

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

OCEANA, INC, *et al.*,

Plaintiffs,

v.

DONALD L. EVANS, *et al.*,

Defendants.

Civil Action No. 04-0811 (ESH)

ORDER

Upon consideration of the pleadings, arguments of counsel, and the entire record herein, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED that plaintiffs Conservation Law Foundation's and Natural Resources Defense Council's motion for summary judgment [#34] is **DENIED**, except that plaintiffs' motion as to their Claim Three is **GRANTED** insofar as it challenges under the Magnuson-Stevens Act and the Administrative Procedure Act defendants' failure in Amendment 13 to establish a standardized bycatch reporting methodology; it is

FURTHER ORDERED that plaintiff Oceana's motion for summary judgment [#33] is **DENIED**, except that plaintiff's motion as to its Claim Three is **GRANTED** insofar as it challenges under the Magnuson-Stevens Act and the Administrative Procedure Act defendants' failure in Amendment 13 to establish a standardized bycatch reporting methodology; it is

FURTHER ORDERED that plaintiff Trawlers Survival Fund's motion for summary judgment [#35] is **DENIED**, except that plaintiff's motion as to its Count Seven is **GRANTED** insofar as the Court concludes that the third sentence of 50 C.F.R. § 648.85(a)(2)(i)(D) is invalid;

and it is

FURTHER ORDERED that summary judgment is **GRANTED** in favor of defendants except as to Count Seven of plaintiff Trawlers Survival Fund's complaint and as to CLF's and Oceana's Claim Three. The issue of establishing a standardized bycatch reporting methodology is remanded to the Secretary for further action consistent with the accompanying Memorandum Opinion.

s/

ELLEN SEGAL HUVELLE
United States District Judge

Date: March 9, 2005