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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

12 PACIFIC COAST FEDERATION OF
13 FISHERMEN’S ASSOCIATIONS, et al.,
14 Plaintiffs,

15 v.

16 GINA RAIMONDO, in her official
17 capacity as Secretary of Commerce, et
18 al.,
19 Defendants.

19 THE CALIFORNIA NATURAL
20 RESOURCES AGENCY, et al.,
21 Plaintiffs,

22 v.

22 GINA RAIMONDO, et al.,
23 Defendants.

Case No. 1:20-cv-00426-DAD-EPG
Case No. 1:20-cv-00431-DAD-EPG

**STIPULATION TO EXTEND BY TWO DAYS
FEDERAL DEFENDANTS’ DEADLINE TO
RESPOND TO PLAINTIFFS’ MOTIONS TO
COMPLETE AND/OR SUPPLEMENT THE
ADMINISTRATIVE RECORDS**

1 This stipulation is entered between the parties for an extension of two days for Federal
2 Defendants to respond to Plaintiffs' motions in *Pacific Coast Federation of Fishermen's*
3 *Associations v. Raimondo* ("PCFFA"), Case No. 1:20-cv-00431-DAD-EPG, to complete the
4 administrative records or, in the alternative, supplement the administrative records (ECF 224),
5 and in *California Natural Resources Agency v. Raimondo* ("CNRA"), Case No. 1:20-cv-00426-
6 DAD-EPG (ECF 149, ECF 158), to complete and supplement the records (collectively,
7 "Plaintiffs' Motions"), and corresponding extensions for the deadlines for Intervenor-
8 Defendants' responses as well as any replies by Plaintiffs.

9 RECITALS

10 WHEREAS, on September 23, 2020, the parties stipulated to a schedule for Federal
11 Defendants to produce the administrative records of the United States Fish and Wildlife Service
12 ("FWS"), the National Marine Fisheries Service ("NMFS"), and Bureau of Reclamation
13 ("BOR") for these cases, *CNRA*, ECF 142; *PCFFA*, ECF 217, and the stipulation established a
14 meet and confer process regarding the submitted administrative records and a briefing schedule
15 for any motions to supplement and/or complete the records;

16 WHEREAS, in accordance with the parties' stipulation, Federal Defendants submitted
17 the three agencies' respective administrative records in these cases on September 23, 2020,
18 *CNRA*, ECF 143; *PCFFA*, ECF 218, and after receiving the records, Plaintiffs in both cases and
19 Intervenor-Defendants identified documents and categories of documents that they wished the
20 agencies would include in the records, the parties met and conferred, and in an effort to narrow
21 the scope of the dispute, Federal Defendants agreed to add certain, but not all, of these
22 documents to the records;

23 WHEREAS, on December 18, 2020, Plaintiffs in *CNRA* and *PCFFA* filed separate
24 motions to complete and/or supplement the administrative records along with memorandums of
25 law and exhibits, *CNRA*, ECF 149-155; *PCFFA*, ECF 224-239;

1 WHEREAS, under Executive Order 13990 (Protecting Public Health and the
2 Environment and Restoring Science To Tackle the Climate Crisis, 86 Fed. Reg. 7,037 (Jan. 25,
3 2021)), FWS, NMFS, and the BOR are currently reviewing the 2019 biological opinions for the
4 Long-Term Operations of the Central Valley Project and State Water Project (“CVP”)
5 challenged in these cases, consistent with the President’s direction in that Executive Order¹;

6 WHEREAS, on July 1, 2021, the Court most recently extended the due dates for Federal
7 Defendants’ response to Plaintiffs’ Motions to July 12, 2021, the due date for Intervenor-
8 Defendants’ responses to Plaintiffs’ Motions to July 16, 2021, and the due date for any replies by
9 Plaintiffs to August 6, 2021 (*CNRA*, ECF 180, *PCFFA*, ECF 268);

10 WHEREAS, Federal Defendants intend to seek no later than July 14, 2021, a stay of
11 these cases until September 30, 2021, to facilitate review of the 2019 biological opinions under
12 Executive Order 13990 in order to conserve judicial resources, and Federal Defendants are still
13 attempting to reach agreement with the parties on such a stay. This additional two-day extension
14 is necessary because the *PCFFA* plaintiffs have requested until July 13, 2021 to provide their
15 position on a stay and other parties have indicated the need for more time to consider a stay, and
16 thus the extension will allow the parties additional time to discuss whether the parties can reach
17 agreement about a stay of these cases before Federal Defendants file a motion for stay; and

18 WHEREAS, any party may move for emergency relief during the two-day extension
19 stipulated to here, and any party may oppose such a motion.

20 **STIPULATION**

21 Now therefore, counsel for Federal Defendants, Plaintiffs, and Defendant-Intervenors
22 hereby agree and stipulate, subject to approval by the Court, that: (1) the due date for Federal
23 Defendants’ response to Plaintiffs’ Motions to complete and/or supplement the administrative
24 records is extended to July 14, 2021; (2) the due date for Intervenor-Defendants’ responses to

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27 ¹ See The White House, *Fact Sheet: List of Agency Actions for Review*,
<https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-list-of-agency-actions-for-review/> (last visited July 12, 2021).

1 Plaintiffs' Motions is extended to July 19, 2021; and (3) the due date for Plaintiffs' replies is
2 extended to August 9, 2021.

3 Respectfully submitted,

4 Dated: July 12, 2021

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U.S. Department of Justice
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11
12 /s/ Clifford E. Stevens, Jr.
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13 Sr. Trial Attorney
14 *Attorneys for Federal Defendants*

15 Dated: July 12, 2021

/s/ Barbara Jane Chisholm
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18 *Attorneys for Plaintiffs Golden State Salmon Association,
Natural Resources Defense Council Inc., Defenders of
19 Wildlife, and Bay.Org d/b/a The Bay Institute*

20 Dated: July 12, 2021

/s/ Glen H. Spain
21 GLEN H. SPAIN
22 *Attorney for Plaintiffs Pacific Coast Federation of
Fishermen's Associations and Institute for Fisheries
Resources*

23 Dated: July 12, 2021

24 ROB BONTA
Attorney General of California
25 TRACY L. WINSOR
Supervising Deputy Attorney General

26 /s/ Daniel M. Fuchs
27 DANIEL M. FUCHS
28 Deputy Attorney General

Stipulation to Extend Briefing Deadlines for Plaintiffs' Record Motions
Case Nos. 1:20-cv-00426-DAD-EPG; 1:20-cv-00431-DAD-EPG

1 *Attorneys for Plaintiffs California Natural Resources*
2 *Agency, California Environmental Protection Agency, and*
3 *People of the State of California by and through Attorney*
4 *General Rob Bonta*

4 Dated: July 12, 2021

5 /s/ Daniel J. O'Hanlon
6 Daniel J. O'Hanlon
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11 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
12 *Attorneys for San Luis & Delta-Mendota Water Authority*
13 *and Westlands Water District*

10 Dated: July 12, 2021

11 /s/ Andrew Hitchings
12 ANDREW HITCHINGS
13 SOMACH SIMMONS & DUNN
14 *Attorneys for Intervenor-Defendants Glenn-Colusa*
15 *Irrigation District; Reclamation District No. 1004;*
16 *Conaway Preservation Group, LLC; David and Alice te*
17 *Velde Family Trust; Pelger Road 1700, LLC; Anderson-*
18 *Cottonwood Irrigation District; City of Redding; and*
19 *Knights Landing Investors, LLC*

16 Dated: July 12, 2021

17 /s/ Meredith E. Nikkel
18 MEREDITH E. NIKKEL
19 DOWNEY BRAND LLP
20 *Attorneys for Reclamation District No. 108, Sutter Mutual*
21 *Water Company; Natomas Central Mutual Water*
22 *Company; River Garden Farms Water Company; Pleasant*
23 *Grove-Verona Mutual Water Company; Pelger Mutual*
24 *Water Company; Meridian Farms Water Company; Henry*
25 *D. Richter, Et Al.; Howald Farms, Inc.; Oji Brothers Farm,*
26 *Inc.; Oji Family Partnership; Carter Mutual Water*
27 *Company; Windswept Land And Livestock Company;*
28 *Maxwell Irrigation District; Beverly F. Andreotti, Et Al.;*
Tisdale Irrigation And Drainage Company; Provident
Irrigation District; Princeton-Codora-Glenn Irrigation
District; And Tehama-Colusa Canal Authority

25 Dated: July 12, 2021

26 /s/ Mathew G. Adams
27 MATTHEW G. ADAMS
28 KAPLAN KIRSCH & ROCKWELL, LLP
Attorneys for Friant Water Authority and Arvin-Edison
Water Storage District

Stipulation to Extend Briefing Deadlines for Plaintiffs' Record Motions
Case Nos. 1:20-cv-00426-DAD-EPG; 1:20-cv-00431-DAD-EPG

1 Dated: July 12, 2021

/s/ Jenna R. Mandell-Rice
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5 Dated: July 12, 2021

/s/ Marc R. Bruner
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9 Dated: July 12, 2021

/s/ Timothy O'Laughlin
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Oakdale Irrigation District*

12 Dated: July 12, 2021

/s/ Kenneth Robbins
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Irrigation District*

16 Dated: July 12, 2021

/s/ Jennifer T. Buckman
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*Attorneys for Intervenor-Defendant City of Folsom, City of
Roseville, and San Juan Water District*

20 **ORDER**

21 Pursuant to the Parties' Stipulation, the Court hereby orders as follows:

22 (1) the due date for Federal Defendants' responses to Plaintiffs' motions in *PCFFA v.*
23 *Raimondo*, Case No. 1: 20-cv-00431-DAD-EPG, to complete the administrative records or, in
24 the alternative, supplement the administrative records (ECF 224), and in *CNRA v. Raimondo*,
25 Case No. 1:20-cv-00426-DAD-EPG (ECF 149; ECF 158), to complete and supplement the
26 records, is July 14, 2021;

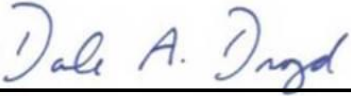
28 Stipulation to Extend Briefing Deadlines for Plaintiffs' Record Motions
Case Nos. 1:20-cv-00426-DAD-EPG; 1:20-cv-00431-DAD-EPG

1 (2) the due date for Intervenor-Defendants' responses to Plaintiffs' Motions is July 19,
2 2021; and

3 (3) the due date for Plaintiffs' replies is August 9, 2021.

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5 IT IS SO ORDERED.

6 Dated: July 14, 2021


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UNITED STATES DISTRICT JUDGE