

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

_____)	
SIERRA CLUB, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 07-1756 (RCL)
)	
ROBERT L. VAN ANTWERP,)	
et al.,)	
)	
Defendants.)	
_____)	

ORDER

Pending before the Court is plaintiffs’ motion for summary judgment [Dkt. 70], government defendants’ motion for summary judgment [Dkt. 73], and intervening defendants’ cross-motion for summary judgment [Dkt. 74]. Upon consideration of the motions, the oppositions and replies thereto, and the entire record herein, it is for the reasons set forth in an accompanying memorandum opinion hereby

ORDERED that plaintiffs’ motion for summary judgment is GRANTED in part and DENIED in part. Plaintiffs’ motion is GRANTED as to plaintiffs’ claims under the National Environmental Policy Act and the Clean Water Act; it is otherwise DENIED.

It is ORDERED that government defendants’ motion for summary judgment and intervening defendants’ cross-motion for summary judgment are GRANTED in part and DENIED in part. Government defendants’ and intervening defendants’ motions are GRANTED as to plaintiffs’ claims under the Endangered Species Act. They are otherwise DENIED.

It is ORDERED that plaintiffs' motion [85] for expedited oral argument is DENIED as moot.

It is ORDERED that the Army Corps of Engineers' permit at issue be remanded.

It is further ORDERED that within twenty days of this Order, government defendants and intervening defendants, either jointly or individually, shall submit a proposed remediation plan and any comments on the injunctive relief sought by plaintiffs in their proposed order [70-1]. Plaintiffs may file a response to the proposed plans and comments within twenty days thereafter, and the Court shall issue an order specifying the remedial actions to be taken by government defendants and intervening defendants.

SO ORDERED.

June 30, 2010

/s/ Royce C. Lamberth
Chief Judge
United States District Court