

## **Protecting the Threatened Bull Trout**

Ancient Douglas fir over 200 ft. tall line the steep slopes of the Willamette National Forest in Central Oregon. This old-growth forest towers in the valley carved by the headwaters of Oregon's storied Willamette River. Amongst the cold, clear water of this precious resource swim some of the few remaining bull trout, a salmonid that has been pushed to the brink of extinction in the Pacific Northwest and across its historic range as a result of logging, road-building and sedimentation. CRAG recently secured an important victory, protecting the bull trout from old-growth timber sales planned by the U.S. Forest Service and rubber stamped by the U.S. Fish and Wildlife Service.

Bull trout have suffered across its entire range but particularly west of the Cascade crest. In Oregon, the Willamette basin supports the only remaining populations of bull trout west of the Cascades. In 1997, the Oregon Department of Fish and Wildlife began to transplant bull trout fry from the McKenzie River to the Upper Middle Fork of the Willamette River in an effort to expand the range of bull trout within the Willamette Basin. By 1999, ODFW, the Forest Service and the FWS all knew that the reintroduction efforts were succeeding.

The U.S. Forest Service, however, tried to push ahead with its plans to liquidate our old-growth resources despite the fact that logging and road-building in this same watershed caused the initial decline of bull trout. The Forest Service had planned 5 separate old-growth timber sales within the Upper Middle Fork of the Willamette River, with plans to log more 1200 acres of forest (including more than 800 acres of clearcuts on slopes as steep as 80%) and build and rebuild more than 115 miles of road. According to the Aquatic Conservation Strategy of the Northwest Forest Plan, however, the Forest Service cannot implement timber sales that will degrade aquatic habitat. The five old-growth sales along the Upper Middle Fork of the Willamette would surely impact bull trout.

FWS has the responsibility for approving timber sales and protecting the bull trout. FWS, however, simply ignored the fact that the timber sales would clearly violate the Northwest Forest Plan. FWS turned its head and allowed the project to move forward, issuing a biological opinion in 1999 that allowed all of the work proposed by the Forest Service.

In 2001, CRAG began to work with Cascadia Wildlands Project, Oregon Natural Resources Council and the Center for Biological Diversity in an effort to reign in the lawless activities of our federal land "managers." We first filed a Notice of Intent to Sue FWS for abdicating its responsibility in protecting the bull trout. Upon reading that letter, FWS told the Forest Service that the two agencies would have to take another look at the timber sales.

The new consultation resulted in the Forest Service dropping one of the five timber sales. The FWS again, however, simply ignored the fact that the timber sales were

in violation of the Northwest Forest Plan. When the Forest Service implemented the plan, FWS stated that the Forest Service would have to strictly comply with the requirements of the Aquatic Conservation Strategy. The FWS, however, simply ignored the NFP when it reviewed these specific timber sales.

With the help of Jon Rhodes from the Center for Biological Diversity, Chris Winter took FWS to federal court in Portland. As the timber companies lubed their chainsaws waiting for the snow to melt from the sales areas, CRAG tried to get the attention of the federal courts. Finally, in the end of July, we finally had our day in court before Judge Redden in Portland.

As Judge Redden walked into the court room, nobody knew what to expect. We soon realized, however, that we had made a strong impression upon Judge Redden, and later that day he withdrew the biological opinion issued by FWS. On August 8, 2002, Judge Redden released a scathing opinion chastising the FWS for misrepresentations and inadequate analyses. We shut down the timber sales.

Since that time, FWS has officially withdrawn the biological opinion subject to the litigation. The parties are currently working in an effort to determine how the litigation will proceed. We will keep you updated on the progress. We would like to thank Jill Keen, a dedicated board member, for her assistance in securing support for this project as well as the assistance of the Deer Creek Foundation.