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

NORTHERN DYNASTY MINERALS
LTD., *et al.*,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.*,

Defendants,

and

BRISTOL BAY NATIVE ASSOCIATE,
INC., *et al.*,

Intervenor-Defendants,

Case No. 3:24-cv-00059-SLG

CONSOLIDATED

LEAD CASE

STATE OF ALASKA,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendant,

and

TROUT UNLIMITED, *et al.*,

Intervenor-Defendants,

Case No. 3:24-cv-00084-SLG

CONSOLIDATED

ILIAMNA NATIVES, LTD, *et al.*,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, *et al.*,

Defendants,

and

BRISTOL BAY ECONOMIC
DEVELOPMENT CORPORATION, *et al.*,

Intervenor-Defendants,

Case No. 3:24-cv-00132-SLG

CONSOLIDATED

STATUS REPORT AND REQUEST TO EXTEND ABEYANCE IN PART

1. In these consolidated cases, all plaintiffs challenge the January 2023 Final Determination of the U.S. Environmental Protection Agency Pursuant to Section 404(c) of the Clean Water Act [for the] Pebble Deposit Area, Southwest Alaska (“Final Determination”). In addition, plaintiffs in Case No. 3:24-cv-00059-SLG (collectively, “PLP”) challenge the U.S. Army Corps of Engineers’ April 2024 denial without prejudice of PLP’s Clean Water Act Section 404 permit application for the Pebble Mine. More than 20 entities have intervened as defendants.

2. Defendants previously sought a 90-day abeyance and three extensions to provide new administration officials time to familiarize themselves with the issues and determine how they wish to proceed, and the Court granted those requests. ECF 155, 154, 152, 148. PLP and Defendants jointly requested a further 14-day abeyance to accommodate discussions toward a potential settlement, with a status report due on July 17, 2025. ECF 155. The Court has not yet acted on that request.¹

3. During the abeyance, agency officials actively considered the agency decisions and remained open to reconsideration. PLP’s discussions with new agency leadership addressed a potential further submission from PLP that would inform any agency reconsideration. Those discussions were productive but the parties did not reach a negotiated resolution. As indicated in PLP’s parallel Motion to Set Summary Judgment Briefing Schedule,

¹ All plaintiffs consented to the extension. ECF 155. Intervenors did not provide their positions. *Id.*

PLP believes it is now appropriate to proceed to summary judgment briefing regarding EPA's Final Determination. Defendants agree to move forward with briefing the merits of EPA's Final Determination, and reserve their rights to oppose PLP's motion regarding the scheduling for that briefing. Discussions between PLP and Defendants may continue during any summary judgment briefing.

4. PLP and Defendants continue to believe that matters related to the Army Corps' 2024 permit denial should remain in abeyance until the final decision of this Court on EPA's Final Determination.

5. Accordingly, PLP and Defendants respectfully request that the Court extend the abeyance as to the Army Corps and matters relating to the permit denial, including briefing on PLP's pending discovery and record motions at ECF Nos. 127, 128, consistent with this Court's orders granting and extending the abeyance. ECF 154, 152, 148.

6. Bristol Bay intervenors: (a) are not opposed to the request to move forward with merits briefing and to continue to hold in abeyance PLP's challenge to the Corps' 2024 permit denial (including the related record briefing (ECF 127, 128)); and (b) reserve the right to oppose PLP's scheduling motion. Trout Unlimited is not opposed to the request to move forward with merits briefing and to continue to hold in abeyance PLP's challenge to the Corps' 2024 permit denial (including the related record briefing (ECF 127, 128)); and (b) it reserves the right to oppose PLP's scheduling motion. The SalmonState group of intervenors is not opposed to the request to move forward with merits briefing and to continue to hold in abeyance PLP's challenge to the Corps' 2024 permit denial, including the related record briefing (ECF 127, 128). Defendant-Intervenors SalmonState et al. reserve the right to oppose

PLP's scheduling motion. The State of Alaska declined to provide its position in advance of filing. Plaintiff the Iliamna Natives and the Alaska Peninsula Corp. do not oppose.

Dated: July 17, 2025

/s/ Keith Bradley
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CERTIFICATE OF WORD COUNT

This document follows the type-volume limit of Local Civil Rule 7.4 and contains 545 words, as found by the word-count function of Microsoft 365.

/s/ Keith Bradley
Keith Bradley

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2025, I filed a true and correct copy of the foregoing document with the Clerk of the Court for the United States District Court of Alaska by using the CM/ECF system. Participants in this Case No. 3:24-cv-00059-SLG who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Keith Bradley
Keith Bradley