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## **Timber and grazing groups ask Supreme Court to review forest road case Permits not needed to control sedimentation**

PORTLAND, OR—The [American Forest Resource Council](#) (AFRC), together with a 6 other associations representing federal forest and rangeland resource businesses and families, has filed an [amicus brief](#) in the U.S. Supreme Court supporting the requests of [Oregon's State Forester](#) Doug Decker and the forest products industry for review of a decision about forest roads. The Ninth Circuit Court of Appeals decision being challenged, *NEDC v. Brown*, held that forest roads cannot be used without a National Pollution Discharge Elimination System (NPDES) permit under the federal Clean Water Act. The original defendants are appealing because the recent appeals court decision overturns rules which have been effective in controlling water pollution from forest operations nationwide for over thirty years and conflicts with a decision of the Eighth Circuit Court of Appeals.

“Requiring permits for forest roads isn’t the best way to protect our water from sedimentation,” said Tom Partin, AFRC President. “The current system of Best Management Practices, overseen at the state level, works well. This isn’t about water pollution control. It’s about making trouble for those who harvest timber, both on public and private land. Our forests need to be managed to stay healthy, our local governments need the revenue, and our communities need the jobs. This decision couldn’t have come at a worse time.”

The Forest Service has approximately 378,000 miles of roads under its jurisdiction covering 193 million acres. In documents filed with the lower Court, the agency estimates that if it must obtain permits on a road-by-road-basis, it would have to obtain over 400,000 permits, a process it estimates could take more than 10 years. Even state programmatic permits it would take several years to obtain.

“We are alarmed by the impact a permit program would have on the ability of the Forest Service and the Bureau of Land Management to manage our forests, sell timber, repair roads and restore forests to reduce the risk of wildfires. Wildfires on unhealthy federal forests also damage adjacent private timberlands,” Partin pointed out.

“Delaying public timber sales for several years through a costly NPDES permit process will threaten the already tenuous operations of sawmills and of road and stewardship contractors that provide scarce jobs to support the struggling economies of rural communities. If this happens, it is unlikely that the investment will ever again be made in this industry and the loss of jobs will become permanent, rather than temporary or cyclical,” said Partin.

The brief filed today is on behalf of AFRC, the [Public Lands Council](#), [National Cattlemen's Beef Association](#), [Montana Wood Products Association](#), [Arkansas Forestry Association](#), the Federal Forest Resource Coalition and [Minnesota Forest Industries](#). The groups represent a variety of public land users, including timber purchasers and grazers.

The Supreme Court is expected to decide early in 2012 whether it will allow the appeal to proceed.

*The American Forest Resource Council represents forest product manufacturers and landowners throughout the west and is based in Portland, Oregon. [www.amforest.org](http://www.amforest.org)*