

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

CENTER FOR FOOD SAFETY, *et al.*,

Plaintiffs

v.

S.M.R. JEWELL, SECRETARY OF THE
UNITED STATES DEPARTMENT OF
THE INTERIOR, *et al.*,

Defendants

Civil Action No. 14-360 (CKK)

MEMORANDUM OPINION

(April 22, 2015)

The Court today supplements the [97] Order and [98] Memorandum Opinion issued on March 16, 2015, in light of the Notice that Defendants filed, pursuant to this Court's Order, pertaining to the use of neonicotinoid pesticides on the refuges subject to this action. Except as supplemented here, there is no need to modify that Order and Memorandum Opinion.

On March 16, 2015, the Court entered an [97] Order granting in part and denying in part Plaintiffs' [67] Motion for Summary Judgment and granting in part and denying in part Defendants' [82] Cross-Motion for Summary Judgment for the reasons stated in the [98] Memorandum Opinion issued that same day. Specifically, with respect to the use of neonicotinoid pesticides at all five refuges, the Court granted Plaintiffs' motion and denied Defendants' motion. The Court required Federal Defendants to provide a Notice by no later than April 15, 2015, as to the use of neonicotinoid pesticides, in order for the Court to determine whether it was necessary to remand this claim to the agency. With respect to the NEPA claim regarding the farming of genetically modified crops in the Detroit Lakes Wetland Management District, the Court granted Plaintiffs' Motion and denied Defendants' Motion. The Court remanded that claim to the agency to consider the environmental impact of using such crops on this refuge in light of the Memorandum Opinion issued that same day. In all other respects, the Court denied Plaintiffs' motion and granted Defendants' motion.

On April 20, 2015, the Federal Defendants filed a [99] Motion for Leave to File Out of Time in order to file the Notice pertaining to the use of neonicotinoid pesticides that the Court had previously required. For good cause, the Court now grants Defendants leave to file out of time the Notice and the attached declaration that were submitted with the Motion. In that Notice, the Federal Defendants state that the use of neonicotinoid pesticides has been phased out at the challenged refuges. Because the use of neonicotinoid pesticides has been phased out already, there is no need to remand this

