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23 **UNITED STATES DISTRICT COURT**  
24 **DISTRICT OF NEVADA**

25 WILDEARTH GUARDIANS and  
26 WESTERN WATERSHEDS PROJECT,  
27  
28 Plaintiffs,

vs.

U.S. DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH  
INSPECTION SERVICE WILDLIFE  
SERVICES, U.S. FOREST SERVICE, and  
BUREAU OF LAND MANAGEMENT,  
Defendants.

Case No.: \_\_\_\_\_

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

## INTRODUCTION

1  
2  
3 1. Every year, our nation’s most majestic animals, including wolves, bears, coyotes,  
4 bobcats and mountain lions, are poisoned, trapped and gunned down by Wildlife Services, an  
5 agency within the United States Department of Agriculture (“USDA”), Animal and Plant Health  
6 Inspection Service (hereinafter “APHIS” or “Wildlife Services”). Funded with millions of  
7 taxpayer dollars, and without modern scientific support, this program uses cruel and often  
8 archaic methods to capture and kill wildlife from their native ecosystems, largely at the behest of  
9 livestock producers. Across Nevada, Wildlife Services uses fixed-wing aircraft and helicopters to  
10 aerially shoot coyotes; body-gripping traps, neck snares and leghold traps to kill mountain lions,  
11 black bears, bobcats, badgers, coyotes, skunks, hares, ground squirrels, beaver and foxes; gas  
12 cartridges and poisons to exterminate coyotes in their dens; M-44 devices (also known as  
13 “sodium cyanide bombs”) to kill canines like foxes and coyotes; and other poisons to annually  
14 eliminate thousands of native birds like ravens. Wildlife Services’ indiscriminate killing methods  
15 have also resulted in scores of unintentional animal deaths and injuries nationwide, including  
16 federally-protected endangered and threatened species and even family pets.  
17  
18  
19

20 2. Plaintiffs WildEarth Guardians (“Guardians”) and Western Watersheds Project  
21 (“WWP”) challenge Nevada (NV)-Wildlife Services’ July 2020 *Final Environmental*  
22 *Assessment: Predator Damage Management in Nevada* (“Final 2020 EA” or “2020 Nevada  
23 PDM EA”) and associated Decision Notice/Finding of No Significant Impact (“DN/FONSI”).  
24 These decision documents purport to authorize NV-Wildlife Services to continue, as well as  
25 expand, its program of aerial gunning, poisoning, trapping, and other killing of coyotes,  
26 mountain lions, ravens, and a host of other wildlife across Nevada without fully disclosing or  
27 adequately analyzing environmental impacts, in violation of the National Environmental Policy  
28

1 Act (“NEPA”), 42 U.S.C. § 4321 *et seq.*, and its implementing regulations, 40 C.F.R. §§ 1500-  
2 1508,<sup>1</sup> issued by the Council on Environmental Quality (“CEQ”).

3  
4 3. Even though it devotes millions of dollars and thousands of person-hours each  
5 year to aerial gunning, poisoning, shooting, trapping, and otherwise killing thousands of animals  
6 across Nevada, and even though there is a growing body of science contesting the efficacy of  
7 these actions and pointing out their adverse environmental impacts, NV-Wildlife Services has  
8 unlawfully refused to prepare a comprehensive Environmental Impact Statement (“EIS”)  
9 disclosing the direct, indirect, and cumulative effects of its Nevada “predator damage  
10 management” activities, as required by NEPA.

11  
12 4. A full EIS is required in light of the potentially significant environmental effects  
13 of NV-Wildlife Services’ statewide predator damage management program (“PDM”), including  
14 the decision to allow predator control activities to resume and potentially expand within  
15 congressionally designated Wilderness Areas and agency-designated Wilderness Study Areas.  
16 As discussed *infra* ¶ 75, pursuant to the settlement agreement reached in *WildEarth Guardians v.*  
17 *U.S. Dep’t of Agric., APHIS*, No. 2:12-cv-00716-MMD-PAL (ECF No. 67-1, filed October 5,  
18 2016), Wildlife Services ceased predator control activities in Wilderness Areas and Wilderness  
19 Study Areas until adopting the 2020 DN/FONSI and issuing the 2021 Annual Work Plans  
20 challenged herein.  
21

22  
23 5. NV-Wildlife Services’ killing of native wildlife in designated Wildernesses for  
24 the stated purpose of protecting private agricultural interests (*i.e.*, preventing or reducing future  
25

26 <sup>1</sup> All citations are to the 1978 Council on Environmental Quality (“CEQ”) regulations, 40 C.F.R.  
27 Part 1500, which were in effect at the time Wildlife Services issued the 2020 Nevada PDM EA  
28 and DN/FONSI challenged herein and are the CEQ regulations that these decisional documents  
purport to follow. On September 14, 2020, the Trump Administration issued a final rule revising  
the CEQ regulations. *See* 85 Fed. Reg. 43304 (July 16, 2020) (Update to the Regulations  
Implementing the Procedural Provisions of the NEPA, Final Rule).

1 losses of commercial livestock), with the approval of Defendant U.S. Bureau of Land  
2 Management (“the Bureau” or “BLM”) through the Nevada BLM 2021 Annual Work Plan and  
3 the Bureau’s associated Decision Record/FONSI and Minimum Requirements Decision Guide,  
4 also violates the Wilderness Act, 16 U.S.C. §§ 1131-1136, by sanctioning an impermissible  
5 “commercial enterprise” within designated Wilderness Areas, *id.* § 1133(c), without  
6 demonstrating that lethal PDM is either necessary for a valid “wilderness purpose,” *id.* §  
7 1133(d)(5), or necessary for preventing serious losses of domestic livestock, and by offending  
8 the Act’s mandate to preserve the untrammeled and “natural conditions” that are a part of the  
9 “wilderness character” of the applicable designated Wildernesses, *id.* §§ 1131, 1133. Defendants  
10 Wildlife Services and the Bureau have similarly violated Nevada’s Wilderness enabling  
11 legislation because lethal control of wildlife in Bureau-managed Wildernesses for the stated  
12 purpose of protecting commercial livestock is outside the scope of permissible wildlife  
13 management activities under The Lincoln County Conservation, Recreation, and Development  
14 Act of 2004 (Pub. L. No. 108-424) (“Lincoln County Conservation Act”) and The White Pine  
15 County Conservation, Recreation, and Development Act, or Pam White Wilderness Act, of 2006  
16 (Pub. L. No. 109-432) (“White Pine County Conservation Act”).

17  
18  
19  
20  
21 6. Plaintiffs bring related claims against Defendants U.S. Forest Service and the  
22 Bureau for authorizing NV-Wildlife Services to annually kill native wildlife on federal public  
23 lands, including within ecologically significant and specially designated areas like Wildernesses  
24 and Wilderness Study Areas, through Annual Work Plans. The Annual Work Plans provide no  
25 public disclosure of the efficacy or local environmental impacts of Wildlife Services’ activities  
26 and do not demonstrate consistency with federal land management requirements.<sup>2</sup> By approving  
27

28  

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<sup>2</sup> The Bureau’s April 2021 Decision Record/FONSI and Determination of NEPA Adequacy for  
*BLM Adoption of Activities Proposed and Analyzed in BLM-Administered Designated*

1 NV-Wildlife Services' wildlife killing on these federal public lands without legally adequate  
2 site-specific environmental analyses, the Bureau and Forest Service violate NEPA.

3 7. NV-Wildlife Services' annual killing of native predators, including coyotes and  
4 thousands of ravens, to purportedly "benefit" sage grouse is also unlawful because it exceeds the  
5 agency's statutory authority under the Animal Damage Control Act, which only allows Wildlife  
6 Services to take actions deemed "necessary" to control "injurious animal species." 7 U.S.C. §  
7 426. The 2020 Nevada PDM EA and DN/FONSI fail to establish that ravens and coyotes are  
8 depressing or otherwise injuring populations of sage-grouse and are thus "injurious," and hence  
9 Wildlife Services lacks the statutory authority to undertake the killing of native wildlife for this  
10 stated purpose.  
11

12 8. Accordingly, Plaintiffs request that this Court reverse, vacate, and set aside the  
13 2020 Nevada PDM EA and DN/FONSI and the 2021 Forest Service and BLM Annual Work  
14 Plans. Plaintiffs further request that this Court enjoin NV-Wildlife Services from conducting its  
15 PDM activities on the affected federal public lands unless and until Defendants have fully  
16 complied with federal law.  
17

### 18 JURISDICTION AND VENUE

19 9. This Court has jurisdiction over Plaintiffs' claims herein pursuant to 28 U.S.C. §  
20 1331 (federal question jurisdiction), 28 U.S.C. § 1346(a)(2) (an agency of the United States as  
21 the defendant), and 5 U.S.C. §§ 701-706 (the Administrative Procedure Act, or "APA"). There  
22 now exists between the parties an actual, justiciable controversy within the meaning of the  
23 Declaratory Judgment Act, 28 U.S.C. § 2201.  
24

25  
26  
27 *Wilderness and Wilderness Study Areas in the Environmental Assessment: Predator Damage*  
28 *Management in Nevada* similarly fails to provide the requisite public disclosure and site-specific  
analysis of the full scope of PDM activities that BLM authorized under the Nevada BLM 2021  
Annual Work Plan for the applicable BLM Districts in Nevada.

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