



PIASA PALISADES GROUP

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Sierra Club meeting to Mark 20-year Anniversary of Landmark Supreme Court Decision

Ruling Stopped the Illinois Department of Conservation's Plans to Log State Parks by Halting Plans to Log Pere Marquette State Park

The Piasa Palisades Group of the Sierra Club will celebrate the 20-year anniversary of one of Illinois' landmark conservation victories at its meeting Monday, December 10th, at the First Unitarian Church in Alton (Third and Alby) at 7:30 p.m. The meeting is open to the public.

On December 18, 1981, the Sierra Club won a case before the Illinois Supreme Court over logging in Pere Marquette State Park. The decision stopped logging in State Parks forever. At Monday night's meeting, local veterans of the effort will explain the history of the case, how they won it, and its importance in history.

The Illinois Department of Conservation (IDOC)¹ had planned to start logging Illinois' State Parks and Conservation Areas. IDOC's first target for logging was Pere Marquette State Park. The unanimous Illinois Supreme Court's landmark decision -*Sierra Club vs. Kenny*- stopped the plans by ruling:

¹IDOC is now the Illinois Department of Natural Resources ("IDNR")



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Pere Marquette State Park in its present state is an irreplaceable natural resource. It is held in trust by the State, a holding designed by the legislature to serve the enjoyment and benefit of all the people of the State as a whole. Its future should not be charted by the Department's strained interpretation of guidelines the legislature has given to the agency entrusted with the management of this resource. . . . Accordingly, we find the logging proposal inconsistent with the legislative purpose for a State park. The Department should therefore be enjoined from proceeding with its logging proposal . . .

Due to the efforts of the Sierra Club, today the timber sale markers are gone from the forest and, we have a healthy forest instead of stumps and erosion.

Pere Marquette State Park, Illinois' largest state park, is located in Jersey County just north of Grafton. The area IDOC wanted to log is located between the city limit of Grafton and Graham Hollow Road.

This story began in October 1974 when a man-caused fire burned 345 acres of Pere Marquette State Park. In May 1978, IDOC announced plans to begin logging Illinois's State Parks. The burn area of Pere Marquette State Park was IDOC's first targeted State Park.

Led by the Chair of the Illinois Chapter of the Sierra Club, Ted Woodbury (of Godfrey), the local Sierra Club group met with IDOC trying to show them the error of their ways. After several meetings, however, IDOC proceeded with the timber sale advertisement. On October 18, 1978, the Sierra Club filed a lawsuit.

A trial was held in Jerseyville, IL. Both sides presented pictures of the area and testimony. Chapter Chair Ted Woodbury and the Sierra Club's volunteer expert, Dr. Jim Fralish, testified at the hearing. IDOC also presented testimony. Additionally, Judge White toured the site with both sides and a contingent of reporters on May 3, 1979. The trial received extensive coverage in the media.

IDOC said they were conducting a salvage and sanitation cut and claimed the area was "devastated." IDOC contended all kinds of terrible things would happen if they did not cut down the forest. They claimed there would be disease and insect infestations without the logging. Dr. Fralish, however, characterized the area as in a state of recovery and stated he believed the area would recover on its own.

Judge White ruled that IDOC could conduct the timber sale. He, however, ruled that IDOC would have to obtain his approval of the way the sale was to be conducted. This was to try to assure that the sale would be conducted in an environmentally sound manner.

The Sierra Club then appealed the ruling to the Court of Appeals. The Court of Appeals reversed Judge White's ruling and ruled that IDOC could not cut a tree in a state park or conservation area for any purpose. IDOC then appealed to the Illinois Supreme Court.

On December 18, 1981, the Supreme Court ruled while IDOC could cut trees for purposes such as to build trails or picnic areas, commercial timber sales were not legal in state parks. The Supreme Court ruled: "[P]arks are also preserved by legislative directive for their aesthetic and cultural value so that they may remain unchanged by civilization, so far as possible, and be kept for

future generations. . . .” This ruling forever protected Illinois’s State Parks from commercial logging.

Today, more than 25 years after the fire, a healthy forest is still growing in the area IDOC claimed was “devastated.” It is next to impossible to tell there was a fire. Jim Bensman, Conservation Chair for the Sierra Club’s Piasa Palisades Group, stated, “We were proved right on the law and the science. None of IDOC’s dire predictions came true. Back then, they claimed fires were terrible and unnatural. Ironically, the State now recognizes we were right on the science as they intentionally set fires in Marquette Park to mimic natural fires.”

Ted Woodbury stated, “To many in the Department of Conservation, the natural resources are just items for trade, commerce, and the economy. To us, these lands are aesthetic items of beauty and worth to us and future generations. In the end, they are worth more to the economy being preserved than being chopped up as toothpicks. To save anything takes a tremendous amount of work. The satisfaction is that you hope that it is saved.”

Jim Bensman stated, “If we would not have won this lawsuit, IDOC would have logged and damaged many of Illinois’s crown jewels. I think this is the most important thing the Sierra Club has ever done in Illinois. Because of this ruling, our State Parks are being protected and preserved for present and future generations instead of being managed as tree farms.”

The Supreme Court’s ruling and other documents related to the lawsuit can be viewed on the Piasa Palisades Group of the Sierra Club’s web site which is located at:
www.illinois.sierraclub.org/piasapalisades/

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NOTE: The Supreme Court ruling is at:
www.illinois.sierraclub.org/piasapalisades/SCRuling.htm

A fax copy or email copy is available upon request from Jim Bensman