

Ecosystem Management Coordination



Happy Fourth of July!

Court Decisions

None To Report

Litigation Update

1. Lands and Realty | Regions 8, 9

Cowpasture River Preservation Association et al. v. Forest Service (18-1144, 4th Cir.) **Regions 8 and 9**— On June 25, 2019, the Department of Justice (DOJ) filed a Petition for a Writ of Certiorari with the US Supreme Court on a case concerning the **Atlantic Coast Pipeline (ACP) (Monongahela and George Washington National Forests)** asking whether the Forest Service has authority to grant rights-of-way under the Mineral Leasing Act (MLA) through lands traversed by the Appalachian Trail (AT) within the George Washington National Forest. The DOJ argues that the National Trails System Act (NTSA) establishes the AT as a footpath that crosses the surface of federal, state, and private lands without altering the legal status of the lands it

The NFS Litigation Weekly Newsletter is provided to Forest Service employees for internal, informational purposes and is not intended to provide a legal/policy opinion or interpretation of its subject matter. Information presented in the Litigation Weekly is publicly available via official court records. Official court records should be consulted for the post complete accurate discussion of each case.

traverses. Accordingly, where the AT crosses through a national forest, the land underlying the AT remains in the National Forest System and subject to the jurisdiction, administration, and management of the Forest Service under its statutory and regulatory authorities, including its authority under the MLA. The Forest Service has authority under the MLA to grant certain rights-of-way, including rights-of-way for natural gas pipelines, while the National Park Service does not.

New Cases

None To Report

Notice of Intent

1. Forest Management : Region 1

Notice of Intent (NOI) to sue under Endangered Species Act (ESA) from Kristie Ackland of Ackland Law Firm, PLLC representing **Alliance for the Wild Rockies** and **Native Ecosystems Council**. The NOI concerns the **North Bridger Forest Health Project** on the **Custer Gallatin Forest**. The complainant alleges the Forest Service violated ESA related to the wolverine. Complainant claims the agency ignored their duty to ensure their actions do not jeopardize threatened and endangered species, do not result in unauthorized take and promote conservation and recovery of the species.

Natural Resource Management Decisions Involving Other Agencies

None To Report

The NFS Litigation Weekly Newsletter is provided to Forest Service employees for internal, informational purposes and is not intended to provide a legal/policy opinion or interpretation of its subject matter. Information presented in the Litigation Weekly is publicly available via official court records. Official court records should be consulted for the post complete accurate discussion of each case.