

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

ALLIANCE TO SAVE THE MATTAPONI, et al.,	)	
	)	
Plaintiffs,	)	Civil Action No.
	)	1:06-cv-01268-HH
v.	)	
	)	
UNITED STATES ARMY CORPS OF ENGINEERS, et al.,	)	
	)	
Defendants.	)	

**PLAINTIFF-INTERVENORS MOTION FOR SUMMARY JUDGMENT**

Plaintiff-Intervenors Mattaponi Indian Tribe and Chief Carl T. Lone Eagle Custalow, pursuant to Federal Rule of Civil Procedure 56 and for the reasons set forth in Plaintiff-Intervenors’ Statement of Points and Authorities, hereby move for summary judgment in their favor on all claims in Plaintiff-Intervenors’ First Amended Complaint. Plaintiff-Intervenors’ motion requests that this Court vacate the Clean Water Act Section 404 Permit No. 93-0902-12 issued by Defendant U.S. Army Corps of Engineers (“Corps”), enjoin all activities authorized under the permit, and remand to Defendants Corps and U.S. Environmental Protection Agency for compliance with the Clean Water Act, National Environmental Policy Act, those Acts’ implementing regulations, and with the Administrative Procedure Act.

Dated: July 15, 2008

Respectfully submitted,

/s/ Melanie Kleiss Boerger  
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