIDIAN ST, INDIANAPOLIS, FEBRUARY 15, 7:30 PM, AND WATCH FOR HIM IN ORANGE COUNTY THE NEXT WEEK



Indiana, My Home Sweet Home

Indiana, my home sweet home.
Indiana, I long to roam
Thru your woods and hills and valleys wide,
With my darlin' sweetheart by my side.
Tho I've wandered o'er land and foam,
I've found nowhere I'd call my own.
Back with dear old dad and mother,
You mean more than any other,
Indiana, my home sweet home.

© Lotus Dickey

Quinten Lotus Dickey

1911-1989

It is with great sadness that we report the death of songwriter and musician Lotus Dickey, a long time supporter of PROTECT OUR WOODS, whose final public performance was a benefit for the Festival for the Forest last October. Lotus lived most of his life in a small log cabin on Grease Gravy Road on the edge of Little Africa. A gentle, hardworking man with a prodigious memory, a ready smile, and a lyrical gift for music making, Lotus could bark like a fox or scold a squirrel out of his nest, and once survived a winter on walnuts. His generosity, humility and honesty have left a lasting mark on those fortunate enough to have been touched by the man or his music.

PROTECT OUR WOODS owes special thanks to several people for special donations and continuing generosity. Among them:

Doc & Nan Coffin-Welty of Southern Sign Works for a new banner
Jack & Elaine Stephenson
John Reese
Stanley Newhall of Keionga Voyageurs
Jack Jackson
Charles Hughes
Doctors Royce & Roberta Coleman
Jill Biel
Mennonite Central District Conference



from the CATALPA PATCH by Paul East

Some Cows bed down on newspapers in Missouri and New Hampshire.

Newsprint is providing bedding for animals below cost of hay and straw in many parts of the U.S.

Interest in small scale agriculture, LISA (Low Input Sustainable Agriculture) is at an all time high.

The 1989 Yearbook of Agriculture is now available. Farm Management is the cover title. Can you imagine the government producing a book for the farms suggesting the government knows how???

Write for Small Scale Agricultural Bulletin
Office of Small-Scale Agriculture
14th & Independence Avenue, SW
Washington, DC 20251-2

Cason Nomination Defeated

PROTECT OUR WOODS joined with other state and national environmental organizations in an unprecedented and successful show of strength in defeating the man nominated by President George Bush to head the Forest Service as Under Secretary of Agriculture. James Cason was opposed because of his prodevelopment, anticonservation record as an assistant to the notorious Reagan era Interior Secretary, James Watt.



AT LINDA'S HOUSE

WOODS SOUND
ON PLANK PORCH

BOLT SLIDE
IN BOARD DOOR

STOVE SLOPE
OF OILED FLOOR

WHERE CHUNKS OF FOREST
DISAPPEAR

--David Coyte

U.S. Fish & Wildlife Service Opposes Theme Park at Tillery Hill

U.S. Fish & Wildlife says a theme park would ruin Tillery Hill, and perhaps also surrounding areas, for bald eagles. Keeping the eagles from this likely nesting area would damage Indiana's eagle reintroduction program and probably violate the endangered species act. Habitat for upland game and shoreline species like mallard, blue heron, osprey, green-backed heron, and belted kingfisher would also be destroyed. (Have you watched the beaver at work in the peninsula's central inlet?) U.S. Fish and Wildlife proposes a smaller development--a lodge, cabins, and a network of trails.

A delegation from PROTECT OUR WOODS visited the Army Corps of Engineers office in Louisville. The Corps is doing an Environmental Impact Study (EIS) because of our opposition to the theme park. The U.S. Fish and Wildlife requirement for a biological assessment will lengthen the EIS process into 1991.

The Engineers, however, seem to be committed to the theme park in advance of the EIS, so we wonder how objective it will be. The planning staff argued with us as if they were the developers. Chief Bob Woodyard said Tillery Hill was acquired for water-based intensive recreational development and would eventually be sold to private owners if such development did not take place. We suggested returning it to the original owners, but that possibility was denied. (We also wonder how the theme park qualifies as water-based recreation.)

The Engineers refuse to consider U.S. Fish and Wildlife's idea of smaller development. The only alternatives considered by the EIS will be (1) the original master plan, which called for a golf course, hotel, and marina; (2) the theme park; (3) no action. They also resisted holding public hearings in Dubois County and Indianapolis and refused to let us see planning documents. We had heard that the Corps was developing a new environmental image, but we saw no sign of it at Louisville.

The biological study required by U.S. Fish and Wildlife is now being prepared, not by the Corps, but by Indiana's Department of Natural Resources (IDNR). Of course, IDNR is also proposing to rent Tillery Hill to the theme park, so we question the propriety of their doing the study. Recently we asked Pat Ralston, new Director of IDNR, what his position was on Tillery Hill. Ralston has no position--apparently the Governor will tell IDNR what to think about Tillery Hill. We intend to ask the Governor. We wonder if Lt. Governor O'Bannon's family ties to one of developers, Fuzzy Zoeller, constitutes a conflict of interest for the administration. Stay tuned.

Our delegation to the Engineers included David Coyte (Floyd Co.), Tim Maloney (Brown Co.), Jeanne Melchior (Dubois Co.), and Bob Klawitter (Orange Co.).

