Supreme Court rules in logging roads case

Washington, D.C. – In a positive move, the U.S. Supreme Court overturned a May 2011 United States Court of Appeals for the Ninth Circuit ruling, which would have required logging companies and state and local governments to obtain industrial Clean Water Act (CWA) permits from the Environmental Protection Agency (EPA) for stormwater runoff from logging roads.

The court concluded in its March 20 opinion in Decker v. Northwest Environmental Defense Center that the EPA’s longstanding interpretation that stormwater runoff from logging and forest roads is not an “industrial activity.” The ruling means that companies and state and local governments are not required to secure federal CWA permits. The court said it was understandable for the EPA to conclude “the regulation extends only to traditional industrial buildings” rather than conveyances associated with “the harvesting of raw materials.”

“NACo applauds the court for this decision,” said Matt Chase, Executive Director of the National Association of Counties (NACo). “Forty-four percent of the roads and highways in the U.S. are owned and maintained by counties, and county roads run through federal and state lands where logging activities occur.”

If federal permits were required for county-owned logging, forest or recreational roads, this would create additional burdens on local governments and would preempt local government authority, Chase said. Additional mandates or requirements would cost counties and their residents even more money.

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The National Association of Counties (NACo) is the only national organization that represents county governments in the United States. Founded in 1935, NACo provides essential services to the nation’s 3,069 counties. NACo advances issues with a unified voice before the federal government, improves the public’s understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money. For more information about NACo, visit www.naco.org.