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

20 FRIENDS OF YOSEMITE VALLEY, et al., )  
 21 Plaintiffs, )  
 22 v. )  
 23 S.M.R. JEWELL, in her official )  
 capacity as Secretary of the Interior, et al., )  
 24 Defendants. )

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

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

- 7 1. On September 29, 2009, the parties filed a Settlement Agreement (ECF Doc. 477) with  
8 the 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. ECF 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 ECF Doc. 477 at 4, ¶ II.B.1.
- 15 3. On April 6, 2011, the parties filed a stipulation and proposed order to modify ¶ II.B.1. of  
16 the Settlement Agreement to substitute July 2013 as the date for completion of the new  
17 MRP. The court approved that stipulation and issued an order on June 10, 2011, setting  
18 July 2013 as the date for completion of the new MRP. ECF Doc. 498. Since that date,  
19 the NPS has been developing the new MRP.
- 20 4. On June 12, 2013, following completion of the draft environmental impact statement for  
21 the new MRP and the extended public comment period, the defendants' counsel sent a  
22 letter to counsel for both plaintiffs, advising them of the need for a further extension of  
23 the deadline in the Settlement Agreement until December 2013 to enable the NPS to  
24 respond to the very extensive public comments submitted in response to the draft MRP.
- 25 5. On June 13, 2013, plaintiff's counsel (Julia Olson), representing Mariposans for the  
Environment and Responsible Government (MERG), advised the defendants that they  
would agree to the requested extension until December 2013.
6. On June 25, 2013, the plaintiff Friends of Yosemite Valley (FOYV) responded through

1 their new counsel (Lara Shapiro) that FOYV would not agree to the extension as  
2 proposed by the defendants, but would agree to a longer twelve-month extension, subject  
3 to certain conditions, including direct negotiations with the NPS regarding the content of  
4 the draft MRP and invocation of the formal dispute resolution process with Magistrate  
5 Judge Snyder, as prescribed in the Settlement Agreement.

6 7. On July 2, 2013, defendants' counsel responded to FOYV, expressing NPS's willingness  
7 to meet and discuss that organization's concerns, but reiterating the need, in light of the  
8 imminent July 2013 deadline, to secure court approval of an extension of time until  
9 December 2013 to enable the NPS to complete the new MRP and issue a Record of  
10 Decision. On July 5, 2013, FOYV's counsel replied, stating that FOYV would require  
11 additional time to consider the defendants' request.

12 8. Following further discussions among counsel, the parties have reached an agreement to  
13 further modify the Settlement Agreement by extending the deadline for the NPS to issue  
14 the Record of Decision for the new MRP to December 2013, subject to the understanding  
15 stated in paragraph 9, below.

16 9. While plaintiff FOYV objected to the extension as initially proposed by defendants,  
17 FOYV will not oppose the further extension, given that FOYV has notified the NPS and  
18 all other parties of a dispute in accordance with paragraph G.3.a. of the Settlement  
19 Agreement. The parties agree to schedule an in-person meeting for direct negotiations  
20 between the NPS and the plaintiff groups as soon as possible, preferably by August 12  
21 and no later than August 21, 2013, to discuss FOYV's substantive concerns. To facilitate  
22 this process, FOYV, in accordance with paragraph G.3.a. of the Settlement Agreement,  
23 will provide the parties with a concise statement of their substantive concerns and a  
24 proposed agenda at least three business days prior to that meeting. The defendants agree  
25 to consider and respond to these substantive concerns through direct discussions, as  
stipulated under paragraph G.3.b. of the Settlement Agreement. The parties will make a  
good faith effort to resolve the dispute within a two-week period or within an alternate  
time frame agreed upon by the parties. If the parties are unable to resolve the dispute

1 within the agreed upon time frame, each party retains its rights under paragraph G.3.c. of  
2 the Settlement Agreement. The parties recognize that, if the dispute resolution process  
3 extends beyond August 30, 2013, the NPS will need to further extend the deadline for the  
4 Record of Decision, due to the length of time required to prepare and review the interim  
work products and obtain final printed copies of the FEIS and ROD.

5 The parties request that the court approve this stipulation and sign the attached proposed order to  
6 reflect the changes to the Settlement Agreement by extending the deadline for completion of the  
7 ROD for the new MRP to December 2013.

8 Respectfully submitted this 24th day of July, 2013.

9 /s/ *Julia A. Olson*

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20 Attorney for Defendants S.M.R. Jewell, et al.

21 ORDER

22 The Court, having reviewed the parties' Joint Stipulation, finds that good cause exists to  
23 approve the stipulation and further modify the Settlement Agreement as set forth herein. The  
24 deadline for the defendants to issue the Record of Decision for the new Merced Wild and Scenic  
25 River Plan is December 2013.

IT IS SO ORDERED.

Dated: July 24, 2013



SENIOR DISTRICT JUDGE