

Lawsuit seeks to overturn decision to allow logging of large, live trees

The Observer

PENDLETON — Six conservation groups filed a federal lawsuit on Tuesday, June 14, seeking to overturn a decision made in the final days of the Trump administration that canceled a rule banning logging of large, live trees on national forests east of the Cascades.

The plaintiffs, who filed the suit in U.S. District Court in Pendleton, contend that the decision on January 2021, just before Trump left office, violates the National Environmental Policy Act and National Forest Management Act.

Specifically, the plaintiffs argue that the federal government should have written an environmental impact statement to consider the potential effects of the decision, and that the public should have had more opportunities to comment on and object to the proposal.

“It’s no surprise the Trump administration ignored the science when it pushed this rule change through on its way out the door,” Chris Krupp of WildEarth Guardians of New Mexico, one of the plaintiffs, said in a press release. “Cutting down the remaining big trees harms salmon, steelhead and bull trout by removing shade and forest cover that keeps rivers and streams cool.”

“Large trees play a critical role in supporting biodiversity, clean water and native fish. It is important to retain all remaining large trees as they are scarce on the landscape after a century of high-grade timber harvests that targeted large, old trees,” said Amy Stuart with the Great Old Broads for Wilderness, a Montana nonprofit that’s also a plaintiff.

The other plaintiffs are Greater Hells Canyon Council of La Grande, Oregon Wild, Central



The Observer, File

Spectators look on from Island Avenue in Island City during the Ag-Timber Parade Friday, May 21, 2021. Six conservation groups filed a federal lawsuit Tuesday, June 14, 2022, seeking to prevent the logging of large, live trees on national forests east of the Cascades in a move to reverse a decision from the Trump administration.

Oregon Landwatch and the Sierra Club.

The lawsuit names as defendants Homer Wilkes, undersecretary for natural resources and environment, and Glenn Casamassa, regional forester for the Forest Service’s Region 6, which includes national forests in Oregon and Washington.

The U.S. Forest Service said it doesn’t comment on pending or active lawsuits.

Both the lawsuit and the 2021 decision that prompted the complaint involve what’s known as the “21-inch rule.”

That was one of several provisions that constituted the eastside screens, which date to 1995. The Forest Service instituted the screens in response to concerns from environmental groups about the declining amount of old growth timber on national forests east of the Cascade Mountains in Oregon and Washington.

That includes the Wallowa-Whitman, Umatilla and Malheur national forests in Northeastern Oregon.

The 21-inch rule restricted the cutting of live trees larger than 21 inches in diameter, measured four and a half feet above the ground, with rare exceptions such as cutting trees that posed a threat to the public near a campground.

Forest Service officials initially proposed in June 2020 to replace the 21-inch rule with a new policy that would apply on the Wallowa-Whitman, Umatilla, Malheur, Ochoco, Deschutes and Fremont-Winema national forests in Oregon. The official policy change, which affected about 8 million acres of public land, happened Jan. 15, 2021.

In the lawsuit, the plaintiffs contend that proposed logging projects on each of the six national forests would take advantage of the end of the 21-inch rule and include logging of larger trees.

The plaintiffs are asking a judge to issue an injunction prohibiting the Forest Service from pursuing those projects. One of those, the Morgan Nesbit project on the Wallowa-Whitman southeast of Joseph, proposes logging trees larger than 21 inches. The project was proposed in December 2020 and a final decision on whether to pursue it is slated for January 2024, according to the lawsuit.

The lawsuit was filed by Meriel L. Darzen and Oliver J.H. Stiefel of the Craig Law Center in Portland.

The plaintiffs say the larger trees protected by the 21-inch rule “play a critical role in maintaining biodiversity and mitigating climate change.”

WOODLANDS & WATERSHEDS FESTIVAL

Friday, June 24th • 10 am to 4 pm
Wallowa County Fairgrounds

- Hands-on family activities
- Trout fishing ponds
- Live music from Buffalo Kin, Kelly Bosworth & Friends, & more!
- 25+ local exhibitors
- Logging games
- Live blacksmith demonstrations
- Free hotdogs for the kids & Dutch Oven lunch (\$10 for Maxville)
- Firefighter games & more!



A special thanks to our generous sponsors for making this event possible!



WHERE WILL MOMENTUM TAKE YOU?



DREAM BIG

2.99% APR*

HOME EQUITY LINE OF CREDIT

Don't keep those home renovations or that dream vacation waiting!

With low introductory rates and our NEW interest-only payment option, our Momentum HELOC allows you to take advantage of your home's equity with low, manageable payments.

Get moving today!

HZCU.ORG/MOMENTUM

HORIZON
CREDIT UNION

Your Path. Our Purpose.

*OAC. Introductory rate valid for 6 months from the date the loan is booked. After the first 6 months a variable rate will apply, based on the Wall Street Journal prime rate plus a margin and adjusted quarterly; current rates range from 3.75% - 18.00% APR as of 2/10/22, based on credit worthiness. Maximum APR = 18%. Borrowers may opt for interest-only payments during the initial draw period (10 years). Monthly payments are typically lower with the interest-only payment option; however your principal balance will remain the same until you made additional payments to the principal. After the draw period, the monthly payment will be calculated to repay your loan within the remaining 15 years and may adjust quarterly based on the prime rate.

EQUAL HOUSING OPPORTUNITY NMLS 407890