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9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 STATE OF CALIFORNIA, et al.,)

13 Plaintiffs,)

14 v.)

15 U.S. BUREAU OF LAND)
16 MANAGEMENT, et al.)

17 Defendants.)

Case No. 4:18-cv-00521-HSG (related)

18 Case No. 4:18-cv-00524-HSG (related)

19 SIERRA CLUB, et al.,)

STATEMENT OF RECENT DECISION

20 Plaintiffs,)

21 v.)

22 RYAN ZINKE, et al.)

23 Defendants.)
24)
25)

1 Per Local Civil Rule 7-3(d)(2), Federal Defendants respectfully submit this statement of
2 recent decision to notify the Court that today, June 4, 2018, the Tenth Circuit Court of Appeals
3 denied the motions to dismiss (ex. A attached) and issued the mandate (ex. B attached) in
4 *Wyoming v. Zinke*, 871 F.3d 1133 (10th Cir. 2017), the appeal from the District of Wyoming
5 judgment regarding the Bureau of Land Management’s 2015 rule titled “Hydraulic Fracturing on
6 Federal and Indian Lands,” 80 Fed. Reg. 16,128.

7
8 Respectfully submitted this June 4, 2018,

9 JEFFREY H. WOOD
10 Acting Assistant Attorney General

11 /s/ Rebecca Jaffe
12 Environment and Natural Resources Division
13 United States Department of Justice
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EXHIBIT A

FILED

United States Court of Appeals
Tenth Circuit

June 4, 2018

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

STATE OF WYOMING; STATE OF
COLORADO; INDEPENDENT
PETROLEUM ASSOCIATION OF
AMERICA; WESTERN ENERGY
ALLIANCE,

Petitioners - Appellees,

and

STATE OF NORTH DAKOTA;
STATE OF UTAH; UTE INDIAN
TRIBE,

Intervenors Petitioners -
Appellees,

v.

No. 16-8068

RYAN ZINKE, Secretary, United
States Department of the Interior;
UNITED STATES BUREAU OF
LAND MANAGEMENT; UNITED
STATES DEPARTMENT OF THE
INTERIOR; KRISTIN BAIL,

Respondents - Appellants,

and

SIERRA CLUB; EARTHWORKS;
WESTERN RESOURCE
ADVOCATES; CONSERVATION
COLORADO EDUCATION FUND;
WILDERNESS SOCIETY;

SOUTHERN UTAH WILDERNESS
ALLIANCE,

Intervenors Respondents,

UNITED STATES CHAMBER OF
COMMERCE; PETROLEUM
ASSOCIATION OF WYOMING,
FORMER OFFICIALS OF THE U.S.
DEPARTMENT OF THE INTERIOR;
INTERESTED PUBLIC LANDS,
NATURAL RESOURCES, ENERGY,
and ADMINISTRATIVE LAW
PROFESSORS; PETROLEUM
ASSOCIATION OF WYOMING,
PACIFIC LEGAL FOUNDATION;
WYOMING LIBERTY GROUP,
STATE OF MONTANA; STATE OF
ALASKA; STATE OF KANSAS;
STATE OF TEXAS,

Amici Curiae.

STATE OF WYOMING; STATE OF
COLORADO; INDEPENDENT
PETROLEUM ASSOCIATION OF
AMERICA; WESTERN ENERGY
ALLIANCE,

Petitioners - Appellees,

and

STATE OF NORTH DAKOTA;
STATE OF UTAH; UTE INDIAN
TRIBE,

Intervenors Petitioners -
Appellees,

No. 16-8069

v.

SIERRA CLUB; EARTHWORKS;
WESTERN RESOURCE
ADVOCATES; CONSERVATION
COLORADO EDUCATION FUND;
WILDERNESS SOCIETY;
SOUTHERN UTAH WILDERNESS
ALLIANCE,

Intervenors Respondents -
Appellants,

and

RYAN ZINKE, Secretary, United
States Department of the Interior;
UNITED STATES BUREAU OF
LAND MANAGEMENT; UNITED
STATES DEPARTMENT OF THE
INTERIOR; KRISTIN BAIL,

Respondents.

UNITED STATES CHAMBER OF
COMMERCE; PETROLEUM
ASSOCIATION OF WYOMING,
FORMER OFFICIALS OF THE U.S.
DEPARTMENT OF THE INTERIOR;
INTERESTED PUBLIC LANDS,
NATURAL RESOURCES, ENERGY,
and ADMINISTRATIVE LAW
PROFESSORS; PETROLEUM
ASSOCIATION OF WYOMING,
PACIFIC LEGAL FOUNDATION;
WYOMING LIBERTY GROUP,
STATE OF MONTANA; STATE OF
ALASKA; STATE OF KANSAS;
STATE OF TEXAS,

Amici Curiae.

ORDER

Before **BRISCOE, HARTZ, and HOLMES**, Circuit Judges.

These matters are before us on the State of North Dakota's motion to dismiss as moot and for lack of jurisdiction, and on the Ute Indian Tribe's motion to dismiss as moot/for lack of jurisdiction as to the Ute Lands and suggestion of mootness as to other lands. Upon consideration, the motions are denied.

The mandate shall issue forthwith.

Entered for the Court



ELISABETH A. SHUMAKER, Clerk

EXHIBIT B

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK**

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157

Elisabeth A. Shumaker
Clerk of Court

June 04, 2018

Chris Wolpert
Chief Deputy Clerk

Mr. Stephan Harris
United States District Court for the District of Wyoming
Office of the Clerk
2120 Capitol Avenue, Room 2141
Cheyenne, WY 82001-0000

RE: 16-8068, 16-8069, State of Wyoming, et al v. Zinke, et al
Dist/Ag docket: 2:15-CV-00043-SWS

Dear Clerk:

Please be advised that the mandate for these cases has issued today. Please file accordingly in the records of your court.

Please contact this office if you have questions.

Sincerely,



Elisabeth A. Shumaker
Clerk of the Court

cc: Steven F. Alder
J. Campbell Barker
Mark Simeon Barron
Brad Arthur Bartlett
Chloe E. Bourne
Tommy Hauck Butler
David Aiken Carson
Jaimie N. Cavanaugh
Jeffrey A. Chanay
Sean H. Donahue

Timothy C. Fox
Daniel Barry Frank
Jonathan S. Franklin
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William E. Gerard
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Tyler R. Green
Jeremy A Gross
John David Gunter II
Megan L. Hayes
Hope Hogan
M. Reed Hopper
Rebecca Jaffe
James Kaste
Scott P. Klosterman
Andrew J. Kuhlmann
Steven James Lechner
L. Poe Leggette
Steven P. Lehotsky
Jahna M. Lindemuth
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Sean David Reyes
Melissa Lee Reynolds
John Robinson Jr.
Matthew A. Sagsveen
Derek Schmidt
Jody H. Schwarz
Paul Martin Seby
Wayne Kevin Stenehjem
Stephen R. Terrell
Nicholas Vassallo
Robert J. Walker
Robert John Walker
Susannah Weaver
Cody J. Wisniewski

Jonathan Wood
Frederick Richard Yarger

EAS/sds