

Tate Justesen, Ore. Bar #083741
Aaron Bruner, Ore. Bar #133113
Western Resources Legal Center
9220 SW Barbur Blvd., Suite 119-327
Portland, OR 97219
Telephone: (503) 768-8500
E-Mail: tjustesen@wrlegal.org
E-Mail: abruner@wrlegal.org

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION**

CAHILL RANCHES, INC.,
an Oregon Corporation

Plaintiff,

vs.

BUREAU OF LAND MANAGEMENT,

Defendant.

No.

**COMPLAINT FOR DECLATORY
AND INJUNCTIVE RELIEF**

INTRODUCTION

1. This case challenges the Bureau of Land Management (“BLM”) Director’s 2015 decision to eliminate grazing on the Sucker Creek pasture of the Rahilly-Gravelly allotment in the BLM Lakeview Resource Area in Oregon. As discussed in more detail below, the 2015 decision was made in the Oregon Sub-Regional Greater Sage Grouse Resource Management Plan Amendment (“2015 RMPA”). In the intervening years since the 2015 decision, the BLM issued a scoping notice in 2017 regarding its intent to amend the 2015 RMPA and, in March 2019, issued a final environmental impact statement (“2019 FEIS”). Additionally, in March 2019, BLM issued final Resource Management Plan Amendments (“2019 RMPA”), which included a reversal of the decision to close the Sucker Creek pasture to grazing. However, the 2019 RMPA was enjoined in October 2019 by Judge B. Lynn Winmill of the U.S. District Court for the District of Idaho (in *Western Watersheds Project v. Schneider*, Case No. 1:16-cv-00083-BLW). Judge Winmill’s 2019 injunction leaves the 2015 RMPA as the legally governing land use directive for an enormous swath of federal land in the Great Basin Region, which includes reinstatement of the grazing prohibition on the Sucker Creek pasture. Plaintiff is negatively affected by the resurrected 2015 RMPA as it prohibits Plaintiff’s use of the Sucker Creek pasture for livestock grazing, as discussed in more detail below.

2. This is a classic case in which a federal agency, driven by pressure to make a decision at a national level, ignored a decision by the same agency at the local level on the same matter. In its haste to make a decision at the very highest levels of the BLM in Washington D.C. to constrain livestock grazing for the greater sage grouse, the headquarters’ 2015 decision completely reverses a prior decision made to allow grazing on the Rahilly-Gravelly grazing allotment consistent with conservation of sage grouse. The headquarters’ decision was made

without any apparent consideration of the local allotment-level decision, the localized facts supporting the local decision, and without any explanation that supports the reversal of position. This is contrary to the Administrative Procedure Act (“APA”), which holds that an agency decision is arbitrary and capricious if the agency “entirely failed to consider an important aspect of the problem” or offered an explanation “that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Motor Vehicles Mfrs. Ass'n v. State Farm*, 463 U.S. 29, 43 (1983); 5 U.S.C. § 706.

3. Plaintiff Cahill Ranches, Inc. (“Cahill Ranches”) challenges the BLM Director’s September 2015 decision to eliminate grazing entirely on the Sucker Creek pasture on the Rahilly-Gravelly grazing allotment where Cahill Ranches holds a permit to graze cattle. The Rahilly-Gravelly Allotment is 18,678 acres located in the BLM Lakeview Resource Area in Oregon. The 8,282-acre Sucker Creek pasture is in the heart of the allotment and elimination of grazing there virtually eliminates grazing on the entire allotment because grazing the Sucker Creek pasture in alternate years is vital to allow the other pastures in the allotment to be rested as part of the rotational grazing scheme. The decision to eliminate grazing on the 8,282-acre Sucker Creek pasture was made in Washington D.C. by the Director of the BLM in the Oregon Sub-Regional Greater Sage Grouse Resource Management Plan Amendment (“2015 RMPA”) and Record of Decision (“ROD”) covering over 125,000,000 acres of federal land for the Great Basin Region.

4. Grazing was eliminated on the Sucker Creek pasture not because grazing was harming sage grouse. In fact, at the time of the 2015 RMPA, it is understood that sage grouse were doing well in the Rahilly-Gravelly Allotment. Rather, grazing was eliminated to provide for a study control area, where vegetation would be allowed to develop naturally to determine

how it would affect sage grouse relative to areas where vegetation is being managed. The 2015 RMPA did not authorize or fund such a study and such a study is not necessary in the area because there was already a large cooperative scientific vegetation study of the relationship between sage grouse productivity and juniper removal in the area that occurred from 2007 to 2014. Study participants included the Bureau of Land Management, the Natural Resource Conservation Service, the Oregon Department of Fish and Wildlife, and private ranchers, including Cahill Ranches. The study concluded that there was a significant improvement in sage grouse reproduction and survival in areas where juniper is removed relative to areas where juniper is left untreated.

5. Thus, the decision to eliminate grazing from the Sucker Creek pasture for the sake of research is: (1) not needed; (2) will be detrimental to sage grouse as juniper grows and expands on unmanaged pasture; and (3) does not provide for the orderly use, improvement, and development of the range within the grazing district in violation of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. §§ 1301 *et seq.* and The Taylor Grazing Act, 43 U.S.C. § 315.

JURISDICTION

6. Jurisdiction is proper in this Court under 28 U.S.C. § 1331 because this action arises under the laws of the United States, the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. §§ 1701 *et seq.*; the Taylor Grazing Act, 43 U.S.C. § 315 *et seq.*; the APA, 5 U.S.C. §§ 701 *et seq.*; and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 *et seq.* There also is jurisdiction under 28 U.S.C. § 2201 (declaratory judgment) and 28 U.S.C. § 2201 (injunctive relief).

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7. Plaintiff fully participated at every stage of this agency action by commenting on the 2015 RMPA and exhausted its administrative remedies by filing a protest of the decision. An actual, justiciable controversy now exists between plaintiff and defendant because the land use decision to eliminate grazing from the Sucker Creek pasture is final agency action ripe for judicial review. The requested relief is therefore proper under 28 U.S.C. §§ 2201-2202 and 5 U.S.C. §§ 701-06. Defendant has waived sovereign immunity pursuant to 5 U.S.C. § 702.

VENUE

8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e) because defendant, Bureau of Land Management, maintains offices in this District, the Rahilly-Gravelly Allotment is located in the District, and plaintiff's ranch is in the District. For the same reasons, divisional venue lies in the Medford Division. LR 3-2.

PARTIES

9. Plaintiff Cahill Ranches is an Oregon corporation that grazes livestock, on private land and on BLM-owned public lands, in southeast Oregon within the Lakeview Ranger District. For over 50 years, Cahill Ranches has held a permit to graze cattle on the Rahilly-Gravelly Allotment. The allotment became a part of a Research Natural Area when BLM adopted the 2003 Lakeview Resource Management Plan and grazing continued as a compatible use. However, the Oregon Sub-Regional Greater Sage Grouse 2015 RMPA directed the elimination of grazing from 8,282 acres of the allotment's 18,678 total acres—a reduction of 44 percent of Cahill Ranches' permitted use.

10. Defendant, the United States Bureau of Land Management, is a federal agency within the Department of the Interior and is responsible for the management of approximately

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