

Forest Service must reinstate tougher guidelines

Peter Fimrite, Chronicle Staff Writer

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A federal judge in San Francisco Tuesday struck down national forest management rules devised by the Bush administration that environmentalists had denounced as a thinly veiled sop for timber companies.

U.S. District Court Judge Claudia Wilkin ruled in favor of a group of 14 environmental organizations that sued the U.S. Forest Service for essentially relaxing regulations in violation of the National Environmental Policy Act and Endangered Species Act.

The decision means the Forest Service will have to reinstate rules protecting fish and wildlife and limiting logging in 150 national forests and 20 national grasslands covering 192 million acres, including more than a dozen national forests in California.

"It is a great victory for national forests," said Marc Fink, a lawyer for the Center for Biological Diversity, which was one of the plaintiffs. "We're hoping today's ruling is the final nail in the coffin for the Bush forest policies and that we can move forward and do what is right for the forests."

The National Forest Management Act passed in 1976 requires that the Forest Service adopt rules that restrict logging, protect streams and have guidelines to protect the diversity of plants and animals in each national forest.

The original Forest Service rules adopted in 1982 did just that, according to Fink. The Forest Service first tried to weaken the nationwide regulations in 2000. The Bush administration then tried to gut the wildlife protections, Fink said, disguising the changes as an attempt to reduce bureaucracy and increase flexibility.

The disputed new rules, first adopted in 2005 and then again in 2008, repealed the 1982 regulation requiring that fish and wildlife habitats be managed to maintain "viable populations" of fish and wildlife species, according to the lawsuit. This was the rule that led to restrictions on logging to protect species like the northern spotted owl.

The Bush administration rules also removed limitations on the clear-cutting of trees, requirements for buffer zones around streams during logging, and repealed regulations requiring formal environmental reviews and advance public notice before national forest plans are adopted.

The lawsuit said the regulations discarded the environmental standards envisioned by the 1976 act in favor of vague guidelines administered by local forest managers with little public oversight.

Judge Wilkin ordered the Forest Service to reinstate regulations from either 1982 or 2000 that had

specific protections for fish and wildlife.

U.S. Forest Service representatives familiar with the ruling could not be reached for comment Tuesday afternoon, but Fink and others said they are confident Forest Service officials under President Obama will be more sympathetic than previous administrators, at least one of whom was a former timber industry lobbyist.

Fink said the court decision will affect the management plans for 14 Forest Service properties in California, including Tahoe, Modoc, Klamath, Stanislaus, Sierra, Inyo, Sequoia, Lassen and Plumas national forests.

E-mail Peter Fimrite at pfimrite@sfchronicle.com.

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