

Ecosystem Management Coordination



Court Decisions

1. Wildlife | Region 4

The District of Wyoming found against the Agency regarding a challenge to the Agency's amendment to a special use permit to include the Alkali Creek Feedground on the Bridger-Teton National Forest as an elk winter feeding location through 2028 in *Western Watersheds Project, et al. v. Christiansen, et al.* Plaintiffs claimed the Agency's analysis of the feedground's impact on Chronic Wasting Disease was faulty. The court found the Agency failed to comply with the procedural requirements of NEPA. The court determined the Agency: 1) **should have considered several alternatives** in addition to the "no action" alternative and the grant of the permit like a shorter term permit, one with reduced impacts, or a phase-out alternative for the feedground; 2) **failed to take a hard look at alternatives** with the potential to mitigate impacts; and 3) **failed to examine the impact of the feedground in conjunction with other feedgrounds.** (17-202, D. Wyo.)

Litigation Update

1. Nothing to report

New Cases

1. Timber & Wildlife | Region 5

Environmental groups filed claims in the District of Oregon seeking an injunction against the Crystal Clear Restoration Project on the Mt Hood National Forest in *Bark, et al. v. U.S. Forest Service*. Plaintiffs claim the Agency's decision is in violation of the National Environmental Policy Act, the National Forest Management Act, and the Travel Management Rule. Encompassing 11,742 acres, as per the complaint, Plaintiffs claim about 4,000 acres of the project area is properly functioning mature and old growth forest which provides high-quality habitat for northern spotted owls and does not need restoration. For this reason Plaintiffs claim to file suit. Plaintiffs claim the Agency:

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- Should have prepared an environmental impact statement;
- Failed to develop an adequate range of alternatives for the project;
- Failed to take a ‘hard look’ at the project’s environmental impacts;
- Failed to ensure the project complied with the Forest Plan’s snag density standards, requirement to consult with the Regional Ecosystem Office, and guidelines for late successional reserves; and
- Improperly claimed to have identified a minimum road system and failed to explain how revised road designations consider effects on forest resources.

(18-1645, D. Or.)

Notices of Intent

1. Endangered Species Act (ESA) | Crystal Clear Restoration Project

Environmental groups submitted a notice of intent to sue (NOI) alleging the Crystal Clear Restoration Project on the Mt. Hood National Forest is in violation of the ESA for Northern spotted owl (NSO), Oregon spotted frog, and gray wolf. For NSO the NOI claims the biological assessment (BA) and biological opinion (BO) for the project do not consider other projects in their environmental baseline, ignores best available science that challenges the assumption logging existing habitat will benefit NSO, fails to explain aspects of the jeopardy analysis, and is inconsistent with the 2011 NSO recovery plan. For Oregon spotted frog the NOI claims the Forest Service’s BA ignores the impacts forest roads in the project area will have on the frog and its critical habitat. For gray wolf the NOI states the Agency relies on uncertain mitigation measures and does not show proof it has conducted surveys to monitor for wolf den or rendezvous sites in the project area.

Natural Resource Management Decisions Involving Other Agencies

1. Nothing to report

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