

NLWJC- Kagan

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Alabama Wilderness v. Yancy

334 264 7345 P.01702
March 15, 1996

The Honorable Myron Thompson
U.S. District Judge
Middle District of Alabama
Montgomery, Alabama

Re: VIOLATIONS of Settlement in *Alabama Wilderness Alliance v. Yancy*, No. 95-T-1604-N

Via: Hand Delivery

Dear Judge Thompson:

This letter is to inform you that the Defendants in the above case, which was settled by stipulations and your order of February 14, 1996, are violating that settlement. Yesterday, I surveyed some of the salvage logging operations in the Conecuh National Forest and found that the Forest Service is openly violating at least two of the major terms of the settlement. The Forest Service has cut at least ten trees in the 100-foot no-cut buffer zones around two ponds. According to the settlement, no trees are to be cut within 100 feet of any natural ponds. During the case, we submitted photographs to you of trees within that 100-foot buffer that had been marked for cutting. The Justice Department admitted to us that these were "mistakes," and the settlement specifically provided that they would not be cut. Every one of those trees in those photos submitted to you is now gone. We have photographs (being developed as I write this) and videotape showing these blatant violations of the settlement.

Also, certain healthy, green trees have been cut in violation of the settlement, which provided that healthy trees would not be cut. Most of the healthy trees we found that had been marked for cutting had been re-marked for saving and were not cut; however, about ten percent of those originally improperly marked trees have been cut.

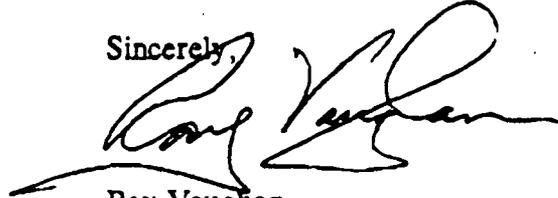
We are in a quandary about what to do. The damage to the forest has already been done. The Conecuh case has been settled and dismissed, and we entered into those settlement negotiations in good faith in an attempt to allow the legitimate salvage to occur while protecting the forest from improper cutting. Apparently, the Forest Service did not share our good faith. We have now agreed to settle the Tuskegee case (*AWA v. Carter*, No. 96-T-101-E), but those papers have not been signed yet (they are still in the Justice Department's approval channels), and we fear finalizing that settlement without some means to insure that the Forest Service will not violate that one as well.

It seems obvious to us that the Forest Service is in blatant contempt of this Court and the order and settlement entered into in the Conecuh case. We do not know what to do about it, other

than to inform you of this misconduct. You still have jurisdiction over the same Defendants in the Tuskegee case, and the Plaintiffs look to you for guidance on how such violations of a settlement should be handled.

Thank you for your attention.

Sincerely,



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cc:

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John Yancy, Forest Supervisor
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Dan Glickman, Sec. of Agriculture
President Bill Clinton