

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

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

Plaintiffs,

v.

MICHELLE PIRZADEH, in her official
capacity as Regional Administrator of
the U.S. Environmental Protection
Agency Region 10, *et al.*,

Defendants,

and

STATE OF ALASKA, *et al.*,

Intervenor-Defendants.

Case No. 3:19-cv-00265-SLG

(Consolidated)

SALMONSTATE, *et al.*,

Plaintiffs,

v.

MICHELLE PIRZADEH, in her official
capacity as Regional Administrator of
the U.S. Environmental Protection
Agency Region 10, *et al.*,

Defendants.

Case No.. 3:19-cv-00267-SLG

TROUT UNLIMITED,

Plaintiffs,

v.

MICHELLE PIRZADEH, in her official
capacity as Regional Administrator of
the U.S. Environmental Protection
Agency Region 10, *et al.*,

Defendants.

Case No. 3:19-cv-00268-SLG

ORDER RE DEFENDANTS' MOTION FOR REMAND WITH VACATUR

Before the Court at Docket 103 is *Defendants' Motion for Remand with Vacatur*. The only remaining plaintiff in these consolidated cases, Trout Unlimited, filed a response in support of the motion at Docket 105. Intervenor-Defendants, the State of Alaska and Pebble Limited Partnership, each filed responses to the motion in which they did not oppose remand with vacatur, but sought for the Court to impose a timetable for the remand proceedings and retain jurisdiction pending the remand (Dockets 104, 106). Defendants replied at Docket 108.¹

For the reasons set forth in support of the motion, at Dockets 108 and 103, the motion is hereby GRANTED. The Court finds that neither the retention of

¹ See *also* Notice Regarding Finality of Judgment at Docket 107. Plaintiffs Bristol Bay Economic Development Corporation, *et al.*, in Case No. 3:19-cv-00265 and SalmonState, *et al.*, in Case No. 3:19-cv-00267 did not appeal this Court's order granting EPA's motion to dismiss. See Final Judgment at Docket 76. However, the order of consolidation at Docket 16 was never rescinded.

jurisdiction pending remand nor the establishment of an administrative timetable by the Court is warranted in this case. Therefore, IT IS ORDERED that the withdrawal of the Proposed Determination at issue in this case, see Notification of Decision to Withdraw Proposed Determination to Restrict the Use of an Area and a Disposal Site; Pebble Deposit Area, Southwest Alaska, 84 Fed. Reg. 45,749 (Aug. 30, 2019), is VACATED and the matter is REMANDED to the U.S. Environmental Protection Agency for further agency proceedings. The Clerk of Court is directed to enter a Final Judgment in accordance with this order and close these consolidated cases. IT IS SO ORDERED.

DATED this 29th day of October, 2021, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE