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9 *Attorneys for Federal Defendants*

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

13 ENVIRONMENTAL PROTECTION)
 14 INFORMATION CENTER,)

15 Plaintiff,

16 v.

17 JERRY AYERS, STANFORD LEHR, CHARLTON)
 18 H. BONHAM, PAT OVERTON, DANIEL ASHE,)
 19 JEFF UNDERWOOD, and U.S. FISH AND)
 WILDLIFE SERVICE,)

20 Defendants.

) Case No. 3:13-cv-0656-MMC
)
) **PLAINTIFF’S AND FEDERAL**
) **DEFENDANTS’ STIPULATION**
) **AND [PROPOSED] ORDER FOR**
) **STAY; ORDER THEREON**

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 22)
 23)
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 27)
 28 STIPULATION AND [PROPOSED]
 ORDER FOR STAY

Case No. 3:13-cv-0656-MMC

1 **STIPULATION**

2 Pursuant to Civil Local Rule 7-12, Plaintiff Environmental Protection Information
3 Center, and Defendants Daniel Ashe, Jeff Underwood, and the U.S. Fish and Wildlife Service
4 (“Federal Defendants”) hereby stipulate to and respectfully request that, pursuant to the
5 following terms, the Court order a stay of the proceedings in this case related to the Federal
6 Defendants. The parties so stipulate to conserve their resources pending any approval by the
7 National Marine Fisheries Service (“NMFS”) of the Hatchery and Genetics Management Plan
8 submitted to NMFS by the State Defendants. This stipulation does not affect the stipulation and
9 order entered into between the Plaintiff and State Defendants and signed by the Court on May
10 31, 2013 (ECF No. 32), as modified by the Court on July 3, 2013 (ECF No. 38).

11 **Federal Defendants**

12 Plaintiff and Federal Defendants agree to a stay based on the following:

13 1. State Defendants have applied to NMFS for approval of a Hatchery Genetics
14 Management Plan, pursuant to the ESA, regarding operations at the Mad River Hatchery.

15 2. Federal Defendants have determined, and have notified the California Department
16 of Fish and Wildlife, that absent a Hatchery Genetics Management Plan or take permit approved
17 or issued by NMFS to the California Department of Fish and Wildlife for operations at the Mad
18 River Hatchery, the U.S. Fish and Wildlife Service will not make any grant disbursements,
19 awards, or payments to, or otherwise fund operations at, the Mad River Hatchery for the purpose
20 of: (1) the collection, trapping, or use of natural origin (ESA-listed) steelhead trout for
21 broodstock at the Mad River Hatchery; and/or (2) the release of hatchery origin steelhead trout to
22 the main stem of the Mad River, that may occur on or after July 1, 2013 (except as set forth in
23 paragraph 2 of the stipulation and order entered into between the Plaintiff and State Defendants
24 and signed by the Court on May 31, 2013, ECF No. 32, as modified by the Court on July 3,
25 2013, ECF No. 38).

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/s/ Sharon E. Duggan (as authorized)
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Attorneys for Plaintiff

E-FILING ATTESTATION

Pursuant to Civil Local Rule 5.1(i)(3), I attest that Sharon Duggan and Peter Frost have concurred in the filing of this document.


/s/ Ethan Carson Eddy
ETHAN CARSON EDDY
Counsel for Federal Defendants

PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The parties are further ORDERED to submit a joint case management statement by June 13, 2014, ~~14, 2014~~, or within fourteen (14) days following approval of the State Defendants' HGMP, whichever comes first.

Dated: July 24, 2013


HOJ. MAXINE M. CHESNEY
United States District Judge