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IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF CALIFORNIA

SIERRA FOREST LEGACY, *et al.*,

Plaintiffs

v.

HARRIS SHERMAN in his official
 capacity as Under Secretary of
 Agriculture, *et al.*

Federal Defendants.

) No. 2:05-cv-00205 MCE/GGH

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**STIPULATION AND ORDER TO DISMISS
 CLAIMS**

1 The parties to the above captioned litigation, through their undersigned counsel, and
2 pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, see Hells Canyon Preservation
3 Council v. U.S. Forest Serv., 403 F.3d 683, 687-88 (9th Cir. 2005), hereby stipulate as follows:

4 1. Plaintiffs' first claim for relief under the National Forest Management Act
5 ("NMFA") against the 2004 Sierra Nevada Forest Plan Amendment is dismissed without
6 prejudice. See Third Amended Complaint for Declaratory and Injunctive Relief (ECF No. 223)
7 at 19-22.

8 2. Plaintiffs' second claim for relief under NMFA against the 2004 Sierra Nevada
9 Forest Plan Amendment is dismissed without prejudice. See id. at 23-26.

10 3. Plaintiffs' second claim for relief under NMFA against the Basin Project is
11 dismissed with prejudice. See id. at 23-26.

12 Dated this 3rd day of February 2012.

/s/ Gregory C. Loarie (as authorized on 02/03/12)

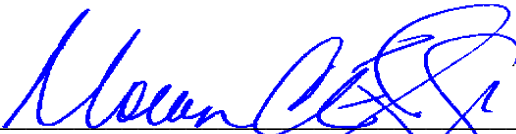
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19 IGNACIA S. MORENO
20 Assistant Attorney General

21 /s/ Barclay T. Samford
22 BARCLAY T. SAMFORD
23 U.S. Department of Justice
24 Environment & Natural Resources Division
25 Natural Resources Section
26 *Attorneys for Federal Defendants*

27 IT IS SO ORDERED.

28 Dated: February 7, 2012


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE