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

BUFFALO RIVER WATERSHED ALLIANCE, et al.,)))
Plaintiffs,)) Civil Action No. 4:13-CV-450 DPM
V.) CIVII ACUOII NO. 4.13-C V-430 DPM
UNITED STATES DEPARTMENT OF AGRICULTURE, et al.,)
AGRICULTURE, Ct al.,)
Defendants,	<i>)</i>)

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Buffalo River Watershed Alliance, Arkansas Canoe Club, National Parks Conservation Association, and Ozark Society (collectively, "Plaintiffs") hereby move for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rules 7.2 and 56.1 of the Local Rules of the U.S. District Court for the Eastern District of Arkansas.

For the reasons fully set forth in the accompanying memorandum of law, Plaintiffs are entitled to summary judgment as a matter of law. Defendants have authorized financial assistance necessary for the construction of C&H Hog Farms, Inc., a 6,500-swine concentrated animal feeding operation, in contravention of Defendants' duties under the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-4371 ("NEPA"); the Endangered Species Act of 1973, 16 U.S.C. §§ 1531-44 ("ESA"); the Buffalo National River Enabling Act, 16 U.S.C. §§ 460m-8 to 460m-14; and regulations promulgated by the U.S. Department of Agriculture, 7 C.F.R. Pt. 1940, Subpt. G.

Accordingly, Plaintiffs respectfully request that this Court grant Plaintiffs' Motion for Summary Judgment and issue an order (i) declaring that Defendant Farm Service Agency's Environmental Assessment and Finding of No Significant Impact are contrary to law and that Defendants failed to comply with NEPA, the ESA, the Buffalo National River enabling act, and their own regulations, (ii) enjoining the approved loan guarantees, and (iii) remanding the matter to Defendants for an environmental review and decision in compliance with Defendants' statutory and regulatory obligations.

Respectfully submitted this 14th day of March, 2014,

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