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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

THE CONSOLIDATED SALMONID
CASES

Lead Case:
1:09-cv-1053-LJO- BAM

Member Cases:
1:09-cv-1090-LJO-DLB
1:09-cv-1378-LJO-DLB
1:09-cv-1520-LJO-DLB
1:09-cv-1580-LJO-DLB
1:09-cv-1625-LJO-SMS

**STIPULATED AMENDED FINAL
JUDGMENT (INCLUDING
SCHEDULE FOR REMAND)**

[PROPOSED] AMENDED JUDGMENT
NO. 09-1053-LJO-BAM

1 In accordance with the Ninth Circuit’s ruling in *San Luis & Delta-Mendota Water Auth.*
2 *v. Locke*, 776 F.3d 971 (9th Cir. 2014), which reversed in part and affirmed in part the following
3 Orders of this Court and remanded for entry of summary judgment in favor of defendants: (1) the
4 September 20, 2011 *Memorandum Decision Re Cross Motions For Summary Judgment* (Doc.
5 633) and September 29, 2011 *Order Re Cross-Motions For Summary Judgment* (Doc. 643) on
6 the motions and cross-motions for summary judgment brought by: (a) Plaintiffs San Luis &
7 Delta-Mendota Water Authority and Westlands Water District (“San Luis Plaintiffs”), State
8 Water Contractors (“SWC”), Metropolitan Water District of Southern California (“MWD”),
9 Kern County Water Agency and Coalition for a Sustainable Delta (collectively “KCWA”), and
10 Stockton East Water District, Oakdale Irrigation District and South San Joaquin Irrigation
11 District (“Stanislaus River Plaintiffs”) (collectively, “Plaintiffs”); (b) plaintiff-in-intervention the
12 California Department of Water Resources (“DWR”); (c) Federal Defendants, the United States
13 Department of Commerce, the National Oceanic and Atmospheric Administration, the National
14 Marine Fisheries Service (“NMFS”), the United States Department of the Interior, and the
15 United States Bureau of Reclamation (“Reclamation”); and (d) Defendant-Intervenors California
16 Trout, Friends Of The River, Natural Resources Defense Council, Northern California Council
17 of the Federation of Fly Fishers, Pacific Coast Federation of Fishermen’s Associations/Institute
18 for Fisheries Resources, Sacramento River Preservation Trust, San Francisco Baykeeper, The
19 Bay Institute, and the Winnemem Wintu Tribe, the Court hereby enters this Amended Final
20 Judgment, which supersedes and replaces the prior *Final Judgment (Including Schedule For*
21 *Remand)* entered in this matter on December 12, 2011 (Doc. No. 655).

22 All claims of all parties in these consolidated cases have been decided. IT IS ORDERED
23 THAT:

24 (A) Judgment is entered in accordance with the March 5, 2010 *Memorandum Decision Re*
25 *Cross-Motions For Summary Judgment On NEPA Issues* (Doc. 266) and March 17, 2010 *Order*
26 *Granting in Part Motion For Summary Judgment On NEPA Issues* (Doc. 288), granting in part
27 Plaintiffs’ motion for summary judgment on the claim that Reclamation violated NEPA by
28 failing to perform any NEPA analysis prior to provisionally adopting and implementing the June

1 4, 2009, ESA biological opinion issued by NMFS regarding the effects of the proposed
2 operations of the federal Central Valley Project (“CVP”) and the State Water Project (“SWP”) on
3 certain salmonid and other species and their critical habitat (the “2009 Salmonid BiOp”).
4 Specifically, the Court grants the San Luis Plaintiffs’ Fifth Claim for Relief that Reclamation
5 violated NEPA by failing to perform any NEPA analysis prior to provisionally adopting and
6 implementing the 2009 Salmonid BiOp; grants Plaintiff Stockton East Water District’s First
7 Claim for Relief as to Reclamation’s violation of NEPA by failing to perform any NEPA
8 analysis prior to provisionally adopting and implementing the 2009 Salmonid BiOp; and grants
9 SWC’s Fourth Claim for Relief as to Reclamation’s violation of NEPA by failing to perform any
10 NEPA analysis prior to provisionally adopting and implementing the 2009 Salmonid BiOp.

11 (B) Judgment is entered in favor of Federal Defendants and Defendant-Intervenors and
12 against Plaintiffs and plaintiff-in-intervention DWR on any and all remaining claims.

13 (C) In light of *San Luis & Delta-Mendota Water Auth. v. Locke*, 776 F.3d 971 (9th Cir.
14 2014), NMFS is no longer subject to the jurisdiction of this Court.

15 (D) Reclamation’s December 2009 Provisional Acceptance of the RPA is REMANDED
16 WITHOUT VACATUR. Reclamation shall comply with its obligations under NEPA and issue a
17 finding of no significant impact or record of decision by no later than nineteen months from
18 entry of this Order.

19 (E) The motions for recovery of attorneys’ fees and/or costs filed by the San Luis
20 Plaintiffs and SWC pursuant to the Court’s *Final Judgment (Including Schedule For Remand)*
21 (Doc. 655) and *Stipulation and Order Re Motion For Attorneys’ Fees and/or Costs* (Doc. 688)
22 shall proceed pursuant to the Court’s *Order adopting the Joint Stipulation Regarding Attorneys’*
23 *Fees and Other Expenses* (Doc. 771). No motions for recovery of attorneys’ fees and/or costs
24 other than those filed by the San Luis Plaintiffs and SWC shall be considered.

25 **IT IS SO ORDERED**
26 **Dated: May 5, 2015**

27 /s/ Lawrence J. O’Neill
28 **United States District Judge**