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*Attorneys for Proposed Defendant-Intervenor
Kootenai Tribe of Idaho in Member Case No. CV 23-3-M-DWM*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

CENTER FOR BIOLOGICAL DIVERSITY, et al., Plaintiffs, and ALLIANCE FOR THE WILD ROCKIES, et al., Consolidated Plaintiffs, vs. U.S. FOREST SERVICE, et al. al.,	Lead Case No. CV 22-114-M-DWM Member Case No. CV 23-3-M-DWM UNOPPOSED MOTION OF THE KOOTENAI TRIBE OF IDAHO TO INTERVENE IN MEMBER CASE
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UNOPPOSED MOTION TO INTERVENE

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Defendants, KOOTENAI TRIBE OF IDAHO, Defendant-Intervenor, and KIRSTEN KAISER, District Ranger, Kootenai National Forest, Three Rivers Ranger District, <i>et al.</i> , Consolidated Defendants. and KOOTENAI TRIBE OF IDAHO, Proposed Defendant- Intervenor.	
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Pursuant to Rule 24 of the Federal Rules of Civil Procedure (FRCP), the Kootenai Tribe of Idaho (the Tribe) respectfully moves to intervene on the side of federal defendants as a matter of right or permissively in the member case (No. CV 23-3-M-DWM) challenging the Forest Service’s Black Ram Project on the Kootenai National Forest. The Tribe currently is a defendant-intervenor in the lead case (No. CV 22-114-M-DWM) challenging the Forest Service’s Black Ram Project on the Kootenai National Forest.

Counsel for the Tribe conferred with counsel for the existing parties in both the lead and member cases and reports that plaintiffs and consolidated plaintiffs do not oppose the Tribe's intervention, and that the Forest Service defendants do not take a position on the Tribe's intervention.

Regarding the substance of the Tribe's motion, intervention of right under FRCP 24(a) is warranted because the Tribe satisfies all four factors for intervention. First, this motion is timely because it is being filed at an early stage of the member case, less than three weeks after the filing of the complaint and before any substantive briefing. Second, the Tribe has a significant interest in defending the Project, which is located in its aboriginal territory, because the Project is consistent with the Tribe's holistic and proactive approach towards land management within Kootenai Territory and with the Tribe's mission to guard and keep the land forever. Third, absent participation in this case, the Tribe will have no opportunity to defend against plaintiffs' efforts to impede the forest health benefits that will flow from Project implementation in Kootenai Territory. Fourth, the existing parties do not adequately represent the interests of the Tribe because they do not (and cannot) share the sovereign interests of an Indian Tribe. Alternatively, the Court could grant permissive intervention under FRCP 24(b)

because the Tribe's timely defenses share common questions of law and fact with the main action, which is all that is required for permissive intervention.

In support of the Tribe's intervention in the member case, and in the interests of judicial economy and efficiency, the Tribe respectfully relies on and incorporates by reference the following documents already on file in the lead case: Memorandum in Support of Motion to Intervene (ECF No. 24); the Declarations of Gary Aitken, Jr., Vice-Chairman for the Tribe (ECF No. 23-6) and Scott Soult, Fish and Wildlife Department Wildlife Division Manager (ECF No. 23-7); the Declaration of Julie Weis Attaching Exhibits (ECF No. 23-4);¹ and the Tribe's Corporate Disclosure Statement (ECF No. 23-9). In addition, this unopposed motion is supported by an accompanying proposed Answer of Kootenai Tribe of Idaho to Complaint in Member Case, along with a proposed Order Granting Motion to Intervene in Member Case.

Respectfully submitted this 24th day of January, 2023.

/s/ Kris A. McLean

Kris A. McLean

¹ All of the exhibits attached to the Weis Declaration are excerpts from Black Ram environmental documents now before the Court in the administrative record. The Black Ram Environmental Assessment is found at FS2231-828, the Scoping Activities Map is FS33992, the Scoping Package is found at FS33959-90 and the Decision Notice and Finding of No Significant Impact is found at FS2146-230.

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22-114-M-DWM)

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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of January, 2023, I served a true and correct copy of the foregoing document, via CM/ECF on:

Clerk of U.S. District Court

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