

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA**

STATE OF IDAHO, *et al*

Plaintiffs

v.

Case No. 1:24-cv-00100

U.S. ENVIRONMENTAL PROTECTION AGENCY, *et al*

Hon. Daniel L. Hovland

Defendants

and

NEZ PERCE TRIBE; QUINAULT INDIAN NATION;
BAY MILLS INDIAN COMMUNITY; PUYALLUP
TRIBE OF INDIANS; LAC DU FLAMBEAU BAND
OF LAKE SUPERIOR CHIPPEWA INDIANS;
SOKAOGON CHIPPEWA COMMUNITY;
CONFEDERATED SALISH & KOOTENAI TRIBES
OF THE FLATHEAD RESERVATION; RED LAKE
NATION; FOND DU LAC BAND OF LAKE
SUPERIOR CHIPPEWA INDIANS; GRAND
TRAVERSE BAND OF OTTAWA AND CHIPPEWA
INDIANS; WHITE EARTH BAND OF THE
MINNESOTA CHIPPEWA TRIBE; and PORT
GAMBLE S'KLALLAM TRIBE

Applicant Intervenor Defendants

TRIBES' AMENDED UNOPPOSED MOTION TO INTERVENE

Pursuant to Federal Rule of Civil Procedure 24(a), Applicant Intervenor Defendants Nez Perce Tribe, Quinault Indian Nation, Bay Mills Indian Community, Puyallup Tribe of Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Sokaogon Chippewa Community, Confederated Salish & Kootenai Tribes of the Flathead Reservation, Red Lake Band of Chippewa Indians, Fond du Lac Band of Lake Superior Chippewa, Grand Traverse Band of

Ottawa and Chippewa Indians, White Earth Band of the Minnesota Chippewa Tribe, and Port Gamble S’Klallam Tribe (collectively the “Tribes”) respectfully move the Court for an order permitting them to intervene as defendants as a matter of right in the above-captioned matter.¹ Alternatively, the Tribes move for permissive intervention pursuant to Federal Rule of Civil Procedure 24(b). For the reasons set forth in the accompanying memorandum in support of this motion, the Court should grant the Tribes intervention as of right or, in the alternative, permissive intervention, so that the Tribes can fully participate in this action. A copy of the Tribes’ proposed answer is attached hereto as Exhibit A.

Counsel for the Tribes have conferred with Plaintiff States and the Federal Defendants about this motion who do not oppose this motion.

Respectfully submitted this 12th day of July 2024.

/s/ Janette Brimmer

Janette Brimmer

Noelia Gravotta**

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¹ On June 28, 2024, Applicant Intervenor Defendants Nez Perce Tribe, Quinault Indian Nation, Bay Mills Indian Community, Puyallup Tribe of Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Sokaogon Chippewa Community, and Confederated Salish & Kootenai Tribes of the Flathead Reservation moved to intervene in this action. Doc. No. 14. This is an amended motion in that five additional tribal nations have joined the motion to intervene: Red Lake Band of Chippewa Indians, Fond du Lac Band of Lake Superior Chippewa, Grand Traverse Band of Ottawa and Chippewa Indians, White Earth Band of the Minnesota Chippewa Tribe, and Port Gamble S’Klallam Tribe. The arguments for intervention and proposed answer remain the same.

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Chippewa Community, Confederated Salish &
Kootenai Tribes of the Flathead Reservation,
Red Lake Band of Chippewa Indians, Fond du
Lac Band of Lake Superior Chippewa, Grand
Traverse Band of Ottawa and Chippewa
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**Application for Admission Pending*

***Applications for Pro Hac Vice
Forthcoming*