



Judge Stops Timber Sales, Ruling Reinstates Species Protection

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A federal judge in Seattle has halted more than 140 Northwest timber sales -- about half of them slated for increasingly rare mature or old-growth forests.

Over the next two years, the order Monday by U.S. District Judge Marsha Pechman could stop the cutting of up to 289 million board feet of timber. That represents more than half the annual cut coming out of the region's national forests, according to a lawyer for environmentalists.

Pechman had previously rejected the Bush administration's policy that made it no longer necessary to look for rare plants and animals before letting loose the chain saws.

"What the court did was restore an important system of checks and balances that protects the few remaining old-growth forests," said Dave Werntz, conservation and science director of Bellingham-based Conservation Northwest, the lead plaintiff in the case.

"It reinstates old-growth forest protections that require the government to avoid sites where rare plants and animals live," he said.

The timber industry contends that the surveys for about 300 rare plants and animals were never required by law or authorized by regulation. The industry is now considering reinstating a lawsuit that aimed to have the requirement declared illegal, said Chris West of the American Forest Resources Council.

"We're not surprised, but we're disappointed (that the judge) went as

far as she did, because she didn't distinguish between the projects that have nothing to do with old growth" and those that do, West said. "She did a meat-ax approach."

Linda Goodman, the U.S. Forest Service official in charge of the Northwest, said through a spokeswoman that she was disappointed, but would have no further comment until Monday's ruling is reviewed further.

The surveys in contention were first agreed on as part of the Northwest Forest Plan of 1994, which was negotiated by the Clinton administration in hopes of ending arguments over logging old-growth forests, where threatened creatures such as spotted owls live.

As part of the deal, the Forest Service and the Bureau of Land Management were to send scientific survey teams into the forest before agreeing to sell rights to cut timber there. Species covered include salamanders, slugs, snails, mushrooms and mosses. If found, they must be buffered from the timber cutting.

The Clinton administration agreed to that condition to satisfy then-U.S. District Judge William Dwyer, but later realized that the process of looking for these creatures is laborious and expensive. It would cost about \$2.7 million a year to reinstate them, federal lawyers argued before Pechman.

But Pechman ruled Monday that "the costs and burden imposed on defendants and (timber companies) do not outweigh the potential

environmental harm" of allowing the timber cutting to go on.

"I think it's a small investment to make to preserve old-growth forests and the species that live in them," said Pete Frost of the Western Environmental Law Center, the Eugene, Ore., law firm arguing the case for environmentalists.

West, of the timber group, said his allies still are analyzing the effect of the decision. It affects everything from small projects cleaning up timber that could endanger people in campgrounds up to standard timber sales affecting hundreds of acres each.

He pointed out, though, that although the Northwest Forest Plan promised about 1 billion board feet of timber a year from parts of federal forests considered expandable in the plan, challenges by environmentalists and other factors have limited the annual take to just a fraction of that.

And many of the timber sales the judge blocked are intended to thin out forests that have grown unnaturally thick because of a federal policy of suppressing fires, West said. Those overstocked stands can go up in massive, destructive wildfires.

"The reality of the (federal) program is that most of these are thinning sales, and her decision impacts those just like it would old-growth sales," West said. "Are we going to be protecting our watershed, forests and communities? Now we have more hoops to go through."