

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**CONFEDERATED TRIBES OF THE
COLVILLE RESERVATION,**

Plaintiff,

v.

KATHLEEN SEBELIUS et al.,

Defendants.

No. 3:12-cv-00782-MO

OPINION AND ORDER

MOSMAN, J.,

On April 23, 2013, the Court held oral argument in the above-captioned case. The principal question before the Court is whether the Declination Letter satisfies the minimum statutory requirements. I find the Declination Letter is adequate. At oral argument, we discussed the degree of deference owed, if any, to the Agency's interpretation of the relevant statute: *Chevron*, *Skidmore*, or none. Under any of the above, I find the Agency has correctly interpreted the requirements of the Declination Letter and its obligations in determining what we have called the "baseline amount" or the "Secretarial amount." Even under plaintiff's view of the Agency's obligations in determining the Secretarial amount, I find the Declination Letter sets forth all the statute requires in rejecting plaintiff's request.

Based on this Opinion and Order and for the reasons stated on the record, I therefore DENY plaintiff's motion for summary judgment [32] and GRANT defendants' motion for summary judgment [36].

IT IS SO ORDERED.

DATED this 25th day of April, 2013.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge