

Ecosystem Management Coordination



Court Decisions

1. Nothing to report

Litigation Update

1. Nothing to report

New Cases

1. Recreation | Region 2

Environmental groups filed suit in the District of Colorado challenging the authorization of the Rico-West Dolores Roads and Trails Travel Management Project on the San Juan National Forest in *WildEarth Guardians, et al. v. Padilla, et al.* According to the complaint the project was authorized in a final Record of Decision and final Environmental Impact Statement and designates 199 miles of roads and 103 miles of trails for motorized use. The authorization also applies seasonal motorized use restrictions.

Plaintiffs claim the authorization violates the National Forest Management Act (NFMA), the Travel Management Rule, and the National Environmental Policy Act (NEPA) for the project's impacts to elk and elk habitat. For NFMA, plaintiffs claim the project is inconsistent with the San Juan Forest Plan as it violates the requirement to provide effective habitat for elk by allowing motorized travel on trails going through elk production areas during elk calving season. For the Travel Management Rule, plaintiffs claim the project fails to demonstrate compliance with the Agency's duty to minimize a project's harassment and disruption of wildlife and wildlife habitat and conflicts amongst different types of forest users. Lastly, for NEPA, plaintiffs claim the Agency failed to take the requisite 'hard look' at the impacts of the project on elk production areas, areas used by elk during rut and mating season, wildlife habitat connectivity between elk production areas, and on big-game hunting. (18-2903, D. Colo.)

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Photo credit: <https://www.history.com/news/a-brief-history-of-the-presidential-turkey-pardon>

2. Minerals | Region 4

Environmental groups filed suit in the District of Idaho challenging the Forest Service's approval of the 5-year Kilgore mining exploration project on the Caribou-Targhee National Forest on NEPA, NFMA, and Organic Act claims in *Idaho Conservation League, et al. v. U.S. Forest Service*. The Agency approved the project through a Decision Notice and Finding of No Significant Impact on August 20, 2018, based on an environmental assessment issued in May 2018. The purpose of the project, according to the complaint, is to allow the Otis Gold Corporation to gather mineral information at the site through the construction of over 10 miles of new roads and 140 drill station with the intent to build an open-pit, cyanide heap leach mine if there are sufficient gold deposits. Plaintiffs claim the project will have potentially significant impacts on sensitive species including grizzly bear, whitebark pine, Columbia spotted frog, and Yellowstone cutthroat trout and is much larger than other exploration activities previously approved by the Agency. Specifically, plaintiffs claim:

- The project violates the Organic Act by **failing to minimize adverse impacts** to grizzly bear from surface disturbing activities, to water quality and aquatic species from road construction, and to groundwater and water quality from drilling;
- The project violates NFMA for: **1) not complying with the Forest Plan's mineral standards requiring operating plants to meet grizzly bear management goals, 2) not maintaining or increasing whitebark pine habitat, 3) failing to comply with the standard prohibiting occupancy in areas of high mass instability, and 4) for failing to avoid activities that reduce cutthroat trout habitat;**
- The project violates NEPA for **failing to: 1) use baseline information on grizzly bear presence in the project area, 2) evaluate the project's impacts to mature, seed-bearing whitebark pine, 3) disclose information about road and drill pad construction and use, 4) adequately assess sediment delivery and temperature increases to streams, 5) gather and disclose information on Yellowstone cutthroat trout populations and habitat characteristics in streams impacted by the project, 6) consider spotted frog dispersal paths, 7) provide sufficient mitigation analysis, 8) collect baseline data regarding water quality, and 9) consider a reasonable range of alternatives;** and
- The Agency should have prepared an environmental impact statement for the project.

(18-504, D. Id.)

Notices of Intent

1. Nothing to report

Natural Resource Management Decisions Involving Other Agencies

1. Nothing to report

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