

CURRENT LITIGATION

SCI is currently involved, will soon be involved, or has recently been involved in the following cases:

• **Elephant Importation Ban Challenge (SCI v. Jewell)** – Challenge to the FWS’s decisions to suspend the importation of sport-hunted elephant trophies from Zimbabwe in 2014 and 2015 and from Tanzania in 2014. Status: We recently filed a new lawsuit challenging the FWS’s decision to continue Zimbabwe’s importation ban for 2015 and into the future. At the court’s recommendation, we entered into a tentative agreement with the FWS and the intervenors to consolidate the briefing of the 2014 and 2015 cases. Pending resolution of several preliminary matters, we will determine whether we need to pursue the two matters separately. We have appealed the Court’s decision to dismiss our claims regarding the 2014 Tanzania importation ban.

SCI also sued to challenge the FWS’s failure to respond to SCI’s request for documents pertaining to the July 2014 decision to ban the importation of elephants from Zimbabwe. Status: As soon as SCI filed suit, the FWS responded by providing all relevant documents. We settled our claim for attorneys’ fees and costs for \$8,900 and will contribute that amount to an elephant conservation/anti-poaching project in Africa.

• **California’s Ban on Importation of Mountain Lion Trophies (SCI v. Harris)** – Challenge to the constitutionality of a California law that bans individuals from importing or possessing trophies of mountain lions hunted outside of California. SCI claims that the California law violates the U.S. Constitution’s Commerce and Equal Protection Clauses. Status: SCI filed suit on August 6, 2014. State defendants responded with a motion to dismiss. The judge granted the state’s motion to dismiss, but gave SCI an opportunity to amend its complaint to provide more information regarding the impact of the import ban. SCI amended its complaint. The State again moved to dismiss the complaint. The Court has scheduled a hearing on that motion for September 28 in Sacramento.

• **Wyoming Wolf Delisting Challenges (Defenders of Wildlife v. Jewell; HSUS v. U.S. FWS)** – Defense of delisting and hunting of Wyoming portion of the northern Rocky Mountain wolf population in D.C. federal court. SCI is a defendant-intervenor. Status: D.C. district court invalidated the rule and returned Wyoming wolves to endangered status. All parties have appealed the court’s decision. Briefing will occur this fall.

• **Western Great Lakes Wolf Delisting Challenge (HSUS v. Jewell)** Defense of delisting and hunting of WGL wolf population. SCI, NRA, USSAF and several other organizations intervened. Status: The district court vacated the delisting and placed the WGL wolves back on the endangered species list. All defendants and defendant-intervenor appealed the decision. A briefing schedule has been set, but the case was also selected for mediation. All parties are currently involved in the mediation.

• **Three Antelope Cases – (FoA v. Jewell et al.)** – In the 2014 Appropriations Law, Congress directed the FWS to reissue a 2005 permit exemption rule regarding the hunting of three antelope species on ranches in the United States. After the FWS reissued the rule, FoA filed suit to challenge the constitutionality of Congress’s action and the rule. SCI joined as a defendant-intervenor. Status: The district court denied FoA’s summary judgment motion, and FoA appealed to the D.C. Circuit. Briefing is underway. (**SCI v. Jewell et al.**) – SCI challenged the FWS’s classification of U.S. captive populations as endangered. Status: Court upheld the legality of the listing. SCI appealed the ruling to the D.C. circuit court. Appeal has been stayed on SCI’s request, pending the appellate court ruling on the constitutional challenge. (**FoA v. Ashe et al.**) – FoA challenged permit process for culling members of captive herds of the three antelope. SCI

is a defendant-intervenor in the case. Status: Briefing has been stayed, also pending the outcome of the appeal in the constitutional challenge.

• **Big Cypress ORV/Wilderness Plan (NPCA et al. v. DOI et al.)** Defense of National Preserve (Addition Lands) Management Plan facilitating hunting and ORV use. SCI intervened in case to defend plan. Status: After extensive briefing and an all-day hearing, the Florida federal district court ruled in the NPS and SCI’s favor and upheld the plan. The case is now on appeal to the Eleventh Circuit Court of Appeals. Briefing is underway.

• **Lead Ammunition in Kaibab National Forest (CBD v. U.S. Forest Service)** – Defense against attempt to ban lead ammunition use in Kaibab National Forest. Status: district court granted a motion to dismiss filed by the federal government. CBD appealed decision to Ninth Circuit. SCI is participating as an amicus in the appeal. Appellate briefing is complete. We are currently awaiting a ruling or the scheduling of oral argument.

• **Grand Teton National Park Elk Hunt (Mayo v. Jarvis; Sierra Club v. Jewell)** – Two photographers challenged the elk management program administered on Grand Teton National Park in Wyoming. In a separate case, Sierra Club challenged the FWS’s approval of the hunt. SCI is participating as a defendant-intervenor in both cases. Status: Briefing has begun and will be completed this winter.

• **NPS Regulations in Alaska (Sturgeon v. Masica)** – SCI member, John Sturgeon, challenged the NPS’s authority to regulate activities on non-federal waters in Alaska. An Alaska district court and the Ninth Circuit upheld the NPS’s exercise of authority. Sturgeon petitioned the U.S. Supreme Court to consider his case. Status: SCI filed an amicus brief in support of Sturgeon’s petition to demonstrate the broader impact of the lower courts’ ruling on resident and non-resident hunters in Alaska. We are awaiting the Supreme Court’s decision.

• **Revisions to the Mexican Wolf Experimental Population Rule** – In January, the FWS finalized revisions to the regulations concerning the management of the Mexican wolf nonessential experimental population. The regulations increase the number of wolves to be recovered and expand the area into which they will be released and allowed to range. Status: SCI sent the FWS a 60-day notice letter of our intent to sue to challenge the revised rule. SCI will initiate a lawsuit after the 60-day period.

• **Lesser Prairie-Chicken Listing** – Various states and entities have filed six lawsuits concerning the listing of the LPC and/or the ESA multispecies settlements that led to the species’ listing. After lengthy procedural debate, three cases are in federal court in DC, two cases are in federal court in Oklahoma, and one case is in court in Texas. Status: In an effort to challenge the listing and the settlements, SCI will seek to intervene in one of the cases in Oklahoma and to participate as an amicus in another case there. We will also seek amicus status in two of the DC cases. SCI will not participate in the other cases.

• **McKittrick Policy (WildEarth Guardians v. DOJ)** – In 2013, WildEarth Guardians sued to challenge the Department of Justice’s policy not to prosecute individuals who accidentally shoot ESA listed species. Plaintiffs claim that the policy jeopardizes Mexican wolf recovery. Status: The Arizona federal district court recently denied the DOJ’s motion to dismiss the case. SCI is investigating the case to determine whether and in what capacity to participate to defend the policy.