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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

<p>SIERRA CLUB, INC. and SIERRA NEVADA FOREST PROTECTION CAMPAIGN,</p> <p>Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>DALE BOSWORTH, in his official capacity as Chief of the U.S. Forest Service; JOHN BERRY, in his official capacity as Forest Supervisor of the Eldorado National Forest; LAURIE TIPPIN, in her official capacity as Forest Supervisor of the Lassen National Forest; UNITED STATES FOREST SERVICE, an agency of the U.S. Department of Agriculture; ANN VENEMAN, in her official capacity as Secretary of the U.S. Dept. of Agriculture; and UNITED STATES DEPARTMENT OF AGRICULTURE,</p> <p>Defendants.</p>	<p>Case No. Civ. S-04-2114 GEB DAD</p> <p><b>[PROPOSED] ORDER ON INJUNCTION AND JUDGMENT PURSUANT TO FED. R. CIV. P. 58</b></p>
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2 This Court has reviewed the Parties' Stipulation and Joint Motion for Order on  
3 Injunction and Entry of Judgment, and finds that it is reasonable and should be GRANTED.

4 In accordance with the instructions of the Ninth Circuit in *Sierra Club v.*  
5 *Bosworth*, 510 F.3d 1016, 1034 (9th Cir. 2007) and the Stipulations of the Parties, the Court  
6 finds as follows:

7 1. That the Fuels CE projects of the United States Forest Service identified in  
8 Attachment A hereto are: a) those for which the Forest Service did not issue approval prior to the  
9 initiation of this lawsuit in October 2004; b) those designated as 75 % complete or more are "at  
10 or near completion"; and c) those designated as less than 75 % complete are not "at or near  
11 completion"; and  
12

13 2. That Attachment B contains a list of projects that Defendants request be  
14 excluded from injunction for reasons including public safety; to which. Plaintiffs have no  
15 objection.  
16

17 **ACCORDINGLY, IT IS HEREBY ORDERED:**

18 1. That the Forest Service is enjoined from implementing the Fuels CE  
19 pending its completion of an adequate assessment of the significance of the categorical  
20 exclusion from National Environmental Policy Act ; and the Forest Service is enjoined from  
21 implementing the Fuels CE pending its issuance of a new decision that is consistent with the  
22 Court's opinion in *Sierra Club v. Bosworth*, 510 F.3d 1016 (9th Cir. 2007) and that complies  
23 with 40 C.F.R. § 1507.3 (including prior public notice and comment).  
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2           2.       Those projects identified on Attachment A that are designated as 75% or  
3 more complete are not enjoined and may proceed to completion.

4           3.       With the exception of those projects identified on Attachment B, the  
5 Forest Service is enjoined from proceeding with the projects identified on Attachment A. that are  
6 designated as less than 75% complete. Provided, however, where implementation has begun but  
7 the project is less than 75% complete, the Forest Service will be permitted to complete any  
8 environmental protection and orderly shutdown activities necessary to leave the project site in a  
9 condition that will not lead to future resource damage. Such activities include:  
10

11           A.       Treatment of any project-created vegetation debris (lopping and scattering,  
12 chipping, piling and burning, and/or area burning of tree stems, limbs and tops);

13           B.       Watershed protection (road and skid trail closing, water bar installation,  
14 seeding and/or scatter vegetation debris on disturbed areas); and

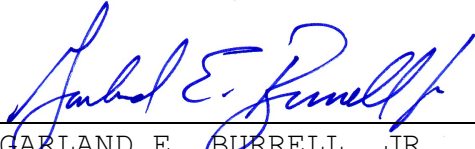
15           C.       Skidding and hauling of any already felled timber.

16           D.       These measures shall not include the felling of any additional trees.

17           3.       This Order resolves all claims except Plaintiffs' claims to attorneys' fees,  
18 costs and expenses.

19           The Clerk of the Court is directed to enter judgment for Plaintiffs in accordance with this  
20 Order.  
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22 Dated: November 25, 2008

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GARLAND E. BURRELL, JR.  
United States District Judge

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