

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

NATURAL RESOURCES DEFENSE  
COUNCIL, INC.; THE INTERNATIONAL  
FUND FOR ANIMAL WELFARE;  
CETACEAN SOCIETY INTERNATIONAL;  
LEAGUE FOR COASTAL PROTECTION;  
OCEAN FUTURES SOCIETY; JEAN-  
MICHEL COUSTEAU,

*Plaintiffs-Appellees,*

v.

DONALD C. WINTER, Secretary of  
the Navy; UNITED STATES  
DEPARTMENT OF THE NAVY; CARLOS  
M. GUTIERREZ, Secretary of the  
Department of Commerce;  
NATIONAL MARINE FISHERIES  
SERVICES; WILLIAM HOGARTH,  
Assistant Administrator for  
Fisheries of the National  
Oceanographic and Atmospheric  
Administration; CONRAD C.  
LAUTENBACHER, JR., Administrator  
of the National Oceanographic and  
Atmospheric Administration,

*Defendants-Appellants.*

No. 08-55054

D.C. No.  
CV-07-00335-FMC  
Central District  
of California,  
Santa Ana  
ORDER

Filed January 25, 2008

Before: Betty B. Fletcher, Dorothy W. Nelson and  
Stephen Reinhardt, Circuit Judges.

**ORDER**

The panel's January 16, 2008 order remanding the case to the district court is designated for publication.



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