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

WESTERN WATERSHEDS PROJECT;)	
)	CIV. No. 05-189-E-BLW
Plaintiff,)	
)	[PROPOSED]
v.)	SUPPLEMENTAL COMPLAINT
)	
)	
UNITED STATES FOREST SERVICE;)	
)	
)	
Defendant.)	
_____)	

1. Plaintiff Western Watersheds Project (“WWP”) is seeking leave to file this supplemental complaint to challenge the Final Supplement to the Final Environmental Impact Statement (“SEIS”) and the Supplements to the Records of Decision (“SRODs”) for the Fisher Creek, Smiley Creek, North Fork-Boulder, and Baker Creek domestic sheep allotments (hereafter “North Sheep” allotments), which the Forest Service issued pursuant to the Court’s prior orders in this case. *Memorandum Decision and Order* (Feb. 7, 2006) (Docket No. 47);

Memorandum Decision and Order (June 12, 2006) (Docket No. 74).

2. WWP previously challenged the North Sheep Final EIS for various legal violations under the National Forest Management Act (“NFMA”), the Sawtooth National Recreation Area Organic Act (“SNRA Act”), and the National Environmental Policy Act (“NEPA”). This Court agreed with WWP on most of its claims, granting in part WWP’s motion for summary judgment.

3. Specifically, the Court held that the Forest Service had: (1) violated NFMA and NEPA by failing to incorporate or even consider in the North Sheep FEIS the analysis from the Sawtooth National Forest Land and Resource Management Plan (“Forest Plan”) assessing the capability of forest rangelands to sustain livestock grazing; (2) violated NFMA by failing to conduct an analysis in the Forest Plan of the capability of rangelands to provide habitat for management indicator species pileated woodpecker and sage-grouse; (3) violated NFMA by failing to demonstrate that the proposed adaptive management strategy for grazing would curtail adverse impacts to resources and be consistent with direction in the Forest Plan; and (4) violated the SNRA Act by failing to demonstrate that grazing under the proposed adaptive management strategy would not substantially impair the primary values of the area. *Memorandum Decision and Order* at 7-23 (Feb. 7, 2006).

4. The Court ordered the Forest Service to complete supplemental analyses by March 2008 for the North Sheep EIS and the Forest Plan to address these deficiencies. *See Memorandum Decision and Order* (Jan. 12, 2007) (Docket No. 81). The Forest Service complied with that order, issuing the management indicator species capability analysis for the Forest Plan in January 2008 and the North Sheep SEIS and SRODs in March 2008.

5. WWP is now challenging the North Sheep SEIS and SRODs because they fail to

remedy the legal violations previously found by the Court and thus still violate NFMA, NEPA and the SNRA Act. Although the Forest Service has now included a capability analysis in the North Sheep SEIS, it continues to allow grazing and trailing within areas designated as not capable of sustaining livestock grazing without sufficiently revealing that is occurring or the extent of it, nor the environmental impacts of grazing and trailing these non-capable lands. Similarly, the Forest Service still does not adequately explain in the SEIS how its adaptive management approach will insure that grazing is meeting all Forest Plan objectives and is not substantially impairing the primary values of the SNRA.

6. In addition to these continuing flaws, the Forest Service has not demonstrated that grazing under these decisions will help restore lands that the Forest Plan recognized were capable but in unsatisfactory condition as habitat for sage-grouse, as required by the Forest Plan and NFMA; and did not consider relevant new information on noxious weeds and global warming in the SEIS despite considering other new information, in violation of NEPA.

7. WWP thus seeks judicial review and relief reversing and setting aside the North Sheep SEIS, SRODS, AMPs, and implementing decisions authorizing grazing on the Fisher Creek, Smiley Creek, North Fork-Boulder, and Baker Creek allotments; and any other relief hereafter sought by Plaintiff.

JURISDICTION AND VENUE

8. Jurisdiction is proper in this Court under 28 U.S.C. § 1331 because this action arises under the laws of the United States, including the Administrative Procedure Act (“APA”), 5 U.S.C. § 701 et seq.; the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq.; the SNRA Organic Act, 16 U.S.C. § 460aa et seq.; NFMA, 16 U.S.C. § 1600 et seq.; NEPA, 42 U.S.C. § 4321 et seq.; and the Equal Access to Justice Act, 28 U.S.C. § 2214 et seq. An actual, justiciable

controversy now exists between Plaintiff and Defendant, and the requested relief is therefore proper under 28 U.S.C. §§ 2201-02 and 5 U.S.C. §§ 701-06.

9. Venue is proper in this Court pursuant to 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, Defendant and Plaintiff reside in this district, and the public lands and resources in question are located within Custer and Blaine Counties in this district.

10. Plaintiff has exhausted all required administrative remedies prior to bringing this action.

11. The Federal Government has waived sovereign immunity in this action pursuant to 5 U.S.C. § 702.

PARTIES

12. Plaintiff WESTERN WATERSHEDS PROJECT (“WWP”) is a regional, membership, not-for-profit conservation organization with over 1,300 members dedicated to protecting and conserving the public lands and natural resources of watersheds in the American West. WWP is based in Custer County, Idaho and has offices in Idaho, Montana, Wyoming, Arizona, California, and Utah.

13. WWP is actively engaged in protecting and improving riparian areas, water quality, fisheries, wildlife, and other natural resources and ecological values of western watersheds. WWP and its staff and members have actively participated in agency proceedings as well as litigation and other advocacy efforts concerning management of the Sawtooth National Forest, including over livestock grazing management on the Fisher Creek, Smiley Creek, North Fork-Boulder, and Baker Creek allotments. WWP commented on the draft North Sheep SEIS, and was lead plaintiff in the earlier phase of this litigation challenging the North Sheep FEIS.

14. WWP staff and members use and enjoy the wildlife, public lands, and other natural resources in the Sawtooth National Forest, including the Fisher Creek, Smiley Creek, North Fork-Boulder, and Baker Creek allotments, for many health, recreational, scientific, spiritual, educational, aesthetic, and other purposes. For instance, WWP staff and members pursue activities such as hiking, fishing, hunting, wildlife viewing, biological and botanical research, photography, and spiritual renewal in the Sawtooth National Forest, including within these four allotments. Livestock grazing that degrades these lands and their natural resources impairs the use and enjoyment of these allotments by WWP staff and members.

15. The interests of Plaintiff are directly harmed by Defendant's actions as challenged herein. Unless the relief prayed for herein is granted, Plaintiff as well as the public will suffer irreparable harm and injury to their interests.

16. Defendant UNITED STATES FOREST SERVICE is an agency or instrumentality of the United States, and is charged with managing the public lands and resources of the Sawtooth National Forest, in accordance and compliance with federal laws and regulations.

STATEMENT OF FACTS

September 2004 North Sheep FEIS

17. The four North Sheep allotments occur on the Sawtooth National Forest, with the Fisher Creek and Smiley Creek allotments falling within the Sawtooth National Recreation Area and the North Fork-Boulder and Baker Creek allotments falling within the Ketchum Ranger District. In September 2004, the Forest Service issued a final EIS and ROD that assessed the impacts of grazing on the four North Sheep allotments and reauthorized grazing across the majority of each of the allotments.

18. WWP challenged the North Sheep FEIS and ROD for various legal violations under NFMA, NEPA, and the SNRA Act. WWP first focused on the Forest Service's failure to comply with requirements under NFMA and NEPA regarding rangeland capability and suitability.

19. The Sawtooth National Forest had already completed an analysis for its Forest Plan revision process pursuant to NFMA regulations that assessed the physical characteristics of the landscape on the forest to determine what areas were capable of sustaining livestock grazing. These characteristics included steepness of slopes, soil erodibility, forage production, distance to water, and accessibility to livestock. The analysis determined that for each of the North Sheep allotments, less than 25% of the allotment was capable of sustaining livestock grazing, primarily because of steep slopes, erosive soils, and/or lack of forage production. Yet the North Sheep FEIS did not incorporate this analysis or even consider it.

20. This Court ruled that such an omission violated NFMA and NEPA. The Forest Service was not acting consistently with the Forest Plan because it ignored the Plan's capability analysis at the site specific level, in violation of NFMA. It also violated NEPA because it failed to reveal and explain the capability analysis in the North Sheep FEIS and thus did not disclose important information to the public or take a hard look at the environmental consequences of the authorized grazing. The Forest Service needed to consider and incorporate the Forest Plan capability analysis, and adjust it for use at the site-specific level, in the North Sheep FEIS.

21. In addition to the violations regarding livestock capability, WWP alleged that the Forest Service had violated NFMA's requirement to assess in the Forest Plan the capability of rangelands to provide food and cover for management indicator species, and then identify which capable lands are in less than satisfactory condition and plan appropriate actions for their

restoration. The Court held that the Sawtooth Forest Plan did not contain an adequate capability analysis of habitat for pileated woodpecker and sage-grouse but did contain an adequate analysis for bull trout.

22. Next, WWP challenged the North Sheep FEIS and ROD for violating NFMA because they reauthorized grazing that was causing harm to various ecological and recreational resources and thus were not consistent with direction in the Forest Plan. The FEIS admitted that grazing had caused problems to soils, upland vegetation, riparian areas, and fish and wildlife habitat—including habitat for threatened fish species; and that continuing the existing grazing would not comply with Forest Plan standards and guidelines and desired conditions. Yet the North Sheep FEIS did not make significant changes to grazing to remedy these problems, instead relying primarily on an adaptive management strategy to assert that the grazing authorizations would improve range conditions to be able to meet all of the Forest Plan objectives.

23. The Forest Service, however, did not adequately explain how this strategy would insure that grazing would not cause further harm to resources and would meet the Forest Plan standards and objectives. In particular, the North Sheep FEIS did not include the monitoring protocols that are the heart of the adaptive management strategy or explain how the strategy would lead to better management and improved conditions. The Court ruled that an explanation of the strategy and its protocols was crucial to determining whether the North Sheep SEIS was consistent with the Forest Plan, and the lack of that explanation constituted a violation of NFMA.

24. This failure to explain how the adaptive management strategy would avoid additional degradation and insure future protection of resources also violated the SNRA Act because the Forest Service had not demonstrated that its grazing authorizations would not substantially impair the primary values of the SNRA.

25. In light of these legal violations, the Court ordered the Forest Service to prepare supplemental analyses by March 2008 for the Forest Plan and the North Sheep FEIS to address these deficiencies. The Court also partially granted WWP's request for injunctive relief and closed the Frenchman Creek and Beaver Creek drainages on the Smiley Creek allotment to grazing for the 2006 grazing season.

Sawtooth Forest Plan Supplemental MIS Analysis

26. In January 2008, the Forest Service issued a supplement to the Forest Plan that contained an assessment of the rangelands on the forest that were capable of providing habitat for management indicator species pileated woodpecker and sage-grouse. The supplement stated that capable pileated woodpecker habitat overlapped with grazing allotments, but livestock grazing was not a measurable threat to that habitat and thus no further analysis was warranted.

27. For sage-grouse, the Forest Service determined that capable habitat for sage-grouse existed throughout rangelands on the forest, but that the amount of capable habitat had greatly declined compared to historic levels. Areas that had more than a 20% decline in capable sage-grouse habitat were considered to be in less than satisfactory condition, and almost every watershed on the forest fell into this category.

28. Much of the habitat is currently in unsatisfactory condition due to loss of and improper distribution of sagebrush cover and degradation of native grasses and forbs, especially around seeps, springs, and other riparian areas that sage-grouse rely on for brood rearing. Fragmentation of sage-grouse habitat, which prevents interaction between groups of birds within the same subpopulation, is also of great concern. The analysis acknowledged that livestock grazing is one of the activities that has adversely impacted this habitat.

29. The MIS analysis concluded that restoration of sage-grouse habitat would occur if

the Forest Service followed the conservation strategies for sage-grouse outlined in numerous guidance documents, and that existing Forest Plan standards and guidelines were sufficient to insure that the forest fulfilled those strategies. Thus, the MIS analysis did not recommend any additional actions to restore habitat beyond the existing direction in the Forest Plan.

North Sheep SEIS

30. The Forest Service then issued the North Sheep SEIS in March 2008. The SEIS contained a site-specific livestock capability analysis for the North Sheep allotments that differed slightly from the Forest Plan analysis but still showed that at least 73% of each allotment is not capable of sustaining livestock grazing. The Forest Service did not explain the difference in capable acres between the Forest Plan analysis and North Sheep analysis and thus did not reveal why some areas changed from non-capable to capable or visa versa.

31. Although the North Sheep SEIS included maps showing the capable land on each allotment, it did not show or explain the reasons why the remainder of the allotment area is not capable—i.e. whether it is too steep, soils are too unstable and erosive, forage production is too low, or it is inaccessible to livestock or too far from water. Maps from the prior stage of this litigation using the Forest Plan data showed that many of the non-capable areas have steep slopes and/or erosive soils.

32. The North Sheep SEIS also failed to show where grazing and trailing occur on the allotments compared to the capable land. The SEIS maps showed that the capable area on each allotment consists mostly of disconnected stringers or patches of capable land, and thus any grazing of these areas would entail trailing across stretches of non-capable land. Yet the SEIS did not reveal where that trailing occurs and how much occurs on non-capable lands that are too steep or too erosive for livestock use.

33. Furthermore, the SEIS failed to disclose or analyze the environmental impacts of trailing across non-capable areas, particularly those that are very steep or erosive. The action of sheep's hooves on such areas has caused significant damage to soils that has led to erosion and sedimentation in streams, which in turn has degraded the habitat of threatened salmon, steelhead, and bull trout as well as other fish species. However, the SEIS did not analyze the extent of these impacts or consider alternative actions that would avoid trailing across such areas.

34. Continuing to trail sheep across steep and unstable non-capable lands is not consistent with direction in the Forest Plan regarding protection of soils, watersheds, streams, and fish and wildlife habitat nor the requirements of NMFA pertaining to managing capable rangelands and restoring those lands in less than satisfactory condition.

35. The North Sheep SEIS continued to rely on the adaptive management strategy to insure that grazing will be consistent with Forest Plan standards and guidelines and desired conditions but still did not include the monitoring protocols within the SEIS analysis to demonstrate how its proposed monitoring will help achieve resource objectives. The SEIS listed the relevant Forest Plan direction that applies for different resources and what management actions may be taken to adjust grazing to achieve those objectives. However, it did not explain which monitoring studies correlated with each of the standards and guidelines to determine whether or when any management actions are necessary. In sum, the Forest Service still did not explain how its monitoring will insure that grazing is meeting the relevant Forest Plan directives.

36. The Forest Service included its proposed monitoring protocols in the revised Allotment Management Plans ("AMPs") for the North Sheep allotments, which were attached to the North Sheep SEIS, but did not include the specific protocols within the environmental analysis itself. The AMPs noted that additional monitoring sites might be added and that some

proposed sites were “tentative.” The Forest Service also stated that it could change the protocols or the monitoring sites if it deemed it necessary without any NEPA analysis.

37. The monitoring set forth in the AMPs is similar to monitoring conducted in past years on the allotments. The Forest Service asserts that its monitoring and adaptive management strategy will result in a reasonable expectation that desired condition objectives will be met, but the agency provides no data or information to support that assertion.

38. To the contrary, the monitoring protocols fail to assess key resource attributes necessary to determine whether Forest Plan standards and guidelines and desired conditions are being met. For instance, the protocols do not require monitoring for many instream factors that are important for fish habitat, including sediment levels and temperature despite known problems with excess sediment and temperatures in the streams on these allotments, including streams that are habitat for threatened fish species. Nor do they require sufficient monitoring for upland parameters that are critical for sage-grouse and other wildlife, such as quality and quantity of forbs and grass cover, as well as seeps and springs. They even fail to include any formal long-term monitoring of soil erosion and soil trends on upland slopes although soil erosion on steep slopes is one of the primary problems identified on the allotments.

39. In light of the sheep trailing that occurs on steep slopes with erosive soils on these allotments, and the problems with sedimentation in the streams caused in part by upslope sediment sources, the Forest Service cannot insure that grazing is meeting all of the Forest Plan objectives related to watersheds, soils and fish and wildlife habitat without monitoring for these key variables.

40. The explanation of the adaptive management strategy also failed to identify what will trigger changes in management when monitoring shows that grazing is continuing to cause

adverse effects to resources. The SEIS did not provide any standards for how much harm can occur or for how long before the agency changes grazing management. Thus, there is no way to hold the Forest Service accountable to fulfill Forest Plan objectives if no standards are in place to determine when it must alter harmful grazing practices.

41. For instance, the Forest Service's existing monitoring data shows that grazing has been causing adverse impacts to upland soils and vegetation, streams, and fish and wildlife habitat but the agency has imposed no significant changes to grazing management. Without some sort of criteria to trigger changes in grazing, the Forest Service can simply continue to monitor but never make the necessary adjustments in grazing to protect resources and thus will never achieve desired conditions or standards.

42. Likewise, the continued failure to explain its monitoring protocols in the SEIS and how that monitoring will insure consistency with the Forest Plan is also insufficient to demonstrate that grazing is not substantially impairing any of the primary values of the SNRA, especially fish and wildlife values.

43. Each of the North Sheep allotments contains capable habitat for sage-grouse, but this habitat has decreased by 60% or more compared to historic levels and thus is in unsatisfactory condition. The habitat lacks forb and grass cover of sufficient diversity, abundance and height and does not have the proper distribution of sagebrush cover to protect sage-grouse during their life cycle. Seeps, springs, and ephemeral drainages that are critical for sage-grouse brood rearing are also degraded. Furthermore, sage-grouse habitat is severely fragmented, making it difficult for the birds to move between capable areas and recolonize areas previously used by them.

44. The North Sheep SEIS does not show where the capable habitat occurs on the

allotments, where that habitat overlaps with current grazing, or what areas that historically were good habitat are no longer capable. It also does not impose changes to grazing management that will restore unsatisfactory habitat, as required by the Forest Plan and NFMA. Instead, it relies on the adaptive management strategy to achieve Forest Plan standards.

45. However, the Forest Service's monitoring protocols do not include requirements to monitor for key sage-grouse habitat features. Moreover, the North Sheep SEIS states that livestock grazing need only maintain or minimally impact sagebrush communities, and only requires that uplands be in "fair or better" condition, which will not lead to restoration of high quality habitat. It also does not consider connectivity to habitat in other watersheds or how to address fragmentation of habitat. Under these standards, the Forest Service will not be able to restore sage-grouse habitat that is currently in unsatisfactory condition, as required by the Forest Plan and NFMA.

46. The North Sheep SEIS also never considered the cumulative impact to the Upper Salmon sage-grouse population from grazing the North Sheep allotments combined with grazing other parts of the forest as well as the numerous other activities on the forest that impact sage-grouse habitat.

47. Finally, the Forest Service refused to consider new information on noxious weeds and global warming in the North Sheep SEIS even though WWP raised concerns about those issues in their comments on the draft statement. The North Sheep SEIS stated that these topics were "outside the scope" of the SEIS. However, the SEIS contained new or updated information on watersheds and fish habitat, indicating that the current conditions on some streams were not as degraded as described in the FEIS.

48. WWP documented an increase in noxious weeds, particularly on the Smiley

Creek allotment, since the 2004 North Sheep FEIS. WWP scientists submitted photos and exact locations of new weed infestations on the allotment the past two summers. Yet the Forest Service did not make any adjustments to grazing in the new North Sheep decision for the Smiley Creek allotment in light of this information nor even mention this information about the increasing problem with weeds on the allotment in the SEIS.

49. WWP also noted that since the original North Sheep FEIS was issued, much more information about the impacts and severity of global warming has emerged. Scientists have confirmed that climate change will make desert ecosystems even drier, reducing the extent of riparian areas and making the remaining areas even more important for wildlife like sage-grouse. It will also reduce water flows, further impairing stream conditions for fish, and increase the chance of wildfire. Yet despite these known impacts of global warming, the North Sheep SEIS never discusses these effects or the cumulative effects of global warming and livestock grazing, which combined will further exacerbate the desertification of this ecosystem and degradation of habitat for fish and wildlife.¹ Including new information on watershed and stream conditions and impacts to them while ignoring global warming impacts does not comply with NEPA's requirements.

50. In light of the continuing harm to listed fish species on the Smiley Creek and Fisher Creek allotments from the authorized sheep grazing, WWP also is sending a notice letter to the Forest Service alleging violations of the Endangered Species Act, namely for failing to

¹ Livestock grazing contributes to the drying of ecosystems by compacting soils, which reduces water infiltration and causes rain and snow melt to run off the soil surface rather than soaking into the soil and adding to the water table. Livestock also trample riparian areas, including seeps and springs and intermittent drainages, disrupting the hydrology of these areas and causing them to dry out, converting them from wet areas with riparian vegetation to drier areas with upland vegetation. Livestock can also change the composition of plants, altering vegetation from native species to non-native species that increase the risk of wildfire.

reinitiate consultation, and plans to amend this complaint to add that claim after the proper time for notice to the Forest Service has elapsed.

51. WWP timely commented on the draft supplement to the Forest Plan for the management indicator species capability analysis as well as the draft North Sheep SEIS. Neither the final Forest Plan supplement nor the supplemental RODs for the North Sheep allotments were subject to administrative appeals. Thus, WWP exhausted all available administrative remedies before challenging the North Sheep SEIS and SRODs in this Court.

52. Absent declaratory and injunctive relief, WWP and its staff and members will be irreparably injured due to procedural and substantive violations of law by the Forest Service. These violations impair WWP's interest in protecting and enjoying the public lands, waters, fish, wildlife, and other natural resources of the affected area. WWP has no adequate remedy at law in the form of monetary damages or relief.

FIRST CLAIM FOR RELIEF
VIOLATIONS OF THE NATIONAL ENVIRONMENTAL POLICY ACT

53. Plaintiff realleges and incorporates by reference the preceding paragraphs.

54. This first claim for relief challenges the Forest Service's violations of the National Environmental Policy Act, 43 U.S.C. § 4321 et seq., and NEPA's implementing regulations, in adopting the North Sheep SEIS and SRODs and revising the AMPs for the North Sheep allotments. Such violations include, but are not limited to:

A. Failing to disclose in the SEIS a full explanation of the results of the site-specific livestock capability analysis for the North Sheep allotments, including the location and extent of grazing and trailing that will occur in non-capable areas, and failing to take a hard look at the impacts to ecological resources from grazing and trailing on non-capable land;

B. Failing to reveal in the North Sheep SEIS the monitoring protocols that form the

basis of the adaptive management strategy and to analyze the correlation of this monitoring to the relevant Forest Plan objectives;

C. Failing to disclose and discuss in the SEIS the location of sage-grouse habitat that is in unsatisfactory condition in relation to livestock grazing and actions needed to restore this habitat;

D. Failing to consider new information about noxious weed infestations on the allotments as well as the effects of global warming and its cumulative impacts with livestock grazing;

55. This claim is brought pursuant to the judicial review provision of the APA, 5 U.S.C. § 706(2).

56. These violations of NEPA are arbitrary, capricious, an abuse of discretion, and not in accordance with law under the APA, which has caused or threatens serious prejudice and injury to WWP's right's and interests.

SECOND CLAIM FOR RELIEF
VIOLATIONS OF THE NATIONAL FOREST MANAGEMENT ACT

57. Plaintiff realleges and incorporates by reference the preceding paragraphs.

58. This second claim for relief challenges the Forest Service's violations of the National Forest Management Act, 16 U.S.C. § 1601 et seq., and NFMA's implementing regulations, in adopting the North Sheep SEIS and SRODs and revising the AMPs for the North Sheep allotments. Such violations include, but are not limited to:

A. Acting inconsistently with the Sawtooth Forest Plan and NFMA by authorizing grazing and trailing on lands the Forest Service determined were not capable of sustaining livestock use;

B. Acting inconsistently with the Sawtooth Forest Plan by continuing to rely on an

adaptive management strategy without demonstrating how that strategy will insure compliance with all Plan standards, objectives, and desired conditions;

C. Failing to take necessary actions to restore sage-grouse habitat in unsatisfactory condition, improve fish habitat, and reduce noxious weed invasions despite information showing that grazing is harming these resources;

59. This claim is brought pursuant to the judicial review provision of the APA, 5 U.S.C. § 706(2).

60. These violations of NFMA are arbitrary, capricious, an abuse of discretion, and not in accordance with law under the APA, which has caused or threatens serious prejudice and injury to WWP's right's and interests.

THIRD CLAIM FOR RELIEF
VIOLATION OF THE SNRA ORGANIC ACT

61. Plaintiff realleges and incorporates by reference the preceding paragraphs.

62. This second claim for relief challenges the Forest Service's violations of the Sawtooth National Recreation Area Organic Act, 16 U.S.C. § 460aa-1, and its implementing regulations, in adopting the North Sheep SEIS and SRODs and revising the AMPs for the North Sheep allotments. Such violations include, but are not limited to, violating the SNRA Act's prohibition against substantially impairing the primary values of the SNRA by failing to demonstrate that the adaptive management strategy will insure that grazing will not harm the fish and wildlife values in the SNRA.

63. This claim is brought pursuant to the judicial review provision of the APA, 5 U.S.C. § 706(2).

64. This violation of the SNRA Act is arbitrary, capricious, an abuse of discretion, and not in accordance with law under the APA, which has caused or threatens serious prejudice

and injury to WWP's right's and interests.

PRAYER FOR RELIEF

A. Adjudge and declare that the Forest Service has violated NEPA, NFMA, the SNRA Act, and/or their implementing regulations;

B. Reverse and set aside the North Sheep SEIS, SRODs, AMPs, and grazing authorizations implementing these decisions as being arbitrary, capricious, an abuse of discretion, and/or contrary to law, pursuant to the judicial review standards of the APA, 5 U.S.C. § 706(2);

C. Enter such other declaratory relief, and temporary, preliminary, or permanent injunctive relief as may be prayed for hereafter by Plaintiff;

D. Award Plaintiff its reasonable costs, litigation expenses, and attorneys' fees associated with this litigation pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 et seq., and/or all other applicable authorities; and

E. Grant such further relief as the Court deems just and proper in order to provide Plaintiff with relief and protect the public interest.

Dated: January 26, 2009

Respectfully submitted,

s/Lauren M. Rule

Lauren M. Rule
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of January, 2009, I electronically filed the foregoing SUPPLEMENTAL COMPLAINT with the Clerk of the Court using the CM/ECF system, which sent a Notice of Electronic Filing to the counsel of record listed below:

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