

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

ROSEBUD SIOUX TRIBE, et al.,

Plaintiffs,

vs.

PRESIDENT DONALD J. TRUMP, et al.,

Defendants,

and

TRANSCANADA KEYSTONE
PIPELINE, LP, a Delaware limited
partnership, and TC ENERGY
CORPORATION, a Canadian Public
Company,

Defendant-Intervenors.

4:18-cv-00118-BMM

ORDER

Rosebud Sioux Tribe (“Rosebud”) and Fort Belknap Indian Community (“Fort Belknap”) (collectively “Plaintiffs”) brought this action against President Donald J. Trump and various government agencies and agents in their official capacities (“Federal Defendants”). Plaintiffs challenge President Trump’s decision to issue a Presidential Permit in 2019 (“2019 Permit”) to Defendant-Intervenors TransCanada Keystone Pipeline, LP and TC Energy Corporation (collectively, “TC

Energy”) to construct a cross-border segment of the oil pipeline known as Keystone XL (“Keystone”). (Docs. 1, 58). Plaintiffs further allege that Federal Defendants and TC Energy together or individually violated the 1851 Fort Laramie Treaty, the 1855 Lame Bull Treaty, the 1868 Treaty of Fort Laramie, the Foreign Commerce Clause of the United States Constitution, the Plaintiffs’ inherent tribal sovereign powers, and various federal statutes and regulations when permitting and constructing Keystone. (Docs. 1, 58).

President Joseph R. Biden signed an Executive Order on January 20, 2021 to revoke the 2019 Permit. *See* Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis, Exec. Order 13,990, 86 Fed. Reg. 7,037, 7,041 (Jan. 25, 2021). President Biden’s revocation noted that the 2019 Permit included an express condition that the President could revoke that permit at “the President’s sole discretion.” *Id.*

IT IS HEREBY ORDERED that the parties shall each submit a status report not to exceed 500 words on or before February 12, 2021 regarding the status of the above-captioned matter in light of President Biden’s Executive Order.

DATED this 2nd day of February, 2021.



Brian Morris, Chief District Judge
United States District Court