

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NAVAJO NATION; HAVASUPAI TRIBE;
REX TILOUSI; DIANNA UQUALLA;
SIERRA CLUB; WHITE MOUNTAIN
APACHE NATION; YAVAPAI-APACHE
NATION; THE FLAGSTAFF ACTIVIST
NETWORK,

Plaintiffs-Appellants,

and

HUALAPAI TRIBE; NORRIS NEZ; BILL
BUCKY PRESTON; HOPI TRIBE;
CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiffs,

v.

UNITED STATES FOREST SERVICE;
NORA RASURE, in her official
capacity as Forest Supervisor,
Responsible Officer, Coconino
National Forest; HARV FORSGREN,
appeal deciding office, Regional
Forester, in his official capacity,

Defendants-Appellees,

ARIZONA SNOWBOWL RESORT
LIMITED PARTNERSHIP,

Defendant-intervenor-Appellee.

No. 06-15371

D.C. Nos.

CV-05-01824-PGR

CV-05-01914-PGR

CV-05-01949-PGR

CV-05-01966-PGR

NAVAJO NATION; HUALAPAI TRIBE;
NORRIS NEZ; BILL BUCKY PRESTON;
HAVASUPAI TRIBE; REX TILOUSI;
DIANNA UQUALLA; SIERRA CLUB;
WHITE MOUNTAIN APACHE NATION;
YAVAPAI-APACHE NATION; CENTER
FOR BIOLOGICAL DIVERSITY; THE
FLAGSTAFF ACTIVIST NETWORK,

Plaintiffs,

and

HOPI TRIBE,

Plaintiff-Appellant,

v.

UNITED STATES FOREST SERVICE;
NORA RASURE, in her official
capacity as Forest Supervisor,
Responsible Officer, Coconino
National Forest; HARV FORSGREN,
appeal deciding office, Regional
Forester, in his official capacity,

Defendants-Appellees,

ARIZONA SNOWBOWL RESORT
LIMITED PARTNERSHIP,

Defendant-intervenor-Appellee.

No. 06-15436

D.C. Nos.

CV-05-01824-PGR

CV-05-01914-PGR

CV-05-01949-PGR

CV-05-01966-PGR

HUALAPAI TRIBE; NORRIS NEZ; BILL
BUCKY PRESTON,
Plaintiffs-Appellants,

v.

UNITED STATES FOREST SERVICE;
NORA RASURE, in her official
capacity as Forest Supervisor,
Responsible Officer, Coconino
National Forest; HARV FORSGREN,
appeal deciding officer, Regional
Forester, in his official capacity,
Defendants-Appellees.

No. 06-15455
D.C. No.
CV-05-01824-PGR
ORDER

Filed October 17, 2007

Before: Mary M. Schroeder, Chief Judge.

ORDER

Upon the vote of a majority of nonrecused regular active judges of this court,¹ it is ordered that this case be reheard by the en banc court pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to this court or any district court of the Ninth Circuit, except to the extent adopted by the en banc court.

¹Judges Hawkins and Bybee are recused.

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