Keith A. Talbot, OSB No. 190354 kat@pattersonbuchanan.com PATTERSON BUCHANAN FOBES & LEITCH, INC., P.S. 1050 SW 6<sup>th</sup> Ave., Ste. 1100 Portland, OR 97204 Telephone 503.200.5400 Fax 503.200.5401

Luke W. Goodrich, admitted pro hac vice lgoodrich@becketlaw.org
Joseph C. Davis, admitted pro hac vice jdavis@becketlaw.org
THE BECKET FUND FOR RELIGIOUS LIBERTY 1919 Pennsylvania Ave. NW, Ste. 400
Washington, DC 20006
Telephone 202.955.0095

James J. Nicita, OSB No. 024068 James.Nicita@gmail.com 302 Bluff Street Oregon City, OR 97045 Telephone 503.799.0725 Attorneys for Plaintiffs

# UNITED STATES DISTRICT COURT DISTRICT OF OREGON PORTLAND DIVISION

HEREDITARY CHIEF WILBUR SLOCKISH, a resident of Washington, and an enrolled member of the Confederated Tribes and Bands of the Yakama Nation,

CAROL LOGAN, a resident of Oregon, and an enrolled member of the Confederated Tribes of Grande Ronde,

CASCADE GEOGRAPHIC SOCIETY, an Oregon nonprofit corporation,

and

Case No. 3:08-cv-1169-YY

NOTICE OF APPEAL

MOUNT HOOD SACRED LANDS PRESERVATION ALLIANCE, an unincorporated nonprofit association,

Plaintiffs,

v.

UNITED STATES FEDERAL HIGH-WAY ADMINISTRATION, an Agency of the Federal Government, UNITED STATES BUREAU OF LAND MANAGEMENT, an Agency of the Federal Government.

and

ADVISORY COUNCIL ON HISTORIC PRESERVATION, an Agency of the Federal Government.

Defendants.

Notice is hereby given that Plaintiffs Hereditary Chief Wilbur Slockish, Carol Logan, Cascade Geographic Society, and Mount Hood Sacred Lands Preservation Alliance appeal to the United States Court of Appeals for the Ninth Circuit from the final judgment entered on March 19, 2021 (ECF 358), from the order denying Plaintiffs' motion for summary judgment and granting Defendants' cross-motion for summary judgment and motion to strike entered on February 21, 2021 (ECF 355), from the order denying Plaintiffs' motion for partial summary judgment and granting Defendants' motion for partial summary judgment entered on June 11, 2018 (ECF 312), and from the findings and recommendations adopted in part in the summary-judgment orders (ECF 348, 300).

A representation statement is attached.

Dated: March 22, 2021 Respectfully submitted,

/s/ Luke W. Goodrich
Keith A. Talbot, OSB No. 190354
Patterson Buchanan Fobes
& Leitch, Inc., P.S.
1050 SW 6th Ave., Ste. 1100
Portland, OR 97204

Luke W. Goodrich, Pro Hac Vice Joseph C. Davis, Pro Hac Vice The Becket Fund for Religious Liberty 1919 Pennsylvania Ave. NW, Ste. 400 Washington, DC 20036

James J. Nicita, OSB No. 024068 302 Bluff Street Oregon City, OR 97045 Attorneys for Plaintiffs

### CERTIFICATE OF SERVICE

I certify that on March 22, 2021, the foregoing document was served on all parties through the CM/ECF system.

March 22, 2021

/s/ Luke W. Goodrich Luke W. Goodrich Attorney for Plaintiffs Keith A. Talbot, OSB No. 190354 kat@pattersonbuchanan.com PATTERSON BUCHANAN FOBES & LEITCH, INC., P.S. 1050 SW 6<sup>th</sup> Ave., Ste. 1100 Portland, OR 97204 Telephone 503.200.5400 Fax 503.200.5401

Luke W. Goodrich, admitted pro hac vice lgoodrich@becketlaw.org
Joseph C. Davis, admitted pro hac vice jdavis@becketlaw.org
THE BECKET FUND FOR RELIGIOUS LIBERTY 1919 Pennsylvania Ave. NW, Ste. 400
Washington, DC 20006
Telephone 202.955.0095

James J. Nicita, OSB No. 024068 James.Nicita@gmail.com 302 Bluff Street Oregon City, OR 97045 Telephone 503.799.0725 Attorneys for Plaintiffs

# UNITED STATES DISTRICT COURT DISTRICT OF OREGON PORTLAND DIVISION

HEREDITARY CHIEF WILBUR SLOCKISH, a resident of Washington, and an enrolled member of the Confederated Tribes and Bands of the Yakama Nation,

CAROL LOGAN, a resident of Oregon, and an enrolled member of the Confederated Tribes of Grande Ronde,

CASCADE GEOGRAPHIC SOCIETY, an Oregon nonprofit corporation,

and

Case No. 3:08-cv-1169-YY

PLAINTIFFS'
REPRESENTATION
STATEMENT

MOUNT HOOD SACRED LANDS PRESERVATION ALLIANCE, an unincorporated nonprofit association,

Plaintiffs,

v.

UNITED STATES FEDERAL HIGH-WAY ADMINISTRATION, an Agency of the Federal Government, UNITED STATES BUREAU OF LAND MANAGEMENT, an Agency of the Federal Government.

and

ADVISORY COUNCIL ON HISTORIC PRESERVATION, an Agency of the Federal Government.

Defendants.

Plaintiffs Hereditary Chief Wilbur Slockish, Carol Logan, Cascade Geographic Society, and Mouth Hood Sacred Lands Preservation Alliance file this Representation Statement under Federal Rule of Appellate Procedure 12(b) and Circuit Rules 3-2(b) and 12-2.

### Plaintiffs:

Hereditary Chief Wilbur Slockish, a resident of Washington, and an enrolled member of the Confederated Tribes and Bands of the Yakama Nation.

Carol Logan, a resident of Oregon, and an enrolled member of the Confederated Tribes of Grande Ronde.

Cascade Geographic Society, an Oregon nonprofit corporation.

Mount Hood Sacred Lands Preservation Alliance, an unincorporated nonprofit association.

#### **Counsel for Plaintiffs:**

Keith A. Talbot, OSB No. 190354 kat@pattersonbuchanan.com PATTERSON BUCHANAN FOBES & LEITCH, INC., P.S. 1050 SW 6<sup>th</sup> Ave., Ste. 1100 Portland, OR 97204 Telephone 503.200.5400 Fax 503.200.5401

Luke W. Goodrich, admitted pro hac vice lgoodrich@becketlaw.org
Joseph C. Davis, admitted pro hac vice jdavis@becketlaw.org
THE BECKET FUND FOR RELIGIOUS LIBERTY 1919 Pennsylvania Ave. NW, Ste. 400
Washington, DC 20006
Telephone 202.955.0095

James J. Nicita, OSB No. 024068 James.Nicita@gmail.com 302 Bluff Street Oregon City, OR 97045 Telephone 503.799.0725

#### **Defendants:**

United States Federal Highway Administration, an Agency of the Federal Government.

United States Bureau of Land Management, an Agency of the Federal Government.

Advisory Council on Historic Preservation, an Agency of the Federal Government.

#### **Counsel for Defendants:**

Billy J. Williams, OSB No. 901366 Tim Simmons, OSB No. 924615 tim.simmons@usdoj.gov U.S. ATTORNEY'S OFFICE District of Oregon 405 E. 8th Ave., Ste. 2400 Eugene, OR 97401 Telephone 541.465.6740

Prerak Shah
Reuben Shifman
reuben.schifman@usdoj.gov
U.S. DEPARTMENT OF JUSTICE
ENVIRONMENTAL & NATURAL
RESOURCES DIVISION
P.O. Box 7611
Washington, D.C. 20044-7611
Telephone 202.305.4224

Dated: March 22, 2021 Respectfully submitted,

/s/ Luke W. Goodrich
Keith A. Talbot, OSB No. 190354
Patterson Buchanan Fobes
& Leitch, Inc., P.S.
1050 SW 6th Ave., Ste. 1100
Portland, OR 97204

Luke W. Goodrich, Pro Hac Vice Joseph C. Davis, Pro Hac Vice The Becket Fund for Religious Liberty 1919 Pennsylvania Ave. NW, Ste. 400 Washington, DC 20036

James J. Nicita, OSB No. 024068 302 Bluff Street Oregon City, OR 97045

Attorneys for Plaintiffs

# CERTIFICATE OF SERVICE

I certify that on March 22, 2021, the foregoing document was served on all parties through the CM/ECF system.

March 22, 2021

/s/ Luke W. Goodrich Luke W. Goodrich Attorney for Plaintiffs