

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

**AUG 24 2006**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

SOUTHEAST ALASKA  
CONSERVATION COUNCIL; et al.,

Plaintiffs - Appellants,

v.

UNITED STATES ARMY CORPS OF  
ENGINEERS; et al.,

Defendants - Appellees,

COEUR ALASKA, INC.; et al.,

Defendant-Intervenors -  
Appellees.

No. 06-35679

D.C. No. CV-05-00012-J-JKS  
District of Alaska,  
Juneau

ORDER

Before: GOODWIN and REINHARDT, Circuit Judges.

Appellants' motions to file an over-length motion and over-length reply are granted. The Clerk shall file the emergency motion for an injunction pending appeal and the reply in support of that motion received herein on August 10, 2006 and August 22, 2006, respectively.

Appellee Coeur Alaska, Inc.'s motion to strike appellants' emergency motion for injunctive relief is denied.

06-35679

Appellants' motion for an injunction pending appeal is granted, without bond. The U.S. Army Corps of Engineers, the U.S. Forest Service, and Coeur Alaska, Inc. are hereby enjoined from authorizing, allowing, or conducting any further construction activities relating to the use of Lower Slate Lake as a disposal site for mine tailings, including, but not limited to, cutting trees, building roads, clearing vegetation, excavating or filling wetlands, building dams or other structures, diverting streams, or altering the natural water level of Lower Slate Lake or the natural flow of East Fork Slate Creek, until further order of this court.

Nothing in this injunction shall prohibit measures needed to restore stream flows, stabilize soils, or prevent erosion.

Appellants' request for expedited briefing and hearing of this appeal is granted. The opening brief and excerpts of record are due September 12, 2006; the answering brief is due October 3, 2006; and the optional reply brief is due within seven days after service of the answering brief.

This appeal will be calendared before the first available panel in the week of November 13, 2006.