

**Cases Nos. 09-36122, 09-36125, 09-36127 (Consolidated)**

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**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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KATIE JOHN, GERALD NICOLAI, ALASKA INTER-TRIBAL COUNCIL,  
AND NATIVE VILLAGE OF TANANA, *Plaintiff / Appellants*

v.

UNITED STATES OF AMERICA, KEN SALAZAR, Secretary of the  
Interior, and TOM VILSACK, Secretary of the United States  
Department of Agriculture, *Defendants / Appellees*

and

STATE OF ALASKA, *Defendant-Intervenor / Appellee*

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STATE OF ALASKA,  
*Plaintiff / Appellant*

and

ALASKA FISH AND WILDLIFE FEDERATION AND OUTDOOR  
COUNCIL, ALASKA FISH AND WILDLIFE CONSERVATION  
FUND, MICHAEL TINKER, and JOHN CONRAD,  
*Plaintiff-Intervenors / Appellants*

v.

KEN SALAZAR, Secretary of the U.S. Department of the Interior, and  
TOM VILSACK, Secretary of the U.S. Department of Agriculture,  
*Defendants / Appellees,*

and

KATIE JOHN, GERALD NICOLAI, ALASKA INTER-TRIBAL COUNCIL,  
And NATIVE VILLAGE OF TANANA,  
*Defendant-Intervenors / Appellees*

and

ALASKA FEDERATION OF NATIVES  
*Defendant-Intervenor / Appellee*

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**ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF ALASKA  
USDC Nos. 3:05-cv-00006-HRH, 3:05-cv-00158-HRH (Consolidated)**

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**PLAINTIFF-INTERVENORS/APPELLANTS  
ALASKA FISH AND WILDLIFE FEDERATION AND OUTDOOR  
COUNCIL, ALASKA FISH AND WILDLIFE CONSERVATION  
FUND, MICHAEL TINKER, and JOHN CONRAD'S  
JOINDER IN  
PLAINTIFF/APPELLANT STATE OF ALASKA'S OPENING BRIEF**

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June 4, 2010

## **NOTICE OF JOINDER**

Plaintiff-Intervenors/Appellants Alaska Fish and Wildlife Federation and Outdoor Council, Alaska Fish and Wildlife Conservation Fund, Michael Tinker and John Conrad, hereby join in all aspects of Plaintiff/Appellant State of Alaska's Opening Brief filed today in this appeal.

Submitted June 4, 2010.

s/ Will Sherman

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*Plaintiff-Intervenors/Appellants*

## **STATEMENT OF RELATED CASES**

To the knowledge of Plaintiff-Intervenors/Appellants, there are no related cases pending in this Court.

s/ Will Sherman

## **NOTICE OF EXTENDED FILING TIME**

Per the terms of Ninth Circuit Rule 31-2.2, the AOC parties requested and were granted a 14-day filing extension. Attached is a copy of the notification e-mail to the other parties as requested by the clerk who approved the extension.

**Form 6. Certificate of Compliance With Type-Volume Limitation,  
Typeface Requirements, and Type Style Requirements**

1. This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because:

☒ this brief contains 39 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii), *or*

☐ this brief uses a monospaced typeface and contains \_\_\_\_\_ lines of text, excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

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Signature s/Will Sherman

Attorney for Alaska Fish and Wildlife Federation and Outdoor Council

Date Jun 4, 2010

9th Circuit Case Number(s)

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### CERTIFICATE OF SERVICE

#### When All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date) .

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature (use "s/" format)

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### CERTIFICATE OF SERVICE

#### When Not All Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on (date) .

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Signature (use "s/" format)

**From:** Will Sherman (wfs99501@yahoo.com)

**To:** mike.sewright@alaska.gov; Kendall@narf.org; Ann.Peterson@usdoj.gov; boba@u.washington.edu; Dean.Dunsmore@usdoj.gov; cdaniel@alaska.net;

**Date:** Tue, May 18, 2010 6:15:46 PM

**Cc:** jlister@dc.bhb.com;

**Subject:** AOC Intervenors' Notice of Seeking 14-Day Extension

Everyone:

This is to notify you, pursuant to Ninth Circuit Rule 31-2.2(a), that I, like the State of Alaska, will be seeking a 14-day extension of time to file the AOC Intervenors' opening salvo. First, our side is of course closely aligned with the State's position; and second, I am currently deployed in Herat, Afghanistan, whose fickle internet is a crapshoot with e-mails, let alone ECM filings. Barring any unforeseen circumstances (and believe it or not I was supposed to be aboard the Pamir AN-12 that crashed here yesterday killing all 40-some aboard,) I should surface in more hospitable latitudes about the time of the State's filing.

Will

[www.afghanchildproject.org](http://www.afghanchildproject.org)