



Ninth Circuit Court Backs Expedited Forest Management

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On June 24, setting legal precedent for nine western states, the Ninth Circuit [ruled](#) in favor of the Sunny South Project on the Tahoe National Forest. This is an important legal victory for active forest management on public lands and confirmation of a new bipartisan Congressional tool passed in the Farm Bill.

This case is the first to address the expedited procedures for forest health treatments established by the bipartisan 2014 Farm Bill. The Farm Bill authorizes Forest Service projects to treat up to 3,000 acres in designated areas without preparing lengthy paperwork. Instead, the Forest Service can use a streamlined “categorical exclusion” or “CE” for projects that respond to insect and disease threats. This process incorporates public collaboration and the streamlined paperwork requirements lead to more focused and informative environmental documents. When Congress passed, and President Obama signed, the Farm Bill, officials agreed that the system for implementing forest management projects had not been “responsive to the speed and widespread impact” of insect infestations across the country.

“We are pleased that the Ninth Circuit joined the wide and growing consensus that more needs to be done in our federal forests to fight insects and disease, protect against catastrophic wildfire, and support rural communities,” said Lawson Fite, AFRC General Counsel, who argued the case for AFRC member Sierra Pacific Industries. “The decision is well-timed as it comes right when the Forest Service is deploying its experience and collected data to propose improvements to its own NEPA regulations. Each of these steps leads us closer to the goal of increasing the pace and scale of forest restoration.”

In this case, the court decided a separate National Environmental Policy Act (NEPA) analysis is not required when designating landscapes eligible for the Farm Bill CE. The decision preserves the ability of the Forest Service to use the Farm Bill authority to accelerate needed forest restoration. It ensures the implementation of the Farm Bill will not be hamstrung by unnecessary or speculative paperwork, and that the Forest Service can get to work on forest restoration in designated landscapes.

The Sunny South project will treat lands in declining forest health and provide long-term benefits for the California Spotted Owl by reducing the risk of beetle-infestation and wildfire. The project will result in 8.5 million board feet of timber (the equivalent of approximately 90 family wage jobs) to support local economies and communities.

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About the American Forest Resource Council

AFRC is a regional trade association whose purpose is to advocate for sustained yield timber harvests on public timberlands throughout the West to enhance forest health and resistance to fire, insects, and disease. AFRC does this by promoting active management to attain productive public forests, protect adjoining private forests, and assure community stability. It works to improve federal and state laws, regulations, policies and decisions regarding access to and management of public forest lands and protection of all forest lands. The ultimate goal of AFRC's programs and initiatives is to advance its members' ability to practice socially and scientifically responsible forestry on both public and private forest lands.