

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

INDIGENOUS ENVIRONMENTAL
NETWORK and NORTH COAST
RIVER ALLIANCE,

and

NORTHERN PLAINS RESOURCE
COUNCIL, et al.,

Plaintiffs,

vs.

UNITED STATES DEPARTMENT
OF STATE, et al.,

Defendants

and

TRANSCANADA KEYSTONE
PIPELINE and TRANSCANADA
CORPORATION,

Defendant-Intervenors.

CV-17-29-GF-BMM

CV-17-31-GF-BMM

ORDER

Plaintiffs Indigenous Environmental Network and Northern Plains Resource Council (collectively “Plaintiffs”) moved for summary judgment in this matter. (Docs. 139 & 145.) The United States Department of State (“Department”) and

TransCanada (collectively “Defendants”) filed cross motions for summary judgment. (Docs. 170 & 172.)

The Court granted Plaintiffs’ motions in part, and Defendants’ motions in part in the Court’s Order on summary judgment (Doc. 218.) The Court vacated the Department’s ROD issued on March 23, 2017. Finally, Plaintiff’s request for injunctive relief was granted and the matter was remanded to the Department for further consideration consistent with the Order. (Doc. 218.)

The Order resolved all claims pending before the Court with the exception of Claim 2. Claim 2 relates to the need for TransCanada to obtain a right-of-way across Bureau of Land Management (“BLM”) land. Claim 2 appears not yet ripe. The parties filed motions for summary judgment on February 2, 2018, pursuant to the Court’s scheduling order. Both Plaintiffs failed to brief the claim related to the BLM right-of-way.

Claim 2 shall be dismissed without prejudice. Plaintiffs remain free to re-file a new cause of action based upon the BLM rights-of-way when those claims become ripe for review. Accordingly, the Court deems it appropriate to enter Final Judgment in this matter.

IT IS HEREBY ORDERED that:

- (1) Plaintiffs' Claim 2 related to BLM rights-of-way are **DISMISSED** without prejudice;
- (2) It is further Ordered that the Clerk shall enter Final Judgment in this matter.

DATED this 15th day of November, 2018



Brian Morris
United States District Court Judge