

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CONSERVATION LAW FOUNDATION,	)	
et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:00CV01134 GK
	)	
DONALD L. EVANS, et al.	)	
	)	
Defendants.	)	
	)	
	)	
	)	

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**NOTICE OF SETTLEMENT AGREEMENT AMONG  
CERTAIN PARTIES AND JOINT MOTION FOR ENTRY OF  
STIPULATED ORDER AND STAY OF LITIGATION**

Conservation Law Foundation, Donald L. Evans (“Secretary”), the National Oceanic and Atmospheric Administration, the National Marine Fisheries Service, the State of Maine, the Commonwealth of Massachusetts, the State of New Hampshire, the State of Rhode Island, the Associated Fisheries of Maine, Inc., the City of Portland, Maine, the City of New Bedford, Massachusetts, the Trawlers Survival Fund, Paul Parker, Craig A. Pendleton, Northwest Atlantic Marine Alliance, Inc., Stonington Fisheries Alliance, Saco Bay Alliance, and Cape Cod Commercial Hook Fishermen’s Association, Inc. (collectively “Settling Parties”) hereby give notice of a Settlement Agreement among them and respectfully request entry of a stipulated order and stay of litigation. In support of their motion for entry of a stipulated order and stay of litigation, the Settling Parties state the following:

1. After extensive negotiations among all parties and amici in this litigation, including mediation with the assistance of neutral mediators, during which the parties discussed

appropriate management measures and the principles of long-term rebuilding strategies, the Settling Parties were able to reach an agreement to effect a settlement among them and present a unified position to the Court with respect to a remedial plan.

2. The Settlement Agreement (“Agreement”) contemplates that the Secretary will take three administrative actions, consisting of: (1) an Interim Rule establishing a suite of management measures that are intended and considered to reduce overfishing and bycatch during the first quarter of the 2002-03 fishing season, which begins on May 1, 2002; (2) a Second Interim Rule establishing a suite of management measures that are intended and considered to reduce overfishing and bycatch beginning with the second quarter of the 2002-03 fishing season, beginning August 1, 2002, and continuing through the anticipated implementation of a Fishery Management Plan (“FMP”) Amendment to Northeast Multispecies (Groundfish) FMP by August 22, 2003; and (3) a proposed FMP Amendment (Amendment 13) that complies with the rebuilding and bycatch provisions of the SFA, which the Settling Parties agree shall be developed through the Fishery Management Council process, consistent with the requirements of the Magnuson Act, the SFA, and other applicable law, and subject to Secretarial action if the Council does not meet the deadlines established by the Secretary for Council action.

3. The Settling Parties have agreed to request that the Court enter a proposed Stipulated Order and Stay of Litigation (Exhibit D to the Settlement Agreement) establishing dates certain for promulgation of the Interim Rule, the Second Interim Rule, and Amendment 13, as well as to provide for continuing jurisdiction solely with respect to those matters.

4. The Settling Parties agree that compliance with these agreements will bring the Northeast Multispecies FMP into full compliance with the overfishing and rebuilding provisions

of Amendment 9, as Amendment 9 may be amended through the implementation of Amendment 13, and will bring the Northeast Multispecies FMP into compliance with the overfishing, rebuilding, and bycatch minimization requirements of the SFA, while providing substantial reductions in fishing mortality in the interim.

5. The Settling Parties support their Agreement, in combination with the proposed Stipulated Order (Exhibit D to the Agreement), as an appropriate remedial response to the Court's December 28, 2001 Memorandum Opinion and Order.

Respectfully submitted:

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Conservation Law Foundation  
  
Counsel for Conservation Law Foundation

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Counsel for Plaintiff-Intervenors Paul Parker, Craig A. Pendleton, Northwest Atlantic Marine Alliance, Inc., Stonington Fisheries Alliance, Saco Bay Alliance, and Cape Cod Commercial Hook Fishermen's Association, Inc.

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Dated: April 16, 2002