

Road closure effort flawed, agency agrees

By MICHAEL JAMISON
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KALISPELL - Threatened with a lawsuit, the U.S. Forest Service has backed off a contentious road-closure decision, admitting officials were breaking their own rules by leaving culverts behind when roads were removed.

Late in September, two conservation groups filed a 60-day notice of intent to sue, claiming the Flathead National Forest was jeopardizing several sensitive species - including grizzly bears and bull trout - by changing the definition of what constitutes a "reclaimed" road.

According to the Friends of the Wild Swan and the Swan View Coalition, Flathead forest officials were placing the critters in peril by ignoring the forest's own rule that culverts be removed when roads are closed and reclaimed.

"We talked it over with our attorneys and we decided they (conservation groups) were right" said Allan Rowley, spokesman for the forest.

The issue, he said, goes back to 1995 and the implementation of Amendment 19, an addition to the Flathead's "Forest Plan" that was designed to protect grizzly bear and fish habitat by restricting road densities. In the plan, Amendment 19 specifically states that all stream-bearing culverts be removed to prevent the possibility of a "blow-out." A blow-out occurs when mud and debris clog an abandoned culvert, causing a large portion of the previous roadway to break loose and spill a mudslide into the creek below.

Such blow-outs, the conservationists claimed, would threaten water quality and, in doing so, would impact bull trout, a native fish species protected under the Endangered Species Act. The conservationists also claimed the existing culverts would allow the road to remain in large part intact, despite its official closure, thus giving renegade off-road vehicle users and others access to what was intended to be secure, roadless grizzly bear habitat.

Existing culverts also would require monitoring to prevent blow-outs, the conservationists said, and monitoring would require encroachment into that supposedly secure habitat.

But the primary problem, the conservationists said, was that Cathy Barboletos, supervisor of the Flathead National Forest, had issued new orders last May that directly conflicted with Amendment 19. Her orders allowing culverts to remain behind were, as such,

not much of a deterrent compared to a full-scale road obliteration, they said.

Land managers are expected to discuss road closure options at the Northern Continental Divide Ecosystem Managers Group meeting next week in Kalispell. The meetings convene during the afternoon hours on Tuesday, Nov. 30, and Wednesday, Dec. 1, at the Kalispell offices of the Montana Department of Fish, Wildlife and Parks.

"I wouldn't guess what we'll decide, but we'll be talking, and I think roads will be high on the list of things to talk about," Rowley said.

on seasonal habitat haunts. Under that plan, land managers would select the best bear habitat during a given season and close the roads in that area during that season. The result, Rowley said, would be a secure area that "moves" with the bears rather than a immovable and firmly defined secure area that does not have the flexibility necessary to meet the bears' seasonal needs.

Conservationists are withholding comment on that idea until more is known, but they are concerned that such a plan would result in closed roads that truly aren't closed. A seasonal gate, for instance, is

Officials are working on a "state of the Flathead" document, he said, which could be ready by next summer and which will be used as a baseline for discussing future forest plan revisions. He said the Flathead's road policy could change earlier and talk is circulating about new ways to manage forest roads.

Currently, he said, the Flathead's road closure policy is based on the premise that land managers should start with an existing roadless core, and then work outward, obliterating roads until about two-thirds of the grizzly bear range was secured.

A new plan, however, is being discussed that would focus

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illegal, they argued, and violated several procedural laws establishing a process in which amendments can be amended.

Now the Forest Service has agreed, and Barboletos has rescinded her earlier order.

Rowley said he is uncertain whether the forest will attempt to jump the necessary hoops to amend the plan through proper channels. However, he said, some changes soon may be in store for the Flathead's land-management policies.