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

WESTERN WATERSHEDS PROJECT,
CENTER FOR BIOLOGICAL DIVERSITY,
WILDEARTH GUARDIANS, and
PREDATOR DEFENSE,

Plaintiffs,

v.

USDA WILDLIFE SERVICES,

Defendant.

No. 1:17-cv-206-BLW

PLAINTIFFS' MOTION FOR REMEDIES

Pursuant to the Case Management Order (ECF No. 11) and the Court's Memorandum Decision and Order of June 22, 2018 (ECF No. 33), granting Plaintiffs' motion for summary judgment and denying Defendant Wildlife Services' cross-motion for summary judgment (hereafter, "Summary Judgment Decision"), Plaintiffs respectfully move for the following

remedies to be ordered by the Court pursuant to the APA, 5 U.S.C. §706(2) and Federal Rule of Civil Procedure 65:

I. VACATE AND REMAND THE FINAL EA AND DECISION/FONSI, AND ORDER WILDLIFE SERVICES TO PREPARE A LEGALLY ADEQUATE EIS/ROD BY A DATE CERTAIN.

Plaintiffs first move the Court to:

1) Vacate and remand the Final Environmental Assessment (EA) and Decision/Finding Of No Significant Impact (Decision/FONSI), as addressed in the Summary Judgment Decision; and

2) Order Wildlife Services to prepare a legally-adequate Environmental Impact Statement (EIS) and Record of Decision (ROD) addressing Wildlife Services' Idaho predator damage management actions within a date certain, which Plaintiffs propose to be three years (36 months) after entry of the Court's Remedies Order, with a Draft EIS subject to a 60-day public comment period to issue within 18 months after the Court's Remedies Order.

II. ORDER INTERIM INJUNCTIVE RELIEF.

Second, to prevent unlawful actions and irreparable harm during the period until Wildlife Services has completed a legally-adequate EIS and ROD, Plaintiffs move the Court for the following interim injunctive relief:

A. Enjoin Wildlife Services from conducting lethal "proactive" (or "preventive") coyote control in Idaho, as defined on page 93 of the EA (AR37260), and allow Wildlife Services to only conduct lethal corrective control, as defined and discussed in the EA, pages 93-94 (AR37260-61), that occurs within two miles of a confirmed depredation by the specific predator targeted;

B. To ensure Wildlife Services' predator control activities are limited only to specific offending animals, enjoin Wildlife Services from using the following lethal methods in Idaho: M-44 sodium cyanide ejector capsules, neck snares, and body-gripping (conibear) traps;

C. Enjoin Wildlife Services from killing predators discussed in the EA in "unique geographic areas" in Idaho described in the EA Appendix B (AR37586-89), specifically including Wildernesses, Wilderness Study Areas (WSAs), National Monuments, Areas of Critical Environmental Concern (ACECs), and National Reserves;

D. Enjoin Wildlife Services from killing predators to "protect" prey species, as described in the EA, pages 19–34 (AR37186–201).

As explained in the accompanying Plaintiffs' Opening Brief in Support of Motion for Remedies, the requested relief is appropriate and narrowly-tailored to Plaintiffs' harms from Wildlife Services' unlawful actions, and will prevent further irreparable harm in the period until Defendant fully complies with law and cures its legal violations.

This Motion for Remedies is supported by the accompanying Opening Remedies Brief and Declarations of Dr. Robert Crabtree, Carter Niemeyer, Dr. James M. Peek, Dr. Adrian Treves, Bethany Cotton, Erik Molvar and Second Declaration of Jon Marvel; by the Declarations of Kenneth Cole, Jon Marvel, John Schmidt, Noah Greenwald, Gretchen Vanek, Brooks Fahy, and Kelly E. Nokes, previously submitted by Plaintiffs (ECF Nos. 18-2 to 18-9); by the Administrative Record materials filed by Defendants (ECF Nos. 13-15), by all other materials on file with the Court in this action; and by such other and further matters as may be presented to the Court before decision hereon.

Dated this 31st day of August, 2018.

Respectfully submitted,

/s/ Talasi B. Brooks

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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of August 2018, I caused the foregoing PLAINTIFFS' MOTION FOR REMEDIES, as well as the accompanying PLAINTIFFS' OPENING BRIEF IN SUPPORT OF MOTION FOR REMEDIES; DECLARATIONS OF DR. ROBERT CRABTREE, CARTER NIEMEYER, DR. JAMES M. PEEK, DR. ADRIAN TREVES, BETHANY COTTON, ERIK MOLVAR and SECOND DECLARATION OF JON MARVEL to be filed electronically with the Clerk of the Court, using the CM/ECF system, which sent a Notice of Electronic Filing to all opposing counsel of record, as listed below:

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/s/ Talasi B. Brooks
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