Pumice Plain Litigation Meeting 11-14-2020

Broads present: Susan Saul, Micky Ryan, Sarah Madsen, Laurie Kerr, Felice Kelly

Others: Marlee Guska, Intern, John Bishop, Christine Colasure, Susan Jane (attorney), Lucky Brookham , Charlie Craines, Becky Chaney

Plaintiff organizations: Native Plant Society, GOB, Sierra Club, CFC

Individual Plaintiffs: Susan Saul, John Bishop, Jim Gawel (Susan is not representing Broads; she is representing herself).

Susan Jane said we are still waiting for the FS to file their final decision before we act. We don’t know when that decision will come out but we still have time because there will not be any ground disturbing activity events this year. There is currently no urgency and the draft complaint is completed.

Sierra Club wants an informal agreement for individual plaintiffs that they will support the interests of the organizations serving as plaintiffs.

We are seeking for the FS to do an EIS. Attorney-Client agreements will be sent out in the next couple of weeks. We will need to determine who the designated individual plaintiff is for each of our 4 organizations. We also need to determine the point person for each organization for media contacts. Susan Jane is willing and comfortable to be the overall point person, but media people would rather talk with plaintiffs than attorneys, she said.

We will each need to start writing our standing declarations describing who we are, why we care, how this project would harm our interests. Be passionate and go into depth and also discuss how a favorable court decision would benefit us. How would the EIS be beneficial to me as a recreationist? Esthetic values? Other values? Use pictures, maps, poems in the declaration. Declarations need to be submitted with the admin record. We will need declarations from 2-3 Broads ie., Micky, Felice, Sarah, laurie. Susan Jane has examples of declarations she will share with us.

What do we expect from the EIS? We want the EIS to be transparent with the public and uphold long-term safety concerns. It should describe the process for a long term solution for protecting Spirit Lake as well as the long term safety concerns for the downstream communities, while preserving the landscape.

What do we want the FS to do? There is no zero impact alternative considered. What is the zero impact alternative?

The cost of the filing for the litigation will be below $2000 which would be $500 per organization. Micky mentioned that this would not be a problem for Broads. The retainer would be returned if we prevail.

All filing is done online. The Dept of Justice will assign an attorney for the FS and a govt official will be determined for the FS. Susan Jane will try to settle out of court for $. If this is not an option then we will file our brief. An admin record will be compiled by the FS and we will come up with a schedule. We have access to the admin record and we will get 2 briefs. FS will get 2 responses to our briefs. We can do reply brief and FS get a reply brief to each of our briefs. The process can take months or years. We can also file an injunction if the FS is in the field season. We will review the final draft from Susan Jane before she files the draft. The standing declarations will be attached to the brief.