

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

BUFFALO RIVER WATERSHED ALLIANCE; )  
ARKANSAS CANOE CLUB; NATIONAL PARKS )  
CONSERVATION ASSOCIATION; and OZARK )  
SOCIETY, )

Plaintiffs, )

V. )

UNITED STATES DEPARTMENT OF )  
AGRICULTURE; UNITED STATES SMALL )  
BUSINESS ADMINISTRATION; TOM VILSACK, in )  
his official capacity as Secretary, United States )  
Department of Agriculture; MARIA CONTRERAS- )  
SWEET<sup>1</sup>, in her official capacity as Administrator, )  
Small Business Administration; JUAN GARCIA, in his )  
official capacity as Administrator, Farm Service )  
Agency; LINDA NEWKIRK, in her official capacity as )  
Arkansas State Executive Director, Farm Service )  
Agency; and LINDA NELSON, in her official capacity )  
as Arkansas District Director, Small Business )  
Administration, )  
Defendants. )

Civil No. 4:13-cv-0450 DPM

---

**FEDERAL DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT**

---

<sup>1</sup> Maria Contreras-Sweet has succeeded Defendant Jeanne Hulit and is automatically substituted pursuant to Federal Rule of Civil Procedure 25(d).

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rules 7.2 and 56.1 of the Local Rules of the U.S. District Court for the Eastern District of Arkansas, Federal Defendants respectfully move this Court to enter summary judgment on all counts in their behalf, and to dismiss Plaintiffs' Amended Complaint with prejudice. A statement of material facts and a memorandum of points of law and authority in support of this motion are filed herewith.

Respectfully submitted this 28th day of April, 2014.

ROBER G. DREHER  
Acting Assistant Attorney General  
United States Department of Justice

/s/ Barclay T. Samford  
BARCLAY T. SAMFORD  
Trial Attorney, Natural Resources Section  
United States Department of Justice  
Environment & Natural Resources Division  
999 18<sup>th</sup> Street  
South Terrace, Suite 370  
Denver, Colorado 80202  
(303) 844-1475 | Phone  
(303) 844-1350 | Fax  
[Clay.Samford@usdoj.gov](mailto:Clay.Samford@usdoj.gov)

OF COUNSEL:

Danny L. Woodyard  
Attorney  
Office of the General Counsel  
United States Department of Agriculture

Gary Fox  
Assistant General Counsel  
Office of General Counsel  
United States Small Business Administration

Attorneys for Defendants

### CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

Hannah Chang [hchang@earthjustice.org](mailto:hchang@earthjustice.org)

Joseph Henry Bates , III [hbates@cbplaw.com](mailto:hbates@cbplaw.com)

Kevin Cassidy [cassidy@lclark.edu](mailto:cassidy@lclark.edu)

Marianne Engelman Lado [mengelmanlado@earthjustice.org](mailto:mengelmanlado@earthjustice.org)

Monica Reimer [mreimer@earthjustice.org](mailto:mreimer@earthjustice.org)

s/ Barclay T. Samford  
BARCLAY T. SAMFORD  
Trial Attorney, Natural Resources Section  
United States Department of Justice  
Environment & Natural Resources Division  
999 18<sup>th</sup> Street  
South Terrace, Suite 370  
Denver, CO 80202  
(303) 844-1475; | Phone  
(303) 844-1350 | Fax  
[Clay.Samford@usdoj.gov](mailto:Clay.Samford@usdoj.gov)