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Court Rules That Forest Service Illegally Authorized Helicopter Intrusions in Premiere Wilderness Area *Idaho Must Destroy Data Obtained From Illegal Elk and Wolf Collaring*

POCATELLO, Idaho – A federal judge today ruled that the U.S. Forest Service illegally authorized the Idaho Department of Fish and Game (IDFG) to conduct approximately 120 helicopter landings to place radio collars on elk in the Frank Church-River of No Return Wilderness last winter in an operation during which IDFG also unlawfully collared four wolves.

As a result, the court ruled, the Forest Service and IDFG are prohibited from using any data obtained from the illegally installed elk and wolf collars in future project proposals, IDFG must destroy the data received from the illegal collars, and the Forest Service must delay implementation of any future helicopter projects in the wilderness for 90 days to allow time for legal challenges.

“Today’s decision vindicates the basic principle that a wilderness is supposed to be a wild area where, as Congress said, ‘the earth and its community of life are untrammelled by man,’ not a helicopter landing zone,” said Earthjustice attorney Tim Preso.

The ruling by U.S. District Court Judge B. Lynn Winmill concludes that the Forest Service violated the Wilderness Act and conducted insufficient environmental review in allowing IDFG to land helicopters in the River of No Return in January 2016 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. The federal Wilderness Act prohibits the use of motorized vehicles including helicopters and requires preservation of natural conditions in wilderness areas.

The judge found that these circumstances present “the rare or extreme case” where an injunction requiring destruction of the illegally obtained radio-collar data is required, stating: “The IDFG has collected data in violation of federal law and intends to use that data to seek approvals in the future for more helicopter landings in the Wilderness Area. ... The only remedy that will directly address the ongoing harm is an order requiring destruction of the data.”

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 action by the Forest Service and IDFG violated everything that makes Wilderness unique," said Wilderness Watch conservation director Kevin Proescholdt. "It was an unprecedented intrusion with helicopters for the sole purpose to make wildlife populations in Wilderness conform to the desires of managers rather than accept and learn from the ebb and flow of nature."

Gary Macfarlane of Friends of the Clearwater added, "Wilderness, by law, is in contrast to areas that are heavily manipulated. Capturing elk with net guns from helicopters is heavy-handed manipulation and denigrates the Frank Church-River of No Return Wilderness."

"This motorized intrusion on one of our premiere wild areas was made all the worse by the fact that the Forest Service allowed the state to turn natural wolf predation on elk into a reason to degrade the wilderness with helicopter landings," said Ken Cole, Western Watersheds Project's Idaho director. "We hope the court's ruling will compel the Forest Service to prioritize compliance with the Wilderness Act in future decisions."

At 2.4 million acres, the River of No Return is the largest contiguous unit of the National Wilderness Preservation System in the Lower 48. It hosts abundant wildlife including elk, mountain goats, bighorn sheep, wolves, cougars, and wolverines. It is one of the few public-land wilderness areas of sufficient size to allow natural wildlife interactions to play out without human interference, and for this reason was one of the original wolf reintroduction sites in the Northern Rockies.

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