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NORTHERN CALIFORNIA'S LARGEST NEWSPAPER

Court bars Bush administration's logging plans for Sierra

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A federal appeals court blocked the Bush administration's plans today for logging three tracts in the northern Sierra and said the government has failed to justify a critical element in its plan for the forests - selling trees to lumber companies to pay for removing brush that increases the threat of fire.

Preventing fires is important, "but are there no alternative ways of getting money to do the clearing?" asked the Ninth U.S. Circuit Court of Appeals in San Francisco. The court said the U.S. Forest Service has not explored the obvious alternatives: finding the money elsewhere in its budget or asking Congress for more.

The tracts covered in today's ruling were included in the Forest Service's management plan for 11 million acres of Sierra forests, which the agency announced in 2004. The plan overhauled regulations that the Clinton administration issued in January 2001 but were never implemented.

Environmental groups said the Bush administration's plan allows five times as much logging as the Clinton rules would have permitted and weakened protections for water and wildlife.

The Bush administration's Forest Service said one of its highest priorities was reducing the danger of wildfires that have been ravaging northwest forests. The agency increased the scope of logging and the size of trees to be cut in the forests, up to a diameter of 30 inches, and said it would use proceeds of the timber sales to pay for removal of brush and small trees that fuel fires.

Environmental organizations sued in 2005, saying the plan would damage the habitat of imperiled species, including the Northern spotted owl, and could actually increase the dangers to neighboring towns by removing larger trees that are more fire-resistant. The California attorney general's office filed a separate suit.

The first legal test came when the Forest Service approved logging in three sites, totaling 12,000 acres, in the Plumas National Forest near

Quincy (Plumas County), and announced plans last fall to award contracts to lumber companies for work that was to begin in June.

A federal judge in Sacramento refused to intervene last October, citing the importance of fire prevention, but the appeals court ordered an injunction today.

The three-judge panel said the government's environmental review of the plans was flawed because it had failed to consider options besides expanded logging to pay for fuel reduction.

"Postponement of the Forest Service plans may increase the danger posed by fires, but the Forest Service and Congress do not appear helpless to find the funds to decrease the dangers," the court said.

In a separate opinion, Judge John Noonan compared the funding arrangement to bribery.

"The decision-makers are influenced by the monetary reward to their agency, a reward to be paid by the successful bidder," said Noonan, an appointee of former President Ronald Reagan.

Environmental advocates praised the ruling.

“The court has made it clear that we don’t have to choose between community safety and environmental protection. We can have both,” said Craig Thomas, director of the conservation group Sierra Forest Legacy, a plaintiff in the suit.

The state’s lawyer, Deputy Attorney General Sally Knox,

said California wants the courts to invalidate the Bush administration’s management plan and revive the 2001 Clinton administration rules, which were adopted after 10 years of studies and public input.

“It is a balanced plan that allows fire protection and some clearing, and also has provisions that will protect older growth and ecosystems and the larger trees,” Knox said.

Forest Service spokeswoman Allison Stewart said the agency had not yet studied the ruling and had no comment.