

LAIRD J. LUCAS

LIST OF PUBLISHED ENVIRONMENTAL DECISIONS

Idaho Conservation League v. State, 128 Idaho 155, 911 P.2d 748 (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 ESA; 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. Id. 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. Id. 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 (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 (1999) (striking down amendment of Idaho Constitution to delete “public auction” requirement for managing state trust lands; first time since 1929 that a constitutional amendment, approved by voters, was reversed by the Idaho Supreme Court).

Idaho Watersheds Project v. State Board of Land Commissioners, 133 Idaho 64, 982 P.2d 367 (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 (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) (holding 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 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, 2002 U.S. App. Lexis 18743 (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 10th 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 FWS 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. USFS, 2006 WL 292010 (D. Idaho 2006) (reversing Forest Service EIS for four grazing allotments in Sawtooth National Forest for failing to address impacts on wildlife and sensitive soils, and for failing specify terms of “adaptive management”).

Idaho Watersheds Project v. Jones, 2006 WL 851132 (D. Idaho 2006) (granting ESA fees in “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 July 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 12/4/07) (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, 2008 WL 4368216 (9th Cir. 2008) (affirming district court denial of state officials’ motion to dismiss Section 1983 claims for Equal Protection violations in discriminating against conservationists in state land grazing leases).

Western Watersheds Project v. Dyer, 2009 WL 484438 (D. Idaho 2/26/09) (granting injunction against “grazing as usual” on 34 contested Jarbidge allotments to protect sage grouse following Murphy Fire).