

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

CENTER FOR FOOD SAFETY, *et al.*,

Plaintiffs,

v.

KEN SALAZAR, *et al.*,

Defendants.

Civil Action No. 11-1457 (JEB)

ORDER

On October 23, 2012, this Court issued a Memorandum Opinion and accompanying Order granting Plaintiffs' Motion for Summary Judgment and requesting that the parties appear for a hearing today regarding appropriate remedies. The parties are complimented on their ability to agree on most of the remedies, and the Court adopts those agreements and adds the other remedies discussed at the hearing.

The Court, accordingly, having found that FWS's FONSI was arbitrary and capricious, **ORDERS** that:

1. Defendant FWS's action authorizing the planting of genetically engineered crops in the Southeast Region through the Environmental Assessment and cooperative-farming agreements is vacated;
2. FWS will amend its standard cooperative-farming agreement, and thereby all of the cooperative-farming agreements now existing or entered in the future in the Southeast Region, to prohibit the use of genetically engineered crops unless and until 90 days after there is a Record of Decision authorizing the use of GE crops after additional appropriate NEPA analysis;

3. FWS agrees to conduct field surveys of the areas where GE crops were or are planted in the 2012 growing season. FWS will provide Plaintiffs and the public with information regarding the location of the crops, acreage planted, the type of crop (*e.g.*, Roundup Ready, Bt corn, *etc.*), and the types of pesticides (including herbicides) used, including the dates and amounts of application;
4. Field surveys will be conducted this year and for two additional years in the same areas to locate “volunteers” – *i.e.*, new genetically engineered plants that germinate in the fields – and remove or destroy any such volunteers. FWS will report to Plaintiffs on the quantity and location of any volunteers that are located and how they were removed or destroyed;
5. The parties will use their best efforts to resolve the question of attorney fees. The Court will delay entry of final judgment for 30 days to give the parties time to resolve the fee issue before the time begins to run for a fee petition;
6. After judgment and termination of the matter, Plaintiffs may seek to reopen the case if they believe that Defendants are not complying with these remedies and Plaintiffs seek further enforcement of them.

IT IS SO ORDERED.

_____/s/_____
JAMES E. BOASBERG
United States District Judge

Date: November 5, 2012