



Pursuant to L.R. 56.1(b), Plaintiffs Center for Biological Diversity, Cascadia Wildlands, and Western Watersheds Project hereby submit this Statement of Genuine Issues.

There are no genuine issues of material fact to be resolved by the Court in this challenge to the Delisting Rule and Section 1713 under the U.S. Constitution and the Administrative Procedure Act (“APA”). As explained by Federal Defendants in their Statement of Genuine Issues, Dkt. 54, claims based on constitutional challenges to a statute on separation of powers grounds and APA claims do not involve issues of fact.

Respectfully submitted this 21st day of June, 2011.

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