

CONTACTS: Paul Kampmeier, Washington Forest Law Center, (206) 233-4088 x 4
Chris Winter, Crag Law Center, (503) 701-6002
Andrew Hawley, Northwest Environmental Defense Center, (503) 768-6673

Conservationists Secure Clean Water Act protections for the Tillamook State Forest ***Court holds that Oregon Department of Forestry Must Obtain Permits for Stormwater From Logging Roads***

(August 17, 2010) Portland, OR — In a long-awaited decision, the Ninth Circuit Court of Appeals ruled today that the Clean Water Act requires permits for polluted stormwater that runs off of logging roads in the Tillamook State Forest. The decision is a result of a lawsuit brought by the Northwest Environmental Defense Center (NEDC) in 2006, which alleges that the Oregon Department of Forestry, led by State Forester Marvin Brown, have been ignoring permitting requirements for years while increasing the level of harvest in the Tillamook.

“This is a tremendous victory for Oregon’s streams,” said Paul Kampmeier, an attorney with the Washington Forest Law Center, one of the law firms representing NEDC. “This is an important step toward gaining meaningful protection for Oregon’s clean water, rivers and streams, and wildlife habitat.”

In the western United States, logging roads are a primary source of sediment pollution. Many logging roads were intentionally designed to use ditches, channels, and culverts to dump polluted stormwater directly into nearby streams. Logging road pollution degrades water quality and contributes to the destruction of salmon and their habitat—it can dramatically harm salmon and steelhead by clogging their gills, smothering spawning beds and killing prey insects.

“We do not think the state has been following the Clean Water Act, which prohibits the unrestricted discharge of sediment and other pollutants into our streams and rivers. Today’s ruling signals the end of this unlawful practice,” said Kampmeier.

The decision comes at a particularly bad time for ODF, because under the leadership of Marvin Brown the state agency has been attempting to dramatically increase clearcutting in the Tillamook State Forest. ODF recently decided to revise its Forest Management Plan, which could result in an additional 100,000 acres of clearcuts.

“ODF doesn’t even have permits for its existing road network,” said Chris Winter, an attorney with the Crag Law Center who has worked on the Clean Water Act case and the decision to amend the Forest Management Plan. “Marvin Brown’s plan to clearcut another 100,000 acres is only going to make a bad situation far worse for salmon habitat and water quality. Oregonians deserve better than this.”

Winter added that the ruling could have impacts throughout the West. “The timber industry has tried to evade the reach of the Clean Water Act’s permit program for years. This decision will result in permits for logging roads on federal and private land as well, which will improve water quality throughout the region.”

“Oregon state lands support coho, chinook, and chum salmon, steelhead, cutthroat and rainbow trout, in addition to numerous other species, all of which have suffered unnecessarily as a result of the unregulated discharge of sediment from logging roads,” said Mark Riskedahl, Executive Director of NEDC. “I hope that today’s ruling will mark a turning point in the management of our forests, and that we will soon see an end to the devastating impact of logging road pollution.”

Paul Kampmeier of the Washington Forest Law Center and Chris Winter of the Crag Law Center represent the Northwest Environmental Defense Center in the lawsuit.

###