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BLM again defends logging project in trail area

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A proposed logging project in a recreational area near Springfield, Ore., was recently the subject of oral arguments in federal court between environmentalists, the federal government and a sawmill.

Mateusz Perkowski/Capital Press File

The federal government is again defending a timber sale in a recreational area near Springfield, Ore., arguing that it's not prohibited from logging around proposed trails.

Environmental groups, meanwhile, claim the U.S. Bureau of Land Management has merely made cosmetic changes to the 100-acre Pedal Power timber sale and failed to comply with a previous court order to reconsider the plan.

“Quite frankly, it doesn’t make sense to plaintiffs why the BLM is trying the same thing and expecting different results,” said Parker Jones, attorney for the Cascadia Wildlands and Oregon Wild nonprofits, during Jan. 28 oral arguments.

The project was originally authorized in 2019 but a federal judge ruled that BLM was required to “designate and preserve” a recreation management zone around roughly 8.5 miles of planned trails at the site before harvesting trees.

The timber sale and recreational trails are part of the BLM's broader plan for managing the 1,000-acre site in the Thurston Hills area.

The BLM now argues that it’s followed that earlier order in the new plan for the timber sale by designating a recreation zone even though the trails themselves will be built after logging has concluded.

Developing the trails before timber harvest wouldn’t make practical sense, said John Tustin, attorney for the BLM. “You’re going to rip them up, which is inefficient.”

Neither the law nor the previous court order require the BLM to avoid logging in the recreational zone, but about 60% of the trail area will retain forest cover while 40% will be in open space, Tustin said.

Open areas will incorporate jumps, rock slides and other features that have won the support of a local mountain biker group, he said.

“We are being sued, so there is the impression everyone hates this project. That is not accurate,” Tustin said.

The logging project will provide various trail settings for users, which is in line with the recreational zone, said Sara Ghafouri, an attorney representing the Seneca Sawmill Co., which intervened in the case.

“The timber harvest activities are going to achieve recreational objectives,” she said. “Overall, it’s giving a diversity of experiences.”

The BLM claims that it has also complied with the judge’s order to more thoroughly examine the site-specific fire risks in the area.

The environmental plaintiffs previously failed to convince the judge that certain characteristics, such as a forested setting, are required within the recreation zone, Tustin said.

Those claims cannot be re-litigated in the current lawsuit, since the environmentalists never appealed the judge’s earlier findings, he said.

“From our perspective, we prevailed on nearly everything. What we did not prevail on, we prepared additional analysis,” Tustin said. “The plaintiffs are trying to raise arguments that are precluded.”

Jones, the attorney for the environmental plaintiffs, said this preclusion argument was a “red herring” meant to distract from shortcomings in the BLM’s revised plan for the timber sale.

“This cut-the-trees-first approach has already been rejected for violating the recreational management zone’s very purpose,” Jones said. “If you clear-cut the buffer zone, there is no buffer zone. It defeats the purpose of the buffer zone.”

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I've been working at Capital Press since 2006 and I primarily cover legislative, regulatory and legal issues.