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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

WESTERN WATERSHEDS PROJECT,	)	Civ. No. 05-297-E-BLW
	)	
Plaintiff,	)	**MOTION FOR IMMEDIATE**
	)	**INJUNCTION RE:**
vs.	)	**NEPA VIOLATIONS**
	)	
JOE KRAAYENBRINK, et al.	)	**Expedited Treatment Requested**
	)	**RELIEF SOUGHT BEFORE**
Defendants.	)	**AUGUST 11, 2006**

Plaintiff Western Watersheds Project respectfully seeks entry of a temporary restraining order and/or a preliminary injunction under F.R.Civ.P. 65, prohibiting BLM from implementing new grazing regulations which it approved through a June 2005 Final Environmental Impact Statement, and published on July 12, 2006. *See* 71 Fed. Reg. 39402-509 (7/12/06).

Because the new regulations will otherwise take effect 30 days after publication, Plaintiff requests that injunctive relief be entered prior to August 11, 2006 to bar the new

regulations from taking effect then; and asks that the Court grant expedited treatment of this motion.

Unless enjoined, these new regulations will irreparably harm Western Watersheds and the environment. An immediate injunction is sought to preserve the status quo and avoid irreparable harm, by leaving the existing grazing regulations at 43 C.F.R. Part 4100 in place pending adjudication of the merits of Plaintiff's claims.

This motion seeks injunctive relief based on BLM's violations of the National Environmental Policy Act (NEPA), as alleged in the First Claim for Relief in Plaintiff's First Amended Complaint (submitted herewith). Plaintiff is also separately moving for an immediate injunction based on BLM's further violations of the Endangered Species Act (ESA), under the Third Claim for Relief.

This motion is supported by the following materials:

(1) Opening Brief In Support Of Motion For Immediate Injunction Re: NEPA Violations, filed herewith;

(2) Declaration of Jon Marvel and attachments thereto, previously filed herein (Docket No. 3);

(3) Declaration of Erick Campbell, filed herewith;

(4) Declaration of Robert House, filed herewith;

(5) Declaration of Kathleen Fite, filed herewith;

(6) Declaration of Dr. John Carter, filed herewith, and all exhibits thereto;

(7) BLM's June 2005 Final EIS, March 2006 Addendum, and January 2004 Draft EIS (all available on BLM's website: www.blm.gov/grazing);

(8) the original Complaint and First Amended Complaint in this matter, and all other filings herein; and

(9) Such other and further matters as may be presented to the Court prior to decision.

In light of the public interest nature of this proceeding, and Plaintiff's non-profit status, Plaintiff requests that the Court impose no bond, or a nominal bond not to exceed $100, pursuant to Rule 65(c).

WHEREFORE, Plaintiff respectfully requests that the Court grant this Motion for Immediate Injunctive Relief Re: NEPA Violations, and issue a temporary restraining order and/or a preliminary injunction under Rule 65 prohibiting Defendants from implementing the challenged grazing regulations.

Dated: July 12, 2006 Respectfully submitted.

/s/
Laurence ("Laird") J. Lucas (ISB # 4733)
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 12 day of July 2006, I caused to be electronically filed the foregoing MOTION FOR IMMEDIATE INJUNCTION RE: NEPA VIOLATIONS along with the accompanying OPENING BRIEF IN SUPPORT OF MOTION FOR IMMEDIATE INJUNCTION RE: NEPA VIOLATIONS, and the above-referenced DECLARATIONS OF ERICK CAMPBELL, ROBERT HOUSE, KATHLEEN FITE, AND DR. JOHN CARTER (and attachments thereto) with the Clerk of the Court using the CM/ECF system which sent a Notice of Electronic Filing to the opposing counsel of record listed below:

Deborah Ferguson
Assistant U.S. Attorney
Deborah.Ferguson@usdoj.gov

Lori Caramanian
U.S. Department of Justice

Lori.Caramanian@usdoj.gov

I also certify that I caused to be served a copy of the foregoing documents via email to the following person, who is not yet of record in this matter but whom I am advised will be appearing as counsel for BLM:

Donna Fitzgerald
U.S. Department of Justice
Donna.Fitzgerald@usdoj.gov

/s/
Laurence ("Laird") J. Lucas