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

22 FRIENDS OF YOSEMITE VALLEY, et al.,) Case No.: CV-F-00-6191 AWI DLB
23 Plaintiffs,)
24 vs.) JOINT STIPULATION TO FURTHER
MODIFY SETTLEMENT AGREEMENT
AND ORDER
25 S.M.R JEWELL, in her official capacity as)
26 Secretary of the Interior, et al.,)
27 Defendants.)

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

- 8 1. On September 29, 2009, the parties filed a Settlement Agreement, ECF Doc. 477, with
9 the court to resolve this litigation over the Merced Wild and Scenic River Plan (MRP) for
10 Yosemite National Park. On October 1, 2009, the court entered an Order Approving the
11 Settlement Agreement. ECF Doc. 479.
12
- 13 2. In ¶ II.B.1. of the Settlement Agreement, the parties agreed that the National Park Service
14 (“NPS”) would prepare a new Comprehensive Management Plan (“CMP”) for the
15 Merced Wild and Scenic River and issue a new Record of Decision (“ROD”) by
16 December, 2012. ECF Doc. 477 at 4, ¶ II.B.1.
17
- 18 3. On April 6, 2011, the parties filed a stipulation and proposed order to modify ¶ II.B.1. of
19 the Settlement Agreement to substitute July, 2013, as the date for completion of the new
20 MRP. The court approved that stipulation and issued an order on June 10, 2011, setting
21 July, 2013, as the date for completion of the new MRP. ECF Doc. 498. Since that date,
22 the NPS has been developing the new MRP.
23
- 24 4. On July 24, 2013, the parties filed a stipulation and proposed order to further modify ¶
25 II.B.1. of the Settlement Agreement to substitute December, 2013, as the date for
26 completion of the new MRP. The court approved that stipulation and issued an order on
27
28

1 July 24, 2013, setting December, 2013, as the date for completion of the new MRP. ECF
2 Doc. 503. Since that date, the NPS has continued work on development of the new MRP.

3
4 5. As explained in the previous Stipulation, NPS has been attempting to respond to
5 extensive public comments submitted in response to the draft MRP, including FOYV's
6 notification pursuant to paragraph G.3.a. of the Settlement Agreement of a dispute. See
7 ECF Doc. 503 ¶¶ 4-9. This process has included in-person meetings among the parties
8 on August 20, 2013, and September 11, 2013, and exchange of several position papers to
9 discuss FOYV's concerns with the draft MRP.

10
11 6. This dispute resolution process has just recently concluded. As noted in the previous
12 Stipulation, the parties anticipated that if the dispute resolution process extended beyond
13 August 30, 2013, the NPS would need to further extend the deadline for the Record of
14 Decision, due to the length of time required to prepare and review the interim work
15 products and obtain final printed copies of the FEIS and ROD. The government
16 shutdown in October, 2013, also delayed the production schedule for the MRP.

17
18 The parties therefore request that the Court approve this stipulation and sign the attached
19 proposed order to reflect the changes to the Settlement Agreement by extending the deadline for
20 completion of the ROD for the new MRP to March 31, 2014.

21
22 Respectfully submitted this 23rd day of December, 2013.

23
24 /s/ Julia A. Olson (as authorized on December 23, 2013)

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ORDER

The Court, having reviewed the parties' Joint Stipulation, finds that good cause exists to approve the stipulation and further modify the Settlement Agreement as set forth herein. The deadline for the defendants to issue the Record of Decision for the new Merced Wild and Scenic River Plan is March 31, 2014.

IT IS SO ORDERED.

Dated: December 24, 2013



SENIOR DISTRICT JUDGE