

PRESS RELEASE

For Immediate Release

August 3, 2020

Breaking: EPIC Win For Mendocino National Forest at the Ninth Circuit

Forest Service Use of NEPA End-Around Illegal, Court Finds

Contact: Tom Wheeler, EPIC, (206) 356-8689, tom@wildcalifornia.org

San Francisco, *Calif.* — In a major victory, the Ninth Circuit Court of Appeals has sided with the Environmental Protection Information Center (EPIC) in a case impacting fragile post-fire forest in the Mendocino National Forest. The court found that the Forest Service's use of a "categorical exclusion" to avoid an environmental impact assessment for a timber sale following the 2018 Ranch Fire was likely a violation of the law and that EPIC should have been awarded an injunction by the lower court to stop logging. The Ninth Circuit's decision is available [here](#).

"The Mendocino National Forest attempted to skirt the National Environmental Policy Act to fast track logging after the 2018 Ranch Fire, despite the many important and significant potential impacts to the environment," said Tom Wheeler, Executive Director of EPIC. "Today's ruling is an affirmation of NEPA's central purpose: a careful study of the potential environmental impacts and the inclusion of the democratization of federal land management by providing the public an opportunity to engage with the Forest Service."

In 2018, the Ranch Fire burnt a significant portion of the Mendocino National Forest. In response, the Mendocino National Forest authorized a series of commercial timber sales near roads within the forest. To avoid environmental review required by NEPA, the Mendocino National Forest attempted to shove these timber sales under a "categorical exclusion" to the ordinary requirements to prepare a document. Although a categorical exclusion for post-fire timber operations existed, the Forest Service did not employ this exclusion because they would be limited in the total acreage they could log. Instead, the Forest Service employed a different, ill-fitting categorical exclusion that allowed for "[r]epair and maintenance of road" including "[p]runing vegetation" to authorize these timber sales.

EPIC challenged this project and sought an injunction to ongoing timber operations. The Northern District of California denied EPIC's injunction and EPIC appealed (with an oral argument by Zoom and livestreamed to [Youtube](#)) to the Ninth Circuit. Ultimately, the Ninth Circuit sided with EPIC, with a 2-1 decision finding that EPIC should have been awarded its injunction. The Court ultimately found that "Under no reasonable interpretation of its language does the Project come within the [categorical exclusion] for 'repair and maintenance' of roads."

This ruling has big implications for our National Forests moving forward. Under the Trump Administration, EPIC has seen a widespread abuse of this categorical exclusion to fast track logging projects without environmental review or public participation.

