

TODD KIM
Acting Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

ARWYN CARROLL (MA Bar 675926)
LEILANI DOKTOR (HI Bar 11201)
Natural Resources Section
P.O. Box 7611
Washington, D.C. 20044-7611
Phone: (202) 305-0465
Fax: (202) 305-0506
arwyn.carroll@usdoj.gov
leilani.doktor@usdoj.gov

Attorneys for Federal Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BARTELL RANCH LLC, *et al.*,

Plaintiffs,

v.

ESTER M. MCCULLOUGH, *et al.*,

Defendants.

WESTERN WATERSHEDS
PROJECT, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT
OF THE INTERIOR, *et al.*,

Defendants.

Case No. 3:21-cv-80-MMD-CLB
Related Case No. 3:21-cv-103-MMD-
CLB
(Consolidated)

**FEDERAL DEFENDANTS'
ANSWER TO RENO-SPARKS
INDIAN COLONY AND ATSA
KODAKUH WYH NUWU
COMPLAINT FOR VACATUR,
EQUITABLE AND INJUNCTIVE
[RELIEF]**

1 Federal Defendants, United States Bureau of Land Management (“BLM”) and
2 Ester M. McCullough, in her official capacity, as District Manager of BLM’s
3 Winnemucca District Office, hereby respond to the Complaint for Vacatur, Equitable
4 and Injunctive [Relief] (the “Complaint”), ECF No. 46, filed on July 29, 2021, by
5 Intervenor-Plaintiffs Reno-Sparks Indian Colony and Atsa Koodakuh Wyh Nuwu. By
6 agreement of the parties and the Scheduling Order entered by the Court, ECF No. 94,
7 Federal Defendants provide the following response to Intervenor-Plaintiffs’ claim for
8 relief and, in addition, assert affirmative defenses or relief to which they claim
9 entitlement. The numbered paragraphs of this response correspond to the numbered
10 paragraphs in the Complaint.
11
12

13 **CLAIMS FOR RELIEF**

14
15 61. This paragraph incorporates the preceding paragraphs of the Complaint
16 and thus requires no response.

17 62. Federal Defendants deny the allegations in Paragraph 62 and deny and
18 any violation of law.

19 63. Federal Defendants deny the allegations in Paragraph 63 and deny and
20 any violation of law.

21 64. Federal Defendants deny the allegations in Paragraph 64 and deny and
22 any violation of law.

23 65. Federal Defendants deny the allegations in Paragraph 65 and deny and
24 any violation of law.
25
26
27
28

RELIEF

The remainder of the Complaint constitutes Intervenor-Plaintiffs' request for relief and legal conclusions, to which no response is required. To the extent that a response is required, Federal Defendants deny that Intervenor-Plaintiffs are entitled to the relief sought or any relief whatsoever.

GENERAL DENIAL

Federal Defendants deny any allegations in Intervenor-Plaintiffs' Complaint, whether express or implied, that are not specifically admitted, denied, or qualified herein.

AFFIRMATIVE AND OTHER DEFENSES

1. The Court may lack subject matter jurisdiction to review some or all of Intervenor-Plaintiffs' claims.
2. Intervenor-Plaintiffs may lack standing to bring some or all of their claims.
3. Intervenor-Plaintiffs' Complaint fails to state a claim upon which relief may be granted.
4. Intervenor-Plaintiffs may have failed to exhaust their administrative remedies.
5. Some or all of Intervenor-Plaintiffs' claims are barred by statute.

WHEREFORE, Federal Defendants respectfully pray that this Court deny in all respects Intervenor-Plaintiffs' Prayer for Relief, dismiss Intervenor-Plaintiffs'

1 Complaint, enter judgment for Federal Defendants, and grant to Federal Defendants
2 such other relief as may be appropriate.
3

4
5 Respectfully submitted this 13th day of October, 2021.

6
7 TODD KIM
8 Assistant Attorney General
9 United States Department of Justice
10 Environment and Natural Resources Div.

11 /s/ Arwyn Carroll
12 ARWYN CARROLL (MA Bar 675926)
13 LEILANI DOKTOR (HI Bar 11201)
14 Trial Attorney
15 Natural Resources Section
16 P.O. Box 7611
17 Washington, D.C. 20044-7611
18 Phone: 202-305-0465
19 Fax: 202-305-0506
20 arwyn.carroll@usdoj.gov
21 leilani.doktor@usdoj.gov

22 *Attorneys for Federal Defendants*
23
24
25
26
27
28