

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

STATE OF NORTH DAKOTA, <i>et</i>)	
<i>al.</i> ,)	
)	
Plaintiffs,)	
)	Civil No. 3:15-cv-00059-PDW-
v.)	ARS
)	
U.S. ENVIRONMENTAL)	
PROTECTION AGENCY, <i>et al.</i> ,)	
)	
Defendant.)	

**PLAINTIFF STATES’ STATUS REPORT AND MOTION TO
EXTEND STAY PENDING RESOLUTION OF RELATED LITIGATION**

Plaintiff State of North Dakota, the other Plaintiff States¹, and Plaintiff-Intervenor, the Governor of the State of Iowa, Kimberly K. Reynolds (collectively, the “Plaintiff States”), respectfully submit the accompanying Status Report and Motion to Extend Stay Pending Resolution of Related Litigation. Plaintiff States respectfully request that the Court issue an order extending its current stay of this litigation (ECF No. 317) pending final resolution of litigation in multiple forums (the “Related Litigation”) challenging the U.S. Environmental Protection Agency’s (“EPA”) and the U.S. Army Corps of Engineers’ (“Corps”) (collectively,

¹Alaska, Arizona, Arkansas, Idaho, Missouri, Montana, Nebraska, Nevada, South Dakota, and Wyoming.

“Agencies”) final rules entitled: “Definition of Waters of the United States-Recodification of Pre-Existing Rules,” 84 Fed. Reg. 56,626 (October 22, 2019) (“Recodification Rule”); and “Navigable Waters Protection Rule: Definition of ‘Waters of the United States,’” 85 Fed. Reg. 22,250 (April 21, 2020) (“2020 WOTUS Rule”).

Plaintiff States have conferred with the Defendant Agencies and all Intervenors in this case, and all parties consent to the relief requested in this Motion.

In support of their Motion, Plaintiff States submit their accompanying Memorandum in Support of the Status Report and Motion to Extend Stay Pending Resolution of Related Litigation (“Memorandum in Support”). For the reasons set forth in this Motion and the accompanying Memorandum in Support, the Plaintiff States respectfully move the Court to:

- 1) Grant their Motion and continue the stay in this case pending final resolution of the Related Litigation over the Recodification Rule and the 2020 WOTUS Rule; and
- 2) Require that Plaintiff States periodically update the Court every 90 days on the status of the Related Litigation.

Dated: June 22, 2020

Respectfully submitted,

State of North Dakota
WAYNE STENEHJEM
Attorney General

State of Alaska
KEVIN G. CLARKSON
Attorney General

/s/ Paul M. Seby
Paul M. Seby
Special Assistant Attorney General
Greenberg Traurig, LLP
1200 17th Street Suite 2400
Denver, CO 80202
Telephone: (303) 572-6584
sebyp@gtlaw.com

/s/ Jennifer Currie (with permission)
Jennifer Currie
Assistant Attorney General
1031 W. 4th Ave., Suite 200
Anchorage, AK 99501
Telephone: (907) 269-5278
jennifer.currie@alaska.gov

Attorneys for Plaintiff State of Alaska.

Jennifer L. Verleger
Margaret I. Olson
Assistant Attorneys General
Office of Attorney General
500 N. 9th Street
Bismarck, ND 58501
Phone: (701) 328-2925
wstenehjem@nd.gov
jverleger@nd.gov
maiolson@nd.gov

*Attorneys for Plaintiff State of North
Dakota.*

State of Arizona
MARK BRNOVICH
Attorney General

/s/ Rusty D. Crandell (with permission)

Rusty D. Crandell
Deputy Solicitor General
Office of the Arizona Attorney General
2005 N. Central Avenue
Phoenix, AZ 85004-2926
Telephone: (602) 542-8540
Rusty.Crandall@azag.gov

Attorneys for Plaintiff State of Arizona.

State of Arkansas LESLIE
RUTLEDGE
Attorney General

/s/ Nicholas Bronni (with permission)

Nicholas J. Bronni
Arkansas Solicitor General Arkansas
Attorney General's Office 323 Center
Street, Suite 200
Little Rock, AR 72201
Telephone: (501) 682-6302
Facsimile: (501) 682-8118
nicholas.bronni@arkansasag.gov

*Attorneys for Plaintiff State of
Arkansas.*

State of Idaho
LAWRENCE WASDEN
Attorney General

/s/ Mark Cecchini-Beaver (with permission)

Mark Cecchini-Beaver
Deputy Attorney General
Office of the Attorney General
Environmental Quality Section
700 W. Jefferson Street, Suite 210
P.O. Box 83720
Boise, ID 83720-0010
Telephone: (208) 373-0494
Facsimile: (208) 373-0481
Mark.Cecchini-Beaver@deq.idaho.gov
Attorneys for Plaintiff State of Idaho.

State of Iowa
KIMBERLY K. REYNOLDS
Governor of the State of Iowa

THOMAS J. MILLER
Attorney General of Iowa

/s/ David S. Steward (with permission)
DAVID S. STEWARD

JACOB J. LARSON
Assistant Attorneys General
Environmental Law Division
Hoover State Office Building
1305 E. Walnut Street, 2nd Fl.
Des Moines, Iowa 50319
Telephone: (515) 281-5164
Facsimile: (515) 281-6771
david.steward@ag.iowa.gov
jacob.larson@ag.iowa.gov

*Attorneys for Plaintiff-Intervenor,
Kimberly K. Reynolds, Governor of the
State of Iowa.*

State of Missouri
ERIC S. SCHMITT
Attorney General

State of Montana
TIM FOX
Attorney General

/s/ Julie M. Blake (with permission)

Julie Marie Blake
Deputy Solicitor General
Counsel of Record for the State of
Missouri
Office of the Missouri Attorney
General
Supreme Court Building
207 W. High Street
P.O. Box 899
Jefferson City, MO 65102
Telephone: (573) 751-3321
Facsimile: (573) 751-2203
Julie.Blake@ago.mo.gov

Attorneys for Plaintiff State of Missouri

/s/ Melissa Schlichting (with permission)

Melissa Schlichting
Chief Deputy Attorney General
215 North Sanders
PO Box 201401
Helena, MT 59620-1401
Telephone: (406) 444-3602
mschlichting@mt.gov

Attorneys for Plaintiff State of Montana.

State of Nebraska
DOUGLAS J.
PETERSON
Attorney General

/s/ Justin D. Lavene (with permission)

Justin D. Lavene
Assistant Attorney
General Dave Bydalek
Deputy Attorney General
2115 State Capitol
Building
P.O. Box 98920
Lincoln, NE 68509-
8920
Telephone: (402) 471-2682
Facsimile: (402) 471-
3297
justin.lavene@nebraska
.gov

*Attorneys for Plaintiff State of
Nebraska*

State of Nevada
AARON FORD
Attorney General

/s/ Kathryn Armstrong (with permission)

Kathryn Armstrong
Deputy Attorney General
Office of the Attorney General
100 North Carson Street
Carson City, NV 89701
Telephone: (775) 684-1224
Facsimile: (775) 684-1108
karmstrong@ag.nv.gov

Attorneys for Plaintiff State of Nevada.

State of South Dakota
JASON R. RAVNSBORG
Attorney General

/s/ Charles D. McGuigan (with permission)

Charles McGuigan
Chief Deputy Attorney General
Office of the Attorney General
1302 E. Highway 14, Suite 1
Pierre, SD 57501-8501
Telephone: (605) 773-3215
Facsimile: (605) 773-4106
Charles.McGuigan@state.sd.us

Attorneys for Plaintiff State of South Dakota.

State of Wyoming BRIDGET HILL
Attorney General

RYAN SCHELHAAS
Chief Deputy Attorney General

/s/ James C. Kaste (with permission)

James C. Kaste
Senior Assistant Attorney General
Wyoming Attorney General's Office
2320 Capitol Avenue
Cheyenne, WY 82002
307-777-6946 (phone)
307-777-3542 (fax)
James.Kaste@wyo.gov

Attorneys for Plaintiff State of Wyoming

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of June, 2020, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF electronic filing system, which will send an electronic copy of this filing to all counsel of record.

s/ Paul M. Seby

Paul M. Seby