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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

CASCADIA WILDLANDS, an Oregon non-profit
corporation; OREGON WILD, an Oregon non-profit
corporation,

Plaintiffs,

vs.

UNITED STATES BUREAU OF LAND
MANAGEMENT, an administrative agency of the
United States Department of Interior,

Defendant.

Civ. Case No.

COMPLAINT

INTRODUCTION

1. Plaintiffs, Cascadia Wildlands and Oregon Wild (collectively “Plaintiffs”), bring this civil action arising under the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701 *et seq.*, challenging the United States Bureau of Land Management’s (“BLM”) issuance of the February 2020 Thurston Hills Non-Motorized Trails and Forest Management Project (“Thurston Hills Project” or “the Project”) Environmental Assessment (“EA”)/Finding of No Significant Impact (“FONSI”) and Decision Record for violations of federal laws and regulations intended to protect the public’s natural resources and ensure informed, well-reasoned decision-making.
2. This action seeks: 1) a declaration that the BLM violated the Federal Land Policy and Management Act (“FLPMA”), 43 U.S.C. §§ 302 *et seq.*, by (a) authorizing regeneration harvesting of the Recreation Management Zone (“RMZ”) within the Willamalane Non-Motorized Trails Extensive Recreation Management Area (“ERMA”), and (b) allowing further logging within the Willamalane Non-Motorized ERMA that is incompatible with meeting recreation objectives, interferes with recreation opportunities, and fails to maintain the setting characteristics; 2) a declaration that BLM violated the National Environmental Policy Act (“NEPA”), 42 U.S.C. §§ 4321 *et seq.*, and its implementing regulations by (a) failing to take the requisite ‘hard look’ at the Project’s potential environmental impacts, (b) proceeding under an unreasonably narrow purpose and need, (c) failing to consider a reasonable range of alternatives; and 3) the vacatur and remand of the Project to the BLM.
3. The requested relief is necessary to preserve the status quo, to prevent illegal agency action, and to forestall irreparable injury to the environment.
4. If Plaintiffs are the prevailing party in this action, they will seek an award of fees and costs pursuant to the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412.

JURISDICTION AND VENUE

5. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (federal question), 2201 (injunctive relief), 2202 (declaratory relief), and 28 U.S.C. § 1346 (United States as a defendant). This cause of action arises under the laws of the United States, including the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701 *et seq.*; the Federal Land Policy and Management Act (“FLPMA”), 43 U.S.C. §§ 302 *et seq.*; and the National Environmental Policy Act (“NEPA”), 42 U.S.C. §§ 4321 *et seq.* An actual, justiciable controversy exists between Plaintiffs and Defendant, and the requested relief is therefore proper under 28 U.S.C. §§ 2201-02 and 5 U.S.C. §§ 701-06.

6. Venue in this court is proper under 26 U.S.C. § 1391 because all or a substantial part of the events or omissions giving rise to the claims herein occurred within this judicial district, Plaintiffs and Defendant reside in this district, and the public lands and resources at issue are located in this district. The BLM official who authorized this decision is headquartered in Springfield, Oregon, which is located within this district. This case is filed properly in Eugene, Oregon pursuant to Local Rules 3.3 and 3.4 because the Thurston Hills Project is located within Lane County, Oregon.

PARTIES

7. Plaintiff CASCADIA WILDLANDS is a non-profit corporation headquartered in Eugene, Oregon, with approximately 10,000 members and supporters throughout the United States. Cascadia Wildlands educates, agitates, and inspires a movement to protect and restore wild ecosystems in the Cascadia Bioregion, extending from Northern California into Alaska. Cascadia Wildlands envisions vast old-growth forests, rivers full of salmon, wolves howling in

the backcountry, and vibrant communities sustained by the unique landscapes of the Cascadia Bioregion.

20. Cascadia Wildlands' members and supporters have used and will continue to use the Thurston Hills Project area for activities such as hiking, bird watching, and other recreational and professional pursuits. Cascadia Wildlands' members and supporters also own real property that adjoins the Thurston Hills Project area and are justifiably concerned about impacts to that real property if the Project is allowed to proceed.

8. Plaintiff OREGON WILD is a non-profit corporation with approximately 20,000 members and supporters throughout the state of Oregon and the Pacific Northwest. Oregon Wild and its members are dedicated to protecting and restoring Oregon's wild lands, wildlife, and waters as an enduring legacy.

9. Oregon Wild's staff and members regularly visit the Thurston Hills area and surrounding federal lands and seek to ensure that the BLM faithfully and fully implements and complies with federal law in managing the natural resources of the Project area as a means of protecting their interests. Oregon Wild's staff and members hike, bike, photograph scenery and wildlife, use, and engage in other vocational, scientific, and recreational activities in and around the Thurston Hills Project area. Oregon Wild's staff and members derive recreational, inspirational, scientific, and aesthetic benefit from their activities within the Thurston Hills Project area. Oregon Wild's staff and members intend to continue to use and enjoy the Thurston Hills Project area and surrounding forested lands, waters, and trails frequently and on an ongoing basis in the future.

10. All Plaintiffs have organizational interests in the proper and lawful management of the Northwest District of the Bureau of Land Management's public lands. Plaintiffs' aesthetic, recreational, scientific, economic and religious interests have been and will be adversely affected

and irreparably injured if Defendant engages in activities detrimental to forest ecosystems and late-successional habitat in the Project area. Plaintiffs' and their members use and enjoyment the Thurston Hills area will be degraded and impaired if the Thurston Hills Project is implemented as planned with aggressive logging. Plaintiffs' members and supporters that own adjoining property to the Thurston Hills Project area will suffer aesthetic damages, increased wildfire hazard for the next forty years, and potential decreases in property value. Plaintiffs' injuries are also predicated on unlawful BLM actions that have diminished the trust between BLM, Springfield residents, and the conservation community; facilitated the risk of unsupported and uninformed management and decision-making; increased the risk of actual, threatened, and imminent environmental harm and public safety risks; and created actual, concrete injuries to Plaintiffs and their interests. Because Plaintiffs seek to ensure informed decision-making, compliance with federal law, and the prevention of unacceptable harm to the Project area, the City of Springfield and the specific residences adjoining the Project area, Plaintiffs' injuries would be redressed by the relief sought.

11. Plaintiffs submitted timely written comments, formal protest letters, and formerly litigated the Thurston Hills Project, alleging, among other issues, that the BLM's failure to proceed under a reasonable purpose and need, adequately analyze the impacts of, or explore alternatives to, this timber sale and its failure to comply with the substantive requirements of FLPMA violated federal law.

12. Defendant BLM is an agency or instrumentality of the United States and is charged with managing public lands and resources in accordance and compliance with federal laws and regulations.

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