

Key Dates
Diamond Bar Allotment – Gila National Forest
February 28, 2004

- **June 19, 1995:** The Forest Supervisor for the Gila National Forest issued a Record of Decision (**ROD**) for the Diamond Bar allotment authorizing grazing use of the allotment by 300-800 head of cattle and 20 head or horses. This decision reduced the permit from the previous level of 1,188 head of cattle and 10 horses and provided for a number of new water developments and fences with the Gila and Aldo Leopold Wilderness areas.
- **November 6, 1995:** The Deputy Regional Forester affirmed the Forest Supervisor's 05/19/95 decision.
- **January 14, 1996:** The **existing grazing permit to the DBCC expired**. The Forest Supervisor offered a new grazing permit to the DBCC pursuant to Section 504 of the Rescissions Act of 1995 (P.L. 104-19). However, the DBCC refused acceptance of the new 10-year term grazing permit. In the alternative to the permit offered by the Forest Supervisor, the DBCC suggested the Forest Supervisor authorize grazing through an alternative permit written by the DBCC. The Forest Supervisor declined issuance of such a permit.
- **February 7, 1996:** the Chief issued a **discretionary review decision of the Deputy Regional Forester's November 6, 1995, appeal decision that affirmed the Forest Supervisor's June 19, 1995, ROD**. In his discretionary review decision, the Chief directed the Regional Forester to return the June 19, 1995, ROD to the Forest Supervisor for reevaluation. The Chief also directed the issuance of a new ROD by the Forest Supervisor within 180 days consistent with the views expressed in his discretionary review decision.
- **On April 4, 1996:** a **civil action was filed by DBCC against the United States** declaring the DBCC the lawful owner of water and grazing rights on National Forest System Lands within the Diamond Bar Allotment.
- **August 30, 1996:** Prior to the District Court ruling, a **new ROD was issued by the Forest Supervisor consistent with the Chief's discretionary review decision** of February 7, 1996. This ROD provided for a period of extended rest (no grazing) for the Diamond Bar Allotment due to extreme over grazing during the period that the DBCC's lawsuit was being processed through Federal District Court. The ROD also called for the possible grazing of 300 cattle and 20 horses at an undetermined future point in time after recovery of heavily impacted resources (i.e. forage, watershed, riparian, fisheries, wildlife, and wilderness related resources).

- **December 4, 1996**, the U.S. District Court issued a Memorandum Opinion and Order requesting 1) an injunction prohibiting unauthorized grazing on the National Forest 2) an order directing the removal of the unauthorized livestock, and 3) fees and damages flowing from the unauthorized use.
- On **April 3, 1997**, the **United States District Court ruled in favor of the United States dismissing the DBCC complaint**, and ordering the DBCC to remove all livestock from National Forest System Lands and pay unauthorized grazing fees for grazing during the period of the pending litigation.
- On **April 28, 1997**, the **DBCC filed an appeal of the New Mexico District Court's decision to the United States Court of Appeals for the Tenth Circuit.**
- On **February 23, 1999**, the **United States Court of Appeals for the Tenth Circuit issued Diamond Bar Cattle Co. v. United States which upheld the Forest Service's authority to require the removal of DBCC's cattle** from the Gila National Forest based on its refusal to obtain a grazing permit. The Court reaffirmed the longstanding principle that there is no right to graze federal lands but rather only a privilege permitted by the Government through the issuance of a grazing permit.

On December 1, 1999, Laney paid \$93,177.55 of unauthorized grazing fees.

- On **April 23, 2003**, **Forest Service personnel observed 40 cows, one bull and 28 calves along Diamond Creek** on National Forest System Lands within the Diamond Bar Allotment.
- **December 22, 2003**, the **U.S. District Court's Order and Supplemental Injunction directed the Laney's to remove any and all owned livestock from the National Forest** within 30 days of the Order, barring extreme weather conditions or other extraordinary circumstances