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Counsel for Federal Defendants

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

CITIZENS FOR CLEAN ENERGY *et al.*

and

THE NORTHERN CHEYENNE TRIBE,

Plaintiffs,

V.

UNITED STATES DEPARTMENT OF THE
INTERIOR *et al.*

Federal Defendants,

and

STATE OF WYOMING *et al.*,

Intervenor-Defendants.

STATE OF CALIFORNIA *et al.*

V.

)
) CV 17-30-BMM
) (lead consolidated case)
)
)
)
) **FEDERAL DEFENDANTS’**
) **NOTICE OF PARTIAL**
) **COMPLIANCE WITH APRIL**
) **19, 2019 ORDER AND OF THE**
) **AVAILABILITY OF AN**
) **ENVIRONMENTAL**
) **ASSESSMENT**
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) CV 17-42-BMM
) (consolidated case)
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UNITED STATES DEPARTMENT OF THE
INTERIOR *et al.*

Federal Defendants,

and

STATE OF WYOMING *et al.*,

Intervenor-Defendants.

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Federal Defendants hereby give notice that they have partially complied with the Court’s April 19, 2019 order, ECF No. 141, directing Federal Defendants to analyze – in accord with the National Environmental Policy Act (“NEPA”) – the impacts of a March 29, 2017 Secretarial Order, No. 3348 (the “Zinke Order”).¹ In particular, on this date, Federal Defendants posted on the Bureau of Land Management (“BLM”) website a draft environmental assessment (“EA”) which examines, in accord with NEPA, the impacts of the Zinke Order. The draft EA is available for viewing or downloading at the following address:

<https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=122429&dctmId=0b0003e8813c2f49>

Commencing today and continuing for a period of fifteen days, BLM will receive comments from the public on the draft EA. Thereafter, BLM will consider those comments, respond to them publicly, and determine whether any impacts of significance require preparation of an environmental impact statement or if preparation of a Finding of No Significant Impact is appropriate.

¹ See ECF No. 141 at 29 (stating the Court “defers to Federal Defendants in the first instance to conduct its *required* NEPA analysis”) (emphasis added); *id.* at 31 (stating that the Court “has ordered Federal Defendants to initiate the NEPA process”); *id.* at 29 (allowing that the analysis could take the form of an environmental impact statement (“EIS”) or an environmental assessment, accompanied by a “convincing statement of reasons” why an EIS is not required).

Respectfully submitted this 22nd day of May, 2019.

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/s/ John S. Most
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing is being filed with the Clerk of the Court using the CM/ECF system, thereby serving it on all parties of record on May 22, 2019.

/s/ John S. Most
JOHN S. MOST
Counsel for Defendants