



Enviros Say Plan To Reopen Roads Threatens Idaho Bears

By McCord Pagan

Law360 (March 10, 2020, 7:37 PM EDT) -- Five environmental groups that say a decision to rebuild and reopen certain roads in northern Idaho violates the law and harms the local grizzly bear population recovering in the area sued the federal government Tuesday.

The environmental groups, led by the Center for Biological Diversity, allege the U.S. Forest Service and U.S. Customs and Border Protection are violating federal law through a plan to reconstruct and deepen access to roads in the Selkirk Mountains, according to the complaint filed in Idaho federal court.

“This road is unnecessary and could have disastrous consequences for grizzly bears struggling to recover in northern Idaho,” Center for Biological Diversity attorney Andrea Santarsiere told Law360.

“We plan to do everything we can to stop this destructive project.”

The federal government wants to reopen and rebuild the Bog Creek Road in Idaho near the Canadian border for vehicles and allow for its year-round use by the Forest Service, CBP, other federal agencies and state agencies, according to the suit.

The road has been closed for decades and lies within an area identified by the federal government as important for the recovery of the bear population, the environmentalists said.

The government also wants to expand the use of the Blue Joe Creek Road from being restricted to 57 vehicle trips during the active bear season — from April 1 to Nov. 15 — to allowing unlimited trips by the private property owners of a nearby mine, the suit said.

“As proposed, the project would directly impact grizzly bears and their habitat by authorizing increased motorized use in an area that the Forest Service has recognized as secure habitat necessary for grizzly bear recovery,” they wrote.

Grizzly bears have been listed as a threatened species under the Endangered Species Act since 1975 and were found to warrant reclassification as an endangered species in 1999, the lawsuit says.

According to the most recent population estimate, only 83 grizzly bears live in the Selkirk Recovery Zone, below the goal of 90 set out in a 1993 recovery plan, the environmentalists said.

Of those bears, only 48 live in the United States, with the rest residing in the Canadian portion of the zone, they said.

But in the final environmental impact statement on the road reopening project, the federal government failed to even identify how its plan would affect the recovery of the Selkirk population of bears, the Center for Biological Diversity said.

“The FEIS fails to analyze the project’s impacts on female bears, even though the recovery plan set specific limits on female mortality as a necessary target to achieve recovery,” according to the suit.

The environmentalists are seeking a declaration that the federal government violated the law in approving the road plan by not taking into account its impact on bears and the recovery of their population; an order vacating the decision authorizing the project and stopping its implementation; and attorney fees and costs.

In addition to the center, the environmental groups bringing the case are WildEarth Guardians, the Idaho Conservation League, The Lands Council and the Selkirk Conservation Alliance.

The U.S. Department of Justice did not immediately respond to a request for comment.

The Center for Biological Diversity is represented by in-house attorneys Andrea Santarsiere and

Collette Adkins.

Counsel information for the DOJ was not immediately available.

The case is Center for Biological Diversity et al. v. U.S. Forest Service et al., case number 2:20-cv- 00128, in U.S. District Court for the District of Idaho.

--Editing by Bruce Goldman.