

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

STATE OF NORTH DAKOTA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:16-cv-02478 (RCL)
	)	
UNITED STATES DEPARTMENT	)	
OF THE INTERIOR, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	
	)	

**INTERVENOR-MOVANTS’ RESPONSE TO DEFENDANTS’ MOTION FOR  
ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT**

Defendant-Intervenor-Movants (“Intervenor-Movants”)<sup>1</sup> submit the following Response to Defendants’ Motion for Enlargement of Time to Respond to Complaint (Dkt. No. 32).

Intervenor-Movants: (1) agree with Defendants that in light of the joint resolution nullifying the Stream Protection Rule this case is moot and should be voluntarily dismissed; and therefore, (2) do not oppose Defendants’ request for an enlargement of time by six weeks, to May 17, 2017, to respond to the Complaint by filing a motion to dismiss if not voluntarily dismissed before that time.

DATED: April 3, 2017

Respectfully submitted,

/s/ Emma C. Cheuse  
Emma C. Cheuse (D.C. Bar No. 488201)

<sup>1</sup> Movant Intervenor-Defendants include Appalachian Voices, Center for Coalfield Justice, Coal River Mountain Watch, Cook Inletkeeper, Defenders of Wildlife, Northern Plains Resource Council, Ohio Valley Environmental Coalition, Sierra Club, Southern Appalachian Mountain Stewards, Statewide Organizing for Community eMpowerment, Waterkeeper Alliance, and West Virginia Highlands Conservancy.

Neil E. Gormley (D.C. Bar No. 1008462)  
Jennifer C. Chavez (D.C. Bar No. 493421)  
Earthjustice  
1625 Massachusetts Ave NW, Ste. 702  
Washington, D.C. 20036  
T: 202.667.4500  
E: echeuse@earthjustice.org  
E: ngormley@earthjustice.org  
E: jchavez@earthjustice.org

Kenta Tsuda (Alaska Bar No. 1605046)\*  
Thomas S. Waldo (Alaska Bar No. 9007047)\*  
Earthjustice  
325 Fourth Street  
Juneau, AK 99801-1145  
T: 907.586.2751  
E: ktsuda@earthjustice.org  
E: twaldo@earthjustice.org  
*\*Appearing pro hac vice*

*Counsel for Movants Appalachian Voices, Center for Coalfield Justice, Coal River Mountain Watch, Cook Inletkeeper, Northern Plains Resource Council, Ohio Valley Environmental Coalition, Sierra Club, Southern Appalachian Mountain Stewards, Statewide Organizing for Community eMpowerment, Waterkeeper Alliance, and West Virginia Highlands Conservancy*

Peter Morgan  
Sierra Club Law Program  
1536 Wynkoop St. Ste 312  
Denver, CO 80202  
T: 303.454.3367  
E: peter.morgan@sierraclub.org

*Co-counsel for Intervenor-Movant Sierra Club*

/s/ Jane P. Davenport  
Jane P. Davenport (D.C. Bar No. 474585)  
Defenders of Wildlife  
1130 17th St. NW  
Washington, D.C. 20036  
T: 202.772.3274  
E: jdavenport@defenders.org

*Counsel for Intervenor-Movant Defenders of Wildlife*