

IN THE UNITED STATES DISTRICT COURT  
FOR SOUTHERN DISTRICT OF GEORGIA

One Hundred Miles,

Plaintiff,

v.

The United States Army Corps of  
Engineers, et al.,

Defendants.

Case No. 4:22-cv-297-RSB-CLR

**Notice of Voluntary Dismissal**

The parties in the above-referenced action hereby notify the Court of Plaintiff's voluntary dismissal of this case under Federal Rule of Civil Procedure 41(a)(1).

1. Plaintiff One Hundred Miles filed this action on December 15, 2022, ECF No. 1. The Complaint challenges the United States Army Corps of Engineers' ("the Corps") decision to remove seasonal restrictions on hopper dredging in Brunswick Harbor under the National Environmental Policy Act ("NEPA"), 42 U.S.C. §§ 4321-4347 and the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Compl. ¶ 1.<sup>1</sup> The Complaint alleges that the Corps violated NEPA by preparing an Environmental Assessment rather than an Environmental Impact Statement; failing to adequately assess direct, indirect, and cumulative impacts of removing the

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<sup>1</sup> Federal Defendants do not admit any of the Complaint's allegations.

seasonal dredging restrictions; and failing to evaluate a reasonable range of alternatives. *Id.* ¶¶ 96-108. The Complaint seeks, *inter alia*, a declaratory order that the Corps is in violation of NEPA, and an injunction barring maintenance dredging outside the historical seasonal window using a hopper dredge. *See id.* 20-21 (Prayer for Relief).

2. On December 19, 2022, the Corps modified the 2023 Regional Harbor Dredging Contract such that the period of performance for maintenance dredging of Brunswick Harbor is limited to December 15, 2022 – March 31, 2023.

3. On March 13, 2023, the District Commander for the Corps' Savannah District issued a memorandum (attached as Exhibit 1) directing that hopper dredges not be used for maintenance dredging in Brunswick Harbor, other than between December 15 and March 31 of any year, until the Corps has conducted further NEPA process assessing dredging with hopper dredges outside of that window.

4. On May 5, 2023, the Corps' Savannah District issued a statement (attached as Exhibit 2) confirming its plan to supplement its NEPA and environmental compliance documentation by preparing an Environmental Impact Statement assessing the environmental impacts of maintenance dredging in Brunswick Harbor using hopper dredges.

5. Under the circumstances, Plaintiff has decided to voluntarily dismiss this case without prejudice under Federal Rule of Civil Procedure 41(a)(1). In so doing, Plaintiff does not concede that the Environmental Assessment satisfies the

Corps' NEPA obligations and maintains any right to challenge any future Corps NEPA document or decision to conduct maintenance dredging in Brunswick Harbor outside of the winter using a hopper dredge.

May 5, 2023

/s/ Megan Hinkle Huynh

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 5, 2023, I electronically filed the foregoing Memorandum of Law in Support of Motion to Intervene with the Clerk of Court using the CM/ECF system, which will send notification of this filing to the attorneys of record.

/s/ Megan Hinkle Huynh