

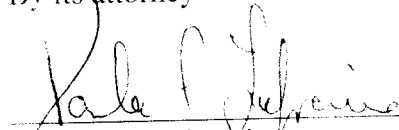
On July 29, 2011, the Agency properly filed a Motion to Stay wherein the Agency asserted that “[t]he Agency requests that this matter be stayed until NOAA carries out the Secretary’s direction to contract with ALJs from another agency, so that one of those Agency’s ALJs can hear this case.” (See Agency’s Motion to Stay).

In two separate actions involving the Gloucester Seafood Exchange, two United States Coast Guard ALJs have ignored the language in the Agency’s Motion to Stay wherein the Agency requested the stay “until NOAA carries out the Secretary’s direction to contract with ALJs from another Agency” and instead used a contorted analysis that the Motion was instead a Motion for Recusal. No such Motion exists before this Court and no such analysis can and should take place.

The United States Coast Guard ALJs have taken no action in this case whatsoever. The new ALJs mandated by the Secretarial Decision are now in place and nothing remains to be done except for this action to be transferred to the Environmental Protection Agency Administrative Law Judges for adjudication.

Wherefore, Applicants respectfully request that this matter be transferred to the Environmental Protection Agency Administrative Law Judges pursuant to Secretary of Commerce Locke’s order dated May 17, 2011.

Respectfully submitted,
LAWRENCE M. YACUBIAN
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By its attorney



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Dated: September 13, 2011

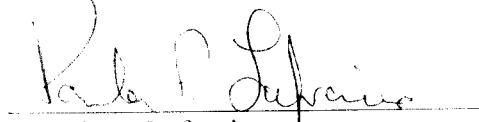
CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing on all parties or their attorney of record this 13th day of September 2011 by facsimile to:

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Pamela F. Lafreniere

Exhibit "A"



NOAA

**NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION**



Contact: Jerry Slaff
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FOR IMMEDIATE RELEASE

September 8, 2011

NOAA to use EPA administrative law judges for newly docketed enforcement cases

Beginning today, NOAA will refer new law enforcement cases to administrative law judges (ALJs) from the Environmental Protection Agency.

Over the last several months, NOAA has worked with the Office of Personnel Management to find a new source for ALJs. OPM conducted a government-wide search for replacements.

In putting in place a new arrangement for ALJs, NOAA looked at a number of factors, including experience in hearing enforcement cases, experience in handling complex natural resource issues and a full support infrastructure, among other criteria. ALJs from the EPA have extensive experience handling enforcement cases involving complex federal natural resource statutes, including the Clean Water Act and the Marine Protection, Research and Sanctuaries Act, among many others. The EPA ALJs also have a full support infrastructure, and are able to fully handle NOAA's caseload.

<http://netmail.verizon.net/webmail/driver?nimlet=deggetemail&fn=INBOX&page=1°...> 9/13/2011

Today's announcement builds on NOAA's previous actions to reform every aspect of its enforcement program. In response to reviews of the program by the Inspector General that were requested by NOAA Administrator Dr. Jane Lubchenco, the agency has implemented a number of sweeping changes since January 21, 2010, including:

- New policies and procedures such as a new and uniform nationwide penalty policy for the Office of General Counsel for Enforcement and Litigation (GCEL);
- New leadership in the Office of Law Enforcement and GCEL;
- Greater oversight of lawyers and enforcement agents; and greater oversight of funds spent on the enforcement program.

Any cases docketed with the Coast Guard ALJs prior to today are expected to remain with the Coast Guard ALJs.

To get more information on the reforms to NOAA's enforcement program, visit NOAA's [Timeline of Enforcement Program Improvements](#).

NOAA's mission is to understand and predict changes in the Earth's environment, from the depths of the ocean to the surface of the sun, and to conserve and manage our coastal and marine resources. Join us on [Facebook](#), [Twitter](#) and our other [social media channels](#).

On the Web:

NOAA's Enforcement Program Improvement Timeline.
<http://www.noaa.gov/lawenforcementupdates/timeline.html>