

# Federal judge blocks logging of old-growth

**NORTHWEST** PORTLAND (AP) — A federal judge issued a preliminary injunction Wednesday blocking all logging in old-growth forests on U.S. Bureau of Land Management property.

U.S. District Judge Helen Frye took the action in a long-standing lawsuit by 11 environmental groups.

The lawsuit contends that the BLM violated provisions of the National Environmental Policy Act by failing to do an environmental statement detailing the impact of old-growth logging on the northern spotted owl habitat.

Frye earlier had issued a temporary restraining order halting the logging.

The preliminary injunction is to remain in effect until she rules on the merits of the case later this spring. She gave the plaintiffs and the BLM until Feb. 28 to file a motion for summary judgment and indicated she plans to rule within 60 days. The plaintiffs want the logging stopped until the environmental statement is completed.

A timber industry spokesman warned of dire consequences of the ruling.

"This injunction is a nail in the coffin of the economies of Western Oregon," said Ralph Saperstein, vice president of the Northwest Forestry Association. "Ten thousand jobs are at stake as a result of this action."

"It couldn't come at a worse time. Lumber prices and plywood prices are nearly at record high levels, yet the timber supply is also at record low levels."

He noted that the sales scheduled for the early part of this year had been approved by the U.S. Fish and Wildlife Service.

"This action actually circumvents the Endangered Species Act," Saperstein said.

But Vic Sher, attorney for the Sierra Club Legal Defense Fund, said the BLM did not provide the Fish and Wildlife Service with complete informa-

tion on the sales and their impact on the owl.

"The decision to stonewall on this issue for the last five years is what's brought BLM to this situation now," Sher said. "It has no one to blame but itself."

In a 17-page opinion that accompanied the order, Frye cited a ruling last year by U.S. District Judge William Dwyer that halted old-growth logging on national forest land for similar reasons.

"This court is bound by the laws of Congress and judicial precedent," Frye wrote.

The preliminary injunction blocks 24 timber sales awarded by the BLM since Dec. 31 and 23 sales scheduled to be offered in February and March, Frye's opinion said.

Logging had begun on two of the sales but has stopped. Two other sales initially were blocked by the temporary restraining order but have been allowed to resume in a deal worked out by lawyers for PacifiCorp and the environmental groups.

The two sales are being logged to clear the way for a power transmission line in Southwestern Oregon.

If Frye's final ruling on the merits of the case is in favor of the environmentalists, it also would apply to the 44 timber sales that are being considered for exemption from the Endangered Species Act by the Bush administration's Endangered Species Committee, known as the "God Squad."

"It confirms that the God Squad should never have been convened," Sher said of Frye's decision Wednesday. "And it indicates that we are highly likely to prevail in court on our claim that BLM has violated NEPA. Since compliance with NEPA is a prerequisite to granting of an exemption by the God Squad, I think the handwriting is on this wall pretty clearly."

The environmental groups argued that scientific evidence indicated that further logging of old-growth forests on BLM land would damage spotted owl habitat.

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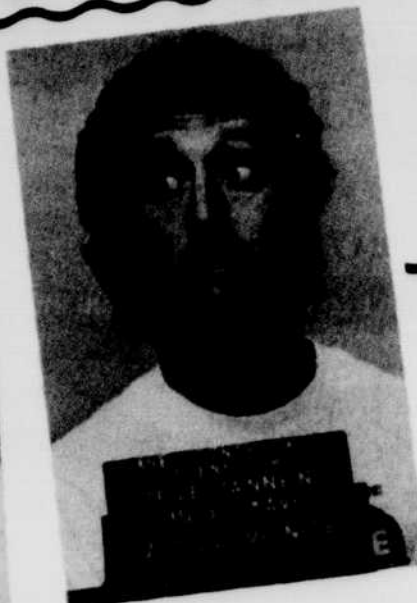
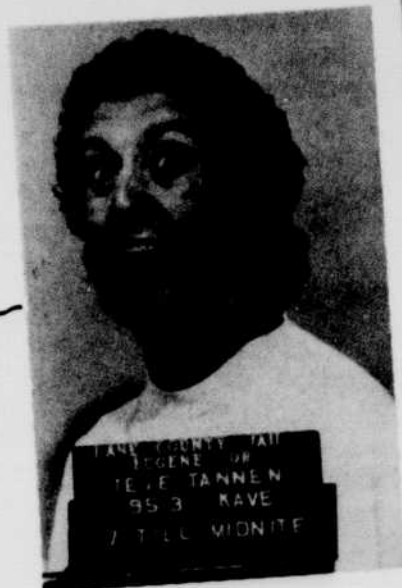
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