

Erika E. Malmen, Bar No. 6185
EMalmen@perkinscoie.com
Robert A. Maynard, Bar No. 5537
RMaynard@perkinscoie.com
Kaycee M. Royer, Bar No. 10810
KRoyer@perkinscoie.com
PERKINS COIE LLP
1111 West Jefferson Street, Suite 500
Boise, ID 83702-5391
Telephone: 208.343.3434
Facsimile: 208.343.3232

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

SAWTOOTH MOUNTAIN RANCH LLC,
LYNN ARNONE, and DAVID BOREN,

Plaintiffs,

v.

UNITED STATES OF AMERICA;
UNITED STATES DEPARTMENT OF
AGRICULTURE; SONNY PERDUE,
Secretary of Agriculture; UNITED
STATES FOREST SERVICE;
SAWTOOTH NATIONAL FOREST; JIM
DEMAAGD, Forest Supervisor;
SAWTOOTH NATIONAL
RECREATION AREA; KIRK
FLANNIGAN, Area Ranger; FEDERAL
HIGHWAY ADMINISTRATION,

Defendants.

Case No. 1:19-CV-0118-CWD

SECOND AMENDED COMPLAINT

I. INTRODUCTION AND NATURE OF ACTION

1. The Plaintiffs, Sawtooth Mountain Ranch LLC, David Boren, and Lynn Arnone, ask this Court to quiet title to a conservation easement as described herein, acquired by the United States in 2005, administered by the U.S. Forest Service, and which traverses the private property of the Plaintiffs. Defendant Forest Service has published a Decision Memo authorizing

the Federal Highway Administration’s construction of a highly developed, two-lane, 6.5-foot-wide commuter trail (“**Trail**”) pursuant to a 2005 Conservation Easement Deed (“**Conservation Deed**”) granted to the United States, which includes a provision granting limited public access (“**Easement**”) across identified portions of the Plaintiffs’ property.

2. As further alleged and described herein, the Trail as proposed violates various provisions in the Conservation Deed (which includes the Easement) in at least two ways—first, constructing a 6.5’ wide developed Trail exceeds the scope and allowable uses of the Easement, which are limited to public access for “snowmobile, snow grooming equipment, bicycle, horse, and foot travel,” and which does not authorize any ground disturbance (with the one exception for placement of signs) or otherwise provide for construction of a developed trail; and, second, the Trail as proposed violates the Conservation Deed’s purpose of conserving the unique scenic values and ranching heritage of the area in accordance with the Sawtooth National Recreation Area Act. Plaintiffs seek declaratory relief under the Quiet Title Act, 28 U.S.C. § 2409a (“**QTA**”), to establish their rights under the Conservation Deed.

3. The Plaintiffs also seek declaratory and injunctive relief requiring Defendant United States Forest Service, Defendant Jim DeMaagd, Defendant Sawtooth National Recreation Area, and Defendant Kirk Flannigan (collectively the “**Forest Service**”) to comply with applicable law while managing the Sawtooth National Recreation Area in relation to the Trail. As further alleged and described herein, the Forest Service’s and Defendant Federal Highway Administration’s (“**FHA**”) actions in approving and implementing the Decision Memo authorizing construction of the Redfish to Stanley Trail, which includes the Trail as proposed across portions of Plaintiffs’ private property, are unlawful for violating, in various ways, the Sawtooth National Recreation Area Act, 16 U.S.C. §§ 460aa through 460aa-14 (“**SNRA Act**”); the National Forest Management Act, 16 U.S.C. §§ 1600-1614 (“**NFMA**”); the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.* (“**NEPA**”); the Endangered Species Act,

16 U.S.C. §§ 1531-1544 (“*ESA*”); the Clean Water Act, 33 U.S.C. § 1251 *et seq.* (“*CWA*”); and the Administrative Procedure Act, 5 U.S.C. §§ 701-706 (“*APA*”).

II. JURISDICTION AND VENUE

4. J Jurisdiction is proper in this Court under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (when the United States is a defendant), the APA, 28 U.S.C. § 2201 (declaratory judgment), 28 U.S.C. § 2202 (injunctive relief), and 28 U.S.C. § 2409a and 28 U.S.C. § 1346(f) (Quiet Title Act), as the case involves the Plaintiffs’ request to quiet title to confirm and limit the scope of the Easement granted to the United States and challenge Defendants’ actions as unlawful under various federal statutes.

5. Venue is proper in this Court under 28 U.S.C. § 1391(e) because the Conservation Deed, Easement and Trail at issue involve land within Custer County, Idaho, and the U.S. Forest Service issued its Decision Memo for the Redfish to Stanley Trail from the Area Ranger’s office in Ketchum, Blaine County, Idaho. The contract executed by the United States Department of Transportation, Federal Highway Administration contracting officer Dean A. Umatham for the construction of the Trail concerns real property located within Custer County, Idaho.

III. PARTIES

6. Plaintiff Sawtooth Mountain Ranch LLC is an Idaho Limited Liability Company formed and operated in accordance with Title 30, chapters 21 and 25, Idaho Code (the “*Ranch*”). The Certificate of Organization for the Ranch was filed with the Idaho Secretary of State on October 24, 2016. The Ranch holds title to the real property at issue in this action, as well as various personal property, livestock, fixtures, grazing rights, and other interests associated with a livestock ranching operation conducted on the approximately 1781.07 acres in Custer County, Idaho (the “*Property*”).

7. Plaintiff David Boren is an individual residing in Boise, Idaho. Mr. Boren is the organizer and sole member of Sawtooth Mountain Ranch LLC. Mr. Boren oversees and is involved in the daily operations of the Ranch. Mr. Boren has been the point of contact for the Ranch with the SNRA and Forest Service personnel involving Ranch operations, use/enjoyment of the Ranch property, compliance with the SNRA Act, and the Trail at issue herein. Mr. Boren is married to Plaintiff Lynn Arnone.

8. Plaintiff Lynn Arnone is an individual residing in Boise, Idaho, and married to Plaintiff David Boren. Ms. Arnone is familiar with Ranch operations and spends meaningful time on the property at issue owned by the Ranch, but Ms. Arnone does not possess an ownership interest in the Ranch.

9. Defendant United States of America owns legal title to the Conservation Deed and Easement, which traverses the Plaintiffs' Property and is at issue herein.

10. Defendant United States Department of Agriculture (“*USDA*”) is an agency within the United States executive branch that oversees food, agriculture, natural resources, rural development, nutrition, and related issues.

11. Defendant Sonny Perdue is the Secretary of the United States Department of Agriculture. Secretary Perdue has the ultimate authority for the procedures, actions, and decisions of the Department of Agriculture. He is sued solely in his official capacity.

12. Defendant United States Forest Service is a federal agency within the United States Department of Agriculture. The Forest Service is charged with administering and overseeing United States National Forest System lands in accordance with applicable law.

13. Defendant Sawtooth National Forest is a subunit of the United States Forest Service comprised of approximately 2.1 million acres of land located in south central Idaho and northern Utah. The Forest's main office is located in Jerome, Idaho.

14. Defendant Jim DeMaagd is the Forest Supervisor for the Sawtooth National Forest. He is the supervisor for the Forest and has ultimate authority for the procedures, actions and decisions of the Forest and is charged with ensuring the Forest complies with applicable law. He is sued solely in his official capacity.

15. Defendant Sawtooth National Recreation Area (“*SNRA*”) is a subunit of the Sawtooth National Forest. The SNRA contains approximately 756,000 acres, including more than 20,000 acres of private property as well as roughly 375,855 acres of Congressionally-designated wilderness in the Sawtooth, Hemingway-Boulders, and Cecil D. Andrus-White Clouds Wilderness Areas. The SNRA’s main office is located in Ketchum, Idaho.

16. Defendant Kirk Flannigan is the SNRA Area Ranger. He is the supervisor for the SNRA and has ultimate authority for the procedures, actions, and decisions of the SNRA and is ultimately charged with ensuring the SNRA complies with applicable law. Mr. Flannigan signed the Decision Memo and has direct involvement in and oversight of all aspects of the Trail. He is sued solely in his official capacity.

17. Defendant Federal Highway Administration is a federal agency within the United States Department of Transportation. The Federal Highway Administration is responsible for helping State and local governments in the design, construction, and maintenance of the Nation’s highway system and various federally owned lands. The Federal Highway Administration is in charge of the construction of the Trail at issue herein.

IV. LEGAL FRAMEWORK

a. *Quiet Title Act*

18. The Quiet Title Act, 28 U.S.C. § 2409a, allows Plaintiffs to file a civil action against the United States to “adjudicate a disputed title to real property in which the United States claims an interest.”

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