

## PUBLIC LANDS

### 1. *Forest Guardians v. Anable* (Arizona Court of Appeals, Div. 1)

This is a case in which we represent a conservation group, Forest Guardians, in its efforts to secure a grazing lease from the Arizona State Land Department. The Land Department denied Forest Guardians' application for a grazing lease on the grounds that Forest Guardians intended to rest the property instead of putting livestock on it for grazing purposes. The Land Department maintains that grazing leases can only be issued for grazing purposes and that Forest Guardians should have applied for a commercial lease instead.

The trial court upheld the Land Department's decision and we filed an appeal. On April 25, 2000, the Court of Appeals in a 2-1 decision affirmed the trial court. The Center filed a Petition for Review with the Arizona Supreme Court on May 24, 2000. The Supreme Court granted the Petition for Review and heard argument on the case. In November 2001, the Supreme Court issued its decision reversing the Court of Appeals, trial court and Land Department's decisions. The Court held that the state had a duty as trustee of the land to consider the applications of environmental groups like Forest Guardians. The case was remanded for further proceedings.

In 2002, the Arizona State Land Department requested that Forest Guardians and the ranchers submit Statements of Equity concerning their interest in the three grazing leases for which Forest Guardians had applied. After Statements of Equities were submitted, Forest Guardians determined that it would pursue only one of the leases and withdrew its two other applications. The State Land Commissioner determined that on that one parcel, neither Forest Guardians nor the rancher had superior rights or equities and determined that the parties should submit sealed bids. Forest Guardians submitted a bid of \$82 per head of cattle per month on the 162 acre parcel. The rancher submitted a bid of \$40 per head. In June 2003, the Land Commissioner awarded Forest Guardians the lease subject to payment of a reimbursement of existing improvements on the property to the rancher.

On behalf of Forest Guardians, the Center attempted to negotiate reimbursement of the improvements with the rancher without success. The Center has now requested that the Arizona State Land Department intervene and determine the appropriate amount for reimbursement.

