

1 C. D. Michel, Cal. B.N. 144258
W. Lee Smith, Cal. B.N. 196115
2 Scott M. Franklin, Cal. B.N. 240254
MICHEL & ASSOCIATES, PC
3 180 E. Ocean Boulevard, Suite No. 200
Long Beach, CA 90802
4 Telephone: 562-216-4444
Facsimile: 562-216-4445
5 Emails: cmichel@michellawyers.com
lsmith@michellayers.com
sfranklin@michellawyers.com

6
7 Douglas S. Burdin, DC B.N. 434107
Anna M. Seidman, DC B.N. 417091
Safari Club International
8 501 2nd Street, NE
Washington, D. C. 20002
9 Facsimile: 202-543-1205
Emails: dburdin@safariclub.org
aseidman@safariclub.org
10 Telephone: 202-543-8733

11 Attorneys for Defendant-
Intervenors National Rifle Association
12 of America and Safari Club International

13
14 **IN THE UNITED STATES DISTRICT COURT**
15 **FOR THE DISTRICT OF ARIZONA**
16 **PRESCOTT DIVISION**

17 Center for Biological Diversity, et al.,

18 Plaintiffs,

19 vs.

20 United States Forest Service,

21 Defendant, and

22 National Rifle Association of America
and Safari Club International, and
23 National Shooting Sports Foundation,
Inc.,

24 Defendants-Intervenors.

CASE NO. 3:12-cv-08176-PCT-SMM
REQUEST FOR JUDICIAL NOTICE

1 Defendant-Intervenors National Rifle Association of America and Safari Club
2 International, by and through their attorneys, hereby request the Court to take judicial
3 notice, under Federal Rule of Evidence 201, of the following:

- 4 1. Three facts stated in the Final Environmental Assessment (“Final EA”) related to
5 the introduction of a non-essential, experimental population of California condors
6 in Arizona:
- 7 a. As an express condition of the experiment, the U.S. Fish and Wildlife
8 Service (“FWS”), which is primarily conducting this experiment, used a
9 Section 10(j) designation to “assure that all actions undertaken pursuant to
10 the proposed action [i.e., the creation of the experimental non-essential
11 population] will be compatible with existing land uses.”
 - 12 b. “[T]he non-essential, experimental population status that would apply to the
13 condors effectively means that no existing activities, including sport
14 hunting, will be disrupted by the release.”
 - 15 c. “If lead poisoning becomes a significant source of mortality for California
16 condors released in the proposed action, . . . mandatory use of non-lead
17 bullets would not be mandated under the provisions of the 10(j)
18 reintroduction.”

19 A true and correct copy of the relevant portions of the Final EA are attached
20 hereto as Exhibit 1.

- 21 2. That the legislative history behind the creation of the citizen suit of 42 U.S.C.
22 section 6972 was to allow the public to bring suit “to abate an imminent and
23 substantial endangerment pursuant to the standards of liability established under
24 section 7003 [e.g., 42 U.S.C. § 6973].”

25 A true and correct copy of the relevant legislative history (H.R. REP. 98-198(I),
26 53, 1984 U.S.C.C.A.N. 5576, 5612), is attached hereto as Exhibit 2.

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CERTIFICATE OF SERVICE

I, C.D. Michel, hereby certify that on this 26th day of August, 2016, I electronically transmitted the Request for Judicial Notice to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronica Filing to the following CM/ECF registrants:

Dustin J. Maghamfar
US Dept of Justice - Environmental &
Natural Resources
P.O. Box 7611
Washington, DC 20044
202-514-1806
Fax: 202-514-8865
Email: dustin.maghamfar@usdoj.gov
Attorney for Defendant, U.S. Forest Service

Kevin M. Cassidy
Earthrise Law Center
Lewis & Clark Law School
P.O. Box 445
Norwell, MA 02061
781-659-1696
Email: cassidy@lclark.edu
Attorney for Plaintiffs

Allison LaPlante
Earthrise Law Center
Lewis & Clark Law School
10015 S.W. Terwilliger Blvd.
Portland, OR 97211
(503) 768-6894
Email: laplante@lclark.edu
Attorney for Plaintiffs

James Frederick Odenkirk
Office of the Attorney General
1275 W Washington
Phoenix, AZ 85007-2997
602-542-7787
Fax: 602-542-7798
Email: james.odenkirk@azag.gov
Attorney for Defendant Intervenor,
State of Arizona

Norman D. James
Rhett A. Billingsley
Fennemore Craig, P.C.
2394 E. Camelback Road, Suite 600
Phoenix, AZ 85016-2394
Telephone: (602) 916-5000
Email: njames@fclaw.com
rbilling@fclaw.com
Attorneys for Defendant Intervenor,
National Shooting Sports
Foundation, Inc.

/s/C.D. Michel
C.D. Michel