

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

STANDING ROCK SIOUX TRIBE,

Plaintiff,

and

CHEYENNE RIVER SIOUX TRIBE,

Plaintiff-Intervenor,

v.

UNITED STATES ARMY CORPS OF
ENGINEERS,

Defendant,

and

DAKOTA ACCESS, LLC,

Defendant-Intervenor.

Case No. 1:16-cv-01534 (JEB)
(consolidated with Cases No.
1:16-cv-1796 & 1:17-cv-00267)

**UNITED STATES ARMY CORPS OF ENGINEERS' RESPONSE TO STANDING
ROCK SIOUX AND CHEYENNE RIVER SIOUX TRIBES' MOTIONS FOR LEAVE TO
AMEND THEIR COMPLAINTS**

Pursuant to the Court's order of February 13, 2017, Defendant United States Army Corps of Engineers hereby responds to the Standing Rock Sioux and Cheyenne River Sioux Tribe's Motions for Leave to Amend their Complaints. ECF Nos. 97, 106.

The Corps does not oppose the Tribes' Motions to Amend, given that substantial briefing on claims raised in the proposed amended complaints has occurred and should be complete within weeks. *See* ECF Nos. 117, 131, 159, 172, 173, 183-87. However the Corps notes that given the significant jurisdictional obstacles to Cheyenne River's proposed Religious Freedom Restoration Act claim, amendment to add these claims is likely futile. *See* ECF No. 127.

In the event the Court does grant the Tribes' Motions to Amend, the Corps requests that the Court stay responses to these Complaints until a final ruling on the pending Partial Motions for Summary Judgment, and Cross Motions for Summary Judgment. ECF Nos. 117, 113, 186, 187. Following a final ruling on the pending Motions for Summary Judgment, the Corps proposes that the parties confer and file, within fifteen days, proposals (including proposed schedules) for future proceedings regarding any claims that are not resolved by the Motions and Cross Motions for Summary Judgment.

Dated: March 27, 2017

Respectfully submitted,

JEFFREY H. WOOD
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CERTIFICATE OF SERVICE

I hereby certify that, on the 27nd day of March, 2017, a copy of the foregoing was filed through the Court's CM/ECF management system and electronically served on counsel of record.

/s/ Reuben S. Schiffman

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