

Nos. 22-1347; 22-1709; 22-1737

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

DRIFTLESS AREA LAND CONSERVANCY, et al.,
Plaintiffs-Appellees/Cross-Appellants,

v.

RURAL UTILITIES SERVICE, et al.,
Defendants-Appellants/Cross-Appellees,

and

AMERICAN TRANSMISSION COMPANY LLC, et al.,
Intervenor Defendants-Appellants/Cross-Appellees.

Appeal from U.S. District Court for the Western District of Wisconsin
No. 3:21-cv-96-wmc; No. 3:21-cv-306-wmc (Hon. William M. Conley)

AMENDED JURISDICTIONAL STATEMENT

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Federal Defendants provide the following amended jurisdictional statement in response to the Court's Order issued August 18, 2022, Doc. No. 77.¹

AMENDED JURISDICTIONAL STATEMENT OF CROSS-APPEAL

The jurisdictional statement in Plaintiffs' brief, Doc. No. 61, is not complete and correct. Accordingly, pursuant to Circuit Rule 28(b), Federal Defendants here provide a "complete jurisdictional summary."

Plaintiffs' claims fall within 28 U.S.C. § 1331's grant of subject matter jurisdiction because they arise under federal law, namely 5 U.S.C. §§ 701–706, 42 U.S.C. § 4321 et seq., 16 U.S.C. §§ 668dd–668ee, 33 U.S.C. § 1344, and 16 U.S.C. § 1536. However, as explained in Federal Defendants' briefs, Doc. Nos. 56, 72, the district court lacked jurisdiction over Plaintiffs' challenges to the hypothetical approval of Intervenors' request for a land exchange and Rural Utility Service's Environmental Impact Statement due to lack of ripeness and standing, respectively. The district court also lacked jurisdiction to enter Plaintiffs' requested injunction against ongoing construction of the CHC Project. *See* Doc. No. 72.

¹ All document numbers refer to those listed in 7th Cir. No. 22-1347, the lead case in this consolidated set of appeals.

This Court has jurisdiction over Intervenors’ appeal, 7th Cir. No. 22-1347, Plaintiffs’ cross-appeal, 7th Cir. No. 22-1709, and Federal Defendants’ appeal, 7th Cir. No. 22-1737, because the district court’s judgment was final and adjudicated all claims with respect to all parties. All parties seek review of the district court’s “Final Judgment,” entered on March 1, 2022. ECF No. 195.² Intervenors filed their notice of appeal on March 3, 2022, ECF No. 196, Plaintiffs filed their notice of appeal on April 26, 2022, ECF No. 204, and Federal Defendants filed their notice of appeal on April 29, 2022. ECF No. 208.

Respectfully submitted,

s/ Benjamin Richmond
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² All ECF documents refer to those listed in Cause No. 3:21-cv-96-wmc.

CERTIFICATE OF COMPLIANCE

I certify that the foregoing amended jurisdictional statement contains 330 words, excluding portions of the statement exempted by Fed. R. App. P. 32(f). I further certify that Federal Defendants' Reply Brief on Appeal and Responsive Brief on Cross-Appeal, Doc. No. 72, less its jurisdictional statement, in combination with the foregoing amended jurisdictional statement, contains 13,691 words, and complies with the type-volume limitation provided by Cir. R. 28.1.

s/ Benjamin Richmond
Counsel for Federal Appellants

CERTIFICATE OF SERVICE

I certify that on August 25, 2022, I electronically filed the attached brief with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Benjamin Richmond
Counsel for Federal Appellants