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[Additional Counsel on Signature Page]

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

ARC ECOLOGY, et al.,

Plaintiffs,

and

CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD, SAN
FRANCISCO BAY REGION,

Plaintiff-Intervenor,

v.

UNITED STATES MARITIME
ADMINISTRATION, et al.,

Defendants.

2:07-CV-2320 GEB GGH

**JOINT STIPULATION AND
[PROPOSED] ORDER MODIFYING
EXHIBIT A TO THE CONSENT
DECREE**

Judge: Hon. Garland E. Burrell, Jr.

1 WHEREAS, on April 14, 2010, the Court entered a Consent Decree in
2 this litigation, Consent Decree, Dkt. No. 126;

3 WHEREAS, the Consent Decree requires Defendants to remove
4 exfoliating and exfoliated paint from above the waterline in dry-dock of 25
5 vessels, including all vessels with a Condition Coating #1 or #2, as listed in
6 Exhibit A to the Consent Decree, by September 30, 2011, Consent Decree
7 ¶ 6(b)(1);

8 WHEREAS, the *Nereus* is listed in Exhibit A as a vessel with Condition
9 Coating #2 and the *Thomaston* is listed as a vessel with Condition Coating #3;

10 WHEREAS, Defendants began the exfoliating and exfoliated paint
11 removal process for the *Nereus* prior to the entry of the Consent Decree and
12 have since completed removal of the exfoliating and exfoliated paint from the
13 exterior surfaces of the *Nereus* at the Suisun Bay Reserve Fleet site;

14 WHEREAS, the current paint coating condition of the *Nereus* has
15 improved to a Coating Condition #3 and is now less degraded than that of the
16 *Thomaston*, which is now rated as a Coating condition #2;

17 WHEREAS, the parties agree that there is good cause to modify Exhibit
18 A to the Consent Decree by substituting the *Thomaston* for the *Nereus*;

19 THEREFORE, pursuant to section XIV of the Consent Decree, Plaintiffs
20 and Defendants stipulate and agree that Exhibit A to the Consent Decree
21 shall be modified to substitute the *Thomaston* for the *Nereus* on the list of 25
22 vessels to have paint removal conducted in dry-dock pursuant to Paragraph
23 6(b)(1) of the Consent Decree, and request that the Court grant such
24 modification. The proposed modification to Exhibit A is filed as an
25 attachment to this Stipulation.

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Respectfully submitted,

For Defendants:

Dated: May 13, 2011

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For Plaintiffs

Dated: May 13, 2011

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Dated: May 13, 2011

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*Attorneys for Plaintiff Intervenor the
California Regional Water Quality Control
Board, San Francisco Bay Region*

Pursuant to the stipulation of the parties, IT IS SO ORDERED.

Date: 5/17/2011

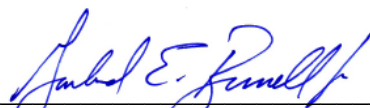

GARLAND E. BURRELL, JR.
United States District Judge

EXHIBIT A

SBRF NON-RETENTION VESSEL COATING CONDITION SUMMARY

No.	SHIP NAME	PROGRAM	LOCATION	COAT COND
1	PAN AMERICAN VICTORY	Non-retention	SBRF	1
2	EARLHAM VICTORY	Non-retention	SBRF	1
3	RIDER VICTORY	Non-retention	SBRF	1
4	WINTHROP VICTORY	Non-retention	SBRF	1
5	MISSION SANTA YNEZ	Non-retention	SBRF	2
6	GEN EDWIN D PATRICK	Non-retention	SBRF	1
7	DAWN	Non-retention	SBRF	2
8	TALUGA	Non-retention	SBRF	1
9	H. H. HESS	Non-retention	SBRF	2
10	FLORIKAN	Non-retention	SBRF	2
11	BAY	Non-retention	SBRF	1
12	GEN JOHN POPE	Non-retention	SBRF	2
13	GETTYSBURG	Non-retention	SBRF	1
14	BOLSTER	Non-retention	SBRF	2
15	RECLAIMER	Non-retention	SBRF	2
16	SOLON TURMAN	Non-retention	SBRF	2
17	PRESIDENT	Non-retention	SBRF	2
18	AMERICAN RELIANCE	Non-retention	SBRF	1
19	AMERICAN RACER	Non-retention	SBRF	1
20	THOMASTON	Non-retention	SBRF	2
21	CLAMP	Non-retention	SBRF	1
22	LINCOLN	Non-retention	SBRF	2
23	SPERRY	Non-retention	SBRF	2
24	SAGAMORE	Non-retention	SBRF	2
25	MONTICELLO	Non-retention	SBRF	3
26	NEREUS	Non-retention	SBRF	3
27	GLACIER	Non-retention	SBRF	3
28	MISPILLION	Non-retention	SBRF	3
29	AMBASSADOR	Non-retention	SBRF	3
30	POINT DEFIANCE	Non-retention	SBRF	3
31	ADVENTURER	Non-retention	SBRF	3
32	PONCHATOULA	Non-retention	SBRF	3
33	PYRO	Non-retention	SBRF	3
34	WICHITA	Non-retention	SBRF	3
35	KAWISHIWI	Non-retention	SBRF	3
36	MOUNT HOOD	Non-retention	SBRF	3
37	WABASH (AOR 5)	Non-retention	SBRF	3
38	TULARE	Non-retention	SBRF	3
39	VANCOUVER	Non-retention	SBRF	3
40	PIGEON	Non-retention	SBRF	3
41	HOLLAND	Non-retention	SBRF	3
42	KANSAS CITY	Non-retention	SBRF	3
43	HASSAYAMPA	Non-retention	SBRF	3
44	ROANOKE	Non-retention	SBRF	3
45	WILLAMETTE	Non-retention	SBRF	3
46	MOUNT WASHINGTON	Non-retention	SBRF	3
47	AIDE	Non-retention	SBRF	3
48	AGENT	Non-retention	SBRF	3
49	SHOSHONE	Non-retention	SBRF	3
50	WYMAN	Non-retention	SBRF	3

EXHIBIT A

SBRF NON-RETENTION VESSEL COATING CONDITION SUMMARY

No.	SHIP NAME	PROGRAM	LOCATION	COAT COND
51	NORTHERN LIGHT	Non-retention	SBRF	3
52	CIMARRON	Non-retention	SBRF	3
53	METEOR	Non-retention	SBRF	4
54	COMET	Non-retention	SBRF	4
55	CAPE BORDA	Non-retention	SBRF	4
56	CAPE BLANCO	Non-retention	SBRF	5
57	CAPE BRETON	Non-retention	SBRF	5
First 25 vessels listed are those vessels which are referenced in paragraph 6(b)(1) of the Consent Decree				
Coating Condition Rating:				
1	Major Coating degradation exists where large areas of hull or topside steel and rust are visible, and at least 25% of coatings has potential for exfoliation, or there is a substantial accumulation of exfoliated paint on deck that has potential for being discharged into the water			
2	Moderate coating degradation exists where small areas of hull or topside steel and rust are visible, and between 5% and 25% of coatings has potential for exfoliation, or there is a moderate accumulation of exfoliated paint on deck that has potential for being discharged into the water.			
3	Minor coating degradation exists where rust is beginning to bleed through coatings at cracks and chips, and less than 5% of coatings has potential for exfoliation.			
4	Coatings are intact and within their service life condition			
5	Coatings are intact, in like-new condition			