



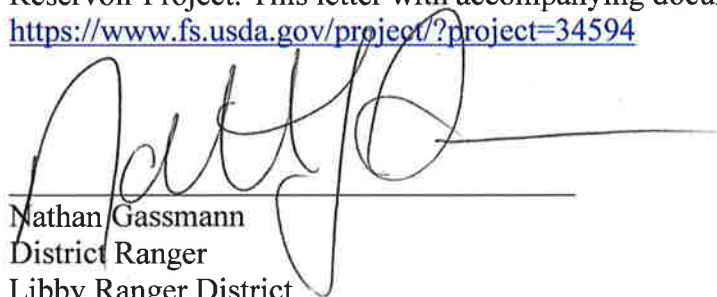
September 3, 2019

The East Reservoir Project area is located approximately 15 miles east of Libby, Montana, and includes Fivemile Creek, Warland Creek, Cripple Horse Creek, Canyon Creek and Dunn Creek drainages. The Final Record of Decision occurred in October of 2014 and a subsequent lawsuit occurred in May of 2015. The Alliance for the Wild Rockies (AWR) asserted various challenges to the Forest Service's decision to implement the Project including effects to lynx and grizzly bear. The district court ruled against AWR on each of its claims, at which time, AWR sought an injunction pending appeal in the district court. Without waiting for that court to rule on the motion, AWR moved the Court for an "emergency" order enjoining the Project pending the outcome of AWR's appeal. On September 13, 2016, the court granted ordering that "the East Reservoir project is stayed pending further order of the court".

In July 2018, the Ninth Circuit Court of Appeals vacated the injunction dismissing the Alliance's lynx related claim as moot while declaring insufficient explanation of compliance with the Forest Plan, the Access Amendment, and the limit allowable road mileage within the Tobacco BORZ. Specifically, the Access Amendments set baseline within the Tobacco BORZ. In December 2018 the district court granted in part and denied in part motion to dismiss Plaintiffs compliant.

In March of 2019, the court remanded without vacatur, permission to carry out project activities outside of the Tobacco BORZ and remanded to the United States Forests Service as it relates to the construction and reclassification of roads within the Tobacco BORZ polygon. The Forest Service shall appropriately analyze the effect of anticipated road-related activities pursuant to the standards set forth in the Forest Plan, including the Access Amendments. Until the appeal is corrected, no roads shall be built within the Tobacco BORZ, and no undetermined roads shall be reclassified.

The accompanying documentation fulfills instruction from the court for confirmation of compliance with the Forest Plan and the Access Amendments related to constructing new roads or converting previously undetermined roads within the Tobacco BORZ portion of the East Reservoir Project. This letter with accompanying documents can be found as the following link: <https://www.fs.usda.gov/project/?project=34594>

  
Nathan Gassmann  
District Ranger  
Libby Ranger District  
Kootenai National Forest

  
Date

