

Lauren M. Rule (ISB #6863)
Laurence J. Lucas (ISB #4733)
ADVOCATES FOR THE WEST
PO Box 1612
Boise ID 83701
(208) 342-7024
lrule@advocateswest.org
llucas@advocatwest.org

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

WINTER WILDLANDS ALLIANCE and)
WILDEARTH GUARDIANS,)
)
Plaintiffs,)
)
and)
)
THE WILDERNESS SOCIETY,)
)
Co-Plaintiff on Claims One and Two,)
)
v.)
)
U.S. FOREST SERVICE,)
)
)
Defendant.)
_____)

No. 1:17-cv-376-CWD

STIPULATION OF DISMISSAL

WHEREAS, Plaintiffs Winter Wildlands Alliance, WildEarth Guardians, and The Wilderness Society sent notice letters to the Payette National Forest and Boise National Forest, and Plaintiffs Winter Wildlands Alliance and WildEarth Guardians sent a notice letter to the Bridger-Teton National Forest, on August 29, 2017 alleging that the over-snow vehicle use map (OSVUM) published by each forest violated the Endangered Species Act.

WHEREAS, Plaintiffs Winter Wildlands Alliance and WildEarth Guardians filed this case on September 8, 2017 challenging the OSVUMs published by the Payette National Forest, Boise National Forest, and Bridger-Teton National Forest for violating the Forest Service's 2015 Travel Management Rule, the National Forest Management Act, and the National Environmental Policy Act. ECF # 1. Plaintiffs sought an order from the Court declaring that the OSVUMs were unlawful, vacating them, and directing the Forest Service to complete winter travel planning for each of the three forests. *Id.*

WHEREAS, Plaintiffs amended the complaint in this matter on November 8, 2017 to add claims that the OSVUMs violated the Endangered Species Act, and also added The Wilderness Society as a plaintiff with respect to the challenges against the Payette and Boise National Forest OSVUMs. ECF # 6.

WHEREAS, Defendant Forest Service notified Plaintiffs and released public notices on December 14, 2017 that it had withdrawn the three OSVUMs challenged in this case to review issues raised by Plaintiffs in their Endangered Species Act notice letters. ECF # 15-1.

WHEREAS, the parties jointly moved to stay the litigation on December 15, 2017 while Defendant Forest Service assessed the information in the notice letters and determined whether to reissue the OSVUMs or to proceed with winter travel planning for each of the forests. ECF # 15. The Forest Service agreed to provide a written status report to the Court within ninety days, and every sixty days thereafter until it made a determination about how to proceed. *Id.* The Court granted the motion on December 18, 2017. ECF # 16.

WHEREAS, Defendant Forest Service notified Plaintiffs on March 13, 2018 and then filed a status report with the Court on March 15, 2018 stating that it had withdrawn the OSVUMs for the Payette, Boise, and Bridger-Teton National Forests and reinstated prior closure orders,

and would initiate winter travel planning for each forest when resources become available. ECF # 18.

NOW THEREFORE, in light of Defendant's withdrawal of the challenged OSVUMs and commitment to conduct winter travel planning for the Payette, Boise, and Bridger-Teton National Forests, the parties agree that there is no live controversy left in this case. Pursuant to Federal Rule of Civil Procedure 41, this case can be dismissed. Plaintiffs reserve the right to move to re-open the case if the Forest Service re-publishes OSVUMs for any of the three forests at issue here without conducting a full winter travel planning process under the 2015 Travel Management Rule.

IT IS SO STIPULATED.

Dated: June 29, 2018

Respectfully submitted,

FOR PLAINTIFFS:

s/ Lauren M. Rule
Lauren M. Rule
Attorney for Plaintiffs

FOR DEFENDANT:

BART M. DAVIS
United States Attorney
District of Idaho
By:

s/Christine G. England
Christine G. England
Assistant United States Attorney
Counsel for the Forest Service

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of June, 2018, I filed the foregoing STIPULATION OF DISMISSAL with the Clerk of Court using the CM/ECF system which sent a Notice of Electronic Filing to the following persons:

Christine England, Attorney for U.S. Forest Service
christine.England@usdoj.gov

Laurence J. Lucas, Attorney for Plaintiffs
llucas@advocateswest.org

Executed this 29th day of June, 2018 in Portland, Oregon

s/Lauren M. Rule
Lauren M. Rule