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Court Affirms Key Rulings to Prevent Further Illegal Helicopter Intrusions in Premiere Idaho Wilderness Area

SAN FRANCISCO, Ca. – Today a federal appeals court affirmed key rulings imposed by an Idaho judge to prevent the U.S. Forest Service from again illegally authorizing the Idaho Department of Fish and Game (IDFG) to conduct helicopter-assisted wildlife-collaring operations in the Frank Church-River of No Return Wilderness.

Today's ruling from the U.S. Court of Appeals for the Ninth Circuit upheld an injunction that prevents the Forest Service from considering wildlife data gathered from radio collars illegally installed on 60 elk in 2016 because the Forest Service approved IDFG helicopter operations in violation of two environmental laws. The ruling also upheld a requirement that the Forest Service must delay implementation of any permits for future helicopter operations in the wilderness for 30 days in order to allow time for public challenges.

“Today's decision upholds key requirements that protect the public's interest in maintaining the wilderness as a wild area—not a helicopter landing zone,” said Earthjustice attorney Tim Preso.

In 2016, the Forest Service allowed IDFG to conduct 120 helicopter landings in the River of No Return to capture and place radio telemetry collars on wild elk. IDFG also captured and radio-collared four wolves during these operations—an unauthorized action that was not permitted by the Forest Service, but that threatened to advance IDFG's plans to undertake widespread wolf-killing in the wilderness by providing locational information on the collared wolves.

Idaho District Court Judge B. Lynn Winmill ruled these actions unlawful in 2017 because the Wilderness Act prohibits the use of motorized vehicles including helicopters and requires preservation of natural conditions in wilderness areas, and the National Environmental Policy Act requires thorough environmental analysis of these types of actions on federal lands.

The helicopter operations that were illegally permitted by the Forest Service are part of IDFG's broader program to inflate elk numbers above natural levels within the wilderness by eliminating wolf packs that prey on the elk. IDFG's existing elk and predator management plans call for exterminating 60 percent of the wolf population in the heart of the River of No Return to provide more elk for hunters and commercial outfitters in an area that receives some of the lightest hunting use in the state.

Earthjustice represented Wilderness Watch, Friends of the Clearwater, and Western Watersheds Project in challenging the Forest Service's decision.

"This is an important victory for one of the wildest Wildernesses in the lower 48," said Wilderness Watch staff attorney Dana Johnson. "It sends an important message that intensive, helicopter-assisted manipulations of wildlife to appease the objectives of state managers will not go unchecked."

Gary Macfarlane with Friends of the Clearwater said, "The 9th Circuit court recognized the importance of Wilderness and that the Forest Service was wrong to allow motorized use to approve routine wildlife management in the Frank Church-River of No Return Wilderness. We can only hope that, in the future, both the Forest Service and Idaho Department of Fish and Game will honor Wilderness and its important attributes."

"The court appropriately reminded the Forest Service that it must protect wilderness on public lands, including from state wildlife agencies seeking access to wild places and important habitats," said Greta Anderson, deputy director of Western Watersheds Project.

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