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16	UNITED STATES DISTRICT COURT				
17	FOR THE EASTERN DISTRICT OF CALIFORNIA				
18	ARC ECOLOGY, et al.,				
19	Plaintiffs, and				
20	CALIFORNIA DECIONAL MATTER	C N 2.07 2220 CED CCH			
21	CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,	Case No. 2:07-cv-2320-GEB-GGH			
22		JOINT STIPULATION AND ORDER AMENDING PLAINTIFFS' FIRST			
23	V.	AMENDED COMPLAINT TO WITHDRAW NEPA CLAIMS			
24	UNITED STATES MARITIME				
25	ADMINISTRATION, et al.,				
26	Defendants.				
27					
28 L					

1 Plaintiffs Arc Ecology, San Francisco Baykeeper, and Natural Resources Defense Council, 2 Inc. (collectively "Plaintiffs"), and defendants United States Maritime Administration ("MARAD"), 3 Sean T. Connaughton, in his official capacity as Maritime Administrator, United States Department 4 of Transportation, and Ray H. LaHood, in his official capacity as Secretary of Transportation 5 (collectively "Defendants"), agree to and propose the following joint stipulation and proposed order: 6 7 WHEREAS, Claims 1-4 of Plaintiffs' First Amended Complaint (Doc. No. 14) raised 8 certain claims under the National Environmental Policy Act ("NEPA") and the Administrative 9 Procedure Act ("APA") pertaining to the Suisun Bay Reserve Fleet ("SBRF"); and 10 WHEREAS, on March 28, 2008, the parties filed a stipulation (Doc. No. 26) to stay 11 litigation of Claims 1-4 while Defendants prepared either a final environmental assessment ("EA") and finding of no significant impact ("FONSI") or a record of decision ("ROD") and a 12 13 final environmental impact statement ("EIS"); and 14 WHEREAS, on March 28. 2008, this Court approved and entered the parties' stipulation 15 regarding Plaintiffs' NEPA claims (Doc. No. 27); and 16 WHEREAS, Defendants provided notice of its final EA and FONSI on September 8, 17 2009; 18 THEREFORE, pursuant to paragraph 5 of the Joint Stipulation and Order Regarding 19 Plaintiffs' NEPA Claims (Doc. No. 27), and Fed. R. Civ. P. 15(a)(2), Plaintiffs hereby amend 20 their First Amended Complaint to withdraw Claims 1-4. 21 22 23 24 25 26 27 For Plaintiffs: October 16, 2009 By: /s/ Michael E. Wall 28 MICHAEL E. WALL (Cal. Bar No. 170238)

Stip. to Amend. Pls.' 1st Amend. Compl. to Withdraw NEPA Claims, Civ. No. 07-2320-GEB-GGH

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ORDER The foregoing stipulation by the parties is hereby approved and entered as an ORDER of the Court. It is so ORDERED. 10/16/09 GARLAND E. BURRELL, JR. United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2009, I electronically filed the document listed below with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

JOINT STIPULATION AND [PROPOSED] ORDER AMENDING
 PLAINTIFFS' FIRST AMENDED COMPLAINT TO WITHDRAW NEPA
 CLAIMS

/s Michael E. Wall_

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