

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CARPENTERS INDUSTRIAL)
COUNCIL, et al.,)
)
Plaintiffs,)
)
and)
)
SEATTLE AUDUBON SOCIETY,)
et al.,)
)
Plaintiff-Intervenors,)
) Civil Action No. 08-1409(EGS)
v.)
)
KEN SALAZAR, Secretary of the)
the Interior, and)
U.S. FISH AND WILDLIFE SERVICE,)
)
Defendants.)

ORDER

Pending before the Court is the federal defendants' motion for voluntary remand and vacatur and the Seattle Audubon plaintiff-intervenors' motion for the entry of a proposed order with respect to the federal defendants' motion for voluntary remand and vacatur. Upon consideration of the motions, the response, the replies and sur-replies thereto, the applicable law, the parties' arguments at the January 20, 2010 hearing, all post-argument briefs, and for the reasons stated in the accompanying Memorandum Opinion, it is by the Court hereby

ORDERED that the federal defendants' motion for voluntary remand and vacatur is **GRANTED IN PART AND DENIED IN PART**; and it is

FURTHER ORDERED that the 2008 Recovery Plan shall be remanded to the U.S. Fish and Wildlife Service (the "FWS") forthwith for the issuance of a revised recovery plan within nine months of this Order; and it is

FURTHER ORDERED that the FWS is directed to file status reports with the Court every 90 days apprising the Court of its progress in developing a revised recovery plan for the northern spotted owl; and it is

FURTHER ORDERED that by no later than September 30, 2010, the parties shall submit a joint proposed timetable to the Court addressing the length of time within which rulemaking for a revised critical habitat designation for the northern spotted owl shall be completed; in the event that the parties are unable to reach a joint recommendation, each party shall submit an individual recommendation by that time; and it is

FURTHER ORDERED that an Order remanding the 2008 Critical Habitat Designation to the FWS shall be withheld pending resolution of the timetable for the proposed rulemaking; and it is

FURTHER ORDERED that the federal defendants' request to vacate the 2008 Critical Habitat Designation is **DENIED**. The 2008

Critical Habitat Designation shall remain in force during the rulemaking period; and it is

FURTHER ORDERED that the Seattle Audubon plaintiff-intervenors' motion for the entry of a proposed order with respect to the federal defendants' motion for voluntary remand and vacatur is **DENIED**.

SO ORDERED.

SIGNED: Emmet G. Sullivan
United States District Court Judge
September 1, 2010