

)
)
OCEANA, INC.,)
)
Plaintiff,)
)
v.) **Civil Action No. 04-810 (ESH)**
)
DONALD L. EVANS, et al.,)
)
Defendants.)
)

For the reasons set out in the accompanying Memorandum Opinion, it is hereby

ORDERED that defendant-intervenor’s Motion for Leave to File Surreply [#70] is

GRANTED; and it is

FURTHER ORDERED that plaintiff’s motion for summary judgment [#61] is

DENIED with two exceptions. Plaintiff’s motion as to its Fifth Claim for Relief is **GRANTED** insofar as it challenges under the Magnuson-Stevens Act (“MSA”) and the Administrative Procedure Act defendants’ failure in Amendment 10 to establish a standardized bycatch reporting methodology, and plaintiff’s motion as to its Seventh Claim for Relief is **GRANTED** insofar as it challenges under the MSA defendants’ approval of Framework 16’s modification of Amendment 10’s habitat closures; and it is

FURTHER ORDERED that issue of establishing a standardized bycatch reporting methodology is **REMANDED** for further action consistent with the accompanying Memorandum Opinion; and it is

FURTHER ORDERED that the portions of Framework 16 that modify the habitat closures established by Amendment 10 are **VACATED**; and it is

FURTHER ORDERED that plaintiff's Motion for Permanent Injunctive Relief [#62] is **DENIED**; and it is

FURTHER ORDERED that summary judgment is **GRANTED** in favor of defendants, except as to plaintiff's Fifth and Seventh claims for relief, as described above.

s/

ELLEN SEGAL HUVELLE
United States District Judge

Date: August 2, 2005