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10 **IN THE UNITED STATES DISTRICT COURT**  
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN FRANCISCO DIVISION**

13 ENVIRONMENTAL PROTECTION )  
 14 INFORMATION CENTER, )  
 15 Plaintiff, )  
 16 vs. )  
 17 STAFFORD LEHR, CHARLTON H. BONHAM, )  
 18 NEIL MANJI, DANIEL M. ASHE, JEFF )  
 19 UNDERWOOD, UNITED STATES FISH AND )  
 20 WILDLIFE SERVICE, )  
 21 Defendants. )

Case No. 13-00656-MMC  
**ORDER APPROVING  
 PLAINTIFF’S AND STATE  
 DEFENDANTS’ STIPULATION  
 AND ~~[PROPOSED]~~ ORDER  
 FOR STAY**

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1 Plaintiff Environmental Protection Information Center and Defendants Stafford Lehr,  
2 Charlton H. Bonham, and Neil Manji (“State Defendants”) hereby stipulate to and respectfully  
3 request that, pursuant to the following terms, the Court order a stay of the proceedings in this case  
4 related to the claims that State Defendants violated Section 9 of the Endangered Species Act  
5 (“ESA”) or any other law. Plaintiff and State Defendants so stipulate to conserve their resources  
6 pending State Defendants’ submittal of an application under the ESA to the appropriate federal  
7 agencies, and those agencies’ review and any approval, of operations at the Mad River hatchery.  
8 This stipulation is meant to resolve the differences between Plaintiff and State Defendants related to  
9 the propriety of a stay that are set forth in the Joint Case Management Conference Statement filed on  
10 May 24, 2013.

11 Pursuant to this stipulation and order, any and all litigation activity as to State Defendants  
12 (including, without limitation, disclosures, discovery, or motion practice) is stayed for one year  
13 from the date of the Court’s order. This stay may be extended by stipulation or motion. Plaintiff  
14 and State Defendants agree to these additional terms for the stay:

15 1. Prior to entry of a judgment as to State Defendants in this action, and absent a Hatchery and  
16 Genetic Management Plan (“HGMP”) or take permit approved or issued by the National Marine  
17 Fisheries Service (“NMFS”), State Defendants will not collect, trap, or use natural origin (ESA-  
18 listed) steelhead trout for broodstock at the Mad River Hatchery.

19 2. Prior to entry of a judgment as to State Defendants in this action, and absent a HGMP or take  
20 permit approved or issued by the NMFS, State Defendants will not release hatchery origin steelhead  
21 trout to the main stem of the Mad River, except that State Defendants may release the steelhead trout  
22 that are currently at the Mad River Hatchery into the main stem of the Mad River in the Spring of  
23 2014, at either the Mad River Hatchery or at the boat ramp located at the Mad River Estuary (at Mad  
24 River Beach County Park).

25 3. State Defendants agree that if they complete a draft HGMP for the Mad River Hatchery and  
26 submit it to NMFS, or apply for a take permit for the overall operations at the Mad River Hatchery  
27 from NMFS, they will also send those documents, promptly after submittal to NMFS, to counsel for  
28 Plaintiff.

1 4. State Defendants may participate in any alternative dispute resolution in this case, at their  
2 option.

3 Date: May 31, 2013.

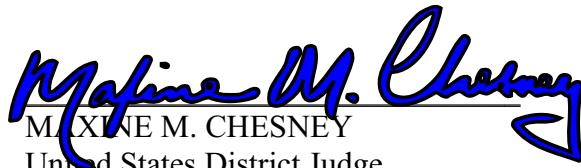
Respectfully submitted,

4 /s/ Peter M.K. Frost  
5 Peter M.K. Frost, *pro hac vice*  
6 Attorney for Plaintiff

7 /s/ Marc N. Melnick  
8 Marc N. Melnick  
9 Attorney for State Defendants

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

11  
12 Date: May 31, 2013.

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14 MAXINE M. CHESNEY  
United States District Judge