

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

U.S. SPORTSMEN’S ALLIANCE  
FOUNDATION,

SAFARI CLUB INTERNATIONAL, and

NATIONAL RIFLE ASSOCIATION OF  
AMERICA,

Plaintiffs,

v.

BUREAU OF LAND MANAGEMENT,

TRACY STONE-MANNING, in her official  
capacity as Director of the Bureau of Land  
Management, and

DEBRA HAALAND, in her official capacity  
as Secretary of the U.S. Department of the  
Interior,

Defendants.

Civil Action No. \_\_\_\_\_

**COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

**INTRODUCTION**

1. U.S. Sportsmen’s Alliance Foundation (“Sportsmen’s Alliance”), Safari Club International (“SCI”), and the National Rifle Association of America (“NRA”) (collectively, “Plaintiffs”) bring this action against the Bureau of Land Management (“BLM”), BLM Director Tracy Stone-Manning, and Secretary of the Interior Debra Haaland (collectively “Defendants”) under the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.* (“APA”); Presidential Proclamation 7397, 66 Fed. Reg. 7354 (Jan. 22, 2001); the Federal Land Policy and Management Act, 43 U.S.C. § 1701 *et seq.* (“FLPMA”); the Antiquities Act, 54 U.S.C. § 320301 *et seq.*; the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.* (“NEPA”), and the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019, 16 U.S.C. 7901 *et seq.* (“Dingell Act”).

2. As BLM says, “Americans rely on [public] lands for our way of life. We hunt, fish and play here.”<sup>1</sup> To that end, BLM has “a strong history of ensuring opportunities for commercial, recreational and conservation activities on public lands.” *Id.* That was the case for recreational shooting opportunities on the Sonoran Desert National Monument (“the Monument”) in Arizona up until 2024. Ninety percent of the Monument was open to recreational shooting at that time.

3. That changed in June 2024, when BLM finalized the Monument’s Recreational Target Shooting Resource Management Plan Amendment. BLM now prohibits recreational target shooting on 99% of the Monument.

4. That prohibition is arbitrary, capricious, and not in accordance with the substantive laws that direct BLM to provide for recreational shooting activities on public land. The prohibition was also made without observing proper procedures required by statute and regulations.

5. Plaintiffs bring this suit for declaratory and injunctive relief and ask the Court to hold the Monument’s 2024 Recreational Target Shooting Resource Management Plan Amendment unlawful, vacate and set it aside, and enjoin BLM from enforcing it in the future.

### **JURISDICTION AND VENUE**

6. This Court has jurisdiction under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (United States as defendant), and 5 U.S.C. §§ 702, 704 (review of agency action under the APA).

7. The relief sought is authorized by the Declaratory Judgments Act, 28 U.S.C. §§ 2201, 2202; the APA, 5 U.S.C. §§ 701–706; and the Court’s inherent equitable powers, *e.g.*, *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 327 (2015).

8. Plaintiffs have exhausted their administrative remedies through the BLM’s protest procedures and are challenging a final agency action. 43 C.F.R. § 1610.5–2(a)–(b).

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<sup>1</sup> <https://www.blm.gov/about/how-we-manage> (last visited January 12, 2025).

9. Venue is proper in this district under 28 U.S.C. § 1391(e)(1)(A) & (C) because BLM “resides” in the District of Columbia, and Plaintiff SCI maintains an office in the District of Columbia.

### **PARTIES**

10. Plaintiff Sportsmen’s Alliance is a non-profit organization under § 501(c)(3) of the Internal Revenue Code. It is headquartered in Columbus, Ohio. It is dedicated to promoting and educating the public about our hunting, fishing, and trapping heritage and science-based wildlife management. Sportsmen’s Alliance achieves its mission through public education and issue research conducted both on its own and through partnerships with local sporting and conservation organizations. It also engages in litigation when necessary to protect the beneficial pursuits of hunting, trapping, fishing, and scientific wildlife management. Sportsmen’s Alliance believes that having access to hunting and recreational shooting opportunities on public lands is a critical part of our hunting heritage.

11. Sportsmen’s Alliance has organizational members, including its parallel entity the U.S. Sportsmen’s Alliance, whose membership consists of individuals across the country, including individuals who target shoot on the Monument. Sportsmen’s Alliance brings this suit on behalf of those members.

12. Sportsmen’s Alliance’s Senior Vice President Todd Adkins is Chair of the Federal Lands Hunting, Fishing, and Shooting Sports Roundtable (“Roundtable”). The Roundtable was formed by a Memorandum of Understanding (“MoU”) executed by the U.S. Forest Service, BLM, U.S. Fish and Wildlife Service, and 40 non-governmental organizations.<sup>2</sup> The purpose of the Roundtable “is to develop and expand a framework of cooperation among the Parties at the na-

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<sup>2</sup> [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fsbdev2\\_019412.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsbdev2_019412.pdf) (last visited January 12, 2025).

tional, regional, and local levels for planning and implementing mutually beneficial projects and activities related to hunting, fishing, and shooting sports conducted on federal lands.” *Id.* at \*2.

13. Plaintiff SCI is a non-profit organization under § 501(c)(4) of the Internal Revenue Code. Its headquarters are in Washington, DC. Prior to June 2024, SCI’s business offices and former principal place of business was in Tucson, Arizona, within the vicinity of the Sonoran Desert National Monument. SCI represents more than 100,000 members and advocates across the world who support sustainable-use wildlife conservation. SCI also has 151 Chapters, including two in Arizona.

14. SCI’s missions include the conservation of wildlife, protection of the hunter, and education of the public about hunting and its use as a conservation tool. As an advocate for sustainable hunting rights, SCI supports access for recreational shooting. This activity allows hunters to hone their shooting skills to be successful and humane. Moreover, SCI supports recreational shooting because it is a crucial generator of revenues for state wildlife conservation programs. SCI is a member of the Roundtable.

15. Plaintiff NRA is a nonprofit corporation organized under the laws of the State of New York with its principal place of business in Fairfax, Virginia. It also maintains an office in the District of Columbia. The NRA is America’s oldest civil rights organization and a foremost defender of Second Amendment rights. It was founded in 1871 by Union generals who, based on their Civil War experiences, sought to promote firearms marksmanship and expertise amongst the citizenry. Today, the NRA is America’s leading provider of firearms marksmanship and safety training for both civilians and law enforcement.

16. NRA’s mission also includes the promotion of shooting sports and recreational shooting, as well as protecting the right to hunt and fish on public lands. NRA has millions of members

across the United States, including members who shoot on the Monument. NRA also has state affiliates across the country, including the Arizona State Rifle & Pistol Association. NRA is a member of the Roundtable.

17. Plaintiffs have members, including Mr. David Mattausch, who live nearby and have hunted and recreationally shot on the Monument in the past. These members would continue to do so in the future but for BLM's decision to close 99% of the Monument to recreational shooting.

18. Defendant BLM is an agency within the United States Department of the Interior. It is the largest land manager in the United States, charged with managing over 245 million acres of federal public lands, including the Monument. It is responsible for applying and implementing the federal laws and regulations challenged in this Complaint.

19. Defendant Tracy Stone-Manning is the BLM Director. She is responsible for managing the BLM. Defendant Stone-Manning can delegate responsibilities for managing BLM to officials in BLM State Offices or Field Offices. Defendant Stone-Manning is sued in her official capacity.

20. Defendant Debra Haaland is the U.S. Secretary of the Interior. As Secretary, she is responsible for all BLM officials and their actions giving rise to this Complaint. Secretary Haaland is sued in her official capacity.

## **LEGAL BACKGROUND**

### **I. FLPMA**

21. FLPMA directs BLM to “manage the public lands under principles of multiple use and sustained yield, in accordance with the land use plans [for each area] ... except that where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law.” 43 U.S.C. §§ 1732(a), 1701(a)(7).

22. “Multiple use” means that BLM must open public lands to a combination of uses “that

will best meet the present and future needs of the American people,” including but not limited to “recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values.” 43 U.S.C. § 1702(c); 43 C.F.R. § 1601.0-5(i).

23. “The term ‘sustained yield’ means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use.” 43 U.S.C. § 1702(h).

24. In keeping with its mission to open public lands for recreation among the multiple uses, BLM has declared it “long-standing policy” that “recreational target shooting is an important part of [BLM’s] land management mission” under FLPMA. This policy “specifically includes ... national monuments.”<sup>3</sup> Further, BLM has adopted a “general policy” to “avoid a net loss of shooting opportunities in its land use planning decisions.” *Id.*

25. “Land use plans” are also known as “resource management plans.” 43 U.S.C. § 1712(a); 43 C.F.R. § 1601.0–5(n). “Resource management plans are designed to guide and control future management actions and the development of subsequent, more detailed and limited scope plans for resources and uses.” 43 C.F.R. § 1601.0–2. They also “promote the concept of multiple use management.” *Id.*

26. Amendments to resource management plans “shall be made through an environmental assessment of the proposed change, or an environmental impact statement.” 43 C.F.R. § 1610.5–5; *see also* 42 U.S.C. § 4336(b)(1)–(2) (NEPA’s process for when an agency can proceed with an environmental assessment or environmental impact statement). “If the environmental assessment does not disclose significant impact, a finding of no significant impact may be made by the Field Manager,” who then recommends “the amendment to the State Director for approval.” 43 C.F.R.

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<sup>3</sup> <https://www.blm.gov/policy/im2021-010> (last visited January 12, 2025).

§ 1610.5–5(a). If the amendment is approved, the field manager must issue a public notice regarding the action taken. *Id.* The amendment may be implemented 30 days after the notice. *Id.* If an environmental impact statement (“EIS”) is prepared, then “the amending process shall follow the same procedure required for the preparation and approval of the plan, but consideration shall be limited to that portion of the plan being considered for amendment.” 43 C.F.R. § 1610.5–5(b). “The issuance of the record of decision” is the final step of the EIS process. 40 C.F.R. 1501.10(e)(5).<sup>4</sup> Once an amendment to an existing resource management plan is finalized, all future actions on the land “shall conform to the approved plan,” as amended. 43 C.F.R. § 1610.5–3(a).

27. Persons who participated in the planning process and are “adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment.” 43 C.F.R. § 1610.5–2(a). The BLM Director’s decision on the protest “shall be the final decision of the Department of the Interior.” 43 C.F.R. § 1610.5–2(b).

28. FLPMA also directs the Secretary of Interior to establish Advisory Councils to “furnish advice to the Secretary with respect to the land use planning ... [and] management ... of public lands within the area for which the advisory council is established.” 43 U.S.C. § 1739(d). The Secretary established an Advisory Council for Arizona in 1995. 60 Fed. Reg. 43607 (Aug. 22, 1995). Secretary Haaland renewed the Arizona Resource Advisory Council’s Charter and filed it on November 9, 2023, while the BLM was in the process of amending the Monument’s Recreational Target Shooting Resource Management Plan.<sup>5</sup> Under paragraph 3 of the Charter, the Arizona

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<sup>4</sup> The Council of Environmental Quality’s NEPA regulations have since been invalidated by *Marin Audubon Soc’y v. Fed. Aviation Admin.*, 121 F.4th 902 (D.C. Cir. 2024).

<sup>5</sup> <https://www.blm.gov/sites/default/files/docs/2023-12/2023%20AZ%20RAC%20Nov%209%202023%20SIGNED%20and%20FILED%20Renewal%20Charter.pdf> (last visited January 12, 2025).

Resource Advisory Council’s scope of activities include making recommendations “on the planning and management of public land resources located within the State of Arizona.”

29. The Arizona Resource Advisory Council’s responsibilities include “[p]roviding advice to BLM regarding the preparation, amendment, and implementation of land use plans.” 60 Fed. Reg. at 43608; *see also* paragraph 4.1 of the Arizona Resource Advisory Council’s Charter.

30. When an advisory council exists for a particular area subject to resource management planning, BLM “will inform that council, seek its views, and consider them throughout the planning process.” 43 C.F.R. § 1610.3–1(g).

31. FLPMA further directs the Secretary of Interior to promulgate regulations promoting notice of and public participation in the advisory council’s discussions of “plans and programs for, and the management of, the public lands.” 43 U.S.C. § 1739(e); 43 C.F.R. § 1784.0–2. To that end, all advisory committee and subcommittee meetings “shall be open to the public and news media,” 43 C.F.R. § 1784.4–3(a); and prior notice of the meetings must be published in the Federal Register, 43 C.F.R. § 1784.4–2(a).

## **II. The Dingell Act**

32. The Dingell Act was signed into law on March 12, 2019.

33. The Dingell Act covers BLM-managed lands. 16 U.S.C. § 7911(1)(B).

34. Through the Dingell Act, “Congress declares that it is the policy of the United States that Federal departments and agencies ... shall ... facilitate the expansion and enhancement of hunting, fishing, and recreational shooting opportunities on Federal land” and “consider hunting, fishing, and recreational shooting opportunities as part of all Federal plans for land ... management.” 16 U.S.C. § 7901(a)(1) & (3).

35. The Dingell Act declares that “[f]ederal land shall be open to hunting, fishing, and rec-



recreational shooting, in accordance with applicable law, unless the Secretary concerned closes an area in accordance with section 7913 of this title.” 16 U.S.C. § 7912(a). The Dingell Act covers BLM-managed lands. 16 U.S.C. § 7911(1)(B).

36. Although the Dingell Act mandates that federal lands be open to hunting, fishing, and recreational shooting, the Act allows for closures in limited circumstances “for reasons of public safety, administration, or compliance with applicable laws.” 16 U.S.C. § 7913(a)(1). But any such closure of an area, for a particular time, must be “designate[d as] the smallest area for the least amount of time that is required for public safety, administration, or compliance with applicable laws.” 16 U.S.C. § 7913(a)(2); *see also* 43 U.S.C. § 1732(b) (FLPMA authorizes the BLM to “designate areas of public land ... where, and establish periods when, no hunting or fishing will be permitted for reasons of public safety, administration, or compliance with provisions of applicable law.”). Indeed, when Congress drafted the parallel clause in FLPMA, it stated: “[t]he Secretaries are expected to use the authority granted by the bill to close areas only if essential to the public safety, and then only for the shortest periods needed to accomplish this purpose.” H.R. REP. 94-1163, 6, 1976 U.S.C.C.A.N. 6175, 6180.

37. To ensure compliance with this limited closure authority, the Act mandates strict procedures that lean heavily on public participation and state consultation. 16 U.S.C. § 7913(b)(2). BLM must provide public notice of its intent to close an area to shooting “(aa) in the Federal Register; (bb) on the website of the applicable Federal agency; (cc) on the website of the Federal land unit, if available; and (dd) in at least 1 local newspaper.” 16 U.S.C. § 7913(b)(2)(A)(i)(I).

38. The Dingell Act also mandates that the notice be “made available in advance of the public comment period to local offices, chapters, and affiliate organizations in the vicinity of the closure that are signatories to the” Roundtable MoU. 16 U.S.C. § 7913(b)(2)(A)(i)(II).

39. Both notices must “describe[] the proposed closure” and “the justification for the proposed closure, including an explanation of the reasons and necessity for” closing the area to shooting. 16 U.S.C. § 7913(b)(2)(A)(ii).

40. The opportunity to comment on a permanent closure is “not less than 60 days.” 16 U.S.C. § 7913(b)(2)(A)(i)(III).

41. Should BLM proceed to close an area after this public comment, its final decision must “(i) respond in a reasoned manner to the comments received; (ii) explain how [BLM] resolved any significant issues raised by the comments; and (iii) show how the resolution led to the closure.” 16 U.S.C. § 7913(b)(2)(B).

42. These notice and comment procedures are repeated in BLM Instructional Memorandum IM2021-010.<sup>6</sup>

43. The Dingell Act prohibits national monument lands from being used as shooting ranges. 16 U.S.C. § 7914(b)(4). BLM has interpreted “shooting range” through Instructional Memorandum IM2021-010. That interpretation does not include dispersed recreational shooting.

### **III. The Antiquities Act of 1906 and the Monument Proclamation.**

44. The Antiquities Act was passed in “response to widespread defacement of Pueblo ruins in the American Southwest.” *Mass. Lobstermen’s Ass’n v. Raimondo*, 141 S. Ct. 979, 980 (2021) (Statement of Roberts, C.J., respecting the denial of certiorari). The Act gives the President discretion to “declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments.” 54 U.S.C. § 320301(a).<sup>7</sup> National monuments

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<sup>6</sup> <https://www.blm.gov/policy/im2021-010> (last visited January 12, 2025).

<sup>7</sup> As of 2014, the Antiquities Act is codified at 54 U.S.C. § 320301. *See* Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272. It was codified at 16 U.S.C. § 431 beforehand.

“shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.” 54 U.S.C. § 320301(b). The Antiquities Act thus empowers the President to “create small reservations reserving only so much land as may be absolutely necessary for the preservation of these interesting relics of prehistoric times.” H.R. Rep. No. 59-2224, at 1 (1906).

45. The objects of a monument must be “situated on land,” i.e., affixed to land. 54 U.S.C. § 320301(a). The President cannot declare “an imprecisely demarcated concept” to be the object of the monument and then declare large areas of land to be monuments consistent with the Antiquities Act’s “‘smallest area compatible’ limitation.” *Mass. Lobstermen’s Ass’n.*, 141 S. Ct. at 981.

46. President Clinton established the 486,149-acre Monument by Proclamation 7397, on January 17, 2001. *Establishment of the Sonoran Desert National Monument*, 66 Fed. Reg. 7354 (Jan. 22, 2001). The Monument is roughly two-thirds the size of Rhode Island. The Monument is located in Maricopa and Pinal Counties, Arizona, approximately 50 miles southwest of Phoenix.

47. The Monument Proclamation directs BLM to manage the Monument “pursuant to applicable legal authorities.” *Id.* at 7356. That means FLPMA’s multiple-use principles, except where those principles are inconsistent with the Proclamation. 43 U.S.C. § 1732(a). It also includes the Dingell Act’s mandate that lands generally be open to recreational shooting. The Proclamation does not require BLM’s management decisions to be the most protective of the Monument’s objects.

48. While the Proclamation bans off-road vehicles, 66 Fed. Reg. at 7355, and declares that some grazing leases will not be renewed, *id.* at 7356, it does not impose any limits on recreational shooting.

49. The Proclamation’s preamble describes the area as being home to many different mammals, bats, birds, raptors, owls, reptiles, and amphibians. *Id.* at 7354–55. It then proclaims the

entire area to be a monument “for the purpose of protecting the objects identified above.” *Id.* at 7355. But the Proclamation also declares that “[n]othing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Arizona with respect to fish and wildlife management.” *Id.* at 7356.

50. BLM interprets the Proclamation to identify various species of wildlife as the Monument’s objects.<sup>8</sup> BLM also interprets the proclamation to declare the “[f]unctioning desert ecosystem,” “[d]iversity of plant and animal species” and “plant communities” as the monuments objects. *Id.*

#### IV. NEPA

51. NEPA requires that federal agencies proposing “major Federal actions” analyze whether their actions will have “significant impacts” on the human environment. 42 U.S.C. § 4332.

52. “NEPA requires agencies to take a hard look at every significant aspect of the environmental impact of a proposed major federal action.” *Oglala Sioux Tribe v. U.S. Nuclear Regul. Comm’n*, 45 F.4th 291, 300 (D.C. Cir. 2022) (cleaned up); *Baltimore Gas & Elec. Co. v. Nat. Res. Def. Council, Inc.*, 462 U.S. 87, 97 (1983) (NEPA “places upon an agency the obligation to consider **every significant aspect** of the environmental impact of a proposed action.”) (emphasis added) (citation omitted). “[S]imple, conclusory statements of no impact are not enough to fulfill an agency’s duty under NEPA.” *Del. Riverkeeper Network v. FERC*, 753 F.3d 1304, 1313 (D.C. Cir. 2014) (citation and quotations omitted). “The agency must comply with ‘principles of reasoned decisionmaking, NEPA’s policy of public scrutiny, and ... regulations.’” *Id.* (citation omitted).

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[https://eplanning.blm.gov/public\\_projects/2019811/200530869/20066215/250072397/SDNM.MonumentObjects.pdf](https://eplanning.blm.gov/public_projects/2019811/200530869/20066215/250072397/SDNM.MonumentObjects.pdf) (last visited January 12, 2025).

53. NEPA requires federal agencies to consider direct, indirect, and cumulative impacts. 42 U.S.C. § 4332(C).

54. An agency must prepare an EIS for “major Federal actions significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(C).

55. The EIS analysis must “[r]igorously explore and objectively evaluate reasonable alternatives to the proposed action, and, for alternatives that the agency eliminated from detailed study, briefly discuss the reasons for their elimination.” 40 C.F.R. § 1502.14(a). The EIS must analyze both the proposed action and feasible alternatives to the proposed action. 40 C.F.R. § 1502.14(b).

#### **V. Pittman-Robertson Wildlife Restoration Act**

56. Pittman-Robertson was enacted to “provide financial and technical assistance to the States for the promotion of hunting and recreational shooting.” 16 U.S.C. § 669.

57. Pittman-Robertson imposes a 10 to 11% excise tax on the sale of hunting gear, firearms, ammunition, and related equipment. 26 U.S.C. §§ 4161(b), 4181.

58. Revenues raised under the statute must go directly towards conservation or hunter education programs. 50 C.F.R. § 80.50.

59. Recreational shooters contribute approximately 85% of Pittman-Robertson revenues.

#### **VI. The APA**

60. The APA requires courts to “hold unlawful and set aside agency action[s]” that are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law”; “contrary to constitutional right, power, privilege, or immunity”; “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right”; or “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A)–(D).

61. An agency action is “arbitrary and capricious if the agency has relied on factors which

Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

62. An agency must also provide a “reasoned explanation” when it adopts a new policy and “disregard[s] facts and circumstances that underlay or were engendered by the prior policy.” *F.C.C. v. Fox Tel. Stations, Inc.*, 556 U.S. 502, 516 (2009).

63. BLM’s compliance with FLPMA, NEPA, the Dingell Act, and the Monument Proclamation are reviewable under the APA.

## FACTUAL BACKGROUND

### I. Shooting on BLM Lands

64. “Public lands administered by the BLM are generally available for recreational target shooting unless otherwise specifically closed to that use.” Decision Record at \*51.<sup>9</sup> In other words, BLM lands are generally open to shooting anywhere except on “developed recreation sites,” which are “areas that contain structures or capital improvements primarily used by the public for recreation purposes.” 43 C.F.R. §§ 8365.2–5(a), 8360.0–5(c). “Over 99 percent of BLM-managed lands are open to hunting, fishing and recreational shooting opportunities.”<sup>10</sup>

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<sup>9</sup> Most agencies use the phrase “record of decision,” consistent with the regulations to signify the final step in the EIS process. 40 C.F.R. 1501.10(e)(5). BLM uses “record of decision” and “decision record” interchangeably. *See Front Range Equine Rescue v. Bureau of Land Mgmt.*, No. 16-cv-0969-WJM, 2017 WL 5885314, at \*2 n.2 (D. Colo. Nov. 29, 2017). Plaintiffs are using Decision Record here because that is what BLM titled the document. [https://eplanning.blm.gov/public\\_projects/2019811/200530869/20113108/251013099/SDNM\\_RecTargetShooting\\_RMPA\\_EA\\_DR\\_RMPA\\_508\\_Signed.pdf](https://eplanning.blm.gov/public_projects/2019811/200530869/20113108/251013099/SDNM_RecTargetShooting_RMPA_EA_DR_RMPA_508_Signed.pdf) (last visited January 15, 2025).

<sup>10</sup> <https://www.blm.gov/visit/hunting-fishing-rec-shooting> (last visited January 12, 2025).

## II. Shooting on the Monument

65. Despite the BLM's policy and Dingell Act's mandate, recreational shooting is almost entirely closed on the Monument. That was not always the case. But a series of litigation—and BLM's acquiescence to those litigants—resulted in this illegal loss of access.

66. BLM finalized a Resource Management Plan for the Monument in September 2012. *See* 2012 Record of Decision.<sup>11</sup> Under that Plan, recreational target shooting “will be allowed on BLM public lands except as specifically restricted in this land use plan or prohibited by federal and state law.” *Id.* at \*111. The 2012 Plan effectively allowed recreational shooting throughout the Monument. That Plan was challenged and set aside for being arbitrary and capricious. *Nat'l Tr. for Historic Pres. v. Suazo*, No. 13-cv-01973-PHX-DGC, 2015 WL 1432632, \*14 (D. Ariz. Mar. 27, 2015).

67. On remand, BLM revisited the issue and chose to leave approximately 435,700 acres or 90% of the Monument open to target shooting. *See* 2018 Target Shooting Record of Decision/Approved Resource Management Plan Amendment.<sup>12</sup>

68. That decision was challenged. *Nat'l Tr. for Historic Pres. v. Bernhardt*, No. 2:19-cv-05008-JZB (D. Ariz.). The parties reached a settlement whereby BLM would ““undertake a new land use planning process to consider amending the Monument Resource Management Plan.”” Order Dismissing Case, at \*1 (Dkt. 92, Apr. 21, 2022).<sup>13</sup> As part of the settlement, BLM agreed to consider an alternative proposed by the plaintiffs when revising the resource management plan.

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<sup>11</sup> [https://eplanning.blm.gov/public\\_projects/lup/11856/40127/42156/01-LSDA ROD-ARMP FINAL 2012-09-19\\_web-with-Links\\_sans-map-pages.pdf](https://eplanning.blm.gov/public_projects/lup/11856/40127/42156/01-LSDA_ROD-ARMP_FINAL_2012-09-19_web-with-Links_sans-map-pages.pdf) (last visited January 12, 2025).

<sup>12</sup> [https://eplanning.blm.gov/public\\_projects/lup/55195/154509/189175/Sonoran Desert National Monument Target Shooting Resource Management Amendment Record of Decision.pdf](https://eplanning.blm.gov/public_projects/lup/55195/154509/189175/Sonoran_Desert_National_Monument_Target_Shooting_Resource_Management_Amendment_Record_of_Decision.pdf) (last visited January 12, 2025).

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[https://eplanning.blm.gov/public\\_projects/2019811/200530869/20066214/250072396/SDNM.Order.SettlementAgreement.20Apr2022.pdf](https://eplanning.blm.gov/public_projects/2019811/200530869/20066214/250072396/SDNM.Order.SettlementAgreement.20Apr2022.pdf) (last visited January 12, 2025).

The plaintiffs agreed not to sue BLM if their alternative was chosen.

69. On August 23, 2022, BLM issued a News Release titled “BLM seeks input on recreational target shooting at Sonoran Desert National Monument.”<sup>14</sup> The next day a scoping notice was published in the Federal Register. 87 Fed. Reg. 52026 (Aug. 24, 2022); 43 C.F.R. § 1610.2(a)-(c) (requiring the public to have opportunities to meaningfully comment on the scope of the agency action.).

70. The scoping report was completed in December 2022.<sup>15</sup>

71. On June 14, 2023, BLM issued a Draft Environmental Assessment and Finding of No Significant Impact.<sup>16</sup> BLM issued a Draft Recreational Target Shooting Resource Management Plan and Environmental Assessment simultaneously.<sup>17</sup>

72. Alternative C, the alternative proposed by plaintiffs in the settlement, was the “proposed action” or “preferred alternative,” even though the settlement did not require BLM to pick it. Alternative C in the Draft Target Shooting Resource Management Plan left 4,802 acres—one percent of the Monument—open to recreational target shooting. *Id.* at \*18.

73. Alternative C “identified specific areas to be analyzed as unavailable, as well as identified buffer distances for specific resources ... and required the results of the suitability analysis presented in Appendix A be incorporated” into the unavailable areas. Draft Resource Management

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<sup>14</sup>

[https://eplanning.blm.gov/public\\_projects/2019811/200530869/20066213/250072395/News%20Release%20SDNM%20RMPA%20NOI.pdf](https://eplanning.blm.gov/public_projects/2019811/200530869/20066213/250072395/News%20Release%20SDNM%20RMPA%20NOI.pdf) (last visited January 12, 2025).

<sup>15</sup>

[https://eplanning.blm.gov/public\\_projects/2019811/200530869/20077067/250083249/SDNM\\_RecTargetShootingRMPAEA\\_Final\\_ScopingReport\\_508.pdf](https://eplanning.blm.gov/public_projects/2019811/200530869/20077067/250083249/SDNM_RecTargetShootingRMPAEA_Final_ScopingReport_508.pdf) (last visited January 12, 2025).

<sup>16</sup>

[https://eplanning.blm.gov/public\\_projects/2019811/200530869/20080596/250086778/SDNM\\_RecTargetShootingRMPA\\_EA\\_unsigned\\_FONSI\\_508.pdf](https://eplanning.blm.gov/public_projects/2019811/200530869/20080596/250086778/SDNM_RecTargetShootingRMPA_EA_unsigned_FONSI_508.pdf) (last visited January 12, 2025).

<sup>17</sup>[https://eplanning.blm.gov/public\\_projects/2019811/200530869/20080597/250086779/SDNM\\_RecTargetShoot\\_DRAFT\\_RMPA\\_EA\\_508.pdf](https://eplanning.blm.gov/public_projects/2019811/200530869/20080597/250086779/SDNM_RecTargetShoot_DRAFT_RMPA_EA_508.pdf) (last visited January 12, 2015).



Plan Amendment and Environmental Assessment at \*27.

74. BLM explained that it chose Alternative C, the almost-complete ban on recreational shooting, because “the area that would be made unavailable for dispersed recreational target shooting identified in the proposed action provides adequate resource protection for Monument objects and other sensitive resources.” Draft Environmental Assessment and Finding of No Significant Impact at \*3.

75. On January 22, 2024, BLM released its Proposed Sonoran Desert National Monument Recreational Target Shooting Resource Management Plan Amendment and Environmental Assessment.<sup>18</sup> It simultaneously released the Sonoran Desert National Monument Recreational Target Shooting Resource Management Plan and Environmental Assessment Finding of No Significant Impact.<sup>19</sup> BLM selected Alternative C, “the preferred alternative,” the alternative it agreed to consider as part of the settlement. Alternative C allowed target shooting on 4,802 acres of the Monument, approximately 1% of it.

76. Publication of the Proposed Sonoran Desert National Monument Recreational Target Shooting Resource Management Plan Amendment and Environmental Assessment triggered the 30-day protest period for non-state commenters, which ran until February 21, 2024.<sup>20</sup>

77. Plaintiffs SCI and NRA filed a protest letter, which was denied in the BLM Director’s Summary Protest Resolution Report.<sup>21</sup>

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<sup>18</sup>

[https://eplanning.blm.gov/public\\_projects/2019811/200530869/20103022/251003022/SDNM\\_RecTargetShooting\\_Proposed\\_RMPA\\_EA\\_508.pdf](https://eplanning.blm.gov/public_projects/2019811/200530869/20103022/251003022/SDNM_RecTargetShooting_Proposed_RMPA_EA_508.pdf) (last visited January 12, 2025).

<sup>19</sup>[https://eplanning.blm.gov/public\\_projects/2019811/200530869/20103021/251003021/SDNM\\_RecTargetShooting\\_Proposed\\_RMPA\\_EA\\_FONSI\\_508.pdf](https://eplanning.blm.gov/public_projects/2019811/200530869/20103021/251003021/SDNM_RecTargetShooting_Proposed_RMPA_EA_FONSI_508.pdf) (last visited January 12, 2025).

<sup>20</sup>

[https://eplanning.blm.gov/public\\_projects/2019811/200530869/20103454/251003454/20240119\\_Dear%20Reader%20SDNM%20RMPA\\_508.pdf](https://eplanning.blm.gov/public_projects/2019811/200530869/20103454/251003454/20240119_Dear%20Reader%20SDNM%20RMPA_508.pdf) (last visited January 12, 2025).

<sup>21</sup> [https://www.blm.gov/sites/default/files/docs/2024-05/SDNMRecTargetRMPA\\_Protest%20Report.pdf](https://www.blm.gov/sites/default/files/docs/2024-05/SDNMRecTargetRMPA_Protest%20Report.pdf) (last visited January 17, 2025).

78. BLM published a one-page notice in the Federal Register opening comments for 60 days under the Dingell Act. 89 Fed. Reg. 3949 (Jan. 22, 2024). This was done contemporaneously with the release of the Proposed Sonoran Desert National Monument Recreational Target Shooting Resource Management Plan Amendment and Environmental Assessment.

79. Plaintiff SCI has two local Chapters in Arizona (one of them in Phoenix) and was headquartered in Tucson, Arizona at the time of this notice. Neither SCI nor its Arizona Chapters received notice of the 60-day Dingell Act comment period as required by the Dingell Act and the Roundtable MoU. Plaintiff NRA's state affiliate, the Arizona State Rifle & Pistol Association, did not receive notice of the 60-day Dingell Act comment period as required by the Dingell Act and the Roundtable MoU.

80. The Chair of the Roundtable asked multiple members of the Roundtable if they or their local offices, affiliates, or chapters had received any notice of the closure under the Dingell Act. None of them indicated that they did.

81. Plaintiffs could not locate any newspaper publications notifying the public of the closure and the 60-day Dingell Act comment period.

82. BLM approved Alternative C in its Decision Record on June 3, 2024. This was its final agency action.

83. The Arizona Resource Advisory Council did not meet at all between July 22, 2021, and February 28, 2024. 86 Fed. Reg. 27102 (May 19, 2021) (notice of the July 2021 meeting); 89 Fed. Reg. 3416 (Jan 18, 2024) (notice of the February 2024 meeting).<sup>22</sup> The Council also met in April 2024. The minutes from the 2024 meetings are silent as to amending the Resource Management

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<sup>22</sup> <https://www.blm.gov/get-involved/resource-advisory-council/near-you/arizona> (Council's website listing all prior Council Meetings) (last visited January 12, 2025).

Plan. The Council did not meet again until after the Recreational Target Shooting Resource Management Plan Amendment was finalized in the final Decision Record. The final Decision Record does not mention the Council among the groups in the Consultation and Coordination section. Decision Record at \*4–5.

84. No discussion of the benefits of shooting, including the revenues that it generates for conservation projects, exists in the documents concerning the Recreational Target Shooting Resource Management Plan Amendment.

### **III. The Closure of 99% of the Monument to Shooting.**

85. BLM approved Alternative C in its Decision Record on June 3, 2024. This was its final agency action.

86. The Decision Record explains that 10% of the Monument remained closed to shooting under the 2018 plan. Decision Record at \*8. Fifty-six percent was closed in accordance with Alternative C’s suitability analysis because it was located within a quarter mile of a water source, and that closure was necessary for administration. *Id.* An additional 30% was closed in accordance with Alternative C’s suitability analysis because it “lack[ed] suitable topography (i.e., backstops)” and the closure was necessary for public safety. *Id.* And the final 3% was closed so BLM could better administer wilderness areas. *Id.*

87. In response to comments regarding the Dingell Act’s mandate that closures be for “the smallest area for the least amount of time that is required for public safety, administration, or compliance with applicable laws,” 16 U.S.C. § 7913(a)(2), BLM declared that the “Dingell Act does not define thresholds for the ‘smallest area for the least amount of time’ and instead leaves this determination to the agencies,” Decision Record at \*19.

**IV. Illegal Closure of 56% of the Monument to Protect Wildlife's Access to Water Sources**

88. Alternative C “required that the results of the suitability analysis presented in Appendix A of the [Resource Management Plan Amendment/Environmental Assessment] be incorporated” into the final Target Shooting Resource Management Plan Amendment. Decision Record at \*4. Here BLM’s suitability analysis is based on a feigned interpretation of state law and a false determination that all wildlife are objects of the monument that require protection.

89. Appendix A of the Target Shooting Resource Management Plan Amendment and Environmental Assessment at \*149, \*156, declares that shooting cannot occur within .25 miles of a water source “to protect wildlife access.” This “.25-mile distance was selected to align with the distance in which camping is prohibited around water sources to protect the wildlife access to the only reasonably available water.” *Id.* at \*149.

90. In the Decision Record, “BLM also determined that aligning the area made unavailable for dispersed recreational target shooting around water sources to protect wildlife identified in the Proclamation with the existing state law (Arizona Revised Statutes 17-308) that prohibits camping within 0.25 mile of a water source would facilitate consistent administration of these areas. Based on that analysis, the BLM determined that dispersed recreational target shooting was inconsistent with the protection of Monument objects on 270,069 acres (56% of the Monument).” Decision Record at \*8; *see also* Protest Report at \*20.

91. The Arizona statute cited declares that “[i]t is unlawful for a person to camp within one-fourth mile of a natural water hole containing water or a man-made watering facility containing water *in such a place that wildlife or domestic stock will be denied access to the only reasonably available water.*” Ariz. Rev. Stat. § 17-308 (emphasis added).

92. When properly read, the Arizona statute is not a blanket ban on camping within a quarter

mile of a water source. It is limited to camping within a quarter mile of (1) natural water holes or manmade facilities, (2) that actually contain water, and (3) in a place that denies the animal, either wildlife or livestock, access to the only reasonably available water. BLM acknowledged that the statute exists “for the protection of wildlife and livestock access to the only reasonably available water.” Appendix A of the Proposed Target Shooting Resource Management Plan Amendment and Environmental Assessment at \*149; *see also* Decision Record at \*19 (The restriction is necessary “to protect wildlife and livestock access around water.”).

93. This decision was not necessary “to facilitate consistent administration” of Arizona’s camping statute or for consistent administration under FLPMA and the Dingell Act. 16 U.S.C. § 7913(a)(1); 43 U.S.C. § 1732(b).

94. BLM did not attempt to consider any seasonal closures on the land that is within a quarter mile of a watering hole—or any other area within the Monument—because “seasonal restrictions would not meet the BLM’s management responsibilities for Monument objects within the Monument.” Decision Record at \*19, \*8.

95. Wildlife and livestock are not objects of the Monument under the Proclamation or the Antiquities Act. They are “imprecisely demarcated concept[s].” *Mass. Lobstermen’s Ass’n.*, 141 S. Ct. at 981. And they are not “relics of prehistoric times.” H.R. Rep. No. 59-2224, at 1 (1906). The State of Arizona owns the wildlife in its sovereign capacity. Ariz. Rev. Stat. § 17-102; *Begay v. Sawtelle*, 88 P.2d 999, 1000 (Ariz. 1939). Arizona maintains its ownership of the wildlife when the wildlife is on federal lands. *Kleppe v. New Mexico*, 426 U.S. 529, 545 (1976). Livestock is private property and cannot therefore be an object of the monument.

96. The Proclamation also contains a savings clause declaring that “[n]othing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Arizona with respect

to fish and wildlife management.” 66 Fed. Reg. at 7356.

97. The Proclamation does not give BLM exclusive authority over water management in the Monument: “This proclamation does not reserve water as a matter of Federal law nor relinquish any water rights held by the Federal Government existing on this date. The Federal land management agencies shall work with appropriate State authorities to ensure that water resources needed for monument purposes are available.” *Id.*

**V. Illegal Closure of 30% of the Monument Due to the Topography**

98. BLM “identified an additional 145,797 acres (30% of the Monument) beyond those areas containing Monument objects as lacking suitable topography (i.e., backstops) for dispersed recreational target shooting activities. These areas were made unavailable in consideration of public safety.” Decision Record at \*8, \*16.

99. With regards to the closure, BLM defines areas without backstops as “the portions of the Monument that are more than 500 yards from mapped slopes of 15 degrees and greater.” Proposed Sonoran Desert National Monument Recreational Target Shooting Resource Management Plan Amendment and Environmental Assessment at \*29.

100. BLM, however, concluded that backstops are not needed “where the shooter can be assured of safe shooting 1.5 miles downrange for pistol or 3.5 miles downrange for high powered rifles, with appropriate left and right ricochet safety zones.” Decision Record at \*53.

101. The map of the areas lacking suitable topography according to BLM has several areas that that are greater than 3.5 miles. Appendix A of the Proposed Target Shooting Resource Management Plan Amendment and Environmental Assessment at \*157.

102. BLM further acknowledged that most of the damage to the monument’s objects occurs at locations with backstops. Decision Record at \*20. Vast areas of open land have not been dam-

aged and are not required to be closed for safety or protection.

103. BLM also acknowledges that “there have been no reported incidents of specific harm to people in the Monument,” from recreational shooting. Proposed Resource Management Plan and Environmental Assessment at \*108.

104. These closures were not necessary “for reasons of public safety” under the Dingell Act and FLPMA. 16 U.S.C. § 7913(a)(1); 43 U.S.C. § 1732(b).

105. BLM, in response to comments about the arbitrariness of the 500-yard buffer zone, “acknowledges that the 500-yard buffer may not be universally appropriate at specific sites,” but determined that it was an appropriate metric because “BLM is not designating specific sites for recreational target shooting within the Monument, and establishment of site-specific area allocations is outside of the scope of this [Resource Management Plan Amendment].” Public Comment Report Appendix B to the June 2024 Proposed Resource Management Plan Amendment and Environmental Assessment at \*178. The plan however “control[s] future management actions.” 43 C.F.R. § 1601.0–2.

#### **VI. Illegal Closure of 3% of the Monument’s Land with Wilderness Characteristics.**

106. “Under Alternative C, 382 acres of lands with wilderness characteristics ... would be available for dispersed recreational target shooting. A total of 108,117 acres (100%) of lands managed to protect wilderness characteristics ... and 46,274 acres (99%) of lands with wilderness characteristics ... would be unavailable for dispersed recreational target shooting.” Draft Resource Management Plan and Environmental Assessment at \*82.

107. There were never significant amounts of shooting in wilderness areas. *Id.* at \*36. The cumulative effects of the ban would be negligible to minor. *Id.* at \*84, \*95. “No significant threats to wilderness values were identified for the three wilderness areas” in the Monument. *Id.* at \*92.

108. BLM, however, “determined that administrative concerns made areas such as designated wilderness areas and lands with wilderness characteristics unavailable for dispersed recreational target shooting.” Decision Record at \*8. This “accounts for the remaining 11,945 acres (3% of the Monument) made available for dispersed recreational target shooting.” *Id.*

109. Closing wilderness areas was not necessary for administrative purposes under FLPMA and the Dingell Act. 16 U.S.C. § 7913(a)(1); 43 U.S.C. § 1732(b).

**FIRST CLAIM FOR RELIEF**  
**(Arbitrary and Unlawful Closure of 89% of the Monument)**

110. Plaintiffs reallege and incorporate by reference all allegations in the proceeding paragraphs of this Complaint.

111. Under the APA, courts must set aside and hold unlawful agency actions that are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.” 5 U.S.C. § 706(2)(A).

112. Congress declared that “the policy of the United States” is to “facilitate the expansion and enhancement of hunting, fishing, and recreational shooting opportunities on Federal land.” 16 U.S.C. § 7901(a)(1). BLM Instructional Memorandum IM2021-010 declares “the BLM’s general policy is to avoid a net loss of shooting opportunities in its land use planning decisions.”

113. The Dingell Act requires that federal lands “be open to” recreational shooting. 16 U.S.C. § 7912(a). The exception is when an agency closes an area for a period of time for public safety, administration, or compliance with applicable laws. 16 U.S.C. § 7913(a)(2). Any such closure must cover “the smallest area for the least amount of time that is required for public safety, administration, or compliance with applicable laws.” *Id.*

114. BLM’s closure of recreational shooting on the Monument violates these provisions.

115. The record fails to show that BLM fully considered seasonal closures, a more limited



area, shooting restrictions in areas of limited backdrop, or any other alternative that would result in a more limited closure.

116. The closure was not necessary to protect the Monument's objects.

117. This Court should hold unlawful and set aside the Recreational Target Shooting Resource Management Plan Amendment's closure of the Monument to shooting because it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law." 5 U.S.C. § 706(2)(A).

**SECOND CLAIM FOR RELIEF  
(Insufficient Dingell Act Notice)**

118. Plaintiffs reallege and incorporate by reference all allegations in the proceeding paragraphs of this Complaint.

119. Under the APA, courts must "hold unlawful and set aside agency action[s]" that are "without observance of procedure required by law." 5 U.S.C. § 706(2)(D). "[F]ailure to provide the required notice and to invite public comment ... is a fundamental flaw that normally requires vacatur of the rule." *Nat. Res. Def. Council v. Wheeler*, 955 F.3d 68, 85 (D.C. Cir. 2020) (citation omitted).

120. BLM must follow the Dingell Act's notice and comment procedures when closing an area to shooting. BLM is required to provide public notice of its intent to close an area to shooting "(aa) in the Federal Register; (bb) on the website of the applicable Federal agency; (cc) on the website of the Federal land unit, if available; and (dd) in at least 1 local newspaper." 16 U.S.C. § 7913(b)(2)(A)(i)(I).

121. Plaintiffs were not able to locate the notice in any local newspapers.

122. The Dingell Act also mandates that the notice be "made available in advance of the public comment period to local offices, chapters, and affiliate organizations in the vicinity of the closure

that are signatories to” the Roundtable MoU. 16 U.S.C. § 7913(b)(2)(A)(i)(II).

123. At all relevant times, SCI maintained an office in Tucson, Arizona. It also has two local chapters in Arizona, one of these for the State and one for Phoenix specifically. Neither SCI, nor its local Chapters, received notice of the proposed closures in accordance with the Dingell Act’s mandate. Plaintiff NRA’s state affiliate, the Arizona State Rifle & Pistol Association, received notice of the 60-day Dingell Act comment period as required by the Dingell Act and the Roundtable MoU.

124. The Chair of the Roundtable asked other members if they or their local offices had received notice under the Dingell Act. None of them indicated that they received the notice.

125. This Court should hold unlawful and set aside the Recreational Target Shooting Resource Management Plan Amendment because it was promulgated without observing procedures that are required by law. 5 U.S.C. § 706(2)(D).

**THIRD CLAIM FOR RELIEF**  
**(Failure to Consult with the Arizona Resource Advisory Council)**

126. Plaintiffs reallege and incorporate by reference all allegations in the proceeding paragraphs of this Complaint.

127. Under the APA, courts must “hold unlawful and set aside agency action[s]” that are “not in accordance with the law” or “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A), (D). “The *Accardi* doctrine requires federal agencies to follow their own rules, even gratuitous procedural rules that limit otherwise discretionary actions.” *Steenholdt v. F.A.A.*, 314 F.3d 633, 639 (D.C. Cir. 2003) (referencing *Accardi v. Shaughnessy*, 347 U.S. 260 (1954)).

128. The APA also directs courts to set aside and hold unlawful agency actions that are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.” 5 U.S.C. § 706(2)(A). Actions are arbitrary when an agency fails to consider information that Congress in-

tended it to consider in the decisionmaking process.

129. When an advisory council exists for a National Monument or other federal lands managed by BLM, BLM must “inform” the council, “seek its views,” and “consider” those views throughout the planning process for those lands. 43 C.F.R. § 1610.3–1(g).

130. The Arizona Resource Advisory Council was established in accordance with Section 309 of FLPMA for the purpose of advising BLM on preparing, amending, and implementing land use plans in Arizona. 60 Fed. Reg. at 43608; *see also* Arizona Resource Advisory Council 2023 Charter ¶¶ 3–4. The Arizona Resource Advisory Council has jurisdiction over the Monument.

131. BLM was required to inform the Arizona Resource Advisory Council of its intentions to amend the Resource Management Plan and consider the Council’s views throughout the planning process.

132. BLM did not meet its obligations to inform this Advisory Council and to consider its views throughout the planning process.

133. This Court should hold unlawful and set aside the Recreational Target Shooting Resource Management Plan Amendment because it was promulgated without observing procedures required by law and was arbitrary and capricious. 5 U.S.C. § 706(2)(A), (D).

**FOURTH CLAIM FOR RELIEF  
(Failure to Take a “Hard Look” Under NEPA)**

134. Plaintiffs reallege and incorporate by reference all allegations in the proceeding paragraphs of this Complaint.

135. Under the APA, courts must hold unlawful and set aside agency actions that are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.” 5 U.S.C. § 706(2)(A).

136. NEPA requires agencies to take a “hard look” at every environmental aspect of the prob-

lem, including beneficial aspects. *Oglala Sioux Tribe*, 45 F.4th at 300.

137. BLM failed to consider the negative environmental impacts of reducing recreational shooting on the Monument, including but not limited to, the loss of Pittman-Roberston funds, 85% of which are generated by sport shooters.

138. This Court should hold unlawful and set aside the Recreational Target Shooting Resource Management Plan Amendment because it was promulgated without observing procedures required by law and was arbitrary and capricious. 5 U.S.C. § 706(2)(A), (D).

### **PRAYER FOR RELIEF**

Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants, as follows:

A. Issue a declaration, order, and judgment holding unlawful, enjoining, and setting aside the Recreational Target Shooting Resource Management Plan Amendment.

B. Vacate and remand the Recreational Target Shooting Resource Management Plan Amendment back to the BLM.

C. Award Plaintiffs their costs of litigation, including reasonable attorney's fees in accordance with the Equal Access to Justice Act, 28 U.S.C. § 2412, or other applicable law.

D. Grant such further and additional relief as this Court deems just and proper.

Dated January 17, 2024

Respectfully Submitted:

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