

## COURT OVERTURNS 2004 FOREST PLAN

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SAN ANDREAS - The 9th Circuit U.S. Court of Appeals has overturned a Bush-era forest management plan that increased the amount of logging allowed in national forests in the Sierra Nevada.

In a ruling issued Friday, the court found that the Sierra Nevada Framework plan finished by the Forest Service in 2004 failed to adequately assess the plan's impacts on fish.

The ruling is just the latest twist in decades of battles over how to manage logging and grazing on national forests in the Sierra. A Sierra Nevada Framework adopted in January 2001, at the end of the Clinton administration, proposed policies intended "to conserve and repair the aquatic and riparian ecosystems," the court found.

After George W. Bush was sworn into office Jan. 20, 2001, he appointed new leadership and U.S. Forest Service officials began revising the plan.

The Bush-era plan, completed in 2004, recommended "significant changes," including "the harvesting of substantially more timber," the court found.

Those increases included three times as much salvage logging, and five or six times as much harvesting of green timber, as well as allowing the cutting of larger-diameter (old growth) logs in national forests.

The 2004 Framework also eased rules on livestock grazing, for example making it possible to graze pack animals in meadows occupied by the Yosemite toad during the toad's breeding season.

Pacific Rivers Council filed suit in 2005, arguing the new framework violated federal laws. The 9th Circuit Court agreed with Pacific Rivers that the new plan failed to consider impacts on fish but rejected Pacific Rivers' argument that the plan also failed to consider impacts to amphibians.

U.S. Forest Service Pacific Southwest Region spokesman John Heil said Wednesday that officials there are still reviewing the ruling and have no comment on it.

John Buckley, the executive director of the Central Sierra Environmental Resource Center, said the ruling is a victory for both forests and taxpayers.

"Taxpayers lose money on every timber sale and on all livestock grazing on national forest lands. Those heavily-subsidized industries don't need favoritism from public agencies," Buckley said.

Buckley said the logging limits that protect fish also protect water quality for people downstream who drink water that originates in the Sierra.

"Hopefully this latest court decision will push the Forest Service to give greater protection to water resources," Buckley said.

Sierra Forest Legacy also has sued the Forest Service over the 2004 Framework, although on different issues. In 2008 and 2009, the 9th Circuit Court of Appeals ruled in favor of Sierra Forest Legacy, finding the Forest Service violated federal laws when it came up with the 2004 plan to increase logging. In particular, the court found that the 2004 plan to increase logging of large-diameter trees did nothing to prevent forest fires because large trees make poor fuel.

The appeals court ruling bounced the plan back to the U.S. District Court to do additional work on it.

Meanwhile, the 2004 Framework remains in place despite several court rulings against it.

Buckley said that in the past few years both Randy Moore, the forester for the Southwest Region of the Forest Service, and officials in local forests have been backing off from the Bush-era approach to logging.

"Even though they are working under those old policies, they have moved to less-controversial projects in general, at least in the Stanislaus and to some extent the Eldorado National Forest," Buckley said.

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