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 16 **UNITED STATES DISTRICT COURT FOR THE**  
 17 **EASTERN DISTRICT OF CALIFORNIA**  
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19 CONSERVATION CONGRESS and the	)	CASE NO. 2:13-cv-934-LKK-DAD  <b>STIPULATION TO STAY CASE AND PROPOSED ORDER</b>
20 CITIZENS FOR BETTER FORESTRY,	)	
21 Plaintiffs,	)	
22 v.	)	
23 UNITED STATES FOREST SERVICE,	)	
24 and the UNITED STATES FISH AND	)	
25 WILDLIFE SERVICE,	)	
26 Defendants.	)	

1 This stipulation to stay the litigation is entered into by Plaintiffs Conservation Congress  
2 and the Citizens For Better Forestry and Federal Defendants the United States Forest Service  
3 (“USFS”) and the United States Fish and Wildlife Service (“FWS”). By and through counsel,  
4 the parties state as follows:

5 WHEREAS on May 12, 2013, Plaintiff filed the complaint initiating this litigation,  
6 alleging violations of the Endangered Species Act (“ESA”), the National Environmental Policy  
7 Act (“NEPA”), and the National Forest Management Act (“NFMA”) in connection with the  
8 Pettijohn Late Successional Reserve Habitat Improvement and Fuels Reduction Project  
9 (“Pettijohn Project”) located in the Shasta-Trinity National Forest;

10 WHEREAS on June 27 2013, the USFS requested additional consultation with the FWS  
11 on the Pettijohn Project pursuant to Section 7 of the ESA;

12 WHEREAS USFS will not proceed with the Pettijohn Project or undertake any ground-  
13 disturbing activities related to the project until the reinitiated Section 7 Consultation is complete.

14 NOW, THEREFORE, IT IS STIPULATED BY AND BETWEEN THE PARTIES AS  
15 FOLLOWS:  
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- 17 1. Upon entry of the Court’s Order approving this Stipulation, the instant litigation will be  
18 stayed to allow for the USFS and FWS to complete the reinitiated ESA Section 7  
19 consultation process and any attendant administrative processes otherwise required by  
20 law.
- 21 2. Within 7 business days of its issuance, Federal Defendants will provide counsel for  
22 Plaintiff with an electronic copy of the new Biological Opinion.
- 23 3. The parties shall confer and within 30 days of the transmittal referenced in Paragraph 2  
24 the parties shall file a joint status report with this Court advising it of the parties’  
25 proposals for whether, and how, the litigation should proceed.  
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27 Dated: July 5, 2013

Respectfully Submitted,  
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/s/ Marianne Dugan (as authorized on 07/02/2013)  
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Attorneys for Federal Defendants

**IT IS SO ORDERED:**

DATE: July 8, 2013.

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT