

KARIN J. IMMERGUT, OSB #96314
United States Attorney
STEPHEN J. ODELL, OSB #90353
Assistant United States Attorney
District of Oregon
600 United States Courthouse
1000 S.W. Third Avenue
Portland, OR 97204-2902
(503) 727-1000

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
ROBERT L. GULLEY, Senior Trial Attorney
robert.gulley@usdoj.gov
RUTH ANN LOWERY, Trial Attorney
COBY HOWELL, Trial Attorney
ROBERT P. WILLIAMS, Trial Attorney
Wildlife & Marine Resources Section
Benjamin Franklin Station, P.O. Box 7369
Washington, DC 20044-7369
(202) 305-0500 (ph)
(202) 305-0275 (fx)

Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

NATIONAL WILDLIFE FEDERATION, *et al.*)
)
 Plaintiffs,)
)
 v.)
)
 NATIONAL MARINE FISHERIES)
 SERVICE, *et al.*)
)
 Defendants.)
)

Civil No. 01-640-RE

**FEDERAL DEFENDANTS'
NOTICE OF APPEAL FROM
GRANT OF SUMMARY
JUDGMENT AND ORDER OF
REMAND**

Notice is hereby given that the NATIONAL MARINE FISHERIES SERVICE (also known as NOAA FISHERIES), the UNITED STATES ARMY CORPS OF ENGINEERS, and the UNITED STATES BUREAU OF RECLAMATION, Federal Defendants herein, hereby appeal to the United States Court of Appeals for the Ninth Circuit from the Court's October 24, 2005 Amended Final Judgment Against National Marine Fisheries Service Pursuant to Rule 54(b) of Fed. R. Civ. P. (Docket No. 1097) (Attachment A hereto) and the Court's underlying October 7, 2005 Opinion and Order of Remand that remanded the 2004 Biological Opinion to NOAA Fisheries (Docket No. 1087) (Attachment B hereto) and May 26, 2005 Opinion and Order granting summary judgment in favor of Plaintiffs (Docket No. 986) (Attachment C hereto).

Respectfully submitted this 21st of December, 2005.

SUE ELLEN WOOLDRIDGE
Assistant Attorney General

JEAN E. WILLIAMS
Chief, Wildlife & Marine Resources Section

s/ Robert L. Gulley _____
ROBERT L. GULLEY
Senior Trial Attorney
RUTH ANN LOWERY, Trial Attorney
COBY HOWELL, Trial Attorney
ROBERT P. WILLIAMS, Trial Attorney

Wildlife & Marine Resources Section
Benjamin Franklin Station, P.O. Box 7369
Washington, DC 20044-7369
(202) 305-0210 (ph)
(202) 305-0275 (fx)

Attorneys for Defendants

CERTIFICATE OF SERVICE

Pursuant to Local Rule Civil 100.13(c) and Fed. R. Civ. P. 5(d), I certify that on December 21, 2005, the foregoing "Federal Defendants' Notice of Appeal of Grant of Summary Judgment and Order of Remand" will be electronically filed with the Court's electronic filing system, which will generate automatic service upon all Parties enrolled to receive such notice. The following will be manually served by first class U.S. mail, with courtesy copies by e-mail, as noted:

Dr. Howard F. Horton, Ph.D.
U.S. Court Technical Advisor
Professor Emeritus of Fisheries
Department of Fisheries and Wildlife
104 Nash Hall
Corvallis, Oregon 97331-3803
FAX: (541) 737-3590
(hortonho@onid.orst.edu)

Walter H. Evans, III
Schwabe Williamson Wyatt, P.C.
1211 S.W. Fifth Avebye
1600-1800 Pacwest Center
Portland, Oregon 97204
(wevans@schwabe.com)

James W. Givens
1026 F Street
P.O. Box 875
Lewiston, ID 83051

s/ Robert P. Williams