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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Pasqua Yaqui Tribe, et al.,

10 Plaintiffs,

11 v.

12 United States Environmental Protection
13 Agency, et al.,

14 Defendants.

No. CV-20-00266-TUC-RM

ORDER

15 Plaintiffs Pascua Yaqui Tribe, Quinault Indian Nation, Fond du Lac Band of Lake
16 Superior Chippewa, Menominee Indian Tribe of Wisconsin, Tohono O’Odham Nation,
17 and Bad River Band of Lake Superior Chippewa initiated this action on June 22, 2020,
18 challenging two final rules promulgated by the United States Environmental Protection
19 Agency and the United States Army Corps of Engineers (collectively, “Agencies”).
20 (Doc. 1.) The first, entitled “Definition of ‘Waters of the United States’—Recodification
21 of Pre-Existing Rules,” 84 Fed. Reg. 56,626 (Oct. 22, 2019), repealed the 2015 “Clean
22 Water Rule.” The second, entitled “The Navigable Waters Protection Rule: Definition of
23 ‘Waters of the United States,’” 85 Fed. Reg. 22,250 (Apr. 21, 2020) (“NWPR”),
24 established a new definition of the phrase “waters of the United States” in the Clean
25 Water Act.

26 On August 30, 2021, the Court vacated the NWPR and remanded it to the
27 Agencies for reconsideration. (Doc. 99.) Defendant-Intervenors Arizona Rock Products
28 Association; National Stone, Sand, and Gravel Association; Arizona Cattle Feeders

1 Association; Home Builders Association of Central Arizona; Arizona Farm and Ranch
2 Group; Arizona Farm Bureau; and Arizona Chapter Associated General Contractors
3 (collectively, “Business Intervenors”) filed a Notice of Appeal (Doc. 106) and a Motion
4 for Stay (Doc. 104), seeking a stay of the Court’s August 30, 2021 Order pending their
5 appeal.

6 On January 4, 2022, the Business Intervenors filed a Motion to Withdraw Motion
7 for Stay. (Doc. 117.) In the Motion to Withdraw, the Business Intervenors state that they
8 have moved to voluntarily dismiss their appeal and that their Motion for Stay is therefore
9 moot. (*Id.*) The Business Intervenors accordingly move to withdraw their Motion for
10 Stay, and they aver that the Motion to Withdraw is unopposed. (*Id.*)


11 Good cause appearing, and there being no objection,

12 **IT IS ORDERED** that the Business Intervenors’ Motion to Withdraw (Doc. 117)
13 is **granted**.

14 **IT IS FURTHER ORDERED** that the Business Intervenors’ Motion for Stay
15 (Doc. 104) is **withdrawn**.

16 Dated this 5th day of January, 2022.

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Honorable Rosemary Márquez
United States District Judge