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# Critics: Lolo Forest didn't follow rules

Groups: Standards ignored in timber project approvals

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Opponents of a timber project north of Alberton accused the U.S. Forest Service of ignoring its own standards and rules to OK logging and road construction in habitat needed by grizzly bears, trout and elk.

Federal Magistrate Kathleen DeSoto has to decide whether to recommend halting or allowing at least two big timber sales late this summer that would send logs

from the Ninemile area to Pyramid Lumber Co. and Sun Mountain Co.

Attorneys for the Alliance for the Wild Rockies and Flathead-Lolo-Bitterroot Citizen Task Force argued that the Butler and Soldier-Blue timber projects ignored Lolo National Forest planning standards.

"You can isolate anything in a site-specific analysis," DeSoto warned the federal attorneys defending the Forest Service. "But if you don't analyze at a programmatic level, you run afoul of your own documents pretty quickly."

U.S. Department of Justice Attorney John Tustin replied the agency had discretion to design projects that deviated from its

own standards in order to meet conditions on the ground. DeSoto countered that the Forest Service appeared to "be relying on the ones that benefited you and ignoring the ones that don't."

In particular, the challengers pointed to the Forest Service's own admission that the logging areas include 137 miles of old roads that weren't considered when the U.S. Fish and Wildlife Service analyzed how the project might affect grizzly bears. All sides agreed that forest plans acknowledge backcountry roads can harm grizzly populations, which are protected under the Endangered Species Act.

Please see **FOREST**, Page A8



**TOM BAUER, MISSOULIAN**

Claudia Narcisco with the Sierra Club, Patty Ames with the Flathead-Lolo-Bitterroot Citizen Task Force, Jake Kreilick and Mike Bader, from left, stand in the Little McCormick Creek drainage of the Ninemile valley last summer.

# Forest

From A1

AWR attorney Kristine Akland said the Forest Service was not only trying to ignore the impact of those old roads, but using fuzzy math to claim it was improving the road density by incorporating other roads from other projects toward the quotas in the Sol-dier-Butler projects.

"They're trying to get credit for decommissioning roads they didn't know existed by doing nothing to them," Akland said.

Instead, she argued the Forest Service should be compelled to start a new analysis with the Fish and Wildlife Service to see how those miles of old roads might affect the overall project's impact on grizzlies.

Tustin told DeSoto it's

uncertain when loggers might start working in the area, although the Lolo National Forest's decision notice anticipated action around September. As a magistrate, DeSoto can't order actions to allow or stop the project, but she will issue findings and recommendations to U.S. District Judge Dana Christensen, who does have final say on the matter.

She asked both sides to

work on a schedule of final briefs in the next few days before she makes her findings and recommendations.

If the timber companies aren't planning to actually start work before mid-fall, the hearings can proceed without considering a temporary restraining order. But if work is ready to go, the challengers can ask the court to legally delay it until the final decision is rendered.