

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

JOSEPH A. PAKOOTAS, an individual  
and enrolled member of the  
Confederated Tribes of the  
Colville Reservation and DONALD  
R. MICHEL, an individual and  
enrolled member of the  
Confederated Tribes of the Coville  
Reservation,

*Plaintiffs-Appellants,*

STATE OF WASHINGTON,

*Petitioner-Intervenor-Appellant,*

and

CONFEDERATED TRIBES OF THE  
COLVILLE RESERVATION,

*Plaintiff,*

v.

TECK COMINCO METALS, LTD., a  
Canadian corporation,

*Defendant-Appellee.*

No. 08-35951

D.C. No.  
2:04-cv-00256-LRS  
Eastern District of  
Washington,  
Spokane

JOSEPH A. PAKOOTAS, an individual  
and enrolled member of the  
Confederated Tribes of the  
Colville Reservation; DONALD R.  
MICHEL, an individual and enrolled  
member of the Confederated  
Tribes of the Coville Reservation;  
CONFEDERATED TRIBES OF THE  
COLVILLE RESERVATION,  
*Plaintiffs-Appellees,*  
STATE OF WASHINGTON,  
*Plaintiff-Intervenor-Appellee,*  
v.  
TECK COMINCO METALS, LTD., a  
Canadian corporation,  
*Defendant-Appellant.*

No. 10-35045  
D.C. No.  
2:04-cv-00256-LRS  
Eastern District of  
Washington,  
Spokane  
ORDER

Filed July 1, 2011

Before: Arthur L. Alarcón, Andrew J. Kleinfeld, and  
Richard R. Clifton, Circuit Judges.

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**ORDER**

The opinion filed on June 1, 2011 is amended to include only No. 08-35951 on the caption. *Pakootas v. Teck Cominco Metals*, No. 10-35045 should be removed from the caption.

The amended opinion is filed concurrently with this order.

No petitions for rehearing or petitions for rehearing en banc will be entertained.