

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEFENDERS OF WILDLIFE,)	
SIERRA CLUB, and NATIONAL WILDLIFE)	
REFUGE ASSOCIATION,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:19-cv-00746-TSC
)	
U.S. FISH AND WILDLIFE SERVICE,)	Hon. Tanya S. Chutkan
)	
Defendant.)	
)	

JOINT STIPULATION, MOTION, AND STATUS REPORT

The Defendant United States Fish and Wildlife Service and Plaintiffs Defenders of Wildlife, Sierra Club, and National Wildlife Refuge Association previously sought a joint stay to discuss the possibility of settlement. ECF No. 12. The Court entered a stay through July 26, 2019. The parties then moved to extend the stay for a period of two weeks, until August 9, 2019. ECF No. 13. Following further discussions regarding settlement, the parties now jointly stipulate and move as follows:

1. The U.S. Fish and Wildlife Service (“the Service”) will issue to the public for public review and comment a draft Step-Down Elk Feeding Plan for the National Elk Refuge and Environmental Assessment on the draft plan pursuant to the National Environmental Policy Act (NEPA) by no later than September 30, 2019.
2. The Service intends to accept public comment on the draft Environmental Assessment for a period of 30 days.
3. Following consideration of public comment, if the Service determines that no further environmental analysis is required concerning the proposed step-down elk feeding plan,

the Service intends to finalize the NEPA analysis and issue a final step-down plan on or before December 31, 2019. In this event, the Service intends that the final step-down plan shall govern the elk feeding program on the Jackson Hole National Elk Refuge beginning in the 2020 feeding season.

4. If the Service determines that further environmental analysis is required concerning the proposed step-down elk feeding plan, the Service will develop a schedule for completion of such analysis. Within five business days of making any such determination, the Service shall provide plaintiffs with notice of its schedule for completion of the environmental analysis process it has determined is required.

5. Based on the foregoing representations by the Service, Plaintiffs have agreed to continue the stay of litigation in this matter for a sufficient time for the Service to complete the Step-Down Plan and Environmental Assessment and decision-making process described in paragraph 3, above.

Accordingly, the parties hereby jointly propose that this Court modify its Minute Order of July 30, 2019 to provide that the stay of litigation in this case shall remain in place until January 10, 2020. On that date, the parties shall file a status report notifying the Court of the outcome of the National Environmental Policy Act process as of December 31, 2019, and proposing next steps for the case, if warranted.

The parties have conferred with counsel for the State of Wyoming—which filed a motion seeking leave to intervene and has participated in settlement discussions—who indicates that Wyoming does not oppose the requested stay.

A proposed order accompanies this motion.

DATED: August 12, 2019

Respectfully submitted,

/s/ Timothy J. Preso

Timothy J. Preso (D.C. Bar No. 456531)

Earthjustice

313 East Main Street

Bozeman, MT 59715

tpreso@earthjustice.org

(406) 586-9699 | Phone

(406) 586-9695 | Fax

Counsel for Plaintiffs

LAWRENCE VANDYKE

DEPUTY ASSISTANT ATTORNEY GENERAL

Environment & Natural Resources Division

By /s/ Jacqueline C. Brown

JACQUELINE C. BROWN

Trial Attorney, Natural Resources Section

United States Department of Justice

Post Office Box 7611

Washington, D.C. 20044-7611

Tel: (202) 305-0481

Fax: (202) 305-0506

E-mail: jacqueline.c.brown@usdoj.gov

ATTORNEY FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was today served on all counsel of record via the Court's CM/ECF system.

/s/ Timothy J. Preso
Timothy J. Preso