

HONORABLE GEORGE J. JORDAN  
ADMINISTRATIVE LAW JUDGE

UNITED STATES OF AMERICA  
DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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*In re:* )  
 ) Docket No. 19-NMFS-0001  
**Proposed Waiver and Regulations Governing** )  
**the Taking of Eastern North Pacific Gray** ) RIN: 0648-BI58 and  
**Whales by the Makah Indian Tribe** ) RIN: 0648-XG584  
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**NATIONAL MARINE FISHERIES SERVICE'S  
NOTICE UPDATING THE COURT AND THE PARTIES ON THE STATUS OF THE  
INTERAGENCY AGREEMENT SECURING COAST GUARD ALJ SERVICES**

The National Marine Fisheries Service (NMFS) and the United States Coast Guard (Coast Guard) have entered an Interagency Agreement whereby NMFS has secured Coast Guard Administrative Law Judge (ALJ) services for the above-captioned matter. The Agreement currently expires on September 30, 2019. *See* Stone Decl. ¶ 2 and Exhibit 1 to Stone Decl. Absent a modification extending the end date, the allocated funds will no longer be available for use past September 30, 2019. *Id.*

Given the temporal proximity of the current hearing schedule for the above matter to the end date of the Agreement, the potential the ALJ may need additional time to draft his recommended decision and the parties potential need to file post-hearing briefs, and the potential for schedule changes, NMFS has undertaken an evaluation of the feasibility of extending its Interagency Agreement. *See* Stone Decl. ¶ 3. NMFS has determined that any extension would need to be in place prior to the expiration of the current agreement. *Id.* ¶ 4. NMFS has therefore

begun the process to extend the Agreement so that the ALJ's services and currently allocated funds will continue to be available past September 30, 2019. *Id.* ¶ 5.

NMFS will update the Court and the Parties of the status of this process at the pre-hearing conference, or sooner if it obtains significant, relevant information before that date.

Respectfully submitted this 3rd day of June, 2019.

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