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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF OREGON

ROBSON BONNICHSEN, C. LORING BRACE,)	Civil No. 96-1481 JE
GEORGE W. GILL, C. VANCE HAYNES, JR.,)	
RICHARD L. JANTZ, DOUGLAS W. OWSLEY,)	
DENNIS J. STANFORD and D. GENTRY STEELE,)	TRIBES' MOTION FOR
)	INTERVENTION
Plaintiffs,)	
)	Pursuant to Fed. R. Civ. P. 24(a) and
vs.)	24(b)
)	
UNITED STATES OF AMERICA DEPARTMENT OF)	
THE ARMY, U.S. ARMY CORPS OF ENGINEERS,)	ORAL ARGUMENT REQUESTED
BARTHOLOMEW B. BOHN II, DONALD R. CURTIS)	
and LEE TURNER,)	
Defendants,)	
)	
CONFEDERATED TRIBES OF THE COLVILLE)	
RESERVATION, NEZ PERCE TRIBE,)	
CONFEDERATED TRIBES OF THE UMATILLA)	
INDIAN RESERVATION, CONFEDERATED TRIBES)	
AND BANDS OF THE YAKAMA NATION)	
)	
Defendant-Intervenor-Applicants)	
)	

COMES NOW the Confederated Tribes of the Colville Reservation, Nez Perce Tribe, Confederated Tribes of the Umatilla Indian Reservation, and Confederated Tribes and Bands of the Yakama Nation (collectively “Tribes”), and hereby respectfully move the Court to grant intervention as of right, or in the alternative permissive intervention, in the new phase of the above-captioned case. The Tribes have made a good faith effort through communications with counsel for plaintiffs and the Federal defendants to resolve this matter and have been unable to do so.

The Tribes seek to intervene on the two limited issues that remain pending in this litigation: (1) the scope of permissible studies of the remains under the Archaeological Resources Protection Act (“ARPA”), 16 U.S.C. § 470(aa) *et seq.* (*Bonnichsen v. United States*, 217 F. Supp.2d 1116, 1165 (D. Or. 2002), *aff’d and remanded*, 367 F.3d 864 (9th Cir. 2004) (as amended)); and (2) the appropriate remedy, if any, concerning the Court’s finding that the Army Corps of Engineers violated the National Historic Preservation Act (“NHPA”), 16 U.S.C. § 470 *et seq.*, by reburying the discovery site (*Id.* at 1162-64 (finding “no other relief than this declaration is appropriate at this time”)).

The Tribes have no intent to relitigate matters that have been previously litigated or to raise any claims unrelated to the above-referenced issues in this new phase of the proceedings. The Tribes’ continuing legal interest in both of these matters requires the Tribes’ continued participation in this case as defendant intervenors.

This motion is based on the supporting memorandum and declaration submitted herewith.

DATED this 8th day of September, 2004.

RESPECTFULLY SUBMITTED,

MORISSET, SCHLOSSER, JOZWIAK & McGAW

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