



United States Department of Interior  
Fish and Wildlife Service  
Albuquerque, NM 87103  
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## Fax Cover Sheet

Date: 8/9/06  
To: Janet Spaulding, Tulsa SO; Doug Kniff + Nicole At DEC  
Agency: \_\_\_\_\_  
Fax Number: \_\_\_\_\_ Phone: \_\_\_\_\_  
Number of Pages: 3, including this cover sheet

From: Melanie Johnson  
Agency: Ecological Services, Regional Office, Region 2

Remarks: Bird cage returns - stipulation filed today  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

CENTER FOR BIOLOGICAL DIVERSITY  
and MARICOPA AUDUBON SOCIETY,

Plaintiffs,

v.

DIRK KEMPTHORNE, Secretary of the  
Department of the Interior and the  
U.S. FISH AND WILDLIFE SERVICE,

Defendants.

Case No. 06-cv-887

**JOINT STIPULATION  
TO MODIFY TERMS OF THE  
SETTLEMENT AGREEMENT**

Plaintiffs Center for Biological Diversity and Maricopa Audubon Society and Defendants Dirk Kempthorne, Secretary of the Department of the Interior and the U.S. Fish and Wildlife Service by and through their undersigned counsel, say as follows:

WHEREAS, on July 13, 2006, Plaintiffs and Defendants, through their authorized representatives, reached an agreement, in the form of a Stipulated Settlement Agreement, to, among other things, set a deadline for submitting to the Federal Register for publication of a 90-day finding on Plaintiffs' petition to list the SW Bald Eagle DPS, pursuant to 16 U.S.C. § 1533(b)(3)(A), on or before August 9, 2006;

WHEREAS, in an order on the same day, the Court approved the Stipulated Settlement Agreement and dismissed this case pursuant to Fed. R. Civ. P. 41(a)(1);

WHEREAS, Defendants have indicated to Plaintiffs that due to existing workload and staffing issues, it will be difficult to submit such a finding to the Federal Register by August 9, 2006;

WHEREAS, Plaintiffs agree that a two week extension on the August 9, 2006 deadline is acceptable;

NOW, THEREFORE, the parties hereby Stipulate and Agree as follows:

1. The first sentence of Paragraph 1 of the July 13, 2006 Stipulated Settlement Agreement is hereby modified such that the deadline for Defendants to submit to the Federal Register a 90-day finding on Plaintiffs' petition to list the SW Bald Eagle DPS, pursuant to 16

Stip. to Modify Consent Decree

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Center for Biological Diversity v. Kempthorne,  
No. 06-cv-887

1 U.S.C. § 1533(b)(3)(A), is changed from August 9, 2006 to August 23, 2006.

2 Respectfully submitted,

3  
4 Dated: August 9, 2006.

Dated: August 9, 2006.

6 SUE ELLEN WOOLDRIDGE,  
7 Assistant Attorney General  
8 JEAN E. WILLIAMS,  
9 Section Chief  
LISA LYNNE RUSSELL,  
Assistant Section Chief

10 /s/ (by Paul D. Lall with consent)  
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13 Attorney for Plaintiffs

/s/  
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