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March 22, 2016

Elisabeth Schumacher, Clerk of the Court
Office of the Clerk
United States Court of Appeals for the Tenth Circuit
Byron White U.S. Courthouse
1823 Stout Street
Denver, CO 80257-1823

RE: *Wyoming et al. v. United States Environmental Protection Agency et al.*,
(10th Cir. -- No. 14-9512 and 14-9514)

Dear Ms. Schumacher:

This letter is submitted pursuant to Fed. R. App. P. Rule 28 (j) to bring to the Court's attention pertinent and significant authority which has come to the attention of the Eastern Shoshone Tribe, Intervenor in the above referenced case. The United States Supreme Court issued its opinion today in *Nebraska et al. v. Parker et al.*, Slip Opinion No. 14-1406 (U.S. Mar. 22, 2016). That decision adheres to the well settled framework set out in

Solem v. Bartlett, 465 U.S. 463, 470-472 (1984) employed to determine whether an Indian reservation boundary has been diminished. Following that analysis a unanimous Court concluded that no diminishment had taken place.

The decision's factual and legal holdings directly support Respondent United States Environmental Protection Agency and Intervenor Eastern Shoshone Tribe's legal analysis in the case presently pending before this Court.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Donald R. Wharton".

Donald R. Wharton
Attorney for Intervenor
Eastern Shoshone Tribe

CERTIFICATE OF COMPLIANCE

This citation of supplemental authority complies with the type-volume limitation of Fed. R. App. P. 28(j) because the body of this letter contains 138 words.

This letter complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. 32(a)(6) because this letter has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in size 14, Times New Roman style font.

/s/ Donald R. Wharton

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of March, 2016, a copy of the foregoing letter was filed with the Clerk of the Court for the United States Court of Appeals for the Tenth Circuit using the Court's CM/ECF system.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Donald R. Wharton