

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

**FILED**

NOV 10 2022

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

FRIENDS OF ALASKA NATIONAL  
WILDLIFE REFUGES; THE  
WILDERNESS SOCIETY; DEFENDERS  
OF WILDLIFE; NATIONAL AUDUBON  
SOCIETY; WILDERNESS WATCH;  
CENTER FOR BIOLOGICAL  
DIVERSITY; NATIONAL WILDLIFE  
REFUGE ASSOCIATION; ALASKA  
WILDERNESS LEAGUE; SIERRA CLUB,

Plaintiffs-Appellees,

v.

DEBRA HAALAND, in her official  
capacity as Secretary of the U.S. Department  
of the Interior; U.S. DEPARTMENT OF  
THE INTERIOR; UNITED STATES FISH  
AND WILDLIFE SERVICE,

Defendants-Appellants,

and

KING COVE CORPORATION;  
AGDAAGUX TRIBE OF KING COVE;  
NATIVE VILLAGE OF BELKOFSKI;  
STATE OF ALASKA,

Intervenor-Defendants.

No. 20-35721

D.C. No. 3:19-cv-00216-JWS  
District of Alaska,  
Anchorage

**ORDER**

FRIENDS OF ALASKA NATIONAL  
WILDLIFE REFUGES; THE  
WILDERNESS SOCIETY; DEFENDERS  
OF WILDLIFE; NATIONAL AUDUBON  
SOCIETY; WILDERNESS WATCH;  
CENTER FOR BIOLOGICAL  
DIVERSITY; NATIONAL WILDLIFE  
REFUGE ASSOCIATION; ALASKA  
WILDERNESS LEAGUE; SIERRA CLUB,

Plaintiffs-Appellees,

v.

DEBRA HAALAND, in her official  
capacity as Secretary of the U.S. Department  
of the Interior; U.S. DEPARTMENT OF  
THE INTERIOR; UNITED STATES FISH  
AND WILDLIFE SERVICE,

Defendants,

STATE OF ALASKA,

Intervenor-Defendant,

and

KING COVE CORPORATION;  
AGDAAGUX TRIBE OF KING COVE;  
NATIVE VILLAGE OF BELKOFSKI,

Intervenor-Defendants-  
Appellants.

No. 20-35727

D.C. No. 3:19-cv-00216-JWS

FRIENDS OF ALASKA NATIONAL  
WILDLIFE REFUGES; THE  
WILDERNESS SOCIETY; DEFENDERS  
OF WILDLIFE; NATIONAL AUDUBON  
SOCIETY; WILDERNESS WATCH;  
CENTER FOR BIOLOGICAL  
DIVERSITY; NATIONAL WILDLIFE  
REFUGE ASSOCIATION; ALASKA  
WILDERNESS LEAGUE; SIERRA CLUB,

Plaintiffs-Appellees,

v.

DEBRA HAALAND, in her official  
capacity as Secretary of the U.S. Department  
of the Interior; U.S. DEPARTMENT OF  
THE INTERIOR; UNITED STATES FISH  
AND WILDLIFE SERVICE,

Defendants,

KING COVE CORPORATION;  
AGDAAGUX TRIBE OF KING COVE;  
NATIVE VILLAGE OF BELKOFSKI,

Intervenor-Defendants,

and

STATE OF ALASKA,

Intervenor-Defendant-  
Appellant.

No. 20-35728

D.C. No. 3:19-cv-00216-JWS

**MURGUIA**, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that these cases be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion is vacated.

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