

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**SIERRA CLUB, *et al.*,**

\*

**Plaintiffs,**

\*

**v.**

\*

**Civ. No. DLB-20-3060**

**NATIONAL MARINE FISHERIES  
SERVICE, *et al.*,**

\*

**Defendants,**

\*

**and**

\*

**AMERICAN PETROLEUM INSTITUTE,  
*et al.*,**

\*

**Intervenors.**

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**ORDER**

On August 19, 2024, the Court entered a judgment vacating the 2020 Biological Opinion on the Federally Regulated Oil and Gas Program Activities in the Gulf of Mexico, effective December 20, 2024. ECF 205. Defendants and intervenors moved to amend the Court’s judgment. ECF 211 & 212. Their motions have been fully briefed. *See* ECF 211-1, 212-1, 216, 217, 218, & 219. No hearing is necessary. *See* Loc. R. 105.6 (D. Md. 2023).

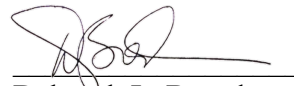
A party may move “to alter or amend a judgment . . . no later than 28 days after the entry of the judgment.” Fed. R. Civ. P. 59(e). The Court may amend an earlier judgment “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” *Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998).

The Court has considered the defendants’ and intervenors’ motions to alter or amend the Court’s August 19, 2024 judgment, the supporting memoranda and exhibits, and the plaintiffs’

oppositions. Based on the new information in declarations supporting the defendants' motion, *see* ECF 211-2, ¶¶ 6, 8, 9, 11, 15; ECF 211-4, ¶¶ 2–7, the Court amends the August 19, 2024 judgment. The effective date of the vacatur of the 2020 Biological Opinion is May 21, 2025. The defendants must provide the Court with status reports every 60 days beginning December 15, 2024 and ending on May 21, 2025.

Accordingly, it is this 21st day of October, 2024, hereby ORDERED that:

1. The defendants' motion to alter or amend the Court's judgment, ECF 211, is GRANTED;
2. The intervenors' emergency motion to alter or amend the Court's judgment or, in the alternative, motion to stay the Court's judgment pending appeal, ECF 212, treated as a motion to alter or amend, is GRANTED;
3. The 2020 Biological Opinion on the Federally Regulated Oil and Gas Program Activities in the Gulf of Mexico IS VACATED effective May 21, 2025; and
4. The defendants SHALL PROVIDE status reports to the Court every 60 days beginning December 15, 2024 and ending on May 21, 2025.



Deborah L. Boardman  
United States District Judge