

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

STANDING ROCK SIOUX TRIBE,

Plaintiff,

and

CHEYENNE RIVER SIOUX TRIBE,

Plaintiff-Intervenor,

Case No. 1:16.o D

**MEMORANDUM OF AMICI CURIAE NATIONAL CONGRESS OF AMERICAN
INDIANS, AFFILIATED TRIBES OF NORTHWEST INDIANS, ALASKA INTER-
TRIBAL COUNCIL, GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION, INTER-
TRIBAL ASSOCIATION OF ARIZONA, NATIONAL ASSOCIATION OF TRIBAL
HISTORIC PRESERVATION OFFICERS, NATIONAL INDIAN EDUCATION
ASSOCIATION, NATIONAL INDIAN GAMING ASSOCIATION, UNITED SOUTH
AND EASTERN TRIBES SOVEREIGNTY PROTECTION FUND, INC., AMERICAN
CIVIL LIBERTIES UNION, FRED T. KOREMATSU CENTER FOR LAW AND
EQUALITY, AND 34 FEDERALLY RECOGNIZED INDIAN TRIBES IN SUPPORT OF
PLAINTIFF STANDING ROCK SIOUX TRIBE'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

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AMICI CURIAE

Tribal Organizations

Affiliated Tribes of Northwest Indians

Alaska Inter-Tribal Council

Great Plains Tribal Chairman's Association

Inter Tribal Association of Arizona

National Association of Tribal

Torres Martinez Desert Cahuilla Indians
Wampanoag Tribe of Gay Head (Aquinnah)
Winnebago Tribe of Nebraska
Wyandotte Nation in Oklahoma

Civil Rights Organizations

American Civil Liberties Union
Fred T. Korematsu Center for Law and Equality

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&RPPLWPHQWV WR D 7ULEH

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WR 7UHDW\ 3X K I S R & R P P B Q G D Z

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3 U D F W L F H G R Q S H U W K R O W V L W K H & R U S V ¶ 9 L R O D W L R Q R I L W V 7 U X V W
+ H Q W P W K D Q (Q K L H B Q R H & U R V V L Q J

DG WR 3UHSDUH DQD(Q6WRU+ \$ E W L R Q V Z L W K / H V V 3 R W H Q W L
I Q W W K D Q W K H 2 D K H & U R V V L Q J

V X D (Q 6 1 5 H W X U M V R I R Q K H W K H \$ G H U V F R U H
D I U G U I R X W L W H W) W G X W K H 7 U L E H

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& D V H V

Arizona v. California 8 6

Assiniboine & Sioux Tribes of Fort Peck Indian Reservation v. Bd. of Oil and Gas Conservation) G ^WK & L U

Cal. Valley Miwok Tribe v. United States) G ' & & L U

Cobell v. Norton) G ' & & L U

Fink v. Nat'l Sav. & Trust Co.) G ' & & L U

Gros Ventre Tribe v. United States) G ^WK & L U

HRI, Inc., v. EPA) G ^WK & L U

Katsaros v. Cody) G G & L U

Klamath Tribes v. United States 1 R + \$: / ' 2 U

Klamath Water Users Protective Ass'n v. Patterson) G ^WK & L U

Meinhard v. Salmon 1 (1 <

Morongo Band of Mission Indians v. FAA) G ^WK & L U

Muckleshoot Indian Tribe v. Hall) 6 X S S : ' : D V K

Nance v. EPA) G ^WK & L U

New York v. NRC) G ' & & L U

North Slope Borough v. Andrus) G ' & & L U

Nw. Sea Farms v. U.S. Army Corps of Eng'rs) 6 X S S : ' : D V K

Oliphant v. Suquamish Tribe 8 6 Q

Parravano v. Masten) G ^WK & L U

Pegram v. Herdrich 8 6

Pyramid Lake Paiute Tribe of Indians v. Morton

% XUHDX RI 5 S F I T C O A S D W I L R Q U p p e r R e a b i l i t y P r o j e c t E I S / E I R
1 R Y H P E H U D Y D L O D E O H D W
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D i v e r s i o n D a m F i s h P a s s a g e P r o j e c t R e c o r d o f D e c i s i o n H F H P E H U D Y D L O D E O H D W
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'

5 D G L R & D Q D G D , S W H X U Q D W L R Q D D Y D L O D E O H D W
K W W S Z Z Z U F L Q H W K X D N H Q R L O V S L O W R O X W N L B O F K V F Z D J K W

8 6 \$ U P \ & R U S V S k k o p i s h L o w e r B a s i n E x o t e m R e s t o r a t i o n / I n t e g r a t e d
F e a s i b i l i t y R e p o r t a n d E n v i r o n m e n t a l I m p a c t S t a t e m e n t \$ S U L O D Y D L O D E O H D W
K W W S Z Z Z Q Z V X V D E R I Q D U & L Y P L O : R L U N V 3 U R J U D P V D Q G
3 U R M H F W N B U R M H F M V S L 6 Y H U % D V L Q

8 6 \$ U P \ & R U S V S k k o p i s h L o w e r B a s i n G e n e r a l I n v e s t i g a t i o n S t u d y :
F i n a l f e a s i b i l i t y r e p o r t a n d E n v i r o n m e n t a l I m p a c t S t a t e m e n t ' H F H P E H U
D Y D L O D E O H D W
K W W S Z Z Z Q Z V X V D E R I Q D U & L Y P L O : R L U N V 3 U R J U D P V
3 U R M H F W N B U R M H F M V S L 6 Y H U % D V L Q

8 6 ' H S D U W P H D a m S u p p l e m e n t a l E n v i r o n m e n t a l I m p a c t S t a t e m e n t L i n e 6 7
E x p a n s i o n - D Q X D U \ D Y D L O D E O H D W
K W W S V Z Z Z V W D W L F D Q W E S S O U L F D Q W L Q Z W D O U K W P

8 6 *RY1W \$FFRX*SW DELOLWDWLRQDWDQY1RQPHSF W /LW
,QIRUPDWLRQ ([LVWV RQ 1(3\$ \$QDO\|VHV \$SULO

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Amici curiae DUH OHDG LQQGQ DMJLLRQDDDD L, PDGLDRQPRELZ K R K HSP H
FRPSULVHV VHYHDDO\KXIKFRUHQG JHGD,HOBGDWKWB K B K R XWR , QGL
DQ DGGLWLRQDOOVKLUHWRJRXLJHGHGHUUDHV DSSH Dye~ %Pb

6KRUV VW DWHIRHJQHVDF R IDIPLWXWV \$SUSH CRGLQ GWIRQ V
WKLV OHPHUDQGXP

7Amici 7ULEHV KDYH VXRMHURIG OVDIQH Y DDVQV OR W/KVIRX IUXFQGV
DQG ULJKWV UHVHUUOYDZ R RWW KHEPEXOROBHWRWUHZBWQ RWKH IH
JRYHUQPHQW GHWHUPLQHG LW ZDFRDFPLDQVHIDJMHV XWRWRK B EV
WKH PRVW JULHYRXPQDQWWHRI DUWLOVMDQWV B BVMD VEIXRI WKH
5RFN 6LRX[7ULEH DQG RWKHU 6LRXQJPDHPIRQV 7WR RNR \$ O DRP
ODQGV FRPPXQLVWUHDZG\ VCRG KHLG BNGXUX FWRXW KHSURMHFW
GHYHORSPHQW DQGRUWRSIDWZHQ RDCGNDLORHQRVXIDPILOLDU W
SHRSOHV DQG H[DSBOWHVRIL R QFKS GMLX HW R R XEQUHWDG WSK QXPEH
FDSWXUHG LQ WKH \$SSHQGL[

7KH IHGHUDO WJZKWF K HFKSRQMV EDHOGZHWKO DRG KLFULDQJ W
VWULFWHVW ILGRXFLDUH DWG CCRD DVMH LZ KHKQ QDPRWJIR\ DGGU
JRYHUQPHQW V WUHLWVREVO IDJQ WPEBDDVQDQW DE/XOZDULNR QV F
SRZHU WKDW ZRXOG RQIEHHDJBLQ KDHVSKHPIG/XEPEHWWWLVEUL
WR HODERUDWH X\$RGG WDKHFBIGJEPWCRX\$WDQEGH QJV5WR R NZ K\ W

1 R FRXQVHO IRU DCL \$DPHPRD QVGRD HSD WWR OIR RLQH RWKH
amici curiae PDGH D PRQHWDR\ IFRQGWJK BXULHRSQ BQ WRU RVQKRU E XEIR

7KH RIILSRV DLOWILRQH UODQ KHVHLV LWKDXV³WQGLDQ Z
DUH YHVWHG SURISFKU WKH L8JLWVHGRVZLHWISR QDVE DOW W\ ZLV
6WDWHV KROGLQJ ZDWH O WQ WQKWRRI WAFW&OHG EHQNLID DQG
3URFHGXUHV IRBQWRKHVBDHU WLGHSIDVJLRRYLHDWLPHQWIRQ WKH 6
, QGLDQ :DWHDLFVJJKW)H&O5HJ 0KH ZDWHUV LPSRX
LQ /DNH 2DKH LQZDWHU WRIWFIHQHWWULEDO QHHGV

\$V GLVFXVVHG LQ Jsehidm GHWLDLQVEKQ6ZVSXWHG WK
5RFN 6LRX[7ULEM\UHWLLOV WXQHWQJLQ QCNZDZKH ULQG DC
VKRUHV 7KH JRYHUQPHQW LV DFFRUGLQJO\ FKDUJHG ZLW

HTXLWDEOH WHUPV 0XFK DVWKKHQH & SW R PMK&HR5HUWW D D
7UXVWV@ DQG RWKRQV DWXKRW UWLHWUW S S Q U RESUQ DWLH I R U
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JRYHUQPHQW V REOLJDWLRQV PDHUEVHQ S FHW HLG EHG W Q WKKW
UHIHUH QFH WR D Z Q H U D S KWASXVW D G S H G Tribes of Fort Peck
Indian Reservation v. Bd of Oil & Gas Conservation) G W K & L U 3 & R X U W
MXGJLQJ WKH DFIML FLOV R I M D I G H I O D S O U R W X V D Q W O D R V M R Q H L K L S V
WKHUHIRUH VKRXO G V S S O L W K L S O H I F R I O G D V W J R Y H S W Q W D W H I L
7KH FRXUWV KDYW R R Q H S G K O F L S E R I W S E M M K H Q W U H D W \\
Nation, IRU H [D P S O H WKH JRYHUQPHQW F O D M L P H G W U K H D D W E S D D P
LQWHQG HG IRU W G K D E H Q H P L Q R O H L G H P L E H R O H V R X O K F L O L W K
GLVFKDUJ H G E L O L W D W U L F D W 7KH 6 X S K R H P G H & R X V K D G L L M D W K H H
HVWDEOLVKHG WKD F L D R Y H N O P Z I Q M K D O W R Q R H W & I D X W K L O C P O \ G L
SD \ P H Q W V W R W U L E D O P H P E H U V W F L I O F Z R Q Y O G D K O F Y H F E I H I X Q G
EUHDFK RI WKH * R L Y H U Q P E H O L W I W L I R G X F L W L B Q 6 V D R X U F H V L Q F O
5HVWDWHPHQW RU X V W V O D Z W D H D W H W & N U G R Q R I W K Y H Q Q H X U D E O
O D Z R S L M G H R Q v L S a l m o n , 1 (1 < I d . D W Q
/ L N H Z L V H L Q G R S I L O L R Q I W X F L M M * U W H K O D R I W K K D W V R H 6
WKH , Q W H U L R U K D V R D H Q V X U F L D W K H R I D [R Z X P I S R V E L O E L Q D W H G .
WKH 7 U X F N H H 5 L Y B N H L Q Z K R F K U B P I P W G H W S O D I H I O D M U W V H U L Y E D W L
Pyramid Lake Paiute Tribe of Indians v. Morton) 6 X S S ' ' & 1 R W K I
WKH H [H F X W L Y H R U G H U V H W W L Q J D V L

U H O L H G R Q ³ > W @ K C H Z D Z K W F E K R G H F R V I D E N H I R E A C K L D W W I U R Q ' ́

L Q F O X G L Q J W S e r i n g e n a t i o n . L R Q L Q

6 L P L O D K i a C a t h T r i e s v. United States 1 R + \$: / ' 2 U

2 F W W K H G F W K D W S H F C B H H W K D W Q R K G R J X R E W H U Q P H Q W T

U H V S R Q V L E L O L V S U R I W H F Q G L R Q V R I W D W H D W D G B L U C K D W O D F W K H

HQVXUH WKDWJ KQGLDQHWJLHYDHWVXOXCFKIIWRW &RXUW FRQFOX
&RUSV RZHV D ILGXELHDWKDWWWKWRUKIDPL\ 1DQFKWQDTEWWMJDWHG
LPSLQJHG XSRQ DEVHQ Wudkeshof WdiarITRbeRQHJHVV) '6XSS

: ' :DVK QJ LQWEDMLH LQ&RDSVLGGH\$HGGDQWV W
8QLWHG 6WDWHV \KDQGD μIRGXBDDRHE GGLJXWVWQVHR/ISWQVLELOL
WR SURWHFW WDKW\ ,QIGIKSOWWQeWatrW LQBJ6 DW \$V H[SOD
QH[W KRZHYHU WKHORUSKRWUWORMZRGK WUHQJZWRQWIKR VXP
DSSURYHG WKH /DNLQ 2DKUOH HPHVWPHDUWHDU

& ,Q *UDQWLQJ WKH /DMH WDKKH\$(DPAH&PHUQSQDPLROVDVHGH)
7UXVW 'XWLHV

2Q 'HFHPEHU WKHQ QRXQ&RIGSWKDDQMW'ZRRWG QR

DQ HDVHPHQW DFURVV /DNH 2DKH DELVH'QWIKGDDQ&RKHQDDVU
PLQLXP D³UREKQWQ&GQLEGHDDWDRQDDWLRQV IRU WKH SLS
³>G@HWDLLRQGRGLWFKWQVSRRMHDDQVCDGR/S HQW LDO LPSDFWV
WKH 6WDQGLQJ 5RDNW BURIXQW DNEHWZDDZGU WKH K7WVLEHVTZHOOD
ILVKLQJ DQG KXQWLQJ ULJKWV QML '3. DQFMDUHDFVLRQ([RI 5DLW
PDWWHUV KDG RQGGXHPVPHUGLQEQEMKQV(DWVLPHQW HQ(\$DOLVVX
WKH &RUSV LQd-XDW RIDQG WKH &KDSV VVSGNDG DRRDQGLWZ
EHVW EH DFFRPSOLHV&DUGDWKBRXRK DQKHSSEWRQVPHWPHQW
DW

-XVW WZR PRQWK(V6OSDURFUHVZ/L EDKUW&RXJSG HUHZYDHU WKHG

GLUHFVLRQ 7KHK&RWLWVFRQDOXGHCGBVQQ IDQGW SJWRSHU FR
WR WKH LPSOLF DWFURQW BQJD SWL S'BUHQZDKHULBKWWKRI WKH 6
6LRX[7ULEH DQG RWKILUV6VLRQJSDWRRDQVZGIGKQFWKH ZDNH

3UHVLGHQWLDQVXHPURDQGDXPDU\ KH VDPXHPHDUMHOGJQRWV
DYLRODWLRQEXRQDRQWWWH&BUSEVILGDWXLHWUHVSRQV
7UHDW\)LVKLQJ +XQWLQJ DQG :DWHU 5LJKWV (QG
7KH VWDUWLQJ SLLQWIROHDKH DRBYORWHGQFISQWGWK
6WDQGLQJ 5RFN QLRXUHLVHIUHVZDWHKXQWIKQW DQGDNH 2D

5HVHUYDWLRQVWLRKQDWOOL EHMWDGIGZDRAVHU SULR\$RVUWLRQ QDRH
.DQML 'HFO (see also DdW

7KH &RUSV 5RWH 5M/O L D\$Q/VHH URQL, RGGVOR\$ LMLNQ WPFDO 6
0LQLPLJH WKH 7KUHEDWWW B LZUKMEV OLR R ID \$UHXGG HQV HXV
DQG /R\DOW\

:KLOH WKH &RUSV DXFUNQLRYZOOH B U HUGHVHWUY WIGJ KWUV ELDO / DNUH
LW MXVWLILHG LJMVLGHFR V X R Q KVRV HQQUDDOK WLW ERDIVWG RQ D V
DVVHUWLRQ ,Q LWKQHE D DDQG /HD Q DLFHHYFLO Z ([DW
&RUSV VWDWHG VGH DWHL WLNIG BOG D USLESMHQ. Q HDW\$IL DDKH DQO
JURXQGZDWHU LQ WVKD G\$ D DDQG VYGGW HQ WHIGHWZFRWRE HU
7HFKQLFDO DQG /BDDQ \$QDDO \V[L V HPRV ZBQQG XDPVSD HPSDUHG R

.DQML 'HFO ([%HFDXK HRLW KEDGHGGRAFXUPHLCQWVG V
ULVNV RID VSLOORZISVHFROFFZOXGRKH WLYDHWI XLMQKHDHUGERBQ WVR
LPSOLFDWLRQV RIHQVQWUQW ULEB DQWUHPDWO U (see also DdW

.DQML 'HFO ([DVKLHI &RUSV HJOWF BGGQXGREQD QKFRQVLGH
WULEDO WUHDW\ ULJKWV XQQHFVNVDU\ JLYHQ SXUSRUWHG

7KLV DSSURDFK ZRQFRUDY G QWGHW KHK W\ VRU XSVXIGHHQVHHD
GXW\ RI OR\DOW\ BQVGH VVWKHH IRDVF HDUSXWG MQRWDSWUVRQ ZI
RI WKH SXUSRVHV WHUPV DQG RWKFKHFG X VVX FRVSDUQFGHQRIH

DFWLRQ XQGHU FRQVLSVVRQFKUFDVHG RORVDR Q KHUH
(\$ UHOLHG HQWLUHO\ RQ D VSLOOV DQDORVFO \$GHS DWHG W\
VSLOO ZDV ORZ ,Q WKH ZDNH RI HWKDW 5(\$ HWK HD QV DQGDQJ

\$QG LW JHWV ZRUVH \$V WKH &RUSV DFNHPRZUDHGGIDH GLM
ZLWKKHOG QRW RQOW DORFR WKRPSXUEDDGHEFKSQW DWLRHWHKH 6V
5RFN 6LRX[7ULEHD QDCH VLLV D QGS URO DZKHL G KGRW XPDMQ W DVVHG
FRQVLGHUEDDQ RQRD WULQWHUHVWV ASD Q G H F W D Q G LDW L
RQO\ UHFHQWO\ WKDW WKH &RUSV SU

GHWHUPLQH WKH RRR QRS HQXHWL Q JL WGVK DDW S³LVSKHO IFOHH DLCEG OLV
DQDO\VLV GHSHQG VOXSIRHG WHI B HXUMHQZIHURDOD QIQIENIS XHQFH
>WKH SLSHO LdQ HD WSHUD6VX R K @ Q IDQVO\VRQ JIRV S JGHXQQGLFUK LJD
LWV ILGXFRDUM W K E L S J D P M L & R U S V Z D M R J H T Q R L W K G Q W P O H F R P F L Q V
ZKHWKHU WR SURFHGG ZLWK WKH /DNH 2DKH FURVVLQJ

7KH &RUSV)DLOXUH 7R *UDSSOH ZLWK WKH 7UXH
'HVSROLDWLRQ RIKID NAW D D Q G H Q R U R F N O G L W K G 7, U L V E H S
'XWLHV RI 3UXGHQFH DQG /R\DOW\

, Q UHYHUVLQJ LWDVIG HDQL V, LR D QVGRUSUWHRS MWLQ JR UQVWQHO
\$UP\ &RUSV IDLOH B QVGR PHDQWLD O IRVQV FLOD W D Q R E A C K H J D W U L W L F D
WKH OLFKLJDQ W B E M H I B Y H F W U W S R S U O L H O L C Q L K @ R O G H B N D L V R Q O V
RI D UH D V R Q D E O H N D W K H H V P D J H Q L W Z R I K D G K D H V X O W K D W R P D U H
DOVR EH FRQD W G H I N e w York v. NRC) G ' & & L U

VWDWLQJ LQW1 (B Q F D J W I Q F X K F R Q Q X B D Q Q J D X V (S H H D P L Q H
SUREDELOLW\ RI D J a n y M Q K H K D F R Q V H F F X H Q I E I Q M W R G W K V D W R F F X W P
WKH KDUP LQ TXHWWV DRG LVS N R X J O D W A R Y H H I D N F W R Y U H S X R E D E
RFFXUUHQFH WR JHUR PD\ WKH DJHQ S R G M L S H Q R H V Z K W K D Q D K
QRZKHUH LQ WKH (S R E X I P H D Q V R I X W K H G X H R Q W D V S U I H S D K D W
&RUSV GHPRQVWUB W W K H Q X D Z D T X H H Q W N D G D W L R V Q D W / W K H B D K H
UXSWXUH RI WKH B L S R O L Q H H 6 V R X Q G L S E H 5 R F N 6 L R X [7

, Q L W V E U L H I L Q G H W K U L E H G E I H Q K S R / Z V W R X Q W I H E R Q W L I Q X L C
GLVSRVVHVVL R Q C I Z I L D O V Q G D W Q G H S R I D W K H W K H D W, V L W X F I X M F H V W R
WKURXJK WKH D F W W R D W H R I Z K K H W 8 Z L S W H R P D Q W Q W R K E R P H O D Q G
7ULEH KDV UHSHDWHGO\ EHHQ FRQV

VXFK WKDW WKHLERXIVFGHUR QWIKQH7D Q Q QLG WVKJH WILVRQ DZDGV J D F
PDQ\ RI LWV PHPEHUVWUHQFOH \$XW S/RXENVD L Q D EORH O W Q JHUUH Z L O C
RWKHU FRQWLJRXRXV UO E E GF DCR ZHVKRUKWW KDRQ G XLUWL YHE DV D V
FRPPXQLW\ ZLWKLVRD\GZHIQQHEGVSMDHFBHIGUQ VFKJH R&XV SV ¶ H
RI ULVN VSHDNV WR QRXQGRU WDKLRQHE IO D Q [S JHF QV P RV KDW R Z
ILGXFLDU\ GXQG HOR FIOFVUWRD WKH 7ULEH

, QGHHG WKH 6RROLFLWRU R D GRH VUKHIEQWFOU FRKPLSUSIRKHOQLY
'HFHPEHU 2SLQLRQ .DQML 'HFO5R(FN DDQV &KH7KH QHW
6LRX[5HVHUYDWLRQV DUH WKH SHVPIRQHWQKHD7UGLEHWVH S Q D
LGHQWLW\ DQG OLYKELKRURHGO G W S D R Q G D Q S R V E W W K R Q P H Q W
PHPEHUV GR QRW KRYHLQWKDIZOX [IXURP DND Q GYLURQVPHU ZLWK
OHDYLQJ WKHLU DQF AKWUQV HUHHEULM S D E W R B Q V S R Z H U W R
IHGHUDO JRYHUQPHEV L P L W Q H V X Z L G W B Q S R V S H M W K W R e , Q

v. United States,) G ' & & LU \$ Q Q W K H Q Q W H U S L R U H
6ROLFWRU ¶ V OHP RWLDROG Z P W L Q V F R I Q Q B H S V ¶ L R I Q H P R E H U H T X L U H
.DQML 'HFO ([Q D L W V) H E X X D I U \ W K H F Q V L R H Q G L Q D W K K H U 6 R O L F L
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,, 7KH &RQWUDVW S%HW)ZHIQQ WVKFR&RQGS)HGHDDQ, \$JBQFV
3UDFWLFH 8QGHUVFRDHWWRQH RIR,USW ¶ UXVW 'XWLHV
8QGHU WKH 1DWLRQ B R O (L F Y L S F R Q P 3 H Q B S Q F L I H V G H W D H O U D I T X L
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DYDLO [E W O H S D V Z Z Z Q Z V X V D E R Q D U & L Y P L O O : R L U N V 3 U R J U D P V D Q](#)
[3 U R M H F W N B U R M H F V K V L 6 Y H U % D V L Q](#)

, Q D Q R W K H U H [D X P S O H Q G M L C H Q % \$ X I U H L D J 8 E R F R S U C H V S I S U B Q L (Q
L Q F U H D V H L Q W K M K Y D H U Y O D W M R M U O R K O S O D S) R D H V K I E D G V K D I & R Q I
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E L R O R J \ I L V K L Q J R F C S R P W R I Q W W H E D C R C D H F I W Q F H U S D V H % X U H

, Q G L D Q Proposed Strategies to Benefit Native Species by Reducing the Abundance of
Lake Trout in Flathead Lake, Montana) H G 5 H J) H E D Y D

[K W W S Z Z Z P D F N G D \ V F R P U H V R X U F H V D N B C B D D N I P H Q W X 8 S O R D](#)
[\) \(. 6 S G I](#), I D Q L Q F U H D W H R L Q R V K Q D V U Y H L V I Q L K L F D Q W K D L P S D F W F
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O R U H R Y H U W K H % R P S O D X V U R I Q X R L I U B I G E , G J E D I U R L U H K W S F S I U Z R V
D W U D Q V P L V L R I Q Q O I U Q H S B B M H F W O R D , W E H D O R D I S D H 5 L Y D W L R Q
O R D S D % D Q G R I 3 D L X W H , Q G L D Q V Z D W W K F R R S P H U D R V L S W D % K
, Q G L D Q Final EIS for Road Moapa Solar Facility Construction and Operation of a 350MW

Solar Generation Facility Approval of Right-of-Way Applications O D U F K D Y D L O D E O H
[K W W S V Z Z Z E O P J R Y Q Y V W H Q I R B Y R D E D P B S O R L F H D V P W O H G](#)
D J D L Q L W L V G W I K I H F R B Q F V R V L R X D M T H D L W H G L (Q 6 V Z D D W V H W W
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& 7KH +LJKO\ 8QXVXDO 1DWXUH RI WFRUH\,6 WKHVFLVV
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7 K H & R Q I H G H U D W H G D 6 D 7 U L L E K H V D O G H R D Q M H S S U M D O L C E H U H I F V L G L Q

) O D W K H D G 5 H V H U Y H U Q L B R Q L V Q D Q B U W 7 K H Q V W L E H X W D L R Q D O J R Y H
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7 K H & R Q I H G H U D W H R G Y U O G H V 5 R V H W K H F B S B Q V H G L R E I H D V S S L V R [L P D
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7 K H & R Q I H G H U D W H R G Y U O G H V 5 R V H W K H F B S B Q V H G L R E I H D V S S L V R [L P D

W U L E H Z K R V H W L V K D O W J U K X Q H W L Y Q J K W Q G U B W G L H U H L F W J O U L L J P S D F
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HVWDEOLVKHG GLVPLVVLQJ RU PLQLPLDYLHQOLWIKHWQHLWG GRIVS

7KH -DPHVWRZQ 6† .D DIOGHUPDZULAEUHMARLEHL JORGF DQVGLD Q R Q WKH
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WR KROG WKHQ5 W W H X U Y D W R L L R W K H 7 E H L E H I D V Q R I L W K H P H D I E H D E V
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6RXWKHUQ 3DLXW W W W D W E Z H U B I Q S C R E F D I O G V L I Q V L E H W R K H I S W K H , Q
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FUHDWHG EHWZHHQQW K H G 6 M E H V B I Q G L W K W B K D U M B W H U R H C
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7KH 7ULEH LV D V R Y H U H L J Q J R Y H U Q R H Q W L Z W W C P W D W H S O H 7
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WKH 7UHDW\ RI D Q G W D W D W \ R I L Q Z K 6 W I D W W K H W U L E H V I
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&RXUWH 2UHLOO W V R Q G D R E D M M B U L Y D Q R Z I W K Z H W W D E O L F R K Q G
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163 ZKLFK DXWRKRGULIQJH Q I W F K H U W O D G L Q D U G S H F W Y H D W W I H R Q W O K D Q & K
) O R Z D J H 7KH O L F M Q R V H 6 Z D R V H U V X K G V V R M U R Q H R E F M B R W U W H 2

%DQG ZKLFK REM RQWRHIGWK R WKRZFRXHOE MIRDUMH HWWKH GHYD
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WKH ULYHU LQ ZHKQRIE VZFR WHWX S SR B WLVU DHOI OR W W VEW R SQ R W H
LPSDFWLQJ WKHL D O O Q O W X H V R X U E H Q V D E Q / E R W H I D M L V R Q Q W I
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7KH 5DPDSRXJK /XQDDSH 1DWLRQ DG 6W B MCHG D Q F R W Q R L J W Q H W I
SHRSOH RI 0DQK D R V W X Q L D Q B V K D Y D F L E H O G J V L R V X I Q G I D Q Q V K E X U S D P
0RXQWDLQV RI 1HZ <RUN DQG 1HZ -HUVHLRQ 7KDHV5D FDRSPXJKL
5LQJZRRG 1HZ -HUV M \ D W G X D S H U F I R Q Q V D F L S R I O E D X W H I G R Q Q W B W K
ZLGHVSUHDG LOO Q H F R / P D Q G L Q M D W M K D R I Q R W Q V R K I Q J F H Q V H W V Z L V
DQG VWDWH RIILFLDOV UHJDUGLQR F P R X I D Q V D S L Q Q G U R L Y M U J D Q
QDWXUDO JDWHZQ G LVQK HHZR J R A U K H D V W D M R U L R Q I D Q G W U W F H W R U
KLJKZD \ V WUDQ V Q F L S V S R I Q L Q L Q M V 2 Q D S I R S H V K Q H S W R S R M H B L O J U
SODQV RQ WUDQV S R X U G H L Q U O V Z K I L S R N M I G W R R R Q B Z S W R U R X J K
SLSHOLQH

7KH 6DLQW 5HJLVV0 B K I B I Z N H U D O E H U F B R J H Q L J H Q G Q R U L W I K H O R Q 1 H
7KH 7ULEH V U H V D F U H Y Q D W W R R Q W L Z R D G D S H B H X H Q G G L L U W H F W O Q G Q Y R
HQYLURQPHQWDO R R Q V X O W D R W L R I Q F D I Q G H S W I L R Q O R X I G W Q H F R Q V
ZRUNLQJ WR HQV X U K H M D X D M Q W Q H K R L O X W H R Q Q D Q B L D Q G W W K
LV DGHTXDWHO \ D U G L U H W V G G W K H D C D P S B U D W K I R Q H O Q G U D W L R Q
0RKDZN FRPPXQLW \ ZLOO EH SURWHFWHG

7KH 6DQ &DUORV \$ S D G F H K U H D Z O U L E W H I F V R K D L L J H G Q J D U I L E G H L Z K I D I L J K
LWV RZQ VDFUHGOV R L V D W H 2 G R Q C L D W V Y R Q D H U Y R D V G R I Q H L Q U S W L R
GHVWUXFWLRQ EHFDXVH RI DFWLRQ K D E M S U K L R B Q W W J H G V 6 K V D V
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0DUWLQH] 7ULEH \$V D 7ULEDOGSORRSDXZH DQGXEHWKHYO
LQWHUFRQQHFWHG WKURXJK RXU FXOWXUH DQG WUDGLWLR

25 * \$1, = \$7,216

7KH \$IILOLDWHG 7ULEHV RI 1RUWKLZEDVOR, QJLOLDQ D WLVRO UFRPL
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, QGLDQ WUHDWL E WVKQ W KHU \$ Q H P H R O W M U D W H J / K V D Q G O D G E H Q H I
PHPEHU 7ULEHV DUH HQWLWOHG WRVK E GHUL WKKH GVDZ WHVQ G
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7KH \$ODVND , QWHU 7DUV EVDOR B B X G H L W O R V D / R D U W L L R X P V R Z K L F K V K
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GHWHUPLQLQJ W K L U R X Q K V R M I O U H H P J S R Z O I F R R Q W L Q Z I H W K R D H P E U I
WUDGLWLRQDO YDOXHV NQRZOHGVMH ZDUG Z L R / I G R R U W R R P X I O G
FXOWXUH ODQJXH J B U R O G V Z I D Y H R O \ G I Z I H U F R L P Q J L W Q V R S S I R W H F W L
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7KH *UHDW 3ODLQW 7SULVERFO D & M D R Q P D O T B C R I W K R H P S O H F W H G
RI WKH VL[WHH Q F R J Q H J H G D O O G L D L O W W K I H E M W D V R H D V R H G R U W K
'DNRWD DQG 1HEUD F N D V L R K H F S I U W K D I U * 3 V K \$ I Z V L V E R I X O V L R G H I H
LQKHUHQW ULJKR X W F V H D W H L E V X Z M G W W K W K R H S S U R L P R H V G H 6 W W I O H Z H
3HRSOH DQG WR SURWHFW WKH 6RYHUHLJQW\ RI HDFK 7UL

7KH , QWHU 7ULEDO L \$ R Q D F L 3 D T M \$ \$ R Q E B O D \$ Q U L J O W H J D W L L R Q F R P S U
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VLQFH WR SURYLGHU D 7 X Q E D V O H G I R W R H U R Q P H Q W X H R Q D Q G F R Q
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7KH 1DWLRQDO \$ V O R F I L D W R L R I Q F R I U 7 U M F E L D \$ D W 3 L 2 R Q L 2 I D L Q D W L R Q
RUJDQLJDWLRQ R I Q W U B E I D G L D R O Y H Z Q D I O F S O O G H F H U Q W D I O G S H U H V H U
OHPEHUVKLS LV OLPLWHG WR IHGHURDLOLAL D O F R Z I Q R J D I G H 7 B R P
SUHVHUYLQJ U H X V S Y H L Q D I V Q L Q S P H D Q L O F M O W Q G H D O Q S O D V W L Y H
FXOWXUH V Q & H S U L D V F D W L F H D V 1 \$ 7 + 3 2 R M A K E B U Y D W L L H E W V R Z I R I U H G Z
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7KH 1DWLRQDO , Q V L R I Q D O W L F R Q W L I R Q S V \$ R V J D Q I R J O V S U R Q L Z K L F K
DQG DVVXUHV R S W R S X R U H G X C F I D W L W D V D I O V E D D O G E X D R O W X U H V
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, QGLDQ \$ O D V N D H I D V Z D H L D Q G S H B S O B W H I V , (\$ Q F R F U R G I S H U D W H
WULEDO DQG RWRKH SURYLGH L G H L J D W L L R Q F U M D P X H G L V F I D R Q L R Q D Q G

HHHFWLYH OH ~~1DWLR~~QLSFXQW ~~HFR~~RWRFL ~~GH~~YH ~~DRS~~PHQW
,QGLDQV \$ODVND 1DWLYHV DQG 1DWLYH +DZDLLDQV
7KH 1DWLRQDO ,QG ~~DR~~OP ~~DR~~\$ ~~WR~~FLWULED

7KH)UHG 7 .RUHPDWVX &HQWHU IRUHQZHDQGLVT DORQVSR
RUJDQLJDWLRQ EDVHG DW WKH 6HDWWO