

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL ASSOCIATION OF HOME BUILDERS, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 01-0274 (JR)
	:	
U. S. ARMY CORPS OF ENGINEERS, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER

For the reasons stated in the accompanying memorandum, it is

ORDERED that plaintiff's motion for summary judgment [37] is **GRANTED**. It is DECLARED, ADJUDGED, and DECREED that the Tulloch II rule, 66 Fed. Reg. 4550, 4575 (Jan. 17, 2001) (codified at 33 C.F.R. § 323.3 and 40 C.F.R. § 232.2), is invalid, and that the EPA and the Army Corps of Engineers are enjoined from enforcing it. And it is

FURTHER ORDERED that defendant's motion for summary judgment [39] is **DENIED** and that the motion of intervenor defendants for summary judgment [40] is **DENIED**.

JAMES ROBERTSON
United States District Judge