

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

HOPI TRIBE, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:17-cv-02590 (TSC)
)	
JOSEPH R. BIDEN, in his official capacity)	
as President of the United States, <i>et al.</i> ,)	
)	
Defendants.)	

UTAH DINÉ BIKÉYAH, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:17-cv-02605 (TSC)
)	
JOSEPH R. BIDEN, in his official capacity)	
as President of the United States, <i>et al.</i> ,)	
)	
Defendants.)	

NATURAL RESOURCES DEFENSE)	
COUNCIL, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:17-cv-02606 (TSC)
)	
JOSEPH R. BIDEN, in his official capacity)	
as President of the United States, <i>et al.</i> ,)	
)	
Defendants.)	CONSOLIDATED CASES

JOINT STATUS REPORT

Pursuant to the Court’s order of March 8, 2021, ECF No. 201, the parties hereby submit this joint status report.

BACKGROUND

The Court previously ordered the parties to file a joint status report by March 5, 2021, addressing how this case should proceed in light of Executive Order 13990, entitled “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,” 86 Fed. Reg. 7,037 (Jan. 20, 2021) (hereinafter “E.O. 13990”). E.O. 13990 instructed the Secretary of the Interior (“Secretary”) to, in consultation with the Attorney General, the Secretaries of Agriculture and Commerce, the Chair of the Council on Environmental Quality, and Tribal governments, conduct a review of “the monument boundaries and conditions that were established by Proclamation 9681 . . . to determine whether restoration of the monument boundaries and conditions that existed as of January 20, 2017 would be appropriate.” Section 3(a) of E.O. 13990 further instructed the Secretary to submit, within sixty days, a report to the President summarizing the findings of the review—and making recommendations for “such Presidential actions or other actions consistent with law as the Secretary may consider appropriate to carry out the policy” set forth in the executive order. E.O. 13990, § 3(b).

On March 8, 2021, the Court granted Federal Defendants’ unopposed request to stay proceedings in this case and ordered the parties to file a joint status report advising the Court: (1) whether the current dispute has been mooted or the parties anticipate that it will be mooted; (2) whether the parties wish to continue to stay this action for any reason, including the parties’ negotiations over resolving this dispute; or (3) whether the parties agree that this litigation should continue as anticipated pursuant to the federal rules, local rules or a scheduling order. ECF No. 201 at 2-3.

DISCUSSION

Since the Court issued its Order on March 8, 2021, E.O. 13990’s sixty-day deadline for

the Secretary to provide a report to the President was extended to ensure that the Secretary's findings and recommendations benefitted from her visit to Utah. During that visit, which occurred in April, the Secretary visited lands in the area of the national monument at issue in this case and met with elected officials, Tribal leaders, and stakeholders invested in the stewardship of the monument. The Department of the Interior transmitted the report summarizing the findings and recommendations to the President on June 2, 2021.

The parties believe that the Court should continue the stay to allow the President to consider the findings and recommendations in the report. Continuing the stay and allowing the President to consider, and potentially act on, the report's findings and recommendations would better situate the parties to answer the questions in the Court's March 8, 2021 Minute Order concerning whether the current dispute has been or will be mooted or whether the current litigation should continue.

Accordingly, the parties respectfully request that the Court continue the current stay and require the parties to file another joint status report by July 13, 2021. Under the Court's March 8, 2021 order, a joint status report would otherwise be due on July 6, 2021, but the parties respectfully request that the Court extend that deadline by seven days to avoid complications in conferring arising from the potential unavailability of parties and counsel due to the July 4 holiday.

Respectfully submitted this 3rd day of June, 2021,

JEAN E. WILLIAMS
Acting Assistant Attorney General

/s/ Romney S. Philpott
Romney S. Philpott
U.S. Department of Justice
Environment and Natural Resources Division

Judith E. Coleman
U.S. Department of Justice
Environment and Natural Resources Division

Natural Resources Section
999 18th St., #370
Denver, CO 80202
Phone: 303-844-1810
Fax: 303-844-1350
E-mail: Romney.Philpott@usdoj.gov

Natural Resources Section
P.O. Box 7611
Benjamin Franklin Station
Washington, D.C. 20044
Phone: 202-514-3553
E-mail: Judith.Coleman@usdoj.gov

Attorneys for Federal Defendants

/s/ Matthew Lee Campbell (with consent)

Matthew Lee Campbell
NATIVE AMERICAN RIGHTS FUND
1506 Broadway
Boulder, CO 80302
Phone: (303) 447-8760
Fax: (303) 443-7776
Email: mcampbell@narf.org

*Attorney for the Hopi Tribe, Ute Mountain
Ute Tribe and Pueblo of Zuni*

/s/ Paul Spruhan (with consent)

Paul Spruhan, Asst. Attorney General
Jason Searle, Attorney
Litigation and Employment Unit
NAVAJO NATION DEPARTMENT OF
JUSTICE
Post Office Box 2010
Window Rock, Arizona (Navajo Nation)
86515
Phone: (928) 871-6210
Fax: (928) 871-6177
Email: pspruhan@nndoj.org
jasearle@nndoj.org

Attorneys for the Navajo Nation

/s/ Rollie Wilson (with consent)

Rollie Wilson
PATTERSON EARNHART REAL BIRD &
WILSON LLP
601 Pennsylvania Ave., NW
South Building, Suite 900
Washington, D.C. 20004
Phone: (202) 434-8093
Fax: (202) 639-8238
Email: rwilson@nativelawgroup.com

Jeffrey S. Rasmussen, *pro hac vice*
PATTERSON EARNHART REAL BIRD &
WILSON LLP
357 S. McCaslin Blvd., Suite 200
Louisville, CO 80027
Phone: (303) 926-5292
Fax: (303) 926-5293
Email: jrasmussen@nativelawgroup.com

Attorneys for the Ute Indian Tribe

(signatures continued on the next page)

/s/ Lloyd Miller (with consent)

Lloyd Miller
SONOSKY, CHAMBERS, SACHSE,
MILLER & MONKMAN LLP
725 East Fireweed Lane
Suite 420
Anchorage, AK 99503
Phone: (907) 258-6377
Fax: (907) 272-8332
Email: lloyd@sonosky.net

David Mielke
SONOSKY, CHAMBERS, SACHSE,
MILLER, MIELKE & BROWNELL LLP
500 Marquette Avenue, NW
Suite 660
Albuquerque, NM 87102
Phone: (505) 247-0147
Fax: (505) 843-6912
Email: dmielke@abqsonosky.com

Attorneys for the Zuni Tribe

/s/ Adam Kushner (with consent)

Adam Kushner
Hogan Lovells US LLP
555 Thirteenth Street NW
Washington, D.C. 20004
Phone: 202-637-5600
Fax: 202-637-5910
E-mail: adam.kushner@hoganlovells.com

Sundeep Iyer
Hogan Lovells US LLP
390 Madison Avenue
New York, NY 10017
Phone: 212-918-3000
Fax: 212-918-3100
Email: sundeep.iyer@hoganlovells.com

*Attorneys for Plaintiffs Utah Diné Bikéyah,
Friends of Cedar Mesa, Archaeology
Southwest, Conservation Lands Foundation,
Inc., Patagonia Works, The Access Fund, the
National Trust for Historic Preservation, and
the Society of Vertebrate Paleontology*

/s/ Stephen H. M. Bloch (with consent)

Stephen H.M. Bloch
Southern Utah Wilderness Alliance
425 East 100 South
Salt Lake City, UT 84111
Tel.: (801) 486-3161
E-mail: steve@suwa.org

/s/ Heidi McIntosh (with consent)

Heidi McIntosh
Earthjustice
633 17th Street, Suite 1600
Denver, CO 80202
Tel.: (303) 623-9466
E-mail: hmcintosh@earthjustice.org

*Counsel for Southern Utah Wilderness
Alliance*

*Counsel for National Parks Conservation
Association, The Wilderness Society,
Defenders of Wildlife, Grand Canyon Trust,
Great Old Broads for Wilderness, Western
Watersheds Project, WildEarth Guardians,
Sierra Club, and Center for Biological
Diversity*

/s/ Katherine Desormeau (with consent)

Katherine Desormeau
Natural Resources Defense Council
111 Sutter Street, 21st Floor
San Francisco, CA 94104
Tel.: (415) 875-6158
E-mail: kdesormeau@nrdc.org
*Counsel for Natural Resources Defense
Council*

/s/ Anthony L. Rampton (with consent)

Anthony L. Rampton
UTAH ATTORNEY GENERAL'S OFFICE
5110 State Office Building
Salt Lake City, UT 84114
(801) 537-9819
Email: arampton@agutah.gov

Tyler R. Green
CONSOVOY MCCARTHY PLLC
222 S. Main Street
5th Floor
Salt Lake City, UT 84101
703-243-9423
Email: tyler@consovoymccarthy.com

Megan Evelyn Garrett
Richard Ellison Mansfield
MITCHELL BARLOW & MANSFIELD,
P.C.
9 Exchange Place, Suite 600
Salt Lake City, UT 84111
316-308-0632
Email: mgarrett@mbmlawyers.com

Attorneys for the State of Utah

/s/ Jeffrey W. McCoy (with consent)
JEFFREY W. McCOY (Colo. Bar No. 43562)
(admitted pro hac vice)
jmccoy@pacificlegal.org
OLIVER J. DUNFORD (Ohio Bar No.73933)
odunford@pacificlegal.org
Pacific Legal Foundation
930 G Street
Sacramento, California 95814
Telephone: (916) 419-7111

JONATHAN WOOD
D.C. Bar No. 1045015
jwood@pacificlegal.org
TODD F. GAZIANO
Tex. Bar No. 07742200
tgaziano@pacificlegal.org
Pacific Legal Foundation
3100 Clarendon Blvd., Suite 610
Arlington, Virginia 22201
Telephone: (202) 888-6881

*Attorneys for Defendants-Intervenors
Brian Sulser, Big Game Forever, Sportsmen
for Fish & Wildlife, Utah Bowmen's
Association, Utah Wild Sheep Foundation,
Michael Noel, and Sandy and Gail Johnson*

(signatures continued on the next page)

/s/ William G. Myers III (with consent)

William G. Myers III
DC Bar No. 408573
HOLLAND & HART LLP
P.O. Box 2527
Boise, Idaho 83701-2527
Telephone: (208) 342-5000
E-mail: wmyers@hollandhart.com

Victoria A. Marquis
Montana Bar No. 13226
(admitted pro hac vice)
HOLLAND & HART LLP
P.O. Box 639
Billings, Montana 59103
Telephone: (406) 252-2166
E-mail: vamarquis@hollandhart.com

*Attorneys for Defendant-Intervenors
American Farm Bureau Federation and Utah
Farm Bureau Federation*

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2021, I electronically filed the foregoing document and its attachment with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to all parties.

/s/ Romney S. Philpott
Romney S. Philpott