

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

American River Trees, et al. v. Central Valley Protection Board, et al.

American River Trees · No. 2:25-cv-02384-DC-CSK · Decided November 20, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Plaintiffs’ motion for a preliminary injunction in a challenge to federal and state approval and implementation of portions of the American River Common Features 2016 Flood Risk Management Project. The court found serious questions concerning whether the U.S. Army Corps of Engineers adequately considered bioengineering and other alternatives under the National Environmental Policy Act, and it addressed irreparable environmental harm, the balance of equities, and the public interest. The injunction sought to prevent ground- or vegetation-disturbing activities, including tree removal, in the Contract 3B area.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dena M. Coggins
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 20, 2025
DOCKET	2:25-cv-02384-DC-CSK
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs sought a preliminary injunction under Federal Rule of Civil Procedure 65 to halt ground- and vegetation-disturbing activities under Contract 3B of the American River Common Features 2016 Flood Risk Management Project while their claims under the Wild and Scenic Rivers Act, California Wild and Scenic Rivers Act, NEPA, and CEQA proceeded.
STANDARD OF REVIEW	A preliminary injunction requires consideration of likelihood of success on the merits, likelihood of irreparable harm, the balance of equities, and the public interest under Winter v. Natural Resources Defense Council, Inc. The Ninth Circuit's sliding-scale approach permits serious questions on the merits when the balance of hardships tips sharply toward the plaintiff, irreparable injury is likely, and the injunction is in the public interest. The court reviewed the NEPA agency action under the APA's arbitrary-and-capricious standard,

	applying a deferential and narrow review and a rule-of-reason analysis to the EIS alternatives discussion.
PRECEDENTIAL VALUE	Unknown
PARTIES	American River Trees, Save the American River Association, Center for Biological Diversity v. Central Valley Flood Protection Board, U.S. Army Corps of Engineers, U.S. National Park Service

TOPICS

environmental impact review

administrative procedure act

judicial review of agency action

injunctions

injunction bonds

PRACTICE AREAS

environmental law

administrative law

environmental impact review

civil procedure

equitable relief

QUESTIONS PRESENTED

1. Whether plaintiffs demonstrated serious questions on the merits of their NEPA and APA claims based on the Army Corps' failure to analyze or explain the elimination of a bioengineering alternative for Contract 3B.
2. Whether plaintiffs demonstrated a likelihood of irreparable environmental and recreational injury absent preliminary relief.
3. Whether the balance of equities and public interest favored enjoining vegetation-clearing activities pending a decision on the merits.
4. Whether the court should require plaintiffs to post security under Federal Rule of Civil Procedure 65(c), and if so, in what amount.

HOLDINGS

1. Plaintiffs demonstrated serious questions as to whether the Army Corps considered a reasonable range of alternatives required by NEPA and whether its adoption of the record of decision and 2025 Final SEIS/SEIR was arbitrary or capricious under the APA. The agency's failure to discuss bioengineering as a reasonable alternative or as an alternative eliminated from detailed study, despite its prior representations that bioengineering would be analyzed, was sufficient at the preliminary-injunction stage.
2. Plaintiffs demonstrated that they were likely to suffer irreparable harm absent an injunction because the planned removal of mature and heritage trees would cause environmental injury and impair their members' specific recreational, aesthetic, and other interests in the affected area.
3. The balance of equities tipped sharply in plaintiffs' favor and the injunction was in the public interest because the likely environmental harm from clearing mature trees outweighed the asserted economic and flood-risk harms from temporarily delaying only Contract 3B vegetation-clearing activities.

4. The court exercised its discretion to require only a nominal \$1,000 bond rather than the \$256,815 bond requested by federal defendants.

KEY QUOTATIONS

“The “touchstone” of the court’s review of an EIS “is whether an EIS’s selection and discussion of alternatives fosters informed decision-making and informed public participation.”” (at 24)

“Accordingly, Plaintiffs have demonstrated at least a serious question on the merits as to whether Defendant USACE considered a reasonable range of alternatives as required by NEPA and whether Defendant USACE’s adoption of the ROD and 2025 Final SEIS/SEIR was arbitrary or capricious in violation of the APA.” (at 25)

“The proposed injunction will only prevent Defendants from proceeding with vegetation clearing activity as authorized by Contract 3B.” (at 38)

“Instead, the court will require Plaintiffs to post a \$1,000 nominal bond.” (at 41)

FACTUAL BACKGROUND

The challenged Contract 3B is part of a federal and California flood-risk-management project along the Lower American River. It authorizes installation of riprap and related erosion-control measures, removal of at least 675 mature trees, including some heritage trees, and trimming of more than 1,100 trees in the American River Parkway. The Army Corps had previously represented that bioengineering measures would be analyzed as potential alternatives for bank protection, but the 2023 Draft SEIS/SEIR did not analyze bioengineering as an alternative or explain why it was eliminated from detailed study. Vegetation clearing was scheduled to begin after the contract was awarded on October 23, 2025.

PROCEDURAL HISTORY

Plaintiffs filed the action on August 21, 2025, and moved for a preliminary injunction on October 3, 2025. Defendants opposed the motion, and the court held a hearing on November 7, 2025. After ordering declarations concerning plaintiffs' ability to post security, the court granted the motion, enjoined ground or vegetation-disturbing activities authorized under Contract 3B until a merits decision, and required a \$1,000 bond.

DISPOSITION

other

CASES CITED

- Barnes v. U.S. Dep't of Transp., 655 F.3d 1124, 1131 (9th Cir. 2011)
- Earth Island Inst. v. U.S. Forest Serv., 351 F.3d 1291, 1300 (9th Cir. 2003)
- Cascadia Wildlands v. U.S. Bureau of Land Mgmt., 153 F.4th 869, 879-80 (9th Cir. 2025)
- Seven Cnty. Infrastructure Coal. v. Eagle Cnty., Colo., 605 U.S. 168, 177, 180 (2025)
- Ctr. for Biological Diversity v. United States Bureau of Land Mgmt., 141 F.4th 976, 993-94 (9th Cir. 2025)
- Audubon Soc'y of Portland v. Haaland, 40 F.4th 967, 980, 982 (9th Cir. 2022)

- Idaho Sporting Cong., Inc. v. Rittenhouse, 305 F.3d 957, 964 (9th Cir. 2002)
- Pac. Coast Fed'n of Fishermen's Ass'ns, Inc. v. Nat'l Marine Fisheries Serv., 265 F.3d 1028, 1034 (9th Cir. 2001)
- Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 50, 57 (1983)
- Friends of Animals v. Haaland, 997 F.3d 1010, 1015 (9th Cir. 2021)
- Env't Def. Ctr. v. Bureau of Ocean Energy Mgmt., 36 F.4th 850, 877 (9th Cir. 2022)
- W. Watersheds Project v. Bureau of Land Mgmt., 971 F. Supp. 2d 957, 972 (E.D. Cal. 2013)
- WildEarth Guardians v. United States Dep't of Agric. Animal & Plant Health Inspection Serv. Wildlife Servs., 135 F.4th 717, 728 (9th Cir. 2025)
- Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 20, 24 (2008)
- Starbucks Corp. v. McKinney, 602 U.S. 339, 345-46 (2024)
- Klein v. City of San Clemente, 584 F.3d 1196, 1201 (9th Cir. 2009)
- Where Do We Go Berkeley v. Cal. Dep't of Transp., 32 F.4th 852, 859 (9th Cir. 2022)
- All. for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1131, 1134-35, 1138 (9th Cir. 2011)
- Flathead-Lolo-Bitterroot Citizen Task Force v. Mont., 98 F.4th 1180, 1190 (9th Cir. 2024)
- Republic of the Philippines v. Marcos, 862 F.2d 1355, 1362 (9th Cir. 1988)
- Nat'l Wildlife Fed'n v. Coston, 773 F.2d 1513, 1517 (9th Cir. 1985)
- Env't Democracy Project v. Green Sage Mgmt., LLC, No. 22-cv-03970-JST, 2022 WL 4596616, at *3 (N.D. Cal. Aug. 23, 2022)
- Sierra Club v. U.S. Forest Serv., 843 F.2d 1190, 1195 (9th Cir. 1988)
- Nat'l Wildlife Fed'n, 886 F.3d 803, 822 (9th Cir. 2018)
- Drakes Bay Oyster Co. v. Jewell, 747 F.3d 1073, 1092 (9th Cir. 2014)
- Nken v. Holder, 556 U.S. 418, 435 (2009)
- Amoco Prod. Co. v. Vill. of Gambell, 480 U.S. 531, 545 (1987)
- Bair v. California Dep't of Transp., No. 10-cv-04360-WHA, 2011 WL 2650896, at *8 (N.D. Cal. July 6, 2011)
- Johnson v. Couturier, 572 F.3d 1067, 1086 (9th Cir. 2009)
- Jorgensen v. Cassiday, 320 F.3d 906, 919 (9th Cir. 2003)
- People of State of Cal. ex rel. Van De Kamp v. Tahoe Reg'l Plan. Agency, 766 F.2d 1319, 1325 (9th Cir.), amended, 775 F.2d 998 (9th Cir. 1985)
- City of S. Pasadena v. Slater, 56 F. Supp. 2d 1106, 1148 (C.D. Cal. 1999)
- Landwatch v. Connaughton, 905 F. Supp. 2d 1192, 1198 (D. Or. 2012)
- Earth Island Inst. v. U.S. Forest Serv., 2006 WL 3359192, at *1, *4 (E.D. Cal. Nov. 20, 2006)
- Save Strawberry Canyon v. Dep't of Energy, 613 F. Supp. 2d 1177, 1191 (N.D. Cal. 2009), adhered to, No. 08-cv-03494-WHA, 2009 WL 1098888 (N.D. Cal. Apr. 22, 2009)