

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

ALASKA WILDERNESS LEAGUE;  
NATURAL RESOURCES DEFENSE  
COUNCIL, INC.; PACIFIC  
ENVIRONMENT AND RESOURCES  
CENTER,

*Petitioners,*

v.

DIRK KEMPTHORNE, et al.,

*Respondent,*

SHELL OFFSHORE, INC.,

*Respondent-Intervenor.*

No. 07-71457

RESISTING ENVIRONMENTAL  
DESTRUCTION ON INDIGENOUS LANDS,  
A PROJECT OF THE INDIGENOUS  
ENVIRONMENTAL NETWORK;  
CENTER FOR BIOLOGICAL  
DIVERSITY AND SIERRA CLUB,

*Petitioners,*

v.

DIRK KEMPTHORNE, et al.,

*Respondent,*

SHELL OFFSHORE, INC.,

*Respondent-Intervenor.*

No. 07-71989

NORTH SLOPE BOROUGH; ALASKA  
ESKIMO WHALING COMMISSION,  
*Petitioners,*

v.

DIRK KEMPTHORNE, et al.,  
*Respondent,*

SHELL OFFSHORE, INC.,  
*Respondent-Intervenor.*

No. 07-72183  
DOI No. 2007-152  
ORDER

Filed March 6, 2009

Before: Dorothy W. Nelson, Stephen Reinhardt, and  
Carlos T. Bea, Circuit Judges.

---

### ORDER

The opinion and dissent filed on November 20, 2008, and published at 548 F.3d 815 (9th Cir. 2008), are hereby vacated and withdrawn. Respondents' petition for rehearing and suggestion for rehearing en banc is denied as moot. All pending motions to file amicus briefs in support of rehearing are likewise denied as moot. The opinion vacated and withdrawn will be replaced by a new opinion. Our denial of the petition for rehearing with suggestion for rehearing en banc is made without prejudice to any party who may wish to file a petition for rehearing or petition for rehearing en banc with regard to the new opinion.

SO ORDERED.



---

PRINTED FOR  
ADMINISTRATIVE OFFICE—U.S. COURTS  
BY THOMSON REUTERS/WEST—SAN FRANCISCO

The summary, which does not constitute a part of the opinion of the court, is copyrighted  
© 2009 Thomson Reuters/West.