

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 15-5332

September Term, 2017

1:14-cv-00485-ABJ

Filed On: September 29, 2017

American Wild Horse Preservation Campaign,
et al.,

Appellants

v.

Sonny Perdue, Secretary, U.S. Department of
Agriculture, et al.,

Appellees

BEFORE: Tatel, Millett, and Wilkins, Circuit Judges

ORDER

Upon consideration of the appellants' petition for panel rehearing, and the responses thereto, it is

ORDERED that the petition be granted to the extent that the Finding of No Significant Impact and the exclusion of the Middle Section from the Wild Horse Territory be vacated. It is

FURTHER ORDERED that the opinion filed August 4, 2017 be amended as follows:

(1) Slip Op., p. 2, ¶ 2, Delete the last sentence and insert in lieu thereof, "We accordingly reverse in part, vacate in part, and remand for the Service to address rather than to ignore the relevant history." and

(2) Slip Op., p. 30, Delete the last sentence and insert in lieu thereof, "Accordingly, we reverse the district court's grant of summary judgment in part, vacate the Finding of No Significant Impact and the agency's exclusion of the Middle Section from the Wild Horse Territory, and direct the district court to remand to the Service for further consideration."

The Clerk is directed to issue the amended opinion and to amend the judgment issued August 4, 2017. The Clerk is further directed to issue the mandate forthwith.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk