

Ecosystem Management Coordination



Court Decisions

1. Grazing & Wildlife | Region 4

The District of Idaho ruled favorably for the Forest Service on a National Forest Management Act challenge to four grazing allotments on the Salmon-Challis National Forest in *Western Watersheds Project v. United States Forest Service*. Plaintiff sought to stop grazing on the allotments due to stream quality concerns by arguing the Forest Service failed to comply with the INFISH aquatic conservation strategy. The court, in reaching its decision, concluded that INFISH applied to all watersheds and grazing allotments within them, including the four at issue in this case. However, the court determined that objectives set for streams under INFISH were never meant to be absolute measures of stream health, but rather benchmarks. As such the court concluded **grazing does not have to cease solely because INFISH objectives are not met; rather, for grazing to be curtailed there must be a demonstrated relationship between grazing and poor stream quality** and the agency's determination of when this occurs must be given deference. As the Forest Service, while acknowledging livestock can hurt stream health, stated that roads are the biggest source of harm to the streams the plaintiff was seeking to protect and wanted to focus its efforts on road maintenance and trails, the court did not disallow the agency's decision to continue allowing grazing on the challenged allotments. (15-00218, D. Idaho.)

Litigation Update

1. None to report.

New Cases

1. None to report.

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Photo credit: <https://www.cnn.com/2017/10/27/how-much-more-millennials-will-spend-on-halloween-than-generation-x.html>

Notices of Intent

1. Grazing & Wildlife | Region 4

The Western Watersheds Project (WWP) submitted a Notice of Intent to Sue under the Endangered Species Act (ESA) regarding the Forest Service's authorization of livestock grazing on the Williams Creek allotment in the Sawtooth National Forest. WWP claims that this allotment contains habitat for Snake River sockeye salmon, spring/summer Chinook salmon, Snake River Basin steelhead, and bull trout. **WWP asserts that the Forest Service is violating the ESA by failing to meet all conditions of its 2010 consultation regarding the allotment and because of changing conditions.** Namely, WWP asserts that the agency during the consultation agreed to certain monitoring requirements and the deferral of grazing in the Upper Huckleberry pasture for a five year period. WWP says the monitoring is not happening, the pasture was opened after only three years rest, and that there is new information about the listed fish species present since the 2010 consultation. All of which, according to WWP, results in a violation of ESA and a need to reinitiate consultation.

Natural Resource Management Decisions Involving Other Agencies

1. None to report.

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