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Conservation groups win court challenge to massive timber sale in Snake River steelhead Critical Habitat

I'm happy to announce that today we won our court challenge to halt yet another massive timber sale in federally-designated Critical Habitat for steelhead on the Clearwater National Forest, said Gary Macfarlane, Ecosystem Defense Director for Friends of the Clearwater.

"It's been 23 years since the Snake River Basin steelhead were listed as 'threatened' under the Endangered Species Act," said Mike Garrity, Executive Director of the Alliance for the Wild Rockies. "Yet their numbers have continued to decline due to hydroelectric dams on the Snake and Columbia rivers and widespread habitat degradation caused by clearcutting and bulldozing new logging roads throughout the Snake River Basin.

"As recent fish surveys confirm, steelhead populations have declined significantly over the past few years as the Lolo Creek watershed experienced heavy logging," said Macfarlane. "Alarming, the decline of steelhead in this watershed appears to be even greater than elsewhere in the Snake River Basin.

"Yet, while the Forest Service recognizes past road building and logging is responsible for the high level of sediment clogging the spawning streambeds, the agency proposed to continue more of the same, irrationally expecting logging to now be restorative," Macfarlane continued, adding: "Fortunately the Court recognized the need for the Forest Service and the National Marine Fisheries Service to seriously analyze logging's impacts on our dwindling Snake River steelhead."

The timber sale is approximately 16 air miles northeast from Kamiah, Idaho. All four of the sub-watersheds affected by the project—Upper Lolo Creek, Mussellshell Creek, Eldorado Creek, and Middle Lolo Creek – are federally-designated "Critical Habitat" for Snake River Basin steelhead under the Endangered Species Act.

A primary basis for the lawsuit was the failure to properly take into account the precarious status of steelhead in the Lolo Creek drainage and for the Forest Service to reinitiate consultation with the National Marine Fisheries Service. Even though there was more recent data on the decline of steelhead in Lolo Creek, that information was not used in the Biological Opinion prepared by the National Marine Fisheries Service. That led Federal Judge B. Lynn Winmill to conclude: “The Court finds Defendants’ decision to not reinitiate consultation to be arbitrary and capricious” in his Order halting the timber sale.

Friends of the Clearwater and Alliance for the Wild Rockies are represented by attorneys Zak Griefen and Bryan Telegin of the Seattle law firm Bricklin & Newman, LLP. “We are glad that the federal court protected the declining population of Snake River Basin steelhead by staying implementation of the Lolo Creek logging project and ordering the federal agencies to reinitiate consultation under the ESA” , said attorney Griefen.

“We’re happy to announce this huge logging project is now halted pending further order of the Court” concluded Garrity. “It’s tough to take the federal government to court, but federal agencies should follow the law and heed the Court’s orders, just like the rest of us.”

Please find the [Order](#) attached.

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