

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

BITTERROOT RIDGE RUNNERS
SNOWMOBILE CLUB; et al.,

Plaintiffs,

vs.

UNITED STATES FOREST
SERVICE; et al.;

Defendants,

and

FRIENDS OF THE BITTERROOT; et
al.,

Defendant-Intervenors.

CV 16-158-M-DLC

ORDER

Defendant-Intervenors Friends of the Bitterroot, et al. filed a Motion for Clarification or in the Alternative to Amend the Judgment. (Doc. 65.) Plaintiffs oppose the motion (Doc. 67) and Federal Defendants have not responded, but have noted their position in an Exhibit attached by Defendant-Intervenors (Doc. 66-1). For the reasons stated below, the Court grants the motion.

Defendant-Intervenors ask the Court to clarify that its June 29, 2018 Order on Summary Judgment does not vacate the Bitterroot National Forest Travel Plan's

(“Travel Plan”) restrictions on mountain bike use in the Bitterroot’s Wilderness Study Areas (“WSAs”). (Doc. 66 at 2.) The Court remanded the Travel Plan to the U.S. Forest Service to: (1) conduct an objection response period with respect to these additional miles of trails in the Sapphire and Blue Joint WSAs; (2) take the objections into consideration; and (3) either modify the FEIS and Final ROD accordingly, or show that the eligibility of the total 110 miles of mechanized use closures in WSAs is permissible under the APA. (Doc. 61 at 32.) Defendant-Intervenors argue that the Court’s Order does not explicitly provide for vacatur of the mountain bike restrictions in the WSAs, and therefore did not explicitly resolve the parties’ arguments in this regard.

Plaintiffs oppose the Motion and contend that Defendant-Intervenors are simply rearguing their position stated in the summary judgment briefing and that Defendant-Intervenors have not presented any new evidence, new law, or extenuating circumstances warranted to grant the motion to clarify. (*See* Doc. 67 at 3–5.)

The Court appreciates both parties positions in this matter, and it is apparent that there is some confusion regarding the June 29, 2018 Order, based on the Forest Service bulletin (Doc. 66-1) interpreting the Court’s Order to allow mountain biking pending completion of the three steps outlined in the Order. (*See*

Doc. 61 at 32.) Thus, the Court grants Defendant-Intervenors' Motion, and clarifies that the June 29, 2018 Order intended remand of the Travel Plan without vacatur of the Travel Plan's restrictions on mountain bike use in WSAs.

Accordingly, IT IS ORDERED that the Motion for Clarification (Doc. 65) is GRANTED. The Court remands the Travel Plan without vacatur of the Travel Plan's restrictions on mountain bike use in WSAs.

DATED this 8th day of August, 2018.



Dana L. Christensen, Chief District Judge
United States District Court