

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CENTER FOR BIOLOGICAL DIVERSITY,)	
)	
Plaintiff,)	
)	
v.)	No. 1:16-cv-00503-EGS
)	
RYAN ZINKE ¹ , in his official capacity as)	
Secretary of the United States Department of)	
the Interior, and U.S. FISH AND WILDLIFE)	
SERVICE,)	
)	
Defendants.)	

STIPULATION TO MODIFY THE SETTLEMENT AGREEMENT

This stipulation to modify the Settlement Agreement (“Agreement”) is entered into by and between Defendants Ryan Zinke, in his official capacity as Secretary of the United States Department of the Interior; and the United States Fish and Wildlife Service (collectively, “Defendants”) and Plaintiff Center for Biological Diversity. Plaintiff and Defendants, by and through their undersigned counsel, state as follows:

WHEREAS, on August 30, 2016, the parties entered into a Settlement Agreement, ECF No. 16, which resolved the allegations set forth in the Complaint.

WHEREAS, the parties agreed in the Settlement Agreement that no later than April 1, 2017, the United States Fish and Wildlife Service would review the status of the species beaverpond marstonia (a type of freshwater snail) and submit to the Federal Register a 12-month finding as to whether the listing of the beaverpond marstonia as a threatened or endangered species

¹ Ryan Zinke, the Secretary of the United States Department of the Interior, is automatically substituted for his predecessor in office pursuant to Federal Rule of Civil Procedure 25(d).

is (a) not warranted; (b) warranted; or (c) warranted but precluded by other pending proposals, pursuant to 16 U.S.C. § 1533(b)(3)(B).

WHEREAS, on August 31, 2016, the Court entered a Minute Order adopting the Settlement Agreement as an enforceable order of the Court;

WHEREAS, the United States Fish and Wildlife Service had drafted a 12-month finding on the beaverpond marstonia by mid-March 2017 and was prepared to meet the April 1, 2017 deadline;

WHEREAS, on March 20, 2017, the State of Georgia surveyed parcels of private property for the beaverpond marstonia, and discovered snails that appeared to be beaverpond marstonia. The snails discovered in Georgia will undergo genetic testing to confirm that they are in fact beaverpond marstonia;

WHEREAS, the new information submitted by Georgia could affect the United States Fish and Wildlife Service's 12-month finding;

WHEREAS, the parties have agreed to modify the Settlement Agreement to allow Defendants more time to complete a new species status assessment and revise, if necessary, the draft 12-month finding.

NOW, THEREFORE, PLAINTIFF AND DEFENDANTS AGREE AS FOLLOWS:

1. The deadline for the United States Fish and Wildlife Service to review the status of the beaverpond marstonia and submit to the Federal Register a 12-month finding as to whether the listing of the beaverpond marstonia as a threatened or endangered species is (a) not warranted; (b) warranted; or (c) warranted but precluded by other pending proposals, pursuant to 16 U.S.C. § 1533(b)(3)(B), shall be extended from April 1, 2017, to December 31, 2017.

2. All other provisions of the original Settlement Agreement and the Court's Minute Order approving the Settlement Agreement shall remain in full force and effect.

Dated: March 30, 2017

JEFFREY H. WOOD, Acting Assistant Attorney General
SETH M. BARSKY, Chief
MEREDITH L. FLAX, Assistant Chief

/s/ Kaitlyn Poirier

KAITLYN POIRIER, Trial Attorney (TN Bar # 034394)
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Attorneys for Defendants

Dated: March 30, 2017

/s/ Amy R. Atwood

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2017, I electronically filed the foregoing Stipulation to Modify the Settlement Agreement with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record.

/s/ Kaitlyn Poirier

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