

May 19, 2015

Idaho Rivers United files suit to protect Selway River Wild and Scenic values

Idaho Rivers United and Lowell, Idaho property owners filed in federal district court today to protect Wild and Scenic values along the Selway River, one of the nation's first and most prized Wild and Scenic rivers.

The Idaho Department of Lands is proposing to log approximately 6.89 million board feet of timber from 142 acres on the west side of the Selway River 2.7 miles upriver from Lowell, near Swiftwater Bridge.

IRU's lawsuit, filed by Advocates for the West Director of Litigation Laird Lucas and private Boise attorney Deborah Ferguson, charges the U.S. Forest Service with illegally determining that the road accessing state land there is a "public road" and with failing to conduct any analysis on adverse impacts the action could have on the Selway Wild and Scenic River corridor.

"The Selway is a national treasure, and the Forest Service has to protect the numerous values that lead to its Wild and Scenic designation," said IRU Conservation Director Kevin Lewis. "Here we have an example of the Forest Service once again ignoring its Congressional mandate to ensure that Wild and Scenic rivers are protected on behalf of all Americans."

For approximately 740 feet, forest road 652 crosses private property owned by Morgan and Olga Wright, who are co-plaintiffs with IRU. The Wrights' property is encumbered by two easements held by the Forest Service: a 1937 right-of-way for forest road 652 and a 1976 scenic easement under the Wild and Scenic Rivers Act. Forest road 652 is not passable by automobile beyond the Wrights' property.

"The reason I bought property and built a house on the bank of the Selway River was because of its incredible beauty, but also because of the protections afforded by the Wild and Scenic Rivers Act," Morgan Wright said. "Being locked out of a Forest Service decision making process that affects the value of my land is patently offensive and un-American."

The Forest Service's Wild and Scenic corridor management plan for the Selway, Lochsa and Middle Fork of the Clearwater rivers states that "access roads to serve private lands are to be controlled by scenic easements to ensure compatibility with development of the special planning area and with river environment protection."

Had the Forest Service taken this into account, it would have conducted an environmental study to determine, at a minimum, how 1,000-plus logging trucks would impact Wild and Scenic values on the portion of forest road 652 for which it has an easement on the Wrights' property.

Moreover, the scale and scope of the proposed timber sale cries out for environmental study to ensure compliance with the Wild and Scenic Rivers Act, as well as to ensure that the Wrights' property is not harmed.

The state is proposing to build more than 3 miles of new roads on extremely steep, unstable slopes with seven switchbacks within a mile of the Selway River. Many of the slopes in question are extremely steep, and road construction will require removal of 18,520 cubic yards of native rock and soil on site, essentially creating a waste area in the Selway Wild and Scenic River corridor.

The lawsuit seeks to reverse the Forest Service's decision that forest road 652 is a "public road" and asks the court to rule that a special use permit is required to undertake commercial log hauling on the road, as well as to grant further relief in order to protect the Wild and Scenic Selway River.

Source: Idaho Rivers United press release

May 13, 2016

Federal Court Blocks Logging in Wild & Scenic Selway Canyon

A federal court order issued late yesterday protects the Selway and Middle Fork Clearwater Wild and Scenic rivers from clear cuts and roads planned by the U.S. Forest Service following the 2014 Johnson Bar Fire.

Two Idaho conservation groups – Idaho Rivers United and Friends of the Clearwater – argued that the Forest Service violated its duties to protect the Selway and Middle Fork Clearwater rivers under the Wild and Scenic Rivers Act, and also failed to fully evaluate cumulative environmental impacts along with other private and state land logging and 2015 fires in the same area.

U.S. Magistrate Judge Candy Dale agreed. She faulted the agency for failing to adopt a comprehensive river management plan as required by the Wild and Scenic Rivers Act more than 20 years ago.

“Without objective, predetermined criteria, the public is left to trust the Forest Service’s ‘word’ that it considered all relevant factors necessary to protecting the Middle Fork Clearwater and Selway Rivers’ Wild and Scenic values and that the Project will not affect or have minimal impact upon the Wild and Scenic values,” she wrote.

The Court also agreed the Forest Service failed to fully assess how the Johnson Bar project may cause mass erosion and sedimentation into area streams, which are habitat for imperiled salmon, steelhead and bull trout. She found the agency’s sediment delivery estimates “do not appear to accurately represent the Project’s overall sedimentation delivery to the river system.”

IRU Conservation Director Kevin Lewis said the Selway, one of America’s eight original Wild and Scenic Rivers, is too precious a resource for such haphazard work.

“The Selway and Middle Fork Clearwater Rivers are among the crown jewels of our nation’s river systems, as Congress recognized back in 1968 when it protected them as the first rivers under the Wild and Scenic Rivers Act,” Lewis said. “This is an important court ruling enforcing Congressional direction that these are to be protected for present and future generations.”

Laird Lucas, executive director of Advocates for the West, was lead attorney for the plaintiffs.

“The Forest Service has not been candid with the public about this massive logging project that threatens harm to the Wild and Scenic rivers and their important fish populations,” Lucas said. “Unfortunately, it sometimes takes a federal court order to enforce the law and tell the Forest Service to do its job as Congress has directed.”

Friends of the Clearwater Ecosystem Defense Director Gary Macfarlane said the Forest Service has already damaged Wild and Scenic values along the Selway via state and private timber sales.

“We are pleased the federal court is willing to stand up and insist that the Wild and Scenic be protected,” he said.

Citing irreparable harm, the judge's order blocks logging until the case is fully resolved.

- [Click here](#) to read Dale's ruling.

Since May of 2015, IRU and allies have vigorously opposed two separate logging operations that would seriously degrade the Wild and Scenic values of the Selway River. To date, we've successfully blocked and won the first case and have won an emergency injunction on the second. Below is a chronology of the two cases.

Illegal Use Of Road In Wild And Scenic Corridor

- [May 19, 2015](#): IRU and local property owners file a suit seeking to protect the Wild and Scenic values of the Selway River by focusing on federal road access to state land.
- [July 10, 2015](#): Citing irreparable harm, Federal District Judge B. Lynn Winmill sides with IRU and our allies and grants a preliminary injunction to block vehicle access across Forest Service land.
- [March 30, 2016](#): Winmill rules on behalf of IRU and local property owners.

Johnson Bar Lawsuit

- [March 11, 2016](#): IRU and Friends of the Clearwater file in federal district court in Boise to block clear-cut logging on federal land above Johnson Bar in the Wild and Scenic Selway canyon.
- [April 7, 2016](#): IRU and our allies file for a preliminary injunction to block the clear cut before its projected start date in mid-May.
- [May 13, 2016](#): Citing an inadequate Wild and Scenic management plan, among other reasons, Federal Judge Candy Dale grants a preliminary injunction blocking the Johnson Bar timber sale until the case is fully resolve.