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10	UNITED STATES DI	STRI	CT COURT	
11	FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION			
12	SANTRANCISCO	יוט כ	ISION	
13		)		
14	ENVIRONMENTAL PROTECTION INFORMATION CENTER,	)	Case No. 3:13-cv-0656-MMC	
15	Plaintiff,	)	PLAINTIFF'S AND FEDERAL	
16		)	DEFENDANTS' STIPULATION AND [PROPOSED] ORDER FOR	
17	V.	)	STAY; ORDER THEREON	
18	JERRY AYERS, STANFORD LEHR, CHARLTO H. BONHAM, PAT OVERTON, DANIEL ASHE,	N ) )		
19	JEFF UNDERWOOD, and U.S. FISH AND WILDLIFE SERVICE,	)		
20	Defendants.	)		
21	Defendants.	)		
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28	STIPULATION AND [PROPOSED] ORDER FOR STAY		Case No. 3:13-cv-0656-MMC	
20	ORDERTORBIAT		Case 140. 3.13-04-0030-141141C	

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STIPULATION AND [PROPOSED]

## **STIPULATION**

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

## **Federal Defendants**

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

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

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3. Federal Defendants may disburse funds to the State Defendants, under previouslyapproved grants, to reimburse the State Defendants for activities conducted by the State Defendants at the Mad River Hatchery through June 30, 2013, but for which the State Defendants have not yet submitted the required documentation to the Federal Defendants to obtain such reimbursement.

4. Pursuant to this stipulation and order, any and all litigation activity as to Federal Defendants (including, without limitation, disclosures, discovery, or motion practice) is stayed until May 31, 2014, or until the State Defendants obtain approval of an HGMP, whichever comes first. This stay may be extended or revised by stipulation or motion.

Respectfully submitted this 23rd day of July, 2013.

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ROBERT G. DREHER

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/s/ Ethan Carson Eddy

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11	E-FILING ATTESTATION	
	<u>E-FILING ATTESTATION</u>	
15	E-FILING ATTESTATION  Pursuant to Civil Local Rule 5.1(i)(3), I attest that Sharon Duggan and Peter Frost have	
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15 16	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	
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28 STIPULATION AND [PROPOSED] ORDER FOR STAY

## 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 United States District Judge

STIPULATION AND [PROPOSED] ORDER FOR STAY