

**LAIRD J. LUCAS**

**PARTIAL LIST OF PUBLISHED ENVIRONMENTAL DECISIONS**

(in chronological order)

*Idaho Conservation League v. State*, 128 Idaho 155, 911 P.2d 748 (Idaho 1995) (public trust doctrine applies to all water rights adjudicated in Idaho's Snake River Basin Adjudication).

*Idaho Farm Bureau Federation v. Babbitt*, 58 F.3d 1392 (9th Cir. 1995) (affirming right of intervenor conservation groups to appeal district court decision delisting Bruneau snail under the Endangered Species Act and holding that delisting was an improper remedy for procedural violations in listing process).

*Committee for Idaho's High Desert v. Yost*, 881 F. Supp. 1457 (D. Idaho 1995), *aff'd* 92 F.3d 814 (9th Cir. 1996) (Idaho "wise use" leaders committed "green scamming" in violation of federal trademark laws when they misappropriated name of Idaho conservation group).

*Idaho Sporting Congress v. Computrol*, 952 F. Supp. 690 (D. Idaho 1996) (upholding Community Right-to-Know Act case for misleading reports on lead emissions).

*In re SRBA, A&B Irrigation District et al. v. Idaho Conservation League et al.*, 131 Idaho 411, 958 P.2d 568 (Idaho 1998) (holding that use of "excess water" cannot be decreed as part of water right or general provision in Snake River Basin Adjudication).

*Idaho Conservation League v. Browner*, 968 F. Supp. 546 (W.D. Wash. 1997) (ordering EPA to adoptive more protective water quality standard for Idaho to bull trout and other aquatic life under Clean Water Act Section 303c),

*Idaho Watersheds Project v. State Board of Land Commissioners*, 133 Idaho 55, 982 P.2d 358 (Idaho 1999) (striking down amendment of Idaho Constitution to delete "public auction" requirement for managing state trust lands).

*Idaho Watersheds Project v. State Board of Land Commissioners*, 133 Idaho 64, 982 P.2d 367 (Idaho 1999) (holding that legislature violated Idaho Constitution requirements to manage state trust lands for maximum returns to schools, when legislature passed "anti-Marvel" statute to prevent conservation group from bidding at auction for state grazing leases).

*Idaho Watersheds Project v. State Board of Land Commissioners*, 133 Idaho 68, 982 P.2d 371 (Idaho 1999) (reversing Idaho Land Board decisions rejecting conservation group's applications for 30 state grazing leases, as violating Idaho constitutional provisions for state trust lands).

*Idaho Watersheds Project v. Hahn*, 187 F.3d 1035 (9th Cir. 1999) (holding that BLM must revise grazing management by next year when Fundamentals of Rangeland Health ecological standards are not being met).

*Idaho Mining Ass'n v. Browner*, 90 F.Supp.2d 1078 (D. Idaho 2000) (representing intervenor Idaho Conservation League, won district court decision rejecting mining industry challenge to EPA's revised water quality standards for Coeur d'Alene basin).

*The Wilderness Society v. Bosworth*, 118 F. Supp.2d 1082 (D. Mont. 2000) (Forest Service was arbitrary and capricious in approving large timber sale on Clearwater National Forest, without adequately evaluating impacts to fisheries and old growth habitat).

*Committee for Idaho's High Desert v. Collinge*, 148 F. Supp. 2d 1097 (D. Idaho 2001) (USDA APHIS violated NEPA in failing to study ecological impacts of planned project to kill sage grouse "predators").

*Idaho Watersheds Project v. Hahn*, 307 F. 3d 815 (9th Cir. 2002) (affirming district court injunction ordering tighter grazing restrictions to protect streams from livestock damage on 1 million acres of Owyhee Resource Area in southwestern Idaho).

*Rio Grande Silvery Minnow v. Keys*, 2002 U.S. Dist. Lexis 9246, 2002 WL 32813602 (D. N.M. April 19, 2002) (holding that Bureau of Reclamation has discretionary authority over Middle Rio Grande project water management to benefit endangered Rio Grande silvery minnow).

*Rio Grande Silvery Minnow v. Keys*, 356 F.Supp.2d 1222 (D.N.M. Sept. 11, 2002) (after evidentiary hearing, holding that Bureau violated ESA Sections 7 and 9 in proposing to allow extensive drying of Middle Rio Grande, causing unlawful "take" of silvery minnow).

*Rio Grande Silvery Minnow v. Keys*, 333 F.3d 1109 (10th Cir. 2003) (affirming district court rulings that Bureau of Reclamation has discretionary authority to manage reservoir releases for silvery minnow and enjoining Bureau to release adequate flows on the Middle Rio Grande).

*Rio Grande Silvery Minnow v. Keys*, 355 F.3d 1215 (10th Cir. 2004) (vacating prior 10<sup>th</sup> Circuit opinion as moot, due to expiration of injunction; but declining to vacate lower court decisions).

*Idaho Conservation League v. Boer*, 362 F.Supp.2d 1211 (D. Idaho 2004) (upholding Clean Air Act citizen suit over proposed mega-dairy's failure to obtain permit to construct).

*Idaho Conservation League v. Bennett*, 2005 WL 1041396 (D. Idaho 2005) (after week-long trial, holding large BLM timber sale decision in Clearwater basin to be arbitrary and capricious in failing to accurately assess water quality impacts, fire regimes and wildlife habitat impacts).

*Western Watersheds Project v. Bennett*, 392 F.Supp.2d 1217 (D. Idaho 2005) (based on NEPA and FLPMA violations, enjoining livestock grazing on nearly 1 million acres of Jarbidge Resource Area to protect sage-grouse).

*Western Watersheds Project v. Foss*, 2005 WL 2002473 (D. Idaho 2005) (reversing Fish and Wildlife Service decision not to list Slickspot peppergrass under ESA, based on politically-driven "Candidate Conservation Agreement").

*Western Watersheds Project v. Rosenkrance*, 2005 WL 1076098 (D. Idaho. 2005) (BLM violated NEPA in failing to prepare EIS for stone quarry expansion in Salmon River wild and scenic corridor, and instead issuing EA without public comment).

*Western Watersheds Project v. U.S. Forest Service*, 2006 WL 292010 (D. Idaho 2006) (reversing Forest Service EIS for grazing allotments in Sawtooth National Forest for failing to address impacts on wildlife and sensitive soils).

*Idaho Watersheds Project v. Jones*, 2006 WL 851132 (D. Idaho 2006) (granting attorney fees in ESA “take” case over irrigation diversion harms to bull trout)

*Western Watersheds Project v. Matejko*, 468 F.3d 1099 (9th Cir. 2006) (reversing district court ruling that pre-FLPMA diversions on BLM lands are subject to ESA consultation for impacts on endangered fish).

*Western Watersheds Project v. Kraayenbrink*, 538 F. Supp. 2d 1302 (D. Idaho 2008); 2007 WL 1667618 (D. Idaho 2007) (granting permanent injunction and summary judgment throwing out BLM’s 2006 grazing regulation revisions for violating ESA, NEPA and FLPMA).

*Western Watersheds Project v. U.S. Fish and Wildlife Service*, 535 F. Supp. 2d 1173, 2007 WL 4287476 (D. Idaho Dec. 4, 2007) (reversing Service’s January 2005 “not warranted” decision refusing to list greater sage-grouse under the ESA because of improper political interference and failure to address best available science).

*Western Watersheds Project v. Bennett*, 2008 WL 2003114 (D. Idaho May 8, 2008) (holding that BLM annual grazing authorizations are final agency action).

*Lazy Y Ranch Ltd. v. Behrens*, 546 F.3d 580 (9th Cir. 2008) (affirming Section 1983 claims for Equal Protection violations against Idaho State Land Board officials for discriminating against conservationists in state land grazing leases).

*Western Watersheds Project v. Dyer*, 2009 WL 484438 (D. Idaho Feb. 26, 2009) (granting injunction against “grazing as usual” on 34 Jarbidge allotments in southern Idaho to protect sage grouse following massive Murphy Fire).

*Western Watersheds Project v. Salazar*, 2009 WL 1299626 (D. Idaho May 7, 2009) (denying motion to sever and transfer case challenging numerous BLM RMPs across the range of greater sage-grouse).

*Western Watersheds Project v. U.S. Department of Interior*, Civ. No. 08-0506-E-BLW, 2009 WL 5218020, at \*8 (D. Idaho Dec. 30, 2009) (holding that Interior Board of Land Appeals improperly reversed Administrative Law Judge’s decision, following evidentiary hearing, that BLM violated NEPA and Fundamentals of Rangeland Health in livestock grazing decision for Nickel Creek allotment in Idaho’s Owyhee Mountains).

*Rio Grande Silvery Minnow v. Bureau of Reclamation*, 601 F.3d 1096 (10th Cir. 2010) (holding that litigation is moot and vacating district court opinions).

*Laughey v. Idaho Transportation Dept.*, 149 Idaho 867, 243 P.3d 1055 (Idaho 2010) (reversing lower court judgment for failure to exhaust administrative remedies; and directing Idaho Transportation Department to conduct “contested case” hearings over trucking permits on U.S Highway 12 along the Lochsa River for “mega-loads” of oil refinery equipment).

*Western Watersheds Project v. Kraayenbrink*, 632 F.3d 472 (9<sup>th</sup> Cir. 2011) (amended opinion) (affirming district court rulings that BLM violated NEPA and ESA in promulgating 2006 grazing regulation revisions, and affirming permanent injunction barring their implementation).

*Western Watersheds Project v. Salazar*, No. 08-cv-516-BLW, 2011 WL 4526746 (D. Idaho Sept. 28, 2011) (holding that BLM RMPs for the Craters of the Moon National Monument and Pinedale Field Office violated NEPA and FLPMA for failing to address sage-grouse conservation needs).

*Idaho Conservation League v. Atlanta Gold Corp.*, 879 F. Supp.2d 1148 (D. Idaho 2012) (imposing \$2 million penalty and injunction to clean up heavy metal pollution from mining adit after finding extensive Clean Water Act violations).

*Idaho Conservation League v. U.S. Forest Service*, 2012 WL 3758161 (D. Idaho Aug. 29, 2012) (Forest Service violated NEPA in approving CuMo mining exploration project without assessing potential impacts on groundwater and surface water hydrology)

*Western Watersheds Project v. Salazar*, 843 F. Supp. 2d 1105 (D. Idaho 2012) (reversing Idaho BLM grazing permit renewals in Owyhee and Bruneau Field Offices for failing to assess cumulative impacts on sage-grouse and violating RMPs requirements for prioritizing sensitive species).

*Idaho Rivers United v. U.S. Forest Service*, 857 F. Supp.2d 1020, 2013 WL 474851 (D. Idaho, Feb. 7, 2013) (reversing Forest Service position that it lacks authority to regulate tar sands refinery “mega-loads” within Lochsa Wild and Scenic River corridor).

*Winter Wildlands Alliance v. U.S. Forest Service*, 2013 WL 1319598 (D. Idaho March 29, 2013) (holding that Forest Service was arbitrary and capricious in excluding over-snow machines from its 2006 Travel Planning Rule).

*Nez Perce Tribe and Idaho Rivers United v. U.S. Forest Service*, 2013 WL 5592765 (D. Idaho, Oct. 10, 2013) (issuing injunction requiring Forest Service to close U.S. Highway 12 to mega-loads through Lochsa Wild and Scenic River corridor).

*Western Watersheds Project v. Jewell*, 2014 WL 4853121 (D. Idaho Sept. 29, 2014) (BLM violated NEPA and FLPMA in automatically renewing dozens of grazing permits in key sage-grouse habitat in southern Idaho).

*Idaho Rivers United v. Hudson*, 2015 WL 4170071 (D. Idaho July 10, 2015) & 173 F.Supp.3 1027 (March 28, 2016) (granting preliminary injunction and then summary judgment holding Forest Service violated NEPA and NFMA regulations in authorizing State of Idaho use of forest road across private property for salvage logging along Selway Wild and Scenic River).

*Oregon Natural Desert Ass'n v. Jewell*, 840 F.3d 562 (9th Cir. 2016) (amended opinion) (reversing approval of right-of-way for industrial wind facility atop Steens Mountain in eastern Oregon for failing to assess sage-grouse winter habitats).

*Idaho Rivers United v. Probert*, 2016 WL 2757690 (D. Idaho, May 12, 2016) (granting preliminary injunction against Johnson Bar Salvage Project within Selway Wild and Scenic River corridor for likely NEPA and Wild and Scenic Rivers Act violations).

*Idaho Conservation League v. U.S. Forest Service*, 2016 WL 3814021 (D. Idaho July 11, 2016) (second reversal of Forest Service approval of CuMo Mine exploration project, for failing to adequately assess impacts to Sacajawea's bitterroot, an imperiled native plant).

*Resource Renewal Institute v. National Park Service*, No. C 16-0688 SBA, 2016 WL 11673179 (N.D. Cal. July 15, 2016) (denying motion to dismiss suit challenging National Park Service failure to conduct environmental analysis and adopt updated General Management Plan for ranching at Point Reyes National Seashore).

*Idaho Conservation League et al. v. Lannom*, 2016 WL 4099060 (D. Idaho Aug. 2, 2016) (reversing Forest Service's approval of proposed road construction and mining exploration in Frank Church-River of No Return Wilderness).

*Andrus v. United States Dep't of Energy*, 200 F. Supp. 3d 1093, 1105 (D. Idaho 2016) (Freedom of Information Act requires Dept. of Energy to provide full details on redacted documents relating to proposed commercial spent nuclear fuel shipments).

*Idaho Conservation League v. Atlanta Gold Corp.*, 2017 WL 4099815 (D. Idaho Sept. 15, 2017) (granting contempt motion against mining company for ongoing Clean Water Act violations, ordering additional penalties, and imposing injunctive relief)

*Western Watersheds Project v. USDA APHIS Wildlife Services*, No. 1:17-v-206-BLW, 2018 WL 3097016 (D. Idaho June 22, 2018) (holding that USDA Wildlife Services violated NEPA by not preparing EIS to address ongoing and expanded Idaho "predator damage management" actions, including aerial gunning of coyotes and other wildlife killing).

*Western Watersheds Project v. Zinke*, 336 F.Supp.3d 1204 (D. Idaho 2018) (granting preliminary injunction barring Trump BLM from further applying Instruction Memorandum 2018-0034 to limit public involvement and environmental reviews of BLM oil and gas leasing in greater sage-grouse habitats).

*Western Watersheds Project v. Zinke*, 347 F.Supp.3d 554 (D. Idaho 2018) (granting BLM motion to reconsider justiciability of challenges to automatically renewed grazing permits under 2015 National Defense Authorization Act).

*Columbia Riverkeeper et al. v. Pruitt*, 337 F. Supp. 3d 989, 998 (W.D. Wash. 2018) (holding EPA violated the CWA by failing to issue a temperature TMDL for the Columbia and lower Snake Rivers to protect salmon and steelhead from lethal high water temperatures).

*Idaho Conservation League v. Poe*, 421 F.Supp.3d 983 (D. Idaho 2019) (denying suction dredge miner motion to dismiss Clean Water Act citizen suit enforcement claim for suction dredging without a permit).

*Western Watersheds Project v. Schneider*, 417 F. Supp. 3d 1319 (D. Idaho 2019) (granting preliminary injunction blocking Trump BLM's 2019 sage-grouse plan amendments to weaken 2015 sage-grouse plans, as violating NEPA and FLPMA).

*Columbia Riverkeeper et al. v. Wheeler*, 944 F.3d 1204 (9th Cir. 2019) (affirming district court ruling and ordering EPA to promulgate temperature "total maximum daily load" (TMDL) for Columbia and lower Snake Rivers under Clean Water Act to protect imperiled salmon and steelhead).

*Western Watersheds Project v. Zinke*, 441 F.Supp.3d 1042, 2020 WL 959242 (D. Idaho Feb. 27, 2020) (granting partial summary judgment vacating Trump BLM Instruction Memo 2018-034 that limited public involvement and environmental reviews in oil and gas leasing, and reversing over 667 "Phase One" oil and gas leases unlawfully issued in sage-grouse habitats in 2018).

*Western Watersheds Project v. Zinke*, No. 1:18-cv-187-REB, 2020 WL 2462817 (D. Idaho May 12, 2020) (partially granting motion for stay pending appeal to suspend rather than vacated "Phase One" lease sales held unlawful).

*Hausrath et al v. US Air Force*, 491 F.Supp.3d 770 (D. Idaho 2020) (holding Air Force violated NEPA and APA in preparing only an Environmental Assessment and Finding of No Significant Impact in approving urban warfare training exercises over Boise and other southern Idaho cities, and ordering full Environmental Impact Statement to assess noise impacts on humans, bird, and wildlife).

*Western Watersheds Project et al. v. U.S. Sheep Experiment Station*, No.: 1:19-cv-00065-REB, 2021 WL 1517977 (D. Idaho April 16, 2021) (holding that Final Environmental Impact Statement for US Sheep Experiment Station in Idaho failed to adequately address impacts of sheep grazing on grizzly bear and bighorn sheep in Centennial Mountains).