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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Neighbors of the Mogollon Rim, Inc., Plaintiff, vs. United States Forest Service; United States Fish and Wildlife Service, Federal Defendants.	No. CV-20-00328-PHX-DLR **PLAINTIFF'S REPLY IN SUPPORT OF PRELIMINARY INJUNCTION MOTION** **Oral Argument Requested**

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INTRODUCTION

In their response to Plaintiff's preliminary injunction motion, Federal Defendants mischaracterize the nature of the difficult decision that Plaintiff's members must make with respect to whether to install fencing. FD PI Resp. (ECF No. 48) at 8–10. According to Federal Defendants, the only burden faced by Plaintiff's members in connection with installing fencing is the burden of "complying with the law," which cannot amount to irreparable harm. This is incorrect: Plaintiff's members who choose to put up fencing will not be doing so in order to comply with any law—there *is no law* requiring fencing—but rather to protect against the likely irreparable harm flowing from the Forest Service's flawed decision to authorize grazing on the Colcord/Turkey Pasture. If this Court denies preliminary relief but ultimately ends up agreeing with Plaintiff that the Forest Service's decision was unlawful, Plaintiff's victory will be a somewhat hollow one, as its members will be out thousands of dollars they cannot recover and stuck with fences they do not want. Plaintiff simply asks that its members not be forced to choose between two forms of irreparable harm (paying for unwanted fencing or risking personal injury and property damage) unless and until the Court finds the agency's decision was lawful.

As for the "balance of harms" and "public interest" preliminary injunction factors, Federal Defendants lean heavily on the supposed harm that an injunction would cause to the private interests of the Bar X grazing permittee. FD PI Resp. at 16–17. But Federal Defendants make a number of incorrect assertions and leave out some key facts. For instance, they fail to mention that the permittee's cattle herd is *larger* this year than it was the last three grazing seasons, giving lie to the claim (one never made by the permittee itself) that the permittee cannot reduce its herd size in response to the current drought.

The one year that grazing was allowed on the Colcord/Turkey Pasture, it had seriously deleterious effects on Plaintiff's members. There is no reason to think that things will be different this summer, which is why many of Plaintiff's members are considering paying for expensive fencing that they do not want. Those harms outweigh any speculative harm to the permittee or the public, so preliminary relief is appropriate.

ARGUMENT

I. NO MATTER WHAT THEY CHOOSE TO DO, PLAINTIFF'S MEMBERS ARE LIKELY TO SUFFER IRREPARABLE HARM IF GRAZING IS ALLOWED ON THE COLCORD/TURKEY PASTURE.

A. The Harms Associated With Installing Fencing Are Irreparable.

Federal Defendants argue that any harm flowing from having to install fencing is not irreparable because such fence installation would be mere "compliance with state law." FD PI Resp. at 8–10. This argument is wrong for at least two reasons.

First, nothing in Arizona law requires Plaintiff's members to install fencing, so those who choose to install fencing will not be doing so in order to "comply with" any law. The relevant state statute does not require *anything*,[1] but merely "mak[es] fencing a prerequisite to recovering damages from livestock owners" whose livestock trespass on private property. *Carrow Co. v. Lusby*, 804 P.2d 747, 750 (Ariz. 1990). Plaintiff's members have made clear that they are not installing fencing in order to "comply with state law," but because they fear physical harm and property damage if they fail to put up fencing. *See, e.g.*, Second Olsson Decl. (ECF No. 46-1) ¶ 7 ("For my part, I have no choice but to put up a fence to protect my family and property."). For that reason, the cases cited by Federal Defendants for the proposition that costs associated with "following the law" do not ordinarily constitute irreparable harm are simply inapposite.

Second, and even more importantly, it is the Forest Service's legally flawed decision to open the Colcord/Turkey Pasture to grazing—not any state law—that is ultimately causing some of Plaintiff's members to make the hard choice to install fencing. The relevant state law has existed for many years, and yet Plaintiff's members have never installed fencing. Even if the law *required* Plaintiff's members to install fencing if there is grazing in their area (which it does not), the cost of complying with the state law would still constitute irreparable harm in this case, because the need for compliance has arisen only as a result of the Forest Service's illegal actions.

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[1] Federal Defendants ultimately admit this. *See* FD PI Resp. at 10 ("Plaintiff's supporters may or may not choose to fence their property . . . .").

The situation is similar to *California v. Azar*, where the State of California claimed irreparable economic harm due to the threat that the federal government's allegedly illegal action would cause women to lose insurance coverage for contraceptives and "turn to state-based [insurance] programs or programs reimbursed by the state." 911 F.3d 558, 572–73, 581 (9th Cir. 2018). On Federal Defendants' view, this would not be irreparable harm, because California was merely suffering the effects of "complying with" its own laws requiring it to provide contraceptive care to uninsured women. But the Ninth Circuit saw it differently, concluding that California had shown irreparable harm and affirming a preliminary injunction entered by the district court. *Id.* at 581. Under *Azar*, harm connected to installing fencing is irreparable because cattle will be present near Plaintiff's members' homes only as a result of the Forest Service's allegedly illegal actions.

At one point, Federal Defendants appear to suggest that Plaintiff cannot show irreparable harm from installing fencing because such fencing is only necessary to prevent damage from "a lawful use of Forest land." FD PI Resp. at 10. But whether grazing the Colcord/Turkey Pasture is "a lawful use of Forest land" is precisely the merits question at the heart of this case. For purposes of assessing irreparable harm, this Court should assume that Plaintiff is correct about the merits. *See Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 303 (D.C. Cir. 2006) ("Within the irreparable harm analysis itself—which assumes, without deciding, that the movant has demonstrated a likelihood that the non-movant's conduct violates the law—we examine only whether that violation, if true, inflicts irremediable injury."). Thus, the irreparable harm inquiry is whether an *unlawful* authorization of grazing on the Pasture will lead to harm. As shown by Plaintiff's opening preliminary injunction memorandum, the answer is plainly "yes."

B. Contrary to Federal Defendants' Arguments, Irreparable Harm Is Likely for Plaintiff's Members Who Do Not Install Fencing.

Federal Defendants next argue that it is "unlikely" that Plaintiff's members who do not install fencing will be harmed in the absence of an injunction. FD PI Resp. at 10–13. Of course, in making this argument, Federal Defendants must try to somehow explain

away the events of 2015—the one year in recent history in which grazing occurred on the Colcord/Turkey Pasture. As laid out at length in earlier filings, 2015 saw Plaintiff's members endure dangerous encounters with cattle, harms to their recreational interests, and other negative impacts from cattle grazing on the Pasture. *See* PI Memo. (ECF No. 45) at 3–5; Pl. SJ Memo. (ECF No. 33) at 6–7, 20–23. A repeat of 2015 would clearly lead to likely irreparable harm. *See* PI Memo. at 12–13.

Faced with this reality, Federal Defendants attempt several different evasive maneuvers, none of which is convincing. Perhaps most astonishingly, Federal Defendants argue that, because Plaintiff has not claimed that any *actual* physical injury or property damage occurred in 2015, such harms are not likely this summer.[2] FD PI Resp. at 11–12. This is, to put it bluntly, the inane logic of the drunk driver who managed to make it home without a scratch last time and is now convinced that it is perfectly safe to try again. The fact that several of Plaintiff's members narrowly avoided physical injury and property damage in 2015 does not mean that such harm is less likely to occur in the future—it means that Plaintiff's members got lucky. Moreover, even if Plaintiff's members again get lucky and "only" endure close calls with cattle, the fear and anxiety caused by those experiences would amount to irreparable harm. *See Chalk v. U.S. Dist. Ct. C.D. Cal.*, 840 F.2d 701, 709 (9th Cir. 1988).

Federal Defendants' second tactic is to try to distinguish the circumstances in 2015 from the circumstances this year. They point out that slightly more cattle were authorized to graze in 2015 than this year. FD PI Resp. at 11. That is true, but cattle will graze the Colcord/Turkey Pasture for longer this year. *Compare* Ex. L (ECF No. 47-2) at 2 (three months in 2021), *with* FS000023Sup (less than two and a half months in 2015). In fact,

[2] Federal Defendants spend an inordinate amount of time arguing that cattle do not pose any more of a threat to the integrity of septic systems than the elk and deer prized by Plaintiff's members. FD PI Resp. at 12. There is an easy answer to this argument: the average bull elk weighs around 600–800 pounds, the average elk cow weighs around 450–600 pounds, and deer weigh far less, whereas the average mature cow in Arizona weighs 1,200–1,400 pounds and the average bull even more. *See* Ex. R.

the grazing intensity in terms of animal unit months ("AUMs") will actually be slightly *higher* this year than in 2015: roughly 858 AUMs this year versus 797 AUMs in 2015.

Federal Defendants also try to distinguish this year from 2015 by pointing to different weather conditions—specifically, the severity of the current drought. FD PI Resp. at 11. In his declaration, Forest Service employee Jeffrey Sturla states that "there is little if any free water near the subdivisions" this year and speculates that "there may have been scattered water in drainages [in 2015] that allowed cattle to stray further from developed water sources, which allowed some to make it to the communities . . . ." Sturla Decl. (ECF No. 49-2) ¶ 11. This speculative attempt to distinguish this year from 2015 ignores the fact that both 2015 and 2014 were drought years in the area (albeit not as bad years as now). Ex. S. Moreover, Mr. Sturla's statement that there is "there is little if any free water near the subdivisions" this year is refuted by Jim Olsson, who has lived in the area for more than 30 years, and by the Forest Service's own analysis. According to Mr. Olsson, there are several perennial springs located in and near the communities that provide water for wildlife, including Allenbaugh Spring. Third Olsson Decl. (Ex. T) ¶¶ 6–9. This is corroborated by the Forest Service's own analysis, which identified Allenbaugh Spring and another spring near the communities as two of only seven "key reaches" on the Bar X—that is, "stream channels/springs/riparian areas . . . selected to survey because they are representative, responsive to changes in management, accessible to livestock, and contain key species." FS006394; *see also* FS001554 (detailed map).

Federal Defendants' third tactic is to baselessly deny the truth of the sworn assertions made by Plaintiff's members or try to undermine those assertions by offering generalized statements of their own. For instance, Federal Defendants argue that Bar X cattle are not aggressive, making dangerous encounters between humans and cattle unlikely. FD PI Resp. at 12; Hemovich Decl. (ECF No. 49-1) ¶ 9. This might come as news to Jim Olsson, who watched a Bar X bull nearly run over his wife, or Michael Lemon, who was charged by cows on his driveway. First Olsson Decl. (ECF No. 35-1) ¶ 9; Lemon Decl. (ECF No. 46-2) ¶ 7. Similarly, Federal Defendants suggest that cattle

do not and are not likely to drive away elk, deer, and other wildlife from the area, calling Plaintiff's claims to the contrary "unsupported." FD PI Resp. at 13. But multiple sworn declarations—based on personal observations[3]—recount how elk and deer were driven away from the area surrounding the Colcord and Ponderosa communities in 2015. *See, e.g.*, Lemon Decl. ¶ 6 ("I recall in [2015], when the cattle were in, that we did not see much of the deer—they basically disappeared."). This is consistent with the history of the Bar X: grazing drove away elk, deer, and turkey in the 1970s, and those species did not make a comeback until grazing was drastically reduced. SOF (ECF No. 34) ¶¶ 22, 29.

Finally, Federal Defendants argue that any risk of harm will be reduced by "additional mitigation measures" that the permittee has agreed to implement which will supposedly lessen the likelihood of cattle intruding on Plaintiff's members' properties. FD PI Resp. at 13. Of course, the very fact that these measures are being proposed is a tacit admission by Federal Defendants and the permittee that Bar X cattle are likely to find their way to the Colcord and Ponderosa communities. The proposed measures are unlikely to change that fact. For one thing, they are unenforceable, so there is no guarantee that they will occur, and they should not be relied on to undercut a showing of irreparable harm. *Cf. Ctr. for Biological Diversity v. Bernhardt*, 982 F.3d 723, 743–48 (9th Cir. 2020) (agencies cannot rely on unenforceable mitigation measures in assessing the effects of an action on endangered species). And the promise to make weekly "efforts on horseback . . . to try and keep cattle away from private homes that have not fenced their property" is a mostly empty promise—the permittee is *already* required "to furnish sufficient riders or herders for proper distribution, protection, and management of cattle on the allotment." FS006537. Moreover, herding did not prevent problems in 2015.

As for the permittee's promise not to "place salt, minerals, or protein supplements near the" communities, that promise, even if kept, will do little to keep cattle from

[3] In contrast, Federal Defendants rely on hearsay. The Hemovich declaration refers rather vaguely to "[s]tatistics from the Arizona Game and Fish Department" that have been "presented verbally" at meetings at which Mr. Hemovich has been present. Hemovich Decl. ¶ 6. The statistics themselves are not offered as evidence.

exploring the entire Colcord/Turkey Pasture. When overstocking or drought leads to a scarcity of forage, cattle tend to spread out to seek available forage, regardless of where salt and protein supplements are located. *See* FS003309 (1978 analysis of the Bar X discussing how, under poor range conditions caused by overstocking, "the search for forage by livestock has distributed grazing into all of the accessible areas" and "the use of salt as a distribution tool is of no great value").

Federal Defendants are right about one thing: "[m]any of Plaintiff's alleged harms reflect concerns that injury or conflict with cattle *might* occur in the future." FD PI Resp. at 11. But, contrary to Federal Defendants' implication, Plaintiff is not required to show a *certainty* of future harm to obtain relief. *See Small v. Avanti Health Sys., LLC*, 661 F.3d 1180, 1191 (9th Cir. 2011) ("[W]hile 'likely' is a higher threshold than 'possible,' [a plaintiff] need not prove that irreparable harm is certain or even nearly certain."). The question is whether irreparable harm is *likely*. *Id*. As much as Federal Defendants resist it, the best available evidence going to that question is what happened in 2015.

C. Federal Defendants Have Not Undermined Plaintiff's Showing of Irreparable Harm Related to Recreational and Aesthetic Interests and Road Safety.

Federal Defendants' arguments concerning other likely harms to Plaintiffs' members are no more convincing. First, as discussed above, Federal Defendants have done nothing to undermine Plaintiff's factual showing of irreparable harm connected to decreased opportunities to view elk, deer, and other wildlife. And Federal Defendants' legal argument that any diminishment in opportunities to view such wildlife would not be irreparable because such wildlife could later return is simply wrong as a matter of law. *See, e.g.*, *Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1068 (9th Cir. 2014) (holding that harm of a temporary nature can be irreparable).

Similarly misguided is Federal Defendants' characterization of Plaintiff's members' recreation-related harms. Federal Defendants frame Plaintiff's members' concerns as "[a] subjective and personal aversion to encountering cattle while recreating in the Forest." FD PI Resp. at 14. But Plaintiff's members are not unreasonably claiming

that they will be irreparably harmed by the mere presence of cattle; rather, their recreational interests will be impaired due to entirely reasonable worries about swimming in or drinking water contaminated by cattle feces, First Olsson Decl. ¶ 22; Poulin Decl. (ECF No. 46-5) ¶ 9; or being injured by cattle that are located in or along Haigler Creek or directly on hiking trails, Branco Decl. (ECF No. 46-3) ¶ 11; Lemon Decl. ¶ 10.

In another attempt to rebut the specific assertions made by Plaintiff's members, Federal Defendants point to the fact that the Forest Service concluded during the NEPA process that allowing grazing on the Colcord/Turkey Pasture "will not significantly impact resources on the Bar X, including recreation." FD PI Resp. at 14–15. This utterly misses the point that the reasonableness (and the legality) of that conclusion is part of what is at issue in this case. *See* Pl. SJ Memo. at 22–23 (discussing the Forest Service's inadequate analysis of recreation impacts). Federal Defendants cannot rely on the shoddy analysis of the Final EA to undercut Plaintiff's showing of irreparable harm. On the contrary, the Court should assume for purposes of the irreparable harm analysis that Plaintiff is right about the merits. *Chaplaincy of Full Gospel Churches*, 454 F.3d at 303.

Finally, Federal Defendants attempt to undercut the threat of harm posed by cattle in roads by arguing that "Plaintiff has . . . not offered any evidence that cattle would pose more of a danger in roadways than deer and elk." FD PI Resp. at 12 n.6. This ignores the fact that Plaintiff's members have explained that Bar X cattle are *particularly* difficult to see at night because of their dark color. Poulin Decl. ¶ 10; Briggs Decl. (ECF No. 46-7) ¶ 10. Moreover, whatever baseline risk elk and deer may pose to motorists, Plaintiff's members' declarations show that cattle create a high *additional* risk to motorists.

II. FEDERAL DEFENDANTS GREATLY OVERSTATE THE LIKELY HARM TO THE GRAZING PERMITTEE FROM AN INJUNCTION.

Federal Defendants argue that preliminary relief would not serve the public interest and that the balance of equities does not tip in favor of Plaintiff. FD PI Resp. at 15–17. A large part of Federal Defendants' argument on these points centers on the supposed harm that a preliminary injunction would cause to the permittee. *Id.* at 16–17.

Federal Defendants greatly overestimate the likely magnitude of that harm.

As an initial matter, Federal Defendants' assertion that the permittee has already "reduced [its] livestock operation to its core herd" is false. *See* FD PI Resp. at 16; Sturla Decl. ¶ 5. In his declaration, Mr. Hemovich does not state that the herd has been reduced to its "core herd," but rather states that the Bar X, LLC is "at 32% of [its] carrying capacity of cattle and . . . sold all [its] calves in the Fall." Hemovich Decl. ¶ 4. This "32% of carrying capacity" figure refers to the 195 cow/calf pairs and 19 bulls authorized in the 2021 AOI—the number and type of cattle allowed to graze on the Bar X this year and that are set to graze the Colcord/Turkey Pasture this summer.[4] FD PI Resp. at 6; Sturla Decl. ¶ 7. That is *more cattle* than the permittee grazed on the Bar X in each of the last three years. *See* Ex. K (ECF No. 47-1) at 1 (133 cow/calf pairs, 16 bulls, and 82 yearlings in 2020 for a total of 2,538 AUMs); FS000049Sup (113 cow/calf pairs and 17 bulls in 2019); FS000041Sup (120 cow/calf pairs and 10 bulls in 2018). In other words, the permittee did not *reduce* its herd to its core before this grazing season, but rather made the herd *bigger*. Inexplicably, the Forest Service authorized that expansion despite the high likelihood of continued drought this year. *Compare* Ex. L at 1 (2021 AOI dated January 11, 2021), *with* Ex. U (drought forecast from December 2020).

Recent history makes clear that the permittee is entirely capable of reducing its herd below its current size.[5] When Plaintiff first sued the Forest Service in 2018, that year's original AOI authorized the permittee to graze 240 cow/calf pairs and 18 bulls year-long and 120 yearlings for five months. FS000036Sup. Just two months after suit was filed, the Forest Service issued an amended AOI authorizing only 120 cow/calf pairs and 10 bulls for the remainder of the year, FS000041Sup—half as many as had been

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[4] Whether the Forest Service accurately and reasonably determined the "carrying capacity" of the Bar X is one of the merits issues in this case, so it is somewhat misleading for Federal Defendants and Mr. Hemovich to use that figure as a reference.

[5] Further proof that the permittee's herd of 195 cow/calf pairs and 19 bulls is above its core size is the fact that, according to the Animal and Plant Health Inspection Service, "small-scale cow-calf operations . . . with fewer than 100 beef cows . . . account[] for 90.4 percent of all farms with beef cows" in the United States. Ex. V at 1.

originally authorized and far less than the 195 cow/calf pairs and 19 bulls that currently make up the herd. Thus, Federal Defendants' suggestion that the permittee *must* use the Colcord/Turkey Pasture this summer—that there is no other option such as further reducing herd size—is not supported by the facts.[6]

Federal Defendants also overstate the likely harm to the permittee by ignoring the government programs that can cushion the blow of any economic damage flowing from the combination of drought and Plaintiff's requested relief.[7] The U.S. Department of Agriculture's Livestock Forage Disaster Program ("LFP"), for instance, provides up to $125,000 a year to ranchers to compensate for losses caused by drought. *See* Ex. W (describing program); *see also* 7 U.S.C. § 9081(c). The LFP pays ranchers based on drought conditions in their county as measured by the U.S. Drought Monitor. 7 U.S.C. § 9081(c)(3)(D)(ii); Ex. W at 1. For this year, the Drought Monitor has already rated Gila County as being in an "exceptional drought" for four weeks, Ex. X, so ranchers may receive the maximum possible LFP assistance to which they are entitled. *See* 7 U.S.C. § 9081(c)(D)(ii)(II)(cc). The Bar X permittee applied for and received benefits under the LFP in 2018, Ex. Y, and there is no reason to think he will not receive assistance again.

III. AN INJUNCTION WOULD SERVE THE PUBLIC INTEREST.

Federal Defendants point to several reasons (in addition to the supposed harm to the permittee) why a preliminary injunction would not serve the public interest. FD PI Resp. at 15–17. None of those reasons holds up under scrutiny. First, Federal Defendants' argument that an injunction would "usurp the discretion that Congress delegated to the Forest Service," *id.* at 15–16, again misunderstands the preliminary injunction analysis.

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[6] In his declaration, Mr. Hemovich states that the Bar X, LLC would "*probably* have to destock [its] entire herd" if not allowed to use the Colcord/Turkey Pasture this summer. Hemovich Decl. ¶ 4 (emphasis added). But there is no explanation as to *why* this would be a likely course of action, nor is there any explanation as to why a less drastic action—a further reduction of the herd size—would not be more appropriate. And there is no acknowledgment that the Bar X herd size is *larger* this year than in the last three years.

[7] The Acting Forest Supervisor for the Tonto National Forest referred grazing permittees to these programs in his January 21, 2021 letter. ECF No. 49-3 at 2.

When assessing the public interest, the Court should assume that Plaintiff is right about the merits—that is, that the Forest Service violated the law in authorizing grazing on the Colcord/Turkey Pasture and thus misused its delegated authority. *See Cuviello v. City of Vallejo*, 944 F.3d 816, 834 (9th Cir. 2019) (preliminary injunction to halt enforcement of an ordinance on First Amendment grounds was in the public interest because there is a "significant public interest in upholding free speech principles" (cleaned up)).

Second, Federal Defendants' suggestion that many members of the community (and others) actually *support* ranching is largely irrelevant. *See* FD PI Resp. at 16. There is no evidence that these people would be *irreparably* harmed in any way by the relief that Plaintiff seeks; indeed, aside from Mr. Hemovich, who obviously has a particular interest in the outcome of this case, Federal Defendants have not attempted to secure any declarations from such members of the public, instead relying on hearsay statements drawn from the administrative record. Unlike Plaintiff's members, who will suffer irreparable harm in the absence of an injunction, these members of the public may *at worst* be slightly chagrined at seeing a delay in grazing on *part of* the Bar X.

The concern that an injunction would stop the permittee from engaging in activities that benefit wildlife is overblown. *See* FD PI Resp. at 17. Plaintiff's requested injunction would not stop all grazing on the Bar X, but would merely delay grazing on the Colcord/Turkey Pasture until final judgment is entered. The permittee would be free to continue his laudable habitat improvement projects on the rest of the Bar X.

Finally, Federal Defendants' argument that grazing on the Colcord/Turkey Pasture might help reduce the threat of wildfires is speculative. *See* FD PI Resp. at 15 n.7. Again, the question is whether a *preliminary* injunction will serve the public interest. Whether or not grazing is generally an effective tool to create fuel breaks and prevent future wildfires from spreading out of hand, Federal Defendants offer no reason to think that a one-year delay in grazing one pasture will meaningfully serve that purpose.

CONCLUSION

This Court should grant Plaintiff's motion for a preliminary injunction.

Dated: May 24, 2021

Respectfully submitted,

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FINAL LIST OF EXHIBITS IN SUPPORT OF PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION

EXHIBIT A (ECF No. 46-1):	Second Declaration of Jim Olsson
EXHIBIT B (ECF No. 46-2):	Declaration of Michael Lemon
EXHIBIT C (ECF No. 46-3):	Declaration of Joe Branco
EXHIBIT D (ECF No. 46-4):	Declaration of Paul Allen
EXHIBIT E (ECF No. 46-5):	Declaration of Steve Poulin
EXHIBIT F (ECF No. 46-6):	Declaration of Joanie Price
EXHIBIT G (ECF No. 46-7):	Declaration of Roger Briggs
EXHIBIT H (ECF No. 46-8):	Declaration of Eric Bjornsen
EXHIBIT I (ECF No. 46-9):	Second Declaration of Paula Adams
EXHIBIT J (ECF No. 46-10):	Second Declaration of Kathy Doolittle
EXHIBIT K (ECF No. 47-1):	2020 AOI for the Bar X Allotments
EXHIBIT L (ECF No. 47-2):	2021 AOI for the Bar X Allotments
EXHIBIT M (ECF No. 47-3):	Email from Counsel
EXHIBIT N (ECF No. 47-4):	Septic Systems Pamphlet
EXHIBIT O (ECF No. 47-5):	Thurston County, WA Septic System FAQ Page
EXHIBIT P (ECF No. 47-6):	Polk County, OR Septic System FAQ Page
EXHIBIT Q (ECF No. 47-7):	Excerpt from "Septic Systems 101" Manual
EXHIBIT R (ECF No. 50-1):	Data Concerning Animal Weights
EXHIBIT S (ECF No. 50-2):	2014 and 2015 Drought Data for Gila County
EXHIBIT T (ECF No. 50-3):	Third Declaration of Jim Olsson
EXHIBIT U (ECF No. 50-4):	Drought Outlook for First Quarter of 2021
EXHIBIT V (ECF No. 50-5):	APHIS Report on Cow-calf Operations
EXHIBIT W (ECF No. 50-6):	Livestock Forage Disaster Program Pamphlet
EXHIBIT X (ECF No. 50-7):	2021 Drought Data for Gila County
EXHIBIT Y (ECF No. 50-8):	LFP Beneficiary Data for 2018