

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

SOUTHERN UTAH WILDERNESS	)	
ALLIANCE, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:20-cv-03654-RC
	)	The Honorable Rudolph Contreras
DEBRA HAALAND, in her official	)	
capacity as Secretary of the Interior, <i>et al.</i> ,	)	
	)	
Federal Defendants,	)	
	)	
and	)	
	)	
PURE HELIUM, LLC, <i>et al.</i> ,	)	
	)	
Defendant-Intervenors.	)	
	)	

**JOINT STATUS REPORT**

On December 8, 2021, the Court granted Plaintiffs’ and Federal Defendants’ joint motion for a stay of all deadlines and proceedings in this case for sixty days, to facilitate a negotiated final resolution to this case. On July 8, 2022, following a series of joint status reports requesting continuation of the stay, the Court ordered the parties to file a joint status report on or before August 8, 2022, updating the Court on the status of those negotiations. *See* Minute Order of July 8, 2022. The Court further ordered the parties to “include detail as to what has been accomplished since the last status report because the last two status reports have been nearly identical.” *Id.*

Plaintiffs and Federal Defendants have reached an agreement in principle on the terms of a settlement agreement (the “Federal Agreement”). This Federal Agreement has been shared with intervenors. It currently contains a provision that applies to and prohibits the development

of certain leases held by intervenor NAH Utah, LLC (NAH Utah) until certain conditions are met. To that end, NAH Utah and Plaintiffs subsequently began to negotiate in good faith to reach a separate agreement in which NAH Utah would not be prohibited by the Federal Agreement from developing certain of its leases in exchange for taking other actions to protect resource values in the San Rafael Desert (the region of Utah at issue in this litigation). These negotiations have included virtual meetings, telephone conversations, and e-mail exchanges in which proposals, counter-proposals, and other information and data were exchanged. These negotiations continue to proceed, and Plaintiffs and NAH Utah are attempting to resolve the matter as quickly as possible.

Plaintiffs believe continued negotiations with NAH Utah are warranted and will hopefully result in an agreement. If NAH Utah and Plaintiffs can come to a mutual agreement, that agreement will require modification of the Federal Agreement. However, the Plaintiffs' negotiations with NAH Utah will not be resolved prior to the Court's August 8 deadline. Thus, Plaintiffs and Federal Defendants respectfully request that the stay of proceedings in this action be continued for another thirty days, until September 7, 2022, to allow Plaintiffs and NAH Utah to continue to discuss settlement and, depending on the outcome of those discussions, to allow the parties to obtain the necessary approvals to formally enter into such agreement(s).

Plaintiffs and Federal Defendants hope to fully resolve this matter prior to September 7, though doing so is contingent on Plaintiffs' and NAH Utah's negotiations as well as Federal Defendants' ability to obtain the necessary approvals once the status of the provision in the Federal Agreement is confirmed. Achieving settlement in this case will serve the interests of judicial efficiency and economy by avoiding further time-consuming and costly litigation, thus conserving the resources of the Court and the parties. However, if at the end of the period of stay

Plaintiffs and Federal Defendants agree that they cannot finalize a settlement, the parties will submit a proposed amendment to the briefing schedule previously established in this Court's November 10, 2021 Minute Order.

Dated: August 8, 2022

Respectfully submitted,

/s/ Landon Newell  
Landon Newell (*pro hac vice*)  
Steve Bloch (*pro hac vice*)

Southern Utah Wilderness Alliance  
425 East 100 South  
Salt Lake City, UT 84111  
(801) 486-3161  
landon@suwa.org  
steve@suwa.org

William S. Eubanks II  
D.C. Bar No. 987036

Eubanks & Associates, PLLC  
1331 H Street NW, Suite 902  
Washington, DC 20005  
(970) 703-6060  
bill@eubankslegal.com

*Counsel for Plaintiffs Southern Utah  
Wilderness Alliance, Center for Biological  
Diversity and Living Rivers*

Sharon Buccino  
D.C. Bar No. 432073

Natural Resources Defense Council  
1152 15<sup>th</sup> Street NW, Suite 300  
Washington, D.C. 20005  
(202) 289-6868  
sbuccino@nrdc.org

*Counsel for Plaintiff  
Natural Resources Defense Council*

TODD KIM  
Assistant Attorney General  
United States Department of Justice  
Environment and Natural Resources Div.

/s/ Arwyn Carroll (with permission)  
ARWYN CARROLL  
Trial Attorney, Mass. Bar No. 675926  
Natural Resources Section  
P.O. Box 7611  
Washington, D.C. 20044-7611  
Phone: 202-305-0465  
Fax: 202-305-0506  
arwyn.carroll@usdoj.gov

*Counsel for Federal Defendants*