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U.S. Supreme Court		
BAY POINT PROPERTIES, INC., FKA BP PROPERTIES, INC. v. MISSISSIPPI TRANSPORTATION COMMISSION, ET AL., 582 U.S.____(2017) (No. 16-1077 June 26, 2017)	Takings Clause	ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF MISSISSIPPI The petition for a writ of certiorari is denied and the pending motions for leave to file briefs amici curiae are granted. Statement of JUSTICE GORSUCH, with whom JUSTICE THOMAS joins, respecting the denial of certiorari. When a State negotiates an easement limited to one purpose but later uses the land for an entirely different purpose, can the State limit, by operation of statute, the compensation it must pay for that new taking? The Mississippi Supreme Court held that it may do just that. But this decision seems difficult to square with the teachings of this Court's cases holding that legislatures generally cannot limit the Compensation due under the Takings Clause of the Constitution. See Monongahela Navi. Co. v. United States, 148 U.S. 312, 327 (1893). Tension appears to exist, too, between the decision here and decisions of the Federal Circuit. See, e.g., Toews v. United States,376 F.3d 1371, 1376 (2004). And the matter is one of general importance as well, for many states have adopted statutes like Mississippi's and the question presented implicates a fundamental feature of the compact between citizen and State. Given all this, these are questions the Court ought take up at its next opportunity.
JOSEPH P. MURR, ET AL., PETITIONERS v. WISCONSIN, ET AL., 582 U.S.__(2017) [No. 15-214, June 23, 2017]	Takings Clause	ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF WISCONSIN, DISTRICT III The St. Croix River, which forms part of the boundary between Wisconsin and Minnesota, is protected under federal, state, and local law. Petitioners own two adjacent lots - Lot E and Lot F along the lower portion of the river in the town of Troy, Wisconsin. For the area where petitioners' property is located, state and local regulations prevent the use or sale of adjacent lots under common ownership as separate building sites unless they have at least one acre of land suitable for development. A grandfather clause relaxes this restriction for substandard lots which were in separate ownership from adjacent lands on January 1, 1976, the regulation's effective date.

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		Petitioners' parents purchased Lots E and F separately in the 1960's, and maintained them under separate ownership until transferring Lot F to petitioners in 1994 and Lot E to petitioners in 1995. Both lots are over one acre in size, but because of their topography they each have less than one acre suitable for development. The unification of the lots under common ownership therefore implicated the rules barring their separate sale or development. Petitioners became interested in selling Lot E as part of an improvement plan for the lots, and sought variances from the St. Croix County Board of Adjustment. The Board denied the request, and the state courts affirmed in relevant part. In particular, the State Court of Appeals found that the local ordinance effectively merged the lots, so petitioners could only sell or build on the single combined lot. Petitioners filed suit, alleging that the regulations worked a regulatory taking that deprived them of all, or practically all, of the use of Lot E. The County Circuit Court granted summary judgment to the State, explaining that petitioners had other options to enjoy and use their property, including eliminating the cabin and building a new residence on either lot or across both. The court also found that petitioners had not been deprived of all economic value of their property, because the decrease in market value of the unified lots was less than 10 percent. The State Court of Appeals affirmed, holding that the takings analysis properly focused on Lots E and F together and that, using that framework, the merger regulations did not effect a taking. Held: The State Court of Appeals was correct to analyze petitioners' property as a single unit in assessing the effect of the challenged governmental action. Pp. 6-20. KENNEDY, J., delivered the opinion of the Court, in which GINSBURG, BREYER, SOTOMAYOR, and KAGAN, JJ., joined. ROBERTS, C. J., filed a dissenting opinion, in which THOMAS and ALITO, JJ., joined. THOMAS, J., filed a dissenting opinion. GORSUCH, J., took no part in the consideration or decision of the case.

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TOWN OF CHESTER, NEW YORK, PETITIONER v. LAROE ESTATES, INC., 581 U.S.____(2017) [No. 16-605, June 5, 2017]	Takings Clause, Standing, Intervention	ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT No. 16-605. Land developer Steven Sherman paid $2.7 million to purchase land in the town of Chester (Town) for a housing subdivision. He also sought the Town's approval of his development plan. About a decade later, he filed this suit in New York state court, claiming that the Town had obstructed his plans for the subdivision, forcing him to spend around $5.5 million to comply with its demands and driving him to the brink of personal bankruptcy. Sherman asserted, among other claims, a regulatory takings claim under the Fifth and Fourteenth Amendments. The Town removed the case to a Federal District Court, which dismissed the takings claim as unripe. The Second Circuit reversed that determination and remanded for the case to go forward. On remand, real estate development company Laroe Estates, Inc. (respondent here), filed a motion to intervene of right under Federal Rule of Civil Procedure 24(a)(2), which requires a court to permit intervention by a litigant that "claims an interest related to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." Laroe alleged that it had paid Sherman more than $2.5 million in relation to the development project and the subject property, that its resulting equitable interest in the property would be impaired if it could not intervene, and that Sherman would not adequately represent its interest. Laroe filed, inter alia, an intervener's complaint asserting a regulatory takings claim that was substantively identical to Sherman's and seeking a judgment awarding Laroe compensation for the taking of Laroe's interest in the property at issue. The District Court denied Laroe's motion to intervene, concluding that its equitable interest did not confer standing. The Second Circuit reversed, holding that an intervenor of right is not required to meet Article Ill's standing requirements. Held: 1. A litigant seeking to intervene as of right under Rule 24(a)(2) must meet the requirements of Article III standing if the intervenor wishes to pursue relief not requested by a plaintiff. To establish Article III standing, a plaintiff seeking compensatory relief must have "(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision." *Spokeo, Inc. v. Robins*, 578 U.S. __, __.

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		The "plaintiff must demonstrate standing for each claim he seeks to press and for each form of relief that is sought." Davis v. Federal Election Comm'n, 554 U.S. 724, 734 (internal quotation marks omitted). The same principle applies when there are multiple plaintiffs: At least one plaintiff must have standing to seek each form of relief requested in the complaint. That principle also applies to interveners of right: For all relief sought, there must be a litigant with standing, whether that litigant joins the lawsuit as a plaintiff, a co-plaintiff, or an intervenor of right. Thus, at the least, an intervenor of right must demonstrate Article III standing when it seeks additional relief beyond that requested by the plaintiff. That includes cases in which both the plaintiff and the intervenor seek separate money judgments in their own names. Pp. 4-6. 2. The Court of Appeals is to address on remand the question whether Laroe seeks different relief than Sherman. If Laroe wants only a money judgment of its own running directly against the Town, then it seeks damages different from those sought by Sherman and must establish its own Article III standing in order to intervene. The record is unclear on that point, and the Court of Appeals did not resolve that ambiguity. Pp. 6-8. 828 F.3d 60, vacated and remanded.
U.S. Federal Circuit Court of Appeals		
GENE CHITTENDEN, ALLEN D. HALL, Plaintiffs-Appellants v. UNITED STATES, Defendant-Appellee, 663 Fed. Appx. 934 (Fed. Cir. 2016)	Takings Clause	Gene Chittenden and Allen Hall hold mining claims on two lode mines located in the Tahoe National Forest in California. After the United States Forest Service installed bat gates on the shaft and portal of the two mines, Mr. Chittenden and Mr. Hall sought damages for, among other things, an uncompensated taking in violation of the Fifth Amendment. The Court of Federal Claims granted summary judgment in favor of the government after determining that the installation of the bat gates did not deprive claimants of the ability to develop their mining claims and therefore no taking occurred. (Disposition is Nonprecedential).

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ROCKY MOUNTAIN HELIUM, LLC, Plaintiff-Appellant v. UNITED STATES, Defendant-Appellee, 841 F.3d 1320 (Fed. Cir. 2016)	Breach of Contract	Rocky Mountain Helium, LLC sued the United States in the United States Court of Federal Claims, asserting breach of two contracts concerning Rocky Mountain's potential extraction of helium from beneath federal lands--the 1994 Helium Contract and the 2008 Settlement Agreement (the latter resolving a dispute centered on the former). The Court of Federal Claims found lack of jurisdiction over both claims and, in the alternative, dismissed the Helium Contract claim on the merits. We partly reverse the jurisdictional dismissal of the Helium Contract claim but affirm the merits dismissal of that claim. We reverse the jurisdictional dismissal of the Settlement Agreement claim and remand for further proceedings on that claim.
REOFORCE, INC., THEODORE SIMONSON, RONALD STEHN, Plaintiffs-Appellants v. UNITED STATES, Defendant-Appellee, 853 F.3d 1249 (Fed. Cir. 2017)	Takings Clause	In this takings case, we must decide whether the Government prevented appellantsReoforce, Inc., Theodore Simonson, and Ronald Stehn (collectively "Reoforce") from mining on a tract of land in California for over a decade, thus taking Reoforce's property rights in a manner compensable under the Fifth Amendment of the Constitution. Reoforce brought this takings claim in the Court of Federal Claims. After a trial, the Claims Court found that Reoforce did not have standing and that Reoforce had also failed to prove the merits of its claim. Contrary to the finding of the Claims Court, we conclude that Reoforce has standing to bring its claim. We agree, however, with the Claims Court's judgment that the Government's acts did not effect a compensable taking of Reoforce's property. We thus affirm.
WYANDOT NATION OF KANSAS, AKA WYANDOTTE TRIBE OF INDIANS, Plaintiff-Appellant v. UNITED STATES, Defendant-Appellee, 858 F.3d 1392 (Fed. Cir. 2017)	Treaty Law, Breach of Fiduciary Obligations	The Wyandot Nation of Kansas ("Wyandot Nation") is a Native American tribe allegedly tracing its ancestry to the Historic Wyandot Nation. It claims to be a federally recognized Indian tribe and a successor-in-interest to all of the treaties between the Historic Wyandot Nation and the United States. On June 1, 2015, Wyandot Nation filed a complaint in the United States Court of Federal Claims alleging that the United States had breached its trust and fiduciary obligations with respect to two trusts that resulted from prior treaties, including one related to amounts payable under a treaty signed in 1867 and one related to the Huron Cemetery. The Court of Federal Claims

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		dismissed without prejudice for lack of jurisdiction and standing. Wyandot Nation appeals. We affirm.
PETRO-HUNT, L.L.C., Plaintiff-Appellant v. UNITED STATES, Defendant-Appellee, 862 F.3d 1370 (Fed. Cir. 2017)	Takings Clause, Breach of Contract, Mineral Rights	Petro-Hunt, L.L.C. appeals the decision of the United States Court of Federal Claims to dismiss its claims for permanent takings, temporary takings, judicial takings, and breach of contract by the United States ("United States" or "the Government"). The Court of Federal Claims dismissed Petro-Hunt's permanent takings claims, contract claims, and some temporary takings claims under the statute of limitations. Petro-Hunt, L.L.C. v. United States, 90 Fed.Cl. 51 (2009) ("Petro-Hunt I"). The Court of Federal Claims subsequently held that the remaining temporary takings claims were barred by 28 U.S.C. § 1500. Petro-Hunt, L.L.C. v. United States, 105 Fed.Cl. 37 (2012) ("Petro-Hunt II"). And, because Petro-Hunt's judicial takings claim would require the Court of Federal Claims to question the merits of the Fifth Circuit's decision regarding the same servitudes asserted in the instant case, the Court of Federal Claims held it also lacked jurisdiction over those claims. Petro-Hunt, L.L.C. v. United States, 126 Fed.Cl. 367 (2016) ("Petro-Hunt III "). Because we agree with the Court of Federal Claims' reasons for its dismissal of Petro-Hunt's claims, we affirm.
U.S. District of Columbia Circuit Court of Appeals		
American Wild Horse Preservation Campaign, et al., Appellants v. Sonny Perdue, Secretary, U.S. Department of Agriculture, et al., Appellees, United States Court of Appeals, District of Columbia Circuit, August 4, 2017, No. 15-5332	Wild and Free-Roaming Horses and Burros Act of 1971 ("Wild Horses Act"), 16 U.S.C. § 1331 et seq and 36 C.F.R. §222.60(a)	Since 1975, the United States Forest Service has protected and managed wild horses in the Devil's Garden section of the Modoc National Forest in Northern California. That wild horse territory originally consisted of two separate tracts of land of roughly 236, 000 acres. But at some point in the 1980s, a Forest Service map added in an approximately 23, 000 acre tract of land known as the Middle Section and, in so doing, linked the two territories into a larger and unified wild horse territory of approximately 258, 000 acres. For more than two decades, the Service continued to describe the territory as a single contiguous area and to manage wild horses in the Middle Section. In 2013, the Forest Service publicly acknowledged the cartographic confusion, declared the expansion reflected in the 1980s map to be an administrative error, and without further analysis redrew the wild horse territory's lines to exclude the Middle Section and to revert to two

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		disjoined tracts of land. The American Wild Horse Preservation Campaign and other plaintiffs filed suit alleging that the Service's revamping of the territorial lines violated numerous federal laws. We agree. A 23, 000 acre tract of land and two decades of agency management cannot be swept under the rug as a mere administrative mistake. We accordingly reverse in part and remand for the Service to address rather than to ignore the relevant history.
AQUALLIANCE, APPELLANT v. UNITED STATES BUREAU OF RECLAMATION, APPELLEE, 856 F.3d 101 (D.C. Cir. 2017)	Freedom of Information Act (FOIA)	There may be "water, water, everywhere," but nary a water well to be found.[1] AquAlliance wants to know where the wells are, and it filed a Freedom of Information Act ("FOIA") request to find out. But the federal government declined to say, invoking FOIA Exemption 9, which permits the withholding of "geological and geophysical information concerning wells," including "maps." 5 U.S.C. § 552(b)(9). The question before us is whether Exemption 9 permits the government to withhold information and maps disclosing the locations and depth of certain water wells. We hold that Exemption 9 means what it says and thus the government's withholding was permissible.
CARPENTERS INDUSTRIAL COUNCIL, ET AL., APPELLANTS, LEWIS COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON, ET AL., APPELLANTS v. RYAN ZINKE AND JAMES KURTH, APPELLEES, 854 F.3d 1 (D.C. Cir. 2017)	Takings Clause, Standing	When the Government adopts a rule that makes it more difficult to harvest timber from certain forest lands, lumber companies that obtain timber from those forest lands may lose a source of timber supply and suffer economic harm. In recent years, that phenomenon has occurred in the Pacific Northwest. In this case, a lumber industry group has contested one such government action. In 2012, the U.S. Fish and Wildlife Service issued a Final Rule designating 9.5 million acres of federal forest lands in California, Oregon, and Washington as critical habitat for the northern spotted owl. To put the agency's action in perspective, the designated critical habitat area is roughly twice the size of the State of New Jersey. . . . The critical habitat designation means that a huge swath of forest lands in the Pacific Northwest will be substantially off-limits for timber harvesting. The threshold question is whether the Council has standing to challenge the critical habitat designation on behalf of its members. The District Court ruled that the Council lacked standing.

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		We disagree. The Council has demonstrated a substantial probability that the critical habitat designation will cause a decrease in the supply of timber from the designated forest lands, that Council members obtain their timber from those forest lands, and that Council members will suffer economic harm as a result of the decrease in the timber supply from those forest lands. Therefore, in light of our decision in Mountain States Legal Foundation v. Glickman, 92 F.3d 1228, 320 U.S. App. D.C. 87 (D.C. Cir. 1996), we conclude that the Council has standing. We reverse the judgment of the District Court and remand the case for further proceedings.
Humane Society of the United States, et al., Appellees v. Ryan Zinke, Secretary of the Interior, et al., Appellees, U.S. Sportsmen's Alliance Foundation, et al., Appellants State of Wisconsin, et al., Appellees, United States Court of Appeals, District of Columbia Circuit August 1, 2017, Nos. 15-5041, 15-5043, 15-5060, 15-5061	Endangered Species Act, Administrative Procedures Act	The gray wolf once roamed in large numbers across the contiguous forty-eight States. But by the 1960s, hunting, depredation, and habitat loss drove the gray wolf to the brink of extinction, and the federal government declared the gray wolf an endangered species. After a portion of the gray wolf population rebounded, the government promulgated the rule at issue here, which removes from federal protection a sub-population of gray wolves inhabiting all or portions of nine states in the Western Great Lakes region of the United States. The Humane Society of the United States challenges that rule as a violation of the Endangered Species Act of 1973 ("Act"), 16 U.S.C. § 1531 et seq., and the Administrative Procedure Act ("APA"), 5 U.S.C. § 551 et seq. Because the government failed to reasonably analyze or consider two significant aspects of the rule-the impacts of partial delisting and of historical range loss on the already-listed species-we affirm the judgment of the district court vacating the 2011 Rule.
UNITED STATES ASSOCIATION OF REPTILE KEEPERS, INC., ET AL., APPELLEES v. RYAN ZINKE, THE HONORABLE,	Endangered Species Act	A federal statute known as the Lacey Act enables the Secretary of the Interior to designate certain species of animals as injurious to humans, wildlife, agriculture, horticulture, or forestry. When a species is designated as injurious, the Act prohibits any importation of the species into the United States or its possessions or territories. 18 U.S.C. § 42(a)(1). The Act additionally bars "any

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IN HIS OFFICIAL CAPACITY AS THE SECRETARY OF THE INTERIOR AND UNITED STATES FISH AND WILDLIFE SERVICE, APPELLANTS, HUMANE SOCIETY OF THE UNITED STATES AND CENTER FOR BIOLOGICAL DIVERSITY, APPELLEES, 852 F.3d 1131 (D.C. Cir. 2017)		shipment" of the species " between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any possession of the United States." Id. This case concerns the proper interpretation of the latter provision, which we will refer to as the shipment clause. All agree that the clause bars shipments of injurious species between each of the listed jurisdictions--for instance, shipments of animals between " Hawaii" and " the continental United States," or between " the Commonwealth of Puerto Rico" and a " possession of the United States." But what about shipments between the states making up "the continental United States" --for instance, shipments between Virginia and Maryland? Does the clause prohibit those shipments as well? * * * The district court sided with the plaintiffs' interpretation. The court thus preliminarily enjoined enforcement of a Fish and Wildlife Service rule barring interstate shipments of two species of snakes deemed to be injurious. We agree with the district court's understanding of the shipment clause. We therefore affirm the court's decision.
SAFARI CLUB INTERNATIONAL AND NATIONAL RIFLE ASSOCIATION OF AMERICA, APPELLANTS v. SALLY JEWELL, IN HER OFFICIAL CAPACITY AS SECRETARY OF THE DEPARTMENT OF THE INTERIOR, ET AL., APPELLEES, 842 F.3d 1280 (D.C. Cir. 2016)	Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES), Mar. 3, 1973, 27 U.S.T. 1087	Although the African elephant is protected under both domestic and international law, the Interior Department's Fish and Wildlife Service has long allowed American hunters who shoot Tanzanian elephants to repatriate their trophies because, according to the Service, doing so "would not be detrimental to the survival of the species." 50 C.F.R. § 23.61(a). In 2014, however, the Service changed course and indefinitely suspended issuance of import permits due in part to a "significant decline in Tanzania's elephant population." 2014 Non-Detriment Finding, at Deferred Appendix 123. Two organizations representing hunters challenged the suspension in district court as substantively and procedurally flawed. Because no member of either group had applied for a permit, the court dismissed the case for lack of final agency action and for failure to exhaust administrative remedies. For the reasons set forth below, we reverse.

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Sierra Club, et al., Petitioners v. Federal Energy Regulatory Commission, Respondent Duke Energy Florida, LLC, et al., Intervenors, Nos. 16-1329, 16-1387, United States Court of Appeals, District of Columbia Circuit, August 22, 2017	Natural Gas Act, 15 U.S.C. § 717; National Environmental Policy Act of 1969, Pub. L. No. 91-190, 83 Stat. 852 (1970), 42 U.S.C. Section 4332.	Environmental groups and landowners have challenged the decision of the Federal Energy Regulatory Commission to approve the construction and operation of three new interstate natural-gas pipelines in the southeastern United States. Their primary argument is that the agency's assessment of the environmental impact of the pipelines was inadequate. We agree that FERC's environmental impact statement did not contain enough information on the greenhouse-gas emissions that will result from burning the gas that the pipelines will carry. In all other respects, we conclude that FERC acted properly. We thus grant Sierra Club's petition for review and remand for preparation of a conforming environmental impact statement.
SILVER STATE LAND, LLC, APPELLANT v. JANICE M. SCHNEIDER, IN HER OFFICIAL CAPACITY AS ASSISTANT SECRETARY, LAND AND MINERALS MANAGEMENT, AND NEIL KORNZE, IN HIS OFFICIAL CAPACITY AS PRINCIPAL DEPUTY DIRECTOR, APPELLEES, 843 F.3d 982 (D.C. Cir. 2016)	Federal Land Policy and Management Act of 1976.	In September 2011, the City of Henderson, Nevada (the "City" or "Henderson") executed an agreement with the Las Vegas National Sports Center ("Sports Center") to construct sports venues on a 480-acre parcel of federally-owned public land. Under the agreement, Sports Center was to serve as the developer and work with the City in designing the project. In exchange, the City agreed to request the Bureau of Land Management ("Bureau") in the Department of Interior ("Department") to convey the public land to the developer. After completion of the project, the developer was to transfer ownership of the land and the sports complex to the City, and the City would lease back the venues to the developer. On June 4, 2012, Silver State submitted the only bid, which was accepted by the Bureau. On November 28, 2012, Silver State paid the balance of money due in connection with the sale and asked the Bureau to issue the patent for the land so that Silver State could record it. Within hours after Silver State transferred the funds to the Bureau, Sports Center terminated its agreement with Henderson. On November 29, 2012, Henderson requested the Bureau to cancel the public land sale because the developer had backed out of its agreement to build the sports complex. In January 2013, the City filed an action in Nevada state court against the developer. However, the parties settled the state court litigation in March 2013. Silver State agreed to give the City $4.25 million after it received and recorded the patent, and the City agreed to withdraw its objection

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		to the land sale. Silver State also agreed not to pursue the sports complex project, or any other development, in Henderson. After reviewing the matter, the Department determined that the Bureau should not give Appellant a patent for the land. Silver State filed suit in District Court to challenge the Department's action. Appellant contended that the Department -- through the Appellee, the Assistant Secretary for Land and Minerals Management ("the Secretary") --violated the Federal Land Policy and Management Act of 1976 ("the Act") by canceling the land sale more than thirty days after Appellant paid for the land. The District Court held that the Secretary had plenary power to terminate the land sale because consummation of the sale would have been contrary to law. See Silver State Land, LLC v. Schneider, 145 F.Supp.3d 113 (D.D.C. 2015). The District Court agreed with the Secretary that the Bureau had authorized a modified competitive land auction, giving special preference to Appellant, only because of the public benefits that the sale was to produce. Those public benefits were to come from the agreement that Appellant had signed with Henderson to build a sports complex, which was supposed to attract jobs and tourism to the region. However, after Appellant obtained the benefit of the modified competitive auction, it broke off the agreement with Henderson. The District Court therefore accepted the Secretary's position that issuing the patent to Appellant would be contrary to the public benefits requirement needed to authorize a modified competitive auction. The court granted summary judgment to the Secretary and Silver State now appeals. We affirm the judgment of the District Court. We hold that the Secretary had plenary power to terminate the land sale, and that the Act did not constrain the Secretary's power. We reject Appellant's claim that the Secretary's action was arbitrary and capricious. Appellant's Agreement with the City was the sole justification for the special auction. However, the auction sale was rendered unlawful when Sports Center terminated the agreement. Finally, we hold that Appellant did not suffer a Due Process Clause violation because it never acquired a property interest in the land.

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Delaware Riverkeeper Network and Maya van Rossum, the Delaware Riverkeeper, Petitioners. v. Federal Energy Regulatory Commission, Respondent. Transcontinental Gas Pipe Line Company, LLC, Intervenor, No. 16-1092, United States Court of Appeals, District of Columbia Circuit, May 23, 2017	Natural Gas Act, Clean Water Act, National Environmental Quality Act	This case involves three federal statutes: the Natural Gas Act ("NGA"), 15 U.S.C. § 717, et seq.; the Clean Water Act ("CWA"), formally titled the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1251, et seq.; and the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4321, et seq. Although the Federal Energy Regulatory Commission ("FERC" or "Commission") administers only the NGA, all three statutes apply to the disputed actions taken by the Commission in this case. On September 30, 2013, Transcontinental Gas Pipe Line Company, LLC ("Transco") filed an application with FERC to construct and operate its proposed Leidy Southeast Project ("Leidy Project"). The project was designed to expand the capacity of Transco's existing natural gas pipeline and add new facilities in Pennsylvania and New Jersey. Pursuant to the requirements of NEPA, FERC conducted an environmental review of the project and issued an environmental assessment ("EA") on August 11, 2014. The EA found, with appropriate mitigating measures, "no significant impacts" associated with the Leidy Project. However, it required Transco to obtain "all applicable authorizations required under federal law" prior to FERC authorizing construction. Because it was understood that the Leidy Project might result in discharges into navigable waters, Transco was obligated by § 401 of the CWA to obtain a water quality certification from the state in which the discharge would originate before FERC could authorize any activity that "may result" in such a discharge. See 33 U.S.C. § 1341(a)(1). The EA thus in turn required Transco to obtain this state certification before FERC would authorize any construction. * * * Commission violated the CWA because it granted Transco's request to construct and operate the Leidy Project prior to the issuance of Pennsylvania's § 401 water quality certification. Riverkeeper also claims that the Commission violated NEPA in failing to establish an accurate baseline from which to conduct its environmental review of the Leidy Project. In particular, Riverkeeper argues that FERC misidentified numerous specially protected wetlands, and miscalculated both the cover type categorization of those wetlands and the total acreage of those wetlands. We find no merit in these claims and, therefore, reject the petition for review.

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U.S. 8th Circuit Court of Appeals		
Ouachita Watch League; et al., Plaintiff - Appellant v. United States Forest Service et al., Defendants - Appellees, 858 F.3d 539 (8th Cir. 2017)	National Forest Management Act of 1976	The United States Forest Service ("Forest Service") developed a management plan for the Ozark--St. Francis National Forests and analyzed the plan's environmental effects in 2005. At that time, the Forest Service anticipated 10-20 new natural-gas wells within ten years. That expectation arose from projections about natural-gas development in north central Arkansas's Fayetteville Shale Play. The projection missed the mark. Three years later, the Forest Service discovered that the better prediction was not 10-20 new wells, but 1,730. It nevertheless concluded, after consulting various experts, that this 85-fold increase in predicted drilling did not require a "correction, supplement, or revision" to the original environmental analysis. The Ozark Society ("the Society") challenges this conclusion, contending that the Forest Service did not look hard enough at the environmental effects of drilling 1,730 wells versus 10-20. Because the Society has not identified any particular member who stands to be harmed by the government action it challenges, it lacks a concrete interest in this dispute, and we must dismiss for lack of jurisdiction.
American Farm Bureau Federation; National Pork Producers Council, Plaintiffs - Appellants, v. U.S. Environmental Protection Agency; Gina McCarthy, Administrator of the U.S. Environmental Protection Agency, Defendants - Appellees, Food & Water Watch; Environmental Integrity Project; Iowa Citizens for	Freedom of Information Act (FOIA); Clean Water Act (CWA)	The American Farm Bureau Federation and the National Pork Producers Council appeal the district court's ruling that they lack Article III standing to bring a "reverse" Freedom of Information Act ("FOIA") suit, see 5 U.S.C. § 552, 706(2)(A), challenging the Environmental Protection Agency's disclosure of certain information about concentrated animal feeding operations. The associations contend that this disclosure is an unlawful release of their members' personal information. Assuming, for purposes of standing analysis, that their claim would be successful on the merits, the associations have established a concrete and particularized injury in fact traceable to the EPA's action and redressable by judicial relief. We therefore conclude the district court erred in dismissing this case for lack of standing. We further determine that the EPA abused its discretion in deciding that the information at issue was not exempt from mandatory disclosure under Exemption 6 of FOIA. Id. § 552(b)(6). Accordingly,

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Community Improvement, Intervenor Defendants - Appellees; National Federation of Independent Business Small Business Legal Center, Amicus on Behalf of Appellant(s), 836 F.3d 963 (8th Cir. 2016)		we reverse and remand for the district court to consider the associations' request for injunctive relief.
City of Ozark, Arkansas, a municipal corporation, Plaintiff - Appellee v. Union Pacific Railroad Company, Defendant - Appellant, 843 F.3d 1167 (8th Cir. 2016)	Interstate Commerce Commission Termination Act ("ICCTA")	The City of Ozark, Arkansas sued Union Pacific Railroad Company in state court seeking an order requiring Union Pacific to restore a public at-grade rail crossing or, alternatively, allowing the City to condemn Union Pacific's land across that public crossing. Union Pacific removed the action,[1] and the parties filed cross motions for summary judgment. The district court granted the City summary judgment and a permanent injunction, rejecting Union Pacific's contention that the Interstate Commerce Commission Termination Act ("ICCTA") grants the Surface Transportation Board ("STB") exclusive jurisdiction over the City's claims. " [P]reemption is not at issue," the court ruled, because the crossing was unlawfully closed. *City of Ozark, Ark. v. Union Pac. R.R.*, 149 F.Supp.3d 1107, 1116 (W.D. Ark. 2015). Union Pacific appeals this preemption ruling, an issue we review de novo . *See Keller v. City of Fremont,* 719 F.3d 931, 937 (8th Cir. 2013), cert. denied, 134 S.Ct. 2140, 188 L.Ed.2d 1125 (2014). We conclude that ICCTA's express preemption provision, 49 U.S.C. § 10501(b), applies to this dispute. We further conclude Union Pacific has made a strong showing that the remedy the City seeks would "impede rail operations or pose undue safety risks," the STB's governing preemption standard. *See Maumee & W.R.R. & RMW Ventures, LLC*, Fin. Dkt. No. 34354, 2004 WL 395835, at *2 (S.T.B. Mar. 2, 2004).

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		We therefore remand to the district court with instructions to rule on Union Pacific's motion to dismiss the City's amended complaint for lack of jurisdiction unless the City obtains a ruling from the STB that it lacks or declines exclusive jurisdiction over this dispute.
In re: Todd Allen Crabtree; Terryl Lynn Crabtree, Debtors: Daniel McDermott, United States Trustee Plaintiff- Appellee v. Todd Allen Crabtree; Terryl Lynn Crabtree Defendants-Appellants Todd Allen Crabtree; Terryl Lynn Crabtree Debtors - Appellants v. Gene W. Doeling Chapter 7 Trustee - Appellee No. 16-6028 United States Bankruptcy Appellate Panel of the Eighth Circuit, January 24, 2017	Bankruptcy Code Section 522(o), Homestead Exemption	Debtors Todd Allen Crabtree and Terryl Lynn Crabtree ("Debtors") appeal the August 8, 2016 memorandum decision and order of the bankruptcy court sustaining Trustee Gene W. Doeling's ("Trustee") objection to Debtors' claimed homestead exemption. We reverse and remand for further proceedings consistent with this opinion. Section 522(o) requires the bankruptcy court to determine the extent to which the improvements Debtors made to their homestead increased the value of Debtors' interest in their homestead. Because the bankruptcy court did not do so, we reverse and remand to allow the bankruptcy court to make this determination[4] and, if it includes any improvements that were paid for by the $19,990.00 Debtor Todd Crabtree's sister wired to Pierce Log Homes in making this determination, to make findings in support of its decision to do so.
In re: Casey Drew O'Sullivan, Debtor; CRP Holdings, A-1, LLC, Appellant v. Casey Drew	Bankruptcy Code Section 522(f)(1), Lien	Casey Drew O'Sullivan filed for Chapter 7 bankruptcy and claimed a $15,000 exemption in a homestead he owned as a tenant in the entirety with his wife. O'Sullivan then sought an order from the bankruptcy court avoiding CRP Holdings, A-1, LLC's (CRP) judicial lien on the homestead property to the extent that it impaired his claimed exemption. The bankruptcy court granted

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O'Sullivan, Appellee, 841 F.3d 786 (8th Cir. 2016)		O'Sullivan's motion to avoid CRP's judicial lien, and the bankruptcy appellate panel (BAP) affirmed. See *In re O'Sullivan*, 544 B.R. 407 (B.A.P. 8th Cir. 2016). Judgment creditor CRP appeals, asserting that its judicial lien is not subject to avoidance. We reverse and remand to the bankruptcy court for further proceedings. * * We decline to undertake the question of whether there is a cognizable lien under § 522(f)(1) in the first instance. Rather, " [o]ut of prudence, we believe it is appropriate to allow the [bankruptcy] court to address this issue in the first instance," thereby " permit[ting] adequate vetting through the adversarial process." *Montin v. Estate of Johnson*, 636 F.3d 409, 416 (8th Cir. 2011). Accordingly the BAP's decision is vacated, and the matter is remanded to the bankruptcy court for it to determine whether CRP has a judicial lien on the property (either enforceable or unenforceable).
Ray Scott, Plaintiff-Appellee v. Tobias J. Tempelmeyer, City Attorney, Defendant-Appellant. No. 16-2404 United States Court of Appeals, Eighth Circuit August 16, 2017	First & Fourth Amendment, Qualified Immunity	Ray Scott sued the City of Beatrice, Nebraska, Mayor Dennis Schuster, and City Attorney Tobias Tempelmeyer, claiming violations of his First and Fourth Amendment rights. The district court granted summary judgment for the City and Schuster and partial summary judgment for Tempelmeyer on Scott's Fourth Amendment claim. The court denied Tempelmeyer qualified immunity on Scott's First Amendment claim alleging that Tempelmeyer retaliated against Scott for exercising his right to free speech. Tempelmeyer appeals the denial of qualified immunity. We conclude that the First Amendment right asserted by Scott - a right to be free from retaliatory regulatory enforcement that is otherwise supported by probable cause-was not clearly established. We therefore reverse the district court's order denying in part Tempelmeyer's motion for summary judgment based on qualified immunity.
United States of America, Plaintiff - Appellee v. Joseph Joshua Jackson, Defendant - Appellant,	Major Crimes Act, Reservation Boundaries	Joseph Joshua Jackson, an Indian, was charged with committing federal felony offenses in the town of Redby, Minnesota, historically part of the Red Lake Indian Reservation. The Major Crimes Act grants federal jurisdiction over these offenses when committed by Indians "within the Indian country," 18 U.S.C. § 1153(a), including the Red Lake Reservation, see 18 U.S.C. § 1162(a). Jackson

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853 F.3d 436 (8th Cir. 2017)		moved to dismiss, arguing the district court lacked subject matter jurisdiction because a 1905 Act of Congress diminished the Red Lake Reservation, removing the town of Redby from Indian country. After the district court denied his motion to dismiss, Jackson conditionally pleaded guilty and appealed that ruling. Concluding the record did not adequately support the district court's determination that Redby is part of Indian country as a matter of law, we vacated the district court's order, allowed Jackson to withdraw his guilty plea, and remanded for further proceedings. *United States v. Jackson*, 697 F.3d 670, 678 (8th Cir. 2012) ("*Jackson I*"). On remand, the parties agreed to resolve the issue of subject matter jurisdiction before Jackson decided whether to withdraw his plea. After an extensive evidentiary hearing, the district court [1] again denied the motion to dismiss and subsequently entered final judgment sentencing Jackson to 136 months in prison. Jackson appeals the order denying his motion to dismiss, again arguing that the 1905 Act diminished the Red Lake Reservation and removed Redby from Indian country. Whether an act of Congress diminished or disestablished an Indian reservation is a question of statutory interpretation we review de novo. See, e.g., *Nebraska v. Parker*, 136 S.Ct. 1072, 1079, 194 L.Ed.2d 152 (2016). We agree with the district court that the 1905 Act did not diminish the Red Lake Reservation. Accordingly, we affirm.
Franconia Minerals (U.S.) LLC, et al., Plaintiffs, v. United States of America, et al., Defendants, 319 F.R.D. 261 (D.Minn. 2017)	Fed. R. Civ. P. Rule 24, Permissive Intervention, Standing	This matter is before the Court on the motion of Movant Northeastern Minnesotans for Wilderness ("NMW") to intervene as a defendant. (See Mot. to Intervene [Doc. No.25].) NMW contends that it is entitled to intervene as a matter of right pursuant to Federal Rule of Civil Procedure 24(a)(2). Alternatively, it asks the Court to permit it to intervene under Rule 24(b)(1)(B), which governs permissive intervention. Because the Court concludes that intervention is warranted pursuant to Rule 24(b)(1)(B), NMW's motion is granted.