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Wilderness Watch sues U.S. Forest Service to protect Absaroka-Beartooth Wilderness from fish poisoning and helicopters

Lawsuit challenges USFS's decision to poison streams and lakes and to stock Yellowstone cutthroat trout in wild areas that were naturally fishless

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MISSOULA, MT—Wilderness Watch [filed a lawsuit](#) today against the U.S. Forest Service (USFS), challenging the agency's unlawful decision to poison more than 45 miles of Buffalo Creek in the Absaroka-Beartooth Wilderness at the behest of Montana Fish Wildlife and Parks.

Styled as an effort to expand Yellowstone cutthroat trout populations, the project would involve a decade's worth of helicopter landings plus the use of other motorized equipment to poison and kill fish, amphibians, and insects in numerous lakes, ponds, and wetlands and nearly fifty miles of high-mountain streams. After the poisoning is completed, the State of Montana would stock the naturally fishless lakes and streams with the trout.

The project area within the Absaroka-Beartooth Wilderness was naturally fishless prior to human introduction of rainbow trout in the 1930s. Wilderness Watch's lawsuit challenges managers' plans to continue intensively engineering the aquatic ecosystem through poisons and the exchange of one non-native stocked fish species for another. It also challenges the extensive use of helicopters and other motorized equipment where motorized vehicles and equipment are generally banned.

Wilderness Watch asserts in its [complaint](#) that both the ends and the means of the Forest Service's project violate the provisions of the Wilderness Act, which provides protection to this area.

Wilderness Watch's legal challenge points out several key flaws. Fundamentally, the organization writes, "the importance of Wilderness designation was to remove the human hand from shaping the landscape and safeguard the untrammelled, wild ecosystems into the future." Wilderness Watch's complaint points out that the agency's rationale for artificially stocking the Wilderness with cutthroats has no support in the law and that the Forest Service's own internal policies acknowledge the species' "exotic" status in this location.

Furthermore, the heavily-motorized means with which the agency plans to implement the poisoning and fish stocking do not meet the narrow exceptions in the law for such prohibited activity. As Wilderness Watch's complaint explains, "[a]n anthropogenic imprint on the landscape at such a technologically facilitated scale is exactly the sort of impact that the

Wilderness Act serves to protect designated areas against.” Wilderness Watch points to the Forest Service’s own internal analysis of how the project will degrade the Wilderness. And Wilderness Watch elucidates numerous ways in which the project’s justifications were ill-reasoned and inaccurately represented both the relevant science and the law.

“The Absaroka-Beartooth Wilderness is no place for the massive use of poisons or helicopters, nor is it a place for managers to play God with species and habitat manipulation,” said George Nickas, Wilderness Watch’s Executive Director. “The Wilderness Act was passed precisely to rein in the propensity of managers to want to control nature. Our lawsuit seeks to preserve the wild character of the Wilderness and to let nature continue to evolve of its own free will.”

A copy of the complaint is available here: <https://www.wildernesswatch.org/images/wild-issues/2023/Bufalo-Creek-Complaint-Filed-11-8-2023.pdf>

For more information, see “[FAQ: Lawsuit over Absaroka-Beartooth Wilderness fish poisoning and stocking project.](#)”

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