

August 11, 2014

RECEIVED
AUG 12 2014 
CITY MANAGER

Governor Steve Bullock
PO Box 200801
Helena, MT 59620-0801

Dear Governor Bullock:

As I had promised, enclosed is a copy of the response I received from the Northern Region US Forest Service that I requested under the Freedom of Information Act. This corresponds with information I sent you on July 8, 2014. This response contains information on how many lawsuits are pending and how many are settled, and the settlement amounts and attorney fees for the last two years. It is quite astonishing the amount of taxpayer money that is going to these groups, Alliance for the Wild Rockies, Montana Ecosystems Defense Council, and Native Ecosystems Council. These groups have alliances with each other.

I still maintain my position or opinion that these groups frivolously sue the Forest Service on nearly every management project the Forest Service attempts to do, thereby causing harm to our forests, and at taxpayer expense. This is dangerous to our community and to our pocketbooks. Obviously something needs to be done about it, and I am sure that you are already working on it. I hope this information helps in deciding what can be done. I know there are no easy answers, because we also do not want to give up our right to challenge projects which might indeed have flaws.

Sincerely,



Marla Clark
PO Box 1543
East Helena, MT 59635
(406)475-3628

✓ Cc: Mayor Jim Smith, City Manager Ron Alles



File Code: 6270
2014-FS-R1-04466
Date: August 6, 2014

Marla Clark
PO Box 1543
East Helena, MT 59635

Dear Ms. Clark:

This letter is in response to your FOIA request, received in this office on July 14, 2014.

Your request stated, "*Under the Freedom of Information Act, I am requesting information about lawsuits pending and settled within the last two years regarding the US Forest Service and Alliance For the Wild Rockies, Montana Ecosystems Defense Council, and Native Ecosystems Council. I am requesting information on how many lawsuits are settled and pending, as well as the settlement payments amount and the amount of attorney fees for each case.*"

Enclosed are three pages responsive to your request.

This concludes our response to your request.

Pursuant to Title 7 Code of Federal Regulations (CFR), Subtitle A, Part 1, Subpart A, Appendix A, there is no charge for the records enclosed as the amount falls below the minimum amount required for the Forest Service to collect fees.

Sincerely,

for
FAYE L. KRUEGER
Regional Forester

Enclosure



Litigation Tracker

Litigation Coordination Unit:	R1 - Northern Region (1101):	Closed Cases back to:	Litigation Coordinator:	
Show: (45 Cases)	All Open Cases:		Court:	
Case Name	ProjectName/Decision Name Lead Management Unit	Docket #/Court (Date Filed)	Most Recent Ruling	Case Status or Outcome
Alliance for the Wild Rockies v Krueger	Blankenship Vegetation Treatment Project / Blankenship Vegetation Treatment Project	14-cv-00012-BMM Montana District Court02/26/2014		Open
AWR et NEC v Krueger et al.	Rendezvous Trail Forest Thinning Project / Young-Dodge / Young Dodge	14-cv-00191-DLC Montana District 13-CV-00092-DWM Montana District		Open
AWR v Ashe	Pilgrim Timber Sale / Pilgrim Creek Timber Sale Project Cabinet Ranger District	9-13-cv-00199-DLC Montana District Court10/01/2013	Loss on 6/30/14. Loss based solely on discrepancy between EIS and ROD regarding method of road closure	Open
AWR v Bradford				
AWR v Brazell	Little State Project / Little State Project Nez Perce National Forest All Units	CV-00466-MHW Idaho District Court09/11/2012	Win	Open
AWR v Christiansen	Bozeman Municipal Watershed Project / Record of Cabin Gulch Vegetation Management / Cabin	CV-00055-DLC Montana District CV-00150-DLC Montana District	Loss Loss	Open Open
AWR v Krueger	Flathead National Forest Pre-commercial Thinning	CV-00090-DLC Montana District	District Court ruled in favor of FS.	Open
AWR v Weber	Rennic Stark Project / Rennic Stark Project	9-13-cv-00168-DLC Montana District		Open
AWR v Austin	Grizzly Vegetation and Transportation Management / Grizzly Vegetation and Transportation	CV-00160-DWM Montana District Court11/16/2009	Grizzly and Little Beaver not enjoined.	Open
AWR v Bradford				
AWR v. Weldon (Bison Helicopter Hazing - Gallatin NF)		CV-11-076-DWM Morriana District Court05/18/2011	District court ruled in favor of FS	Open
Friends of the Wild Swan/AWR/MEDC/NEC vs. Austin	Coit Summit Restoration/Fuels Project / Coit Summit Restoration and Fuel Reduction Project Seeley Lake Ranger District	CV-00125-DWM Montana District Court09/16/2011	04/04/2014 Injunction lifted. Project may go forward. District Court decision appealed to the 9th Ci	Open
Native Ecosystems Council v. Krueger et al.	Millie Roadside Salvage CE / Decision Memo - Millie Roadside Hazard Tree Removal	2-13-cv-00167-DLC Montana District Court08/13/2013	FS Win on all counts 06/04/2014.	Open
NEC v Krueger	Lonesome Wood Vegetation Management 2 / NOI under ESA- East Boulder Fuels Project	13-CV-00064-dwm Montana District	Amended complaint - 05/06/13	Open
NEC/AWR v. Tidwell (East Boulder Fuels Project, ESA)	Gallatin National Forest All Units			Open
Swan View Coalition /NEC/AWR v Weber et al.	Glacier Loon Fuels Reduction and Forest Health Project / Glacier Loon Fuels Reduction and Forest	13-cv-00129-DLC Montana District Court06/24/2013		Open
Western Environmental Law Center v. USFWS/SUSFS	/ NOI - Spotted Bear River Project Flathead National Forest All Units			Open

This report will contain the most up-to-date information available within PALS, including information that has not been reviewed or accepted by a SOPA Manager. This report is generated from data that has been entered into PALS. Certain pending cases may not be displayed if they have not yet been entered into PALS. A Temporary Restraining Order or Preliminary Injunction depicted may have expired, or may not have been entered yet.

R1 EAJA FEES FY 11-14

Date Rec	Docket, Court	Case	Project Name	Vendor Name	Amount	Date Certified	Program
3/10/2011	CV-04-127-M-DWM, D. Mont	Native Ecosystems Inc v. Tidwell	Grazing Permits, Beaverhead-Deerlodge NF	Alliance for the Wild Rockies	\$85,000.00	3/11/2011	NFRG
4/25/2011	CV 08-43-M-DWM	Forest Service Employees for Environmental Ethics v. USFS and National Marine Fisheries Service		Bechtold Law Firm PLLC	\$95,000.00	4/25/2011	WFSU
5/25/2011	CV 09-164-N-EJL, D. ID	The Lands Council v. Leslie Weldon Region 1, Ranotta McNair Idaho Panhandle NF, USFS	Bussel 484, Idaho Panhandle NF	Public Interest Defense	\$50,063.60	6/9/2011	NFTM
6/13/2011	09-cv-00160-DWM	Alliance for the Wild Rockies v. Paul Bradford Kootenai NF	Grizzly Vegetation and Transportation Management Project	Public Interest Defense	\$28,000.00	6/16/2011	SSSS
6/20/2011	05-107M (DWM)	Rock Creek Alliance v. USFS	2001 EIS	Western Mining Action Proj	\$186,500.00	6/22/2011	NFMG
					\$444,563.60		

Date Rec	Docket, Court	Case	Project Name	Vendor Name	Amount	Date Certified	Program
3/6/2012	CV 09-107-M-DWM	Native Ecosystems Council v. Reese et al. Beaverhead Deerlodge NF	Rat Creek Salvage	Western Environmental Law Center	\$53,000.00	3/9/2012	NFRR
6/14/2012	CV 08-92-DWM	Hapner et al. v. Tidwell Gallatin NF	Smith Creek Veg.	Bechtold Law Firm PLLC	\$37,406.60	6/21/2012	NFRR

6/14/2012	CV 08-92-DWM	Hapner et al. v. Tidwell Gallatin NF	Smith Creek Veg.	Bechtold Law Firm PLLC	\$11,082.00	6/21/2012	WFHF
		Association et al. v. McAllister et al. Gallatin NF	Travel Management Plan		\$37,000.00	6/6/2012	CMTL
6/1/2012	CV 07-39-M-DWM			Earthjustice	\$100,000.00	6/6/2012	NFRW
					\$ 238,488.60		

Date Rec	Docket, Court	Case	Project Name	Vendor Name	Amount	Date Certified	Program
Mar-13	CV 11-99-DWM	NEC v. Weldon Custer NF	Beaver Creek	Public Interest Defense Bechtold Law Firm PLLC	\$33,279.00		NFRR
Jan-13	CV 11-125-DWM	Friends of the Wild Swan v. Austin Lolo NF	Colt Summit	Western Environmental Law	\$13,598.37		NFRR
Sep-13	CV 11-095-BLW	Idaho Rivers United v. USFS	Megaloads 1	Advocates for the West	\$40,000.00		NFRR
					\$22,750.00		CMRD
					\$22,750.00		NFLM
					\$132,377.37		

Date Rec	Docket, Court	Case	Project Name	Vendor Name	Amount	Date Certified	Program
Mar-14	CV 12-00027-DLC	NEC v. Christiansen B-D NF	Fleecer Mountain	Public Interest Defense	\$19,802.09		NFRR