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EDITOR'S PICK **TOPICAL** **ALERT**

SOLDIER-BUTLER PROJECT

Forest Service drops appeal on logging grizzly habitat

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The Lolo National Forest has dropped plans to defend logging and thinning the Soldier-Butler project in the Ninemile Ranger District west of Missoula after two federal court defeats.

On Monday, the U.S. 9th Circuit Court of Appeals dismissed Region One Forester Leanne Marten's appeal of a district court ruling that found the Forest Service failed to comply with its own rules to protect elk, grizzly bears and wildlife habitat in the 45,160-acre project area. The federal judge also found that the agency didn't keep agreements to remove 115 miles of road and couldn't ignore private studies showing supposedly blocked roads were in fact getting regular motorized use.

"We are thrilled that this case is now over," Alliance for the Wild Rockies Executive Director Mike Garrity said in an email. "This enormous 'landscape scale' logging and road-building project encompassed more than 70 square miles and would have added well over 44 miles of new roads to this already highly-roaded landscape. We hope that the Forest Service will now direct its attention to removing the 44 miles of illegal roads in the area that it first promised the public it would remove with the Frenchtown Face project over 16 years ago, but never did."

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Soldier-Butler drew criticism from landowners worried the project would ruin conservation lands they'd worked to protect, and from wildlife advocates who argued the logging and road-building would prevent grizzly bears from moving between the

Northern Continental Divide Ecosystem to the northeast and the vast but grizzly-vacant Bitterroot Ecosystem just south across Interstate 90.

“We need to get female bears over into the Bitterroot Mountains, and that is one of the main corridors linking this side over to the Bitterroots,” said Patty Ames of the Flathead-Lolo-Bitterroot Citizen Task Force, which joined AWR in the suit against the Forest Service. “They need to be able to den and raise families in secure areas before they can start moving farther south.”

Hunters objected to the loss of elk hiding cover at rates greater than the Forest Service’s own standards to leave 50% of large trees standing. The agency’s response drew criticism from both Magistrate Judge Kathleen DeSoto and District Judge Dana Christensen.

“This language is not ambiguous and Defendants’ (Forest Service’s) proposed interpretation, which would construe the 50:50 standard as optional, is not entitled to the slightest deference,” Christensen concluded. “As Judge DeSoto concluded, the issue in this case is that Defendants have not provided any updated calculation at all. The Court cannot simply take Defendants’ word.”

The agency appealed to the 9th Circuit, but then withdrew its claim and the appeals court dismissed the case. The court also ordered both parties to pay their own appeal costs.

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