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UNITED STATES DISTRICT COURT
DISTRICT OF WASHINGTON
TACOMA DIVISION

CASCADE FOREST CONSERVANCY, GREAT OLD BROADS FOR WILDERNESS, WASHINGTON NATIVE PLANT SOCIETY, SIERRA CLUB, DR. JOHN BISHOP, DR. JAMES E. GAWEL, AND SUSAN SAUL,

Plaintiffs,

vs.

UNITED STATES FOREST SERVICE,

Defendant.

Civ. Case No. 3:21-cv-5202

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

(Violations of the National Environmental Policy Act, 42 U.S.C. §§ 4321 *et seq*; National Forest Management Act, 16 U.S.C. §§ 1600 *et seq*.; and the Administrative Procedure Act, 5 U.S.C. §§ 701 *et seq*)

INTRODUCTION

1. As an active volcano in the Pacific Ring of Fire, Mount St. Helens in Washington state is a powerful mountain—historically, geologically, culturally—for the United States and the world. The youngest and most violent of all the Cascade volcanoes, it is also the volcano most likely to erupt again. It is a place that has commanded the attention and resources of all levels of government—city, county, state and federal—and continues to command respect, curiosity, creativity and awe from humans who come in contact with its unpredictable, explosive potential.

2. Since 1800, only two volcanoes have erupted in the contiguous United States: Lassen Peak in May 1915 and Mount St. Helens in May 1980. When Lassen Peak erupted, few people witnessed it

and no humans died—and yet within a year the area became a national park. When Mount St. Helens erupted, the cataclysmic eruption killed 57 people and altered its surrounding forested landscape for 230 square miles. Fifty bridges and miles of roads were destroyed as well as homes, lodges, youth camps and cabins. Countless animals—including black bears, elk, mountain goats, fish, beavers, river otters, cougars, martens, marmots and many species of birds and insects—were killed by the searing blast winds and suffocating ash. The area's topography itself was changed: river drainages were filled with sediment and debris, new lakes were formed by blocked creeks, Spirit Lake was inundated with the volcano's avalanching north face, and the mountain itself lost most of its glaciers and 1,300 feet in elevation. The May 18, 1980 eruption was viewed on television around the globe and consequently entered into Americans' and foreigners' imaginations alike as a powerful symbol of nature's awesome force.

3. The volcano continued to erupt for six years, until 1986, then went dormant until 2004, when again news crews from around the world convened at Johnston Ridge Observatory. Erupting frequently from 2004 to 2008, the volcano added height to its dome at the heart of its crater. To this day, Mount St. Helens attracts thousands of visitors from around the world, and the ongoing 40-year-old scientific research conducted in the volcano's blast zone is internationally significant. And yet this volcano is not a national park; it is administered by the U. S. Forest Service, whose main mission historically has been to oversee resource extraction such as logging in America's national forests.

4. In 1982, the U.S. Congress created the 110,000-acre Mount St. Helens National Volcanic Monument (MSHNVM) to protect the main features of the blast zone—including Spirit Lake, the Pumice Plain, the Mount Margaret Backcountry, and the volcano itself. The monument's mission is to protect the "geologic, ecologic, and cultural resources" and to allow "geologic forces and ecological succession to continue substantially unimpeded." Another primary mission, according to

the language of the 1982 act, is to "permit the full use of the Monument for scientific study and research." This mission was supported by the creation of a scientific advisory board that convened for ten years, as per the act.

5. Almost forty years later, the result of Congress' designation is world-renowned research that has caused biology textbooks to be rewritten. The study of ecology has been turned upside down by research conducted in Mount St. Helens' blast zone, especially on the Pumice Plain, the area between the volcano and Spirit Lake. Scientists' previous hypotheses about how ecosystems get started from zero (which is what happened on the Pumice Plain, where all life was literally cooked to death by 1,000-degree F. temperatures and buried by pyroclastic flows) had to be revised once scientists began documenting post-eruption life. For instance, old ecosystem models claimed that first plants arrived, then animals that ate those plants, then animals that ate animals. But one of the first organisms found on the Pumice Plain was a carnivorous beetle. Time and again, the study of ecology had to be revised with new and often startling discoveries scientists made at Mount St. Helens. Within several years of the monument's creation, Mount St. Helens became an internationally known outdoor classroom that attracted entomologists, botanists, wildlife biologists, forest ecologists and other researchers from universities and research agencies around the United States.

6. The quality and quantity of research at the volcano has been unparalleled in the world, as well as the length of some of the studies—specifically, studies done on the Pumice Plain and Spirit Lake. For instance, numerous 40-year, ongoing studies on the Pumice Plain regarding how birds, small mammals, amphibians and mycorrhizae respond to explosive volcanism are unique in the world; no other research of this kind is done except at Mount St. Helens. A study on soil development (which began in 1980) is also unique in the world. Two new species of insects have been discovered on the Pumice Plain. Most compelling, perhaps, is the story of the first known plant to colonize the Pumice

Plain—the prairie lupine *(Lupinus lepidus)*. Discovered in July 1981, this little wildflower has become the center of many other studies and has ignited the curiosity of the media, who have told its story in journals, books, magazines, newspapers and film documentaries. The study of lupine colonization is ongoing and, like other Pumice Plain research, is expected to continue for many decades. Scientists' goals at Mount St. Helens are to understand how a universal feature of the Earth - large-scale volcanic disturbance - is linked to the formation and function of ecosystems and the services they provide to humans. Mount St. Helens is a unique opportunity to realize this goal, which can only be met by undertaking long-term research that spans several human generations.

7. Over the last decade, millions of dollars have been spent on Pumice Plain research. The U.S. Forest Service has funded significant portions of the research, as well as the National Science Foundation and universities around the world. Mount St. Helens' research is globally significant, with scientists sharing data with their peers in other countries such as Chile, Argentina, Indonesia, and Iceland.

8. Today, in 2021, research continues on the Pumice Plain as well as in Spirit Lake and the streams draining into the lake from the plain. Studies concerning hydrology, environmental chemistry, biogeochemistry, limnology, phycology, aquatic entomology, fish genetics, and freshwater ecology are bringing dozens of undergraduates as well as several PhD candidates to the area to expand human knowledge of how organisms adapt and evolve in newly created aquatic ecosystems set in regenerating watersheds. Scientists are conducting cutting-edge research on the ecological role of floating woody debris, freshwater biofilms, invasive species impacts, and riparian ecology. Other scientists continue to document the development of bird, mammal, amphibian, insect, and plant communities of the Pumice Plain and conduct observations and experiments to identify the mechanisms that control their assembly, include novel work on topics such as the role of soil

microbiomes and anthropogenic nitrogen pollution. The cumulative knowledge gained at Mount St. Helens is nothing less than astounding—and its future is intellectually endless, as the volcano's dynamic, ever-evolving landscape offers up new questions each year.

9. That the Forest Service would propose cutting a road through these studies and constructing an outsized beach landing in a sensitive riparian area is not only shocking but potentially tragic. Alternative B would destroy the 40-year sites, including the much-loved lupine site, where in 1981 one wildflower announced to the world that life could return to the volcano's hellish, blast-fired, ash-choked land. The proposed road would also destroy the site of the first willow to colonize a stream on the Pumice Plain near Willow Springs. The proposed road would not only harm the scientists' taxpayer-funded work and professions, it would be an incomprehensible, irreparable loss of an irreplaceable landscape, a loss to science itself, to the United States, and to the pursuit of human knowledge.

JURISDICTION

10. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (federal question), 1346 (United States as a defendant), 2201 (injunctive relief), and 2202 (declaratory relief). The current cause of action arises under the laws of the United States, including the Administrative Procedure Act, 5 U.S.C. §§ 701 *et seq.*; the National Environmental Policy Act, 42 U.S.C. §§ 4321 *et seq.*; and the National Forest Management Act, 16 U.S.C. §§ 1600 *et seq.*. An actual, justiciable controversy exists between Plaintiffs and Defendants.

VENUE

11. Venue in this Court is proper under 28 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. The Forest

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