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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE EASTERN DISTRICT OF WASHINGTON

13 \_\_\_\_\_ :  
14 :  
15 ALLIANCE FOR THE WILD ROCKIES, : No. 2:19-cv-00350-SMJ  
16 :  
17 Plaintiff : [PROPOSED] AMICUS CURIAE  
18 v. : BRIEF OF CONSERVATION  
19 : NORTHWEST, THE METHOW VALLEY  
20 UNITED STATES FOREST SERVICE; VICKI : CITIZENS COUNCIL, AND THE  
21 CHRISTIANSEN, Chief of the Forest Service; : WILDERNESS SOCIETY  
22 KRISTIN BAIL, Forest Supervisor of the :  
23 Okanogan-Wenatchee National Forest; and :  
24 GLENN CASAMASSA, Regional Forester for :  
25 Region 6 of the U.S. Forest Service, :  
26 :  
27 \_\_\_\_\_ Defendants :

28 I. INTRODUCTION

29 Proposed amici curiae Conservation Northwest (CNW), the Methow Valley Citizens  
30 Council (MVCC), and The Wilderness Society (TWS) submit this brief in connection with the  
31 Parties' pending Cross-Motion for Summary Judgment. CNW, MVCC, and TWS are non-profit  
32 advocacy organizations whose missions are to protect the wilderness and restore and enhance  
33 forest and aquatic ecosystem health. Each of the proposed amici participated in the development  
34 of the Mission Restoration Project that is the subject of Plaintiff's lawsuit, and each strongly  
35 supports the Project's implementation.

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## II. BACKGROUND

### A. CNW, MVCC, and TWS are Conservation Groups with a Strong Interest in the Mission Restoration Project's Successful Implementation.

CNW, MVCC, and TWS are well-established, vocal conservation advocacy groups who are active on the local, regional and national levels. CNW, MVCC, and TWS actively participated in the development of the Mission Restoration Project, and their interests are deeply affected by the Forest Service's ability to proceed with the restoration efforts to be implemented by the Project.

**Conservation Northwest.**<sup>1</sup> CNW is a regional conservation organization based in Washington State whose mission is to conserve Pacific Northwest wildlands and wildlife. CNW engages in science-based advocacy, and works on the ground to engage with scientists, agencies, and communities to advance restoration projects that improve the ecological resilience of forests and watersheds. CNW has a deep and longstanding organizational interest in the Methow Valley in the Okanogan region where the Mission Restoration Project is located. For example, CNW was involved in the Methow Headwaters Campaign, which resulted in the successful passage of legislation preventing mining in the entire Methow River headwaters basin. CNW is also an active voice strongly advocating for the protection of grizzly bear habitat and the recovery of a sustainable grizzly bear population in the North Cascades ecosystem. CNW was an early leader in forming and engaging with collaborative groups in Washington State to produce quality Forest Service restoration projects and has been an active member of the North Central Washington

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<sup>1</sup> See generally Declaration of David Werntz, dated August 24, 2020, and Declaration of Michael Liu, dated August 25, 2020, for the following three paragraphs.

1 Forest Health Collaborative (the Collaborative) that helped shape the Mission Restoration  
2 Project.

3 CNW's current Okanogan Lead in its Forest Field Program is Michael Liu, who previously  
4 was the District Ranger on the Okanogan-Wenatchee National Forest's Methow Valley Ranger  
5 District (MVRD), where the Mission Restoration Project is located. Mr. Liu has a Bachelor of  
6 Science in Forest Management from Humboldt State University in California, a Certificate in  
7 Forest Engineering from Oregon State University's Forest Engineering Institute, and a  
8 Certificate in Silviculture from Oregon State and Washington State Universities' Silviculture  
9 Institute.

10 As District Ranger, Mr. Liu identified the Mission Restoration Project area as a landscape  
11 that needed restoration treatments because it had unhealthy dense forest conditions susceptible  
12 to uncharacteristic fire severity. Specifically, Mr. Liu determined that landscape conditions in  
13 the Mission Restoration Project area were departed from historic ranges, with too many dense  
14 stands of trees resulting from past logging practices, effective fire suppression, and lack of active  
15 forest restoration. Mr. Liu concluded that, as a result, areas of the forest in the Mission  
16 Restoration Project area are currently overstocked, leaving the trees more stressed and therefore  
17 more susceptible to insect and diseases. Mr. Liu understood that the overstocked forest also  
18 creates fuel ladders for fires to climb from the forest floor into the treetops, causing  
19 uncharacteristically severe and widespread fire effects. Recognizing the need for public outreach  
20 and support, including a rigorous scientific review by conservation groups like CNW, MVCC, and

1 TWS, Mr. Liu submitted the Mission Restoration Project to the Collaborative’s members for  
2 review, comment, and specific assistance in designing the Project early on.

3 **The Methow Valley Citizens Council.**<sup>2</sup> MVCC is a community advocacy organization  
4 dedicated to the protection of the Methow Valley’s natural environment and rural character.  
5 MVCC educates the public and key decision makers on environmental and land use issues,  
6 engages citizen participation, and advocates - when necessary through litigation - to ensure that  
7 environmental laws and regulations are followed. MVCC played a key role in the Methow  
8 Headwaters Campaign, and worked closely with local citizenry, businesses, agencies and  
9 governments, as well as other nonprofit organizations, to secure the protection of the Methow  
10 River’s headwaters from future mining activities. MVCC is also a strong advocate for local grizzly  
11 bear population recovery efforts and has worked closely in partnership with Defenders of  
12 Wildlife, Conservation Northwest, the National Parks Conservation Association, and others to  
13 build awareness and community support for sharing the landscape with the great bears.

14 MVCC informally participated in the Collaborative and the development of the Mission  
15 Restoration Project for several years and became a formal Collaborative member in 2019. MVCC  
16 recognizes that the Mission Restoration Project is a landscape-wide forest restoration project  
17 that will have significant ecological benefits when implemented. Specifically, MVCC supports the  
18 science behind the 2012 Okanogan-Wenatchee Forest Restoration Strategy, on which the  
19 Mission Restoration Project is based. A copy of that Forest Restoration Plan is attached as  
20 Exhibit A to the Declaration of Lorah Super, dated August 24, 2020. This Restoration Plan was

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<sup>2</sup> *See generally* Declaration of Lorah Super, dated August 24, 2020, for these paragraphs.

1 developed and designed to build landscape-scale resilience to climate change impacts predicted  
2 for the forest ecosystems of the North Central Washington region, and has been a particular  
3 focus of MVCC.

4 MVCC has also been the lead organization advancing important climate change  
5 discussions in the Methow Valley. For example, in 2019, MVCC convened a local Climate Change  
6 Taskforce composed of community leaders and experts (including biologists and fire ecologists)  
7 to formulate a Climate Action Plan specific to the needs of the Methow Valley. The Climate  
8 Action Plan, which is currently being drafted, includes recommendations to address building and  
9 sustaining resilience in upland and riparian forests, as well as protecting wildlife and aquatic  
10 habitat. Many measures recommended in the Climate Action Plan are consistent with those  
11 developed in the Dry Forest Restoration Strategy and proposed for the Mission Restoration  
12 Project.

13 MVCC also supports the Mission Restoration Project because, in designing the Project, the  
14 Forest Service benefitted from – and was responsive to – significant and detailed input and  
15 feedback from conservation groups like itself. This ranged from aquatic restoration review by  
16 organizations like Trout Unlimited to assistance provided by the Nature Conservancy that led to  
17 the hiring of a well-known forestry scientist, Dr. Derek Churchill. This in-depth review process  
18 helped the Forest Service translate the science of the Restoration Strategy into prescriptions that  
19 can be implemented. MVCC also submitted formal comments on the Forest Service’s proposed  
20 Environmental Assessment (EA) in 2017.

1 MVCC recognizes that dry forest ecosystems are particularly vulnerable to the effects of  
2 climate change and require focused attention to increase their long-term health and resilience.  
3 MVCC believes that projects that – like the Mission Restoration Project – comply with the 2012  
4 Okanogan-Wenatchee Forest Restoration Strategy are particularly valuable because of the Forest  
5 Service’s commitment to adaptive management. This management style embraces a process by  
6 which the agency, in consultation with the interested public, can both try new strategies and  
7 adapt them along the way as additional information is learned and feedback from organizations  
8 like MVCC are taken into account. MVCC, therefore, is committed to, and invested in, assisting  
9 the Forest Service in ensuring the Mission Restoration Project’s successful implementation.

10 **The Wilderness Society.**<sup>3</sup> TWS is a national non-profit organization whose mission is to  
11 unite people to protect America’s wild places. TWS’s advocacy and actions are based in sound  
12 science to protect and defend nature, and create enduring solutions for future generations. Like  
13 CNW and MVCC, TWS has strong roots in the Methow Valley and has spent a significant amount  
14 of staff time and resources in advocating for the preservation and restoration of public lands in  
15 the area. Most recently, TWS was a crucial player in the successful Methow Headwaters  
16 Campaign, and provided strategic leadership, policy advocacy, and financial support to the  
17 Campaign.

18 TWS has a long history of engaging in forest health collaboratives, including several in  
19 Washington State and, in particular, the Collaborative. Indeed, TWS was one of the founding

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<sup>3</sup> *See generally* Declaration of Michael Anderson, dated August 25, 2020, for these paragraphs.

1 members of that Collaborative. Michael Anderson, TWS's Senior Policy Analyst, chaired the  
2 Collaborative's Projects Workgroup from 2013-2016, when the Mission Restoration Project was  
3 intensively discussed and developed. He was recently elected as the co-chair of the Collaborative.

4 TWS worked closely with the MVRD to review and develop the Project proposal, gather  
5 inventory data, inspect potential sites for thinning, prescribed burning and road  
6 decommissioning, and conduct public outreach and education. TWS's role on the Collaborative  
7 became all the more important after 2014 and 2015, when Okanogan County in which the MVRD  
8 is located experienced the largest recorded wildfires in Washington State. The MVRD was  
9 unavoidably side-tracked from its forest restoration work by these fires, and TWS through  
10 Michael Anderson did what it could to assist the MVRD in staying on track with its regular  
11 restoration projects, including the approximately 50,000-acre Mission Restoration Project.

12 TWS also interacted with some of the Libby Creek landowners to understand and address  
13 their concerns with the Mission Restoration Project proposal.<sup>4</sup> Besides general concerns about  
14 logging activity and log truck traffic, Mr. Anderson remembers that one of the Libby Creek  
15 landowners' chief concerns was the protection of a large, undeveloped area they call the Lookout  
16 Roadless Area that is partly located within the Mission Restoration Project area. The Libby Creek  
17 landowners wanted the Forest Service to recognize and preserve the roadless area as a wilderness  
18 or wildlife sanctuary free of human disturbance. Mr. Anderson hiked into the roadless area with  
19 one of the landowners, and later brought the area to the Forest Service's attention.

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<sup>4</sup> Plaintiff has submitted declarations from several of the Libby Creek landowners in this action.

1 The Forest Service’s final EA includes a map that shows about 5,500 acres of roadless land  
2 in the Project area – including portions of the roadless area around Lookout Mountain that the  
3 Libby Creek landowners wanted to protect. In the final EA, the Forest Service determined not to  
4 conduct any roadbuilding and only a small amount of understory thinning in the roadless area.  
5 TWS is particularly pleased with this aspect of the project alternative ultimately selected by the  
6 Forest Service. More generally, TWS supports the Mission Restoration Project because it is  
7 exemplary of the collaborative, holistic, science-based active management that is needed to help  
8 the distinctive flora and fauna of the eastern North Cascades region adapt to global climate  
9 change.

10 **B. The Mission Restoration Project is Inherently Different from a Commercial**  
11 **Timber Sale Project that Requires Mitigation.**

12  
13 Amici CNW, MVCC, and TWS do not believe that the Mission Restoration Project, which  
14 was designed with substantial input from conservation organizations like themselves, is properly  
15 characterized as a “logging project” or commercial “timber sale” requiring mitigation. Instead,  
16 the Project has a primary forest and watershed restoration focus, and utilizes commercial timber  
17 harvests to achieve the EA’s treatment prescriptions and conservation goals in a cost-effective  
18 manner. As the final EA notes:

19 [T]he intent of this project is to ... prescribe and implement a set of  
20 treatments that rely on the principles of landscape and stand-level  
21 restoration ecology, wildfire hazard reduction, and transportation  
22 system management while meeting the direction of the amended  
23 Okanogan National Forest Land and Resource Management Plan and  
24 the Forest Restoration Strategy.

25  
26 AR 14746.



1           The Mission Restoration Project, in other words, was always a restoration project intended  
2 to return the Project area to a healthier, more ecologically resilient state following historic old-  
3 growth logging practices, fire suppression, and road construction that greatly reduced ecosystem  
4 health. The specific purposes and needs of the Mission Restoration Project are identified as the  
5 following:

- 6           • To “restore and maintain aquatic, riparian and hydrologic processes  
7 impacted by past management, improve habitat for Threatened and  
8 Endangered aquatic species, and increase watershed resiliency.” AR  
9 14748.
- 10           • To “restore soil-related processes and functions where past management  
11 practices have created detrimental effects.” AR 14748.
- 12           • To “maintain and restore forest vegetation characteristics to within  
13 estimated historical and future ranges of variability to improve forest  
14 resiliency to insect, disease, and wildfire events.” AR 14749.
- 15           • To “develop, maintain and/or enhance habitat for federally listed and  
16 other wildfire species and reduce the risk of large-scale habitat loss to  
17 fires by increasing resilience of habitats to wildfires.” AR 14749.
- 18           • To “maintain and enhance existing and potential [protected] plant  
19 populations and unique plant habitats within meadows and aspen  
20 stands.” AR 14749.
- 21           • To “modify the structure, composition, and patterns of forest stands  
22 within and adjacent to the wildland/urban interface ... enabling the use  
23 of more direct firefighting strategies to protect life and personal  
24 property.” AR 14749.
- 25           • To “provide the road system needed for safe and efficient travel,  
26 administration, public use and protection of natural resources on  
27 National Forest ... lands, now and in the future.” AR 14750.
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1           These restoration purposes and needs were developed by the Forest Service after engaging  
2 in a long and in-depth collaborative process with a variety of interest groups, including  
3 conservation advocacy organizations like CNW, MVCC, and TWS. Commercial logging  
4 opportunities were not identified as a Project goal; rather, they were developed as a tool to  
5 accomplish the identified restoration needs in relatively small, discrete areas of the planning  
6 area. CNW, MVCC, and TWS appreciate that the Forest Service specifically considered a project  
7 alternative that would have included no commercial thinning treatments while still retaining  
8 ladder fuel reduction thinning and fire treatments. AR 14764. However, the Forest Service’s in-  
9 depth analysis conducted in partnership with CNW, MVCC, and TWS and other Collaborative  
10 members demonstrated that the extent of the degradation in the area cannot be effectively  
11 addressed without restoration actions that also produce commercial byproducts.

12           Where, as here, commercial logging is “the only proposed alternative[s] that could feasibly  
13 meet the project’s goal”, the Forest Service may properly reject a project alternative containing  
14 no commercial logging operations. *Bark v. Northrop*, 607 Fed. Appx. 652, 654 (9<sup>th</sup> Cir. 2015)  
15 (concluding that Forest Service “did not act arbitrarily or capriciously” in failing to consider  
16 economically infeasible no-action alternative entirely) (*unpublished*); *see also Earth Island Inst. v.*  
17 *U.S. Forest Serv.*, 687 F.3d 1010, 1022-23 (9<sup>th</sup> Cir. 2012). The need for forest thinning in the  
18 Mission Restoration Project area is particularly critical because climate change is – and will  
19 continue to be – a significant stressor for the forest lands located on the MVRD. This, together  
20 with the past practices that led to the current degraded health of the ecosystem, requires  
21 substantial forest and watershed restoration efforts to make the Mission Restoration Project

1 area more ecologically resilient. The Mission Restoration Project recognizes this need, and  
2 provides for only a small amount of commercial thinning: of the entire 56,000 acre planning  
3 area, 8,300 acres will be thinned non-commercially, and only 1,800 acres are proposed for  
4 possible commercial thinning.

5 Because this is a restoration project whose fundamental purpose is to mitigate pre-existing  
6 conditions within the project area, Plaintiff's argument that the mitigating effects identified in  
7 the EA are necessary to minimize the Project's harmful impact is misplaced. Courts have long  
8 recognized that "a commercial component does not affect the project's design because the project  
9 focuses on fuels reduction and not on profitability. The availability of commercial timber is  
10 simply a collateral benefit to the government and does not change the purpose or scope of the  
11 project." *Native Ecosystems Council v. U.S. Forest Service*, 428 F.3d 1233, 1248 (9th Cir. 2005)  
12 ("*Native Ecosystems*"). Here, the thinning operations were developed carefully and with  
13 significant input from conservation advocacy organizations like CNW, MVCC, and TWS to  
14 specifically enhance ecosystem functions. In fact, CNW, MVCC, and TWS believe that this Project  
15 powerfully demonstrates that it is possible, through an in-depth collaborative process, to  
16 properly design restoration projects that include commercial logging components for achieving  
17 restoration goals. As a result, the commercial logging operations and other actions envisioned as  
18 part of the Mission Restoration Project were designed to meet restoration goals: to improve and  
19 protect the ecological health of the forest and aquatic ecosystem, and to enhance quality habitat  
20 for protected plant species, deer, grizzly bears, bull trout, and other salmonids.

1           **C. The Mission Restoration Project Properly Prescribes Winter Timber Harvesting**  
2           **and Placement of Woody Debris as Mitigating Measures.**

3  
4           In addition to the logging operations prescribed as part of the Project’s landscape  
5 restoration strategy, the Mission Restoration Project also includes specific timber harvesting  
6 mitigation measures. CNW, MVCC, and TWS have long endorsed a ‘do no harm’ strategy for land  
7 management that supports precautions such as winter logging over sensitive, compacted, and  
8 other soils, and the strategic placement of woody debris mats to mitigate any adverse effects  
9 from logging operations. This strategy was integral to the Mission Restoration Project design.  
10 For example, the EA requires “[s]oil under machine piles in harvest and fuels treatment units [to]  
11 be seeded after burning if post-burn inspection indicates that vegetative recovery is unlikely.  
12 Rehabilitation ... may include seeding, use of coarse woody debris if bare soil is exposed, weed  
13 treatment, etc.” AR 15230. Similarly, soils on summer harvest units will be “de-compact[ed] ...  
14 on a case-by-case basis as needed” and landings will be seeded and covered with woody debris.  
15 AR 15230. Conservation advocacy groups worked closely with the Forest Service in developing  
16 these mitigation strategies through a robust, scientific environmental review process, and CNW,  
17 MVCC, and TWS believe them to be appropriate and acceptable.

18           **D. The Mission Restoration Project will Decrease Road Density in the Project Area**  
19           **and the Lack of Existing Funding for Road Decommissioning is not Fatal.**

20  
21           Plaintiff’s argument that the lack of existing funding for the Mission Restoration Project’s  
22 road decommissioning treatments requires the preparation of an Environmental Impact  
23 Statement (EIS) similarly misunderstands the Project design and partnership dynamics on the  
24 MVRD. Although the Project will require the temporary construction of new roads in connection

1 with the timber harvest prescriptions, those roads will be decommissioned as part of any logging  
2 operations. In addition, an extensive network of other pre-existing Forest Service roads will  
3 similarly be decommissioned. The effect of Plaintiff's lawsuit, therefore, paradoxically is that it  
4 could hold up the reduction in road density prescribed for the Mission Restoration Project area.  
5 Likewise, important ecological restoration projects such as road culvert replacements and beaver  
6 dam analogues that Trout Unlimited is helping the Forest Service to implement as part of the  
7 Mission Restoration project could be stalled. These projects, however, would greatly enhance the  
8 area's value as habitat for deer, grizzly bears, and a myriad of other forest and aquatic species.  
9 Accomplishing these wildlife habitat improvements is an important goal of CNW, MVCC, and  
10 TWS, and can only be fully met if the Mission Restoration Project is allowed to move forward.

11         The MVRD, moreover, has a good track record of securing funding – whether internally or  
12 from outside partnerships – for road decommissioning activities. From 2009 through 2018  
13 alone, the MVRD secured over \$2 million in outside funding from the National Forest  
14 Foundation, CNW, TWS, and the Yakama Nation for road improvement and decommissioning  
15 throughout the District.<sup>5</sup> There is no reason to believe that similar partnerships will not develop  
16 in connection with the Mission Restoration Project, especially in light of deep investment by  
17 organizations such as CNW, MVCC, and TWS in the Project and its conservation goals. To date,  
18 Trout Unlimited has already completed three aquatic restoration projects authorized by the  
19 Mission Restoration Project and is designing a fourth project, applying nearly hundreds of  
20 thousands of dollars raised from the Confederated Tribes of the Colville Reservation and

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<sup>5</sup> See Declaration of Michael Liu, dated August 25, 2020, ¶10.

1 Washington State Department of Natural Resources.<sup>6</sup> These actions demonstrate the  
2 conservation community's commitment to fully implementing the Project's road improvement  
3 and decommissioning goals.

4 **E. The Mission Restoration Project is Based on Sound Science and Will Enhance**  
5 **Grizzly Bear and Deer Habitat.**

6  
7 CNW, MVCC, and TWS also believe that the Mission Restoration Project will benefit  
8 wildlife, including grizzly bears and deer. Plaintiff's argument that the Mission Restoration  
9 Project does not properly take into account deer habitat requirements rests on findings in the  
10 1989 Forest Plan that have long been found to be scientifically flawed. As the EA notes, in the  
11 intervening decades "studies have found that thermal cover is not as critical as forage quality and  
12 quantity for winter survival of ungulates." AR 14771. CNW, MVCC, and TWS are aware of and  
13 support more recent research, which "has generally found that while cover is needed where  
14 security is low and where snow levels are high, deer use appears to be more strongly influenced  
15 by forage availability than a trade-off between forage and cover." AR 14771. While the fuel  
16 reduction treatments will result in minor temporary negative effects for deer, CNW, MVCC, and  
17 TWS agree with the Forest Service that the long-term foraging benefits to ungulates outweigh –  
18 and therefore properly mitigate – any short-term negative impact.

19 Although the Mission Restoration Project does not contain primary grizzly bear habitat  
20 due to its relatively low elevation, proximity to mortality threats from developed areas, and dry  
21 forest landscape, CNW, MVCC, and TWS also believe that the Project will enhance habitat

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<sup>6</sup> See Declaration of Christopher Branch, dated August 26, 2020, submitted this action.

1 conditions for bears. A primary benefit of the Mission Restoration Project for grizzly bears is its  
2 great potential to reduce the number and density of roads in the area. In fact, the Project applies  
3 sound science and management strategies to exceed the Forest Service’s usual ‘no net loss of  
4 existing core area” policy in this regard, and if implemented will decommission many miles of  
5 existing roadways. CNW, MVCC, and TWS believe the resulting improvement to grizzly bear  
6 habitat conditions in the Mission Restoration Project area will be significant.

7 In addition, the Mission Restoration Project’s vegetation management efforts were  
8 conceived and designed to combat the degraded current conditions in the area from long-term  
9 fire suppression and historic old-growth logging practices and make the landscape more resilient  
10 to climate change. Here, like in *Native Ecosystems*, the Project’s “objective is to remove excess  
11 fuels and reduce the potential for large-scale fires that could ultimately wipe out any [tree] cover.  
12 Increasing short-term [tree] cover conditions will lead to an inevitable stand-replacing wildfire,  
13 a condition that might obliterate all [tree] cover for the long term.” *Native Ecosystems Council*  
14 *v. U.S. Forest Service*, 428 F.3d 1233, 1248 (9th Cir. 2005). The MVRD has experienced large-  
15 scale fires in the recent past, and their impact on wildlife habitat has been significant. CNW,  
16 MVCC, and TWS therefore support the prescribed vegetation management strategy of mostly  
17 non-commercial thinning and burning. This strategy was designed by the Forest Service in close  
18 collaboration with CNW, MVCC, and TWS, and is critical to meeting their restoration and  
19 resiliency goals for the Mission Restoration Project area.

1           **F. The Mission Restoration Project Is Not “Highly Controversial” so as to Require the**  
2           **Preparation of an Environmental Impact Statement.**

3  
4           Finally, CNW, MVCC, and TWS do not believe that the Mission Restoration project is  
5 “highly controversial” under the Council on Environmental Quality’s NEPA regulations. 40 CFR  
6 § 1508.27(b)(4). A project is “highly controversial” if there is a “substantial dispute [about] the  
7 size, nature, or effect of the major Federal action rather than the existence of opposition to a  
8 use.” *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1212 (9<sup>th</sup> Cir. 1998)  
9 (quoting *Greenpeace Action v. Franklin*, 14 F.3d 1324, 1335 (9<sup>th</sup> Cir. 1993)). Here, the Mission  
10 Restoration Project was, over the course of many years, designed with the thorough and in-depth  
11 input of various interests, including the strong conservation interests of CNW, MVCC, and TWS.  
12 The Project, moreover, has no significant adverse impacts that were identified by the Forest  
13 Service or through the extensive collaborative process that the Forest Service engaged in.

14           Indeed, while CNW, MVCC, and TWS respect Plaintiff’s right to disagree on the Mission  
15 Restoration Project’s treatment prescriptions, each of those prescriptions was the subject of  
16 extensive discussions between the Forest Service and a very broad range of interests at numerous  
17 public meetings, field trips, newspaper articles, and discussion fora while the Project was being  
18 developed between 2014 and 2018. These events were well-publicized and open to the public,  
19 and attended by organizations and individuals ranging from CNW, MVCC, and TWS to some of  
20 Plaintiff’s members and representatives of the timber industry. The effects of the Project were  
21 well understood and broadly supported by the public.

22           Given the extraordinary collaborative efforts through which the Project was designed, and  
23 whose purpose was to ensure that the final Project design would be as uncontroversial as



1 possible, there is no “substantial dispute” about the nature or effect of the Mission Restoration  
2 Project. The Project, therefore, is not “highly controversial” within the meaning of 40 CFR §  
3 1508.27(b)(4). Instead, CNW, MVCC, and TWS, with their extensive experience in conservation  
4 science and advocacy, support the prompt implementation of the Mission Restoration Project.  
5 The Mission Restoration Project was carefully designed to support forest and aquatic ecosystem  
6 recovery within the Project area and will substantially improve the area’s resilience to climate  
7 change in the decades to come.

8 **III. CONCLUSION**

9 For the foregoing reasons, proposed amici curiae CNW, MVCC, and TWS respectfully  
10 request that the Court allow the Mission Restoration Project to move forward as designed by the  
11 Forest Service after a thorough vetting of the Project by CNW, MVCC, TWS, and others.

12 DATED: August 28, 2020

13 /s/ Natalie N. Kuehler

14 Natalie N. Kuehler

15 Counsel for proposed *amici curiae*

16  
17

**CERTIFICATE OF SERVICE**

I certify that on August 28, 2020, I served a copy of the foregoing Amicus Brief by Conservation Northwest, the Methow Valley Citizens Council and The Wilderness Society via first-class mail and by electronically filing the foregoing with the Clerk of the Court using the CM/ECF system on the following:

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