



## Court Decisions

### 1. Forest Management | Wildlife | Region 5

**District Court Rules in Favor of the Forest Service in Challenge to the Kelsey Peak Project on the Six Rivers National Forest in Conservation Congress v. George.** On May 7, 2015, the United States District Court for the Northern District of California ruled in favor of the Forest Service in Plaintiff, Conservation Congress' challenge to the Kelsey Peak Project on the Six Rivers National Forest. Plaintiff alleged that the Forest Service and Fish and Wildlife Service failed to adequately consider the environmental effects of the Kelsey Peak timber project. Regarding Plaintiff's ESA claims, the Court found: (1) The Forest Service's consultation with the Fish and Wildlife Service was not improper; (2) The best scientific data available was used (despite the decision not to adopt the recommendations of a White Paper on owl behavior); (3) The conclusion that thinning would not harm the Northern Spotted Owl was reasonable; (4) The project adequately monitors the effects of invasive Barred Owl Activity. On NFMA the Court found that the Project was consistent with the Forest Plan and, therefore, not in violation of NFMA. Specifically the court found: (1) The Forest Service reasonably used a 0.5 mile radius for analysis of Northern Spotted Owl Habitat; (2)The Project protects more than 100 acres surrounding each Northern Spotted Owl nest; (3)The Project will not reduce Northern Goshawk habitat; (4)The Project complies with applicable water regulations; (5) Timber harvesting is allowed within riparian reserves. Turning to NEPA the Court found that the Project was not in violation of NEPA because: (1) The Forest Service considered a reasonable range of alternatives; (2) The Forest Service reasonably determined the geographic scope of their analysis; (3) The Forest Service reasonably estimated indirect Project activity. (14-01979, N.D. Cal.)

## Litigation Update

### 1. 2012 Planning Rule

**Plaintiffs File a Motion For Reconsideration with the District Court in Federal Forest Resource Coalition v. Vilsack.** On May 12, 2015, Plaintiffs Federal Forest Resource Coalition et al., filed a Motion for Reconsideration of the United States District Court for the District of Columbia's April 28, 2015 opinion which found that Plaintiffs lacked standing to challenge the 2012 Planning Rule. (12-1333. D. D.C.)

## 2. NOI | Forest Management | Region 1

**NOI Filed on the East Deer Lodge Landscape Restoration Project on the Beaverhead-Deerlodge National Forest.** On May 11, 2015, Alliance for the Wild Rockies filed an NOI claiming that the East Deer Lodge Landscape Restoration Project on the Beaverhead-Deerlodge National Forest is in violation of sections 7 and 9 of the ESA for failure to apply the best available science regarding the Canada lynx and grizzly bear and for unauthorized take resulting from the Project.

## 3. NOI | Grazing | Region 6

**NOI Filed Regarding Livestock Grazing on the Fremont-Winema National Forest.** On May 13, 2015, Advocates for the West filed an NOI regarding the impacts of grazing on Lost River suckers and shortnose suckers and their critical habitat on the Fremont-Winema National Forest. The NOI claims: (1) failure to ensure that livestock grazing complies with ESA section 7(a)(2) and (2) failure to reinstate consultation under the ESA.

## New Cases

### 1. Forest Management | Wildlife | Region 1

**Plaintiff Challenges the East Reservoir Project on the Kootenai National Forest in Alliance for the Wild Rockies v. Savage.** On May 11, 2015, Plaintiff, Alliance for the Wild Rockies filed suit in the United States District Court for the District of Montana challenging the East River Project on the Kootenai National Forest and amendments to the Kootenai National Forest Plan (exempting the Project's logging activities from logging restrictions as well as the Northern Rockies Lynx Management Direction. Plaintiff claims NEPA, NFMA, and ESA violations including: (1) The Project's analyses, actions, and omissions regarding the grizzly bear violate NEPA, NFMA, the ESA, and the APA; (2) The Project's analyses, actions, and omissions regarding lynx and lynx critical habitat violate NEPA, NFMA, the ESA, and the APA; (3) The Forest Service's "no effect" conclusion for bull trout, and failure to include bull trout in the Project biological assessment and to consult with FWS regarding bull trout, violate the ESA and the APA; (4) The Forest Service's failure to provide a cumulative effects analysis on the impact of past, present, and reasonably foreseeable site-specific Forest Plan amendments across the Forest violates NEPA and NFMA; (5) The Forest Service's analysis on wildlife security, roads, and motorized trails in the Project EIS is misleading and fails to fully and fairly inform the public in violation of NEPA, NFMA, and the APA. (15-00054, D. Mont.)

## Natural Resource Management Decisions Involving Other Agencies

### 1. None to Report.