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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ALASKA COMMUNITY ACTION ON
TOXICS, et al.,

Plaintiffs,

v.

COUNCIL ON ENVIRONMENTAL
QUALITY, et al.,

Defendants.

Case No. 3:20-cv-5199-RS

Related Case: No. 3:20-cv-6057-RS

NOTICE OF DISMISSAL; ORDER

NOTICE OF DISMISSAL AND ORDER No. 3:20-
cv-05199-RS

1 WHEREAS: On August 29, 2020, Plaintiffs filed this suit to challenge Council on
 2 Environmental Quality's ("CEQ") July 16, 2020, rulemaking entitled Update to the Regulations
 3 Implementing the Procedural Provisions of the National Environmental Policy Act, 85 Fed. Reg.
 4 43,304 (July 16, 2020) (the "2020 Rule"). ECF No. 1.

5 WHEREAS: On November 5, 2020, the Court granted American Farm Bureau
 6 Federation et al.'s motion to intervene as Defendants in this matter.

7 WHEREAS: This case was stayed by the Court on February 12, 2021, to accommodate
 8 Defendant CEQ's review of the 2020 Rule pursuant to Executive Order 13990: 'Protecting
 9 Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.' 86 Fed.
 10 Reg. 7,037 (Jan. 25, 2021). ECF No. 49.

11 WHEREAS: Through a series of Court Orders, the stay of this case has been extended
 12 eleven times until April 4, 2024 to accommodate the following rulemakings by CEQ revising
 13 National Environmental Policy Act's ("NEPA") implementing regulations: the Final Interim
 14 Rule, 86 Fed. Reg. 34,154 (June 29, 2021); the National Environmental Policy Act Implementing
 15 Regulations Revisions, 87 Fed. Reg. 23,453 (April 20, 2022); and the Bipartisan Permitting
 16 Reform Implementation Rule, 85 Fed. Reg. 35,4432, 35,448 (May 1, 2024) (the "2024 Rule").
 17 ECF Nos. 51, 55, 60, 63, 65, 68, 70, 74, 76, and 79.

18 WHEREAS: Following the promulgation of the 2024 Rule on May 1, 2024, the Parties
 19 agreed to request a further stay until September 9, 2024, to allow Plaintiffs to review and analyze
 20 the 2024 Rule and its impact on Plaintiffs' challenge. ECF No. 80.

21 WHEREAS: Upon expiration of the stay, Plaintiffs asked that the Court further extend
 22 the stay in the Parties' joint status report filed as ECF No. 127 in the related matter *California v.*
 23 *Council on Environmental Quality*, No. 20-6057 on September 19, 2024. *See also* ECF No. 84.

1 State Plaintiffs argued that the related case is not moot, this Court retains jurisdiction and can
2 enter a stay, and an extension of the stay is warranted to accommodate a forthcoming decision in
3 a case filed in the District Court of North Dakota challenging the 2024 Rule and seeking its
4 vacatur and reinstatement of the 2020 Rule, which is challenged in this litigation. No. 20-6057,
5 ECF No. 127.

6 WHEREAS: In the joint status report, Federal Defendants argued that this case is moot
7 and an extension of the stay is not warranted. No. 20-6057, ECF No. 127.

8 WHEREAS: At a Status Conference held before this Court on September 26, 2024,
9 Plaintiffs argued for a further extension of the stay and Federal Defendants argued against a
10 further stay.

11 WHEREAS: Upon conclusion of the Status Conference, having heard arguments from all
12 Parties, this Court stated it would dismiss the case as moot and directed the parties to file a
13 stipulation to that effect. ECF No. 86.

14 WHEREAS: Plaintiffs respectfully disagree with this Court's assessment that this case is
15 moot and should be dismissed.

16 WHEREAS: Plaintiffs and Federal Defendants were not able to reach agreement on
17 language for a stipulated dismissal.

18 ACCORDINGLY, Plaintiffs hereby dismiss this action without prejudice at the direction
19 of the Court.

20
21 DATED this 29th day of October, 2024.

Respectfully submitted,

s/ Jan E. Hasselman

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Local Counsel for Plaintiffs

1 IT IS SO ORDERED.

2 Dated: 10/29/2024

3 

4 RICHARD SEEBORG
5 Chief United States District Judge