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## **BOUNDARY COUNTY APPLAUDS LANDMARK COURT RULING**

Boundary County, and the cities of Bonner's Ferry and Moyie Springs (Boundary County), were gratified by the landmark decision by the Ninth Circuit Court of Appeals this week affirming the Forest Service decision to proceed with the Mission Brush hazardous fuel reduction project on the Idaho Panhandle National Forest in northern Idaho. A full review panel of eleven Ninth Circuit judges unanimously upheld the legal validity of the Forest Service procedures used to prepare the project. The Ninth Circuit earlier this year granted the Forest Service and Boundary County's petitions to reconsider a decision of Ninth Circuit three-judge panel which enjoined the project in July, 2007.

The Mission Brush project will reduce thick undergrowth in overgrown forest stands to reduce wildfire hazard, will improve the health and growth of the remaining trees to better combat insects and disease, will provide more room for foraging wildlife such as the flammulated owl, and will improve overall watershed conditions.

Boundary County strongly supports the Mission Brush project because the County is powerless to manage national forest lands and must rely on the Forest Service to implement forest management to improve forest health and reduce wildfire hazard to protect forests, watersheds, and wildlife. Boundary County's concern is very real and a wildfire burned about 3,500 acres of the Bonner's Ferry municipal watershed in 2003. Over 100 homes and ranches border the Mission Brush project area. "It is important to protect the property of our citizens" said Boundary County Commissioner Dan Dinning. "Thankfully the Ninth Circuit held that

federal Judges cannot impose their personal philosophy about forest management through their written opinions but must instead defer to Forest Service's professional expertise on the best way to reduce the wildfire hazard in our forests while protecting watersheds and wildlife."

The Ninth Circuit decision also recognized that judges should consider the impact on local economies in deciding whether to enjoin forest health projects. Boundary County has one of the highest unemployment rates in Idaho. The County has a limited tax base because 75% of the land in the County is owned by the state and federal government. Financially strapped local governments have lost tax revenue from mill closures, the reduction in the Forest Service timber sale program, and are concerned with Congress' failure to restore local local governments share of Forest Service receipts. "The health of our economy is in trouble like the health of our forests. This decision will help restore the Forest Service forest management program to produce revenues, especially to support schools and the education of our children," said Commissioner Dinning.

The County residents also enjoy the surrounding national forest for recreation and spending by recreation visitors helps support local businesses. "A burned out forest and smoke filled valleys are not recreational attractions," explained Commissioner Dinning. "The Ninth Circuit this week flatly rejected the Lands Council argument that decades of study are required before the Forest Service can even lift a finger to start to reduce the wildfire threat. The court's far reaching opinion reversed several older court decisions that were preventing the Forest Service from implementing forest health and fuel reduction projects. Boundary County is thankful that today begins a new chapter in the management of our National Forests."

Contact: Dan Dinning, Boundary County Commissioner - (208) 290-7758.