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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

RIVER RUNNERS FOR	)	
WILDERNESS, et al.,	)	Civ. No. 06-0894-PCT-DGC
	)	
Plaintiffs,	)	
v.	)	<b>FEDERAL DEFENDANTS' ANSWER</b>
	)	<b>TO PLAINTIFFS' COMPLAINT</b>
JOSEPH F. ALSTON, et al.,	)	
	)	
Federal Defendants.	)	
_____	)	

Federal Defendants, through undersigned counsel, answer the allegations in Plaintiffs' March 28, 2006 "Complaint For Declaratory And Injunctive Relief" (hereinafter "Complaint") as follows:

The numbered paragraphs of this Answer correspond to the numbered paragraphs

of Plaintiffs' Complaint.

### **“INTRODUCTION”**

1. The allegations are legal conclusions and Plaintiffs' characterizations of this action and thus no response is required.

2. The allegations are legal conclusions and Plaintiffs' characterizations of this action and thus no response is required.

3. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the alleged violations.

4. The allegations are legal conclusions and Plaintiffs' characterizations of this action and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

5. Federal Defendants deny the allegations.

6. The allegations are Plaintiffs' characterizations of this action and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

### **“JURISDICTION AND VENUE”**

7. The allegations constitute conclusions of law stating Plaintiffs' alleged grounds for jurisdiction and thus no response is required.

8. The allegations constitute conclusions of law stating Plaintiffs' alleged grounds for jurisdiction and thus no response is required.

9. Federal Defendants deny the allegations.

10. The allegations constitute conclusions of law stating Plaintiffs' alleged grounds for jurisdiction and thus no response is required.

11. The allegations constitute conclusions of law stating Plaintiffs' alleged grounds for jurisdiction and thus no response is required.

12. The allegations constitute conclusions of law stating Plaintiffs' alleged grounds for venue and thus no response is required.

**“PARTIES”**

13. Federal Defendants lack knowledge or information sufficient to form a belief about the truth or falsity of the allegations, and on this basis deny the allegations. Federal Defendants deny all alleged injuries and violations of law.

14. Federal Defendants lack knowledge or information sufficient to form a belief about the truth or falsity of the allegations, and on this basis deny the allegations. Federal Defendants deny all alleged injuries and violations of law.

15. Federal Defendants lack knowledge or information sufficient to form a belief about the truth or falsity of the allegations, and on this basis deny the allegations. Federal Defendants deny all alleged injuries and violations of law.

16. Federal Defendants lack knowledge or information sufficient to form a belief about the truth or falsity of the allegations, and on this basis deny the allegations. Federal Defendants deny all alleged injuries and violations of law.

17. Federal Defendants lack knowledge or information sufficient to form a belief about the truth or falsity of the allegations, and on this basis deny the allegations. Federal Defendants deny all alleged injuries and violations of law.

18. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants admit that Joseph F. Alston is the Superintendent of Grand Canyon National Park.

19. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants admit that Fran Mainella is the Director of National Park Service.

20. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants admit that the National Park Service is an agency of the United States Department of the Interior.

21. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny that Gale Norton is the Secretary of the United States Department of the Interior.

22. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants admit that the United States Department of the Interior is a department of the United States government.

**"FACTS"**

23. Federal Defendants admit the allegations.

24. Federal Defendants admit the allegations.

25. Federal Defendants admit the allegations.

26. Federal Defendants admit the allegations.

27. Federal Defendants admit the allegations.

28. The allegations purport to characterize unidentified document, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

29. Federal Defendants admit the allegations, but aver that the "free flowing" Colorado River within the Grand Canyon is regulated by several upstream dams, including Glen Canyon Dam.

30. Federal Defendants admit the allegations.

31. Federal Defendants deny the allegations of the first sentence. Federal Defendants admit the allegations of the second sentence.

32. Federal Defendants deny the allegations of the first sentence. The remaining allegations purport to characterize "1980 and 1993 Wilderness Recommendations," which speak for themselves and contain the best evidence of their contents and thus no response is required.

33. The allegations are legal conclusions and thus no response is required.

34. Federal Defendants admit the allegations.

35. Federal Defendants admit the allegations of the first sentence. Federal Defendants deny the allegations of the second sentence.

36. Federal Defendants admit that since the completion of the Glen Canyon Dam in 1963, recreational and commercial use of the river has increased. Federal Defendants deny the remaining allegations.

37. Federal Defendants deny the allegations.

38. The allegations of the first sentence purport to characterize 1972 River Use Plan, which speaks for itself and contains the best evidence of its contents, and thus no response is required. Federal Defendants deny the allegations of the second sentence.

39. Federal Defendants lack knowledge or information sufficient to form a belief about the truth or falsity of the allegations, and on this basis deny the allegations.

40. Federal Defendants admit that by 1976 the National Park Service had conducted 29 studies, most of which considered the carrying capacity of the river and the impacts of continued motorized use on the river corridor. Federal Defendants deny the remaining allegations of the first sentence and the allegations of the second sentence.

41. The allegations purport to characterize various studies, which speak for themselves and contain the best evidence of their contents and thus no response is required.

42. The allegations purport to characterize the 1976 Master Plan, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

43. The allegations purport to characterize the 1977 Final Wilderness Recommendation, which speaks for itself and contains the best evidence of its contents,

and thus no response is required.

44. The allegations purport to characterize the 1977 DEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

45. The allegations purport to characterize the 1980 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

46. The allegations purport to characterize the 1980 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

47. The allegations purport to characterize the 1980 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

48. The allegations purport to characterize the 1980 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

49. The allegations purport to characterize the 1980 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

50. The allegations purport to characterize the 1980 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

51. The allegations purport to characterize the 1980 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

52. The allegations purport to characterize the 1980 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

53. The allegations purport to characterize the 1980 CRMP/FEIS, which speaks

for itself and contains the best evidence of its contents, and thus no response is required.

54. The allegations purport to characterize the 1980 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

55. The allegations purport to characterize the 1980 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

56. Federal Defendants admit the allegations of the first sentence. The allegations of the second sentence purport to characterize the 1980 Wilderness Recommendation, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

57. The allegations purport to characterize the 1980 Wilderness Recommendation, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

58. The allegations purport to characterize the 1980 Wilderness Recommendation, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

59. The allegations purport to characterize an Act of Congress, which speaks for itself and contains the best evidence of its contents and thus no response is required.

60. The allegations purport to characterize the 1981 CRMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

61. The allegations purport to characterize the 1981 CRMP, which speaks for

itself and contains the best evidence of its contents, and thus no response is required.

62. The allegations purport to characterize the 1981 CRMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

63. The allegations purport to characterize the 1981 CRMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

64. The allegations purport to characterize the 1981 CRMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

65. The allegations purport to characterize the 1981 CRMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

66. The allegations purport to characterize the 1981 CRMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

67. The allegations purport to characterize the 1988 BMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

68. The allegations purport to characterize the 1989 CRMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

69. The allegations purport to characterize the 1989 CRMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

70. The allegations purport to characterize the 1989 CRMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

71. The allegations purport to characterize the 1989 CRMP, which speaks for

itself and contains the best evidence of its contents, and thus no response is required.

72. The allegations purport to characterize the 1989 CRMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

73. The allegations purport to characterize the 1989 CRMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

74. The allegations purport to characterize the 1989 CRMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

75. The allegations purport to characterize the 1993 Wilderness Recommendation, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

76. The allegations purport to characterize the 1993 Wilderness Recommendation, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

77. Federal Defendants admit the allegations.

78. The allegations purport to characterize the 1995 GMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

79. The allegations purport to characterize the 1995 GMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

80. Federal Defendants deny the allegations.

81. The allegations purport to characterize the 1995 GMP, which speaks for itself

and contains the best evidence of its contents, and thus no response is required.

82. The allegations purport to characterize an unidentified Park Service document, which speaks for itself and contains the best evidence of its contents and thus no response is required.

83. The allegations purport to characterize the 1999 Director's Order #41, which speaks for itself and contains the best evidence of its contents and thus no response is required.

84. The allegations purport to characterize the 1999 Director's Order #41, which speaks for itself and contains the best evidence of its contents and thus no response is required.

85. Federal Defendants admit the allegations.

86. The allegations purport to characterize an unidentified "order" from Superintendent Arnbereger, which speaks for itself and contains the best evidence of its contents and thus no response is required.

87. The allegations purport to characterize an unidentified "order" from Superintendent Arnbereger, which speaks for itself and contains the best evidence of its contents and thus no response is required.

88. Federal Defendants deny the allegations.

89. Federal Defendants deny the allegations.

90. Federal Defendants admit the allegations of the first and third sentences.

Federal Defendants admit that by 2000 there were more than 6,000 persons on the waiting list, but deny the remaining allegations of the second sentence.

91. Federal Defendants admit that commercial concessionaires are not subject to a waiting list and *at times* commercial concessionaires *may* be able to make trips available within several days of a request. Federal Defendants admit that a small percentage of commercial user-days may go unused. Federal Defendants lack knowledge or information sufficient to form a belief about the truth or falsity of the remaining allegations of the second sentence, and on this basis deny the allegations.

92. Federal Defendants admit that motorized trips constitute a majority of the recreational use. Federal Defendants deny the remaining allegations.

93. The allegations of the first sentence purport to characterize a 2000 letter to Superintendent Arnbereger, which speaks for itself and contains the best evidence of its contents and thus no response is required. The remaining allegations purport to characterize a 2000 lawsuit, which speaks for itself and contains the best evidence of its contents and thus no response is required.

94. The allegations purport to characterize the 2005 DEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

95. Federal Defendants admit the allegations.

96. Federal Defendants admit the allegations of the first sentence. The allegations of the second sentence purport to characterize the 2005 CRMP/FEIS, which speaks for

itself and contains the best evidence of its contents, and thus no response is required.

97. The allegations purport to characterize the 2005 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

98. The allegations purport to characterize the 2005 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

99. The allegations purport to characterize the 2005 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

100. The allegations purport to characterize the 2005 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

101. The allegations purport to characterize the 2005 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

102. The allegations purport to characterize the 2005 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

103. Federal Defendants admit the allegations.

104. The allegations purport to characterize the 2006 ROD, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

105. The allegations purport to characterize the 2006 ROD, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

106. The allegations purport to characterize the 2006 ROD and CRMP, which speak for themselves and contain the best evidence of their contents and thus no response

is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

107. The allegations purport to characterize the 2006 ROD and CRMP, which speak for themselves and contain the best evidence of their contents and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

108. The allegations purport to characterize the 2006 ROD and CRMP, which speak for themselves and contain the best evidence of their contents and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

109. The allegations purport to characterize the 2006 ROD and CRMP, which speak for themselves and contain the best evidence of their contents and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

## **"CLAIMS FOR RELIEF"**

### **"COUNT I"**

The allegations of the underlined heading are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the alleged violations.

110. Federal Defendants hereby incorporate their answers to all preceding

paragraphs as if fully stated herein.

111. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the alleged violations.

112. The allegations are legal conclusions and thus no response is required.

113. The allegations purport to characterize the Park Service Management Policies and Reference Manual #41, which speak for themselves and contain the best evidence of their contents and thus no response is required.

114. The allegations are legal conclusions and thus no response is required.

115. The allegations are legal conclusions and thus no response is required.

116. The allegations purport to characterize the Park Service Management Policies, which speak for themselves and contain the best evidence of their contents and thus no response is required.

117. The allegations are legal conclusions and thus no response is required.

118. The allegations are legal conclusions and thus no response is required.

119. The allegations are legal conclusions and thus no response is required.

120. The allegations are legal conclusions and thus no response is required.

121. The allegations are legal conclusions and thus no response is required.

122. The allegations are legal conclusions and thus no response is required.

123. The allegations of the first sentence purport to characterize 1993 Wilderness

Recommendations, which speak for themselves and contain the best evidence of their contents and thus no response is required. The allegations of the second sentence are legal conclusions and thus no response is required.

124. The allegations are legal conclusions and thus no response is required.

125. The allegations purport to characterize 1993 Wilderness Recommendations, which speak for themselves and contain the best evidence of their contents and thus no response is required.

126. The allegations purport to characterize the 2006 ROD and CRMP, which speak for themselves and contain the best evidence of their contents and thus no response is required.

127. The allegations purport to characterize the 2006 ROD and CRMP, which speak for themselves and contain the best evidence of their contents and thus no response is required.

128. Federal Defendants deny the allegations.

129. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

130. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

131. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

132. Federal Defendants deny the allegations.

133. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

## **“COUNT II”**

The allegations of the underlined heading are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the alleged violations.

134. Federal Defendants hereby incorporate their answers to all preceding paragraphs as if fully stated herein.

135. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

136. The allegations are legal conclusions and thus no response is required.

137. The allegations purport to characterize the 2006 ROD and CRMP, which speak for themselves and contain the best evidence of their contents and thus no response is required.

138. The allegations purport to characterize the 2005 CRMP/FEIS, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

139. Federal Defendants deny the allegations.

140. The allegations purport to characterize the 2006 ROD and CRMP, which speak for themselves and contain the best evidence of their contents and thus no response

is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

141. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

142. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

### **“COUNT III”**

The allegations of the underlined heading are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the alleged violations.

143. Federal Defendants hereby incorporate their answers to all preceding paragraphs as if fully stated herein.

144. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

145. The allegations are legal conclusions and thus no response is required.

146. The allegations purport to characterize the Park Service Management Policies, which speak for themselves and contain the best evidence of their contents and thus no response is required.

147. The allegations purport to characterize the Park Service Management Policies, which speak for themselves and contain the best evidence of their contents and

thus no response is required.

148. The allegations purport to characterize the Park Service Management Policies, which speak for themselves and contain the best evidence of their contents and thus no response is required.

149. The allegations purport to characterize the Park Service Management Policies, which speak for themselves and contain the best evidence of their contents and thus no response is required.

150. The allegations purport to characterize the Park Service Management Policies, which speak for themselves and contain the best evidence of their contents and thus no response is required.

151. The allegations purport to characterize the Park Service Management Policies and the 2005 FEIS, which speak for themselves and contain the best evidence of their contents and thus no response is required.

152. Federal Defendants deny the allegations.

153. The allegations purport to characterize the 1995 GMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

154. The allegations purport to characterize the 1995 GMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

155. The allegations purport to characterize the 1995 GMP, which speaks for itself and contains the best evidence of its contents, and thus no response is required.

156. Federal Defendants deny the allegations.

157. Federal Defendants deny the allegations.

158. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

#### **“COUNT IV”**

The allegations of the underlined heading are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the alleged violations.

159. Federal Defendants hereby incorporate their answers to all preceding paragraphs as if fully stated herein.

160. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

161. The allegations are legal conclusions and thus no response is required.

162. The allegations of the first sentence are legal conclusions and thus no response is required. Federal Defendants admit the allegations of the second sentence.

163. Federal Defendants deny the allegations of the first sentence. The remaining allegations purport to characterize the 2006 ROD and CRMP, which speak for themselves and contain the best evidence of their contents and thus no response is required.

164. Federal Defendants deny the allegations of the first sentence. Federal Defendants admit the allegations of the second sentence.

165. The allegations purport to characterize the 2006 ROD and CRMP, which speak for themselves and contain the best evidence of their contents and thus no response is required.

166. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

#### **“COUNT V”**

The allegations of the underlined heading are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the alleged violations.

167. Federal Defendants hereby incorporate their answers to all preceding paragraphs as if fully stated herein.

168. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

169. The allegations are legal conclusions and thus no response is required.

170. The allegations are legal conclusions and thus no response is required.

171. The allegations purport to characterize the Park Service Management Policies, which speak for themselves and contain the best evidence of their contents and thus no response is required.

172. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

173. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

174. The allegations are legal conclusions and thus no response is required. To the extent a response is deemed necessary, Federal Defendants deny the allegations.

### **“REQUEST FOR RELIEF”**

The remaining Paragraphs of Plaintiffs' Complaint labeled A through F on page 35 constitute Plaintiffs' requests for relief, to which no answers are required. To the extent answers are deemed necessary, Federal Defendants deny that Plaintiffs are entitled to the relief requested or to any relief whatsoever.

### **GENERAL DENIAL**

Federal Defendants deny any and all allegations of Plaintiffs' Complaint, whether express or implied, that are not specifically admitted, denied, or qualified herein.

### **First Affirmative Defense**

Plaintiffs fail to state a claim upon which can be granted.

### **Second Affirmative Defense**

Plaintiffs' claims are barred by laches, estoppel, and waiver.

### **Third Affirmative Defense**

Plaintiffs have failed to establish standing.

### **Fourth Affirmative Defense**

Plaintiffs have failed to exhaust administrative remedies.

**Fifth Affirmative Defense**

Plaintiffs' claims are barred by the applicable statute of limitations.

Dated: JUNE 9, 2006.

Respectfully Submitted,

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SUE A. KLEIN  
Assistant U.S. Attorney

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Natural Resources Section

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**Certificate of Service**

I hereby certify that a copy of the foregoing “Federal Defendants’ Answer to Plaintiffs’ Complaint” was served on June 9, 2006, by first-class U.S. mail, postage prepaid, to:

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