

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 17-cv-00891-WYD

WILDEARTH GUARDIANS, a non-profit organization,
CENTER FOR BIOLOGICAL DIVERSITY, a non-profit organization,

Petitioners,

v.

JASON SUCKOW, in his official capacity as the Director of the U.S. Department of
Agriculture's Animal and Plant Health Inspection Service – Wildlife Services' Western
Region,
ANIMAL AND PLANT HEALTH INSPECTION SERVICE-WILDLIFE SERVICES, a federal
program, and
UNITED STATES DEPARTMENT OF AGRICULTURE, a federal department,

Federal-Respondents.

JOINT MOTION TO STAY PROCEEDINGS

WildEarth Guardians and the Center for Biological Diversity ("Plaintiffs") and
Federal-Respondents, the Animal and Plant Health Inspection Service-Wildlife Services'
et al. ("Wildlife Services"), hereby jointly move this Court to stay all proceedings in this
matter pending issuance of a new National Environmental Policy Act ("NEPA") analysis
and decision on predator control in Colorado. In support of this joint motion to stay
proceedings, Plaintiffs and Wildlife Services (collectively "the Parties") state as follows:

1. On April 12, 2017, Plaintiffs filed a petition for review of agency action
challenging Wildlife Service's decision notice, finding of no significant impact, and related

environmental assessment (“EA”) to conduct predator control in Colorado. See Doc. 1.

2. On June 12, 2017, this Court approved the Parties’ proposed joint case management plan. See Doc. 8. The Parties’ joint case management plan includes deadlines for filing the administrative record and briefing this matter on the merits.

3. On June 13, 2017, Wildlife Services filed its answer to Plaintiffs’ petition for review of agency action. See Doc. 9.

4. Following the filing of its answer, Wildlife Services informed Plaintiffs that it intended to prepare a new EA for its predator control work in Colorado. The new EA would result in either: (a) the issuance of a new decision notice and finding of no significant impact; or (b) preparation of an environmental impact statement (“EIS”), which would replace the 2017 EA challenged in this case.

5. Wildlife Services has agreed to prepare a draft EA for its predator damage management work in Colorado by December 15, 2017. The draft EA will be submitted for public review and comment for 45 days. Wildlife Services will complete a final EA and issue the resulting decision notice/finding of no significant impact or a finding of significance and plan to prepare an EIS by August 1, 2018.

6. Pending issuance of the final EA and new decision outlined above, Wildlife Services agrees not to: (a) use, authorize the use of, and/or fund the use of M-44s on public lands in Colorado; (b) undertake, authorize the use of, and/or fund black bear or mountain lion hunting and/or trapping and/or killing to increase ungulate populations in Colorado or to study the effects of those actions on ungulate populations in Colorado, including but not limited to participation in the Piceance Basin Predator Control Plan and the Upper Arkansas River Predator Control Plan, as discussed in Section 1.3.2.6d and

Appendices A and B of Wildlife Services' 2017 EA; and (c) deploy or use traps or snares in contravention of Amendment 14 of the Colorado Constitution (COLO. CONST. Art. XVIII, § 12b).

7. Upon issuance of a new final EA and new decision, Wildlife Service will file a notice informing the Court and Plaintiffs that a final decision has been signed. Plaintiffs will then have 60 days to either: (a) file an amended petition for judicial review challenging the new NEPA document and/or new decision; or (b) file a joint motion with Wildlife Services agreeing to dismiss this case with prejudice.

WHEREFORE, the Parties respectfully request this Court sign the attached order granting this joint motion to stay proceedings in this matter.

Respectfully submitted this 6th day of November, 2017.

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