



5. **FORESTS: Wildlife, management concerns prompt lawsuit over Mont. timber sale** (10/30/2008)

Eryn Gable, special to *Land Letter*

Environmental groups are challenging a federal timber sale planned for Montana's Little Belt Mountains, saying the logging would harm wildlife.

The **lawsuit** filed by the Alliance for the Wild Rockies and the Native Ecosystems Council claims the Newlan Bugs timber sale in the Lewis and Clark National Forest would violate the National Environmental Policy Act, the National Forest Management Act and the forest plan by harming big game, goshawks, soils and snags -- standing trees that are dead or dying and are used by wildlife.

The suit, filed last week in federal district court in Missoula, Mont., seeks to block the sale. The Forest Service and Tom Tidwell, head of the agency's regional office in Missoula, are named as defendants in the suit.

Forest Service spokeswoman Rose Davis said the agency had seen the lawsuit, but she declined to comment on it further. "The goal of that project is do some thinning to get to some beetle issues we have in that area," she said.

Forest managers at the Lewis and Clark National Forest and adjoining national forests are grappling with an outbreak of Douglas fir bark beetles, which bore under the trees' bark and consume the phloem -- the living tissue that carries organic nutrients, particularly sucrose, to all parts of the tree. Consumption of live phloem ultimately kills the trees.

The timber **project** would allow the Forest Service's Rocky Mountain Research Station to study the use of silvicultural thinning to reduce forest susceptibility to the beetles. The purpose of the thinning is to reduce stress on the remaining trees by increasing the spacing between trees and creating environmental conditions less attractive to beetles, according to the Forest Service.

The sale would allow logging on 345 acres in the Lewis and Clark National Forest and the construction of 1.4 miles of temporary roads. The timber sale is located within the Newlan Creek watershed on the White Sulphur Springs Ranger District in the Little Belt Mountain Range, approximately 13 miles northeast of White Sulphur Springs, Mont.

But the lawsuit also claims that the timber sale was illegally excluded from environmental review under the National Environmental Policy Act. The environmental groups claim that the Forest Service misused a provision for exclusions because the Forest Service only consulted with one non-federal expert, rather than the two required by law, and that expert's comments were never reviewed by the district ranger or shared with the public before the ranger approved the project.

"The Forest Service is in too much of a rush to get the cut out if they can't even wait to find out what scientists have to say about the project as the law requires," Michael Garrity, executive director of the Alliance for the Wild Rockies, said in a statement.

Concerns over wildlife habitat

The Forest Service says one-third to two-thirds of the trees in the project area will remain following the logging, including some of the largest trees in the stand and snags. A 40-acre buffer would be established around northern goshawk nest sites and no treatment activities would be allowed within a 420-acre "post-fledgling area" associated with active nests from April 15 to Aug. 15.

Nevertheless, environmentalists are still concerned about the proposed project's effects on goshawks. Logging would occur in the White Sulphur Springs Ranger District's only goshawk nest territory with confirmed nestlings, according to Sara Johnson, director of the Native Ecosystems Council. The entire 1.7-million-acre Lewis and Clark National Forest

has 17 goshawk nests with confirmed nestlings, added Johnson, a former wildlife biologist for the Gallatin National Forest.

Johnson said the forest should have canceled the sale once a goshawk nest was discovered in the area this spring. "They didn't change anything. They went right ahead with the planned logging to basically destroy that nesting area," she said.

Johnson noted that very little is known about the status of goshawks, but much of their preferred habitat has already been destroyed, including about 1,000 acres in the project area where the latest timber cut is scheduled to occur.

Goshawks are powerful raptors that prefer mature forests, and their population is declining in the Lewis and Clark National Forest, Johnson said. The Lewis and Clark National Forest's forest plan requires the Forest Service to re-evaluate the plan if more than 10 percent of the goshawk's nesting territories are lost. But Johnson noted that about 14 percent have already been lost, though the agency still has not taken another look at its plan.

"I think it's really important to save what we have, at least until we know how many pairs are left," Johnson said.

Aside from the goshawks, there is also concern about the effects of logging on elk habitat. High road density in the Newlan Creek drainage has left 600 acres of secure elk habitat in the area, according to the Alliance for the Wild Rockies.

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