

News Article: Court Curbs Logging of Charred Trees
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THE STATE

Court Curbs Logging of Charred Trees

Ruling protects trees that appear to survive fires. It sets stage for a fight over Bush policies.

By Geoffrey Mohan, Times Staff Writer

A federal court has dealt a blow to efforts to cut down trees still standing after a massive forest fire near Lake Tahoe, setting the stage for a showdown over the Bush administration's forest fire policy.

A temporary stay issued by the 9th U.S. Circuit Court of Appeals last week forbids Sierra Pacific Industries, one of the biggest timber companies in California, from cutting any fire-damaged trees that still have green needles on them in a 17,000-acre area of the Eldorado National Forest. The company won a \$1.7-million contract there this year to conduct a salvage logging operation that targets commercially valuable timber in a burned-over area of the forest.

Salvage logging after a forest fire has been put on a fast track by the Bush administration, which touts it as a way to recoup money from areas burned in forest fires, and then use some of the funds to replant a thinner, more fire-resistant forest.

But the practice has come under attack by environmentalists, who argue that timber companies remove the very trees that survive the flames and help regenerate damaged forests.

Last week's decision is the latest incremental gain by the environmental movement to tighten regulation over salvage logging in Sierra Nevada national forests.

Opposition to a salvage contract on the neighboring Tahoe National Forest led local U.S. Forest Service managers earlier this year to adopt a "green-needle" policy forbidding the harvest of any tree showing outward signs of surviving the flames within old-growth areas of the forest.

Old-growth areas are the most regulated parts of the national forest because they provide important habitat for species such as the spotted owl and Pacific fisher. Those stands also are prized by timber companies for their lucrative stock of large trees.

In August, the forest service extended the green-needle rule to all 4.5 million acres of old-growth areas in the eight national forests in the Sierra Nevada.

That acreage amounts to only 39% of national forestland in the Sierras, but the green-needle rule represents a fundamental shift in the forest service's approach to salvage logging.

For years, the forest service has used the percentage of scorch in the tree crowns to predict mortality of a stand of trees. Declaring a stand dead allows forest managers to sidestep tight rules on harvesting large trees, and in some cases has permitted timber companies to cut down all but a few trees per acre.

Last week's decision temporarily extends the green-needle policy to all areas of the Eldorado forest -- old growth as well as younger and mixed stands -- until the court can hold a more detailed hearing in February.

Environmentalists hope to persuade the court that the green-needle rule should be applied to all 11.5 million acres of national forests in the Sierra.

For Sierra Pacific Industries, the state's single largest purchaser of national forest timber, the stay could mean that the company will not be able to harvest as much as 20% of the trees it initially planned to fell before winter -- and perhaps make it economically unrewarding to return next spring, said David Dun, attorney for the Redding-based firm.

Original plans called for 35 million board-feet of timber to be harvested, Dun said. That is about the amount of wood that goes into 2,333 California houses, according to the California Forest Products Commission.

The Earth Island Institute's John Muir Project, based in Cedarville, Calif., filed suit against the U.S. Forest Service over the Eldorado project in August, arguing that large areas labeled dead as a result of fire, in fact, harbored many live trees that would continue to provide suitable wildlife habitat. One biologist working for the group found evidence that owls had returned to areas the Forest Service had declared no longer suitable for owl habitat, based on burn damage from the August 2001 blaze.

U.S. District Judge Morrison England, recently appointed by President Bush, rebuffed the group's request for an injunction, and the group went to the appeals court, which granted the temporary stay last week. Another hearing is slated for February.

The suit, which may take months to resolve, adds fodder to an already intense debate over forest management during the West's worst drought in decades.

The Bush administration argues that appeals and litigation have prevented logging that it believes could lessen the fire danger in forests where more than 6 million acres burned this year. Legislation sent to Congress in September would exempt many logging proposals, including salvage contracts, from public review.

Activists contend that the administration is dressing up wholesale logging as fire-prevention projects.

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