

See Signature Page for List of Parties Represented

**UNITED STATES DISTRICT COURT  
DISTRICT OF IDAHO**

SAVE THE SOUTH FORK SALMON;  
IDAHO CONSERVATION LEAGUE;  
IDAHO RIVERS UNITED;  
EARTHWORKS; CENTER FOR  
BIOLOGICAL DIVERSITY; and  
AMERICAN RIVERS,

Plaintiffs,

vs.

U.S. FOREST SERVICE; U.S. FISH AND  
WILDLIFE SERVICE; NATIONAL  
MARINE FISHERIES SERVICE;  
U.S. DEPARTMENT OF AGRICULTURE;  
U.S. DEPARTMENT OF THE INTERIOR;  
U.S. DEPARTMENT OF COMMERCE;  
BROOKE ROLLINS, in her official capacity  
as U.S. Secretary of Agriculture;  
DOUG BURGUM, in his official capacity as  
U.S. Secretary of the Interior;  
HOWARD LUTNICK, in his official capacity  
as U.S. Secretary of Commerce,

Defendants,

and

PERPETUA RESOURCES IDAHO, INC.

Intervenor-Defendant.

CASE NO: 1:25-CV-00086-AKB

**PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

**ORAL ARGUMENT REQUESTED FOR  
MAY 28**

**EXPEDITED DECISION REQUESTED**

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs Save the South Fork Salmon, Idaho Conservation League, Idaho Rivers United, Earthworks, Center for Biological Diversity, and American Rivers move the Court to enter a preliminary injunction barring Federal Defendants and Intervenor-Defendant Perpetua Resources Idaho, Inc. from moving forward with

Stibnite Gold Project activities authorized by the agency actions challenged in Plaintiffs' amended complaint (ECF No. 26). Specifically, Plaintiffs request an injunction barring activities on National Forest lands authorized by Defendant U.S. Forest Service's Record of Decision (Jan. 2025) and Defendant U.S. Fish and Wildlife Service's Biological Opinion and Incidental Take Statement (Sep. 2024) for the Project.<sup>1</sup>

Because Perpetua intends to start "full construction" on May 30, 2026, Plaintiffs seek entry of this preliminary injunction by May 30, or as soon as possible thereafter, to preserve the status quo until the Court resolves all of Plaintiffs' claims in the pending cross motions for summary judgment. As Perpetua's plans unfold, Plaintiffs reserve the right to seek any other emergency relief necessary to protect its interests.

As explained in Plaintiffs' supporting Memorandum, the most concerning imminent irreparable harm likely to occur prior to this Court's resolution of the pending summary judgment motions concerns the construction of the Burntlog Route. For purposes of this Motion only, Plaintiffs have narrowed the claims on the merits to those that relate to: (1) Defendant Forest Service's unlawful approval of the Burntlog Route and its associated gravel mines as rights under the 1872 Mining Law, in violation of federal public land and mining laws; and (2) Defendant Fish and Wildlife Service's unlawful Biological Opinion and Incidental Take Statement, in violation of the Endangered Species Act, 16 U.S.C. §§ 1531 et. seq. and Administrative Procedure Act, 5 U.S.C. §§ 701–706.

As set forth in the accompanying brief and declarations, Plaintiffs are likely to prevail in these claims. Plaintiffs and the public face irreparable harm from the environmental damage that

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<sup>1</sup> Plaintiffs' do not seek to enjoin Perpetua from carrying out any of the limited initial activities agreed to in the Joint Stipulation (ECF No. 40).

will be caused if Perpetua constructs the Burntlog Route, and otherwise starts constructing the mine, its access roads, and supporting facilities. Entry of the temporary injunctive relief sought by Plaintiffs will not impose irreparable harms on Federal Defendants or Intervenor-Defendant, and the balancing of harms and public interest favor the requested injunctive relief as well.

This Motion for Preliminary Injunction is supported by the accompanying Plaintiffs' Opening Brief In Support Of Motion For Preliminary Injunction and the declarations of Jeffrey Peter Abrams, Zak Sears, Diane Evans Mack, Mary Faurot-Petterson, and Will Tiedemann. This Motion is also supported by Plaintiffs' Motion for Summary Judgment and the declarations and memoranda filed in support of that motion (ECF Nos. 31–32, 35).

Plaintiffs also request that the Court waive any bond requirement under Federal Rule of Civil Procedure 65(c), or impose a minimal bond not to exceed \$100, in light of the public interest nature of this proceeding and to ensure Plaintiffs' access to judicial relief. *Cal. ex rel. Van De Kamp v. Tahoe Reg'l Planning Agency*, 766 F.2d 1319, 1325 (9th Cir. 1985); *see also, e.g., BarahonaGomez v. Reno*, 167 F.3d 1228, 1237 (9th Cir. 1999); *Central Or. Landwatch v. Connaughton*, 905 F. Supp. 2d 1192, 1198 (D. Or. 2012); *Davids v. Adams*, Case No. 1:25-cv-00334-AKB, 2025 WL 2083832, at \*16 (July 24, 2025).

WHEREFORE, for reasons explained in the accompanying brief and declarations, Plaintiffs respectfully request that this Court grant this motion and issue the above-requested preliminary injunction enjoining Federal Defendants and Intervenor-Defendant from activities on National Forest lands authorized by the challenged agency actions until Plaintiffs' claims can be adjudicated on the merits.

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Dated May 8, 2026.

Respectfully submitted,

/s/ Bryan Hurlbutt

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