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

<p>BOLD ALLIANCE, <i>et al.</i>,</p> <p>Plaintiffs,</p> <p>v.</p> <p>THE U.S. DEPARTMENT OF THE INTERIOR, <i>et al.</i>,</p> <p>Defendants,</p> <p>and</p> <p>TRANSCANADA KEYSTONE PIPELINE, LP, <i>et al.</i>,</p> <p>Defendant-Intervenors.</p>	<p>CV 20-59-BMM</p> <p><b>JOINT MOTION FOR STAY</b></p>
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Defendants U.S. Department of the Interior *et al.* (“Defendants”), Plaintiffs Bold Alliance *et al.*, and Defendant-Intervenors TC Energy *et al.* jointly move for a stay of this case until August 6, 2021.

This case involves the U.S. Bureau of Land Management’s (“BLM”) approval of a right-of-way for the Keystone XL Pipeline and actions taken by the U.S. Fish and Wildlife Service (“FWS”) regarding the pipeline. The deadlines in this case have been extended following President Biden’s revocation of the 2019 Presidential Permit allowing the pipeline to operate and cross the border. *See* Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, 86 Fed. Reg. 7,037, 7,041 (Jan. 20, 2021). Following prior extensions, Defendants’ summary judgment brief is currently scheduled to be filed on June 16, 2021. *See* ECF No. 66.

On June 9, 2021, TC Energy announced the termination of the Keystone XL Pipeline Project. *See* TC Energy Corp. and TransCanada Keystone Pipeline, LP’s Notice Regarding Termination of Keystone XL Pipeline, *Indigenous Env’tl. Network v. Trump*, No. 4:19-cv-28-BMM, ECF No. 167 (“TC Energy’s Status Report”). In its status report, TC Energy stated that “it has definitively terminated the Keystone XL Project” and that it “will not pursue any permits for the Project [or] perform any construction activities in furtherance of the Project now or at any time in the future.” *Id.* at 3.

In light of this development, Defendants request this additional extension in order to confer with the parties to discuss whether any further proceedings are necessary. Given the number of parties involved in the multiple cases challenging authorizations relating to the Keystone XL Pipeline, Defendants expect that these discussions will take time, but anticipate that all of the cases could ultimately be dismissed without the need for further proceedings. Plaintiffs agree that the requested extension is reasonable, given that TC Energy has announced that it has no plans to construct the pipeline “now or at any time in the future,” TC Energy’s Status Report at 3, and in any event TC Energy and Defendants remain obligated to comply with certain notice provisions, including that TC Energy will provide the parties and the Court with sixty days’ notice in advance of any construction of the main pipeline or new pump stations.

Defendants have sought and been granted sixty-day stays in two other cases involving the agencies’ authorizations relating to the Keystone XL Pipeline, and those stays expire on August 6, 2021. *See* Order Continuing Stay, *Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation v. U.S. Department of the Interior*, No. 4:20-cv-44-BMM, ECF 81; Order Continuing Stay, *Rosebud Sioux Tribe v. U.S. Department of the Interior*, No. 4:20-cv-109-BMM, ECF No. 16. In a third case, Defendants have moved for a sixty-day extension of the deadline to respond to the complaint in light of TC Energy’s announcement. *See* Defs.’ Fifth

Mot. for an Extension of Time to File a Response to Pls.' Compl., *Indigenous  
Envtl. Network v. U.S. Bureau of Land Mgmt.*, No. 4:20-cv-115-BMM, ECF No.  
15.

In sum, the parties request that the Court stay this case until August 6, 2021.

DATED: June 14, 2021

Respectfully submitted,

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**CERTIFICATE OF COMPLIANCE**

Pursuant to Local Rule 7.1(d)(2)(E), the foregoing brief is proportionately spaced, has a typeface of 14 points, and contains 518 words, excluding the tables, caption, signature, certificate of compliance, and certificate of service.

/s/ Luther L. Hajek  
LUTHER L. HAJEK  
U.S. Department of Justice



**CERTIFICATE OF SERVICE**

I hereby certify that on June 14, 2021, a copy of the foregoing was served on all counsel of record via the Court's CM/ECF system.

*/s/ Luther L. Hajek* \_\_\_\_\_  
LUTHER L. HAJEK  
U.S. Department of Justice