

**LAIRD J. LUCAS**

**PARTIAL 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 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, 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 (10<sup>th</sup> 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 (10<sup>th</sup> 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 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 (9<sup>th</sup> 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 (9<sup>th</sup> 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 2/26/09) (granting injunction against “grazing as usual” on 34 Jarbidge allotments to protect sage grouse following Murphy Fire).

*WWP 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 implementation of the 2006 regulations).

*Laughy v. Idaho Transportation Dept.*, 149 Idaho 867, 243 P.3d 1055 (Idaho Supreme Court, 11/1/2010) (Reversed lower court judgment for failure to exhaust administrative remedies; ruling

opened door for plaintiffs to require ITD to conduct “contested case” hearings over mega-load permits).

*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) (BLM RMPs in Idaho and Wyoming failed to consider sage-grouse impacts and conservation).

*Idaho Rivers United v. U.S. Forest Service*, 2013 WL 474851 (D. Idaho, Feb. 7, 2013) (reversing Forest Service position that it lacks authority to regulate mega-loads within Lochsa/Clearwater wild and scenic 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 mandatory injunction requiring Forest Service to close U.S. Highway 12 to mega-loads through Wild and Scenic Clearwater-Lochsa River corridor)

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

*Oregon Natural Desert Ass’n v. Jewell*, 823 F.3d 1258 (9<sup>th</sup> Cir. 2016) (reversing BLM approval of right-of-way for industrial wind facility atop Steens Mountain in eastern Oregon for failing to assess sage-grouse winter habitats).

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