

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

NATURAL RESOURCES DEFENSE
COUNCIL, INC., *et al.*,

Plaintiffs,

v.

SAMUEL D. RAUCH, III, Acting Assistant
Administrator for Fisheries, National Marine
Fisheries Service,¹ *et al.*,

Defendants.

Civil Action No. 15-198 (RDM)

ORDER VACATING AND REMANDING LISTING DETERMINATION

For the reasons stated in the accompanying Memorandum Opinion (Dkt. 54), the Court hereby **ORDERS** that:

1. Plaintiffs' Motion for Summary Judgment (Dkt. 26) is **GRANTED**.
2. Defendants' Cross-Motion for Summary Judgment (Dkt. 29) is **DENIED**.
3. The Endangered Species Act Listing Determination for Alewife and Blueback Herring, 78 Fed. Reg. 48,944 (Aug. 12, 2013), is **VACATED** with respect to blueback herring. This Order does not affect the Listing Determination with respect to alewife.
4. This matter is **REMANDED** to the National Marine Fisheries Service for further proceedings consistent with the Court's Memorandum Opinion (Dkt. 54).
5. The Court shall retain jurisdiction over this matter.

¹ The current officeholders are substituted as defendants. *See* Fed. R. Civ. P. 25(d).

6. The parties shall appear for a status conference on April 6, 2017, at 10:00 a.m., to discuss the implementation of this Order.

SO ORDERED.

/s/ Randolph D. Moss
RANDOLPH D. MOSS
United States District Judge

Date: March 25, 2017