

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

|                                |   |                                |
|--------------------------------|---|--------------------------------|
| THE HUMANE SOCIETY OF THE      | ) |                                |
| UNITED STATES, <i>et al.</i> , | ) |                                |
|                                | ) |                                |
| Plaintiffs,                    | ) |                                |
|                                | ) |                                |
| v.                             | ) | Civil Action No. 05-1392 (ESH) |
|                                | ) |                                |
| DEPARTMENT OF COMMERCE,        | ) |                                |
| <i>et al.</i> ,                | ) |                                |
|                                | ) |                                |
| Defendants.                    | ) |                                |
|                                | ) |                                |

**ORDER**

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

**ORDERED** that plaintiffs' Motion for Summary Judgment [#11] is **GRANTED** and judgment is entered for plaintiffs on their NEPA claim insofar as NMFS has violated the APA by acting arbitrarily and capriciously and contrary to law by failing to prepare an EIS prior to its issuance of the contested permits and permit amendments; it is

**FUTHER ORDERED** that defendants' Cross-Motion for Summary Judgment [#14] is **DENIED**; it is

**FURTHER ORDERED** that this matter is remanded to NMFS for preparation of an EIS; it is

**FURTHER ORDERED** that the contested permits and permit amendments be vacated; it is

**FURTHER ORDERED** that plaintiffs' Motion to Supplement the Administrative Record [#20] is **GRANTED**.

**SO ORDERED.**

s/  
\_\_\_\_\_  
ELLEN SEGAL HUVELLE  
United States District Judge

Date: May 26, 2006