

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Center for Biological Diversity,

Plaintiff,

v.

U.S. Fish and Wildlife Service, *et. al.*,

Federal Defendants,

and

Rosemont Copper Company,

Defendant-Intervenor.

No. 4:17-cv-00475-TUC-JAS (Lead)  
No. 4:17-cv-00576-TUC-JAS (C)  
No. 4:18-cv-00189-TUC-JAS (C)

**ORDER AND  
JUDGMENT UPON REMAND  
(17-cv-00475)**

**IT IS ORDERED, ADJUDGED AND DECREED** that, pursuant to the United States Court of Appeals for the Ninth Circuit’s judgment and mandate, judgment is entered in favor of Rosemont Copper Company (“Rosemont”) on its crossclaim against the United States Fish and Wildlife Service (“FWS”) that challenges the designation of critical habitat for jaguar in the Santa Rita Mountains. *See* Designation of Critical Habitat for Jaguar; Final Rule, 79 Fed. Reg. 12,572 (March 14, 2014) (codified at § 17.96) (“the Final Rule”).

**IT IS FURTHER ORDERED** that the FWS’s designations of the following areas as critical habitat for jaguar in the Final Rule are vacated and set aside:

(1) A portion of Critical Habitat Unit 3 (also called the Patagonia Unit) consisting

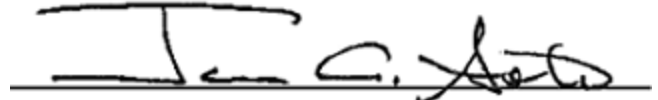
1 of the area located north of Box Canyon Road (also called Forest Road 62), located in  
2 portions of Township 19 South, Range 14 East, Township 19 South, Range 15 East,  
3 Township 19 South, Range 16 East, Gila & Salt River Meridian, all in Pima County,  
4 Arizona; and

5 (2) All of Critical Habitat Subunit 4b (also called the Whetstone-Santa Rita  
6 Subunit), as described in the Final Rule at 79 Fed. Reg. 12,593-94 and shown in the general  
7 location map published at 79 Fed. Reg. 12,653.

8 **IT IS FURTHER ORDERED** that the FWS's Final Rule is remanded to FWS for  
9 further proceedings consistent with the Ninth Circuit's Opinion, filed May 17, 2023, and  
10 this Order and Judgment. Each party shall bear its own costs.

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12 The Clerk of Court shall enter judgment in accordance with this Order and close  
13 the file in this case.

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15 Dated this 10th day of August, 2023.

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19 Honorable James A. Soto  
20 United States District Judge  
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