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Of Attorneys for Local Interests

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

**THE HUMANE SOCIETY OF THE
UNITED STATES, WILD FISH
CONSERVANCY, BETHANIE
O'DRISCOLL, ANDREA KOZIL,**

Plaintiffs,

vs.

**CARLOS M. GUTIERREZ, Secretary
of Commerce, JAMES W.
BALSIGER, Acting Director, National
Marine Fisheries Services, JAMES
LECKY, Director, Office of Protected
Resources, National Marine Fisheries
Service,**

Defendants.

and

**OREGON DEPARTMENT OF FISH
AND WILDLIFE and
WASHINGTON STATE
DEPARTMENT OF FISH AND
WILDLIFE,**

Intervenor-Defendants,

No. 08-0357-MO

MOTION OF COLUMBIA PACIFIC
ANGLERS, VANCOUVER WILDLIFE
LEAGUE, OREGON ANGLERS,
WESTPORT CHARTERBOAT
ASSOCIATION, ILWACO CHARTER
ASSOCIATION, PUGET SOUND
ANGLERS, WASHINGTON TROLLERS
ASSOCIATION, THE ASSOCIATION OF
NORTHWEST STEELHEADERS, AND
COLUMBIA RIVER FISHERMEN'S
PROTECTIVE UNION ("LOCAL
INTERESTS") FOR LEAVE TO
PARTICIPATE AS *AMICI CURIAE*

Columbia Pacific Anglers, Vancouver Wildlife League, Oregon Anglers, Westport Charterboat Association, Ilwaco Charter Association, Puget Sound Anglers, Washington Trollers Association, The Association of Northwest Steelheaders, and Columbia River Fishermen's Protective Union (hereinafter jointly "Local Interests") respectfully move this Court for leave to file an *amicus curiae* brief in connection with plaintiffs' Motion for a Preliminary Injunction. In support of this motion, they show the Court as follows:

1. The "Local Interests" named above are all organizations which in whole or in part depend upon and advocate for the health and sustainability of the fish resources of the Columbia River, including salmon and steelhead, and further including the salmon and steelhead stocks subject to predation by California Sea Lions at Bonneville Dam.

2. The local rules for the District of Oregon do not discuss procedures for the filing of *amici curiae* briefs. If the Court requires such a motion, the *amici curiae* "Local Interests" submit this motion. The brief of *amici curiae* "Local Interests" and the Declarations of Rev. Irene Martin, Jack Marincovich, Aldrich "Butch" Smith, Phil Donovan, Doug Fricke, Steven Watrous, and Larry Swanson, are being filed herewith.

3. The brief and declarations respond to the issue of the public interest in protecting the recreational, cultural, historic, economic and aesthetic values of consumers, residents, user groups, and other citizens, to partake in and enjoy the salmonid resources of the Columbia River basin.

4. Counsel for the defendants and the intervenor-defendant Oregon Department of Fish and Wildlife have been contacted and consented to filing of papers by *amici curiae*. Counsel for intervenor-defendant Washington State Department of Fish and Wildlife has not responded to counsel's telephone call. Counsel for plaintiff The Humane Society of the United States, when contacted last Friday, said that she could not consent to the filing of a brief because of time pressures she was under to address the papers filed by the government entities, unless *amici curiae* could file their briefs by that

day, Friday, or Saturday. Because most of the representatives of the *amici curiae* were attending the Pacific Marine Fisheries Council meetings in Seattle, Washington last week, it was not possible to file the brief and declarations on Friday or over the weekend, but counsel has worked diligently to file them as early as possible this Monday, April 14.

5. Counsel for *amici curiae* Thomas V. Dulcich informed counsel for plaintiff The Humane Society of the United States that the papers to be filed on behalf of *amici curiae* would address the “balance of the hardships” and “public interest” portions of the issue before the court. Counsel for plaintiff was further informed that the papers submitted would say that organizations and people who have an interest in the continued health, sustainability and viability of salmon and steelhead resources on the Columbia River believe if the action requested by the agency was not taken, the interests of the *amici curiae* would be harmed.

For the foregoing reasons, *amici curiae* pray this motion be granted.

Dated this 14th day of April, 2008.

Respectfully submitted,

Schwabe, Williamson & Wyatt, P.C.

By: /s/ Thomas V. Dulcich
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