

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**DEFENDERS OF WILDLIFE, et al.,** :  
 :  
 **Plaintiffs,** :  
 :  
 v. : **Civil Action No. 04-1230 (GK)**  
 :  
 **KENNETH SALAZAR, et al.,** :  
 :  
 **Defendants.** :

**ORDER**

On September 29, 2006, the Court issued a Memorandum Order, Defenders of Wildlife v. Kempthorne, No. 04-1230 (GK), 2006 WL 2844232 (D.D.C. Sept. 29, 2006) (“Lynx IV”) [Dkt. No. 59], which, among other things, upheld a Final Rule issued December 8, 2003, adopting the Joint Counterpart Endangered Species Act Section 7 Consultation Regulations for National Fire Plan Projects (“Counterpart Regulations” or “the Regulations”). See 68 Fed. Reg. 68254 (Dec. 8, 2003).

Plaintiffs filed a timely Motion for Partial Reconsideration [Dkt. No. 61], Federal Defendants and Defendant Intervenor filed Oppositions [Dkt. Nos. 62 and 63], and Plaintiffs thereafter filed a Reply [Dkt. No. 64]. On June 27, 2007, Defendant-Intervenor filed a Notification of Supplemental Authority [Dkt. No. 66], to which Plaintiffs filed a Response [Dkt. No. 67]. In February of 2011, Plaintiffs filed a Notice of Recent Authority [Dkt. No. 98] supporting their Motion for Partial Reconsideration and on November 1, 2011, they filed yet another Notice of Supplemental Authority [Dkt. No. 99] in support of their Motion for Partial Reconsideration. As to the latter filing, the Federal Defendants filed a Response [Dkt. No. 100], and on December 2, 2011, Plaintiffs filed a Reply [Dkt. No. 101].

Upon consideration of the Plaintiffs' Motion for Reconsideration and associated filings, the extensive record in this case, and for the reasons set forth in the accompanying Memorandum Opinion, it is this 6th day of February, 2012, hereby

**ORDERED**, that Plaintiffs' Motion for Partial Reconsideration is **granted**; and it is further

**ORDERED**, that the Counterpart Regulations are hereby **set aside and remanded** to Defendants for further consideration in light of the accompanying Memorandum Opinion.

/s/  
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Gladys Kessler  
United States District Judge

**Copies via ECF to all counsel of record**