

JEFFREY H. WOOD,  
Acting Assistant Attorney General  
Environment and Natural Resources Division  
United States Department of Justice

SHAUN M. PETTIGREW, Trial Attorney  
JOHN S. MOST, Trial Attorney  
Natural Resources Section  
P.O. Box 7611  
Washington, D.C. 20044-7611  
Phone: (202) 305-3895 (Pettigrew)  
Phone: (202) 616-3353 (Most)  
Fax: (202) 305-0506

*Counsel for Federal Defendants*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

WESTERN ORGANIZATION OF )  
RESOURCE COUNCILS, )  
MONTANA ENVIRONMENTAL )  
INFORMATION CENTER, )  
POWDER RIVER BASIN )  
RESOURCE COUNCIL, )  
NORTHERN PLAINS )  
RESOURCE COUNCIL, SIERRA )  
CLUB, and NATURAL )  
RESOURCES DEFENSE )  
COUNCIL, )

Case No. 4:16-cv-00021-BMM

**NOTICE OF APPEAL**

Plaintiffs, )

v. )

U.S. BUREAU OF LAND )  
MANAGEMENT, an agency )  
within the U.S. Department of the )  
Interior; RYAN ZINKE, in his )

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official capacity as Secretary of the )  
U.S. Department of the Interior; )  
BRIAN STEED, in his official )  
capacity as Deputy Director for )  
Policy and Programs, exercising )  
the authority of the Director of the )  
Bureau of Land Management; and )  
JOE BALASH, in his official )  
capacity as Assistant Secretary of )  
Land and Minerals Management of )  
the U.S. Department of the )  
Interior,<sup>1</sup> )  
)  
Federal Defendants, )  
)  
and )  
)  
CLOUD PEAK ENERGY, INC., )  
PEABODY CABALLO MINING, )  
LLC, and STATE OF WYOMING, )  
)  
Intervenor Defendants. )

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Please take notice that Federal Defendants, U.S. Bureau of Land Management, an agency within the U.S. Department of the Interior; Ryan Zinke, in his official capacity as Secretary of the U.S. Department of the Interior; Brian Steed, in his official capacity as Deputy Director for Policy and Programs, exercising the authority of the Director of the Bureau of Land Management; and Joe Balash, in his official capacity as Assistant Secretary of Land and Minerals

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<sup>1</sup> The successors to the originally named public officers are automatically substituted under Rule 25(d) of the Federal Rules of Civil Procedure.

Management of the U.S. Department of the Interior, hereby appeal to the U.S. Court of Appeals for the Ninth Circuit from the District Court's March 26, 2018, Opinion and Amended Order granting in part and denying in part Plaintiffs' motion for summary judgment, Federal Defendants' cross-motion for summary judgment, and Intervenor-Defendants' cross-motion for summary judgment (ECF No. 111); July 31, 2018, Order on remedy (ECF No. 124); and August 1, 2018, judgment in a civil case (ECF No. 125).

Respectfully submitted on this 1st day of October, 2018.

JEFFREY H. WOOD  
Acting Assistant Attorney General  
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*/s/ Shaun M. Pettigrew*

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shaun.pettigrew@usdoj.gov

john.most@usdoj.gov

*Attorneys for Federal Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of Court via the CM/ECF system, which will provide service to counsel for the parties.

*/s/ Shaun M. Pettigrew*

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SHAUN M. PETTIGREW

*Counsel for Federal Defendants*