



For Immediate Release
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Contact: Ann Forest Burns
(503) 222-9505

**TIMBER INDUSTRY LAUDS SUPREME COURT GRANT OF REVIEW
Ninth Circuit Erred in Forest Roads Ruling**

PORTLAND, OR - The timber industry is pleased that the U.S. Supreme Court today announced it will review a 2010 Ninth Circuit Court of Appeals decision requiring National Pollutant Discharge Elimination System (NPDES) permits for forest roads.

“We are happy the Supreme Court recognizes the importance of this issue. EPA’s nonpoint pollution control rule that has applied to forest roads for nearly 40 years should be reinstated,” said Tom Partin, President of the [American Forest Resource Council](#). “The Ninth Circuit just did not recognize that Best Management Practices (BMPs) have been very effective in controlling runoff from our forest roads. Over the years, we have been able to continually improve our practices as we have learned more about the environment. Water flowing from our forests is high quality. Permits that require a lot of paperwork, create further opportunities for litigation and don’t improve water quality. Best Management Practices do.”

AFRC and six other associations representing federal forest and rangeland resource businesses and families filed an [amicus brief](#) last October supporting the requests of Oregon’s State Forester Doug Decker and the forest products industry for review.

AFRC remains concerned about possible new regulations from the Environmental Protection Agency (EPA) stemming from this decision. Although EPA announced in May that it would specify that forest roads do not require an NPDES permit, it seems likely that it will seek to place forest roads under the kind of stormwater controls applied to county roads and highways which are under single ownerships. Because they often cross multiple ownerships, this system is unlikely to work well for forest roads which are often used by the public for recreation.

“The complexities of a permit system for forest roads would be incalculable. Federal, state and private forest lands are intermingled throughout the United States, particularly in the West where a checkerboard pattern of ownership still persists. Forest road use varies over time and several different entities use the same road simultaneously for a variety of reasons: recreation, forest management, log hauling from multiple ownerships, transport of road building materials, and others. The question of who would be responsible to obtain a permit and assure compliance boggles the mind,” Partin told EPA in [written comments](#).

5100 S.W. Macadam Avenue, Suite 350
Portland, Oregon 97239
Tel. (503) 222-9505 • Fax (503) 222-3255

“It is our hope that EPA will put these new regulations on hold to give the Supreme Court time to decide about the Ninth Circuit decision,” Partin said today. “Furthermore, we also hope that Congress will take action to extend a moratorium enacted last year to delay implementation of the decision as the Supreme Court reviews the case.”

The American Forest Resource Council represents forest product manufacturers and landowners throughout the west and is based in Portland, Oregon. www.amforest.org