

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

STANDING ROCK SIOUX TRIBE,)	
)	
Plaintiff,)	
)	
and)	
)	
CHEYENNE RIVER SIOUX TRIBE,)	
)	
Plaintiff-Intervenor,)	
)	
v.)	Case No. 1:16-cv-01534 (JEB)
)	(consolidated with Cases No.
UNITED STATES ARMY CORPS OF)	1:16-cv-01796 & 1:17-cv-00267)
ENGINEERS,)	
)	
Defendant,)	
)	
and)	
)	
DAKOTA ACCESS, LLC,)	
)	
Defendant-Intervenor.)	

**UNITED STATES ARMY CORPS OF ENGINEERS’ NOTICE
OF REVISED SCHEDULE FOR REMAND**

Since the Court’s June 14, 2017 opinion, the Corps developed and initiated a remand plan to further evaluate “the impacts of an oil spill on Standing Rock’s fishing and hunting rights and on environmental justice” and “the degree to which the project’s effects are likely to be highly controversial in light of critiques of [the Corps’] scientific methods and data.” *See Standing Rock Sioux Tribe v. U.S. Army Corps of Eng’rs*, 2017 U.S. Dist. LEXIS 91297 at *5 (D.D.C. June 14, 2017).

Among other steps, on August 24, 2017, the Corps transmitted a letter to Dakota Access requesting information to assist the Corps in reviewing the issues remanded by this Court.¹ Dakota Access responded in part to the Corps' request by stating that certain spill modeling cannot be completed until early December.

The Corps' original estimate that its review and analysis of the remand issues would conclude between late November and early December 2017 was based in part upon the Corps' understanding that it would take Dakota Access approximately thirty days to provide the requested information. Given the current expected time frame for the receipt of additional information, the Corps now anticipates that its review and analysis of the remand issues will not conclude until approximately April 2, 2018. The Corps is actively working on ways to shorten this timeline.

The Corps' expectation regarding the time necessary for its remand analysis is based on the Corps' best estimates, including the Corps' expectation that all sources outside the Corps provide requested information in a timely and responsive manner. The Corps may modify this expected schedule, if necessary, based upon the information it receives. Additional information or analysis provided by Dakota Access or the Plaintiffs, or the Corps' review of that information or analysis, may cause the Corps to either shorten or lengthen this expected review period.

Dated: October 6, 2017

Respectfully submitted,

JEFFREY H. WOOD
Acting Assistant Attorney General
Environment & Natural Resources Division

By: */s/ Matthew Marinelli*
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¹ The Corps similarly requested information from the Standing Rock, Cheyenne River, Yankton, and Oglala Sioux Tribes on September 25, 2017. Counsel for at least one Plaintiff tribe has suggested that it may require additional time to respond to the Corps' request.

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CERTIFICATE OF SERVICE

I hereby certify that, on the 6th day of October, 2017, a copy of the foregoing was filed through the Court's CM/ECF management system and electronically served on counsel of record.

/s/ Matthew Marinelli
Matthew Marinelli