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

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED that defendants' motion to clarify is **GRANTED** and the Court's August 2, 2005 Order [# 73] is clarified to the extent that it reinstates the habitat area closures established by Amendment 10 so it is not necessary for defendants to repromulgate those closures; and it is

FURTHER ORDERED that defendant-intervenor's Motion to Alter or Amend Judgment is **DENIED**; and it is

FURTHER ORDERED that the Court's August 2, 2005 Memorandum Opinion [#74] is **AMENDED** to **DELETE** the following language from page 87:

The Court’s conclusion does not affect the agency’s ability to implement this change under its authority pursuant to § 1853(c), which allows the Secretary to make “modifications” to an FMP after its approval. The only difference is that these modifications are subject to the notice and comment provisions of § 1854(b), whereas framework “actions” are not.

s/

ELLEN SEGAL HUVELLE
United States District Judge

Date: October 6, 2005