

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

SEP 29 2006

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

NATIONAL ASSOCIATION OF HOME BUILDERS,)

Plaintiff,)

v.)

UNITED STATES ARMY CORPS OF ENGINEERS,)

FRANCIS J. HARVEY, Secretary of the Army,)

and LT. GENERAL CARL S. STROCK, Chief of)

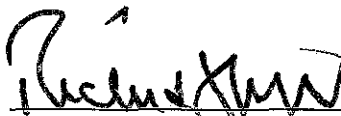
Engineers, United States Army Corps of Engineers,)

Defendants.)

Case No. 1:00CV00379-RJL
and consolidated cases**ORDER**

Upon consideration of the motion for a consent judgment, it is hereby ordered that the motion is granted. Pursuant to 28 U.S.C. § 2201, the Court declares that the Corps was required to comply with the Regulatory Flexibility Act ("RFA"), 5 U.S.C. §§ 601-11, before issuing Final Notice of Issuance and Modification of Nationwide Permits, 65 Fed. Reg. 12,818 (Mar. 9, 2000).

The complaint in *National Federation of Independent Business v. United States Army Corps of Engineers*, Civil Action No. 00-01404-RJL is dismissed with prejudice in its entirety. The RFA claim asserted in *National Association of Home Builders v. United States Army Corps of Engineers*, Civil Action No. 00-00379-RJL is dismissed with prejudice. Pursuant to Fed. R. Civ. P. 54(b), the Court finds that there is no just reason for delay in the entry of final judgment against these defendants on the RFA claim in Civil Action No. 00-00379-RJL and so directs the Clerk of this Court to enter final judgment dismissing all RFA claims against them.

Executed this 29th day of Sept, 2006.

HON. RICHARD J. LEON
UNITED STATES DISTRICT JUDGE

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