

FILED

FOR PUBLICATION

AUG 29 2014

UNITED STATES COURT OF APPEALS

**MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

**ORGANIZED VILLAGE OF KAKE;
THE BOAT COMPANY; ALASKA
WILDERNESS RECREATION AND
TOURISM ASSOCIATION;
SOUTHEAST ALASKA
CONSERVATION COUNCIL;
NATURAL RESOURCES DEFENSE
COUNCIL; TONGASS
CONSERVATION SOCIETY;
GREENPEACE, INC.; WRANGELL
RESOURCE COUNCIL; CENTER
FOR BIOLOGICAL DIVERSITY;
DEFENDERS OF WILDLIFE;
CASCADIA WILDLANDS; SIERRA
CLUB,**

Plaintiffs - Appellees,

v.

**UNITED STATES DEPARTMENT OF
AGRICULTURE; UNITED STATES
FOREST SERVICE; TOM VILSACK,
in his official capacity as Secretary of
Agriculture; HARRIS SHERMAN, in
his official capacity as Under Secretary
of Agriculture of Natural Resources and
Environment; TOM TIDWELL, in his
official capacity as Chief, USDA Forest
Service,**

Defendants,

No. 11-35517

D.C. No. 1:09-cv-00023-JWS

ORDER

**ALASKA FOREST ASSOCIATION,
INC.,**

Intervenor-Defendant,

and

STATE OF ALASKA,

Intervenor-Defendant -
Appellant.

THOMAS, Circuit Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3.

Judge Berzon did not participate in the deliberations or vote in this case.