

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.

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.

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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