

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

ERIKA NORMAN (CA State Bar No. 268425)
Senior Attorney
Natural Resources Section
MICHELLE SPATZ
Trial Attorney
Wildlife & Marine Resources Section
P.O. Box 7611
Washington, D.C. 20044-7611
Phone: (202) 305-0475 (Norman)
(202) 598-9741 (Spatz)
Fax: (202) 305-0506
Erika.norman@usdoj.gov
Michelle.spatz@usdoj.gov

Attorney for Defendants

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

FRIENDS OF THE CLEARWATER

Plaintiff,

v.

CHERYL F. PROBERT, in her official
capacity as Forest Supervisor of the Nez
Perce-Clearwater National Forests; and U.S.
FOREST SERVICE.

Federal Defendants.

) Case No. 3:21-cv-189
)
) **JOINT STATUS REPORT RE:**
) **HUNGRY RIDGE PROJECT**
) **ACTIVITIES**
)
)
)
)
)
)
)
)
)

Pursuant to the Court's April 14, 2022 Order, ECF No. 44, the parties submit this joint status report regarding upcoming Hungry Ridge Project activities.

Background:

On March 15, 2022, Federal Defendants provided a notice to the Court regarding upcoming activities on the Hungry Ridge project, which is one of the two projects challenged in this litigation. ECF No. 40. In that filing, Federal Defendants advised that on February 11, 2022, the Forest Service finalized the contract for the "Run of the Mill" timber sale within the Hungry Ridge project area and subsequently suspended all contract operations until May 1, 2022. Since suspending the contract, the parties have discussed a potential agreement to begin limited operations on the Run of the Mill sale, with the goal of avoiding emergency motion practice prior to a ruling on the parties' cross-motions for summary judgment. Federal Defendants initially submitted a proposal for limited operations that included helicopter logging of one unit and tractor and shovel logging in four other units. Plaintiff did not agree to the proposal, and the Forest Service responded by proposing moving forward with the logging of one helicopter unit in connection with extending the suspension of all other contract activities to June 15, 2022. Plaintiff also did not agree to that proposal, but requested additional information from the agency, and the parties continued a dialog on these issues.

On April 4, 2022, Federal Defendants notified the Court that it planned to extend the suspension to June 1, 2022, in order to allow additional time for the parties to reach an agreement on limited operations and avoid emergency motion practice contemporaneous with preparing for the then-scheduled April 18 hearing on the summary judgment motions. ECF No. 41. On April 14, 2022, the Court continued the April 18 hearing to June 3 and ordered the parties to provide a joint status report regarding upcoming activities on the Hungry Ridge

Project, and any agreements reached concerning a continuation of the suspension on project activities currently set to expire on June 1, 2022. ECF No. 44.

Status of Hungry Ridge Activities and Suspension:

Following the telephone conference on April 14, 2022, the parties continued their discussions in an effort to avoid emergency motion practice. Through counsel, Plaintiff indicated a willingness to consider limited operations that did not involve cutting any timber. Accordingly, the Forest Service proposed further extending the general suspension of operations to July 5, 2022, while moving forward only with road and restoration work on forest road 309. Limited operations would include snow plowing to junction of 309G to facilitate drying of the road bed and road reconstruction and pre-haul maintenance, which includes road reconditioning, improvements to drainage features, and culvert replacement. Plaintiff agreed to the aforementioned limited activities. In sum, at this time the Run of the Mill contract will be suspended through July 4, 2022, with the exception of the previously described work on forest road 309.

Respectfully submitted on this 6th day of May, 2022.

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

/s/ Erika Norman
ERIKA NORMAN
Senior Attorney
Natural Resources Section
MICHELLE SPATZ
Trial Attorney
Wildlife & Marine Resources Section
4 Constitution Square
150 M Street, N.E., Suite 2.900

Washington, D.C. 20002
Phone: (202) 305-0475 (Norman)
Phone: (202) 598-9741 (Spatz)
Fax: (202) 305-0506

Attorneys for Defendants

/s/ Bryan Hurlbutt, with permission
Laurence (“Laird”) J. Lucas (ISB #4733)
Bryan Hurlbutt (ISB # 8501)
Rebecca Strauss (ISB # 11285)
ADVOCATES FOR THE WEST
P.O. Box 1612
Boise, ID 83701
(208) 342-7024
(208) 342-8286 (fax)
llucas@advocateswest.org
bhurlbutt@advocateswest.org
rstrauss@advocateswest.org

Attorneys for Plaintiff Friends of the Clearwater

/s/ Julie A. Weis, with permission
Julie A. Weis, *pro hac vice*
Haglund Kelley LLP
2177 SW Broadway
Portland, Oregon 97201
Phone: (503) 225-0777
Fax: (503) 225-1257
weis@hk-law.com

Sara Ghafouri, *pro hac vice*
American Forest Resource Council
700 N.E. Multnomah, Suite 320
Portland, Oregon 97232
Phone: (503) 222-9505
Fax: (503) 222-3255
sghafouri@amforest.org

Chris M. Bromley, ISB 6530
McHugh Bromley, PLLC
380 S. 4th Street, Suite 103
Boise, ID 83702
Phone: (208) 287-0991
Fax: (208) 287-0864
cbromley@mchughbromley.com

*Attorneys for Defendant-Intervenor
American Forest Resource Council*