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 8 *Stafford Lehr, and Neil Manji*

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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.

17
 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

**STIPULATION AMENDING EXISTING
 STAY ORDERS AND [PROPOSED]
 ORDER APPROVING AMENDED STAY
 ORDER**

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, defendants Stafford Lehr, Charlton
 24 H. Bonham, and Neil Manji (“State Defendants”), and defendants Daniel Ashe, Jeff Underwood,
 25 and U.S. Fish and Wildlife Service (“Federal Defendants”) hereby stipulate to and respectfully
 26 request that the Court amend the Court-ordered stay orders entered on May 31, 2013 (as amended
 27 on July 3, 2013 and January 28, 2014) and on July 24, 2013 (as amended on February 27, 2014),
 28 as set forth below. Those previous court orders stayed this case, and also set certain conditions.

1.

1 Those conditions include limitations on the collection and release of steelhead trout at the Mad
2 River Hatchery pending the approval of a Hatchery and Genetic Management Plan (“HGMP”) by
3 the National Marine Fisheries Service (“NMFS”). As explained in the attached Exhibits A and B,
4 NMFS believes that significant progress has been made on development of an HGMP, with the
5 remaining task being for it to comply with the National Environmental Policy Act, and NMFS has
6 requested that hatchery operations continue in the coming year.

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

- 9 1. State Defendants (and employees at the California Department of Fish and Wildlife)
10 may collect, trap, and use natural-origin (Endangered Species Act-listed) steelhead
11 trout from the Mad River for use as broodstock at the Mad River Hatchery in January,
12 February, and March 2015, provided that:
 - 13 a. For each spawning pair of steelhead trout in that time period, the Mad River
14 Hatchery will use at least one natural-origin steelhead;
 - 15 b. The goal for the broodstock collected in January, February, and March 2015 is
16 to produce 150,000 steelhead yearlings for release in 2016, but if not enough
17 natural-origin steelhead are available for use in the broodstock, under the terms
18 of this stipulation, then only offspring of at least one natural-origin steelhead
19 will be released in 2016;
 - 20 c. If more natural-origin steelhead are available at the Mad River Hatchery in
21 January, February, and March 2015, the hatchery will try to match natural-
22 origin steelhead with natural-origin steelhead;
- 23 2. State Defendants (and employees at the California Department of Fish and Wildlife)
24 may release the steelhead trout that are currently at the Mad River Hatchery into the
25 main stem of the Mad River in the Spring of 2015, at either the Mad River Hatchery
26 or at the boat ramp located at the Mad River Estuary (at Mad River Beach County
27 Park);

- 1 3. The U.S. Fish and Wildlife Service may fund operations at the Mad River Hatchery
2 consistent with this stipulation.
- 3 4. The parties need not submit a joint case management conference statement by
4 December 8, 2014, as directed in the Court's February 27, 2014 order. Rather, the
5 parties shall submit a joint case management conference statement by December 8,
6 2015 or within fourteen (14) days of approval of an HGMP for the Mad River
7 Hatchery, whichever comes first.
- 8 5. The stay shall be extended until November 30, 2015, or the date NMFS approves an
9 HGMP for the Mad River Hatchery, whichever occurs first.

10 Dated: December 4, 2014

Respectfully submitted,

11 /s/ Peter M.K. Frost (as authorized)

12 PETER M.K. FROST, *pro hac vice*
13 SHARON E. DUGGAN
14 *Attorneys for Plaintiff*

15 KAMALA D. HARRIS
16 Attorney General of California
17 GAVIN G. MCCABE
18 Supervising Deputy Attorney General

19 /s/ Marc N. Melnick

20 MARC N. MELNICK
21 Deputy Attorney General
22 *Attorneys for State Defendants*

23 SAM HIRSH
24 Acting Assistant Attorney General
25 U.S. Department of Justice
26 Environment & Natural Resources Division
27 S. JAY GOVINDAN, Assistant Chief

28 /s/ Trent S.W. Crable (as authorized)

TRENT S.W. CRABLE
Trial Attorney
Wildlife and Marine Resources Section

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Pursuant to Civil Local Rule 5.1(i)(3), I attest that Peter M.K. Frost and Trent S.W. Crable have concurred in the filing of this document and authorized me to submit their electronic signatures.

/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.
Dated: December 9, 2014


MAXINE M. CHESNEY
United States District Judge

OK2013205367
Mad River Amended Stip final