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## Late ruling lifts environmental groups' injunction

By [HENRY BREAN](#)  
[REVIEW-JOURNAL](#)

Wednesday's auction of 13,300 acres of federal land in Lincoln County might not have occurred without an emergency court order issued over the telephone Tuesday by a federal judge in Guam.

Less than 19 hours before the start of the auction, Senior U.S. District Judge David Hagen lifted a federal injunction issued last year that required the Bureau of Land Management to complete an environmental impact statement for 6,300 acres of the property before releasing it for sale.

The injunction came as a result of a 2002 lawsuit against the BLM by three conservation groups.

Hagen normally presides over the 9th District Court in Reno, but he is filling in at the federal court in Guam, an island in the Pacific and a U.S. territory.

In his ruling, the judge found there was a conflict between the injunction and federal legislation that required the land be sold by Feb. 12.

It was the same basic argument set forth by Assistant U.S. Attorney Greg Addington in the emergency motion he filed on the bureau's behalf Monday.

"We simply argued that there was a conflict between what the court ordered could not be done and what Congress later directed BLM to do," Addington said.

Christopher Krupp, staff attorney for the Western Land Exchange Project, represents the three groups that brought the lawsuit. Krupp said he heard about the emergency motion for the first time at 5 p.m. Monday. The hearing was held at 3 p.m. Tuesday.

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"We argued that we didn't have time to prepare," Krupp said. "It shouldn't have been an emergency. The BLM had months to make this motion."

Addington chalked that up to an oversight. "It's fair to say that Interior (Department) did not immediately recognize the problem with conducting the auction," he said.

Krupp's response to that: "Well, they damn well should have. It's clear even when there's grounds for lifting an injunction you still need to go to the court to request it. BLM's in-house counsel should have known that."

As soon as the injunction was lifted and the property sold, the original lawsuit was rendered meaningless, Krupp said.

"All the land involved in our lawsuit was auctioned today, so I don't see much future for our suit. Basically, it's over," he said.

"Ultimately, what it means is that you will be putting homes on 20 more square miles of the Mojave Desert, and the impacts of that we're never analyzed."

The three conservation groups behind the lawsuit were the Seattle-based Western Land Exchange Project; the Boise, Idaho-based Committee for the High Desert; and the Tucson, Ariz.-based Center for Biological Diversity. They are mulling future legal action.

In the meantime, Krupp said, conservationists will be watching to make sure the BLM makes good on its promise to conduct additional environmental analysis of the impacts of new land development in Lincoln County.

The BLM already completed an environmental assessment of the property that was up for auction.

Bureau officials warned last year that a more detailed environmental impact statement could take two years or more to prepare, in part because of the much higher level of public involvement that is involved.

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