

OFCO Wins Lawsuit Against U.S. Forest Service

U.S. District Court rules against Bear Creek Saddle timber sale

On May 9, 2008 in Tacoma, U.S. District Court Judge Ronald B. Leighton set aside the U.S. Forest Service's decision to implement the Bear Creek Saddle timber sale as proposed. Litigation against this sale was brought on behalf of the Olympic Forest Coalition (OFCO). Located west of Lake Crescent and north of the Soleduck River in a remote corner of Olympic National Forest, Bear Creek Saddle would have commercially thinned 2,189 acres of forest with up to 39 miles of new and reconstructed roads.

"OFCO doggedly tracked this sale throughout its development due to the potential for unacceptable damage to the area's aquatic and riparian habitat" stated board member Jim Scarborough. The organization eventually appealed the Forest Service's decision to the agency's Region 6 headquarters in late 2006. After Region 6 denied the claims, attorneys Scott Jerger and Chris Winter filed a lawsuit last year in Tacoma District Court.

Judge Leighton ruled the Forest Service did not properly adhere to the National Environmental Policy Act (NEPA) and the Aquatic Conservation Strategy (ACS) component of the Northwest Forest Plan in issuing its decision. Instead the agency approved the Bear Creek Saddle logging operation under changes the Bush administration made to the Northwest Forest Plan in 2004. Those changes, which weakened environmental protections, have been struck down as illegal. The Forest Service must now go back and correct its NEPA mistakes, while also ensuring that this timber sale fully complies with all nine ACS objectives at the project level prior to implementation. The ACS requires the Forest Service to maintain and restore the ecological health of watersheds and the aquatic ecosystems located there.

Judge Leighton's full decision may be found [here](#).