

	<b>Flathead National Forest</b>	<b>Media Release</b>
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### **Flathead National Forest is Upheld on Two Cases by Ninth Circuit Court**

The United States Court of Appeals for the Ninth Circuit recently issued two decisions which affirmed the Montana District Court and upheld the Robert-Wedge and West-Side Reservoir Post-Fire Projects and a forest plan amendment regarding motorized travel on the Flathead National Forest that were brought forward by appellants Swan View Coalition and Friends of the Wild Swan.

Flathead National Forest Environmental Coordinator Joe Krueger said, “We’re glad that the Ninth Circuit agreed with what we feel is a common sense approach to managing for the recovery of grizzly bear populations in the Northern Continental Divide Ecosystem. Our management efforts, along with the efforts of our cooperating agencies, are successful as indicated by the current population numbers of bears in the ecosystem.”

The Circuit held that the Flathead National Forest evaluated the impact of motor-vehicle restrictions on threatened grizzly bears associated with the Robert-Wedge and West-Side Reservoir Post-Fire Projects, and were in compliance with the Endangered Species Act and National Environmental Policy Act. According to the Circuit decision, “the Forest Service took the required ‘hard look’ at the forest-wide cumulative effects of the projects in the context of other projects, grizzly bear populations, the grizzly bear guidelines, forest plan objectives, and state and private lands.”

In another recent decision by the Ninth Circuit, the Flathead National Forest was again upheld and a previous District Court Decision was affirmed regarding the Flathead National Forest Land and Resource Management Plan Amendment 19. This amendment deals with motorized access management in grizzly bear habitat.

The Circuit upheld that the Flathead National Forest was in compliance with the Endangered Species Act and the National Forest Management Act. The Circuit held that the motorized access objectives in Forest Plan Amendment 19 are “statements of priorities, not legally binding commitments” and that therefore the forest was not required to apply the road closure deadlines from Amendment 19 to forest projects unless those objectives had been specifically incorporated into the project decision.

The Circuit also upheld the US Fish and Wildlife Service in both decisions.

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