

GAO: Litigated Projects Database

FOREST AND PROJECT NAME	INTERIM RELIEF	FINAL DISPOSITION AND RELIEF	BACKGROUND AND SIZE	CONTACT
<p>Bitterroot NF: Burned Area Recovery</p>	<p>TRO and PI issued.</p>	<p>Case settled after Judge found the FS elected "to take the law into its own hands," and prevented the project from moving forward as proposed.</p>	<p>Originally planned as 79,000 acres, the largest timber sale ever. FEIS: 46,239 acres, after settlement: 13,683 acres. In the FEIS, FS admitted the project would "create a short term fire hazard" - expected to last up to eight years due to slash. In order to circumvent the public appeals process, Chief Bosworth took decisionmaking authority from the local forest supervisor and gave it to Undersecretary Rey.</p>	<p>Matthew Koehler: (406) 542-7343; Tim Preso: 406-586-9699.</p>
<p>Coeur d Alene NF: Iron Honey Resource Area</p>	<p>No TRO. No PI. No stay pending appeal.</p>	<p>District Court ruled for agency. To be briefed in Court of Appeals.</p>	<p>Project proposes a near clearcut of 1,400 acres of mature trees, miles from any structure (let alone any community) and no real hazardous fuels reduction. Would degrade water quality even further by contributing to increased flooding and therefore increased toxic mining waste in the river.</p>	<p>Mike Petersen: (509) 838-4912.</p>
<p>Deschutes NF: Crane Prairie Complex</p>	<p>PI granted.</p>	<p>Judge ruled on the merits that the FS violated NEPA by failing to consider and discuss opposing scientific information contraindicating the salvage logging. Appealed by timber industry but not agency.</p>	<p>471 acres of salvage, about 2.84 mmbf, case based on Beschta report.°</p>	<p>Susan Jane Brown: (503) 768-6823 Josh Laughlin: 541-434-1463°</p>
<p>Dixie NF: Griffin Springs Resource Management</p>	<p>No TRO. No PI. No stay pending appeal.</p>	<p>This case never went to court — FS withdrew project after complaint that this project took all old trees and had no hazardous fuels reduction.</p>		<p>Denise Boggs: (801) 466-4055</p>
<p>Eldorado NF: Star Fire Restoration</p>	<p>TRO granted. No PI. Stay granted pending appeal.</p>	<p>The Ninth Circuit granted a stay pending the PI appeal, which has halted the logging of partially-burned green trees, including old growth 60 in diameter, since summer of 2002 while the appeals court decides the PI appeal.</p>	<p>Salvage logging of 1,740 acres in Eldorado NF, 25 mmbf. Mature and old growth forest and the Home Range Core Areas of two spotted owls.° Most of the old growth trees were alive, green, and only partially burned and the project is not near any community.</p>	<p>Chad Hanson: (530) 273-9290</p>

Fishlake NF: Monroe Mountain Ecosystem Restoration	No TRO. No PI. No stay pending appeal.	Plaintiffs have appealed District Court summary judgment in agency s favor and filed for a stay pending appeal (not granted to date).	50,000 acres at 10,000 ft. elevation, includes 5 IRAs and large tree logging. 100% timber sale, not near any community. No data for population of management indicator species. Sale had no initial bids and is not expected to be reoffered this year.	Denise Boggs: (801) 466-4055
Helena NF: Jimtown Vegetation Project	No TRO. No PI. No stay pending appeal.	Hearing scheduled for October.	1,580 acres in goshawk nesting and breeding territory, logging of old growth.	Sara Johnson: 406-285-3611
Helena NF: Maudlow-Toston Post-Fire Salvage Sale	No TRO. No PI. No stay pending appeal.	Court held for FS. Not appealed. 2 nd phase of litigation pending before District Court	Concern that FS didn t designate green old growth and hadn t designated conservation strategy for fire-dependent species. Not near any community.	Sara Johnson: 406-285-3611
Helena NF: North Elkhorns Vegetation Project	No TRO. No PI. No stay pending appeal.	District Court decision is pending.	655 acres timber sale in old growth and designated wildlife management area.	Sara Johnson: 406-285-3611
Kootenai NF: Gold/Boulder/Sullivan ROD	No TRO. No PI. No stay pending appeal.	Same case as White Pine project, above.	3,900 acres, 1 mile of construction of temporary road. Old growth logging, FS has not shown it has met standard of protecting 10% of old growth. Not near any community	Jeff Juel: 406-728-5733
Kootenai NF: White Pine Project	No TRO. No PI. No stay pending appeal.	Court ruled for plaintiffs on old growth logging without ensuring required old growth retention, and issued permanent injunction pending further administrative proceedings. Other aspects of case not yet briefed.	23 mmbf of green timber on 3,087 acres, 6.6 miles of permanent road construction, 19 miles of permanent road reconstruction, 38 miles of spot reconstruction, and 4.6 miles of temporary construction. Project is in occupied grizzly bear habitat with designated old growth, suspends the cavity habitat retention requirements, and exceeds the open road density by allowing 2.23 miles per square mile of open roads during project implementation	Jeff Juel: 406-728-5733

<p>Lolo NF: Lolo NF Post Burn</p>	<p>No TRO. No PI. No stay pending appeal.</p>	<p>Project enjoined after court found that the project would dump sediment into streams not meeting beneficial uses and therefore needing development of Total Daily Maximum Loads of these pollutants to comply with the Clean Water Act. Appeal pending.</p>	<p>4600 acres, 35.2 mmbf in old growth areas, 1.7 miles of temporary roads, 387 miles of road reconstruction, soil stabilization, dam rehabilitation, mine reclamation, removal of 108 culverts and 2 miles of associated stream restoration; 224 miles of road decommissioning (with non-motorized pathways), regeneration monitoring and planting on 12,916 acres, 3 heritage site interpretation and 39 miles of interpretation routes, and more. Appellants did not appeal many aspects.</p>	<p>Jeff Juel: 406-728-5733</p>
<p>Ottawa NF: Plantation Lakes Vegetative Management</p>	<p>No TRO. No PI. No stay pending appeal.</p>	<p>Awaiting decision.</p>	<p>Fifteen timber sales covering 7,000 acres, including 1,000 labeled as fuels reduction but not near homes or communities. Logging in a Wild and Scenic River watershed. FS notified plaintiff of wrong appeal deadline and then denied appeal for being filed late. Concern about species habitat and viability.</p>	<p>Mark Donham: 618-564-3367</p>
<p>Payette NF: Middle Fork Weiser Watershed Project</p>	<p>No TRO. PI denied after 5 day hearing, then issued after on point decision from Appeals Court.</p>	<p>Case settled. SEIS and new ROD issued. Initially, FS didn't meet old growth standards in forest management plan -- could not show they had preserved 2.5% of old growth. In addition, only 3 of 10 timber sales had met allowable soil disturbance.</p>	<p>3,820 acres</p>	<p>Erik Ryberg: 208-883-8074; Brad Purdy: 208-384-1299</p>
<p>Plumas NF: Crystal Adams Defensible Fuel Profile Zone</p>	<p>No TRO. No PI. No stay pending appeal.</p>	<p>Case settled without any substantial litigation. Forest Service dropped the old growth clearcuts and agreed to 12 limits on 1,600 acres.</p>	<p>Total project was 2,200 acres, including group selection clearcuts of ancient and mature trees up to 60 on 600 acres on low productivity site with goshawk nests, and many units without slash treatment. No EIS had been prepared. 4.4 mmbf.</p>	<p>Chad Hanson: (530) 273-9290</p>
<p>Plumas NF: Upper Slate Defensible Fuel Profile Zone</p>	<p>No TRO. No PI. No stay pending appeal.</p>	<p>Not litigated.</p>		

Six Rivers NF: Big Bar Fuels Reduction	No TRO. No PI. No stay pending appeal. ¹	Court issued permanent injunction after finding that project may actually increase fire risk in the short-term up to 20 years, and that agency had failed to disclose and analyze opposing scientific opinions about fire risks and other adverse impacts (including agency's own science), and ignored cumulative impacts. Not appealed.	21 mmbf and 1,050 acres in key salmon watersheds. 334 acres within a RARE II Roadless Area, not near any community. Trees up to 40'.	Christine Ambrose: 510-526-1132;
Targhee NF: East Beaver/Miners Creek Timber Sale	No TRO. No PI. No stay pending appeal.	Court ruled for plaintiff after finding that she hadn't had access to the administrative record. Remanded to agency, w/o injunction. No appeal.	Small old growth timber sale moist forest containing goshawk territory. Not near homes or communities.	Sara Johnson: 406-285-3611; Tom Woodbury: 406-728-5733.
Wallowa-Whitman NF: McCully Restoration Project Little Bear Timber Sale Sandy Bottle Lone Dog Vegetation Management	No TRO. No PI. No stay pending appeal.	Lone Dog was never litigated. The other three were permanently enjoined after the District Court found that the agency had dropped habitat protections in old growth and uninventoried roadless areas for a listed species without public or environmental review.	All projects involved commercial timber sales in old growth and most included uninventoried roadless areas. McCully: 2,089 acres, 2.5 mmbf timber harvest, including 791 acres of commercial thinning harvest and construction of 1/2 mile of new temporary road. Little Bear: 1,163 acres of commercial harvest, 1.4 miles of temporary road construction. Sandy Bottle: 1394 acres of timber harvest, 2.89 mmbf, 882 acres ground-based logging, 7.9 miles of temporary road construction.	Doug Heiken, ONRC: 541-344-0675
White River NF: Baylor Park Blowdown Analysis	No TRO. No PI. No stay pending appeal.	Case settled.	Project over 9,000 ft. elevation, no population monitoring of management indicator species. FS replaced biologist to revise information. Not hazardous fuels, not near community, FS didn't disclose cumulative impacts	Rocky Smith: (303) 839-5900

¹ Earlier challenge to agency's emergency waiver of automatic stay was subject to 10 day TRO from another judge.