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10
11 **UNITED STATES DISTRICT COURT**
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

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14 CENTER FOR BIOLOGICAL
15 DIVERSITY; TIMBISHA SHOSHONE
16 BAND OF CALIFORNIA; and THE
AMARGOSA CONSERVANCY,

17 Plaintiffs,

18 vs.

20 BUREAU OF LAND MANAGEMENT;
21 and BILL GROFFY, in his official
capacity as Principal Deputy Director,
22 Bureau of Land Management,

23 Defendants.

24 Case No.

25
26 **COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

1 INTRODUCTION

2 1. Plaintiffs the Center for Biological Diversity (the “Center”), the Timbisha
 3 Shoshone Band of California, and the Amargosa Conservancy (together “Plaintiffs”)
 4 challenge the failure of Defendants U.S. Bureau of Land Management (“BLM”) and
 5 Bill Groffy, in his official capacity as Principal Deputy Director, BLM, to comply with
 6 the Endangered Species Act (“ESA”), 16 U.S.C. §§ 1531–1544, by approving the Ash
 7 Meadows Mine Plan of Operations Modification (the “Project”) without consulting with
 8 the U.S. Fish and Wildlife Service (the “Service”) regarding an agency action that “may
 9 affect,” and is likely to adversely affect, ESA-listed species within the Amargosa River
 10 Basin.
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12 2. The Amargosa River Basin is an area with exceptional ecological value
 13 and biodiversity that lies within and adjacent to Ash Meadows National Wildlife Refuge
 14 and Death Valley National Park. The Amargosa River Basin is the exclusive home of
 15 three plant species listed under the ESA: the endangered Amargosa niterwort
 16 (*Nitrophila mohavensis*)—a rare plant endemic to the Amargosa River Basin that is on
 17 the knife’s edge of extinction; and two threatened species—the Ash Meadows gumplant
 18 (*Grindelia fraxino-pratensis*) and the spring-loving centaury (*Zeltnera nemophila* (syn.
 19 *Centaurium namophilum*)) (collectively, the “Listed Species”). See 50 C.F.R.
 20 § 17.12(h).
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22 3. In July 2025, the BLM released a finding of no significant impact (“FONSI”)
 23

1 and a Decision Record approving the Plan of Operations modification for St. Cloud
2 Mining's Ash Meadows Mine. The Project, which is located within the Amargosa North
3 Area of Critical Environmental Concern (“Amargosa North ACEC”), will deploy surface-
4 disturbing activities such as cross-country travel, increased use of dirt access roads, hauling
5 equipment, and drilling, as well as likely result in a significant drawdown of groundwater
6 across an expanse of an area encompassing Amargosa North ACEC, Ash Meadows
7 National Wildlife Refuge, and Amargosa Wild and Scenic River.

8 4. These authorized activities are likely to cause lasting harm to the
9 Amargosa River Basin and its resident Listed Species. Daily truck traffic damages dirt
10 roads and, together with the actions required to improve and maintain the access road,
11 can increase delivery of fugitive dust emissions which may harm the Listed Species and
12 their critical habitats, potentially hindering and possibly forever altering the species'
13 abilities to reproduce and maintain viability.

14 5. The authorized activities also present the potential for harm to the aquifer
15 that supports the habitats necessary for the survival of the Listed Species. The Project
16 site sits atop a vast and sensitive carbonate aquifer system, which discharges at the
17 surface in springs and wetlands that sustain the Listed Species. The authorized Plan of
18 Operations anticipates drilling into the aquifer, potentially disrupting groundwater flow
19 to the wetlands that sustain the Listed Species.

20 6. Without the BLM's authorization of the Plan of Operations modification for
21

1 the Ash Meadows Mine, the applicant would not be able to conduct exploratory mining
2 activities. Mining exploration and operations like Ash Meadows Mine can cause
3 significant environmental damage, including erosion, sedimentation, pollution of ground
4 and surface waters, contamination of soils, loss of habitat, and loss of biodiversity.
5

6 7. Despite the many harms that mining exploration activities pose to the ESA-
7 listed species inhabiting the Amargosa River Basin, the BLM did not consult with the
8 Service to ensure that authorization of the Project is not likely to jeopardize the Listed
9 Species' continued existence or destroy or adversely modify critical habitat, in violation
10 of section 7(a)(2) of the ESA. *See* 16 U.S.C. § 1536(a)(2). By approving the Project
11 without completing section 7(a)(2) consultation, the BLM has violated the ESA and its
12 implementing regulations. 16 U.S.C. § 1536(a)(2); 50 C.F.R. §§ 402.10–402.16.
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JURISDICTION AND VENUE

17 8. This Court has jurisdiction over this matter under 28 U.S.C. § 1331 and
18 under 16 U.S.C. § 1540(c) because this action arises under the citizen-suit provision of
19 the Endangered Species Act.
20

21 9. Plaintiff Center for Biological Diversity provided notice to Defendants and
22 the U.S. Secretary of Interior of the violations described herein over 60 days prior to
23 filing this Complaint, by letter dated October 16, 2025, attached hereto as Exhibit A,
24 pursuant to the citizen suit provision of the ESA, 16 U.S.C. § 1540(g). Defendants have
25 not remedied the continuing violations of the ESA by the date of this Complaint's filing.
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1 10. An actual, justiciable controversy exists between Plaintiffs and
2 Defendants, and the requested relief is therefore proper under 16 U.S.C. § 1540(g)
3 (citizen suit provision of the ESA) and 28 U.S.C. §§ 2201–02 (declaratory and further
4 relief).
5

6 11. Venue in this District is proper under 28 U.S.C. § 1391(e)(1)(B) because
7 the BLM’s approval of the Project, and its associated failure to consult with the Service,
8 occurred at the BLM’s Barstow Field Office, which is located in San Bernardino County.
9 Accordingly, a substantial part of the events or omissions giving rise to these claims
10 occurred in this District. Venue is also proper under 16 U.S.C. § 1540(g)(3)(A) because
11 the violations of the ESA are occurring in this District.
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14 PARTIES

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16 12. Plaintiff Center for Biological Diversity (“Center”) is a nonprofit
17 organization dedicated to the protection of imperiled species and their habitats. The
18 Center is headquartered in Tucson, Arizona, with staff and offices throughout the
19 country, including California. The Center has more than 101,600 members throughout
20 the United States and the world, including 20,167 members who live and recreate in
21 California and Nevada. The Center’s members include those who have viewed and
22 otherwise appreciated the Listed Species that may be adversely affected by the Project’s
23 authorized activity; who live near these species, habitats, and ecosystems; who recreate
24 in Death Valley National Park, Ash Meadows National Wildlife Refuge, and the
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1 Amargosa River Basin and have an interest in the area affected by the Project; and who
2 intend to visit these areas and enjoy these species, habitats, and ecosystems in the future.
3 Because the Center values endangered, threatened, and critically imperiled species and
4 their critical habitats, the Center places high priority on protecting and recovering these
5 species across their ranges.

6
7 13. The Timbisha Shoshone Tribe is a federally recognized Tribe with
8 longstanding cultural, spiritual, and historical ties to the Amargosa River Basin,
9 including lands directly affected by the proposed exploratory mining project. For
10 millennia, the Tribe has relied upon the Basin's springs, wetlands, and surrounding
11 desert landscapes for subsistence, ceremony, and the transmission of traditional
12 knowledge. These ancestral homelands continue to hold profound cultural significance
13 for the Tribe today, and the Tribe retains legally protected interests in the preservation
14 of water resources, sacred sites, and cultural landscapes within the Basin. Because the
15 proposed project threatens to disturb lands and waters integral to the Tribe's heritage
16 and ongoing cultural practices, the Timbisha Shoshone Tribe has a direct and substantial
17 interest in the outcome of this action and is a proper and necessary party to this
18 litigation.

19
20 14. The Amargosa Conservancy is a 501(c)(3) not-for-profit organization
21 based in Shoshone, California. It was incorporated in 2004. The Conservancy's mission
22 is to work toward a sustainable future for the Amargosa Basin through science,
23

1 stewardship and advocacy. The Conservancy is managed by a Board of Directors
2 composed of ten individuals from California and Nevada with passion and expertise
3 related to the natural and cultural resources and human communities of the Amargosa
4 Basin. The Conservancy has been the leading voice for conservation in the Amargosa
5 Basin for almost twenty years. The Conservancy has 563 dues-paying members and
6 1,702 supporters. The Conservancy's members' diverse interests span natural history,
7 ecology, conservation, wildlife and native plant observation, nature photography,
8 hiking, camping, soaking in hot springs, quiet and solitude in nature, and spiritual
9 renewal—all centered on the public lands of the Amargosa Basin, including Ash
10 Meadows and the Project area. The Conservancy's members expect and rely upon
11 federal and state regulatory agencies, including the BLM, to protect the species,
12 habitats, viewsheds, and air and water quality of these lands.

17 15. Plaintiffs bring this action on behalf of their adversely affected members.

18 16. Plaintiffs' members have recreated in, visited, studied, and worked to
19 protect the Amargosa River Basin and surrounding environment, which is significantly
20 impacted by BLM's authorization of the Project. The interests of Plaintiffs' members in
21 the health of the environment, ecosystems and endangered species in this area are
22 diminished and impaired by BLM's failure to comply with the ESA when it approved
23 the Project.

26 17. Plaintiffs' members have researched, studied, observed, and sought
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protection for the endangered and threatened species and critical habitats that are likely to be adversely affected by BLM's approval of the Project. Plaintiffs' members have visited and observed, or sought out, the endangered and threatened species that are harmed by BLM's failure to comply with environmental laws, and Plaintiffs' members intend to continue to visit and observe, or attempt to visit and observe, these species in the near future. Plaintiffs' members derive scientific, recreational, conservation, and aesthetic benefits from these species' existence in the wild, and their interest in maintaining the species inhabiting the areas of the Amargosa River Basin affected by mining exploration and associated activities is entirely dependent on the continued existence of healthy, sustainable, and accessible ecosystems, habitats, and populations. Any action that destroys, degrades, or diminishes these areas, or that otherwise adversely affects populations of the Listed Species interferes with Plaintiffs' members' use and enjoyment of the areas and species.

18. For instance, Peri Lee Pipkin of Albuquerque, New Mexico is a botanist and advocate for native plants. Ms. Pipkin has been a member of the Center since 2024. Ms. Pipkin has a master's degree in botany from Claremont Graduate University/California Botanic Garden, where she studied floristics and the conservation of rare plants. Ms. Pipkin enjoys visiting Ash Meadows and public lands in southeast Inyo County, and has undertaken scientific surveys for the Amargosa niterwort, the Ash Meadows gumplant, and the spring-loving centaury. She has concrete plans to return to

1 the Amargosa Basin during the late spring/early summer of 2026 when these plants are
2 blooming. Ms. Pipkin's enjoyment of these public lands and the plants which live on
3 them would be diminished by particulate pollution from mining exploration activities
4 smothering the rare plants she values, and by the threat of perturbations to the aquifer
5 dewatering the springs and wetlands, which sustain these rare species.

6
7 19. In addition, Mandi Campbell is a staff member of the Timbisha Shoshone
8 Tribe. As Tribal Historic Preservation Officer, Ms. Campbell manages historic
9 preservation, cultural resources, and heritage sites on the Tribe's ancestral homelands.
10 Ms. Campbell grew up and still resides on sovereign Tribal lands at Furnace Creek,
11 California, in the heart of what is now Death Valley National Park. For Ms. Campbell,
12 the lands, waters, plants, and wildlife of her homelands are not merely resources to be
13 managed—they are as family, interwoven into her people's culture, spiritual practices,
14 and literal subsistence. For her and her people, the springs, wetlands, and flowing waters
15 of the Amargosa River Basin in particular are synonymous with life. Ms. Campbell's
16 being is fundamentally tied to the preservation of her ancestral homelands for future
17 generations of the Timbisha Shoshone people into the deep future. Impacts from mining
18 and mining exploration such as dewatering of ancient aquifers, desecration of sacred
19 sites and viewsheds, and degradation of habitat for native plants and animals threaten
20 to diminish and harm Ms. Campbell's traditions and way of life.

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22 20. Additionally, Christopher Roholt is a member of the Amargosa
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1 Conservancy and has served on its Board of Directors since 2015. Mr. Roholt is a retired
2 wilderness manager with the Bureau of Land Management, California Desert District.
3 Mr. Roholt enjoys visiting Ash Meadows the Amargosa River, and the public lands of
4 southeast Inyo County. He likes to stroll on the boardwalks at Ash Meadows, hike into
5 the Amargosa Canyon, and view the rare plants and wildlife that live there. Mr. Roholt
6 has been visiting the public lands of Inyo County for decades and returns several times
7 each year. He has concrete plans to return in April of 2026 before the onset of the hot
8 season. Mr. Roholt's enjoyment of these public lands and the waters that sustain them
9 would be diminished by particulate pollution from mining exploration activities that
10 coat and degrade rare plants he values, and by the threat of perturbations to the aquifer
11 dewatering the springs and wetlands that sustain the Amargosa niterwort, the Ash
12 Meadows gumplant, and the spring-loving centaury.
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14 21. The Project activities that the BLM authorized directly and irreparably
15 injure Plaintiffs' members' interests. The BLM's failure to comply with the ESA when
16 it authorized the Project avoids and undermines protections that are necessary to protect
17 Plaintiffs' members' interests in the existence of the Amargosa niterwort, the Ash
18 Meadows gumplant, and the spring-loving centaury and their critical habitats.
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20 22. Plaintiffs' members' injuries are a result of Defendants' failure to follow
21 both the procedures mandated by the ESA, which include consultation and analysis of
22 the impacts of its action on the Listed Species and their critical habitat, and the
23

1 substantive requirement of the ESA to ensure that authorization of the Project does not
2 jeopardize Listed Species or destroy or adversely modify crucial habitat. These
3 violations injure Plaintiffs' members' conservation, recreational, scientific, spiritual
4 and aesthetic interests. Plaintiffs' members rely on Defendants to comply with the
5 requirements of the ESA and to use the best available science to evaluate the potential
6 impacts to the Listed Species and their critical habitats prior to moving forward with
7 authorization of projects wherein listed species may be affected, and advocate for
8 policies that protect imperiled species and habitat. Defendants' actions and failures to
9 act harm and threaten future harm to the concrete interests that Plaintiffs' members have
10 in the Listed Species and their critical habitat.

14 23. The interests of Plaintiffs' members are directly and irreparably injured by
15 Defendants' violations of law as described in this Complaint. Unless this Court grants
16 the requested relief and orders Defendants to comply with the ESA, harm to protected
17 species and their habitats will continue to accrue, and Plaintiffs' members' aesthetic,
18 recreational, educational, professional, scientific, spiritual, and conservation interests
19 will continue to be adversely affected. These are actual, concrete injuries to Plaintiffs,
20 caused by the BLM's failure to comply with the ESA and the ESA's implementing
21 regulations. The relief requested will directly redress Plaintiffs' injuries.

25 24. Defendant BUREAU OF LAND MANAGEMENT is a federal agency
26 within the U.S. Department of the Interior. The Bureau of Land Management is
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1 responsible for the management of public lands. Among its management
2 responsibilities, BLM must ensure that the activities it authorizes, including activities
3 in the Amargosa River Basin, comply with governing federal environmental statutes,
4 including the ESA. The Bureau of Land Management approved the project challenged
5 in this case.

7 25. Defendant BILL GROFFY is the official who is exercising the authority
8 of the Director of BLM. He is sued in his official capacity. Mr. Groffy is responsible
9 for the supervision and management of all decisions, operations, and activities of BLM.
10

11 **STATUTORY AND REGULATORY BACKGROUND**

13 **I. The Endangered Species Act**

14 26. The ESA is “the most comprehensive legislation for the preservation of
15 endangered species ever enacted by any nation.” *Tenn. Valley Auth. v. Hill*, 437 U.S.
16 153, 180 (1978). In enacting the ESA “Congress intended endangered species to be
17 afforded the highest of priorities.” *Id.* at 174.
18

19 27. The ESA’s purposes include providing “a program for the conservation of
20 . . . endangered species and threatened species” and “a means whereby the ecosystems
21 upon which [such] species depend may be conserved.” 16 U.S.C. § 1531(b).
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23 28. Consistent with these purposes, the ESA proclaims that it is “the policy of
24 Congress that all Federal departments and agencies shall seek to conserve endangered
25 species and threatened species and shall utilize their authorities in furtherance of the
26 species and threatened species and shall utilize their authorities in furtherance of the
27 species and threatened species and shall utilize their authorities in furtherance of the
28 species and threatened species and shall utilize their authorities in furtherance of the

1 purposes of this Act.” 16 U.S.C. § 1531(c)(1).

2 29. The ESA is administered jointly by the Secretaries of Commerce and the
3 Interior. Within the Department of Interior, lead responsibility for the ESA is vested in
4 the U.S. Fish and Wildlife Service. 50 C.F.R. § 402.01(b).

5 30. The ESA defines “conservation” as “the use of all methods and procedures,
6 which are necessary to bring any endangered species or threatened species to the point
7 at which the measures provided pursuant to [the ESA] are no longer necessary.” 16
8 U.S.C. § 1532(3). To those ends, section 7 of the ESA requires all federal agencies to
9 work to recover listed species and contains procedural and substantive requirements to
10 do so.

11 31. Substantively, section 7(a)(2) of the ESA requires federal agencies to
12 ensure that “any action authorized, funded, or carried out” is not “likely to jeopardize
13 the continued existence” of any endangered or threatened species or “result in the
14 destruction or adverse modification” of critical habitat. 16 U.S.C. § 1536(a)(2). To
15 “jeopardize the continued existence” means “to engage in an action that reasonably
16 would be expected, directly or indirectly, to reduce appreciably the likelihood of both
17 the survival and recovery of a listed species in the wild by reducing the reproduction,
18 numbers, or distribution of that species.” 50 C.F.R. § 402.02. “Destruction or adverse
19 modification” means “a direct or indirect alteration that appreciably diminishes the
20 value of critical habitat as a whole for the conservation of a listed species.” *Id.*
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1 32. To carry out section 7(a)(2)'s substantive mandate, regulations
2 implementing section 7 of the ESA's consultation process set forth mandatory
3 procedures requiring any federal agency proposing an action (*i.e.*, the "action agency")
4 to consult with an expert agency—the U.S. Fish and Wildlife Service for terrestrial
5 species—to determine whether the action is likely to jeopardize any listed species or
6 destroy or adversely modify critical habitat and, if so, to identify ways to modify the
7 action to avoid that result. 50 C.F.R. §§ 402.10–402.16.

10 33. The regulations require a federal agency to initiate consultation with the
11 Service whenever the agency undertakes an "action" that "may affect" a listed species
12 or critical habitat. 50 C.F.R. § 402.14(a).

14 34. The threshold for a "may affect" determination and the required section 7
15 consultation is low. *See* 51 Fed. Reg. 19926, 19949 (June 3, 1986) ("Any possible
16 effect, whether beneficial, benign, adverse or of an undetermined character, triggers the
17 formal consultation requirement"). An agency may be relieved of the obligation to
18 consult only if the action will have "no effect" on listed species or critical habitat.

21 35. ESA regulations broadly define the scope of agency "action" requiring
22 section 7 consultation to include "all activities or programs of any kind authorized,
23 funded, or carried out, in whole or in part, by Federal agencies." 50 C.F.R. § 402.02.
24 Examples of agency actions include, but are not limited to, those "granting . . .
25 easements, rights-of-way, [and] permits," and any "actions directly or indirectly causing
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1 modifications to the land, water, or air.” 50 C.F.R. § 402.02.

2 36. An agency satisfies its substantive duties under section 7 of the ESA only
 3 by satisfying the consultation requirements set forth in section 7 of the ESA, 16 U.S.C.
 4 § 1536, and the implementing regulations, 50 C.F.R. §§ 402.10–402.16, and only after
 5 the agency lawfully complies with these requirements may an action that “may affect”
 6 a protected species go forward. *Pac. Rivers Council v. Thomas*, 30 F.3d 1050, 1055–57
 7 (9th Cir. 1994).

8 37. A federal agency must review its actions at “the earliest possible time” to
 9 determine whether an action “may affect” listed species or critical habitat in the action
 10 area. 50 C.F.R. § 402.14(a).

11 38. In section 7 consultation, the action agency must first determine, including
 12 by asking the Service, whether any ESA-listed or proposed-to-be-listed species may be
 13 present in the action area. 16 U.S.C. § 1536(c)(1); 50 C.F.R. § 402.12. The “action area”
 14 includes “all areas to be affected directly or indirectly by the Federal action and not
 15 merely the immediate area involved in the action.” 50 C.F.R. § 402.02.

16 39. If the action agency finds that listed species may be present in the action
 17 area, the action agency must prepare a “biological assessment” to determine whether
 18 the proposed action is likely to adversely affect the listed species. 16 U.S.C.
 19 § 1536(c)(1); 50 C.F.R. § 402.12.

20 40. The biological assessment must include, among other things, “[a]n analysis

1 of the effects of the action on the species and habitat, including consideration of
2 cumulative effects, and the results of any related studies.” 50 C.F.R. § 402.12(f)(4).

3 41. Effects of the action include “all consequences to listed species or critical
4 habitat that are caused by the proposed action, including the consequences of other
5 activities that are caused by the proposed action” and that “may occur later in time” or
6 “outside the immediate area involved in the action.” *Id.* § 402.02. The action “causes”
7 a consequence if it “would not occur but for the proposed action and it is reasonably
8 certain to occur.” *Id.*

9 42. Cumulative effects of the action are the “effects of future State or private
10 activities, not involving Federal activities, that are reasonably certain to occur within
11 the action area of the Federal action subject to consultation.” *Id.*

12 43. If the action agency determines in a biological assessment that the action
13 “is not likely to adversely affect” listed species or critical habitat, and the Service
14 concurs in writing, then formal consultation is not required. *Id.* §§ 402.12, 402.14(b).
15 If the action agency does not reach that conclusion or the Service does not concur with
16 the action agency’s “not likely to adversely affect” determination, the action agency
17 must engage in “formal consultation” with the Service, as outlined in 50 C.F.R. §
18 402.14. *Id.* § 402.14(a); *see also id.* § 402.02 (defining “formal consultation”).
19

20 44. Formal consultation is “a process between the Service and the Federal
21 agency that commences with the Federal agency’s written request for consultation under
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1 section 7(a)(2) of the [ESA] and concludes with the Service’s issuance of the biological
2 opinion under section 7(b)(3) of the [ESA].” 50 C.F.R. § 402.02.

3 45. In formal consultation, the Service must “[e]valuate the effects of the
4 action and cumulative effects on listed species or critical habitat,” added to the
5 “environmental baseline” and “in light of the status of the species and critical habitat,”
6 to determine whether the action is likely to jeopardize listed species or destroy or
7 adversely modify critical habitat. 50 C.F.R. § 402.14(g)(3)–(4). The “environmental
8 baseline” must include the past and present impacts of all federal and nonfederal actions
9 in the action area, including those that have already undergone consultation with the
10 Service under section 7 of the ESA. *Id.* § 402.02.

11 46. At the conclusion of formal consultation, the Service must issue a
12 “biological opinion” that “detail[s] how the agency action affects the species,” 16
13 U.S.C. § 1536(b)(3)(A), and sets forth the Service’s opinion as to whether the action is
14 “likely to jeopardize” the continued existence of listed species or destroy or adversely
15 modify critical habitat, 50 C.F.R. § 402.14(h)(1)–(3).

16 47. The determination of whether the action is likely to jeopardize the
17 continued existence of a listed species or destroy or adversely modify critical habitat
18 must be based solely on “the best scientific and commercial data available,” 16 U.S.C.
19 § 1536(a)(2), and the Service must use the best available science to formulate the
20 biological opinion. 50 C.F.R. § 402.14(g)(8).

1 48. If the Service determines that the action *is* likely to jeopardize listed
2 species or destroy or adversely modify critical habitat, the biological opinion must offer
3 “reasonable and prudent alternatives” (“RPAs”) that would reduce the action’s impacts
4 so that the action agency may avoid jeopardizing listed species or destroying or
5 adversely modifying critical habitat. 16 U.S.C. § 1536(b)(3)(A).

6
7 49. The ESA requires formal consultation to conclude within 90 days of the
8 date that consultation was initiated unless the Service and the action agency agree to
9 extend the consultation for a specified time period. *Id.* § 1536(b)(1)(A); 50 C.F.R.
10 § 402.14(e).

11
12 50. Federal actions that “may affect” listed species or critical habitat may not
13 proceed unless and until the federal action agency ensures, through completing the
14 section 7 consultation process, that the action is not likely to cause jeopardy to the
15 species or destroy or adversely modify critical habitat. 16 U.S.C. § 1536(a); 50 C.F.R.
16 §§ 402.13, 402.14.

17
18 51. To maintain the status quo until consultation is complete, section 7(d) of
19 the ESA requires that during consultation, action agencies “shall not make any
20 irreversible or irretrievable commitment of resources with respect to the agency action
21 which has the effect of foreclosing the formulation or implementation of any reasonable
22 and prudent alternative measures” necessary to avoid jeopardizing the species. 16
23 U.S.C. § 1536(d). This prohibition remains in force during the consultation process and
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1 continues until the requirements of section 7(a)(2) are satisfied. 50 C.F.R. § 402.09.

2 **FACTUAL BACKGROUND**

3 **I. The Amargosa River Basin**

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5 52. The Amargosa River Basin is known for its outstanding biodiversity and

6 ecological value. It provides some of the best, and in many cases only, remaining habitat

7 in the Mojave Desert for many critically imperiled flora and fauna that depend on its

8 groundwater and vegetation.

9

10 53. The Amargosa River Basin spans two states, Nevada and California. It is

11 nominally centered around the Amargosa River, but regional groundwater flow is

12 considerably more extensive, flowing from north and east to south and west, generally

13 recharged from the Spring Mountains in southern Nevada and other ranges north-east

14 into central Nevada.

15

16 54. Extreme heat coupled with discontinuous sources of water have led to the

17 Amargosa River Basin becoming an epicenter of biodiversity, with dozens of endemic

18 species up and down the watershed.

19

20 55. Portions of the Amargosa River basin are within Death Valley National

21 Park and Ash Meadows National Wildlife Refuge.

22

23 56. Ash Meadows National Wildlife Refuge contains 26 species endemic to

24 the Refuge and another dozen that are endemic to the entire basin.

25

26 57. The Refuge has a mixture of spring habitats, riparian habitats, mesquite

1 bosque and cottonwood-willow gallery forests, open meadow-wetlands, and upland
2 habitats.

3 58. The springs in the Refuge collectively discharge approximately 17,000
4 acre-feet per year of water to support these habitats.

5 59. Downstream from Ash Meadows is the Lower Carson Slough on the
6 California/Nevada state line, a seasonally inundated alkali flat with the stronghold
7 population of the Amargosa niterwort.

8 60. East of the Lower Carson Slough is the Resting Spring Range, with
9 Grapevine Spring just on the Nevada side of the border, which discharges surface water
10 that supports a small riparian ecosystem, including wetlands, mesquite, and populations
11 of the spring-loving centaury and Ash Meadows gumplant.

12 **II. Endangered and Threatened Species in the Amargosa River basin**

13 **A. The Endangered Amargosa niterwort**

14 61. The Amargosa niterwort (*Nitrophila mohavensis*) is a rare endemic plant
15 of the Amargosa River Basin that occurs in Ash Meadows and Lower Carson Slough,
16 as well as in areas near the town of Tecopa, California, on BLM managed land. It is a
17 diminutive halophytic perennial forb with succulent clusters of vegetative growth from
18 underground rhizomes, growing as high as 10 centimeters tall.

19 62. The niterwort's habitat is that of encrusted salt flats with significant surface
20 moisture. Scientists have noted that the very narrow range and specific habitat
21

1 requirements of the species make it vulnerable to extinction.

2 63. The Amargosa niterwort has suffered damage to its historic population
3 levels due to habitat alteration for agriculture; groundwater pumping for agriculture and
4 residential use; hydrologic alteration due to infrastructure development such as roads
5 and dams; mining activities; and off-highway vehicle incursions.

6 64. The niterwort was federally listed as endangered with a final rule issued
7 on May 20, 1985, 50 Fed. Reg. 20777. Additionally, 1,040 acres of critical habitat are
8 designated in the Lower Carson Slough area across the state line from Ash Meadows in
9 California.

10 65. The threats for which the Amargosa niterwort was protected under the ESA
11 have largely continued unabated, with groundwater overdraft being identified as the
12 single most significant threat according to the best available science.

13 66. The Amargosa River Basin is a stronghold for the species with no
14 populations found outside of the watershed, as it is dependent on the high alkaline, salt-
15 encrusted clay soils of the basin.

16 **B. The Threatened Ash Meadows gumplant**

17 67. The Ash Meadows gumplant (*Grindelia fraxino-pratensis*) is an erect
18 perennial forb in the sunflower family, growing as tall as two feet or more in seasonally
19 inundated to mesic alkali wetlands sustained by groundwater and spring discharge.

20 68. The species was listed as threatened with a final listing rule issued on May

1 20, 1985, 50 Fed. Reg. 20777, with 1,968 acres of critical habitat designated.

2 69. Development and land segmentation are some of the primary intensifying
3 threats faced by the gumplant, including agricultural development, municipal
4 development, land clearing, removal of groundwater, diversion of spring flow, and
5 mining activities.

6 70. The gumplant is endemic to the Ash Meadows area and occurs in Ash
7 Meadows National Wildlife Refuge and the surrounding public land managed by BLM.

8 **C. The Threatened spring-loving centaury**

9 71. The spring-loving centaury (*Zeltnera nemophila* (syn. *Centaurium*
10 *namophilum*)) is an upright glabrous annual forb growing as much as 19 inches tall in
11 seasonally inundated to mesic alkali wetlands sustained by groundwater and spring
12 discharge.

13 72. The species was listed as threatened with a final listing rule issued on May
14 20, 1985, 50 Fed. Reg. 20777, and 1,840 acres designated as critical habitat.

15 73. Development and land segmentation are some of the primary intensifying
16 threats faced by the centaury, including agricultural development, municipal
17 development, land clearing, removal of groundwater, diversion of spring flow, and
18 mining activities.

19 74. The centaury is a rare plant endemic to the Amargosa River basin and
20 occurs on BLM managed public lands in Nevada and California, as well as within Ash
21

1 Meadows National Wildlife Refuge.

2 **III. The Bureau of Land Management's Approval of the Project**

3 75. The Ash Meadows Mine is a locatable mining operation which historically
4 produced zeolites and consisted of overburden stripping, ore removal, loader feed to a
5 custom-built grizzly, and stockpiling sized ore.

6 76. The Project is located within the Amargosa North ACEC, which was
7 designated through the Desert Renewable Energy and Conservation Plan's Resource
8 Management Plan ("RMP") Amendment in 2016. The area was recognized for its
9 "national significant values," including that it "serv[es] as a magnet for a diversity of
10 plant and wildlife species, including many special status species." The RMP
11 amendment further notes that, "Carson Slough is habitat for the federally endangered
12 Amargosa niterwort (*Nitrophila mohavensis*) and the federally threatened Ash
13 Meadows gumplant (*Grindelia fraxino-pratensis*)."
14 Under the "relevance and
15 importance criteria" in the ACEC evaluation it states, "[t]he unit contains designated
16 critical habitat for the Amargosa niterwort, gum plant, and encompasses many
17 populations of BLM sensitive plants."

18 77. On April 4, 2024, the BLM released a draft environmental assessment for
19 a proposed Plan of Operations modification for the Project. The proposal includes
20 drilling of 43 exploratory holes adjacent to their existing and largely dormant zeolite
21 mining operation near Death Valley Junction, California. New drilling would go as far
22

1 as 200 feet in depth, with the expectation of encountering the groundwater aquifer at
2 around 100 feet.

3 78. Additionally, the project would include heavy traffic into the site,
4 including trucks, drill rigs, and heavy equipment. A total of 20,000-40,000 gallons of
5 water will be consumed for the Project.

6 79. The BLM solicited public comment, and, on May 3, 2024, the Center
7 submitted comments urging BLM to undertake section 7 Consultation with the Service.

8 80. The BLM approved a Plan of Operations modification for the St. Cloud
9 Mining Ash Meadows Mine exploration project on July 10, 2025, with no evidence
10 showing that consultation with the Service was completed for the three Listed Species.

11 81. An appeal was submitted by the Center to the BLM California State
12 Director on August 6, 2025, again urging the BLM to undertake section 7 Consultation.

13 82. The BLM State Director denied the appeal without analysis.

14 **IV. Harmful Effects of Bureau's Project Approval**

15 83. The Project is located within the Amargosa North ACEC and the access
16 road directly crosses critical habitat for the federally endangered Amargosa niterwort,
17 with known occurrences within 0.5 miles of the access road.

18 84. Access roads and drilling activities are known sources of increased
19 particulate dust pollution. Such pollution will be created within and adjacent to
20 Amargosa niterwort critical habitat and will likely include dust deposition on niterwort
21

1 plants within the critical habitat. Dust deposition on plants can cause many harms
2 including reduced photosynthesis and inhibited reproduction.

3 85. The Project will also be tapping into a groundwater aquifer shared by
4 groundwater-dependent federally listed plants including the niterwort, Ash Meadows
5 gumplant and the spring-loving centaury, which occur 1.25 miles north of the Project
6 site at Grapevine Spring in Nevada.

7 86. The Project area is known to be situated above the sensitive groundwater
8 aquifer that sustains the Amargosa River and the dozens of endemic species that live
9 there. The Project area is known to include shallow groundwater, as there is standing
10 water and phreatophytes growing at a berm in the existing mine site. Past drilling in the
11 area has encountered groundwater within 100 feet of the surface.

12 87. There is evidence to infer that there is a substantial flow along the trace of
13 the Amargosa River from Ash Meadows southward to Shoshone and Tecopa. Isotopic
14 tracer data found direct groundwater connections between Ash Meadows and the
15 Shoshone-Tecopa area, indicating a southward flowpath and helping to explain the
16 occurrence of the hot, shallow groundwater detected in monitoring wells north of
17 Shoshone.

18 88. Extensive lines of peer-reviewed hydrologic evidence show that the
19 Resting Spring Range acts as an aquitard, or confining barrier, preventing eastward flow
20 of groundwater and moving it south along the west face of the mountain range. This is
21
22

1 in the exact location of Grapevine Spring and the Project area, and upslope from the
2 niterwort critical habitat and populations of all three listed plants.

3 89. This water flowing southward is partially composed of water sourced on
4 Mount Charleston, which likely makes a 90-degree turn flowing toward Ash Meadows
5 and then southward toward Eagle Mountain and Shoshone along the west face of the
6 Resting Spring Range. This flowpath would likely go directly beneath the Project site.
7

8 90. Past mineral exploration projects in the Amargosa River Basin have
9 induced significant changes to groundwater and surface water flow by encountering
10 artesian pressure. Notably, an artesian well in Tecopa—located south along the river
11 from the Project site—blew out in the 1960s and has discharged hundreds of gallons
12 per minute ever since, causing substantial changes to local hydrology, including the
13 drying of springs.
14

15 91. If the Project’s drilling, which will include penetrating the aquifer, were to
16 encounter uncontrolled artesian flow, it could lead to significant changes to surface
17 discharge of groundwater in the area, potentially causing desiccation of the habitats for
18 the three Listed Species and leading to their localized extirpation.
19

20 92. The extremely localized distribution of the Amargosa niterwort
21 specifically makes it vulnerable to extinction by single, catastrophic events such as
22 mining or groundwater depletion.
23

24 93. In a 2008 review by the Service regarding the listing status of the niterwort,
25

1 it stated that active mineral claims could cause direct loss of habitat, as well as indirect
2 impacts to the species by diverting or draining water away from habitat during mining
3 activities.
4

5 94. That same review further stated that surface mining continues to directly
6 and indirectly threaten the Lower Carson Slough niterwort population in California. The
7 magnitude of such a threat was considered high due to the amount of mineral claims
8 that occurred near or within critical habitat.
9

10 95. Additionally, all of the Listed Species are extremely vulnerable to
11 decreases in spring discharge, which could desiccate wetlands. Dramatic reductions in
12 species have been historically linked to water diversion into pipes and concrete ditches,
13 groundwater depletion, and agricultural development.
14

15 96. Due to the high likelihood of dust deposition within Amargosa niterwort
16 critical habitat, and due to the possibility of hydrologic alteration due to drilling
17 activities drying up their habitats, the Project clearly rises to the level that “may affect”
18 and is likely to adversely affect the three Listed Species and their critical habitat.
19
20

21 **CLAIM FOR RELIEF**

22 **Violation of Section 7(a)(2) of the ESA**

23 97. Plaintiffs reallege and incorporate by reference all allegations contained in
24 the preceding paragraphs as though fully set forth below.
25
26

98. Section 7(a)(2) of the ESA requires the BLM to consult with the Service
27
28

1 to ensure that “any action authorized, funded, or carried out . . . is not likely to
2 jeopardize the continued existence of any endangered species or threatened species or
3 result in the destruction or adverse modification of [critical] habitat of such species.” 16
4 U.S.C. § 1536(a)(2).

6 99. The ESA’s implementing regulations require the BLM to initiate
7 consultation whenever a proposed action “may affect” listed species, 50 C.F.R.
8 § 402.14(a).

10 100. The BLM’s authorization allowing St. Cloud Mining to modify its Plan of
11 Operations to conduct exploratory drilling is an agency action within the meaning of the
12 ESA.

14 101. The BLM’s authorization of the Project may affect—and indeed is likely
15 to adversely affect—the Amargosa niterwort (*Nitrophila mohavensis*), the Ash
16 Meadows gumplant (*Grindelia fraxino-pratensis*), and the spring-loving centaury
17 (*Zeltnera namophila*) and/or destroy or adversely modify critical habitat.

19 102. The BLM violated the ESA’s procedural requirement under section 7(a)(2)
20 to initiate and complete consultation with the Service before approving the Project.

22 103. The BLM violated the ESA’s substantive requirement under section
23 7(a)(2) to ensure that the BLM’s authorization of the Project does not jeopardize listed
24 species and/or destroy or adversely modify critical habitat.

26 104. The BLM’s failure to initiate and complete consultation before approving

1 the Project violates section 7(a)(2) of the ESA, 16 U.S.C. § 1536(a)(2), the ESA's
2 implementing regulations, 50 C.F.R. § 402.14.

3 **PRAYER FOR RELIEF**
4

5 WHEREFORE, Plaintiffs respectfully request this Court to enter judgment for
6 Plaintiffs and provide the following relief:

7 1. Declare that Defendants are in ongoing violation of the ESA as alleged herein;
8
9 2. Vacate and set aside the Project authorization;
10
11 3. Order the BLM to initiate and complete consultation with the Fish and Wildlife
12 Service, in compliance with the ESA;
13
14 4. Enjoin the BLM from authorizing or allowing any further activities associated
15 with the Project within the Project area until it fully complies with the ESA;
16
17 5. Award Plaintiffs their reasonable costs, fees, and expenses, including attorney's
18 fees and expert witness fees associated with this litigation, 16 U.S.C.
19 § 1540(g)(4); and

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3 6. Grant Plaintiffs such further relief as the Court may deem just and proper.

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5

6 Dated this 4th day of February, 2026.

7 

8

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