

1 JANIS SEARLES (ASB #9606027)
 2 ERIC JORGENSEN (ASB #894010)
 3 Earthjustice
 325 Fourth Street
 3 Juneau, AK 99801-1145
 (907) 586-2751

HONORABLE THOMAS S. ZILLY

4 PETER VAN TUYN (ASB #8911086)
 5 Trustees for Alaska
 1026 West 4th Avenue, Suite 201
 6 Anchorage, AK 99501
 (907) 276-4244

7 *Attorneys for Plaintiffs*

8
 9 TODD D. TRUE (WSB #12864)
 Earthjustice
 705 Second Avenue, Suite 203
 10 Seattle, WA 98104-1711
 (206) 343-7340

11 *Local Counsel for Plaintiffs*

12
 13
 14 UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF WASHINGTON

15 GREENPEACE, et al.,)	Civ. No. C98-0492Z
)	
16 Plaintiffs,)	
)	
17 v.)	JOINT STIPULATION FOR ENTRY OF
)	AGREED ORDER AND JUDGMENT
)	
18 NATIONAL MARINE FISHERIES)	
19 SERVICE, and DONALD L. EVANS,)	
)	
20 Defendants,)	
)	
21 AT-SEA PROCESSORS ASSOCIATION,)	
22 UNITED CATCHER BOATS, ALEUTIANS)	
EAST BOROUGH, and WESTWARD)	
23 SEAFOODS, INC., et al.,)	
)	
24 <u>Intervenor-Defendants.</u>)	

25 All of the parties to the above-captioned litigation, Greenpeace, American Oceans
 26 Campaign, the Sierra Club, National Marine Fisheries Service, Donald L. Evans in his capacity
 27 as Secretary of Commerce, At-sea Processors Association, United Catcher Boats, Aleutians East
 28 Borough, Westward Seafoods, Inc., Wards Cove Packing Company, North Pacific Processors

1 Inc., Nelbro Packing Company, Unisea, Inc., Peter Pan Seafoods, Inc., Kodiak Salmon Packers,
2 Inc., Alyeska Seafoods, Inc., Western Alaska Fisheries, Inc., Kanaway Seafoods, Inc., Royal
3 Viking, Inc., Morning Star LP, Great Pacific Limited Partnership, Alaskan Command Company,
4 Pacific Knight LLC, City of Unalaska, Fishing Company of Alaska, Inc., Groundfish Forum,
5 Inc., Pacific Cod Freezer Longliners, Prowler LLC & Ocean Prowler LLC, Clipper Seafood,
6 Alaskan Leader Fisheries, and Fisherman's Finest, Inc. (collectively "the Parties") file this Joint
7 Stipulation for entry of the attached Order and for entry of a final Judgment.

8 The purpose of the agreed Order is to establish a basis for entry of a final judgment in this
9 case which adjudicates all of the claims of all of the Parties and summarizes in one Court Order
10 any remaining deadline obligations from this and prior orders.

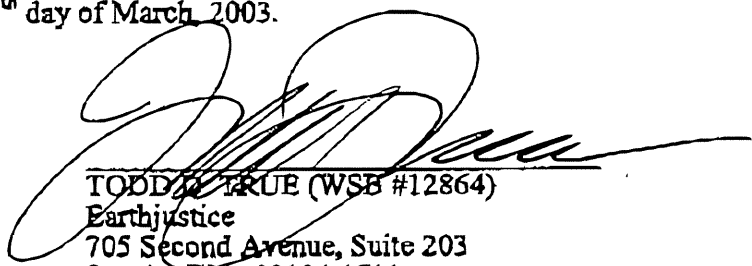
11 Accordingly, the Parties stipulate and agree to the following:

- 12 1. The National Marine Fisheries Service shall complete the remand required by the Court's
13 December 18, 2002 Order (Docket Sheet #577) on or before June 30, 2003.
- 14 2. In accordance with the Court's February 6, 2003 Order (Docket Sheet #588), the National
15 Marine Fisheries Service shall issue the Final Programmatic Supplemental Environmental
16 Impact Statement and Record of Decision on or before September 1, 2004. The
17 requirement that the National Marine Fisheries Service file status reports every sixty days
18 on the development of the Programmatic Supplemental Environmental Impact Statement
19 pursuant to the Court's August 6, 1999, Remand Order (Docket Sheet #272) is terminated.
- 20 3. The Parties agree to dismiss without prejudice any remaining unadjudicated claims that are
21 still pending in this case. With respect to claims the Court has adjudicated, they are to be
22 dismissed with prejudice in accordance with the specific Orders resolving these claims.
- 23 4. The Parties agree that judgment should be entered in part for Plaintiffs, in part for
24 Defendants, and in part for Defendant-Intervenors, in accordance with the Court's Orders
25 of July 13, 1999 (Docket Sheet #254), January 25, 2000 (Docket Sheet #373), and
26 December 18, 2002 (Docket Sheet #577).

27 Once Judgment is entered, Plaintiffs intend to seek their attorneys' fees and other
28 expenses in accordance with the provisions of 28 U.S.C. § 2412(d). By entering into this

1 stipulation, the Defendants do not agree the Plaintiffs are entitled to attorney's fees, and do not
2 waive their right to assert any defenses to such a claim by Plaintiffs.

3 Respectfully submitted this 28th day of March, 2003.

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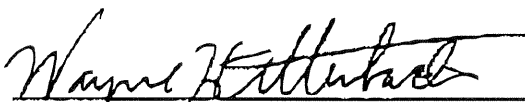
6 TODD A. TRUE (WSB #12864)
7 Earthjustice
8 705 Second Avenue, Suite 203
9 Seattle, WA 98104-1711
10 (206) 343-7340

11 *Local Counsel for Plaintiffs*

12 JANIS SEARLES (ASB #9606027)
13 ERIC JORGENSEN (ASB #894010)
14 Earthjustice
15 325 Fourth Street
16 Juneau, AK 99801-1145
17 (907) 586-2751

18 PETER VAN TUYN (ASB #8911086)
19 Trustees for Alaska
20 1026 West 4th Avenue, Suite 201
21 Anchorage, AK 99501
22 (907) 276-4244

23 *Attorneys for Plaintiffs*

24 

25 WAYNE D. HETTENBACH
26 Wildlife and Marine Resources Section
27 Environment and Natural Resources Division
28 U.S. Department of Justice
Benjamin Franklin Station, P.O. Box 7369
Washington, D.C. 20044-7369
(202) 305-0213

JOINT STIPULATION FOR ENTRY OF AGREED
ORDER AND JUDGMENT (C98-0492Z) - 3 -


Earthjustice
705 Second Ave., Suite 203
Seattle, WA 98104
(206) 343-7340

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28


ANTHONY P. HOANG
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
P.O. Box 663
Washington, D.C. 20044-0663
(202) 305-0241

OF COUNSEL:
LAUREN SMOKER
JONATHAN POLLARD
National Oceanic and Atmospheric Administration
Office of the General Counsel
709 W. 9th Street, Room 909A
Juneau, AK 99801
(907) 586-7414

Attorneys for Defendants


LINDA R. LARSON (WSB #9171)
Sandler Ahern & McConaughy, PLLC
1200 Fifth Avenue, Suite 1900
Seattle, WA 98101-3135
(206) 346-1750

*Attorneys for Intervenor-Defendants,
United Catcher Boats*


GEORGE J. MANNINA, JR.
O'Connor & Hannon
1666 K Street, N.W., Suite 500
Washington, D.C. 20006
(202) 887-1400

1
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4
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9
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23
24
25
26
27
28

JAMES A. SMITH, JR.
Smith & Leary
316 Occidental Avenue South, Suite 500
Seattle, WA 98104
(206) 292-1770

*Attorneys for Intervenor-Defendants,
Westward Seafoods, et al.*

Amida R Larson for
MARC D. SLONIM
Ziontz, Chestnut, Varnell, Berley & Slonim
2101 Fourth Avenue, Suite 1230
Seattle, WA 98121
(206) 448-1230

MICHAEL A.D. STANLEY
P.O. Box 020449
Juneau, AK 99802
(907) 586-6077


*Attorneys for Intervenor-Defendants,
Aleutians East Borough*

Amida R Larson for
ELDON V.C. GREENBERG
Garvey, Schubert & Barer
1000 Potomac Street, Suite 500
Washington, D.C. 20007
(202) 965-7880

1
2
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28

JAY H. ZULAUF
CHRISTOPHER S. McNULTY
Mundt MacGregor
999 Third Avenue, Suite 4200
Seattle, WA 98104
(206) 624-5950

*Attorneys for Intervenor-Defendants,
At-sea Processors Association*


JOHN R. NEELEMAN
GWENDOLYN PAYTON KLEIN
Lane Powell Spears Lubersky
1420 Fifth Avenue, Suite 4100
Seattle, WA 98101
(206) 223-7000

*Attorneys for Intervenor-Defendant,
Fishing Company of Alaska, Inc.*


GARY HAUGEN
MATTHEW C. CRANE
Bauer, Moynihan & Johnson, LLP
2101 Fourth Avenue, Suite 2400
Seattle, WA 98121
(206) 448-9076

*Attorneys for Intervenor-Defendant,
Groundfish Forum*

1
2
3
4
5
6
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9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Anda R Larson for

CHRISTOPHER L. RISSETTO

KEITH A. ONSDORFF

Reed Smith LLP

1301 K Street, N.W.

Suite 1100 – East Tower

Washington, D.C. 20005

(202) 414-9200

*Attorneys for Intervenor-Defendant,
Freezer Longliner*

1 JANIS SEARLES (ASB #9606027)
 2 ERIC JORGENSEN (ASB #894010)
 3 Earthjustice
 4 325 Fourth Street
 5 Juneau, AK 99801-1145
 6 (907) 586-2751

HONORABLE THOMAS S. ZILLY

7 PETER VAN TUYN (ASB #8911086)
 8 Trustees for Alaska
 9 1026 West 4th Avenue, Suite 201
 10 Anchorage, AK 99501
 11 (907) 276-4244

Attorneys for Plaintiffs

12 TODD D. TRUE (WSB #12864)
 13 Earthjustice
 14 705 Second Avenue, Suite 203
 15 Seattle, WA 98104-1711
 16 (206) 343-7340

Local Counsel for Plaintiffs

17 UNITED STATES DISTRICT COURT
 18 FOR THE WESTERN DISTRICT OF WASHINGTON

19 GREENPEACE, et al.,
 20 Plaintiffs,

) Civ. No. C98-0492Z

v.

) AGREED ORDER [PROPOSED]

21 NATIONAL MARINE FISHERIES
 22 SERVICE, and DONALD L. EVANS,

Defendants,

23 AT-SEA PROCESSORS ASSOCIATION,
 24 UNITED CATCHER BOATS, ALEUTIANS
 25 EAST BOROUGH, and WESTWARD
 26 SEAFOODS, INC., et al.,

Intervenor-Defendants.)

27 This matter having come before the Court on Plaintiffs', Defendants', and Defendant-
 28 Intervenor's Joint Stipulation, it is hereby

ORDERED, that the National Marine Fisheries Service shall complete the remand
 required by the Court's December 18, 2002 Order on or before June 30, 2003.

1 ORDERED, that the National Marine Fisheries Service shall issue the Final
2 Programmatic Supplemental Environmental Impact Statement and Record of Decision on or
3 before September 1, 2004.

4 ORDERED, that the requirement that the National Marine Fisheries Service file status
5 reports every sixty days on the development of the Programmatic Supplemental Environmental
6 Impact Statement pursuant to the Court's August 6, 1999, Remand Order (Docket Sheet #272) is
7 terminated.

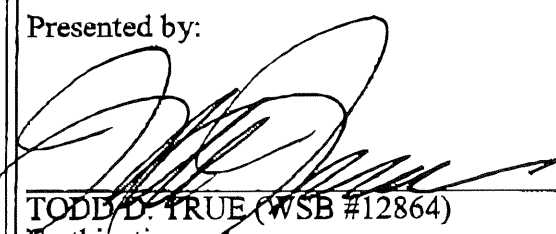
8 ORDERED, that any remaining unadjudicated claims that are still pending in this case
9 are dismissed without prejudice.

10 ORDERED, that Judgment shall be entered in part for Plaintiffs, in part for Defendants,
11 and in part for Defendant-Intervenors, in accordance with the Court's Orders of July 13, 1999
12 (Docket Sheet #254), January 25, 2000 (Docket Sheet #373), and December 18, 2002 (Docket
13 Sheet #577), for the reasons discussed in the aforementioned Orders.

14 Dated this _____ day of _____, 2003.

16 _____
17 THOMAS S. ZILLY
UNITED STATES DISTRICT JUDGE

18 Presented by:

19 
20 _____
21 TODD D. TRUE (WSB #12864)
Earthjustice
22 705 Second Avenue, Suite 203
23 Seattle, WA 98104-1711
(206) 343-7340

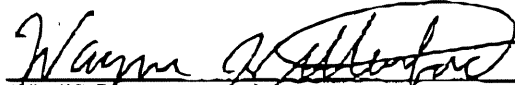
24 *Local Counsel for Plaintiffs*

25 JANIS SEARLES (ASB #9606027)
26 ERIC JORGENSEN (ASB #894010)
Earthjustice
27 325 Fourth Street
Juneau, AK 99801-1145
28 (907) 586-2751

*Earthjustice
705 Second Ave., Suite 203
Seattle, WA 98104
(206) 343-7340*

1 PETER VAN TUYN (ASB #8911086)
2 Trustees for Alaska
3 1026 West 4th Avenue, Suite 201
4 Anchorage, AK 99501
5 (907) 276-4244

6 *Attorneys for Plaintiffs*

7 
8 WAYNE D. HETTENBACH
9 Wildlife and Marine Resources Section
10 Environment and Natural Resources Division
11 U.S. Department of Justice
12 Benjamin Franklin Station, P.O. Box 7369
13 Washington, D.C. 20044-7369
14 (202) 305-0213

15 ANTHONY P. HOANG
16 United States Department of Justice
17 Environment and Natural Resource Division
18 General Litigation Section
19 P.O. Box 663
20 Washington, D.C. 20044-0663
21 (202) 305-0241

22 OF COUNSEL:
23 LAUREN SMOKER
24 JONATHAN POLLARD
25 National Oceanic and Atmospheric Administration
26 Office of the General Counsel
27 709 W. 9th Street, Room 909A
28 Juneau, AK 99801
(907) 586-7414

Attorneys for Defendants

1

2

3

Linda R Larson

4

LINDA R. LARSON (WSB #9171)
Sandler Ahern & McConaughy, PLLC
1200 Fifth Avenue, Suite 1900
Seattle, WA 98101-3135
(206) 346-1750

5

6

7

***Attorneys for Intervenor-Defendants,
United Catcher Boats***

8

9

10

11

Linda R Larson for

12

GEORGE J. MANNINA, JR.
O'Connor & Hannon
1666 K Street, N.W., Suite 500
Washington, D.C. 20006
(202) 887-1400

13

14

15

16

JAMES A. SMITH, JR.
Smith & Leary
316 Occidental Avenue South, Suite 500
Seattle, WA 98104
(206) 292-1770

17

18

19

***Attorneys for Intervenor-Defendants,
Westward Seafoods, et al.***

20

21

22

23

Linda R Larson for

24

MARC D. SLONIM
Ziontz, Chestnut, Varnell, Berley & Slonim
2101 Fourth Avenue, Suite 1230
Seattle, WA 98121
(206) 448-1230

25

26

27

28

1 MICHAEL A.D. STANLEY
 2 P.O. Box 020449
 3 Juneau, AK 99802
 (907) 586-6077

4 *Attorneys for Intervenor-Defendants,*
 5 *Aleutians East Borough*

6
 7
 8 *Ronda R. Dawson for*
 9 ELDON V.C. GREENBERG
 10 Garvey, Schubert & Barer
 11 1000 Potomac Street, Suite 500
 Washington, D.C. 20007
 (202) 965-7880

12 JAY H. ZULAUF
 13 CHRISTOPHER S. McNULTY
 14 Mundt MacGregor
 15 999 Third Avenue, Suite 4200
 Seattle, WA 98104
 (206) 624-5950

16 *Attorneys for Intervenor-Defendants,*
 17 *At-sea Processors Association*

18
 19
 20
 21 *Ronda R. Dawson for*
 22 JOHN R. NEELEMAN
 23 GWENDOLYN PAYTON KLEIN
 24 Lane Powell Spears Lubersky
 1420 Fifth Avenue, Suite 4100
 Seattle, WA 98101
 (206) 223-7000

25 *Attorneys for Intervenor-Defendant,*
 26 *Fishing Company of Alaska, Inc.*

27
 28

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27
28

Nnda R Raison for

GARY HAUGEN
MATTHEW C. CRANE
Bauer, Moynihan & Johnson, LLP
2101 Fourth Avenue, Suite 2400
Seattle, WA 98121
(206) 448-9076

*Attorneys for Intervenor-Defendant,
Groundfish Forum*

Nnda R Raison for

CHRISTOPHER L. RISSETTO
KEITH A. ONSDORFF
Reed Smith LLP
1301 K Street, N.W.
Suite 1100 - East Tower
Washington, D.C. 20005
(202) 414-9200

*Attorneys for Intervenor-Defendant,
Freezer Longliner*

1 JANIS SEARLES (ASB #9606027)
 ERIC JORGENSEN (ASB #894010)
 2 Earthjustice
 325 Fourth Street
 3 Juneau, AK 99801-1145
 (907) 586-2751

HONORABLE THOMAS S. ZILLY

4 PETER VAN TUYN (ASB #8911086)
 5 Trustees for Alaska
 1026 West 4th Avenue, Suite 201
 6 Anchorage, AK 99501
 (907) 276-4244

7 *Attorneys for Plaintiffs*

8
 9 TODD D. TRUE (WSB #12864)
 Earthjustice
 705 Second Avenue, Suite 203
 10 Seattle, WA 98104-1711
 (206) 343-7340

11 *Local Counsel for Plaintiffs*

12
 13
 14 UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF WASHINGTON

15 GREENPEACE, et al.,
 16
 Plaintiffs,

) Civ. No. C98-0492Z

17 v.

) JUDGMENT IN A CIVIL CASE
 [PROPOSED]

18
 19 NATIONAL MARINE FISHERIES
 SERVICE, and DONALD L. EVANS,

20 Defendants,

21 AT-SEA PROCESSORS ASSOCIATION,
 22 UNITED CATCHER BOATS, ALEUTIANS
 EAST BOROUGH, and WESTWARD
 23 SEAFOODS, INC., et al.,


24 Intervenor-Defendants.

1 IT IS HEREBY ORDERED AND ADJUDGED that judgment is entered in part in favor
2 of the Plaintiffs, in part in favor of the Defendants, and in part in favor of the Defendant-
3 Intervenor.

4 Dated this _____ day of _____, 2003.

6 THOMAS S. ZILLY
7 UNITED STATES DISTRICT JUDGE

8 Presented by:


9 
10 TODD D. TRUE (WSB #12864)
11 Earthjustice
12 705 Second Avenue, Suite 203
13 Seattle, WA 98104-1711
14 (206) 343-7340

14 *Local Counsel for Plaintiffs*

15 JANIS SEARLES (ASB #9606027)
16 ERIC JORGENSEN (ASB #894010)
17 Earthjustice
18 325 Fourth Street
19 Juneau, AK 99801-1145
20 (907) 586-2751

21 PETER VAN TUYN (ASB #8911086)
22 Trustees for Alaska
23 1026 West 4th Avenue, Suite 201
24 Anchorage, AK 99501
25 (907) 276-4244

26 *Attorneys for Plaintiffs*

27 
28 WAYNE D. HETTENBACH
Wildlife and Marine Resources Section
Environment and Natural Resources Division
U.S. Department of Justice
Benjamin Franklin Station, P.O. Box 7369
Washington, D.C. 20044-7369
(202) 305-0213

Earthjustice
705 Second Ave., Suite 203
Seattle, WA 98104
(206) 343-7340

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ANTHONY P. HOANG
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
P.O. Box 663
Washington, D.C. 20044-0663
(202) 305-0241

OF COUNSEL:
LAUREN SMOKER
JONATHAN POLLARD
National Oceanic and Atmospheric Administration
Office of the General Counsel
709 W. 9th Street, Room 909A
Juneau, AK 99801
(907) 586-7414

Attorneys for Defendants



LINDA R. LARSON (WSB #9171)
Sandler Ahern & McConaughy, PLLC
1200 Fifth Avenue, Suite 1900
Seattle, WA 98101-3135
(206) 346-1750

*Attorneys for Intervenor-Defendants,
United Catcher Boats*



GEORGE J. MANNINA, JR.
O'Connor & Hannon
1666 K Street, N.W., Suite 500
Washington, D.C. 20006
(202) 887-1400

1 JAMES A. SMITH, JR.
 2 Smith & Leary
 3 316 Occidental Avenue South, Suite 500
 4 Seattle, WA 98104
 5 (206) 292-1770

6 *Attorneys for Intervenor-Defendants,*
 7 *Westward Seafoods, et al.*

8 *Amnda R. Slonim for*

9 MARC D. SLONIM
 10 Ziontz, Chestnut, Varnell, Berley & Slonim
 11 2101 Fourth Avenue, Suite 1230
 12 Seattle, WA 98121
 13 (206) 448-1230

14 MICHAEL A.D. STANLEY
 15 P.O. Box 020449
 16 Juneau, AK 99802
 17 (907) 586-6077

18 *Attorneys for Intervenor-Defendants,*
 19 *Aleutians East Borough*

20 *Amnda R. Slonim for*

21 ELDON V.C. GREENBERG
 22 Garvey, Schubert & Barer
 23 1000 Potomac Street, Suite 500
 24 Washington, D.C. 20007
 25 (202) 965-7880

26 JAY H. ZULAUF
 27 CHRISTOPHER S. McNULTY
 28 Mundt MacGregor
 999 Third Avenue, Suite 4200
 Seattle, WA 98104
 (206) 624-5950

Attorneys for Intervenor-Defendants,
At-sea Processors Association

Earthjustice
 705 Second Ave., Suite 203
 Seattle, WA 98104
 (206) 343-7340

1
2
3
4
5
6
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11
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17
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19
20
21
22
23
24
25
26
27
28

Anda R. Hansen for

JOHN R. NEELEMAN
GWENDOLYN PAYTON KLEIN
Lane Powell Spears Lubersky
1420 Fifth Avenue, Suite 4100
Seattle, WA 98101
(206) 223-7000

*Attorneys for Intervenor-Defendant,
Fishing Company of Alaska, Inc.*

GARY HAUGEN for

GARY HAUGEN
MATTHEW C. CRANE
Bauer, Moynihan & Johnson, LLP
2101 Fourth Avenue, Suite 2400
Seattle, WA 98121
(206) 448-9076

*Attorneys for Intervenor-Defendant,
Groundfish Forum*

- 1
- 2
- 3
- 4
- 5
- 6
- 7
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- 9
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- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Minda R. Larson for

CHRISTOPHER L. RISSETTO

KEITH A. ONSDORFF

Reed Smith LLP

1301 K Street, N.W.

Suite 1100 – East Tower

Washington, D.C. 20005

(202) 414-9200

*Attorneys for Intervenor-Defendant,
Freezer Longliner*

*Earthjustice
705 Second Ave., Suite 203
Seattle, WA 98104
(206) 343-7340*

1 JANIS SEARLES (ASB #9606027)
 ERIC JORGENSEN (ASB #894010)
 2 Earthjustice
 325 Fourth Street
 3 Juneau, AK 99801-1145
 (907) 586-2751

HONORABLE THOMAS S. ZILLY

4 PETER VAN TUYN (ASB #8911086)
 5 Trustees for Alaska
 1026 West 4th Avenue, Suite 201
 6 Anchorage, AK 99501
 (907) 276-4244

7 *Attorneys for Plaintiffs*

8
 9 TODD D. TRUE (WSB #12864)
 Earthjustice
 10 705 Second Avenue, Suite 203
 Seattle, WA 98104-1711
 11 (206) 343-7340

12 *Local Counsel for Plaintiffs*

13
 14 UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF WASHINGTON

15
 16 GREENPEACE, et al.,

) Civ. No. C98-0492Z

17 Plaintiffs,

) CERTIFICATE OF SERVICE

18 v.

19 NATIONAL MARINE FISHERIES
 20 SERVICE, and DONALD L. EVANS,

21 Defendants,

22 AT-SEA PROCESSORS ASSOCIATION,
 UNITED CATCHER BOATS, ALEUTIANS
 23 EAST BOROUGH, and WESTWARD
 SEAFOODS, INC., et al.,

24 Intervenor-Defendants.

25
 26 I am a citizen of the United States and a resident of the State of Washington. I am over
 27 18 years of age and not a party to this action. My business address is 705 Second Avenue, Suite
 28 203, Seattle, Washington 98104.

Earthjustice
 705 Second Ave., Suite 203
 Seattle, WA 98104
 (206) 343-7340

1 On March 28, 2003, I served a true and correct copy of:

- 2 (1) Joint Stipulation for Entry of Agreed Order and Judgment;
 3 (2) Agreed Order [Proposed];
 4 (3) Judgment in a Civil Case [Proposed]; and
 (4) Certificate of Service.

5 via *facsimile, followed by first-class U.S. mail* on the parties listed below:

6 Wayne Hettenbach, Trial Attorney
 U.S. Department of Justice
 7 Wildlife & Marine Resources Section
 Environment & Natural Resources Division
 8 Ben Franklin Station, P.O. Box 7369
 Washington, D.C. 20044-7369
 9 Fax: 202-305-0275

Anthony P. Hoang
 Environmental & Natural Resources
 Division, U.S. Department of Justice
 P.O. Box 663
 Washington, D.C. 20044-0663
 Fax: 202-305-0506

10 Eldon V.C. Greenberg
 Garvey, Schubert & Barer
 11 1000 Potomac Street, Suite 500
 Washington, D.C. 20007
 12 Fax: 202-965-1729

Linda R. Larson
 Sandler Ahern & McConaughy, PLLC
 1200 Fifth Avenue, Suite 1900
 Seattle, WA 98101-3135
 Fax: 206-346-1755

13 Jay H. Zulauf
 Christopher S. McNulty
 14 Mundt MacGregor, L.L.P.
 999 Third Avenue, Suite 4200
 15 Seattle, WA 98104
 16 Fax: 206-624-5469

Michael A.D. Stanley
 P.O. Box 020449
 Juneau, AK 99802
 Fax: 907-463-2511

17 Marc D. Slonim
 Ziontz, Chestnut, Varnell, Berley & Slonim
 18 2101 Fourth Avenue, Suite 1230
 Seattle, WA 98121
 19 Fax: 206-448-0962

George J. Mannina, Jr.
 O'Connor & Hannan
 1666 K Street, N.W., Suite 500
 Washington, D.C. 20006
 Fax: 202-466-3215

20 John R. Neeleman
 Gwendolyn Payton Klein
 21 Lane Powell Spears Lubersky
 1420 Fifth Avenue, #4100
 22 Seattle, WA 98101
 23 Fax: 206-223-7107

Jonathan Pollard
 NOAA Office of General Counsel
 P.O. Box 21109
 Juneau, AK 99801
 Fax: 907-586-7263

24 Gary Haugen
 Matthew C. Crane
 25 Bauer, Moynihan & Johnson LLP
 2101 Fourth Avenue, Suite 2400
 26 Seattle, WA 98121-2320
 27 Fax: 206-448-9076

Brian C. Kipnis, Assistant U.S. Attorney
 Chief, Civil Division
 Office of the United States Attorney
 5100 Two Union Square
 601 Union Street
 Seattle, WA 98101-3903
 Fax: 206-553-0116

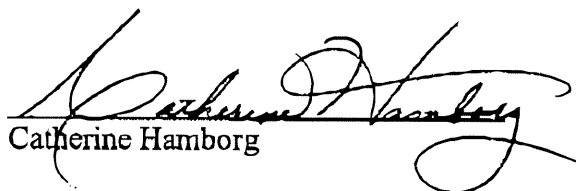
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28

James A. Smith, Jr.
Alex A. Baehr
Smith & Hennessey
316 Occidental Avenue South, #500
Seattle, WA 98104
Fax: 206-292-1790

Christopher L. Risetto
Keith A. Onsdorff
Reed Smith LLP
1301 K Street, N.W., Suite 1100 – East Tower
Washington, D.C. 20005-3317
Fax: 202-414-9299

Lance B. Nelson
Jon K. Goltz
Assistant Attorneys General
State of Alaska
Office of the Attorney General
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501
Fax: 907-279-2834

I, Catherine Hamborg, declare under penalty of perjury that the foregoing is true and correct. Executed on this 28th day of March, 2003, at Seattle, Washington.


Catherine Hamborg