



FORESTS FOREVER

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Administration gives up appeal on forest planning rule *Forest Service rule rewrite will start over again from square one*

The Bush administration Forest Service on Jan. 9 withdrew an appeal of the March 2007 court decision that threw out its rewrite of a land management rule affecting the entire national forest system.

Several timber industry groups had joined the case as intervenors in appealing the court's decision. The industry groups have also agreed to drop the appeal

“Dropping the doomed appeal was the most sensible thing the Bush administration could have done at this point,” said Paul Hughes, executive director of Forests Forever. “But they have more potentially illegal rules in the pipeline.”

The rejected forest management rule, adapted in 2005, would have covered 192 million acres of national forests. It allowed the Forest Service to “categorically” exclude its forest management plans from the requirements of the National Environmental Policy Act (NEPA), meaning the plans would be exempt from environmental review under the act.

In March 2007, Judge Phyllis J. Hamilton ruled that the Bush administration rewrite of the planning rule failed to meet the environmental protection requirements of the National Forest Management Act (NFMA), and failed to follow NEPA, the Endangered Species Act (ESA), and the Administrative Procedure Act. The court restrained the agency from using the 2005 rules until all the relevant laws have been complied with.

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National forests and grasslands cover 192 million acres in 42 states. Every national forest has a forest management plan that governs land use decisions—what can be done, and where—within the forest. These plans must be rewritten every 15 years.

Under the Bush administration, the Forest Service has expanded its use of categorical exclusions to “fuels reduction” projects and salvage logging. The 2005 rule change was the first attempt to exclude entire forest management plans from NEPA.

The original lawsuit had been brought by a coalition of environmental groups headed by Defenders of Wildlife and including the Sierra Club, The Wilderness Society, and 15 other groups.

“The Forest Service’s attempt to cut out public input and to make forest and wildlife protections optional was doomed to failure from the beginning,” Hughes said.

“Unfortunately the administration seems to have learned nothing from this case. Unless the new rule proposed by the administration allows public influence on the decision-making process, and offers genuine protections for forests and wildlife, not merely symbolic ones, the courts will likely reject it as well.”