

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

UNITED COOK INLET DRIFT
ASSOCIATION, AND COOK INLET
FISHERMEN’S FUND,

Plaintiffs,

v.

NATIONAL MARINE FISHERIES
SERVICE ET AL.,

Defendants.

Case No. 3:13-cv-00104-TMB

ENTRY OF JUDGMENT

The parties’ Joint Motion for Entry of Proposed Judgment at docket 101 is GRANTED.

Pursuant to that joint motion, the Court orders as follows:

JUDGMENT

1. The decision on Amendment 12 is remanded without vacatur. This Court shall retain jurisdiction to oversee compliance with the terms of this judgment.

2. The National Marine Fisheries Service (“NMFS”) shall file a status report on a tri-annual basis with the Court.

3. In accordance with the North Pacific Council’s Statement of Organization, Practices, and Procedures, including sections 2.3.4 Council Committees, 3.7 Public Hearings, and 3.11 Principles for Stakeholder Involvement, NMFS will work with the North Pacific Council (“Council”) to ensure that the affected public has appropriate input in the development of any new Salmon FMP amendment that addresses Cook Inlet. Paragraphs 3, 4, and 5, of this judgment do not bind the Council or NMFS with regard to the contents of the new FMP amendment, which include, but are not limited to, a description of the fishery and conservation and management measures.

4. If the Council adopts a Salmon FMP amendment that addresses Cook Inlet, NMFS shall take final agency action and/or promulgate a final rule within 1 year from the Council meeting at which the Council takes final action to adopt that Salmon FMP amendment. In the unlikely event that the Council does not prepare an amendment and NMFS undertakes a Secretarial amendment to the Salmon FMP, NMFS and Plaintiffs shall negotiate a deadline for final agency action and/or promulgation of a final rule, and shall present such deadline in a proposed amended judgment to be filed with the Court. Plaintiffs and NMFS agree that negotiation of a deadline for final agency action and/or promulgation of a final rule if NMFS undertakes a Secretarial amendment to the Salmon FMP will not be considered enforcement of this judgment.

5. Plaintiffs reserve the right to seek a court-ordered deadline for implementation of a new Salmon FMP amendment that addresses Cook Inlet if the Council does not form a Council committee that includes Cook Inlet salmon fishery stakeholders, including Plaintiffs. If Plaintiffs choose to exercise this right, Plaintiffs and NMFS agree that the Parties retain their rights to brief the court on the deadline each Party thinks is most reasonable. Plaintiffs further agree that any exercise of this right by Plaintiffs will not be considered enforcement of this judgment.

6. By petitioning this Court to enter this Judgment, Plaintiffs' expressly reserve and do not waive their right to seek attorneys' fees and costs. Within 30 days of resolution of the State of Alaska's U.S. Supreme Court petition for *certiorari*, the parties will provide a status report on their efforts to resolve Plaintiffs' claim for attorneys' fees and costs.

IT IS SO ORDERED.

Dated at Anchorage, Alaska, this 3rd day of August, 2017.

/s/ Timothy M. Burgess
TIMOTHY M. BURGESS
UNITED STATES DISTRICT JUDGE