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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

WILDERNESS WATCH, *et al.*,

Plaintiffs,

v.

LEANNE MARTEN, Regional Forester,  
Region One of the U.S. Forest Service, *et al.*,

Defendants.

No. 9:21-cv-82-DLC

DEFENDANTS' NOTICE OF  
POSTPONEMENT OF  
PROJECT  
IMPLEMENTATION AND  
UNOPPOSED MOTION TO  
VACATE THE JULY 29, 2021  
HEARING.

Pursuant to the Court's July 24, 2021 Order, ECF No. 9, Defendants hereby give notice that the United States Forest Service and the State of Montana Department of Fish, Wildlife, and Parks (DFWP) have conferred and agreed to postpone implementation of DFWP's North Fork Blackfoot River Native Fish Restoration Project. That project will not begin until after May of 2022. *See* Second Decl. Sara Mayben ¶¶ 2, 3, attached herein as exhibit 1. As a result, no project activities, including notching of beaver dams, release of dye, and application of piscicide, will occur until after May 2022. *Id.* ¶ 3. The only activities that will occur during the remainder of 2021 are the removal of supplies, materials, and equipment and additional assessments of the landscape to facilitate project implementation next year. *Id.* In carrying out these activities, DFWP will not use motorized equipment in the Project Area or elsewhere in the Wilderness.

Given the postponement of project activities, there is no basis for preliminary injunctive relief. As such, Defendants do not intend to file a brief responding to Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction (ECF No. 3) on August 4, 2021, as previously stated. *See* ECF No. 6. Defendants have instead conferred with Plaintiffs so that the parties can agree to a proposed briefing schedule that is not on an expedited/emergency timeline.

Defendants therefore respectfully request that the Court vacate the July 29, 2021 hearing on Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction. The Parties have conferred and Plaintiffs do not oppose this request.

Dated: July 26, 2021

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*/s/ Sean C. Duffy*

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