

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

TROUT UNLIMITED, PACIFIC RIVERS )  
COUNCIL, PACIFIC COAST )  
FEDERATION OF FISHERMEN'S )  
ASSOCIATIONS, INSTITUTE FOR )  
FISHERIES RESOURCES, NATIVE FISH )  
SOCIETY, OREGON NATURAL )  
RESOURCES COUNCIL, UMPQUA )  
WATERSHEDS, and COAST RANGE )  
ASSOCIATION, )

Plaintiffs, )

v. )

D. ROBERT LOHN, Northwest Regional )  
Administrator of National Marine Fisheries )  
Service, and CARLOS M. GUTIERREZ, )  
Secretary of Commerce, United States )  
Department of Commerce, )

Defendants. )

and )

STATE OF OREGON, and ALSEA )

Civil Case No. 06-1493-ST

ORDER

VALLEY ALLIANCE, )  
 )  
 Intervenor-Defendants. )  
 )  
\_\_\_\_\_ )

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KING, Judge:

The Honorable Janice Stewart, United States Magistrate Judge, filed Findings and Recommendation on July 13, 2007. All parties filed timely objections to the Findings and

Recommendation. When either party objects to any portion of a magistrate's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). The matter is before this court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

This court has, therefore, given de novo review of the rulings of Magistrate Judge Stewart. This court ADOPTS the Findings and Recommendation of Magistrate Judge Stewart dated July 13, 2007 in its entirety.

IT IS HEREBY ORDERED that Trout Unlimited's Motion for Summary Judgment (#45) is GRANTED and State of Oregon's Motion for Summary Judgment (#68), Federal Defendants' Amended Motion for Summary Judgment (#77), and Alsea Valley Alliance's Motion for Summary Judgment (#83) are DENIED.

DATED this 5<sup>th</sup> day of October, 2007.

/s/ Garr M. King

GARR M. KING  
United States District Judge