

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

CONSERVATION CONGRESS,	)	
	)	2:12-cv-02800-GEB-CKD
Plaintiff,	)	
	)	
v.	)	<u>ORDER GRANTING MOTION TO</u>
	)	<u>INTERVENE AND STIPULATION TO</u>
UNITED STATES FOREST SERVICE,	)	<u>STAY LITIGATION</u> *
and UNITED STATES FISH AND	)	
WILDLIFE SERVICE,	)	
	)	
Defendants,	)	
	)	
and	)	
	)	
FRANKLIN LOGGING, INC., and	)	
SCOTT TIMBER CO.,	)	
	)	
Proposed Defendant	)	
Intervenors.	)	
_____	)	

On January 8, 2013, Franklin Logging, Inc. and Scott Timber Co. filed an unopposed motion to intervene. (ECF No. 14.) Having reviewed the unopposed motion and supporting documentation and determined that Franklin Logging, Inc. and Scott Timber Co. have met the requirements of Federal Rule of Civil Procedure 24(a)(2), the intervention motion is hereby granted.

Further, on February 13, 2013, Conservation Congress, the United States Forest Service, and the United States Fish and Wildlife

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\* This matter is deemed suitable for decision without oral argument. E.D. Cal. R. 230(g).

1 Service filed a proposed Stipulation and Order to Stay the Case, (ECF  
2 No. 26), which is hereby approved and reproduced below.

3 This stipulation to stay the litigation is entered into by  
4 Plaintiff Conservation Congress and Federal Defendants the United States  
5 Forest Service ("USFS") and the United States Fish and Wildlife Service  
6 ("FWS"). The Court, having considered the parties' Stipulation and  
7 having found good cause, APPROVES the Stipulation. It is hereby SO  
8 ORDERED that:

9 1. Upon entry of the Court's Order, the instant litigation  
10 will be stayed to allow for the USFS and FWS to complete the reinitiated  
11 ESA Section 7 consultation process and any attendant administrative  
12 processes otherwise required by law.

13 2. Within 3 business days of its issuance, Federal  
14 Defendants will provide counsel for Plaintiff with an electronic copy of  
15 the Biological Opinion.

16 3. Within 3 business days of the completion of the USFS'  
17 additional environmental analysis, Federal Defendants will provide  
18 counsel for Plaintiff with an electronic copy of any associated decision  
19 documents.

20 4. Within 3 business days of Plaintiff's receipt of the  
21 documents referenced in Paragraph 3, the parties agree to file a Joint  
22 Request to Lift Stay;

23 5. Upon submission of the parties' Joint Request to Lift  
24 Stay, Plaintiff will have the right to amend its Complaint and seek  
25 additional relief Plaintiff believes is necessary to protect its  
26 interests.

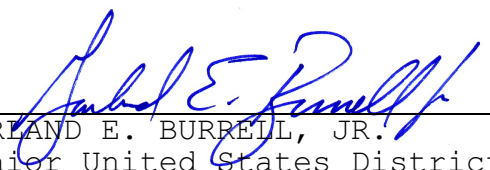
27 6. Counsel for Federal Defendants shall notify counsel for  
28 Plaintiff of the USFS' lift of the suspension of operations in the

1 Algoma Project area within 24 hours of notifying Franklin Logging, Inc.  
2 and Scott Timber Co.

3  
4 7. Within 14 days of the provision of the documents  
5 referenced in Paragraph 3, Plaintiff shall advise Federal Defendants of  
6 whether, and how, it intends to proceed with the instant litigation.

7 8. Within 14 days of the notification referenced in  
8 Paragraph 7, the parties shall file a joint status report with this  
9 Court advising it of the parties' proposals for whether, and how, the  
10 litigation should proceed.

11 Dated: February 14, 2013

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GARLAND E. BURRELL, JR.  
15 Senior United States District Judge  
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