

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 23-2411

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

Plaintiffs - Appellees

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; U.S.
Poultry and Egg Association

Intervenors - Appellees

v.

U.S. Environmental Protection Agency; Michael S. Regan, In His Official Capacity as
Administrator of the U.S. Environmental Protection Agency; U.S. Army Corps of Engineers;
Michael L. Connor, In His Official Capacity as Assistant Secretary of the Army for Civil Works;
LTG Scott A. Spellmon, In His Official Capacity as Chief of Engineers and Commanding
General, U.S. Army Corps of Engineers

Defendants - Appellants

Chickaloon Village Traditional Council; Rappahannock Tribe; Tohono O'Odham Nation; White
Earth Band of Minnesota Chippewa Tribe

Intervenors

Appeal from U.S. District Court for the District of North Dakota - Eastern
(3:23-cv-00032-DLH)

JUDGMENT

Appellant's motion to dismiss the appeal is granted. The appeal is hereby dismissed in accordance with the [Federal Rules of Appellate Procedure](#) 42(b).

The Court's mandate shall issue forthwith.

October 10, 2023

Order Entered Under Rule 27A(a):
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans