

# United States Court of Appeals For the First Circuit

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No. 11-1952

JAMES LOVGREN; NEW HAMPSHIRE COMMERCIAL FISHERMEN'S ASSOCIATION;  
PAUL THERIAULT; CHUCK WEIMER; DAVID ARIPOTCH; TEMPEST FISHERIES,  
LTD.; GRACE FISHING, INC.; RICHARD GRACHEK; ROANOKE FISH CO.,  
INC.; AMERICAN ALLIANCE OF FISHERMEN AND THEIR COMMUNITIES; NEW  
BEDFORD FISH LUMPERS PENSION PLAN; ATLANTIC COAST SEAFOOD, INC.;  
LYDIA & MAYA, INC.; JOHN & NICHOLAS, INC.; BERGIE'S SEAFOOD,  
INC.; NORDIC, INC.; LYMAN FISHERIES, INC.; THE HOPE II, INC.;  
REIDAR'S MANUFACTURING, INC.; DIAMOND DOG FISHING CORP.; ATLANTIC  
ENTERPRISES, LLC; WANCHESE FISH COMPANY; EASTER JOY, INC.; LOCAL  
1749 ILA, AFL-CIO, NEW BEDFORD FISH LUMPERS PENSION PLAN,

Plaintiffs,

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CITY OF NEW BEDFORD; CITY OF GLOUCESTER,

Plaintiffs, Appellants,

v.

THE HONORABLE GARY LOCKE, Secretary of Commerce; THE NATIONAL  
OCEANIC AND ATMOSPHERIC ADMINISTRATION, (NOAA); THE NATIONAL  
MARINE FISHERIES SERVICE, (NMFS); CONSERVATION LAW FOUNDATION,  
INC.; JANE LUBCHENCO, Administrator of the National Oceanic and  
Atmospheric Administration,

Defendants, Appellees,

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ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM, (ACCSP);  
ATLANTIC STATES MARINE FISHERIES COMMISSION, (ASMFC),

Defendants.

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JAMES LOVGREN,  
Plaintiff, Appellant,

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CITY OF NEW BEDFORD; NEW HAMPSHIRE COMMERCIAL FISHERMEN'S ASSOCIATION; PAUL THERIAULT; CHUCK WEIMER; DAVID ARIPOCH; TEMPEST FISHERIES, LTD.; GRACE FISHING, INC.; RICHARD GRACHEK; ROANOKE FISH CO., INC.; AMERICAN ALLIANCE OF FISHERMEN AND THEIR COMMUNITIES; NEW BEDFORD FISH LUMPERS PENSION PLAN; CITY OF GLOUCESTER; ATLANTIC COAST SEAFOOD, INC.; LYDIA & MAYA, INC.; JOHN & NICHOLAS, INC.; BERGIE'S SEAFOOD, INC.; NORDIC, INC.; LYMAN FISHERIES, INC.; THE HOPE II, INC.; REIDAR'S MANUFACTURING, INC.; DIAMOND DOG FISHING CORP.; ATLANTIC ENTERPRISES, LLC; WANCHESE FISH COMPANY; EASTER JOY, INC.; LOCAL 1749 ILA, AFL-CIO, NEW BEDFORD FISH LUMPERS PENSION PLAN,

Plaintiffs,

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v.

THE HONORABLE GARY LOCKE, Secretary of Commerce; THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, (NOAA); THE NATIONAL MARINE FISHERIES SERVICE, (NMFS); CONSERVATION LAW FOUNDATION, INC.; JANE LUBCHENCO, Administrator of the National Oceanic and Atmospheric Administration,

Defendants, Appellees,

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ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM, (ACCSP); ATLANTIC STATES MARINE FISHERIES COMMISSION, (ASMFC),

Defendants.

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No. 11-1987

JAMES LOVGREN; CITY OF NEW BEDFORD; PAUL THERIAULT; CHUCK WEIMER;  
TEMPEST FISHERIES, LTD.; GRACE FISHING, INC.; ROANOKE FISH CO.,  
INC.; NEW BEDFORD FISH LUMPERS PENSION PLAN; CITY OF GLOUCESTER;  
ATLANTIC COAST SEAFOOD, INC.; LYDIA & MAYA, INC.; JOHN &  
NICHOLAS, INC.; BERGIE'S SEAFOOD, INC.; NORDIC, INC.; LYMAN  
FISHERIES, INC.; THE HOPE II, INC.; REIDAR'S MANUFACTURING, INC.;  
DIAMOND DOG FISHING CORP.; ATLANTIC ENTERPRISES, LLC; WANCHESE  
FISH COMPANY; EASTER JOY, INC.; LOCAL 1749 ILA, AFL-CIO, NEW  
BEDFORD FISH LUMPERS PENSION PLAN,

Plaintiffs,

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NEW HAMPSHIRE COMMERCIAL FISHERMEN'S ASSOCIATION; DAVID ARIPOTCH;  
RICHARD GRACHEK; AMERICAN ALLIANCE OF FISHERMEN AND THEIR  
COMMUNITIES,

Plaintiffs, Appellants,

v.

THE HONORABLE GARY LOCKE, Secretary of Commerce; THE NATIONAL  
OCEANIC AND ATMOSPHERIC ADMINISTRATION, (NOAA); THE NATIONAL  
MARINE FISHERIES SERVICE, (NMFS); CONSERVATION LAW FOUNDATION,  
INC.; JANE LUBCHENCO, Administrator of the National Oceanic and  
Atmospheric Administration,

Defendants, Appellees,

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ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM, (ACCSP);  
ATLANTIC STATES MARINE FISHERIES COMMISSION, (ASMFC),

Defendants.

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No. 11-2001

JAMES LOVGREN; CITY OF NEW BEDFORD; NEW HAMPSHIRE COMMERCIAL FISHERMEN'S ASSOCIATION; PAUL THERIAULT; CHUCK WEIMER; DAVID ARIPOCH; RICHARD GRACHEK; AMERICAN ALLIANCE OF FISHERMEN AND THEIR COMMUNITIES; NEW BEDFORD FISH LUMPERS PENSION PLAN; CITY OF GLOUCESTER; ATLANTIC COAST SEAFOOD, INC.; REIDAR'S MANUFACTURING, INC.; LOCAL 1749 ILA, AFL-CIO; NEW BEDFORD FISH LUMPERS PENSION PLAN,

Plaintiffs,

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TEMPEST FISHERIES, LTD.; GRACE FISHING, INC.; ROANOKE FISH CO., INC.; LYDIA & MAYA, INC., JOHN & NICHOLAS, INC.; BERGIE'S SEAFOOD, INC.; NORDIC, INC.; LYMAN FISHERIES, INC.; THE HOPE II, INC.; DIAMOND DOG FISHING CORP.; ATLANTIC ENTERPRISES, LLC; WANCHESE FISH COMPANY; EASTER JOY, INC.

Plaintiffs, Appellants,

v.

THE HONORABLE GARY LOCKE, Secretary of Commerce; THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, (NOAA); THE NATIONAL MARINE FISHERIES SERVICE, (NMFS); CONSERVATION LAW FOUNDATION, INC.; JANE LUBCHENCO, Administrator of the National Oceanic and Atmospheric Administration,

Defendants, Appellees,

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ATLANTIC COASTAL COOPERATIVE STATISTICS PROGRAM, (ACCSP); ATLANTIC STATES MARINE FISHERIES COMMISSION, (ASMFC),

Defendants.

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**ERRATA SHEET**

The opinion of this Court issued on November 28, 2012, is amended as follows:

On page 24, line 12, "Plaintiff-appellants" is amended to read "Plaintiffs-appellants".

On page 55, line 5, the citation is amended to read "Pub. L. No. 109-479, Tit. I".