

Agriculture and Commerce, the Chair of the Council on Environmental Quality, and Tribal governments, conduct a review of “the monument boundaries and conditions that were established by Proclamation 9681 . . . to determine whether restoration of the monument boundaries and conditions that existed as of January 20, 2017 would be appropriate.” Section 3(a) of E.O. 13990 further instructed the Secretary to submit, within sixty days, a report to the President summarizing the findings of the review—and making recommendations for “such Presidential actions or other actions consistent with law as the Secretary may consider appropriate to carry out the policy” set forth in the executive order. E.O. 13990, § 3(b).

On March 8, 2021, the Court granted Federal Defendants’ unopposed request to stay proceedings in this case and ordered the parties to file a joint status report 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 continue 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. 152 at 2-3.

DISCUSSION

Since the Court issued its Order on March 8, 2021, E.O. 13990’s sixty-day deadline for the Secretary to provide a report to the President was extended to ensure that the Secretary’s findings and recommendations benefitted from her visit to Utah. During that visit, which occurred in April, the Secretary visited lands in the area of the national monument at issue in this case and met with elected officials, Tribal leaders, and stakeholders invested in the stewardship of the monument. The Department of the Interior transmitted the report summarizing the findings and recommendations to the President on June 2, 2021.

The parties believe that the Court should continue the stay to allow the President to consider the findings and recommendations in the report. Continuing the stay and allowing the President to consider, and potentially act on, the report's findings and recommendations would better situate the parties to answer the questions in the Court's March 8, 2021 Order concerning whether the current dispute has been or will be mooted or whether the current litigation should continue.

Accordingly, the parties respectfully request that the Court continue the current stay and require the parties to file another joint status report by July 13, 2021. Under the Court's March 8, 2021 order, a joint status report would otherwise be due on July 6, 2021, but the parties respectfully request that the Court extend that deadline by seven days to avoid complications in conferring arising from the potential unavailability of parties and counsel due to the July 4 holiday.

Respectfully submitted this 3rd day of June, 2021,

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June, 2021, I filed the above pleading with the Court's CM/ECF system, which provided notice of this filing by e-mail to all counsel of record.

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