

Ledger Dispatch

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Lawsuit filed to prevent timber harvest at Power Fire site

By Judie Marks

A lawsuit to stop harvesting of timber from last year's 16,000-acre Power Fire near Bear Creek Reservoir has been filed in U.S. District Court in Sacramento.

The suit, filed by the John Muir Project of the Earth Island Institute and the [Center for Biological Diversity](#), claims that the U.S. Forest Service proposes to cut trees that should not be declared dead and that the harvest will endanger critical habitat for spotted owls and two species of woodpeckers.

Meanwhile, a contract to cut timber on one tract in the burn area has been awarded already and cutting was scheduled to begin on Aug. 11.

In anticipation of the court fight, representatives of the U.S. Forest Service and the county agricultural commissioner appeared before the Amador County Board of Supervisors last week, asking for their support in heading off delays.

David Helton of the district timber management office for El Dorado Forest District told the supervisors that 130 million board feet of lumber is at stake - enough to build 26,000 homes.

Those homes, he promised wryly, are "not going to be all here in Amador County."

Helton said the cutting of timber is "a key problem for us - we are a land management agency. It's land, not just timber." If the burned trees are not har-

vested, he said, they become a fuel load that will set the scene for another catastrophic event in the area. Roughly 50 percent of the burned timber would be left in place, he said.

Much of the logging, he said, will be done by helicopter because of the steepness of the slopes.

"We want to go forward immediately, because every week that we wait, we are losing value," Helton told the supervisors. Two years after a fire, he said, probably close to 80 percent of the value of the timber is lost.

Appearing with Helton was Amador County Agricultural Commissioner Mike Boitano, who told the supervisors that the forest service had been notified by several environmental groups that they planned to take the issue to court to try to stop the harvest.

After the meeting, Boitano said the supervisors' support was being sought as a step toward heading off a temporary restraining order from such a lawsuit. The forest service has filed an environmental impact statement, Boitano said, discussing alternatives ranging from doing nothing to harvesting every available tree. The alternative being proposed, he said, is to log about 9,000 of the 16,000 acres that burned, leaving behind habitat for endangered species and snags where raptors may roost.

If the timber is left too long, he said, fungus or cracking will set in, rendering the lumber nearly useless.

"The fire was a disaster," Boitano said.

"There's no doubt about that. But it's a shame to leave it to go to waste. That money should be put right back into the ground to replant and reforest and deal with erosion problems." Not only would the value of the lumber be diminished by a delay, he said, but the fuel left would increase the likelihood of another fire.

Once the timber is harvested, he said, the charred bark and exterior wood can be trimmed off and the wood can be cut into lumber. When the blackened edges of the trees are trimmed off, he said, "you wouldn't know the difference."

Boitano said that to do nothing, in his opinion, would be "a travesty to all of us who pay taxes and enjoy the forest."

The supervisors lent their unanimous approval to the plan and agreed to send a letter of support, in case it's needed.

The lawsuit, filed on Aug. 11 by Rachel M. Fazio, attorney for both the Earth Island Institute and the [Center for Biological Diversity](#), claims the forest service overestimated the number of dead trees, underestimated the amount of suitable spotted owl habitat and failed to analyze the impacts of removing a significant number of trees that still showed 35 percent green in their crowns.

In her suit, Fazio said that spotted owls have reoccupied seven of the nine areas set aside as protected habitat and that harvesting the timber would deplete the needed 300-acre habitat surrounding each of their nest trees.

According to the lawsuit, the forest service is relying “on their inaccurate assessment of habitat and their belief that owls do not use burned forests.”

In addition, the lawsuit claims, black-backed three-toed woodpeckers and hairy woodpeckers are associated with burned forests and need the burned-out snags for habitat.

Six tracts of the burned forest service land have been earmarked for potential logging. The tracts are known as the East Panther, Camp Fire, Ellis East, Bear River, Rocky Knob and Cole Creek areas. So far timber harvesting rights have been awarded only on the East Panther tract.

Frank Mosbacher, public affairs officer for Eldorado National Forest, said salvage rights for that tract involve 30.8 million board feet of lumber and were sold for \$3.5 million.

“The urgency was to remove the unneeded trees out there, while they still had some value, so we could recoup the money to take care of the land, to get it back into a healthy state,” Mosbacher said.