

Gold Creek Resource Protection Association. v. Department of State Lands, et al.
Cause No. 76549
Consent to Judgment, 4th Judicial District
Entered 10-20-1992

MEPA Issue Litigated: Was the MEPA analysis adequate?

Consent to Judgment: No

CONSENT TO JUDGMENT

1 Richard R. Thweatt
Department of State Lands
2 Capitol Station
Helena, MT 59620
3 Phone: (406) 444-6332
Attorney for Defendants
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9 MONTANA FOURTH JUDICIAL DISTRICT, MISSOULA COUNTY

10 * * * * *

11 GOLD CREEK RESOURCE PROTECTION)
ASSOCIATION, INC.,)
12)
Plaintiffs,)
13)
vs.)
14)
MONTANA DEPARTMENT OF STATE LANDS,)
15 CHARLES WRIGHT, in his official)
capacity, and MONTANA BOARD OF)
16 LAND COMMISSIONERS,)
17 Defendants.)
_____)

Cause No. 76549

CONSENT TO
JUDGEMENT

18
19 COME NOW Defendants above-named and consent that judgement
20 may be entered against them as follows:

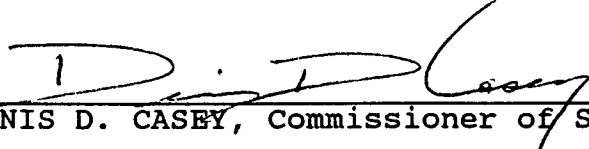
21 That they be enjoined from awarding any timber sale contract
22 or permit concerning Section 36, Township 14 North, Range 17
23 West, Missoula County, Montana, or undertaking any ground dis-
24 turbing activities in said section until the issuance of a re-
25 vised environmental assessment or environmental impact statement

1 concerning such activity; that defendants be further enjoined
2 from taking any action or decision based upon the Burnt Bridge
3 Timber Sale Environmental Assessment prepared in May 1992 or the
4 Record of Decision concerning such assessment dated May 26, 1992.

5 Defendants further consent to be ordered to pay Plaintiff's
6 costs of suit in bringing this action.

7 DATED this 20th day of October, 1992.

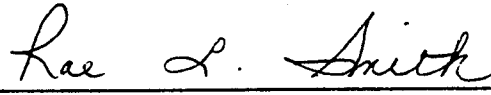
8 STATE OF MONTANA by and through its BOARD OF LAND COMMISSIONERS
9 and DEPARTMENT OF STATE LANDS

10 by 
11 DENNIS D. CASEY, Commissioner of State Lands

12 STATE OF MONTANA)
13 : ss
14 County of Lewis & Clark)

15 On this 20 day of October, 1992, before me, the
16 undersigned, personally appeared Dennis D. Casey, known to
17 me to be the person whose name is subscribed to the within
18 instrument, and acknowledged to me that he executed the
19 same.

20 (NOTARIAL SEAL)


Notary Public for the State of Montana
Residing at: Helena, Montana
My commission expires: June 3, 1995

23 CERTIFICATE OF SERVICE

24 I hereby certify that on this date I sent a true and
25 correct copy of the foregoing CONSENT TO JUDGEMENT by U.S.

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Mail, postage prepaid, to each of the following persons:

Jack R. Tuholske
401 N. Washington
P.O. Box 7458
Missoula, MT 59802

DATED this 20TH day of October, 1992.

Richard R. Thweatt
Richard R. Thweatt

JUDGMENT

1 Douglas G. Harkin, District Judge
2 Department 4
3 Fourth Judicial District
4 Missoula County Courthouse
5 (406) 523-4774

FILED NOV 05 1992
BY *Kathleen D. Brewer*
Deputy

8 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

9 GOLD CREEK RESOURCE PROTECTION)
10 ASSOCIATION, INC.,)

76549
Cause No. 76227/27

11 Plaintiff,)

12 vs.)

JUDGMENT

13 MONTANA DEPARTMENT OF STATE)
14 LANDS, CHARLES WRIGHT, in his)
15 official capacity, and MONTANA)
16 BOARD OF LAND COMMISSIONERS,)


17 Defendants.)

18 PURSUANT to the Consent to Judgment filed with the Court in
19 this matter by the Defendants, the Court does hereby adjudge and
20 decree as follows:

21 That Defendants, Montana Department of State Lands, Charles
22 Wright in his official capacity, and Montana Board of Land
23 Commissioners, are enjoined from awarding any timber sale contract
24 or permit concerning Section 36, Township 14 North, Range 17 West,
25 Missoula County, Montana, or undertaking any ground disturbing
26 activities in said Section until 180 days after the issuance of a
27 revised environmental assessment or environmental impact statement
concerning such activity; that said Defendants are further enjoined

1 from taking any action or decision based upon the Burnt Bridge
2 Timber Sale Environmental Assessment prepared in May 1992 or the
3 Record of Decision concerning such assessment dated May 26, 1992.
4 All discovery is suspended until agreement of the parties or by
5 order of the Court. Costs of the suit are awarded to the
6 Plaintiff.

7 DATED this 5th day of November, 1992.

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9 DOUGLAS G. HARKIN
10 District Judge

11 cc: Jack R. Tuholske
12 Richard R. Thweatt
13 Roy H. Andes
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Cause no V000076549 Clerk
 Title of Cause GOLD CREEK RESOURCE, PROT vs. MONTANA BOARD OF LAND, CO
 Action DECLARATORY JUDGMENT 4-DOUGLAS HARKIN
 Attorneys TUHOLSKE, JACK THWEATT, RICHARD R.

	Date	Code	Proceeding	Nxt Actn Date	Cost	Entry Date
1.00	7/29/92	FILE	COMPLAINT Rcd #		90.00	7/29/92
2.00	7/29/92	ISSM	ISSUED SUMMONS Rcd #			7/29/92
3.00	7/29/92	ISSM	ISSUED SUMMONS Rcd #			7/29/92
4.00	8/07/92	SUBS	MOTION OF PLAINTIFF FOR SUBSTITUTION OF JUDGE Rcd #		100.00	8/10/92
5.00	8/10/92	FIL	AFFIDAVIT OF MAILING Rcd #			8/10/92
6.00	8/11/92	FIL	INVITATION TO ASSUME JURISDICTION & ACCEPTANCE BY JUDGE MCLEAN Rcd # 132-2384			8/20/92
7.00	9/04/92	SUBS	MOTION FOR SUBSTITUTION OF JUDGE Rcd #		100.00	9/08/92
8.00	9/04/92	FIL	ANSWER Rcd #			9/08/92
9.00	9/09/92	FIL	AFFIDAVIT OF MAILING Rcd #			9/09/92
10.00	9/15/92	FIL	AMENDED NOTICE OF DEPOSITION Rcd #			9/16/92
11.00	9/15/92	FIL	AMENDED NOTICE OF DEPOSITION Rcd #			9/16/92
12.00	9/18/92	FIL	INVITATION TO ASSUME JURISDICTION & ACCEPTANCE Rcd # 133-2457			9/24/92
13.00	9/18/92	FIL	ORDER (RULE 16B) Rcd #			9/21/92
14.00	9/23/92	FIL	MOTION TO DISMISS FOR WANT OF JURISDICTION Rcd #			9/23/92
15.00	9/23/92	FIL	DEPARTMENT OF STATE LAND'S OPENING BRIEF ON JURISDICTION Rcd #			9/23/92

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 Action DECLARATORY JUDGMENT 4-DOUGLAS HARKIN
 Attorneys TUHOLSKE, JACK THWEATT, RICHARD R.

Date	Code	Proceeding	Nxt Actn Date	Cost	Entry Date
16.00	10/09/92	FIL BRIEF IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS			
		Rcd #			10/14/92
17.00	10/15/92	FIL PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT			
		Rcd #			10/19/92
18.00	10/15/92	FIL BRIEF IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT			
		Rcd #			10/19/92
19.00	10/19/92	FIL MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF IN SIPPOT OF MOTION TO DISMISS			
		Rcd #			10/20/92
20.00	10/21/92	FIL RESPONSE TO DEFENDANT`S CONSENT TO JUDGMENT			
		Rcd #			10/22/92
21.00	10/21/92	FIL REQUEST FOR ORAL ARGUMENT			
		Rcd #			10/22/92
22.00	10/22/92	FIL DEFENDANT'S WAIVER OF ORAL ARGUMENT & REQUEST FOR RULING ON MOTION TO DISMISS			
		Rcd #			10/23/92
23.00	10/22/92	FIL DEFENDANT'S REPLY BRIEF SUPPORTING MOTION TO DISMISS			
		Rcd #			10/23/92
24.00	10/22/92	FIL CONSENT TO JUDGEMENT			
		Rcd #			10/23/92
25.00	10/26/92	FIL MOTION FOR EXTENSION OF TIME TO FILE DEFENDANT`S ANSWER BRIEF OPPOSING MOTION FOR SUMMARY JUDGMENT & ORDER 11/05/92			
		Rcd # 135-1071			11/12/92
26.00	10/26/92	FIL BRIEF IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO FILE DEFENDANT`S ANSWER BRIEF OPPOSING MOTION FOR SUMMARY JUDGMENT			
		Rcd #			10/27/92
27.00	11/05/92	JUDG JUDGMENT			
		Rcd # 135-1073			11/12/92
28.00	11/09/92	FIL SECOND MOTION FOR EXTENSION OF TIME TO FILE DEFENDANT'S ANSWER BRIEF OPPOSING MOTION FOR			

Cause no V000076549 Clerk
Title of Cause GOLD CREEK RESOURCE, PROT vs. MONTANA BOARD OF LAND, CO
Action DECLARATORY JUDGMENT 4-DOUGLAS HARKIN
Attorneys TUHOLSKE, JACK THWEATT, RICHARD R.

Date	Code	Proceeding	Nxt Actn Date	Cost	Entry Date
		SUMMARY JUDGMENT			
		Rcd #			11/12/92
29.00	11/09/92	FIL BRIEF IN SUPPORT OF SECOND MOTION FOR EXTENTION OF TIME TO FILE DEFENDANT'S ANSWER BRIEF OPPOSING MOTION FOR SUMMARY JUDGMENT			
		Rcd #			11/12/92
30.00	11/12/92	FIL BILL OF COSTS			
		Rcd #			11/16/92