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TOPICAL

Sportsmen groups sue over logging roadless areas near Helena

TOM KUGLIN tom.kuglin@helenair.com Mar 20, 2019

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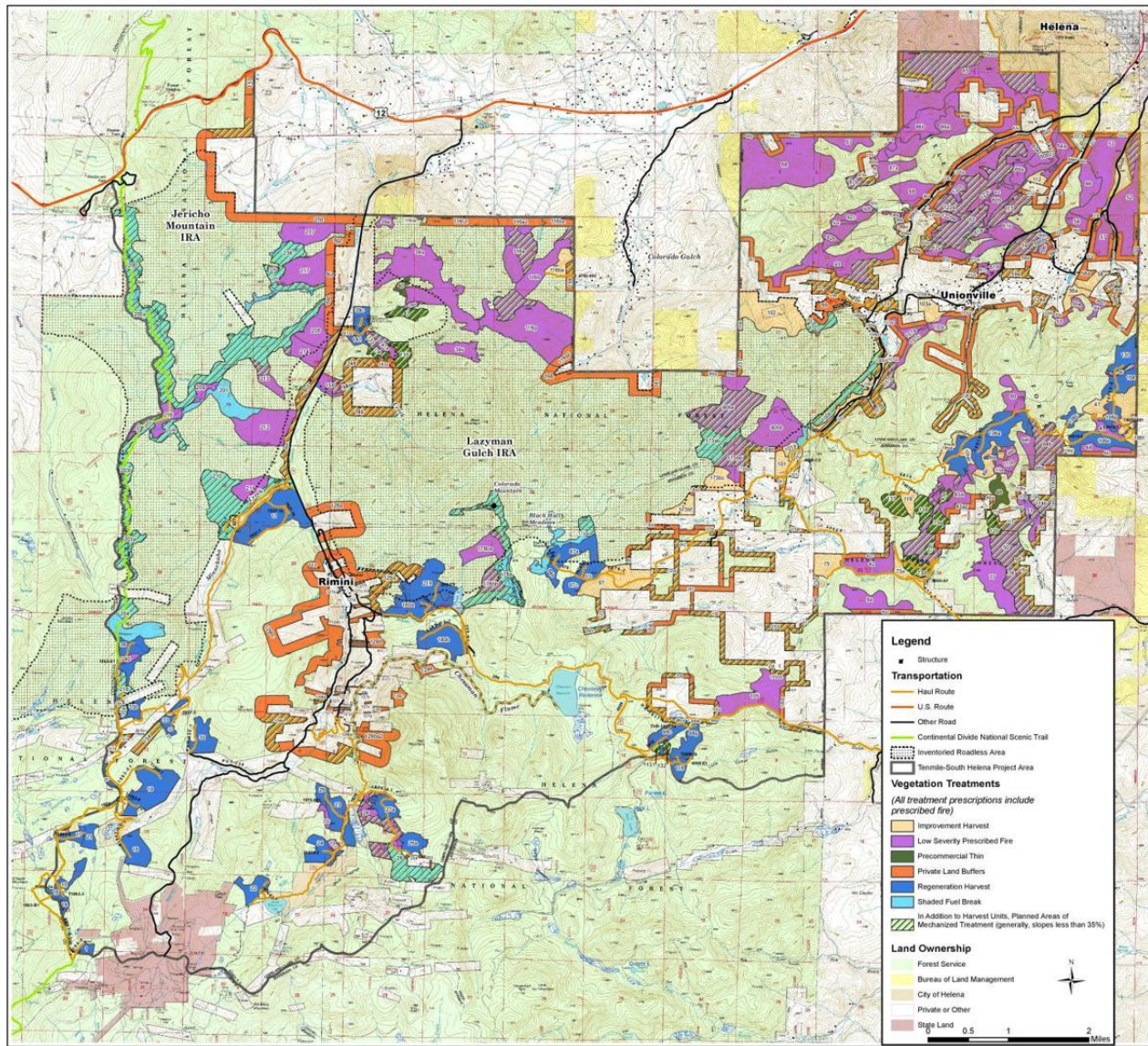
An overview from MacDonald Pass of the Jericho Mountain Inventoried Roadless Area.

Tom Kuglin, Independent Record

Two hunting conservation groups filed suit Tuesday challenging a logging and prescribed burning Forest Service project west of Helena.

Helena Hunters and Anglers Association and the Montana Wildlife Federation brought the federal lawsuit over portions of the Ten Mile-South Helena Project approved by the Forest Service last year. The project calls for thinning, logging and burning on more than 17,500 acres within a 60,000-acre project area west of Helena that supplies one of two sources of water for the city. Goals of the project include mitigating wildfire, improving firefighter safety and protecting city water infrastructure.

Tenmile - South Helena Project Record of Decision Vegetation Treatments



USDA

The lawsuit focuses on two inventoried roadless areas within the project area and the impacts of logging on wildlife. The groups say they do not oppose proposed work outside of Lazyman Gulch and Jericho Mountain roadless areas.

But the groups say in their lawsuit that the Forest Service's decision to log and burn parts of the roadless areas -- including building temporary roads, bike trails and using machinery -- violates federal law, and that reductions in hiding cover for big game were not properly vetted and run counter to the forest plan.

"The Jericho Mountain and Lazyman Gulch roadless areas provide important habitat for big game and other wildlife species," the lawsuit says. "The two roadless areas are important for wildlife movement in the region and are considered by the U.S. Fish and Wildlife Service to be located within an important corridor, or linkage zone, for native wildlife, including wolverine, gray wolves, Canada lynx, grizzly bears, and big game species."

While the lawsuit does mention federally protected species such as grizzly bears and lynx, the groups did not sue over Endangered Species Act protections. Attorney Matthew Bishop said that there are potential concerns over protected species, but the groups focused their litigation on impacts to big game as that was the bulk of their comments during the Forest Service's review of the project.

The lawsuit centers heavily on the relationship between big game and cover, and the documented need for hiding cover for elk and deer, particularly during hunting seasons. The Forest Service uses hiding cover standards related to road density, essentially meaning the higher the road density the more hiding cover that is necessary to meet the standard.

In Ten Mile-South Helena, the Forest Service uses amendments to the forest plan to shift hiding cover standards to blocks of habitat called “security areas.” The groups believe the security areas are unproven and unenforceable, and that the Forest Service failed to properly analyze the impacts of security areas.

The idea of security areas came about as the Forest Service said it could not meet hiding cover standards in several areas, in part due to roads outside of its control as well as millions of dead trees resulting from insect infestations. The agency had previously proposed security areas during travel planning along the Continental Divide, but later withdrew them when conservation groups again filed suit. The agency said at that time it would take up security areas and standards in a new forest plan, which is currently in the drafting process.

The groups make several additional claims, including that the Forest Service included aspects of the project, such as some new bike trails, that were never part of draft plans and did not analyze the cumulative impacts of other forestry projects in the area.

The groups also take issue with the Forest Service defining a closed road as one closed to the public rather than those potentially in use by loggers or agency personnel.

The groups ask that logging and burning in the roadless areas be halted and the Forest Service ordered to reconsider its decision. They also request attorney fees.

Attempts to reach contacts with the association or federation were not successful.

In a statement, association board member Gayle Joslin said the precedents set by Ten Mile-South Helena could have implications beyond the project.

“Our suit represents a last-ditch attempt to sustain wildlife populations and opportunity for hunters, both immediately and in the long term,” she said. “The stakes are high, and we are committed to assuring that untrammeled roadless areas continue to provide for wildlife, and opportunities for sportsmen and women and the general public. Intact roadless areas are essential for all of us, as well as the landscape, both immediately and in the long term.”

Helena-Lewis and Clark National Forest Supervisor Bill Avey defended the project, saying it took years to develop and addressed critical fire protection. Changes to the project came in part through a city of Helena collaborative and the agency weighed the public comment it received in developing the final plan it published last December.

“We’re really disappointed that they sued on this project,” he said. “It’s about public health and safety, water for Helena, and trying to minimize intense fire behavior adjacent to and within the city.”

Avey said it would be nearly impossible and unsafe to accomplish the amount of tree removal and burning believed necessary within the inventoried roadless areas without using machinery. Due to the number of dead trees, the hazard is too great for hand sawyers, he said.

The Forest Service is “determined to move ahead” with the project, Avey said.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MERCOLA DIVISION

HELENA RENTERS AND
ANGELERS ASSOCIATION, a non-
profit organization, and the
MONTANA WILDLIFE
FEDERATION, a non-profit
organization,
Plaintiffs,
vs.
LEANNE MARTIN, in her capacity
as Regional Forester for Region One;
the UNITED STATES FOREST
SERVICE, a federal agency; and the
UNITED STATES DEPARTMENT
OF AGRICULTURE, a federal
department,
Federal Defendants.

COMPLAINT



Ten Mile-South Helena Lawsuit

Mar 20, 2019

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Natural Resources Reporter

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