

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-01463-AP

CENTER FOR NATIVE ECOSYSTEMS, a non-profit corporation,
BIODIVERSITY CONSERVATION ALLIANCE, a non-profit corporation,
CENTER FOR BIOLOGICAL DIVERSITY, a non-profit corporation,
DEFENDERS OF WILDLIFE, a non-profit corporation, and
NATURAL RESOURCES DEFENSE COUNCIL, a non-profit corporation,

Petitioners,

v.

KEN SALAZAR, Secretary, United States Department of the Interior, and
DAN ASHE, director, U.S. Fish & Wildlife Service

Respondents,

and

STATE OF WYOMING,
WYOMING FARM BUREAU FEDERATION, and
WYOMING STOCK GROWERS ASSOCIATIONS,

Intervenors.

FINAL JUDGMENT

Pursuant to and in accordance with the ORDERS entered by the Honorable Judge John L. Kane, on July 7 and July 15, 2013, it is hereby

ORDERED that Respondents' Motion for Remand and Vacatur is GRANTED. IT IS ALSO ORDERED that:

1. The FWS's 2008 Amended Listing Decision under the ESA concerning the Preble's meadow jumping mouse, 73 Fed. Reg. 39,790 (July 10, 2008), is remanded to the Service for reconsideration. The 2008 Amended Listing Decision is also vacated, effective

August 6, 2011.

2. The Service shall publish notice in the Federal Register of the Service's action vacating the 2008 Amended Listing Decision concerning the Preble's.
3. The Service shall make clear in the same Federal Register notice that vacating the 2008 Amended Listing Decision has the effect of reinstating: (a) the 1998 listing rule for the this civil action is remanded to Defendant for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Preble's, 63 Fed. Reg. 26,517 (May 13, 1998); and (b) the Endangered Species Act section 4(d) special rule regarding the Preble's published in the Federal Register in 2001, amended in 2002, and extended indefinitely in 2004, 66 Fed. Reg. 28125 (May 22, 2001); 67 Fed. Reg. 61,531 (Oct. 1, 2002); 69 Fed. Reg. 29,101 (May 20, 2004).
4. The Service shall complete its review of the status of the Preble's and publish a 12-month finding in the Federal Register on the two December 17, 2003 petitions submitted by the State of Wyoming and Coloradans for Water Conservation and Development to delist the Preble's by the sooner of either twelve months after its formulation of a new interpretation of the "significant portion of its range" language or June 1, 2013.
5. By July 1, 2013, the Federal Respondents shall file a status report setting forth their compliance with this Order.
6. Upon completion of the remand ordered herein by this Court, final judgment shall be entered in accordance with Fed. R. Civ. P. 58.

Accordingly, pursuant to the Court's Minute Order [Docket No. 91] entered July 15,

2013 by Judge John L. Kane, with the Court having received the final status report [No. 90], it is hereby

ORDERED that FINAL JUDGMENT is entered pursuant to Fed. R. Civ. P..

DATED at Denver, Colorado this 15th day of July, 2013.

FOR THE COURT,
JEFFREY P. COLWELL, Clerk

By: s/ Edward P. Butler
Edward P. Butler, Deputy Clerk