

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

_____)	
ALLIANCE TO SAVE THE MATTAPONI, et al.,)	
)	
Plaintiffs,)	Civil Action No.
)	1:06-cv-01268-HH
v.)	
)	
UNITED STATES ARMY CORPS OF)	
ENGINEERS, et al.,)	
)	
Defendants.)	
_____)	

PROPOSED ORDER

This matter is before the Court upon the motion of Plaintiff-Intervenors Mattaponi Indian Tribe and Chief Carl T. Lone Eagle Custalow, and the Motion of Plaintiffs the Alliance to Save the Mattaponi, The Chesapeake Bay Foundation, Inc., and Sierra Club, Virginia Chapter.

After due consideration of the briefing and oral argument on this matter, and the Court’s deeming it just and proper to do so, it is hereby:

ORDERED that Plaintiff-Intervenors’ and Plaintiffs’ Motions for Summary Judgment are GRANTED in all respects against Defendants the U.S. Army Corps of Engineers (“Corps”) and the U.S. Environmental Protection Agency. The §404 permit issued to the City of Newport News is hereby VACATED, and any activities relating to or authorized by the invalid permit are hereby ENJOINED.

The matter is REMANDED to the Corps and EPA for further action consistent with the Court's rulings.

Dated _____

Henry H. Kennedy, Jr.
United States District Judge