

Idaho officials seek to intervene in Forest Service lawsuit

By KEITH RIDLER, Associated Press

BOISE, Idaho (AP) — Idaho officials have filed court documents to intervene in a federal lawsuit against the U.S. Forest Service brought by a northern Idaho couple and an environmental group.

The State Board of Land Commissioners and Idaho Department of Lands filed the document Tuesday in U.S. District Court.

Idaho officials contend the state has a substantial interest to intervene because the lawsuit seeks to block a road that's the only access to a salvage timber project on state land. Idaho officials say the wildfire-damaged trees will lose value and are prone to insect infestation.

The Department of Lands also on Tuesday announced the previously canceled timber sale for the area has been rescheduled for Friday in Kamiah.

"We are confident that the eventual timber sale purchaser has the right of access to the state parcel without the need for Forest Service approval," Tom Schultz, director of the state agency, said in a statement.

Laird Lucas, an attorney at Advocates for the West who is representing Idaho Rivers United, said Wednesday that he's preparing paperwork seeking an injunction to prevent the use of the road until the federal court rules on the initial lawsuit.

Morgan and Olga Wright and Idaho Rivers United sued the Forest Service last month challenging the agency's decision to designate the road as public for the logging project. The Wrights contend that the road crosses their private property and declaring it public deprives them of a legal right to participate in the decision.

The lawsuit also contends that the Forest Service made the decision without proper environmental analysis of effects on the Selway Wild and Scenic River corridor. Specifically, the lawsuit seeks to reverse the determination by District Ranger Joe Hudson that Forest Road 652 is public. If it's not public, that means the Department of Lands would have to obtain a special use permit from the Forest Service, according to the federal agency's regulations, the lawsuit said.

The motion to intervene filed by Idaho officials rejects that argument.

"Idaho, like (the Forest Service), denies any such permitting requirement exists," the document states.

Issuing such a permit would require the Forest Service to conduct an analysis of effects on the scenic river corridor as required by the National Environmental Policy Act and the Wild and Scenic Rivers Act. Lucas said he didn't think such a permit could be issued because the contested road is within the scenic

river corridor, precluding the type of industrial use Idaho proposes and that Lucas said involves about 1,000 logging truck trips.

State officials estimate the sale on about 167 acres about 25 miles east of Kooskia would produce nearly 7 million board feet of timber and bring in about \$1.6 million to the endowment fund that supports Idaho's public schools.

The lightning-caused Johnson Bar Fire burned more than 20 square miles last summer and fall, mostly on Forest Service land but also on state endowment land. The department said there is no Wild and Scenic easement on state lands in the area where the logging is planned.

Joyce Thompson, spokeswoman for the Nez Perce-Clearwater National Forests, didn't return a call from The Associated Press on Wednesday. She has previously said the agency doesn't comment on ongoing litigation.

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