

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MASSACHUSETTS LOBSTERMEN'S
ASSOCIATION, 8 Otis Place, Scituate,
Massachusetts 02066,

ATLANTIC OFFSHORE LOBSTERMEN'S
ASSOCIATION, 221 Third Street, Newport, Rhode
Island 02840,

LONG ISLAND COMMERCIAL FISHING
ASSOCIATION, P.O. Box 191, Montauk, New York
11954,

GARDEN STATE SEAFOOD ASSOCIATION, 212
West State Street, Trenton, New Jersey 08608, and

RHODE ISLAND FISHERMEN'S ALLIANCE,
P.O. Box 337, East Greenwich, Rhode Island 02818,

Plaintiffs,

v.

WILBUR ROSS, in his official capacity as
Secretary of Department of Commerce, 1401
Constitution Avenue, N.W., Washington, D.C.
20230,

BENJAMIN FRIEDMAN, in his official capacity as
Deputy Undersecretary for Operations for the
National Oceanic and Atmospheric Administration,
1401 Constitution Avenue N.W., Room 5128,
Washington, D.C. 20230,

RYAN ZINKE, in his official capacity as Secretary
of the Department of the Interior, 1849 C Street,
N.W., Washington, D.C. 20240,

DONALD J. TRUMP, in his official capacity as
President of the United States, 1600 Pennsylvania
Avenue N.W., Washington, D.C. 20006, and

JANE DOE, in her official capacity as Chairman

Case No. 17-cv-00406 (JEB)

**Motion to Intervene in
Support of Defendants
by Applicants Natural
Resources Defense
Council, Conservation
Law Foundation,
Center for Biological
Diversity, and R. Zack
Klyver**

for the Council on Environmental Quality, 722
Jackson Place, N.W., Washington, D.C. 20506,

Defendants,

and

NATURAL RESOURCES DEFENSE COUNCIL,
INC., 40 West 20th Street, 11th Floor, New York,
New York 10011,

CONSERVATION LAW FOUNDATION, 62
Summer Street, Boston, Massachusetts 02110,

CENTER FOR BIOLOGICAL DIVERSITY, 378 N.
Main Avenue, Tucson, Arizona 85701, and

R. ZACK KLYVER, 25 Federal Street, Bar Harbor,
Maine 04609,

Defendant-Intervenor Applicants.

**MOTION TO INTERVENE IN SUPPORT OF DEFENDANTS
BY APPLICANTS NATURAL RESOURCES DEFENSE COUNCIL,
CONSERVATION LAW FOUNDATION,
CENTER FOR BIOLOGICAL DIVERSITY, AND R. ZACK KLYVER**

Pursuant to Federal Rule of Civil Procedure 24(a), Defendant-Intervenor-Applicants Natural Resources Defense Council, Conservation Law Foundation, Center for Biological Diversity, and Mr. R. Zack Klyver (“Applicants”) respectfully move this Court for leave to intervene as of right in the above-captioned action. In the alternative, Applicants move for permissive intervention pursuant to Federal Rule of Civil Procedure 24(b).

Pursuant to Local Civil Rule 7(m), counsel for Applicants contacted Plaintiffs’ counsel on March 24 and 28, 2017, to ascertain their position on this motion prior to

filing. Although they corresponded, Plaintiffs' counsel has not taken a position on this motion. Counsel for Federal Defendants have not yet appeared in this case. Applicants' counsel contacted the U.S. Department of Justice on March 24 and 28, 2017, to inquire into Federal Defendants' position on this motion. Applicants' counsel spoke with a receptionist who advised that the Department had not yet assigned an attorney to this case, and therefore Applicants' counsel was unable to ascertain Federal Defendants' position on this motion.

This motion is accompanied by a supporting memorandum of law. Pursuant to Local Civil Rule 7(j), Applicants have lodged a proposed answer with their motion to intervene.

Dated: March 29, 2017

Respectfully submitted,

/s/ Aaron Colangelo
Aaron Colangelo (D.C. Bar No. 468448)
Natural Resources Defense Council
1152 15th St. NW, Suite 300
Washington, D.C. 20005
Phone: (202) 289-2376
Fax: (415) 795-4799
E-mail: acolangelo@nrdc.org
Counsel for NRDC

Bradford H. Sewell (*pro hac vice*
forthcoming)
Natural Resources Defense Council
40 West 20th Street, 11th Floor
New York, New York 10011
Tel.: (212) 727-4507
Fax: (212) 795-4799
E-mail: bsewell@nrdc.org
Counsel for NRDC

Michael E. Wall (*pro hac vice* forthcoming)

Katherine Desormeau (*pro hac vice*
forthcoming)
Natural Resources Defense Council
111 Sutter Street, 21st Floor
San Francisco, California 94104
Tel.: (415) 875-6158
Fax: (212) 795-4799
E-mail: mwall@nrdc.org
E-mail: kdesormeau@nrdc.org
Counsel for NRDC

/s/ Peter Shelley
Peter Shelley (*pro hac vice* forthcoming)
Conservation Law Foundation
62 Summer Street
Boston, Massachusetts 02110
Tel.: (617) 850-1754
E-mail: pshelley@clf.org
Counsel for CLF

/s/ Roger Fleming
Roger Fleming (DCBA # ME001)
Earthjustice
1625 Massachusetts Avenue, N.W.
Washington, D.C. 20036
Tel.: (202) 667-4500
Fax: (202) 667-2356
E-mail: rfleming@earthjustice.org
Counsel for CBD and Zack Klyver

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of March, 2017, I electronically filed the foregoing Motion to Intervene with the Clerk of the District Court using the CM/ECF system, which will send notification of such filing to counsel of record in this proceeding.

Dated: March 29, 2017

/s/ Aaron Colangelo
Aaron Colangelo (D.C. Bar No. 468448)
Natural Resources Defense Council
1152 15th St. NW, Suite 300
Washington, D.C. 20005
Phone: (202) 289-2376
Fax: (415) 795-4799
E-mail: acolangelo@nrdc.org
Counsel for NRDC