



Press Release

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Utah Environmental Congress files a lawsuit in Federal District Court against 4 National Forests

Today the Utah Environmental Congress (UEC) filed a lawsuit against the Dixie, Manti-La Sal, Wasatch-Cache, and Uinta National Forests. The central issue is the National Forest Management Act (NFMA), and the Forest's continuing failure to gather population trend data for their Management Indicator Species (MIS) and use it to determine the effects of the timber and road construction projects on the diversity of wildlife, fish and plants on each Forest. The UEC sued and won on this specific issue at the Utah Federal District Court in 2001, stopping the 25 million board foot South Manti timber sale on the Manti-La Sal National Forest. The UEC also sued the Fishlake National Forest and won at the 10th Circuit Court earlier this year, stopping another 8 million board foot timber sale on Monroe Mountain, Fishlake National Forest. In both cases, the Federal District and 10th Circuit Court of Appeals agreed with the UEC and decided against the Forest Service for its failure to meet the NFMA's mandate to monitor the MIS population trends and use that data to determine the effects of each project on the diversity and viability of wildlife.

Instead of requiring Forests to monitor the effects of timber sales on the population trends of all plants and animals on each Forest, NFMA established the MIS requirement as a time-saving shortcut where each Forest is required to select a set of species whose population trends are determined to be 'bellwethers' or 'proxies' of the effects of timber sales and new road construction on the host of species whose population trends parallel those of the selected MIS.

In spite of recent Utah Federal District and 10th Circuit Court of Appeals rulings, National Forests across the state continue to neglect their MIS requirements under the NFMA. "This is a serious violation of the law because the NFMA's MIS requirement already is a short-cut that allows Forests to determine the effects of forest management on the diversity and viability of the populations of fish, wildlife, and natives species." says Kevin Mueller, UEC program coordinator, "Forests are not allowed to short cut the short cut." Joel Ban, Wildlaw Southwest attorney for the UEC says, "Failure to use NFMA's MIS management shortcut means that National Forests across our State are approving timber sales and new road construction projects without actually determining what the effects of these actions will be on the populations of animals and plants that use each area."

The six projects implicated in the lawsuit include the Bear Hodges II and East Fork timber sales on the Wasatch-Cache NF, the White River timber sale on the Uinta NF, the Dark Valley timber sale on the Dixie NF, and the South Manti timber sale and East Mountain road construction projects on the Manti-La Sal NF. Kevin Mueller points out that, "Failure to determine the effects of these projects on the diversity of wildlife populations is serious, especially considering the fact that this involves harvest of approximately 41 million board feet of timber, which would fill about 8,200 log trucks, and require many miles of road construction, one of which is inside an Inventoried Roadless Area."

For more information, please contact Kevin Mueller with the UEC at (801) 466-4110.