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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

NORTHERN ARAPAHO TRIBE, on its own)
behalf and on behalf of its members,)
JIM SHAKESPEARE, individually,)
NORTHERN ARAPAHO BUSINESS)
COUNCIL CHAIRMAN, in his official capacity,)
Also known as Jim Shakespeare,)
Plaintiffs,)

v.)

UNITED STATES FISH AND WILDLIFE)
DIRECTOR, in his official capacity, also)
known as Daniel M. Ashe, MIGRATORY)
BIRDS AND STATE PROGRAMS REGION)
6 ASSISTANT REGIONAL DIRECTOR,)
in his official capacity, also known as)
Matt Hogan,)
Defendant.)

Civil Action No. 11-CV-347-J

MOTION OF THE EASTERN SHOSHONE TRIBE FOR LEAVE TO APPEAR AS
AMICUS CURIAE

COMES NOW, the Eastern Shoshone Tribe (EST), a federally recognized Indian tribe, sovereign entity and original inhabitant of the Shoshone Reservation (more contemporarily known as the Wind River Indian Reservation), and by and through its Office of Attorney General, moves this

Court for leave to file an *amici curiae* brief in the above-captioned matter. EST believes that an analysis of the laws governing the Wind River Indian Reservation, the impact that the relief the Northern Arapaho Tribe (NAT) seeks regarding their recently-issued United States Fish and Wildlife Service Eagle-taking permit (“Permit”) will have on the EST, and how the Permit issued adequately addresses both the NAT’s religious freedoms and simultaneously complies with the Wind River Indian Reservation laws which govern both the Eastern Shoshone and Northern Arapaho Tribes, would be of assistance to the Court.

The EST consents to participation of *Amicus*, and in further support of its motion, *Amicus* state as follows:

1. The NAT’s amended complaint seeks relief from this Court to determine the Permit should include the Wind River Indian Reservation as a permissible ‘taking’ area - yet that relief violates the express laws of the Reservation that both the Eastern Shoshone and Northern Arapaho Tribes legislatively implemented together (under the Shoshone and Arapaho Law & Order Code), and that currently govern all Tribal members and entities; therefore, such relief sought has a direct negative impact on the EST and laws of the Wind River Indian Reservation that govern both Tribes.
2. The EST and NAT collectively enacted the laws governing the Wind River Indian Reservation to protect their sovereign interests in religious and cultural practices, and the Eastern Shoshone Tribe has a significant interest in protecting Eagles from any taking, killing or other harassment; NAT seeks relief that will directly impact and violate the EST interests and cultural practices.

3. Further, the NAT's amended complaint seeks relief from this Court that will significantly impact the Eastern Shoshone's sovereign interests in governing, managing and protecting its one-half, indivisible interest in all wildlife within the Reservation boundaries, especially Eagles.

WHEREFORE, Eastern Shoshone Tribe respectfully requests that this Court grant its motion for leave to appear as *Amicus*, and to file its *amicus curiae* brief in appropriate fashion considering the briefing schedule identified in this Court's April 16, 2012 Scheduling Order, and therefore requests this Court allow Eastern Shoshone to file its *amicus curiae* brief on or before July 13, 2012.

RESPECTFULLY SUBMITTED this 27th day of April, 2012.

/s/Kimberly D. Varilek
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CERTIFICATE OF SERVICE

I hereby certify that on the date hereof, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties in this matter who are registered with the Court's CM/ECF filing system.

/s/ Kimberly D. Varilek