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10 Mining Association

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 **SAVE THE SCENIC SANTA RITAS;**
14 **CENTER FOR BIOLOGICAL**
15 **DIVERSITY; FARMERS**
16 **INVESTMENT CO; and FARMERS**
17 **WATER CO.,**

18 **Plaintiffs,**

19 **v.**

20 **UNITED STATES FOREST SERVICE;**
21 **JAMES UPCHURCH, Supervisor of the**
22 **Colorado National Forest**

23 **Defendants.**

24 **and**

25 **ROSEMONT COPPER COMPANY,**

26 **Intervenor-Defendant.**

Case No. 4:11-CV-00094-TUC-FRZ

MOTION FOR LEAVE TO FILE BRIEF
OF AMICUS CURIAE
NORTHWEST MINING
ASSOCIATION IN SUPPORT OF
DEFENDANTS' OPPOSITION AND
INTERVENOR-DEFENDANTS'
RESPONSE TO MOTION FOR
PRELIMINARY INJUNCTION

27 The Northwest Mining Association (NWMA) moves for leave to file a brief (Amicus
28 Brief) filed herewith as a Lodged Proposed Document.

1 Northwest Mining Association (NWMA) is a 116 year old, 1,800 member non-profit,
2 non-partisan, trade association founded in Spokane, Washington. In its early years, the
3 Association supported the mining industry throughout the states of Alaska, Idaho, Montana,
4 Oregon, and Washington, the provinces of Alberta and British Columbia, and the Yukon and
5 Northwest Territories. Today, NWMA members reside in 46 U.S. states, 6 Canadian
6 provinces or territories, and 6 other countries. A list of corporate members may be found at
7 www.nwma.org/corpMember.asp. NWMA serves in the role of the state mining association
8 for Oregon and for Washington State, and as the national voice for exploration and access to
9 public lands.

10 Every sector of the mining community is represented among NWMA's members.
11 NWMA's members operate on private, state, and federal lands, including those federal lands
12 administered by the United States Forest Service. NWMA's members produce metallic, non-
13 metallic, and industrial minerals, sand, gravel, and coal. NWMA's members include self-
14 employed prospectors, explorationists, drillers, family-owned operations, landmen, small-
15 business miners, junior mining companies, small, medium and large producers, earth-moving
16 contractors, reclamation specialists, refinery and smelter workers, geologists, engineers,
17 chemists, geophysicists, lawyers, financiers, and environmental scientists.

18 The purpose of the Association is to support and advance the mineral resource and
19 related industries, to represent and inform members on technical, legislative and regulatory
20 issues; to provide for the dissemination of educational materials related to mining to federal
21 and state agencies, the public, and international business communities; and to foster and
22 promote economic opportunity and environmentally responsible mining both in the U.S. and
23 internationally. NWMA frequently testifies and/or comments on proposed legislation and

1 regulations that may affect mining on federal lands. NWMA supports reasonable
2 amendments to the General Mining Law of 1872 that will reduce America's reliance on
3 foreign sources of minerals and encourage development of domestic sources of the minerals
4 needed for America's national and economic security. NWMA is concerned and seeks to
5 ensure that regulations affecting mining activities on federal lands are lawfully promulgated
6 and implemented. See, e.g., *Northwest Mining Association v. Babbitt*, 5 F.Supp.2d 9
7 (D.D.C. 1998).

8 The NWMA members have proposed, are proposing, and will propose in
9 projects that require National Environmental Policy Act (NEPA) review. NWMA members
10 will be affected by a ruling such as that requested by the Plaintiffs in this litigation, imposing
11 Federal Advisory Committee Act (FACA) requirements on the meetings of NEPA federal
12 cooperating agencies. The NWMA and its members are concerned if Plaintiffs arguments
13 are credited, with the practical consequences of such a ruling on projects planned in states
14 other than Arizona.

15 Accordingly, the NWMA respectfully requests leave to file its Amicus Brief in
16 Support of Defendants' Opposition and Intervenor-Defendant's Response to Plaintiffs'
17 Motion for Preliminary Injunction.

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1 Dated: June 20, 2011

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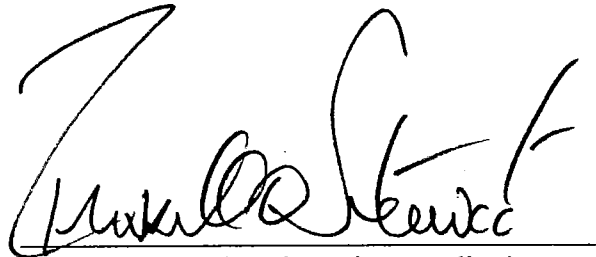
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4 I hereby certify that on June 20, 2011, I caused to be delivered by overnight
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6 first class postage prepaid addressed to:
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