

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5238**September Term, 2022**

FILED ON: JUNE 16, 2023

MAINE LOBSTERMEN'S ASSOCIATION,
APPELLANT

STATE OF MAINE DEPARTMENT OF MARINE RESOURCES, ET AL.,
APPELLANT-INTERVENORS

v.

NATIONAL MARINE FISHERIES SERVICE, ET AL.,
APPELLEES

Consolidated with 22-5244, 22-5245, 22-5246

Appeals from the United States District Court
for the District of Columbia
(No. 1:21-cv-02509)

Before: KATSAS and RAO, *Circuit Judges*, and GINSBURG, *Senior Circuit Judge*

J U D G M E N T

These causes came on to be heard on the record on appeal from the United States District Court for the District of Columbia and were argued by counsel. On consideration thereof, it is

ORDERED and **ADJUDGED** that the appellees' motion to dismiss case as moot be denied; the District Court's grant of summary judgment to National Marine Fisheries Service be reversed; the District Court be directed to enter summary judgment for Maine Lobstermen's Association on count one and count four of their complaint; because the court's judgment gives Maine Lobstermen's Association all the relief they seek, the court does not reach counts two or three of their complaint; the biological opinion as applied to the lobster and Jonah crab fisheries be vacated; and the phase one rule be remanded to the National Marine Fisheries Service, in accordance with the opinion of the court filed herein this date.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/

Daniel J. Reidy
Deputy Clerk

Date: June 16, 2023

Opinion for the court filed by Senior Circuit Judge Ginsburg.