

FORESTS: Court blocks Sierra Nevada logging (05/15/2008)

Eric Bontrager, *Greenwire* reporter

A federal appeals panel barred logging in three California forests yesterday, ruling that a district court erred in refusing a request for an injunction against the Bush administration's management plan for the Sierra Nevada.

The 9th U.S. Circuit Court of Appeals panel found the U.S. District Court for the Eastern District of California mishandled a bid by environmentalists to stop logging in the Basin, Empire and Slapjack areas under the 2004 Sierra Nevada Framework.

The Bush administration plan replaced a 2001 management plan written by the Clinton administration after years of negotiations. The Bush plan allows the logging of 115,000 acres for 330 million board-feet of green timber annually.

The plan's critics claim it fails to maintain viable populations of indicator species and was adopted without the disclosure of significant environmental impacts or the discussion of reasonable alternatives as required by the National Environmental Policy Act.

The Forest Service claims its action was necessary to reduce the risk of catastrophic wildfires. The plan would reduce by 30 percent the acreage burned by wildfires in the 11 Sierra Nevada national forests over the next 50 years and double the acres of large old-growth trees over that time, the agency says ([E&E Daily](#), June 19, 2006).

Under the 2004 plan and its environmental impact statement (EIS), which supplemented the final EIS for the 2001 plan, the service approved logging in Sierra Nevada. The agency announced plans last year to begin seeking bids and awarding logging contracts for three sites. The Flapjack area is the only one of the three to have timber sales awarded so far.

The district court had rejected a request from the Center for Biological Diversity, Natural Resources Defense Council, Sierra Club and Wilderness Society to prevent the government from moving forward with logging in these areas.

The appeals panel overturned that decision and enjoined the three proposed projects. Writing for the three-judge panel, Judge John Noonan wrote that the lower court had based its decision "on an erroneous legal standard or clearly erroneous finding of fact," the 2004 EIS. The panel ruled that the 2004 EIS was inconsistent with its 2001 counterpart.

The ruling surprised the Forest Service, agency spokeswoman Janice Gauthier said. "It's going to take us some time to evaluate the effects" of the ruling, she said.

Greg Loarie of Earthjustice, the law firm representing the environmental groups, said the ruling creates a precedent for future legal action against the plan. "The 9th Circuit has pretty much said in regards to these three projects that this plan is illegal," he said.

The groups challenged the 2004 plan in 2005 in a case that is still pending.