

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

STANDING ROCK SIOUX TRIBE,)
)
 Plaintiff,)
)
 and)
)
 CHEYENNE RIVER SIOUX TRIBE,)
)
 Intervenor-Plaintiff)
)
 v.)
)
 U.S. ARMY CORPS OF ENGINEERS,)
)
 Defendant-Cross-Defendant)
)
 and)
)
 DAKOTA ACCESS, LLP,)
)
 Intervenor-Defendant-)
 Cross-Claimant.)
 _____)

Case No. 1:16-cv-1534-JEB

MOTION OF THE PUEBLO OF POJOAQUE, ASSOCIATION ON AMERICAN INDIAN AFFAIRS, AND UNIVERSITY OF NEW MEXICO NATURAL RESOURCES AND ENVIRONMENTAL LAW CLINIC FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFF STANDING ROCK SIOUX TRIBE’S MOTION FOR PARTIAL SUMMARY JUDGMENT

The Pueblo of Pojoaque, located in New Mexico, the Association on American Indian Affairs (“AAIA”), a non-profit Indian organization, and the University of New Mexico School of Law Natural Resources and Environmental Law Clinic (“NREL”), located in Albuquerque, New Mexico, hereby seek leave to file the *amici curiae* brief attached hereto. The brief is in support of Motion for Partial Summary Judgment filed by the Plaintiff Standing Rock Sioux Tribe (Doc. 117).

Pursuant to LCvR 7(o)(2), counsel has contacted counsel for the parties concerning *Amici Curiae's* motion. Plaintiff Standing Rock Sioux and Intervenor-Plaintiff Cheyenne River Sioux Tribe are in support of the motion. Defendant U.S. Army Corps of Engineers stated they do not take a position on *amicus curiae* briefs. Intervenor-Defendant-Cross Claimant Dakota Access, LLP never responded to the *Amici Curiae's* numerous telephone calls

The Pueblo of Pojoaque, as a tribal government, is uniquely poised to assist the Court about the United States' trust responsibilities to Indian tribes stemming from its historical tribal-federal government-to-government relationship. The AAIA is distinctly positioned to assist the Court in understanding the various federal acts protecting and preserving tribal cultural resources and patrimony, based on the unique trust relationship between Indian tribes and the federal government. The NREL is positioned to offer unique arguments on the federal trust doctrine developed between the federal government and tribal governments, and how it is utilized in the area of natural resources and environment to protect natural resources for communities and future generations. *Amici* do not repeat arguments advanced by Plaintiff, but provides independent support for Plaintiff's argument. Granting the motion to participate as *amicus curiae* will not prejudice any party and will facilitate this Court's resolution of this case.

For the foregoing reasons, the Pueblo of Pojoaque, AAIA and the NREL respectfully request that this Court grant their motion to file the attached *amicus curiae* brief. Pursuant to LCvR 7(o)(2), a proposed order accompanies this motion.

Respectfully submitted this 21st day of February, 2017.

/s/ Elizabeth Lohah Homer
Elizabeth Lohah Homer, DC Bar No. 100473985
HOMER LAW CHARTERED
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Washington, DC 2006
Telephone: (202) 955-5601

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day February 21, 2017, a copy of the foregoing MOTION OF THE PUEBLO OF POJOAQUE, ASSOCIATION ON AMERICAN INDIAN AFFAIRS, AND UNIVERSITY OF NEW MEXICO NATURAL RESOURCES AND ENVIRONMENTAL LAW CLINIC FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFF STANDING ROCK SIOUX TRIBE'S MOTION FOR PARTIAL SUMMARY JUDGMENT was filed with the Clerk of the Court through the CM/ECF System and on counsel of record who are registered CM/ECF users.

/s/ Elizabeth Lohah Homer
Elizabeth Lohah Homer
Counsel for Amici Curiae

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**[PROPOSED] ORDER GRANTING MOTION OF THE PUEBLO OF POJOAQUE,
ASSOCIATION ON AMERICAN INDIAN AFFAIRS, AND UNIVERSITY OF NEW
MEXICO SCHOOL OF LAW NATURAL RESOURCES AND ENVIRONMENTAL
LAW CLINIC FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE* IN SUPPORT OF
PLAINTIFF STANDING ROCK SIOUX TRIBE’S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

THIS MATTER having come before the Court on Amici Curiae Pueblo of Pojoaque’s,
the Association on American Indian Affairs’, and the University of New Mexico School of Law
Natural and Cultural Resources Law Clinic’s Motion for Leave to File an Amici Curiae in
Support of Plaintiff Standing Rock Sioux Tribe’s Motion for Summary Judgment, and this Court
having review the motion and being fully advised;

IT IS ORDERED that the motion is granted; and

IT IS FURTHER ORDERED that the Clerk of Court shall file the submitted Brief of Amici Curiae Association of American Indian Affairs, the Pueblo of Pojoaque, and the University of New Mexico School of Law Natural Resources and Environmental Law Clinic in Support of Plaintiff Standing Rock Sioux Tribe's Motion for Partial Summary Judgment.

Dated this _____ day of _____, 2017.

JAMES E. BOASBERG
United States District Judge