

1 JULIA A. OLSON (CSB # 192642)
 Wild Earth Advocates
 2985 Adams St.
 Eugene, OR 97405
 Telephone: (541) 344-7066
 Facsimile: (541) 344-7061
 Email: jaoearth@aol.com

4 SHARON E. DUGGAN (CSB # 105108)
 Law Offices of Sharon E. Duggan
 370 Grand Avenue, Suite 5
 Oakland, CA 94602
 Telephone: (510) 647-1904
 Facsimile: (510) 647-1905
 Email: foxsduggan@aol.com
 Attorneys for Plaintiff Mariposans for the Environment
 and Responsible Government

8 LARA R. SHAPIRO (CSB # 227194)
 LAW OFFICE OF LARA SHAPIRO
 4145 Via Marina # 324
 Marina del Rey, CA 90292
 Telephone: (310) 577-0870
 Facsimile: (415) 228-5351
 E-mail: Shapiro.lara@gmail.com
 Attorney for Plaintiff Friends of Yosemite Valley

12 CHARLES R. SHOCKEY, Attorney
 D.C. Bar # 914879
 United States Department of Justice
 Environment and Natural Resources Division
 Natural Resources Section
 501 "I" Street, Suite 9-700
 Sacramento, CA 95814-2322
 Telephone: (916) 930-2203
 Facsimile: (916) 930-2210
 Email: charles.shockey@usdoj.gov
 Attorney for Defendants

17 IN THE UNITED STATES DISTRICT COURT
 18 FOR THE EASTERN DISTRICT OF CALIFORNIA
 19 FRESNO DIVISION

20 FRIENDS OF YOSEMITE VALLEY, et al.,)
 Plaintiffs,)
 21 v.)
 22 KEN SALAZAR, in his official)
 capacity as Secretary of the Interior, et al.,)
 23 Defendants.)

Case No. CV-F-00-6191 AWI DLB
 JOINT STIPULATION TO MODIFY
 SETTLEMENT AGREEMENT

1 Plaintiffs, Friends of Yosemite Valley (FOYV) and Mariposans for the Environment and
2 Responsible Government (MERG), and Defendants, Ken Salazar, Secretary of the Interior, *et al.*,
3 through their undersigned attorneys, jointly stipulate and move to modify the Settlement
4 Agreement that the court approved on October 1, 2009. The parties request that the court
5 approve this stipulation and sign the proposed order included with this stipulation. As grounds
6 for the stipulation, the parties state as follows:

- 7 1. On September 29, 2009, the parties filed a Settlement Agreement (Doc. 477) with the
8 court to resolve this litigation over the Merced Wild and Scenic River Plan (MRP) for
9 Yosemite National Park. On October 1, 2009, the court entered an Order Approving the
10 Settlement Agreement. Doc. 479.
- 11 2. In ¶ II.B.1. of the Settlement Agreement, the parties agreed that the National Park Service
12 (NPS) would prepare a new Comprehensive Management Plan (CMP) for the Merced
13 Wild and Scenic River and issue a new Record of Decision (ROD) by December 2012.
14 Doc. 477 at 4, ¶ II.B.1. The Settlement Agreement also listed several non-binding interim
15 target dates to guide the NPS in developing a new environmental impact statement (EIS).
- 16 3. On March 7, 2011, representatives of the plaintiffs met with the Superintendent of
17 Yosemite National Park to discuss the process for developing and completing the new
18 MRP. The parties agreed that the deadline for completing the ROD should be extended
19 from December 2012 to July 2013. The reasons for the extension are that (1) the NPS
20 had several internal personnel changes among key planning team members, (2) the NPS
21 changed contractors for the new plan and EIS, (3) the NPS adjusted the scoping process
22 for the EIS, partly in response to plaintiffs' requests, and (4) the NPS needs extra time to
23 prepare the draft EIS alternatives workbook that it intends to circulate for public review.
- 24 4. The parties, therefore, propose to modify ¶ II.B.1. of the Settlement Agreement to
25 substitute the following dates for completion of the new MRP, along with changes in the
non-binding interim guidelines:
 - a. Release Public Scoping Report - January 2011;
 - b. Publish and release Draft CMP and EIS - August 2012;

1 c. Publish and release Final CMP and EIS - May 2013; and

2 d. Issue Record of Decision - July 2013.

3 5. The parties also propose to modify ¶ II.H.12 of the Settlement Agreement to reflect a
4 change in the NPS primary contact person. The NPS contact designated in the Settlement
5 Agreement, Mark Butler, has left Yosemite National Park to serve as Superintendent of
6 Joshua Tree National Park. The new Superintendent of Yosemite National Park, Don
7 Neubacher, is hereby designated as the NPS primary contact person for purposes of the
8 Settlement Agreement, with Kathleen S. Morse, Planning Division Chief, Yosemite
9 National Park, designated as the NPS alternate contact person.

10 6. Finally, the parties propose to modify ¶ II.H.13 of the Settlement Agreement to add Greg
11 Adair as the contact for the plaintiff FOYV. Julia Olson and Sharon Duggan remain the
12 contacts for plaintiff MERG.

13 The parties request that the court approve this stipulation and sign that proposed order to reflect
14 the changes to the Settlement Agreement set forth in ¶¶ 4-6 above.

15 Respectfully submitted this 6th day of April, 2011.

16 /s/ *Julia A. Olson*

17 JULIA A. OLSON (CSB # 192642)
18 Wild Earth Advocates
19 2985 Adams St.
Eugene, OR 97405
Telephone: (541) 344-7066
Facsimile: (541) 344-7061
Email: jaoearth@aol.com

20 /s/ *Sharon E. Duggan*

21 SHARON E. DUGGAN (CSB # 105108)
22 Law Offices of Sharon E. Duggan
23 370 Grand Avenue, Suite 5
Oakland, CA 94602
Telephone: (510) 647-1904
Facsimile: (510) 647-1905
Email: foxsduggan@aol.com
24 Attorneys for Plaintiff Mariposans for the Environment
and Responsible Government

1 /s/ *Lara R. Shapiro*

2 LARA R. SHAPIRO (CSB # 227194)
3 LAW OFFICE OF LARA SHAPIRO
4 4145 Via Marina # 324
5 Marina del Rey, CA 90292
6 Telephone: (310) 577-0870
7 Facsimile: (415) 228-5351
8 E-mail: Shapiro.lara@gmail.com
9 Attorney for Plaintiff Friends of Yosemite Valley

6 /s/ *Charles R. Shockey*

7 CHARLES R. SHOCKEY, Attorney
8 D.C. Bar # 914879
9 United States Department of Justice
10 Environment and Natural Resources Division
11 Natural Resources Section
12 501 "I" Street, Suite 9-700
13 Sacramento, CA 95814-2322
14 Telephone: (916) 930-2203
15 Facsimile: (916) 930-2210
16 Email: charles.shockey@usdoj.gov
17 Attorney for Defendants

14 ORDER

15 The Court, having reviewed the parties' Joint Stipulation, finds that good cause exists to
16 approve the stipulation and modify the Settlement Agreement as set forth herein.

17
18 IT IS SO ORDERED.

19 Dated: June 10, 2011

20 
21 _____
22 CHIEF UNITED STATES DISTRICT JUDGE