

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

**AMERICAN FOREST RESOURCE
COUNCIL, CARPENTERS
INDUSTRIAL COUNCIL, and
DOUGLAS COUNTY, OREGON,**

Plaintiffs,

v.

**DANIEL M. ASHE, Director, U.S. Fish
and Wildlife Service, and SALLY
JEWELL, Secretary of the Interior,**

Defendants,

and

**AUDUBON SOCIETY OF PORTLAND,
SEATTLE AUDUBON SOCIETY,
CENTER FOR BIOLOGICAL
DIVERSITY, OREGON WILD,
CONSERVATION NORTHWEST,
ENVIRONMENTAL PROTECTION
INFORMATION CENTER, and SIERRA
CLUB,**

Defendant-Intervenors.

Civil Action No. 12-111 (JDB)

ORDER

Upon consideration of [54] federal defendants' motion for voluntary remand without vacatur, [58-1] the U.S. Fish and Wildlife Service's ("FWS") remand memorandum, [65] plaintiffs' motion, in the alternative, to amend the scheduling order, file a supplemental brief, or strike defendants' reply and notice of supplemental authority, the parties' memoranda,

and the entire record herein, and for the reasons stated in the memorandum opinion issued on this date, it is hereby

ORDERED that [54] federal defendants' motion for voluntary remand without vacatur is **GRANTED**; it is further

ORDERED that FWS's critical habitat designation for the marbled murrelet is **REMANDED** to the agency for reconsideration; it is further

ORDERED that FWS shall submit a new proposed critical habitat designation to the Federal Register by not later than September 30, 2015; it is further

ORDERED that FWS shall submit a new final critical habitat designation to the Federal Register by not later than September 30, 2016; it is further

ORDERED that plaintiffs' Fourth, Fifth, Sixth, and Seventh Claims are **DISMISSED**; it is further

ORDERED that plaintiffs' motion for summary judgment on their Third Claim is **DENIED**; it is further

ORDERED that federal defendants' and defendant-intervenors' cross-motions for summary judgment on plaintiffs' Third Claim are **GRANTED**; it is further

ORDERED that [65] plaintiffs' motion to file a supplemental brief is **GRANTED**; and it is further

ORDERED that [65-1] plaintiffs' supplemental post-remand brief is deemed filed as of the date of this order.

SO ORDERED.

/s/

JOHN D. BATES
United States District Judge

Dated: September 5, 2013