

## 2024 NINTH CIRCUIT INDEX OF CASES AND STATUTES

### CASES

16 U.S.C. §6591b(c)(2)(A).....	668, 670, 671
Air Condition & Refrigeration Inst. v. Energy Res. Conservation & Dev. Comm'n, 410 F.3d 493, 499 (9th Cir. 2005) .....	656
Alaska Ctr. for the Env't v. U.S. Forest Serv., 189 F.3d 851, 854 (9th Cir. 1999) .....	707
Alcoa Inc. v. Bonneville Power Admin., 698 F.3d 774, 787 (9th Cir. 2012) .....	708
Alliance for the Wild Rockies v. Petrick, 68 F.4th 475, (9th Cir. 2023) .....	668
Allied-Signal, Inc. v. U.S. Nuclear Regul. Comm'n, 988 F.2d 146 (D.C. Cir. 1993) .....	667
ASARCO, LLC v. Celanese Chem. Co., 792 F.3d 1203, 1215 (9th Cir. 2015).....	702
Baley v. United States, 942 F.3d 1312, 1340–41 (Fed. Cir. 2019).....	712
Bauman v. U.S. Dist. Ct., 557 F.2d 650 (9th Cir. 1977).....	713, 714
Bennett v. Spear, 520 U.S. 154 (1997) .....	693
Biodiversity Legal Found. v. Badgley, 309 F.3d 116, 1173 (9th Cir. 2002) .....	707
Cablevision Sys. Corp. v. FCC, 649 F.3d 695 (D.C. Cir. 2011) .....	665
California Restaurant Association v. City of Berkeley, 65 F.4th 1045 (9th Cir. 2023), as amended, 89 F.4th 1094 (9th Cir. 2024).....	653
Center for Biological Diversity v. Haaland, 58 F.4th 412 (9th Cir. 2023) .....	692
Center for Biological Diversity v. United States Fish & Wildlife Service, 67 F.4th 1027 (9th Cir. 2023).....	688
Center for Biological Diversity v. United States Forest Service, 80 F.4th 943 (9th Cir. 2023).....	697
Chevron, U.S.A., Inc. v. NRDC, Inc., 467 U.S. 837, 104 S. Ct. 2778 (1984).....	663, 664, 665
City & County of San Francisco v. U.S. Environmental Protection Agency, 75 F.4th 1074 (9th Cir. 2023).....	684
Comm. to Save Mokelumne River v. E. Bay Mun. Util. Dist., 13 F.3d 305, 309 (9th Cir. 1993).....	681

Ctr. for Food Safety v. Regan, 56 F.4th 648, 663 (9th Cir. 2022) .....	680
Davis v. Michigan Dep’t. of Treasury, 489 U.S. 803 (1989) .....	662
DOT v. Public Citizen, 541 U.S. 752 (2004).....	666
Engine Mfr. Ass’n v. S. Coast Air Quality Mgmt. Dist., 541 U.S. 246 (2004).....	655
Federal Energy Regulatory Commission v. Vitol, Inc. 79 F.4th 1059 (9th Cir. 2023). .....	658
Friends of Blackwater v. Salazar, 691 F.3d 428 (D.C. Cir. 2012).....	693
Gabelli v. SEC 568 U.S. 442 (2013).....	656
Gearing v. City of Half Moon Bay, 54 F.4th 1144 (9th Cir. 2022) .....	709
GP Vincent II v. Estate of Beard, 68 F.4th 508 (9th Cir. 2023).....	700
Green v. United States, 630 F.3d 1245, 1249 (9th Cir. 2011).....	674
Headwaters Inc. v. BLM, Medford Dist., 14 F.2d 1174 (9th Cir. 1990) .....	677
Headwaters Inc. v. U.S. Forest Serv., 399 F.3d 1047, 1052 (9th Cir. 2005).....	701
Idaho Conservation League v. Bonneville Power Administration, 83 F.4th 1182 (9th Cir. 2023).....	661
Idaho Conservation League v. Poe, 86 F.4th 1243 (2023).....	681
In re Klamath Irrigation District, 69 F.4th 934 (2023).....	712
Klamath Irrigation Dist. v. U.S. Bureau of Reclamation (KID II), 48 F.4th 934 (9th Cir. 2022).....	714
Knick v. Twp. of Scott, Pennsylvania, 588 U.S. 180 (2019) .....	709
Larson v. Domestic & Foreign Com. Corp., 337 U.S. 682 (1949)..	675, 676
Metlakatla Indian Community. v. Dunleavy, 58 F.4th 1034 (9th Cir. 2023).....	703
Migrant Clinicians Network v. U.S. Environmental Protection Agency, 88 F.4th 830 (9th Cir. 2023).....	678
Miller v. U.S., 163 F.3d 591, 594–95 (9th Cir. 1998).....	673
Morton v. Mancari, 417 U.S. 535, 551 (1974) .....	676
Mpoyo v. Litton Electro-Optical Sys., 430 F.3d 985, 987 (9th Cir. 2005) .....	701
Murphy Company v. Biden, 65 F.4th 1122 (9th Cir. 2023).....	675
Nw. Env’t Def. Ctr v. Bonneville Power Admin., 117 F.3d 1520, 1528–29 (9th Cir. 1997).....	661
Owens v. Kaiser Found. Health Plan, Inc., 244 F.3d 708, 713 (9th Cir. 2001).....	701
Pakdel v. City & Cnty. of San Francisco, California, 594 U.S. 474 (2021) .....	709
Pollinator Stewardship Council v. EPA, 806 F.3d 520, 532 (9th Cir. 2015).....	667
Portland Audubon Soc’y v. Babbitt, 998 F.2d 705 (9th Cir. 1993).....	677
Portland Gen. Elec. Co. v. Bonneville Power Admin., 501 F.3d 1009, 1023 (9th Cir. 2007).....	669

Railroad Commission of Texas v. Pullman Co., 312 U.S. 496, 61 S.Ct. 643, 85 L.Ed. 971 (1941).....	709, 710, 711
Ramsey v. Kantor, 96 F.3d 434, 446 (9th Cir. 1996) .....	708
Rybacheck v. EPA, 904 F.2d 1276 (9th Cir. 1990) .....	682
S.F. Herring Ass'n v. Dep't of the Interior, 946 F.3d 564, 578–79 (9th Cir. 2019) .....	693
Schurg v. United States of America, 63 F.4th 826 (9th Cir. 2023).....	672
Schweiker v. Gray Panthers, 453 U.S. 34, 42 n.12 (1981) .....	669
Seattle Audubon Soc'y v. Moseley. 80 F.3d 1401 (9th Cir. 1996) .....	677
Sinclair Oil Corp. v. Cnty. of Santa Barbara, 96 F.3d 401, 409 (9th Cir. 1996) .....	710
Solar Energy Industries Association v. FERC, 80 F.4th 956 (9th Cir. 2023) .....	663
State Eng'r of State of Nevada v. S. Fork Band of the Te-Moak Tribe of W. Shoshone Indians of Nevada, 339 F.3d 804, 809 (9th Cir. 2003) .....	713
State of Alaska Department of Fish and Game v. Federal Subsistence Board, 62 F.4th 1177 (9th Cir. 2023).....	706
United States v. Core Laboratories, Inc., 759 F.2d 480, 482 (5th Cir. 1985).....	659
United States v. Meyer, 808 F.2d 912 (1st Cir. 1987) .....	659
Wallace v. Kato, 549 U.S. 384, 388 (2007) .....	659
Weyerhaeuser Co. v. U.S. Fish & Wildlife Serv., 139 s. cT. 361, 368–69 (2018).....	690
WildEarth Guardians v. United States Forest Service, 70 F.4th 1212 (9th Cir. 2023).....	695

## STATUTES

16 U.S.C. § 3213 (a) (2018) .....	677
16 U.S.C. § 6511 (16)(A).....	670
16 U.S.C. § 6511(1)(A)(ii).....	670
16 U.S.C. § 6591b(c)(2)(A).....	670
16 U.S.C. § 796(17)(A)(ii) .....	664
16 U.S.C. § 839b(h)(11)(A)(i)–(ii) .....	661, 662
16 U.S.C. §§ 796 (17)(a)(ii), (18).....	663
16 U.S.C. §1532(5)(A)(ii) .....	689
16 U.S.C. §1533(a)(1) .....	694
16 U.S.C. §6511(16)(A).....	668
28 U.S.C. § 2462 .....	659
28 U.S.C. §§ 1291, 1346, 1402, 1346, 1402, 2401, 2402, 2411, 2412, 2671–2680 .....	670
33 U.S.C. § 1344(a).....	679
33 U.S.C. § 1362(14).....	679, 680, 681
33 U.S.C. § 1362(6).....	679
33 U.S.C. § 1362(7).....	679
33 U.S.C. §§ 1251–1387 .....	passim
42 U.S.C. § 9607(a).....	702
42 U.S.C. § 9613(f).....	702
42 U.S.C. § 9613(g)(2)(B) .....	702
42 U.S.C. §§ 9601–9675 (2018) .....	700
42 U.S.C. §§ 1983 .....	709
43 U.S.C. § 666(a).....	713
43 U.S.C. §§ 371–390h .....	712
5 U.S.C. §533(e) .....	694
54 U.S.C. § 320301 (d) (2018) .....	677
Administrative Procedure Act, 5 U.S.C. §§ 551–559, 701–706, 1305, 3105, 3344, 4301, 5335, 5372, 7521 (2018).....	663
Antiquities Act of 1906, 54 U.S.C. §§ 320301–320303 (2018).....	675, 676
California Senate Bill 330.....	709, 710
Energy Policy and Conservation Act .....	passim
Federal Power Act §1533(b)(1)(A), 1533(b)(5)–(6), 2601	658, 659, 695, 675
Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act, 43 U.S.C. §§ 2601–2634 (2018).....	675, 676, 677
Pacific Northwest Electric Power Planning and Conservation Act of 1980, 16 U.S.C. §§ 839–839(h) (2018).....	661, 662
Public Utility Regulatory Policies Act of 1978, 16 U.S.C. §§ 2601–2645 (2018).....	663, 664, 665, 666

## OTHER AUTHORITIES

BP-22 ratemaking .....	661, 662
Deutsche Bank Energy Trading, LLC, 142 FERC ¶ 61,056 (2013).....	658
Final Registration Decision in January 2021 .....	679
H.R. Rep. 75-1119, 2 (1937) .....	677
Memorandum of Agreement Concerning Regulation of Discharge of Solid Waste Under the Clean Water Act, 51 Fed. Reg. 8871, 8872 (March 14, 1986).....	682
Proclamation 9564.....	675
U.S. Army Corps of Engineers, Regulation of Waste Disposal from In- Stream Place Mining, Regulatory Guidance Letter 88-10 (July 28, 1990).....	682

## RULES

36 C.F.R. § 242, 50 .....	706
42 C.F.R. §§ 101–6.10.....	706
50 C.F.R. § 100.19(a) .....	707
50 C.F.R. § 100.4 .....	706
50 C.F.R. § 424.12 .....	695
50 C.F.R. § 424.12(e) .....	695
C.F.R. § 100 .....	706
CSO Control Policy, 59 Fed. Reg. 18688–89 (Apr. 19, 1994) (codified at 33 U.S.C. § 1342(q)(1)) .....	683
Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Jaguar, 79 Fed. 12587 .....	690
FRCP 12(b)(6) .....	704
Order 872 .....	passim