

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Conserve Southwest Utah v. U.S. Department of the Interior

Civil Action No. 26-317 (RDM) (D.D.C. Mar. 1, 2026) · No. Civil Action No. 26-317 (RDM) · Decided March 1, 2026

SUMMARY

The U.S. District Court for the District of Columbia considers environmental organizations’ motion for a preliminary injunction challenging the Bureau of Land Management’s January 2026 approval of a right-of-way for the Northern Corridor Highway through Utah’s Red Cliffs National Conservation Area. Plaintiffs assert claims under the Omnibus Public Land Management Act, the Administrative Procedure Act, and the Endangered Species Act. The court concludes that plaintiffs demonstrated a likelihood of success on at least their OPLMA and APA claims and granted preliminary injunctive relief, while setting an expedited schedule for resolution on the merits.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Randolph D. Moss
JURISDICTION	United States District Court for the District of Columbia
DECIDED	March 1, 2026
DOCKET	Civil Action No. 26-317 (RDM)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs brought an Administrative Procedure Act action challenging the Bureau of Land Management's January 2026 Record of Decision granting the Utah Department of Transportation a right-of-way for the Northern Corridor Highway through the Red Cliffs National Conservation Area, along with related environmental and biological assessments. Plaintiffs moved for a preliminary injunction barring ground-disturbing construction activities.
STANDARD OF REVIEW	For preliminary injunctive relief, the Court required plaintiffs to show likely success on the merits, likely irreparable harm, that the balance of equities favored relief, and that an injunction was in the public interest. Agency action under the APA was reviewed as a matter of law for consistency with the statute, the administrative record, and the arbitrary-and-capricious standard. The Court independently determined the meaning of the OPLMA and applied deferential review

	to the agency's scientific and technical judgments while requiring a satisfactory explanation and consideration of important aspects of the problem.
PRECEDENTIAL VALUE	Published district-court memorandum opinion granting preliminary injunction; persuasive within the district but not binding precedent outside the case.
PARTIES	Conserve Southwest Utah, Conservation Lands Foundation, Center for Biological Diversity, Southern Utah Wilderness Alliance, The Wilderness Society, WildEarth Guardians v. U.S. Department of the Interior, Bureau of Land Management, Fish and Wildlife Service

TOPICS

judicial review of agency action

administrative law

endangered species act

environmental law

statutory interpretation

PRACTICE AREAS

administrative law

environmental law

endangered species law

public lands law

preliminary injunctions

QUESTIONS PRESENTED

1. Whether plaintiffs were likely to succeed in showing that the Bureau's 2026 approval of the Northern Corridor right-of-way violated the Omnibus Public Land Management Act.
2. Whether plaintiffs were likely to succeed in showing that the Bureau's 2026 decision was arbitrary and capricious because it inadequately explained its departure from the Bureau's contrary 2024 decision.
3. Whether plaintiffs demonstrated likely irreparable harm, favorable equities, and a public interest supporting a preliminary injunction.
4. Whether plaintiffs raised substantial questions regarding the Fish and Wildlife Service's 2025 biological opinion under the Endangered Species Act, although the Court did not decide that claim on the merits at this stage.

HOLDINGS

1. At the preliminary-injunction stage, the OPLMA is best construed to permit the Secretary to authorize a northern transportation route through the Red Cliffs National Conservation Area only in a manner consistent with the Secretary's broader duty to conserve, protect, and enhance the area's resources and threatened and endangered species. The Secretary must evaluate alternatives and select the route that minimizes impacts on the protected resources; the statute does not permit selection of a more damaging route merely because a less damaging alternative is more costly, uncertain, or administratively difficult.
2. Plaintiffs were likely to succeed on their APA claim because the Bureau failed adequately to explain its reversal of the 2024 decision. The 2026 Record of Decision did not meaningfully explain what new

information changed the agency's assessment of the alternative route, what 'viability' or 'technical and economic feasibility' meant, or how those considerations related to the OPLMA's conservation mandate.

3. Plaintiffs established likely irreparable injury from imminent fencing and other ground-disturbing activities in Mojave desert tortoise critical habitat. The threatened habitat degradation, fragmentation, vegetation removal, and potential tortoise injury or death outweighed the asserted financial and transportation-related harms, and the public interest favored protecting the conservation area and threatened species.

KEY QUOTATIONS

“Considering these premises together, this means—as the Bureau opined in December 2024—that the Secretary “must select” a route that could, in fact, be used to construct a highway, but it also means that he “must select the” route “that minimizes impacts on the NCA resources to be protected.”” (24-25)

“the OPLMA permits the Secretary to authorize a “northern transportation route” if and only if it does so in the manner that is least offensive to its broader conservation obligations.” (30-31)

“Without some further explanation—indeed, any meaningful explanation—the agency’s invocation of “nonviability” or “infeasibility” cannot have talismanic effect.” (38)

“But because the Northern Corridor Highway project is neither ongoing nor inevitable, the Court cannot offset any harm that the fencing will cause to the tortoises and their critical habitat against some greater harm that the fencing might mitigate if the broader project is allowed to proceed.” (46)

FACTUAL BACKGROUND

The challenged project is a proposed four-lane Northern Corridor Highway across the Red Cliffs National Conservation Area in Washington County, Utah, including habitat designated as critical for the threatened Mojave desert tortoise. The Bureau's 2024 decision terminated an earlier right-of-way and endorsed the Red Hills Parkway Expressway as an alternative that would avoid or minimize impacts to tortoise habitat. In 2026, after receiving additional information from UDOT concerning the alternative's technical and economic difficulties, the Bureau reversed course and restored the Northern Corridor right-of-way. Construction-related fencing and other ground disturbance threatened to fragment or degrade critical habitat and injure or kill tortoises before the merits could be resolved.

PROCEDURAL HISTORY

The Bureau approved a functionally identical right-of-way in January 2021. After plaintiffs challenged that decision, the parties sought remand, and the Court remanded the proceedings in 2023 without vacating the agency actions. The Bureau terminated the right-of-way in 2024 and endorsed an alternative route, but reopened the process in 2025 and issued a January 2026 decision restoring the Northern Corridor right-of-way. Plaintiffs filed this action on February 4, 2026, moved for a preliminary injunction on February 10, 2026, and the Court granted the motion.

DISPOSITION

REMAND INSTRUCTIONS

The motion for a preliminary injunction was granted. Defendants and their agents, servants, and employees were enjoined from further activity associated with the Northern Corridor right-of-way, and the intervenors were ordered to suspend activities under any issued notices to proceed. The parties were directed to meet and confer regarding whether limited geotechnical work could be permitted; if they could not agree, the intervenors could seek modification of the injunction and plaintiffs could respond with evidence of harm.

CASES CITED

- F.C.C. v. Fox Television Stations, Inc., 556 U.S. 502, 515-16 (2009)
- Conserve Sw. Utah v. U.S. Dep't of Interior, No. 21-cv-1506, 2023 WL 7922785, at *9 (D.D.C. Nov. 16, 2023)
- TVA v. Hill, 437 U.S. 153, 173 (1978)
- Nat'l Ass'n of Home Builders v. Defs. of Wildlife, 511 U.S. 644, 651 (2007)
- Ctr. for Biological Diversity v. Ross, 613 F. Supp. 3d 336, 339 (D.D.C. 2020)
- Glossip v. Gross, 576 U.S. 863, 876 (2015)
- Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008)
- Davenport v. Int'l Bhd. of Teamsters, 166 F.3d 356, 360-61 (D.C. Cir. 1999)
- Clevinger v. Advoc. Holdings, 134 F.4th 1230, 1235, 1236 n.2 (D.C. Cir. 2025)
- Greater New Orleans Fair Hous. Action Ctr. v. U.S. Dep't of Hous. & Urb. Dev., 639 F.3d 1078, 1083, 1088 (D.C. Cir. 2011)
- Chaplaincy of Full Gospel Churches v. England, 454 F.3d 290, 297 (D.C. Cir. 2006)
- Marshall Cnty. Health Care Auth. v. Shalala, 988 F.2d 1221, 1222 (D.C. Cir. 1993)
- Coal. for Common Sense in Gov't Procurement v. United States, 821 F. Supp. 2d 275, 280 (D.D.C. 2011)
- Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 415 (1971)
- Hi-Tech Pharmacal Co. v. FDA, 587 F. Supp. 2d 13, 18 (D.D.C. 2008)
- Occidental Eng'g Co. v. INS, 753 F.2d 766, 769-70 (9th Cir. 1985)
- Marsh v. Or. Nat. Res. Council, 490 U.S. 360, 377 (1989)
- Balt. Gas & Elec. Co. v. Nat. Res. Def. Council, Inc., 462 U.S. 87, 103 (1983)
- Alaska Dep't of Env't Conservation v. EPA, 540 U.S. 461, 497 (2004)
- Motor Vehicle Mfrs. Ass'n of the United States, Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983)
- Lujan v. Defs. of Wildlife, 504 U.S. 555, 561 (1992)
- Centro de Trabajadores Unidos v. Bessent, 2026 WL 503310, at *2 (D.C. Cir. Feb. 24, 2026)
- Elec. Priv. Info. Ctr. v. U.S. Dep't of Com., 928 F.3d 95, 104 (D.C. Cir. 2019)
- Ctr. for Biological Diversity v. U.S. Dep't of Interior, 144 F.4th 296, 304-05 (D.C. Cir. 2025)
- Ctr. for Biological Diversity v. EPA, 861 F.3d 174, 182 (D.C. Cir. 2017)

- Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc., 528 U.S. 167, 183 (2000)
- Summers v. Earth Island Inst., 555 U.S. 488, 494 (2009)
- In re Navy Chaplaincy, 697 F.3d 1171, 1178 (D.C. Cir. 2012)
- W. Watersheds Project v. Bernhardt, 468 F. Supp. 3d 29, 48-49 (D.D.C. 2020)
- Fund for Animals v. Frizzell, 530 F.2d 982, 987 (D.C. Cir. 1975)
- Esch v. Yeutter, 876 F.2d 976, 991 (D.C. Cir. 1989)
- Gifford Pinchot Task Force v. U.S. Fish & Wildlife Serv., 378 F.3d 1059, 1076 (9th Cir. 2004)
- Karem v. Trump, 960 F.3d 656, 668 (D.C. Cir. 2020)
- Nken v. Holder, 556 U.S. 418, 435 (2009)
- Nat'l Wildlife Fed'n v. Nat'l Marine Fisheries Serv., 886 F.3d 803, 817 (9th Cir. 2018)
- Appalachian Voices v. Chu, 725 F. Supp. 2d 101, 105 (D.D.C. 2010)

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