

# NFAA UPDATE

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## NFAA

Maureen Lee, Editor  
P.O. Box 2097  
Rogue River, OR 97537  
Telephone: (541) 582-6164  
E-mail: [nfaa@charter.net](mailto:nfaa@charter.net)

## Congressman calls for President Bush to meet with victimized USDA workers

Congressman Mike Honda (D-CA), Chairman of the Congressional Asian Pacific American Caucus, urged President Bush to meet with USDA minority representatives to discuss civil rights issues at the Department of Agriculture.

"For too long now, the USDA has tolerated a culture of racial and ethnic discrimination and abuse that exposes minority employees and customers to hostile work situations and outright racism. The USDA's limited response to such long-standing concerns by victimized employees has done little to address the root causes of this persistent problem."

Rep. Honda issued his prepared remarks on October 31 in conjunction

with a press conference sponsored by the USDA Coalition of Minority Employees.

Honda expressed support for the Coalition's efforts and as part of that support called on "President Bush to meet with USDA minority representatives and discuss these issues that the administration has not adequately addressed."

"Of utmost concern to me is the lack of action taken by the Bush Administration to address the fundamental causes of these problems affecting minority employees. I am proud to join the Coalition in calling for an end to this egregious treatment," said Honda in a prepared statement.●



## Questions and Comments

### Does new LEI director signal change?

"It has been allowed to go on too long to be repaired." Auburn, Calif.

Successful reform of the LEI program faces many challenges not the least of which is public skepticism based on past experience with the agency's indifference to complaints. The task is formidable but not impossible. We discuss our concerns regularly with LEI director John Twiss who has already responded to some complaints and concerns. A year ago, we didn't believe that would ever happen under this administration so progress has been made.

"Their intentions might be good but I don't think anyone can control those people." Gold Beach, Oregon

"Don't trust them until they prove that they are serious." Sandpoint, Idaho

We learned how to defend ourselves and fight them but this getting along stuff is going to take some practice and patience on both sides.

### Miscellaneous

"I chuckled when I read that the disaster relief workers were relieved when the Forest Service showed up and provided them with food that they could identify and chew. I've always thought the food at fire camp was pretty good. Looks like other people share that opinion." Chuck—Region 4

"The Government doesn't seem to be able to account for the money it held in trust for the Indian tribes and it should be ashamed that it dishonored that sacred trust." Ogden, Utah

"It looks like this year is ending on a much more positive note than last year. I am anxious to see what changes and improvements the new year might bring." Jessie—California



### Before the Bench

"Reports of government employees involved in identity theft makes me afraid to give the government my personal information on tax returns or anything else. It is bad enough that I have to worry about local crooks stealing my identity. Now I also have to worry about the government misusing the personal information that I am legally required to disclose." Tenn.

"I suppose that Homeland Security agent who stole the property from the illegal immigrants thought he could get away with it because no one would believe the victims. Amazingly this time government investigators did believe them then cared enough to do something about it." Temecula, CA

"It is sad to read about a government official who misused their official position but if they are going to do it then they have to be held accountable to discourage others from doing similar acts." Wenatchee, Washington

#### NATIONAL & FEDERAL ACCOUNTABILITY ALLIANCE



P.O. Box 2097  
Rogue River, OR 97537  
Phone (541) 582-6164  
E-Mail: nfaa@charter.net  
Maureen Lee, Editor

## Chief launches employee hotline

On November 7, the Chief's Office Customer Service Hotline was activated.

Staffed by senior leaders in the Washington Office (including the Chief and Associate Chief) on a rotating basis, the Hotline is available to all employees who have run into administrative or other barriers in getting their jobs done, according to an internal Forest Service memo.

The need for the Hotline evolved from discussions with employees when the Chief, Associate Chief or Deputy Chiefs visit the field, according to the memo.

According to the Forest Service, the problems raised by employees most often include: permit issuance problems, timely payments to contractors, salary payment delays, travel voucher glitches, faulty or overly cumbersome personnel practices, financial management issues and partnership disincentives.

The Hotline staffers will work with callers to find solutions to these barriers and engage the appropriate staff to help. It is hoped that the Hotline will be an additional tool to help fix some of the process predicament problems the agency experiences.

The Hotline number is 1-888-872-5582 and is staffed from 8 a.m. to noon and from 1 p.m. to 5 P.M. Eastern Time.●

## Forest Service releases final OHV rule

The USFS announced a new regulation on November 2 for recreational motor vehicle use in national forests and grasslands which will forge a sustainable system of routes and areas designated for motorized use in the future.



The new travel management policy requires each national forest and grassland to identify and designate those roads, trails and areas that are open to motor vehicle use. Local units will seek public input and coordinate with federal, state, county and other local governmental entities as well as tribal governments before any decision is made on a particular road, trail or area. Unplanned, user-created routes will be considered at the local level during the designation process.

The agency expects that it will take up to four years to complete the designation process for all 155 national forests and 20 grasslands.

Each unit will also publish a motor vehicle use map. The final rule addresses the more than 80,000 comments received on last year's proposed rule. Most comments strongly supported the concept of designating routes and areas for motor vehicle use. Once the designation process is complete, motor vehicle use off these routes and outside those areas (cross-country travel) will be prohibited. This prohibition will not affect over-snow vehicles, such as snowmobiles.

The rule will impact motor vehicle use on roads, trails and areas under Forest Service management. State, county or other public roads within national forest and grassland boundaries will not be included in the designation process.

Some national forests and grasslands already have established systems of roads, trails and areas designed and managed for motorized use. This rule does not require those units to change existing plans.●

## Conservationists file lawsuit against USFS

Montana conservationists who were barred from attending a Forest Service press conference have filed a lawsuit against the agency.

A trio of conservationists filed a civil rights lawsuit in federal court against Bitterroot National Forest supervisor Dave Bull claiming their ejection from the press conference violated their civil rights. The news conference, which unveiled a fuels reduction project, was held at Bull's office on Sept. 22.

Jim Miller, president of the conservation group Friends of the Bitterroot, was escorted from the conference by an armed Forest Service law enforcement officer who was reportedly wearing a bulletproof vest.

Bitterroot residents Stewart Brandborg and Larry Campbell claim it was a bureaucratic effort to ward off opposition to the project.

Stewart Brandborg, 80, is a principal founder of Friends of the Bitterroot and the son of a former Bitterroot NF supervisor. The three men claim they were barred from the conference because they do not support the agency's preferred alternative for a fuels reduction proposal. They claim the presence of armed guards at the conference was a "slap in the face."

Although some community members supportive of the proposed project were allowed to attend, an agency spokesman said they didn't want the conference to become a public debate.●

## DOI official named to Deputy Chief of Forest Service State and Private Forestry

Chief Dale Bosworth named Jim Hubbard as deputy chief for state and private forestry.

"We are extremely fortunate to have Jim Hubbard join our agency with his extensive experience and knowledge of state and private forestry issues as well as his direct involvement in the implementation of the National Fire Plan at both the state and federal levels," said Bosworth in a press release. "He has been a leader for the National Association of State Foresters serving as president, on the legislative committee and was the primary liaison on behalf of all state foresters to the Western Governors' Association during the development of the implementation strategy for the National Fire Plan."

As the Forest Service deputy chief of state and private forestry, Hubbard will be responsible for fire and aviation management, the implementation of the National Fire Plan, cooperative forestry, forest health protection, conservation education, urban and community forestry, and tribal relations.

"It is an honor to be selected as

deputy chief of state and private forestry for the Forest Service," said Hubbard. "I look forward to continuing collaborative efforts that reach out to conservation partners and working closely with my former state forester colleagues throughout the nation as well as American Indian tribal leaders," said Hubbard.

Hubbard is currently the director of the Office of Wildland Fire Coordination with the Interior Dept. where he oversees the implementation of the National Fire Plan and activities of the department's five land managing bureaus for forest fire prevention, mitigation and partnerships with communities, tribes, and stakeholders.

Prior to his position with DOI, Hubbard served for more than 34 years with the Colorado State Forest Service, including holding the state forester position from 1984 to 2004. He was also a key advisor for the Governor and chaired commissions on forest health, wildland fire and natural resource partnerships.

Hubbard holds a bachelor's in forest management from Colorado State University and is an Honor Alum of the College of Natural Resources.●

# Before the Bench



## Miners appeal long-awaited decision

Several miners with valuable claims in Montana have appealed the dismissal of their case, a ruling that came more than four years after the case had been briefed, according to a Mountain States Legal Foundation press release.

Mount Royal Joint Venture and Pete and Mary Woods asked the U.S. Court of Appeals for the District of Columbia Circuit to reverse a District of Columbia federal district court ruling that Clinton officials had the authority to withdraw federal land from operation under the Mining Law.

The plaintiffs alleged that Clinton Administration officials plotted to kill their claims even though federal studies proved the claims could be used without causing environmental harm.

The Bush Administration had defended the action by the Clinton Administration in this case.

William Pendley, of Mountain States Legal Foundation, which represents the miners, said he expects the Appeals Court to reverse the lower court's ruling in part because it relied on a 1915 Supreme Court decision that was overturned by Congress in 1976.●

## Group wins lawsuit challenging aerial fire retardant

In an opinion released October 25, Montana U.S. District Court Judge Don Molloy ruled that the Forest Service's use of millions of gallons of toxic aerial fire retardant annually violates two environmental laws.

The judge ordered the Forest Service to comply with the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA), but issued no injunction stopping retardant use because the plaintiff, Forest Service Employees for Environmental Ethics, had not requested one. FSEEE is a non-profit organization of Forest Service employees and citizens who care about the nation's forests.

"This is the first step to a new way of managing fire in our national forests that truly protects people, communities, healthy forests, firefighters, and the environment," said Andy Stahl, FSEEE Executive Director in a press release announcing the Court's decision.

"We will be asking the judge for a timeline to ensure the Forest Service promptly obeys these laws," said

Marc Fink of the Western Environmental Law Center, which represents FSEEE in the case.

The court found that the Forest Service dumps on average 15 million gallons of fire retardant annually and, in some years, as much as 40 million gallons. The retardant is a slurry of 85% water and 15% retardant chemicals that include fertilizer compounds and, in some retardant brands, sodium ferrocyanide. Over a one-year period, the judge noted that retardant had been dumped into streams with endangered fish at least eight times, resulting in fish kills.

Complying with NEPA will require that the Forest Service disclose to the public the environmental harm from using aerial retardant to fight fires and consider alternative chemical formulations and firefighting methods. The judge noted that the Forest Service's decision "not to involve NEPA appears to be a political decision."

The ESA requires the Forest Service protect threatened and endangered species from fire program.●

## Former Forest Service fire chief accused of arson

A former Forest Service fire chief was indicted on arson charges last month, according to federal prosecutors.

Van Bateman, 55, was indicted on November 16 by a federal grand jury for allegedly setting two fires in the Coconino National Forest in 2004.

Bateman, a 34-year veteran of the Forest Service, was a Type I incident commander. He is currently on paid administrative leave.

Bateman is accused of setting the Mother fire on May 8, 2004 that burned less than an acre, and the 21-acre Boondock fire on June 23, 2004. He faces two federal counts of

setting timber afire and two counts of arson on public lands. Setting timber afire carries a maximum prison sentence of five years, while arson is punishable by up to 20 years, federal prosecutors said.

The investigation was conducted by the Forest Service, said a U.S. attorney's office spokesman.

"I am deeply disappointed that one of the members of our firefighting community has been charged with four felony counts," said Chief Dale Bosworth in a written statement. "I expect the highest standards of ethics and conduct from each Forest Service employee. If an employee violates

those standards, then that employee will be held accountable."●

***"I expect the highest standards of ethics and conduct from each Forest Service employee. If an employee violates those standards, then that employee will be held accountable."***

***Chief Dale Bosworth***

## USDA National Finance Center reopens in New Orleans

The USDA's National Finance Center (NFC) reopened its doors in eastern New Orleans in November to more than 300 returning staff. For many, this was the first time to see many of their colleagues since Aug. 27, before Hurricane Katrina.

"Our return to the National Finance Center's worksite in eastern New Orleans is part of USDA's commitment to the region," said USDA Secretary Mike Johanns. "We will continue returning NFC's employees to New Orleans, just as we will continue our efforts to provide food and rural housing while also assisting farmers and ranchers in the region."

Full reconstitution in New Orleans is dependent upon stabilization of its information technology infrastructure and the ability to find alternative housing for 462 employees whose homes became uninhabitable due to Katrina.

NFC provides payroll and personnel services supporting more than 565,000 Federal employees. NFC disburses more than \$50 billion annually. It also maintains records of federal health benefits and retirement accounts for more than 3 million federal employees.

On August 27, in response to the approaching Hurricane Katrina, NFC relocated employees to six alternative worksites and shutdown the facility. Within three days, the NFC staff successfully executed its disaster recovery and continuity of operations plans resuming essential services for its customers.

Despite the relocation, NFC successfully accomplished the next payroll process, setting records for the number of employees paid in a single pay period (more than 565,000) and the amount of funds disbursed (more than \$2.7 billion).

"The incredible accomplishments of the NFC staff were made in spite of one of the largest and most devastating natural disasters to ever affect the United States," said USDA's Acting Chief Financial Officer Patricia Healy. "The loss of the use of our facilities and equipment, a quick evacuation of employees, seriously degraded telecommunications and transportation infrastructures, limited availability to gasoline, and widespread power outages all contributed to the crisis situation. It was amazing to observe how our employees diverted from their personal concerns to focus on the mission, keeping the customer's interest foremost in their mind."

NFC opened in New Orleans in 1973. Since then, NFC has grown from a USDA administrative payments center to a shared service center supporting more than 130 Federal organizations. ●

## New Mexico provides Capitol Tree

New Mexico once again provided "The People's Tree" for Capitol Hill, and 65 "Companion Trees" for other government offices in Washington D.C.

On November 7, the tree was successfully harvested 24-miles west of the Village of Cuba and embarked on its journey through sixteen New Mexico cities, and across the country to Washington D.C.

On December 8th, Dennis Hastert, Speaker of the U.S. House of Representatives and Student Winner, Steven Castillo, will light the Capitol Holiday Tree during a special ceremony that will be viewed by millions of people nationwide.

Throughout the holiday season, the Capitol Holiday Tree will grace the west front lawn of Capitol Hill facing the Washington Monument.

The tree will be decorated with 10,000 lights and showcase over 6,000 handcrafted ornaments from New Mexico students, individuals, and organizations. ●



**Civil Rights Protest at USDA:** The USDA Coalition of Minority Employees protested against civil rights abuses at the USDA on October 31 in front of USDA headquarters in Washington, D.C. Coalition President Lawrence Lucas and Vice-President Lesa Donnelly can be seen in the center of the photo joined by supporters from various USDA agencies and other groups.

In a prepared statement, the Coalition said, "The omnipresent abuse of USDA employees and minority farmers, especially Black farmers, has resulted in the Department's attaining a National reputation as a federal agency with a "Slave Plantation Culture."

Coalition President Lawrence Lucas stated, "Those inside USDA's inner sanctum can not tell the truth, but we can!"

## Michigan landowner's attorney receives fees for victory

A public interest law firm announced on November 10 that it received \$45,000 in attorneys' fees and costs from the government as a result of its historic victory in favor of a property owner in Michigan's Upper Peninsula.

Kathy Stupak-Thrall, of Watersmeet, Michigan, successfully fought the Forest Service for her right, as owner of lakefront property, to use her property as allowed by Michigan law.

In August 2005, the U.S. Court of Appeals for the Sixth Circuit dismissed the Forest Service's appeal of a Michigan federal district court ruling in Stupak-Thrall's favor. The Sixth Circuit's order and the federal government's concession that Stupak-Thrall was the "prevailing party" ends the litigation, which began in March 1993.

"We are thrilled that Kathy Stupak-Thrall's courageous battle ended with such a wonderful victory for her," said William Perry Pendley of Mountain States Legal Foundation, which represents Stupak-Thrall. "We are delighted that, after all these years, Kathy Stupak-Thrall won the victory that she deserved. Our hat is off to her for her perseverance. We are also pleased that the Justice Department was eager to resolve the matter of attorneys' fees as quickly as possible to allow today's payment."

Kathy Stupak-Thrall owns property on the northern edge of Crooked Lake in Gogebic County, Michigan. Under Michigan law, she has the legal right to use the entire surface of Crooked Lake so long as her use does not unreasonably interfere with the rights of other lakefront owners. One of those owners is the Forest Service, which owns a majority of the remaining property that surrounds the wide and meandering lake.

In 1987, Congress adopted the Michigan Wilderness Act in which it designated the Forest Service land, part of the Ottawa National Forest, as federal wilderness in accordance with the Wilderness Act of 1964.

Both the 1964 statute and the 1987 statute protect "valid existing rights," like those of Stupak-Thrall.

Nonetheless, shortly after enactment

of the Michigan Wilderness Act, the Forest Service adopted rules barring the landowners from using Crooked Lake.

Stupak-Thrall's first lawsuit, regarding her right to use sailboats, ended in a 7-7 ruling by the Sixth Circuit. Then, in March 1996, Stupak-Thrall sued the Forest Service when it sought to prevent her from using gas-powered motorboats on Crooked Lake. In December 1997, the District Court held that the Forest Service could not restrict her use of her property, that is, the surface of Crooked Lake. The Forest Service appealed to the Sixth Circuit; however, on April 27, 2005, the Forest Service filed a motion to dismiss its appeal, which was granted on August 3, 2005. •

## FS recognized for road safety

The Forest Service was recognized on Nov. 15 by the Roadway Safety Foundation and the Federal Highway Administration for an innovative road safety project implemented after an outbreak of wildfires in Montana.

The agency's project included developing standard signs to maximize visibility in smoky conditions at ongoing large fires. The agency is implementing the project nationwide and is distributing an installation guide to all wildland fire managers for the upcoming fire season, according to an agency press release. The work is in accordance with national standards for uniform signing and traffic control devices.

The Forest Service, which is the largest firefighting entity in the country, worked in concert with the Montana Dept. of Transportation and the Montana Dept. of Natural Resources, who were also recipients of the award.

A total of 14 roadway safety award recipients were evaluated on three criteria for a program or project across the nation exhibiting excellence in roadway design, operations and planning: innovation, effectiveness and efficient use of resources. •

## Holiday Diet Tips

1. If no one sees you eat it, it has no calories
2. If you drink a diet soda with a candy bar, they cancel each other out
3. If you eat standing up, it doesn't count
4. STRESSED is DESSERTS spelled backwards
5. If you eat the food off someone else's plate, it doesn't count



6. Cookie pieces contain no calories because the process of breakage causes calorie leakage
7. Food used for medicinal purposes have no calories. This includes: chocolate consumed for energy, hot buttered rum to ward off hypothermia, and mounds of whipped cream to reduce holiday stress
8. Charge meals to your credit card— eat now, pay later
9. Pumpkin pie can't be bad for you because pumpkin is a vegetable and we're supposed to eat more vegetables!

Ho, Ho, Ho.....