

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROIRDON L. DOREMUS,

Defendant.

Case No. 3:11-CV-406-BLW

MEMORANDUM DECISION

INTRODUCTION

The Court has before it a motion for reimbursement filed by the Government. Defendant Doremus has not filed any response. Having examined the motion and supporting documents, the Court will grant the motion for the reasons explained below.

ANALYSIS

The Government brought this lawsuit against Doremus to stop him from mining his Wizard Claim in the Nez Perce National Forest without a valid Operating Plan. The Court granted the Government's motion for summary judgment, ordering Doremus to stop mining, to remove all his mining equipment, and to either restore the areas he damaged or pay the Forest Service for the costs of remediation. *See Memorandum Decision (Dkt. No. 53)*. Doremus took no action to restore the damage and so the Forest Service did the restoration work – they now ask the Court to be reimbursed for those costs.

The restoration work done by the Forest Service was extensive. It involved (1) taking 9,000 pounds of debris and scrap to a landfill; (2) digging up and removing 60 feet

of broken sewer pipe; (3) removing a road cut into a hillside and re-contouring the area; (4) backfilling open trenches; (5) leveling an ore stockpile; and (6) filling in the main pit and adit. *See Jones Second Declaration (Dkt. No. 63-1)*. The costs for this work are set forth in detail in two attachments to the Jones Declaration. *See Attachments A & C (Dkt. Nos. 63-2 & 63-4)*. The costs total \$20,200.12. *Id.*

The Court finds that these costs were necessary to reclaim the area damaged by the illegal mining activity of Doremus, and that the cost amount is reasonable. The Court will therefore grant the Government's motion in a separate Judgment as required by Rule 58(a).



DATED: April 8, 2016

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
Chief Judge
United States District Court