

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATHANIEL P. REED, *et al.*,

Plaintiffs,

v.

KEN SALAZAR, in his official capacity as
Secretary of the Interior, *et al.*

Defendants,

CONFEDERATED SALISH & KOOTENAI
TRIBES,

Intervenor-Defendant.

Civil Action No. 08-2117 (CKK)

ORDER

(September 28, 2010)

For the reasons expressed in the accompanying Memorandum Opinion, it is, this 24th day of September, 2010, hereby

ORDERED that Plaintiffs' [30] Motion for Summary Judgment is GRANTED-IN-PART with respect to Count III of the Complaint for violation of the National Environmental Policy Act and DENIED-IN-PART WITHOUT PREJUDICE with respect to all other claims for relief; it is further

ORDERED that the Federal Defendants' [37] Cross-Motion for Summary Judgment is DENIED with respect to Count III of the Complaint and DENIED WITHOUT PREJUDICE with respect to all other claims for relief; it is further

ORDERED that Intervenor-Defendant's [34] Motion for Summary Judgment is DENIED with respect to Count III of the Complaint and DENIED WITHOUT PREJUDICE with respect to

all other claims for relief; it is further

ORDERED that the Fiscal Years 2009-2011 Annual Funding Agreement between the United States Department of the Interior Fish and Wildlife Service and the Confederated Salish and Kootenai Tribes of the Flathead Reservation be set aside and rescinded; and it is further

ORDERED that this action is dismissed.

This is a final, appealable Order.

Date: September 28, 2010

/s/

COLLEEN KOLLAR-KOTELLY
United States District Judge