

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

WESTERN WATERSHEDS PROJECT,
HELLS CANYON PRESERVATION
COUNCIL and THE WILDERNESS
SOCIETY,

Plaintiffs,

v.

BUREAU OF LAND MANAGEMENT, and
SECRETARY OF INTERIOR KEN SALAZAR

Defendants.

Case No. 4:09-CV-507-BLW

MEMORANDUM DECISION

The Court has before it the BLM's motion to dismiss. Plaintiff WWP originally brought this action to halt grazing on the Partridge Creek allotment due to concerns over disease transmission from domestic sheep to bighorn sheep. The Court issued a temporary restraining order (TRO) enjoining the BLM from authorizing grazing on the Partridge Creek allotment pending an evidentiary hearing on the matter.

The BLM then agreed to extend the TRO while the agency completed an environmental analysis. The only remaining reason to hold the evidentiary hearing was to allow intervenor Carlson Company – the entity grazing sheep on the Partridge Creek allotment – to submit evidence on the balance of hardships. When Carlson decided it did not want to proceed at the hearing, the Court vacated the hearing and the TRO remained

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in place pursuant to the agreement of the parties.

No further legal issues remain in this case. The Court will therefore grant the BLM's motion to dismiss. The final Judgment shall contain an injunction banning further grazing on the Partridge Creek allotment until the BLM has completed its environmental analysis, granted permission to graze to Carlson, and notified WWP that permission to graze has been granted. At that time, WWP will be free to file a new lawsuit seeking to enjoin the grazing. The bond filed in this case shall be released. The Court refuses to set a time limit for the BLM to complete its environmental analysis due to its scientific complexity and the lack of a record before the Court supporting such a deadline.

The Court will enter a separate Judgment as required by Rule 58(a).



DATED: **December 19, 2011**

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.

Honorable B. Lynn Winmill
Chief U. S. District Judge