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10 Attorneys for Plaintiffs

11  
 12 UNITED STATES DISTRICT COURT  
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 14 OAKLAND DIVISION

15 WESTERN WATERSHEDS PROJECT; )  
 16 NATURAL RESOURCES DEFENSE )  
 COUNCIL; CENTER FOR BIOLOGICAL )  
 17 DIVERSITY; CALIFORNIA TROUT; )  
 ENVIRONMENTAL PROTECTION )  
 18 INFORMATION CENTER; KLAMATH )  
 19 SISKIYOU WILDLANDS CENTER; and )  
 SIERRA FOREST LEGACY, )

Case No.: C 08-01460 PJH

**STIPULATION OF DISMISSAL**

20 Plaintiffs,

21 vs.

22 U.S. FOREST SERVICE,

23 Defendant.  
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1 Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiffs Western Watersheds Project, et al. and  
2 Federal Defendant United States Forest Service hereby voluntarily dismiss the remaining claims  
3 in this action from Plaintiffs' Third Amended Complaint (ECF No. 103). Plaintiffs' Third  
4 Amended Complaint challenged ten categorical exclusion ("CE") decisions covering authoriza-  
5 tion of livestock grazing. Those CE decisions were the following:

6 Klamath National Forest

7 Little North Fork CE; Shelly Meadows CE; Big Ridge CE; Big Meadows CE;

8 Modoc National Forest

9 Mount Dome CE; Beaver Dam, East Grizzlie, Timbered Mountain, and Surveyors Valley  
10 CE;

11 Mendocino National Forest

12 Pine Mountain, York Cabin, Middle Creek and Elk Mountain CE;

13 Lassen National Forest

14 Deer Creek and Lyonsville CE; Champs Flat, Gooch Valley, Lower Pine Creek, and  
15 North Eagle Lake CE;

16 Inyo National Forest

17 Tunawee, Ash Creek, Alabama Hills, and George Creek CE.

18 Subsequently, the Forest Service withdrew the two Modoc and the Inyo CE decisions.  
19 See ECF No. 117, at 1.

20 The parties filed cross-motions for summary judgment as to two CE decisions: the Big  
21 Ridge CE on the Klamath National Forest and the Pine Mountain, York Cabin, Middle Creek  
22 and Elk Mountain CE on the Mendocino National Forest (ECF No. 136; ECF No. 147).

23 On March 30, 2012, the Court issued an Order Granting in Part and Denying in Part  
24 Motions for Summary Judgment (ECF No. 159). The Court held the conclusions reached by the  
25 Forest Service in connection with the Big Ridge CE and Mendocino CE decision memos were  
26 arbitrary and capricious in certain respects and failed to take the "hard look" required by NEPA.

27 The Forest Service has subsequently acknowledged that, pursuant to the Court's  
28 Summary Judgment Order, the Big Ridge and Mendocino CE Decision Memos are set aside, and

1 has notified Plaintiffs that, as of October 23, 2012, the Big Ridge allotment on the Klamath  
2 National Forest and the Pine Mountain, York Cabin, Middle Creek and Elk Mountain allotments  
3 on the Mendocino National Forest are currently scheduled for environmental analysis under  
4 NEPA during the 2014-2016 review period.

5 Of the remaining CEs challenged in Plaintiffs' Third Amended Complaint, the Forest  
6 Service has also notified Plaintiffs that it has withdrawn the Little North Fork, Shelly Meadows,  
7 and Big Meadows CE decisions on the Klamath National Forest and the Champs Flat, Gooch  
8 Valley, Lower Pine Creek, and North Eagle Lake CE decision on the Lassen National Forest. As  
9 of October 23, 2012, these allotments are currently scheduled for environmental analysis under  
10 NEPA during the 2014-2016 review period.

11 Plaintiffs hereby dismiss with prejudice their claims against the one outstanding CE  
12 decision from their Third Amended Complaint: the Deer Creek and Lyonsville CE from the  
13 Lassen National Forest.

14 Pursuant to these actions by Defendant Forest Service and Plaintiffs, all of the remaining  
15 claims in Plaintiffs' Third Amended Complaint are resolved. Therefore, Plaintiffs and  
16 Defendant Forest Service stipulate under Fed. R. Civ. P. 41(a)(2) that this case may be dismissed  
17 with prejudice, in accordance with the accompanying judgment.

18 IT IS SO STIPULATED:

19  
20 Dated: November 8, 2012

FOR PLAINTIFFS

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FOR FEDERAL DEFENDANT

Dated: November 8, 2012

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**[PROPOSED] ORDER**

PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, the Court hereby approves the Parties' Stipulation of Dismissal.

IT IS SO ORDERED

Dated: 11/9/12

HON. PHYLLIS J. HAMILTON  
UNITED STATES DISTRICT JUDGE

