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17
 18 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 19 SAN FRANCISCO DIVISION

20	CENTER FOR BIOLOGICAL DIVERSITY, <i>et al.</i> ,)	Case No.: 3:16-cv-06040-WHA
	Plaintiffs,)	
21)	STIPULATED REQUEST FOR 30 DAY
	vs.)	EXTENSION OF TIME TO COMPLY
22)	WITH THE COURT’S MAY 17, 2019
	U.S. FISH & WILDLIFE SERVICE, <i>et al.</i> ,)	ORDER
23)	
	Defendants,)	
24)	
	and)	
25)	
	AM. FOREST RESOURCE COUNCIL, <i>et al.</i> ,)	
26)	
	Defendant Intervenors.)	
27)	
28)	

1 WHEREAS, on May 17, 2019, ECF No. 105, the Court ordered the United States Fish and
2 Wildlife Service (“Service”) to submit for publication in the Federal Register a final listing
3 determination or notice of a revised proposed rule to list a distinct population segment of fisher
4 under the Endangered Species Act (“ESA”) on or before October 26, 2019;

5 WHEREAS, the Court further ordered that in the event the Service publishes a revised
6 proposed rule, the Service shall submit a final listing determination for publication by April 25,
7 2020;

8 WHEREAS, on October 25, 2019, the Service submitted to the Federal Register a notice of
9 revised proposed rule, thereby triggering the requirement to submit a final listing determination by
10 April 25, 2020, 84 Fed. Reg. 60,278 (Nov. 7, 2019);

11 WHEREAS, the proposed rule solicited public comments through December 9, 2019;

12 WHEREAS, the Service received a letter asking to extend the public comment period by 90
13 days;

14 WHEREAS, although the Service believes that an extension of the public comment period is
15 warranted, it would be unable to meet the court-ordered deadline to submit a final listing decision
16 without an extension of time, commensurate with any extension of the public comment period;

17 WHEREAS, Plaintiffs indicated that they would be uncomfortable with a 90-day extension
18 of time but would not oppose a 30-day extension of time to comply with the court-ordered deadline;

19 NOW, THEREFORE, the parties, by and through their undersigned counsel of record,
20 hereby stipulate and request that the Court extend the deadline to submit a final listing
21 determination by 30 days to May 25, 2020, to allow the Service to extend the public comment
22 period.

23
24 Respectfully submitted,

25 JEAN E. WILLIAMS
26 Deputy Assistant Attorney General
27 SETH M. BARSKY, Chief
28 MEREDITH L. FLAX, Assistant Chief

Dated: November 29, 2019

/s/ Nicole M. Smith
NICOLE M. SMITH, Trial Attorney

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7 Dated: November 29, 2019

/s/ Elizabeth B. Forsyth (as authorized Nov. 29, 2019)
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16 **[PROPOSED] ORDER**

17 Pursuant to stipulation, IT IS SO ORDERED that the United States Fish and Wildlife Service
18 shall have until May 25, 2020 to submit a final listing determination to the Federal Register for
19 publication.

20 Dated:

21 Hon. William Alsup
22 United States District Court Judge
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