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

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 14 **ENVIRONMENTAL PROTECTION
 INFORMATION CENTER,**

15 Plaintiff,

16 v.

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 18 **JERRY AYERS; STAFFORD LEHR;
 CHARLTON H. BONHAM, NEIL MANJI,
 19 PAT OVERTON; ROWAN GOULD; JEFF
 UNDERWOOD; UNITED STATES FISH
 20 AND WILDLIFE SERVICE,**

21 Defendants.

Case No. C-13-00656-MMC-NJV

**PLAINTIFF'S AND STATE
 DEFENDANTS' STIPULATION
 AMENDING EXISTING STAY ORDER
 AND [PROPOSED] ORDER
 APPROVING AMENDED STAY ORDER ;
 DIRECTING PARTIES TO FILE JOINT STATUS
 REPORT**

Courtroom: 7
 Judge: Honorable M.M. Chesney
 Trial Date: None Set
 Action Filed: February 13, 2013

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 23 Plaintiff Environmental Protection Information Center and Defendants Stafford Lehr,
 24 Charlton H. Bonham, and Neil Manji ("State Defendants") hereby stipulate to and respectfully
 25 request that the Court amend the Court-ordered stay entered on May 31, 2013 (as amended on
 26 July 3, 2013) as to the claims against State Defendants, as set forth below. That previous court
 27 order stayed this case for one year, and also set certain conditions. One of those conditions was
 28 that "Prior to entry of a judgment as to State Defendants in this action, and absent a Hatchery and

1 Genetic Management Plan ('HGMP') or take permit approved or issued by the National Marine
2 Fisheries Service ('NMFS'), State Defendants will not collect, trap, or use natural origin (ESA-
3 listed) steelhead trout for broodstock at the Mad River Hatchery." ECF #32 at 2:15-18. As
4 explained in the attached Exhibit A, NMFS believes that progress has been made on development
5 of an HGMP, and has requested that Plaintiff agree to collection of natural origin steelhead trout
6 in the coming brood year.

7 Therefore, Plaintiff and State Defendants agree to amend the existing stay order so that:

- 8 1. State Defendants (and employees at the California Department of Fish and Wildlife)
9 may collect, trap, and/or use natural-origin steelhead trout as broodstock at the Mad
10 River Hatchery in January, February, and March 2014, provided that:
 - 11 a. For each spawning pair of steelhead trout in that time period, the Mad River
12 Hatchery will use at least one natural-origin steelhead;
 - 13 b. The goal for the broodstock collected in January, February, and March 2014 is
14 to produce 150,000 steelhead yearlings for release in 2015, but if not enough
15 natural-origin steelhead are available for use in the broodstock, under the terms
16 of this stipulation, then only offspring of at least one natural-origin steelhead
17 will be released in 2015;
 - 18 c. If more natural-origin steelhead are available at the Mad River Hatchery in
19 January, February, and March 2014, the hatchery will try to match natural-
20 origin steelhead with natural-origin steelhead;
- 21 2. State Defendants agree that Plaintiff is a prevailing party in this case under Section
22 11(g)(4) of the Endangered Species Act through at least the date of the Court's
23 approval of this stipulation; and
- 24 3. The stay shall be extended until November 30, 2014, or the date NMFS approves an

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HGMP for the Mad River Hatchery, whichever occurs first.

Date: January 28, 2014

Respectfully submitted,

/s/ Peter M.K. Frost

PETER M.K. FROST, *pro hac vice*
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KAMALA D. HARRIS
Attorney General of California
ANNADEL A. ALMENDRAS
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/s/ Marc N. Melnick

MARC N. MELNICK
Deputy Attorney General
Attorneys for State Defendants

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

IT IS FURTHER ORDERED that plaintiff and State Defendants shall file a Joint Status Report no later than December 8, 2014.

Date: February 3, 2014


MAXINE M. CHESNEY
United States District Judge

OK2013205367
Mad River stipulation amending stay order