



Sierra Pacific Industries

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Sierra Pacific Industries Forest Practices Again Upheld by California Supreme Court

Sierra Pacific Industries (SPI) announced today that the California Supreme Court handed it a decisive victory in a case involving the environmental review process for three Timber Harvesting Plans (THPs). The case was brought by anti-logging activists who challenged the approval of the plans for harvesting SPI's private lands in Tuolumne County.

In its opinion, the Supreme Court reversed an appeals court decision which held that the state's regulatory process is insufficient and was not properly followed in the preparation and approval of these THPs.

"We're nine for nine," said SPI spokesman Mark Pawlicki, explaining that this is the ninth THP that environmental activists had tried to block in the courts. "Effectively, the California Supreme Court rejected their arguments raised in all of the cases." "Three of these were before the court in this ruling" he added.

At the heart of the decision is whether the California Department of Forestry and Fire Protection's (CDF) regulations of assessing "cumulative impacts" of timber harvesting is adequate to protect sensitive wildlife species such as the California Spotted Owl and the Pacific Fisher. It also addressed the use of herbicides to control brush after harvesting takes place.

"This is a total victory for Sierra Pacific Industries and the regulatory process and a stinging rebuke to anti-logging activists" said Pawlicki. He pointed to the Court's assessment that when reading the THPs for substance, "the THPs, as well as CDF's responses to comments on them, actually discuss potential cumulative impacts on the California Spotted Owl and the Pacific Fisher over areas of the Sierra Nevada much more extensive than the designated planning watersheds. Indeed, the thrust of the plans' discussion is that Sierra Pacific's program of even-aged logging and plantation management *throughout its Sierra Nevada forests* will not adversely affect, and in some respects will improve, habitat for the discussed species."

Importantly, the court recognized that scientific disputes are properly within the jurisdiction of biologists, foresters, and other professionals, and that the role of the courts is to assure that the government adequately considered all the relevant impacts of timber harvesting on the environment.

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"The Court recognized its role was to review how the agencies with the expertise to make these complicated resource management decisions reached their conclusions – not to usurp policymaking through judicial fiat," Pawlicki added.

The court examined the environmental analysis procedures in the THP process and held that "this mode of analysis complied with the Forest Practice Rules as to the geographic scope required of a cumulative-impacts assessment." The court also found that the process for assessing the use of herbicides was properly followed by SPI.

With this favorable ruling, SPI will initiate the next steps to implement its plans which provide habitat for wildlife, help clean the air, reduce the threat of wildfires and produce valuable wood products for consumers.
