

# OPINION

## GUEST COLUMN

# Wildlife heritage faces assault

The Flathead-Lolo-Bitterroot Citizen Task Force sued the U.S. Forest Service and the U.S. Fish and Wildlife Service over Soldier-Butler, a massive roadbuilding and logging project in the heart of the Ninemile demographic connectivity area for female grizzly bears west of Missoula. We sued only after our efforts to protect grizzly bear habitat were rebuffed by the agencies charged with their protection.

Despite many meetings with concerned landowners, field trips with the Forest Service, submission of comments and filing an objection, all of our concerns were left unaddressed. The recent ruling from the federal district court granted judgment in our favor on nearly every count, finding the agencies failed to assess the true level of impact on grizzly bears and ignored their own forest plan rules and regulations to protect elk and old growth forests.

The Ninemile is a special place that deserves better. Despite a legacy of mining, logging and roadbuilding abuse, it is recovering. Trees have grown back and millions of dollars have been invested in stream restoration



TOM BAUER, MISSOULIAN

Claudia Narcisco, Patty Ames, Jake Kreilick and Mike Bader, board members of the Flathead-Lolo-Bitterroot Citizen Task Force, stand in the Little McCormick Creek drainage.

to benefit water quality and flow for native trout. It is the crucial link that provides connectivity between the Northern Continental Divide, Bitterroot and Cabinet-Yaak grizzly bear recovery areas and is essential to Bitterroot recovery. Grizzly bears have recently returned so it's the worst place for old-style roadbuilding and logging.

In response to the ruling, big industry-backed U.S. Sen. Steve

Daines rolled out his tired refrain that "frivolous lawsuits filed by radical obstructionists" are the reason our environmental laws and regulations must be canceled and the public barred from the courthouse, our constitutional course of redress. There are no "frivolous" lawsuits, since attorneys who might file one are subject to sanction, loss of privilege to practice and potential disbarment. And it goes

without saying a frivolous lawsuit would not result in an overwhelming victory at two levels of judicial review. Of course, Sen. Daines knows this but uses deceptive rhetoric anyway.

Suing the federal government is no trivial matter, especially when the courts give deference to the agencies and there are always risks of failure. Despite this disadvantage, conservationists have an astonishing record in the federal courts. Why? Because the agencies are ignoring their own rules on a wholesale basis. Our federal land management agencies are serial law-breakers, deliberately seeking ways to thwart, ignore or otherwise get around the laws that protect our public resources.

Across the Northern Rockies, proposed timber sales — each covering tens of thousands of acres with dozens of miles of new roads — represent the new norm. In tandem with the state fish and game commissions, our wildlife heritage is facing a double-barreled assault. One rolls back science and regulations through relentless, unsporting and inhumane targeting of wolves and other predators while the other scrapes away

wildlife and fish habitat through roadbuilding and the return of the universally debunked practice of clearcutting. We're seeing the consequences of the legislative delisting of wolves from Endangered Species Act protection, so it isn't hard to imagine what would happen to grizzly bears if their management was turned over to the predator-hating fish and game commissions.

There is a lot of money on the table for all of us through the renewable resources that support tourism, hunting and fishing to the tune of billions of dollars and the incalculable spiritual values of having complete ecosystems. Removing state and federal protections for forests, fish and wildlife will ultimately destroy what makes this region special on the American landscape. Leave the laws in place, leave our access to the courts intact and stick to science and facts, not outdated rhetoric.

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