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

UNITED STATES OF AMERICA,
Plaintiff,

and

KUSKOKWIM RIVER INTER-TRIBAL
FISH COMMISSION *et al.*,
Intervenor-Plaintiffs,

v.

STATE OF ALASKA *et al.*,
Defendants.

Case No. 1:22-cv-00054-SLG

**AVCP PLAINTIFFS' RENEWED &
SUPPLEMENTAL MOTION FOR
ATTORNEYS' FEES AND COSTS**

INTRODUCTION

Intervenor-Plaintiffs Association of Village Council Presidents, Ivan M. Ivan, and Betty Magnuson (collectively, "AVCP Plaintiffs"), by and through counsel, respectfully submit this renewed and supplemental motion for attorneys' fees and costs in the total

Renewed & Supplemental Motion for Attorneys' Fees

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amount of \$632,240.56, plus reasonable fees incurred in preparing, submitting, and defending this and their previous applications.

The posture of this motion is straightforward. In March 2024, this Court rejected Defendants State of Alaska, Alaska Department of Fish & Game, and Dough Vincent-Lang’s (collectively, “the State”) attempts to undermine the rural subsistence priority found in Title VIII of the Alaska National Interest Lands Conservation Act (“ANILCA”) and confirmed in the *Katie John* line of cases.¹ In August 2025, the United States Court of Appeals for the Ninth Circuit affirmed.² And last month, the United States Supreme Court denied the State’s petition for certiorari.³ As this Court previously determined, AVCP Plaintiffs intervened “to vindicate their subsistence rights[.]” under Title VIII of ANILCA,⁴ and as prevailing parties, are entitled to reasonable attorneys’ fees pursuant to Section 807, 16 U.S.C. § 3117(a).⁵

AVCP Plaintiffs’ requested award of fees and costs is broken down as follows:

1. AVCP Plaintiffs renew their initial motion for attorneys’ fees in the amount of \$227,592.50 for time reasonably expended before this Court on AVCP Plaintiffs’ claims

¹ Dkt. 129.

² *United States v. Alaska*, 151 F.4th 1124 (9th Cir. 2025).

³ *Alaska v. United States*, No. 25-320, 607 U.S. ___, 2026 WL 79601 (U.S. Jan. 12, 2026) (mem.).

⁴ Dkt. 154 at 9 (quotation marks and citation omitted).

⁵ *Id.* at 9-10 (“Congress intended to provide a comprehensive remedy in § 3117 for all claims by persons and organizations against the State or Federal governments arising under Title VIII of ANILCA”).

in intervention against the State,⁶ and supplement the initial motion with a request for fees in the amount of \$75,010.00 that have not yet been requested. These supplemental fees are for additional work in this Court, including time spent preparing AVCP Plaintiffs' initial fee motion, opposing the State's motion to stay that application, preparing the recent joint status report, and initial work on preparing this renewed and supplemental motion.⁷

2. AVCP Plaintiffs renew their second motion for attorneys' fees in the amount of \$147,260.00 for time reasonably expended before the Ninth Circuit defending this Court's summary judgment order,⁸ and supplement the second motion with a request for fees in the amount of \$26,940.00 that have not yet been requested. These supplemental fees are for additional work in briefing the Ninth Circuit fee motion and coordination with other Intervenor-Plaintiffs regarding the transfer of their fee motions from the Ninth Circuit to this Court.⁹

3. AVCP Plaintiffs supplement their prior applications for attorneys' fees with a request for \$155,438.06 for time reasonably expended and costs reasonably incurred in successfully opposing the State's petition for writ of certiorari before the United States Supreme Court.¹⁰

⁶ Dkt. 138.

⁷ Dougherty Lynch Decl., Ex. A.

⁸ Dkt. 162-3.

⁹ Dougherty Lynch Decl., Ex. B.

¹⁰ Dougherty Lynch Decl., Exs. C, D.

4. At a later date, AVCP Plaintiffs will supplement their motions for time reasonably expended preparing, submitting, and defending this renewed and supplemental motion.

BACKGROUND

I. Procedural Background

As the Court is intimately familiar with the facts of this case, AVCP Plaintiffs will only set forth those that are necessary for the purposes of this renewed and consolidated motion. This case arises out of a series of subsistence fishing orders the State issued in May 2021 and 2022 for the Kuskokwim River that conflicted with orders issued by the United States Fish & Wildlife Service. The United States initiated this action against the State in May 2022, seeking declaratory relief that the State's orders were unlawful and interfered with and contravened the United States' orders, and injunctive relief barring the State from reinstating those orders and from taking future similar action.¹¹ AVCP Plaintiffs intervened on the side of the United States in June 2022.¹² On March 29, 2024, this Court entered its order granting the United States's motion for summary judgment and denying the State's

¹¹ Dkt. 1.

¹² Dkt. 19.

cross-motion for summary judgment.¹³ The Court entered its final judgment on April 1, 2024.¹⁴ The State timely appealed on April 3, 2024.¹⁵

On August 20, 2025, the Ninth Circuit entered its opinion “affirm[ing] the judgment below.”¹⁶ The State timely filed a petition for writ of certiorari on September 15, 2025.¹⁷ On January 12, 2026, the Supreme Court entered its order denying the State’s petition.¹⁸

II. District Court Fee Application Proceedings

On April 15, 2024, following this Court’s entry of judgment, AVCP Plaintiffs and the other Intervenor-Plaintiffs timely filed motions for attorneys’ fees for time reasonably expended before this Court in their claims in intervention against the State.¹⁹ On April 18, 2024, the State filed a motion to stay the consideration of Intervenor-Appellees’ fee applications pending the resolution of the appellate proceedings.²⁰ The State argued that consideration of the fee petitions should be stayed because the appellate proceedings could result in a reversal of the Court’s summary judgment decision, making the Intervenor-

¹³ Dkt. 129.

¹⁴ Dkt. 130.

¹⁵ Dkt. 131.

¹⁶ *Alaska*, 151 F.4th at 1143.

¹⁷ Dkt. 161.

¹⁸ *Alaska*, 2026 WL 79601, at *1.

¹⁹ Dkts. 133, 135, 137, 138.

²⁰ Dkt. 142.

Plaintiffs no longer prevailing parties.²¹ The State also argued that Intervenor-Plaintiffs were not entitled to fees under 16 U.S.C. § 3117 and that the State would dispute the amount of fees, so it would be a waste of judicial resources for the Court to decide these issues then.²² On May 1, 2024, Intervenor-Plaintiff Alaska Federation of Natives (“AFN”) filed an opposition,²³ in which AVCP Plaintiffs and the other Intervenor-Plaintiffs joined.²⁴ On May 6, 2024, the State filed its reply.²⁵

On May 9, 2024, this Court entered an order denying the State’s motion for a stay and denying in part all Intervenor-Plaintiffs’ applications for attorneys’ fees.²⁶ Specifically, the Court agreed with the State that the Intervenor-Plaintiffs’ applications could be affected by the appellate proceedings, so “it is appropriate to defer ruling on the amount of any fee award until after this case has been resolved on appeal.”²⁷ Additionally, however, the Court agreed with the Intervenor-Plaintiffs that the issue of whether they were entitled to fees

²¹ Dkt. 142 at 3-4.

²² *Id.* at 4.

²³ Dkt. 145.

²⁴ Dkt. 146.

²⁵ Dkt. 149.

²⁶ Dkt. 150.

²⁷ *Id.* at 5-6.

under 16 U.S.C. § 3117 as a matter of law was “a discrete legal issues appropriate for resolution at this state of the litigation.”²⁸

Accordingly, this Court directed the parties to file additional briefing on this one issue and stated that it would then rule on that one issue only.²⁹ The Court then denied in part each of the Intervenor-Plaintiffs’ fee applications “as to the amount of fees to be awarded, if any,” and directed them “renew[] the motions at the conclusion of the appellate proceedings.”³⁰

On May 20, 2024, the State subsequently filed its response to the Intervenor-Plaintiffs’ fee applications, focusing solely on the issue of whether they were entitled to fees under 16 U.S.C. § 3117.³¹ On May 28, 2024, AVCP Plaintiffs, Intervenor-Plaintiffs Kuskokwim River Inter-Tribal Fish Commission (“KRITFC”), and AFN filed a joint reply,³² and Intervenor-Plaintiffs Ahtna Tene Nené and Ahtna, Inc., (“Ahtna”) filed their own reply.³³

On June 6, 2024, this Court entered an order granting AVCP Plaintiffs’ motion on the issue of liability for fees, concluding that “Intervenor-Plaintiffs may seek attorney’s

²⁸ *Id.* at 6.

²⁹ *Id.*

³⁰ *Id.* at 7.

³¹ Dkt. 151.

³² Dkt. 152.

³³ Dkt. 153.

fees pursuant to 16 U.S.C. § 3117,” and leaving the issue of the amount of attorneys’ fees for resolution after the conclusion of the litigation.³⁴ The State did not appeal this order and is thus bound by the decision as the law of the case.³⁵

III. Ninth Circuit Fee Application Proceedings

On September 29, 2025, following the Ninth Circuit’s entry of its opinion affirming this Court’s summary judgment order, AVCP Plaintiffs and the other Intervenor-Plaintiffs timely filed motions for attorneys’ fees for time reasonably expended before the Ninth Circuit defending this Court’s summary judgment order.³⁶ Simultaneously, the Intervenor-Plaintiffs filed a joint motion to transfer the consideration of the Ninth Circuit fee motions to this Court.³⁷ The State did not oppose.³⁸ On October 3, 2025, the Ninth Circuit granted that motion.³⁹ On November 4, 2025, the Intervenor-Plaintiffs subsequently filed their Ninth Circuit motions with this Court.⁴⁰ Based on this Court’s prior orders, the Intervenor-Plaintiffs and the State stipulated that consideration of the fee motions would remain stayed

³⁴ Dkt. 154 at 10.

³⁵ See *Metlakatla Indian Cmty. v. Dunleavy*, 736 F. Supp. 3d 741, 749 (D. Alaska 2024) (quoting *Stacy v. Colvin*, 825 F.3d 563, 567 (9th Cir. 2016)) (“The law of the case doctrine generally prohibits a court from considering an issue that has already been decided by the same court or a higher court in the same case.” (quotation marks omitted)).

³⁶ Dkts. 162-1, 162-2, 162-3, 162-4.

³⁷ Dkt. 162 at 3.

³⁸ *Id.*

³⁹ Dkt. 162-5.

⁴⁰ Dkt. 162.

until Supreme Court proceedings concluded and that Intervenor-Plaintiffs would file supplemental fee motions at the conclusion of the Supreme Court proceedings.⁴¹

On November 6, 2025, this Court ordered the Intervenor-Plaintiffs and the State to file a joint status report regarding the fee motions within seven days of the Supreme Court's final disposition of the State's petition.⁴²

V. Supreme Court Proceedings

On September 15, 2025, the State petitioned the Supreme Court for a writ of certiorari.⁴³ The State's petition was supported by four amicus briefs filed on October 17, 2025 by the Association of Fish & Wildlife Agencies, Idaho and nineteen additional states, Safari Club International, and the Alaska Industrial Development and Export Authority.⁴⁴ On December 9, 2025, Intervenor-Plaintiffs filed a joint brief in opposition to the State's petition, as did the United States.⁴⁵ The State of Alaska filed its reply brief on December

⁴¹ *Id.* at 3.

⁴² Dkt. 163.

⁴³ Dkt. 161.

⁴⁴ *See Alaska, et al. v. United States, et al., Docket No. 25-320*, Sup. Ct. of U.S., <https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/25-320.html>.

⁴⁵ *Id.*

19, 2025.⁴⁶ On January 12, the Supreme Court entered its order denying the State’s petition for writ of certiorari.⁴⁷

V. Present Proceedings

Pursuant to this Court’s November 6 Order, the Parties filed a joint status report regarding the pending fee motions, informing the Court that Intervenor-Plaintiffs would file or renew their applications for fees sought before this Court, the Ninth Circuit, and the Supreme Court on or before February 26, 2026.⁴⁸

Having prevailed on all claims, AVCP Plaintiffs are now entitled to an award of attorney’s fees pursuant to 16 U.S.C. § 3117(a), Federal Rule of Civil Procedure 54(d)(2), Local Civil Rule 54.2, and this Court’s prior order at Docket 154.

ARGUMENT

I. AVCP Plaintiffs’ Attorneys’ Fees and Costs Are Reasonable.

The total amounts that AVCP Plaintiffs are entitled to are as follows:

Proceedings	Initial Fees	Supplemental Fees	Costs	Total
District Court	\$227,592.50	\$ 75,010.00		\$302,602.50
Ninth Circuit	\$147,260.00	\$ 26,940.00		\$174,200.00
Supreme Court		\$152,298.50	\$ 3,139.56	\$155,438.06
				\$632,240.56

A. The Number of Hours Expended in this Litigation Are Reasonable.

⁴⁶ *Id.*

⁴⁷ *Alaska*, 2026 WL 79601, at *1; Dkt. 165.

⁴⁸ Dkt. 166.

This “[C]ourt applies the ‘lodestar’ method to determine what constitutes a reasonable attorney’s fee[.]”⁴⁹ This is calculated by “multipl[ying] the number of hours reasonably expended on the litigation by a reasonable hourly rate.”⁵⁰ The Ninth Circuit has noted that the reasonableness of hours spent on a case “will always depend on case-specific factors,” including, but not limited to, when counsel was retained, the procedural history of the case, and the complexity of the legal issues.⁵¹

Despite limited resources, AVCP Plaintiffs have been invested in and actively participated in the litigation since its inception. The United States initiated this litigation on May 17, 2022.⁵² That same day, Intervenor-Plaintiff AVCP and counsel discussed the United States’ complaint and the litigation’s potential to affect the federal government’s authority under ANILCA to manage subsistence fishing on federal waters.⁵³ Thereafter, AVCP Plaintiffs and counsel were in near-daily communication about the case⁵⁴ until AVCP

⁴⁹ *George M. v. Kijakazi*, No. 3:21-cv-00203-TMB, 2022 WL 4536817, at *1 (D. Alaska Sept. 28, 2022) (citation omitted); *see also Hensley v. Eckerhart*, 461 U.S. 424, 433 n.7 (1983) (unless a particular statute specifies otherwise, the same standards “are generally applicable in all cases in which Congress has authorized an award of fees to a ‘prevailing party’”).

⁵⁰ *George M.*, 2022 WL 4536817, at *1 (citation omitted).

⁵¹ *Costa v. Comm’r of Soc. Sec. Admin.*, 690 F.3d 1132, 1136 (9th Cir. 2012).

⁵² Dkt. 1.

⁵³ *See* Dkt. 138.4 at 3.

⁵⁴ *See id.* at 1, 3, 12–13.

Plaintiffs filed their Motion to Intervene on June 10, 2022.⁵⁵ Counsel attended the June 21, 2022, oral argument on the United States' Motion for a Preliminary Injunction.⁵⁶ AVCP Plaintiffs were granted intervention as a matter of right on July 1, 2022,⁵⁷ and have since actively participated in all dispositive motion practice and briefing at all stages of the litigation.⁵⁸

The time that AVCP Plaintiffs have dedicated to the case is reasonable on multiple grounds, the first being the fundamental importance of ANILCA's subsistence fishing priority to the communities along the Kuskokwim River. It is not an exaggeration to say that the State's arguments, if successful, would have erased subsistence fishing protections from ANILCA. The consequences would have been extensive, including ending federal management of federal waters (and related Tribal agreements, such as that between the U.S. Fish & Wildlife Service and Intervenor-Plaintiff KRITFC), as well as removing subsistence fishing from the purview of the Federal Subsistence Board and local Regional Advisory Councils—essentially upending decades of established management programs and erasing mechanisms for local, rural people and communities to have a say in the management of their subsistence resources.

⁵⁵ Dkt. 19.

⁵⁶ Dkt. 5; Dkt. 27; Dkt. 138.4 at 3, 12–13.

⁵⁷ Dkt. 37.

⁵⁸ Including attending required mediation meetings, preparing for oral argument, and attending oral argument. Dkt. 162-3 at 33, 36, 38.

Second, AVCP Plaintiffs' time is reasonable given the complexity of legal issues presented in the case by the State and numerous *amici curiae*, including cooperative federalism and the State's purported entitlements under its compact with the United States and admission to the Union, statutory interpretation of a unique federal statute (that was the subject of years of congressional deliberation and, since its passage, has been the subject of decades of subsistence litigation), and the breadth and limits of various complex federal, constitutional, and common law doctrines, including the federal reserved water rights doctrine, the navigational servitude, and Congress's Indian Affairs, Commerce Clause, and Property Clause powers. In short, the issues presented required an understanding of the doctrines at the center of the broader struggle between federal supremacy and state sovereignty, the State's history of using subsistence as a proxy to litigate its way out of that tension, and corresponding procedural issues like issue preclusion and judicial estoppel.

Third, as the Ninth Circuit noted in its opinion, this litigation was in direct response to the State's changing positions regarding ANCILA's rural subsistence priority.⁵⁹ For years, the State challenged the rural subsistence priority in *Katie John I*⁶⁰ and *Katie John II*.⁶¹ After losing before the Ninth Circuit in *Katie John I*, the State sought, and was denied,

⁵⁹ *Alaska*, 151 F.4th at 1127.

⁶⁰ *Alaska v. Babbitt*, 72 F.3d 68 (9th Cir. 1995), *cert. denied* 516 U.S. 1036 (1996) and *sub nom. Alaska Fed'n of Natives v. United States*, 517 U.S. 1187 (1996).

⁶¹ *John v. United States* ("Katie John II"), 247 F.3d 1032 (9th Cir. 2001) (en banc).

certiorari. After again losing before the Ninth Circuit in *Katie John II*, the State changed its position and declined to seek certiorari.⁶² The State yet again changed position and challenged the rural subsistence regulations, and again lost before the Ninth Circuit, in *Katie John III*.⁶³ Then, again, the State changed its position, expressly defending *Katie John* and the rural subsistence priority in *Sturgeon v. Frost*.⁶⁴ Following *Sturgeon*, however, the State *yet again* changed its position, and took actions contravening *Katie John*'s holdings, which necessitated this litigation.⁶⁵

Fourth, AVCP Plaintiffs limited their time on the case by actively coordinating with the other Intervenor-Plaintiffs in an attempt to not duplicate briefing or arguments before this Court or the Ninth Circuit. Furthermore, Intervenor-Plaintiffs successfully collaborated on a single brief in opposition to the State's petition for certiorari before the Supreme Court.

⁶² See Dkt. 111-10 at 1 (“‘We must stop a losing legal strategy that threatens to make a permanent divide among Alaskans,’ said [Alaska Governor Tony] Knowles at a press conference in Anchorage. ‘I believe Alaska must do everything it can to protect, not fight, the subsistence rights of rural Alaskans.’ ‘Therefore, I cannot continue to oppose in court what I know in my heart to be right.’”).

⁶³ *John v. United States* (“*Katie John III*”), 720 F.3d 1214 (9th Cir. 2013), *cert. denied sub nom. Alaska v. Jewell*, 572 U.S. 1042 (2014).

⁶⁴ 587 U.S. 28 (2019).

⁶⁵ Furthermore, AVCP Intervenor's time is reasonable given the resources that the State itself put behind the litigation. See Alex DeMarban, *Judge Rules in Favor of Biden Administration in Fight with Alaska Over Rural Priority for Subsistence Fishing*, Anchorage Daily News (Mar. 29, 2024), available at <https://www.adn.com/alaska-news/rural-alaska/2024/03/29/judge-rules-in-favor-of-biden-administration-in-fight-with-alaska-over-rural-priority-for-subsistence-fishing-on-the-kuskokwim-river/> (“‘We were always expecting this case to go up to the highest court in order to get a final decision,’ [Alaska Attorney General Treg] Taylor said. ‘The state plans to appeal.’”).

Finally, AVCP Plaintiffs and their fellow Intervenor-Plaintiffs won. As the Ninth Circuit has observed, in evaluating hours expended, courts should “defer to the winning lawyer’s professional judgment as to how much time [they were] required to spend on the case.”⁶⁶ And as this Court has noted, “[w]here a plaintiff has obtained excellent results, [their] attorney should recover a fully compensatory fee.”⁶⁷

B. Counsel’s Rates Are Reasonable.

The fees requested in this application are based on hourly rates of \$150.00 per hour to \$1,305.00 per hour, which are well within market rates for attorneys of comparable experience, as set forth in counsel Erin Dougherty Lynch’s declaration.⁶⁸ That AVCP Plaintiffs’ counsel is a non-profit law firm that worked pro bono has no relevance here. As the Ninth Circuit has noted, an award of attorneys’ fees under fee-shifting statutes such as ANILCA “is not cost-based,” and “regardless whether the claimant is represented by private counsel or a nonprofit legal services organization,” an attorneys’ fee award based on “prevailing market rates should not be viewed as an unjustified ‘windfall’ profit to the attorney.”⁶⁹

⁶⁶ *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008) (Adding “after all, [they] won, and might not have, had [they] been more of a slacker”).

⁶⁷ *United Cook Inlet Drift Ass’n v. Nat’l Marine Fisheries Serv.*, 2018 WL 10509895, at *6 (D. Alaska Sept. 11, 2018) (quoting *Hensley*, 461 U.S. at 435).

⁶⁸ AVCP Plaintiffs do not seek an enhancement of these rates beyond the lodestar figure based on the complexity of the issues or appellate-level work.

⁶⁹ *Nadarajah v. Holder*, 569 F.3d 906, 916 (9th Cir. 2009) (citations omitted).

The Native American Rights Fund (“NARF”) is one of the preeminent federal Indian law firms in the country. NARF has litigated foundational Tribal hunting and fishing cases for over fifty years, and its attorneys have argued numerous cases before the Supreme Court and the Ninth Circuit. NARF opened its Anchorage, Alaska office in 1984 to focus specifically on Alaska Native legal issues. NARF litigated the *Katie John* cases and has developed a specialized expertise in litigation involving Title VIII’s rural subsistence priority.⁷⁰ The factual and legal history of litigation involving Title VIII and the rural subsistence priority is as immense as it is complicated. Among the attorneys who worked on this case, Heather Kendall Miller has over three decades of experience litigating ANILCA cases, and was the lead attorney in *Katie John II* and *Katie John III*, in addition to other important subsistence cases.

The fact that multiple attorneys were involved in this case is reasonable given the breadth of issues described above, the voluminous history of litigation that the State’s arguments implicated, and the State’s timing in raising specific arguments. Hours expended on the case between June 2022, when AVCP Plaintiffs filed their motion for intervention,⁷¹ and August 2023 were fairly limited. Yet, in its September 2023 cross-motion for summary

⁷⁰ *Alaska v. Babbitt* (“*Katie John I*”), 72 F.3d 698 (9th Cir. 1995), cert. denied 516 U.S. 1036 (1996) and sub nom. *Alaska Fed’n of Natives v. United States*, 517 U.S. 1187 (1996); *John v. United States* (“*Katie John II*”), 247 F.3d 1032 (9th Cir. 2001) (en banc); and *John v. United States* (“*Katie John III*”), 720 F.3d 1214 (9th Cir. 2013), cert. denied sub nom. *Alaska v. Jewell*, 572 U.S. 1042 (2014). NARF filed the first lawsuit on behalf of Katie John in 1985. *John v. State*, No. A85-698 Civil.

⁷¹ Dkt. 19.

judgment,⁷² the State made it clear that it intended to use this case as a vehicle to overturn the *Katie John* line of cases, upend federal subsistence management, and erase the rural priority for subsistence fishing found in ANILCA. At that point, NARF committed significantly more resources to the case.

Based on the foregoing, the Court should find that NARF's rates and number of hours were reasonably incurred, and that AVCP Plaintiffs are entitled to an award of attorneys' fees in the amount of \$629,101.00, plus reasonable fees incurred in submitting and defending this application.

C. AVCP Plaintiffs' Costs are Reasonable

In addition to attorneys' fees, AVCP Plaintiffs seek an award of costs in the amount of \$3,139.56. This reflects the cost of printing, mailing, and filing Intervenor-Plaintiffs' brief in opposition with the Supreme Court.⁷³ AVCP Plaintiffs contracted with a leading Supreme Court printing firm (Counsel Press) to proof, print, file, and serve Intervenor-Plaintiffs' brief in opposition. Based on undersigned counsel's experiences obtaining similar services, the cost incurred to print, file, and serve the brief in opposition is reasonable.

⁷² Dkt. 73.

⁷³ Dougherty Lynch Decl., Ex. D.

CONCLUSION

AVCP Plaintiffs are prevailing parties and are entitled to an award of attorneys' fees and costs in the amount of \$632,240.56, plus reasonable fees incurred in submitting and defending this application.

RESPECTFULLY SUBMITTED this 26th day of February, 2026.

/s/ Erin C. Dougherty Lynch

/s/ Wesley James Furlong

Erin C. Dougherty Lynch (AK Bar No. 0811067)

Heather R. Kendall Miller (AK Bar No. 9211084)

Wesley James Furlong (AK Bar No. 1611108)

Megan R. Condon (AK Bar No. 1810096)

Sydney Tarzwell (AK Bar No. 1801001)

NATIVE AMERICAN RIGHTS FUND

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of February, 2026, I electronically filed the foregoing Intervenor-Plaintiffs' Application for Attorneys' Fees and Costs with the Clerk of the Court for the United States District Court for the District of Alaska using the CM/ECF system. I certify that all participants in this case are registered CM/ECF users.

/s/ Wesley James Furlong

Wesley James Furlong (AK Bar No. 1611108)

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