

1 **STATEMENT OF THE CASE**

2 1. Plaintiff is challenging Defendants’ decision to authorize commercial logging in
3 the Giant Sequoia National Monument (“GSNM”) along roads in the Hume Lake District of the
4 Sequoia National Forest (“SNF”). Specifically, the Forest Service plans to fell and *remove*
5 “hazard” trees along 96 miles of road as described in the Roadside Hazard Tree Salvage Project
6 (hereafter the “Hume Roadside Logging Project”).

7 2. But the removal of trees is prohibited in the GSNM, unless clearly needed for
8 ecological restoration or public safety. Any public safety concerns from “hazard” trees can be
9 averted by felling these trees without the need to remove them from the GSNM. Further, many
10 of the trees marked for removal are alive and do not meet any of the hazard tree marking criteria
11 of the SNF.

12 3. Moreover, the Forest Service has proposed logging under the guise of two
13 Categorical Exclusions (“CEs”), which precludes environmental analysis. Even if a project
14 otherwise qualifies for implementation pursuant to a CE, a CE cannot be used there are
15 extraordinary circumstances. Here, there are extraordinary circumstances, including the
16 significance of removing of large-diameter old-growth trees across thousands of acres from a
17 protected National Monument and the potential to significantly and adversely affect Forest
18 Service Sensitive species and candidate species under the Endangered Species Act, 16 U.S.C. §
19 1531 *et seq.* Given the scope of the project, the location of the project in a National Monument,
20 and the presence of Forest Service Sensitive and proposed species, the Forest Service must, at
21 least, prepare an Environmental Assessment (“EA”) to determine whether there may be
22 significant environmental impacts.

23 4. Further, the Forest failed to analyze a reasonable range of alternatives.
24 Specifically, the Forest Service failed to analyze an alternative that would fell the trees and leave
25 them in place on the ground (i.e. a cut-and-leave alternative). A cut-and-leave alternative falls
26 within the purpose and need of the project and would allow the Forest Service to satisfy the
27 standards and guidelines contained within its forest plan for downed woody material.

28 5. Finally, Plaintiff notified the Forest Service by letter of significant new

PARTIES

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2 11. Plaintiff SEQUOIA FORESTKEEPER (“SFK”) is a nonprofit corporation
3 organized under the laws of the state of California. SFK is headquartered in Kernville,
4 California. SFK’s mission is to protect and restore the ecosystems of the southern Sierra Nevada
5 including, but not limited to, the Giant Sequoia National Monument, Sequoia National Forest,
6 and Mountain Home State Forest through monitoring, enforcement, education, and litigation. As
7 described below, SFK actively participated in the comment process and administratively
8 appealed the decision not to prepare an Environmental Assessment or Environmental Impact
9 Statement. SFK has appealed numerous timber sales on the Sequoia National Forest, including
10 the Hume Roadside Logging Project, which if implemented would adversely affect the
11 enjoyment of these areas by their members. SFK’s members actively participate in
12 governmental decisionmaking processes with respect to national forest lands in California and
13 rely on information provided through the NEPA processes to increase the effectiveness of their
14 participation. The interests of SFK and its members will be irreparably harmed if Defendants
15 continue to violate NEPA, NFMA, APA, and the GSNM Proclamation.

16 12. SFK has members who live or work in communities located near or adjacent to
17 SNF and the GSNM. Its members use and enjoy the SNF and GSNM, including the area of the
18 Hume Roadside Logging Project, for a variety of purposes including, but not limited to, hiking,
19 backpacking, photography, scientific study, wildlife observation, hunting, and fishing. They
20 intend to continue to do so in the future. Plaintiff’s members derive recreational, spiritual,
21 professional, aesthetic, educational, and other benefits and enjoyment from these activities.

22 13. Defendants’ implementation of the Hume Roadside Logging Project will harm
23 and injure the interests of plaintiff and its members by causing or threatening irreversible adverse
24 effects to the GSNM, the SNF, and to the wildlife and other objects of interest therein.
25 Defendants’ actions would deprive plaintiff and its members of the recreational, spiritual,
26 professional, aesthetic, educational, and other benefits they presently derive from the GSNM and
27 SNF. Additionally, Defendants’ actions deny Plaintiff and its members their right to have the
28 laws implemented and enforced, and the satisfaction and peace of mind associated with

1 witnessing the enforcement of this nation’s environmental protection laws.

2 14. Plaintiff and its members are adversely affected and irreparably injured by the
3 Defendants’ impending implementation of the Hume Roadside Logging Project. These injuries
4 are actual and concrete and would be redressed by the relief sought herein. Plaintiff has no
5 adequate remedy at law.

6 15. Defendant JOHN EXLINE is the District Ranger for the Hume Lake District of
7 the GSNM and SNF and is sued in that capacity. John Exline is charged with complying with
8 NEPA, NFMA, and the GSNM Proclamation while making management decisions on national
9 forests and is sued herein as an official responsible for the violations alleged in this complaint.

10 16. Defendant TINA TERRELL is Forest Supervisor for the SNF and is sued in that
11 capacity. Tina Terrell is charged with complying with NEPA and the GSNM Proclamation
12 while making management decisions or issuing directives on national forests and is sued herein
13 as an official responsible for the violations alleged in this complaint.

14 17. Defendant UNITED STATES FOREST SERVICE is the agency within the
15 United States Department of Agriculture charged with complying with NEPA and the GSNM
16 Proclamation while making management decisions on national forests and is sued herein as the
17 agency responsible for the violations alleged in this complaint.

18 **FACTUAL BACKGROUND**

19 **The Giant Sequoia National Monument**

20 18. The Giant Sequoia National Monument (“GSNM”) comprises roughly 328,000
21 acres located in the southern Sierra Nevada Mountains in eastern central California. It is
22 administered by the United States Forest Service as part of the Sequoia National Forest.

23 19. The GSNM contains numerous Giant Sequoia groves. Sequoias are the largest
24 and among the longest-lived trees on earth.

25 20. The GSNM comprises two distinct sections. One section is administered by the
26 Hume Lake Ranger District, and includes the Hume Roadside Logging Project.

27 21. The April 2000 Presidential Proclamation, establishing the monument, states that
28 “[n]o portion of the monument shall be considered suitable for timber production” and

1 “[r]emoval of trees . . . from within the monument area may take place *only if clearly needed* for
2 ecological restoration and maintenance or public safety.” 65 Fed. Reg. 24095, 24097 (Apr. 25,
3 2000) (emphasis added).

4 **The Hume Roadside Logging Project**

5 22. The purpose and need for the Hume Roadside Logging Project is safety hazard
6 abatement to maintain safe roadways. The recovery of timber value through salvage logging is
7 not a component of the purpose and need for the project.

8 23. Nevertheless, the decision erroneously states that, under the applicable forest
9 plan, the first priority is to remove salvageable material as a forest product, and then to leave
10 non-salvageable on site to meet down woody material standards.

11 24. The Hume Roadside Logging Project proposes to log allegedly dead and damaged
12 trees that pose a falling hazard along 96 miles of roads, including General’s Highway and State
13 Highway 180, which are the main access routes to Sequoia and Kings Canyon National Parks.
14 An average of 13 trees per mile would be removed. The Forest Service asserts that trees would
15 be removed from 10 to 200 feet from the edge of the road.

16 25. Several of the roads to be treated in the Hume Roadside Logging Project pass
17 through giant sequoia groves.

18 26. The Hume Roadside Logging Project proposes to remove 639 trees with an
19 estimated volume of 821,000 board feet from these roadways.

20 27. All but 5 of the 639 trees marked as hazards would be removed from the project
21 area. Many of the trees marked for removal are live old-growth trees that do not meet any of the
22 hazard tree marking criteria of the SNF, according to information provided (after the Project
23 decision was signed) by the SNF.

24 28. The average size of trees to be removed is greater than 30 inches in diameter at
25 breast height. The largest trees to be removed are over 60 inches in diameter at breast height.

26 29. The Forest Service asserts that the size of the Hume Roadside Logging Project is
27 estimated at 115 acres, but Defendants concede and the timber sale contract states that the actual
28 size of the project area is 2,577 acres.

1 30. The Forest Service asserts that it can categorically exclude the Hume Roadside
2 Logging Project from documentation in an environmental impact statement or environmental
3 assessment because it falls within one of the categories identified by the Chief of the Forest
4 Service in Forest Service Handbook (“FSH”) 1909.15, section 31.12, and that there are no
5 extraordinary circumstances related to the decision that may result in a significant individual or
6 cumulative environmental effect.

7 31. The Forest Service asserts that the Hume Roadside Logging Project falls within
8 the categorical exclusion FSH 1909.15, 31.12., No. 4 “Repair and maintenance of roads, trails,
9 and landline boundaries,” and FSH 1909.15, 31.2.13, “Salvage of dead and/or dying trees not to
10 exceed 250 acres requiring no more than 1/2 mile of temporary road construction.”

11 **The Pacific Fisher**

12 32. The Pacific fisher inhabits old-growth forests. Its range once extended from
13 British Columbia to the Southern Sierra Nevada Mountains. Due to past logging, road building,
14 and other development, in California the Pacific fisher is now relegated to two small populations.

15 33. The Pacific fisher is a candidate species under the Endangered Species Act, 16
16 U.S.C. § 1531 *et seq.* Its listing is warranted but precluded by higher listing priorities.

17 34. The Pacific fisher requires mature and old growth close-canopy forest that has a
18 high density of large live and dead trees.

19 35. Rest trees (i.e. large standing trees, both live and dead) are essential habitat for the
20 fisher, as are large downed logs (for fisher prey habitat, as well as for fisher den sites).

21 36. The Fish and Wildlife Service has determined that “removal of down woody
22 debris, dense understory, snags, and low overstory tree crowns may *significantly affect fishers* in
23 the immediate area.” Sierra Club v. Bosworth, 2005 WL 3096149, 9 (N.D. Cal. Nov. 14, 2005).
24 Numerous scientific studies have found that reduction of overstory forest canopy cover, through
25 removal of large trees, adversely impacts fishers.

26 37. The Hume Roadside Logging Project would remove the vast majority of the trees
27 to be felled.

1 38. The Wildlife Biological Evaluation for the Pacific fisher notes that “[t]he
2 proposed action may temporarily affect foraging habitat . . .” for the fisher.

3 39. In 2008, there were four new Pacific fisher detections within in the Hume
4 Roadside Logging Project area. Plaintiff submitted this significant new information to the Forest
5 Service, but the Forest Service refused to supplement its environmental analysis.

6 **The California Spotted Owl**

7 40. The California spotted owl is a Forest Service Sensitive Species, which indicates
8 that its continued viability in the planning area is a concern. The California spotted owl
9 continues to decline throughout the southern Sierra Nevada.

10 41. The California spotted owl is an old growth forest species that selects unburned or
11 lightly burned closed-canopied mature/old-growth forest for nesting/roosting and some foraging.

12 42. Removal of this habitat and these large trees may cause serious harm to the owls.

13 43. Specifically, the Project would harm spotted owls by reducing forest canopy
14 cover, reducing large tree density and basal area, removing actual or potential roost/nest trees,
15 and by removing large downed logs upon which the owl’s small mammal prey species depend.

16 **Procedural Background**

17 44. On September 18, 2007, the District Ranger for the Hume Ranger District issued
18 a Decision Memo to log allegedly dead and damaged trees that pose a falling hazard by
19 removing the trees along specified roadways throughout the Hume Lake Ranger District within
20 the Giant Sequoia National Monument.

21 45. On November 2, 2007, SFK (Plaintiff) filed an administrative appeal of the Hume
22 Roadside Logging decision, asking, among other things, that the Forest Service prepare an EA or
23 EIS for the project. Plaintiff also questioned the use of the road maintenance categorical
24 exclusion (“CE”) and small timber salvage CE from NEPA to a decision that fundamentally aims
25 to remove large trees from the GSNM.

26 46. On December 18, 2007, the Forest Service's Regional Office responded to the
27 appeal, affirming the Hume Lake District Ranger’s decision. This letter constituted the final
28 administrative determination on Earth Island Institute’s appeal.

1 47. On May, 1, 2009, counsel for SFK submitted a letter to the District Ranger and
2 Forest Supervisor requesting that the Forest Service prepare a supplemental NEPA analysis
3 based on significant new information and circumstances regarding the Pacific fisher detections in
4 the project area, prepare an EA, consider a cut-and-leave alternative, and appropriately delineate
5 the size and scope of the project area.

6 48. On June 29, 2009, Forest Supervisor Tina Terrell forwarded a response letter by
7 District Ranger John D. Exline, dated June 11, 2009, asserting that no significant new
8 circumstances or information existed that would bear upon the Hume Roadside Logging Project.
9 As such, the District Ranger concluded that there was no need to supplement the environmental
10 analysis or the Decision Memo from September 18, 2007. The District Ranger also concluded
11 that the use of the CEs were appropriate for the scope and size of the project.

12 **The Sequoia Forest Plan**

13 49. The Sequoia National Forest is a unit of the National Forest System managed by
14 the U.S. Department of Agriculture, Forest Service. The Sequoia is one of eleven national
15 forests managed under a regional planning framework for the Sierra Nevada national forests. In
16 1988, the Forest Service adopted the Sequoia National Forest Land and Resource Management
17 Plan ("LRMP"), which provides standards and guidelines for project-level planning within the
18 Sequoia National Forest. In 2001, the Forest Service approved the Sierra Nevada Forest Plan
19 Amendment , also known as the Sierra Nevada Framework (the "2001 Framework"), which
20 amended the LRMPs for all national forests in the Sierra Nevada, including the Sequoia National
21 Forest LRMP. In April of 2000, President Clinton proclaimed that certain areas of the SNF be
22 permanently protected as the Giant Sequoia National Monument, which prohibits commercial
23 logging and the removal of trees from the monument unless clearly needed for ecological
24 restoration or public safety. Management of the GSNM is governed by the proclamation and the
25 version of the Sequoia Forest Plan, amended by the 2001 Framework.

26 50. The Sierra Nevada Forest Plan Amendment Record of Decision requires that
27 sufficient down woody material be left in the project based on the standard for tons or logs per
28 acre: "Retain felled trees where needed to meet down woody material standards." 2001 SNFPA

1 ROD, Appx. A, p. 29. “Within Westside vegetation types, beginning with the largest down logs,
2 sequentially retain pieces of down wood until at least 10 to 20 tons per acre are retained over a
3 treatment unit. Within eastside vegetation types, retain at least three large logs per acre. Do not
4 retain pieces smaller than 12 inches diameter at midpoint to meet this standard.” *Id.* at p. 28.

5 **The National Environmental Policy Act**

6 51. The National Environmental Policy Act (“NEPA”) is our “basic national charter
7 for protection of the environment.” 40 C.F.R. § 1500.1(a). NEPA’s primary goals are to insure
8 fully informed decision-making and to provide for public participation in environmental analyses
9 and decision-making. See id. § 1500.1(b), (c). The Council on Environmental Quality (“CEQ”)
10 promulgated uniform regulations implementing NEPA that are binding on all federal agencies.
11 40 C.F.R. §§ 1500 et seq.

12 52. NEPA is a procedural statute that requires federal agencies to take a “hard look”
13 at the environmental consequences of its action and consider a range of alternative actions, and
14 by complying with NEPA, the Forest Service can choose among a range of outcomes and
15 mitigate significant impacts. Neighbors of Cuddy Mountain v. Alexander, 303 F.3d 1059, 1070
16 (9th Cir. 2002).

17 53. NEPA requires that federal agencies prepare an EIS for “major Federal actions
18 significantly affecting the quality of the human environment.” 42 U.S.C § 4332(2)(C). If it is
19 uncertain whether the proposed action may have a significant effect on the environment, the
20 agency must prepare an EA analyzing the effects of the action. 40 C.F.R. § 1501.3.

21 54. In addition to helping an agency determine whether or not to prepare an EIS, an
22 EA serves to help an agency comply with NEPA even when no EIS is necessary by including a
23 discussion of the need for the action, the consideration of alternatives to the action, the
24 environmental impacts of the action, and a listing of the agencies and persons contacted and
25 consulted. 40 C.F.R. § 1508.9.

26 55. A categorical exclusion, on the other hand, is a document that is prepared when an
27 action is deemed to be so minor that it does not require an EA, an EIS, or an evaluation of
28 alternatives. The CEQ regulations implementing NEPA state that a categorical exclusion may

1 not be used for a project that “individually or cumulatively” may have a significant effect on the
2 human environment.

3 **The Administrative Procedure Act**

4 56. The Administrative Procedure Act, or “APA,” provides for judicial review of
5 final agency action. 5 U.S.C. §§ 701, 706.

6 57. Under the authority of the APA, a reviewing court must hold unlawful and set
7 aside agency action, findings, and conclusions found to be arbitrary, capricious, an abuse of
8 discretion, or otherwise not in accordance with law. 5 U.S.C. § 706(2).

9 **The National Forest Management Act**

10 58. The purpose of the National Forest Management Act (“NFMA”), 16 U.S.C. §
11 1600 *et seq.*, is to ensure that planning on National Forests appropriately consider and protects
12 the needs of wildlife, wildlife habitat, water quality, and soil productivity. 16 U.S.C. §
13 1604(a)(i). In addition, actions must be consistent with forest plans. 16 U.S.C. § 1604(i).

14 **FIRST CLAIM FOR RELIEF**

15 **Violation of NEPA and the APA**

16 **The Hume Roadside Logging Project Does Not Qualify for Exclusion Under the Routine**
17 **Road Maintenance CE or the Salvage Logging CE**

18 59. Plaintiff incorporates by reference all preceding paragraphs.

19 60. The Forest Service invoked two improper categorical exclusions for this project.
20 The Forest Service relies on the routine road maintenance CE to shoehorn this logging project
21 into a category of actions that may be employed without first preparing an Environmental
22 Assessment and Finding of No Significant Impact.

23 61. According to the applicable regulations, the Forest Service’s chosen category for
24 routine road maintenance is to be used for actions like “pruning vegetation” and “clearing the
25 roadside of brush.” The category is not designed to be used for logging of old-growth trees.
26 Thus, use of the routine road maintenance CE for the Hume Roadside Logging Project is
27 arbitrary and capricious.
28

1 boundaries constitutes and extraordinary circumstance, especially when the removal of trees is
2 specifically precluded by the monument proclamation.

3 68. Defendants’ approval of the Hume Roadside Logging Project is arbitrary,
4 capricious, not in accordance with law, and without observance of procedures required by law,
5 within the meaning of APA, 5 U.S.C. § 706.

6 **THIRD CLAIM FOR RELIEF**

7 **Violation of NEPA and the APA**

8 **Failure to Prepare an Environmental Assessment or Environmental Impact Statement for**
9 **the Hume Roadside Logging Project**

10 69. Plaintiff incorporates by reference all preceding paragraphs.

11 70. The CEQ regulations implementing NEPA state that a categorical exclusion may
12 not be used for a project which “individually or cumulatively” may have a significant effect on
13 the human environment. 40 C.F.R. § 1508.4.

14 71. Federal agencies must prepare an Environmental Assessment for actions which
15 may have an effect on the human environment. If the project’s effects on the human
16 environment are significant, then an Environmental Impact Statement must be prepared.

17 72. Further, “[a]n EIS is required of an agency in order that it explore, more
18 thoroughly than an EA, the environmental consequences of a proposed action whenever
19 substantial questions are raised as to whether a project *may* cause significant environmental
20 degradation.” Blue Mountains Biodiversity Project v. Blackwood, 161 F.3d 1208, 1216 (9th Cir.
21 1998)(emphasis in original).

22 73. Agencies must take a “hard look” at the consequences, environmental impacts,
23 and adverse effects of their proposed actions. See Kleppe v. Sierra Club, 427 U.S. 390, 410 n.
24 21 (1976).

25 74. The following is a non-exhaustive list of the impacts and effects of the Hume
26 Roadside Logging Project, which may affect, or will significantly affect, the environment, thus
27 necessitating analysis of the project through either an EA or EIS:
28

1 National Forest was required to supplement its NEPA analysis because of significant new
2 circumstances and information related to the Pacific fisher).

3 88. Plaintiff needs not demonstrate that “significant effects will in fact occur, but if
4 the plaintiff raises substantial questions whether a project may have a significant effect, an EIS
5 must be prepared.” Idaho Sporting Congress v. Thomas, 137 F.3d 1146, 1149 (9th Cir. 2006).

6 89. The Forest Service has a continuing duty to gather and evaluate new information
7 relevant to the environmental impact of its actions. Friends of the Clearwater v. Dombeck, 222
8 F.3d 552, 559 (9th Cir. 2000).

9 90. On May, 1, 2009, Plaintiff requested that the Forest Service prepare a
10 supplemental analysis based on significant new information and circumstances.

11 91. Plaintiff notified the Forest Service of four new Pacific fisher detections within
12 the Hume Roadside Logging Project area. The Pacific fisher relies on large, mature old-growth.
13 The average tree proposed for logging in the Hume Roadside Logging Project is very large.
14 These are the very trees the Pacific fisher relies on for habitat.

15 92. Plaintiff notified the Forest Service that the Hume Roadside Logging Project
16 would remove nearly all alleged hazard trees and potentially fail to comply with the forest plan
17 standards for downed woody material.

18 93. Plaintiff notified the Forest Service that a cut-and-leave alternative is reasonable
19 and must be considered and was a feasible alternative as analyzed in another area of the Sequoia
20 National Forest. Once hazard trees are felled, they pose no further hazard, the recovery of timber
21 value would not preclude consideration of a cut-and-leave alternative.

22 94. Plaintiff notified the Forest Service, and the Forest Service conceded that the
23 project area is actually 2,577 acres, and not 115 acres as set forth in the Decision Memo.

24 95. In responding to Plaintiff’s request District Ranger John D. Exline erroneously
25 concluded that no significant new circumstances or information existed that would bear upon the
26 Hume Roadside Logging Project, that there was no need to supplement the environmental
27 analysis or the Decision Memo from September 18, 2007, and that the use of the CEs were
28 appropriate for the scope and size of the project.

1 **Violation of NFMA and the APA**

2 **Failure to Comply With Down Woody Material Standards and Guidelines**

3 104. Plaintiff incorporates by reference all preceding paragraphs.

4 105. The Sequoia National Forest Plan is a “land management plan” that contains
5 standards and guidelines for downed woody material.

6 106. The Sequoia is one of eleven national forests managed under a regional planning
7 framework for the Sierra Nevada national forests. In 1988, the Forest Service adopted the
8 Sequoia National Forest Land and Resource Management Plan (“LRMP”), which provides
9 standards and guidelines for project-level planning within the Sequoia National Forest. In 2001,
10 the Forest Service approved the Sierra Nevada Forest Plan Amendment, also known as the
11 Sierra Nevada Framework (the “2001 Framework”), which amended the LRMPs for all national
12 forests in the Sierra Nevada, including the Sequoia National Forest LRMP. The 2001
13 Framework standards and guidelines must be followed in managing the Giant Sequoia National
14 Monument. 16 U.S.C. § 1604(i).

15 107. The 2001 Framework Record of Decision requires that, for the needs of imperiled
16 wildlife species, sufficient down woody material be left in the project based on the standard for
17 tons or logs per acre: “Retain felled trees where needed to meet down woody material
18 standards.” 2001 SNFPA ROD, Appx. A, p. 29. “Within Westside vegetation types, beginning
19 with the largest down logs, sequentially retain pieces of down wood until at least 10 to 20 tons
20 per acre are retained over a treatment unit. Within eastside vegetation types, retain at least three
21 large logs per acre. Do not retain pieces smaller than 12 inches diameter at midpoint to meet this
22 standard.” *Id.* at p. 28.

23 108. Nevertheless, the Decision Memo erroneously states that, under the 2001
24 Framework, the first priority is to remove salvageable material as a forest product, and then to
25 leave non-salvageable on site to meet down woody material standards.

26 109. For a 2,577 acre project, the Forest Service must ensure that at least 25,700 tons
27 or 7,731 of the largest logs are retained in the project area. This standard cannot be satisfied if
28 all but 5 of the 639 trees marked as hazards will be removed from the project area. Therefore,

1 the Forest Service will not comply with the down woody material standard for the Hume
2 Roadside Logging Project.

3 110. Defendants' approval of the Hume Roadside Logging Project is arbitrary,
4 capricious, not in accordance with law, and without observance of procedures required by law,
5 within the meaning of APA, 5 U.S.C. § 706.

6 **PLAINTIFF'S PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment in favor of
8 Plaintiff and issue the following relief:

9 111. declare that Defendants violated the Giant Sequoia National Monument
10 Proclamation because they failed to show that the removal of trees (rather than simply felling
11 and leaving them) was clearly needed for ecological restoration or public safety;

12 112. declare that the Defendants violated NEPA because the Hume Roadside Project
13 does not qualify for exclusion under the "routine road maintenance" CE or the Salvage Logging
14 CE;

15 113. declare that Extraordinary Circumstances preclude use of CEs for the Hume
16 Roadside Logging Project;

17 114. declare that Defendants violated NEPA because they failed to prepare an
18 Environmental Assessment or, in the alternative, an Environmental Impact Statement;

19 115. declare that Defendants violated NEPA by failing to consider, explore, and
20 objectively evaluate a reasonable range of alternatives;

21 116. declare that Defendants violated NEPA by failing to supplement its environmental
22 analysis based on significant new information and circumstances;

23 117. declare that Defendants violated NFMA by failing to comply with the forest
24 plan's standards and guidelines for down woody material;

25 118. declare that the Defendants' actions as set forth in this complaint are arbitrary,
26 capricious, an abuse of their discretion, are not in accordance with law and are without
27 observance of procedures required by law and therefore must be set aside pursuant to the APA, 5
28 U.S.C. §706 (2);

