

Energy, Environmental, and Natural Resources Law Clinic 2017-2018

Katie Barlow
Melinda Frazier
Austin Huff
Bobbi Owen


University of Wyoming
College of Law
Laramie, Wyoming 82071

Max Rerucha
Megan Romano
David Strait
Casey Terrell

September 11, 2017

MEMORANDUM

TO: EENR Law Clinic interns

FROM: Jay Jerde 
Special Assistant Attorney General

RE: Class Assignment #1

For this Assignment, you will draft a petition for review of agency action in accordance with the requirements set out in United States District Court for the District of Wyoming Local Rule 83.6, and a declaration to establish the standing of your client to bring this lawsuit. The standing declaration shall be drafted consistent with the requirements of 28 U.S.C. § 1746.

For purposes of this assignment, you are counsel representing the State of Wyoming and you will be filing the petition in the federal district court in the District of Wyoming. The State seeks judicial review of the decision by the United States Fish and Wildlife Service to reject the State's gray wolf management plan and to delay the delisting of the gray wolf population in Wyoming until the State makes changes to its plan. The Respondents are the United States Department of the Interior

and the United States Fish and Wildlife Service. Please use the attached caption for the petition and the declaration.

The declarant for the standing declaration is Brent Terry, the Director of the Wyoming Game and Fish Department. In determining what information to include in the standing declaration, rely solely on United States Supreme Court and Tenth Circuit Court of Appeals precedent as authority for what you must prove to establish standing. For purposes of the standing declaration, the following information may be relevant:

- The declarant, Brent Terry, age 55, has been the Director of the Wyoming Game and Fish Department since 2001.
- Director Terry supervised the Department employees who drafted the State's gray wolf management plan and approve the final draft of the plan before it was submitted to the Wyoming Game and Fish Commission for approval.
- The State of Wyoming spent a total of \$250,000 in developing the State's gray wolf management plan.
- Under Wyoming law, the Department is responsible for managing all wildlife in Wyoming, including gray wolves when they are not subject to protection under the Endangered Species Act.
- The gray wolf population in Wyoming remains protected under the ESA because the U.S. Fish and Wildlife Service's rejection of the State's wolf management plan halted the process to delist the Wyoming wolf population. Had the State's plan been accepted, the Wyoming wolf population would be delisted and the State would have management authority over wolves in Wyoming.
- The Service promised State officials that the Wyoming wolf population would be delisted once the population exceed 10 breeding pairs for three consecutive years.

The **first draft** of the petition for review and declaration is **due** at the beginning of class on **September 25, 2017**.

The **final draft** of the petition for review and declaration is **due** at the beginning of class on **October 9, 2017**.

[Name]
[Address]
[Telephone Number]
[Fax Number]
[email address]

Attorney for Petitioner
Conservation Group Unltd.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING
UNIVERSITY OF WYOMING, COLLEGE OF LAW DIVISION**

STATE OF WYOMING,)
)
) Petitioner,)
))
))
) v.)
))
) UNITED STATES DEPARTMENT OF)
) THE INTERIOR, and UNITED STATES)
) FISH AND WILDLIFE SERVICE,)
))
) Respondents.)

Case No. _____