

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

States of West Virginia, North Dakota,)
Georgia, Iowa, Alabama, Alaska, Arkansas,)
Florida, Indiana, Kansas, Louisiana,)
Mississippi, Missouri, Montana, Nebraska,)
New Hampshire, Ohio, Oklahoma,)
South Carolina, South Dakota, Tennessee,)
Utah, Virginia, and Wyoming,)

Plaintiffs,)

and)

American Farm Bureau Federation,)
American Petroleum Institute, American)
Road and Transportation Builders)
Association, Associated General)
Contractors of America, Cass County Farm)
Bureau, Leading Builders of America,)
National Apartment Association, National)
Association of Home Builders of the United)
States, National Association of Realtors,)
National Cattlemen’s Beef Association,)
National Corn Growers Association,)
National Mining Association, National)
Multifamily Housing Council, National)
Pork Producers Council, National Stone,)
Sand and Gravel Association, North Dakota)
Farm Bureau, Public Lands Council,)
and U.S. Poultry and Egg Association,)

Intervenor-Plaintiffs,)

vs.)

U.S. Environmental Protection Agency,)
Michael S. Regan, in his official capacity)
as Administrator of the U.S. Environmental)
Protection Agency, Michael L. Connor, in)
his official capacity as Assistant Secretary)
of the Army for Civil Works, and)
LTG Scott A. Spellmon, in his official)
capacity as Chief of Engineers and)

**ORDER GRANTING FEDERAL
DEFENDANTS’ MOTION FOR STAY**

Case No. 3:23-cv-032

Commanding General, U.S. Army)
 Corps of Engineer,)
)
 Defendants,)
)
 and)
)
 Chickaloon Village Traditional Council,)
 Rappahannock Tribe, Tohono O’odham)
 Nation, and White Earth Band of)
 Minnesota Chippewa Tribe,)
)
 Intervenor-Defendants.)

Before the Court is the Federal Defendants’ motion for stay. See Doc. No. 143. The Plaintiff States and Tribal Intervenors do not oppose the motion. The Business Intervenors oppose the motion. See Doc. No. 146. The Court has carefully reviewed the motion and the entire record and finds the Federal Defendants have demonstrated good cause for the grant of a stay.

Accordingly, the Federal Defendants’ motion for stay (Doc. No. 143) is **GRANTED**. The Court **ORDERS** as follows:

- (1) This case is stayed pending publication of a final rule regarding the definition of “waters of the United States” in the Federal Register;
- (2) The Parties shall submit a proposal or proposals for further proceedings within 21 days after publication of the final rule; and
- (3) The Federal Defendants shall file status reports every 45 days during the duration of the stay.

IT IS SO ORDERED.

Dated this 18th day of July, 2023.

/s/ Daniel L. Hovland

 Daniel L. Hovland, District Judge
 United States District Court