

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

HOPI TRIBE, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:17-cv-02590 (TSC)
	)	
JOSEPH R. BIDEN, in his official capacity	)	
as President of the United States, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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UTAH DINÉ BIKÉYAH, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:17-cv-02605 (TSC)
	)	
JOSEPH R. BIDEN, in his official capacity	)	
as President of the United States, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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NATURAL RESOURCES DEFENSE	)	
COUNCIL, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:17-cv-02606 (TSC)
	)	
JOSEPH R. BIDEN, in his official capacity	)	
as President of the United States, <i>et al.</i> ,	)	
	)	
Defendants.	)	<b>CONSOLIDATED CASES</b>

**JOINT STATUS REPORT**

Pursuant to the Court’s March 8, 2021 Order, and July 1, 2021 and September 30, 2021 minute orders, the parties hereby submit this joint status report.

On October 8, 2021, the President issued Proclamation 10285, addressing the Bears Ears National Monument. 86 Fed. Reg. 57,321-334 (Oct. 15, 2021). By its terms, Proclamation 10285 “confirms, restores, and supplements the boundaries and protections provided by Proclamation 9558, including the continued reservation of land added to the monument by Proclamation 9681 of December 4, 2017.” *Id.* at 57,321.

Previously, in its March 8, 2021 Order, the Court ordered the parties to file status reports, every 30 days, advising the Court:

1) whether the current dispute has been mooted or the parties anticipate that it will be mooted; 2) whether the parties wish to stay this action for any reason, including the parties' negotiations over resolving this dispute; or 3) whether the parties agree that this litigation should continue as anticipated pursuant to the federal rules, local rules or a scheduling order.

ECF No. 201. The Court reiterated the requirement that the parties file joint status reports every 30 days in minute orders dated July 1, 2021 and September 30, 2021.

As reported in the prior status report, the parties (primarily the Plaintiffs and Federal Defendants) are attempting to reach a resolution regarding how, if at all, this case should proceed. Several months ago the Federal Defendants provided a response to a proposed resolution provided by Plaintiffs and Plaintiffs are continuing to evaluate this response. Accordingly, additional time is necessary to determine whether the parties can reach an agreement.

All the parties, except for Intervenor-Defendant State of Utah, Intervenor-Defendant American Farm Bureau Federation, and Intervenor-Defendant Utah Farm Bureau Federation, believe that the Court should allow an additional thirty days to continue these discussions, so that the parties are in a better position to formulate their responses to the Court's inquiries set forth in its March 8, 2021 Order.

The position of the State of Utah is that an additional 30-day delay in resolving this case is inappropriate because—despite now having had eighteen months to do so—the Plaintiffs and the Federal Defendants have not provided information to the State of Utah justifying any contention that the case is not now moot. Counsel for Hopi Tribe, Ute Mountain Ute Tribe, Pueblo of Zuni, Navajo Nation, Utah Diné Bikéyah Plaintiffs, and NRDC Plaintiffs respond that the State of Utah has not contacted them to request a discussion regarding their position on mootness.

The American Farm Bureau Federation and Utah Farm Bureau Federation take no position on the additional thirty days.

Respectfully submitted this 14th day of April, 2023,

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