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*Attorneys for Plaintiffs*

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

WILDLANDS DEFENSE, ALLIANCE )  
FOR THE WILD ROCKIES, NATIVE )  
ECOSYSTEMS COUNCIL, YELLOWSTONE )  
TO UINTAS CONNECTION )

*Plaintiffs,*

TAWNIA BRUMMETT, in her official capacity as )  
Boise National Forest Supervisor; RANDY MOORE, )  
in his official capacity as Chief of the United States )  
Forest Service; and UNITED STATES FOREST )  
SERVICE )

*Defendants.*

) Case No. 1:21-cv-425

) **COMPLAINT FOR**  
) **DECLARATORY AND**  
) **INJUNCTIVE RELIEF**  
) (5 U.S.C. §§ 701-706; 42 U.S.C. §  
) 4321 et seq.)

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

*Wildlands Defense et al. v. Brummett et al.*

## INTRODUCTION

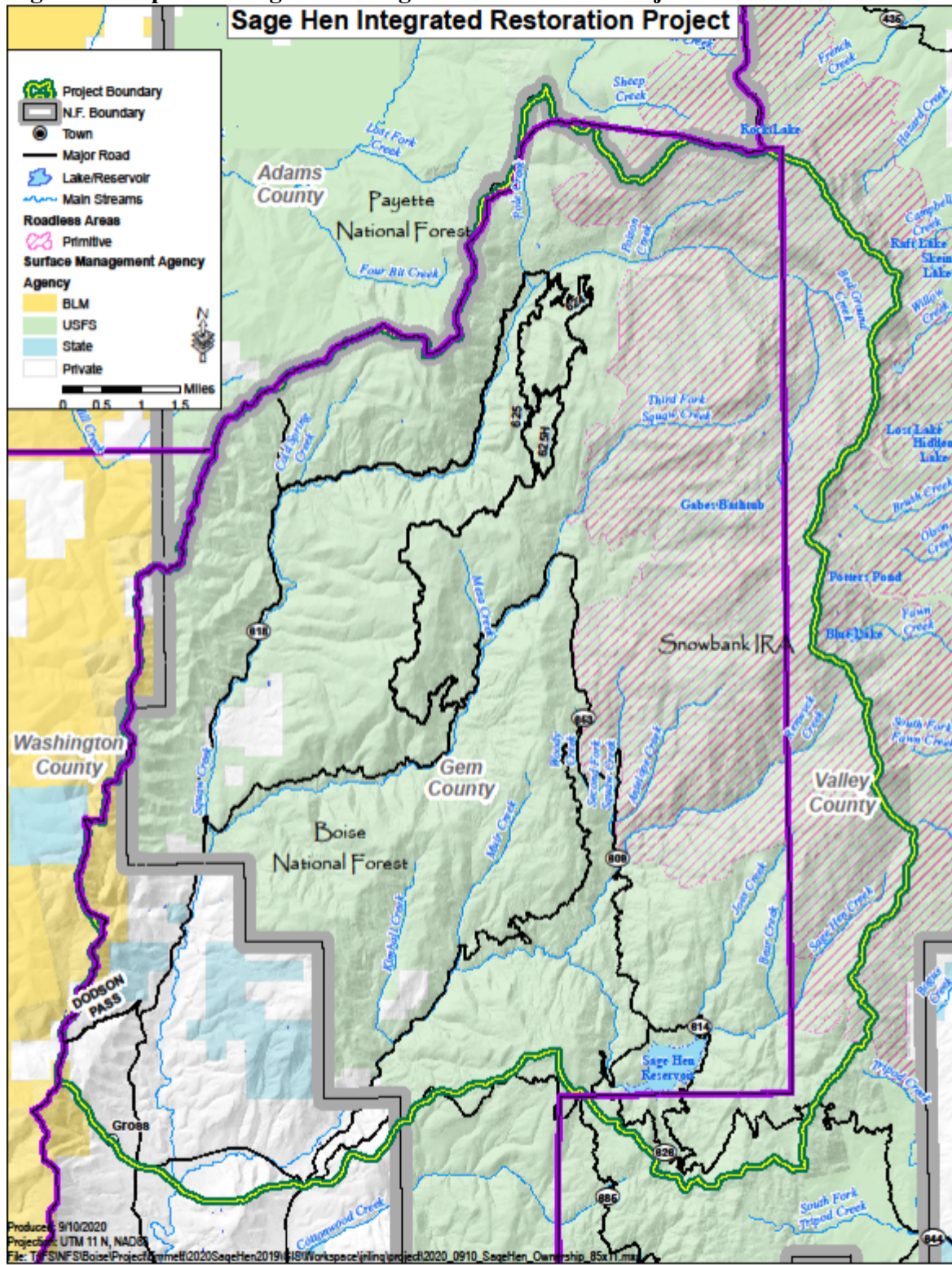
1. This action challenges the Sage Hen Integrated Restoration Project Decision Notice (the “Decision”) signed by Boise National Forest Supervisor Tawnya Brummett on April 14, 2021; the associated Environmental Assessment (“EA”) and Finding of No Significant Impact (“FONSI”) published by the U.S. Forest Service (“Forest Service”) in November 2020; the Forest Service’s Biological Assessment (“BA”) for Canada lynx, northern Idaho ground squirrel, whitebark pine, and bull trout and bull trout critical habitat dated November 4, 2020; and the U.S. Fish and Wildlife Service’s (“FWS”) Biological Opinion and Concurrence (“BOC”) dated January 6, 2021. Plaintiffs bring this case under the National Environmental Policy Act of 1969 (“NEPA”), 42 U.S.C. § 4332 and the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*

2. The Sage Hen Integrated Restoration Project (“Sage Hen Project” or the “Project”) area in the Boise National Forest spans nearly 67,800 acres, EA at 3, and almost every acre in the Project area will be affected by some level of disturbance during the course of the Project. According to the Decision, the Proposed Action may include up to 19,900 acres of commercial timber harvest spread among 13 to 18 separate logging projects, Decision at 4; up to 83.1 miles of temporary roads, *id.*; between 35,000 and 45,000 acres that could be treated with prescribed fire, EA at 28; and 11,200 acres that could receive hazardous fuels reduction and non-commercial thinning, *id.* at 55. Further, the project area contains occupied critical habitat for bull trout, a species listed as threatened under the ESA since 1999. EA at 21; *Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Bull Trout in the Coterminous United States*, 64 Fed. Reg. 58,910 (Nov. 1, 1999) (critical habitat designated on October 18, 2010). The project area is shown in Figure 1.

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Figure 1. Map of the Sage Hen Integrated Restoration Project



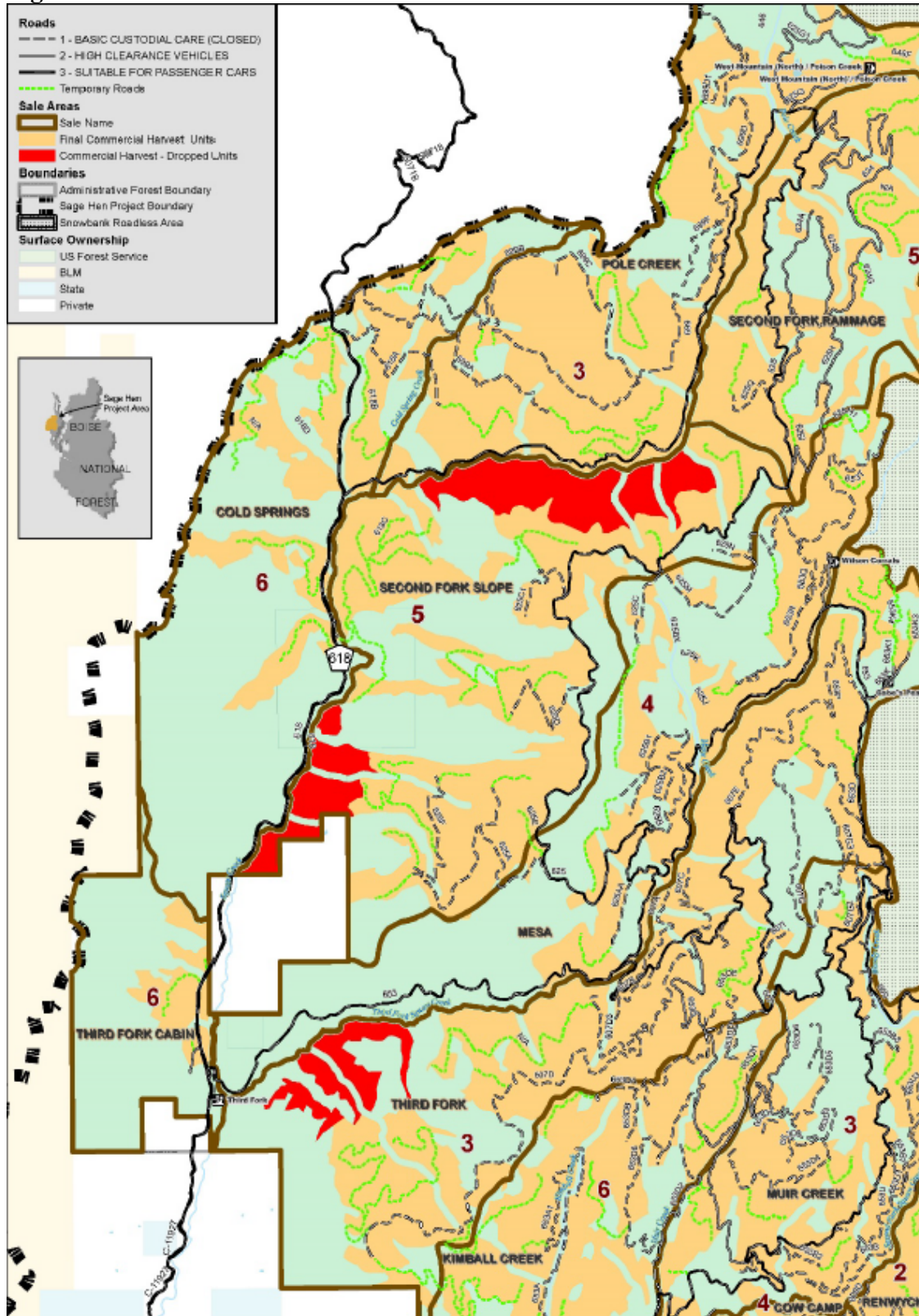
COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

*Wildlands Defense et al. v. Brunson et al.*

3. The Sage Hen Project is a massive undertaking, but the Forest Service does not have a clear plan for the Project. An examination of the logging and prescribed burn project maps indicate that the Forest Service is attempting to authorize any and all of these activities throughout nearly the entire Project area, with no real decisions made about what treatments to apply where until the project is already underway and can no longer be challenged by the public. Figures 2, 3. Indeed, the prescribed burn map covers the entire project area, including the Snowbank Roadless Area. The Decision seems to anticipate this result: “This decision approves all project activities as described in the environmental assessment and proposed action changes outlined above; however, I am phasing project implementation to ensure the Boise National Forest is following through on the condition-based management requirements and to allow for additional public engagement during pauses between phases.” Decision at 4. Once a final decision is made, the public has a limited amount of time to challenge the outcome, so the promise of further “public engagement” is meaningless in a legal sense. This action essentially takes a knife to the heart of NEPA’s protections regarding public participation in agency action.



**Figure 2. Final Modified Timber Sale Area.**



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*Wildlands Defense et al. v. Burrett et al.*

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