

 **Read** **How cited****197 F.3d 1035 (1999)**

DEFENDERS OF WILDLIFE and The Sierra Club, Petitioners,
v.
Carol M. BROWNER, in her official capacity as Administrator of
the United States Environmental Protection Agency,
Respondent.
City of Tempe, Arizona; City of Tucson, Arizona; City of Mesa,
Arizona; Pima County, Arizona; and City of Phoenix, Arizona,
Intervenors-Respondents.

[No. 98-71080.](#)**United States Court of Appeals, Ninth Circuit.**

December 7, 1999.

Jennifer Anderson and David Baron, Arizona Center for Law in the Public Interest, Phoenix, Arizona, for the petitioners.

Alan Greenberg, Attorney, U.S. Department of Justice, Environment & Natural Resources Division, Denver, Colorado, for the respondent.

Craig Reece, Phoenix City Attorney's Office, Phoenix, Arizona; Stephen J. Burg, Mesa City Attorney's Office, Mesa, Arizona; Timothy Harrison, Tucson City Attorney's Office, Tucson, Arizona; and Harlan C. Agnew, Deputy County Attorney, Tucson, Arizona, for the intervenors-respondents.

Before: NOONAN, THOMPSON, and GRABER, Circuit Judges.

ORDER

The opinion filed September 15, 1999 [191 F.3d 1159], is amended as follows:

On slip opinion page 11687, line 11 [191 F.3d at 1165]: delete "As all parties concede," and change "§" to "Section".

With this amendment, the panel has voted to deny the petition for rehearing. Judge Graber has voted to deny the petition for rehearing en banc, and Judges Noonan and Thompson have so recommended.

1036 The full court has been advised of the petition for rehearing en banc and no *1036 judge of the court has requested a vote on it.

The petition for rehearing and petition for rehearing en banc are DENIED.