UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NORTHEAST ORGANIC FARMING ASSOCIATION OF NEW YORK, NATURAL RESOURCES DEFENSE COUNCIL, and ENVIRONMENTAL WORKING GROUP, Plaintiffs, v. U.S. DEPARTMENT OF AGRICULTURE, Defendant.	25-cv-1529 (MMG)

STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL

WHEREAS, on or about February 24, 2025, Plaintiffs Northeast Organic Farming Association of New York, Natural Resources Defense Council, and Environmental Working Group ("Plaintiffs") commenced the above-captioned action (the "Action") asserting claims under the Administrative Procedure Act ("APA") and the Freedom of Information Act ("FOIA") against the U.S. Department of Agriculture ("USDA");

WHEREAS, the USDA represents it will comply with all legal obligations under the reading room provisions of FOIA, 5 U.S.C. § 552(a)(2), when making publication or posting decisions regarding the website content at issue in this Action; and

WHEREAS, Plaintiffs and the USDA (collectively, the "parties") now wish to resolve the issues raised in this litigation without further proceedings and without admitting any fault or liability;

IT IS STIPULATED AND AGREED, by and between the parties, that Plaintiffs' claims in this action shall be settled and compromised on the following terms and conditions:

1. The Action is hereby dismissed with prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure without interest, cost, expenses, disbursements, or attorneys' fees to any party.

2. This Stipulation shall not constitute an admission of liability or fault on the part of the USDA or the United States, or any of its present or former departments, agencies, agents, officials, or employees, nor shall it be deemed to be an admission that they have acted in any manner or way contrary to law in connection with the claims asserted in this Action, or were the cause of any injuries sustained by Plaintiffs, in connection with the claims asserted in this Action. The Stipulation shall not be admissible in any other litigation except to the extent it is admitted to enforce its terms.

3. In consideration for Plaintiffs' agreement to accept the terms and conditions of this Stipulation, the USDA agrees to the following:

a. Within 7 days of the execution of this Stipulation, USDA agrees to provide Plaintiffs with all data sets used to generate map layers for the Forest Service Climate Risk Viewer (1.1.0).

b. No later than June 9, 2026, USDA agrees to provide Plaintiffs with all records related to and postdating the publication of "Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management in Fulfillment of Section 2(b) of Executive Order No. 14072," including records of continued work on the definitions of mature and old-growth forests, the Forest Inventory Growth Stage System methodology, the special resolution of the inventory, and the data enabling or supporting increased accuracy or a finer spatial resolution.

c. USDA agrees to maintain public access to the Climate Risk Viewer, including the old growth forest data layers, at least until it has completed its release of records described in subparagraph b.

4. This Stipulation resolves any and all claims that Plaintiffs now have or may hereafter acquire against USDA, the United States, or any department, agency, agent, official, or employee of USDA and/or the United States related to or arising out of the Action that have accrued to date.

5. The parties understand and agree that this Stipulation contains the entire agreement between the parties, and any statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties that are not included herein shall be of no force or effect.

6. This Stipulation may be signed in two or more counterpart originals, each of which shall be deemed to be an original and all of which constitute one and the same Stipulation. Facsimiles and/or PDFs of signatures shall have the same force and effect as original signatures and constitute acceptable, binding signatures for purposes of the Stipulation.

Dated: February 24, 2026
New York, New York

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Attorney for the USDA

Dated: February 24, 2026
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Attorneys for Plaintiffs

SO ORDERED:

Dated: February 25, 2026
New York, New York

HONORABLE MARGARET M. GARNETT