

**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,*

CALIFORNIA COASTAL COMMISSION,  
*Intervenor-Appellee,*

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

On Remand From The United States Supreme Court

Filed March 25, 2009

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

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### COUNSEL

Ronald J. Tenpas (argued), Acting Assistant Attorney General; Kathryn E. Kovacs, Michael R. Eitel, Luther L. Hajek, and Allen M. Brabender, Appellate Section, U.S. Department of Justice, Environment & Natural Resources Division, Washington, D.C.; Craig D. Jensen and J. Page Turney, Office of General Counsel, Department of the Navy, for the federal defendants-appellants.

Joel R. Reynolds, Andrew E. Wetzler, Cara A. Horowitz, Natural Resources Defense Council, Inc., Santa Monica, California; Richard B. Kendall (argued), Gregory A. Fayer, and Josh B. Gordon, Irell and Manella LLP, Los Angeles, California, for the plaintiffs-appellees.

Edmund G. Brown, Jr., Thomas Greene, J. Matthew Rodriguez, Gordon Burns, Jamee Jordan Patterson (argued), Office of the Attorney General of California, for intervener-appellee California Coastal Commission.

Theodore G. Meeker, Attorney at Law, Honolulu, Hawaii, for amicus curiae Honolulu Council of the Navy League of the United States.

David K. Mears, Environmental and Natural Resources Law Clinic, Vermont Law School, South Royalton, Vermont, for amicus curiae Law Professors Hope Babcock, David Cassuto, Stephen Dycus, James R. May, Ann Powers, and Gerald Torres.

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**ORDER**

We remand to the district court to comply with the United States Supreme Court's decision in *Winter v. Natural Resources Defense Council, Inc.*, 129 S. Ct. 365 (2008).

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