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Judge dismisses suit against Helena-Lewis and Clark National Forest travel plan

https://helenair.com/news/local/judge-dismisses-suit-against-helena-lewis-and-clark-national-forest-travel-plan/article_1fc52116-c421-11ed-89a5-af4529592186.html#tracking-source=home-top-story

A federal judge has dismissed a challenge to the U.S. Forest Service's Divide Travel Plan for the Helena-Lewis and Clark National Forest.

U.S. District Court Judge Brian Morris found March 10 the U.S. Forest Service and Helena Hunters have established as a matter of law that U.S. Forest Service complied with the National Environmental Policy Act (NEPA) and National Forest Management Act (NFMA) in adopting the travel plan in 2016 for the Helena-Lewis and Clark National Forest.

“The Administrative Record reveals the years of careful and thorough study that USFS has devoted to the question of how best to balance the interests of Forest users in the Divide area,” Morris wrote in the [34-page decision](#). He then entered a judgment in favor of the defendants.

The Capital Trail Vehicle Association, a nonprofit organization advocating motorized access to public land in Montana, filed a lawsuit in federal court Feb. 25, 2022, challenging the U.S. Forest Service's Travel Management Plan which restricts motorized travel in the Helena National Forest.

They were joined by Citizens for Balanced Use, a nonprofit multiple use advocacy organization.

The Helena Hunters & Anglers Association entered into the lawsuit as an additional defendant with the Forest Service.

Forest Supervisor Bill Avey signed the Record of Decision for the Divide Travel Plan on March 1, 2016. He has since retired.

The plan includes 170 miles of National Forest System roads open to highway-legal vehicles and 52 miles of trails open to vehicles 50-inches in width or less. It also designates about 86,600 acres open seasonally to over-snow motorized vehicles.

It provides “an adequate motorized route system while minimizing potential adverse effects to forest resources,” Helena Hunters said. Issues of particular concern to Helena hunters include wildlife seasonal habitat requirements, reduction of duplicative and dead-end travel routes, minimizing erosion and sedimentation that impact water quality and fisheries habitat, and maintaining quality hunting environments, the defendants said

The plaintiffs say the travel plan has cut access to existing roads and routes in the forest by 45%, and they challenge the Forest Service's decision to close 144 miles of roads in the forest. They said the decision violated federal guidelines.

In his decision, Morris acknowledged the Trail Riders' concerns the forest service “subverted the NEPA process.”

“The public had adequate opportunity, however, to demand full discussion of a wide range of concerns and priorities through the administrative process prescribed by NEPA,” Morris wrote, adding he applauded the parties involved in soliciting and responding to comments.

He said the forest service “struck a reasoned balance among the sometimes competing” goals of resource protection and recreation, as well as the “sometimes competing goals” of OHV users and other forest users.

“To call such agency action arbitrary and capricious simply because one disapproves of the outcome reached would be to distort the purposes of [the] APA and NEPA,” Morris wrote.

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“I guess you could say ‘Watch and listen,’ we may show up again,” Abelin said.

Marlee Goska, staff attorney at the Western Environmental Law Center, who represented the hunters, said in a news release the court “made the right call in rejecting all of the motorized vehicle groups’ claims in this case.”

Goska said many of the 144 miles of motorized roads and trails the Forest Service rightly closed were created illegally and in roadless areas, recommend wilderness areas, or sensitive wildlife areas along the Divide landscape.

She said the area is important for wildlife, including big game, threatened grizzly bears and much of it is lynx critical habitat.

To know more

You can read the March 10 decision by U.S. District Court Judge Brian Morris at <https://bit.ly/3ZTKqsm>.