



SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

KARUK TRIBE OF CALIFORNIA, and
LEAF HILLMAN,

Plaintiffs,

vs.

CALIFORNIA DEPARTMENT OF FISH
AND GAME, et al.

Defendants.

THE NEW 49ERS, et al., and GERALD
HOBBS,

Intervenors.

No. RG05 211597

ORDER AND
CONSENT JUDGMENT

**ENDORSED
FILED
ALAMEDA COUNTY**

DEC 20 2006

CLERK OF THE SUPERIOR COURT
By SARA DALLESKE

Deputy

In this action, Plaintiffs Karuk Tribe of California and Leaf Hillman ("Plaintiffs") filed a Complaint For Declaratory Relief against Defendants California Department of Fish and Game and Ryan Broddrick, its Director (jointly "Department"), alleging that Department had violated the California Environmental Quality Act ("CEQA"), Public Resources Code §21000 et seq., and Fish & Game Code §5653(b) in issuing permits for suction dredge mining in certain parts of the Klamath, Scott and Salmon River watersheds, and sought declaratory and injunctive relief. Department initially denied these allegations, but

later filed declarations with the Court stating that, in the opinion of the Department at this time, suction dredge mining in those watersheds is resulting in deleterious effects on the Coho salmon, as alleged in the Complaint. Intervenor New 49ers, Inc. and Raymond W. Koons ("Intervenor Miners") and Intervenor Gerald Hobbs ("Intervenor Hobbs") deny that the suction dredge mining is in any way deleterious to Coho salmon, and deny that the Department's issuance of the permits is or was wrongful.

The Court, having been advised that the parties have consented to entry of order and judgment by the Court, and good cause existing, hereby issues the following order and judgment with the consent of the parties:

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that

1. New information has become available relating to the effect of suction dredge mining on Coho Salmon, which was not reasonably available to Department at the time it completed the 1994 EIR on the suction dredge mining regulations under which permits are currently issued ("1994 EIR").
2. The new information provides evidence, and the Court so finds, that the pattern and practice of issuing suction dredge mining permits under the current regulations could result in environmental effects different or more severe than the environmental impact considered in the 1994 EIR on the Coho salmon, and/or

other fish listed as endangered or threatened after the completion of the 1994 EIR.
(See Public Resources Code § 21166; 14 Cal. Code Regs. §§ 15162-15164.)

3. THEREFORE, the Department is hereby ORDERED to conduct a further environmental review pursuant to CEQA of its suction dredge mining regulations and to implement, if necessary, via rulemaking, mitigation measures to protect the Coho salmon and/or other special status fish species in the watershed of the Klamath, Scott, and Salmon Rivers, listed as threatened or endangered after the 1994 EIR.

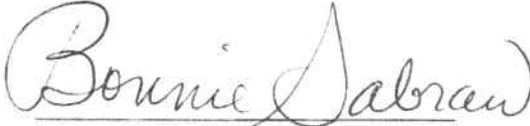
4. Said review and rulemaking is to be completed within 18 months following the date of entry of this Order and Judgment.

5. Plaintiffs' Second Cause of Action, alleging violation of Fish and Game Code §5653, is dismissed without prejudice.

6. Plaintiffs' request for temporary injunctive relief pending further environmental review is withdrawn without prejudice.

7. The Court shall retain jurisdiction of the matter.

12/20/06
Date


Honorable Bonnie L. Sabraw
Judge of the Superior Court

ACCEPTED AND CONSENTED BY:



Attorneys for Plaintiff, Karuk Tribe of California
and Leaf Hillman

12/18/06
Date



Authorized Representative, Karuk Tribe of California
and Leaf Hillman

12/12/06
Date

Attorneys for Defendants, California Department of
Fish and Game and Ryan Broddrick, Director

Date

Authorized Representative, California Department of
Fish and Game and Ryan Broddrick, Director

Date

Attorney for Interveners, The New 49'ERS and
Raymond W. Koons

Date

Authorized Representative, The New 49'ERS and
Raymond W. Koons

Date

Attorney for Intervener, Gerald Hobbs

Date

Intervener Gerald Hobbs

Date


ACCEPTED AND CONSENTED BY:

Attorneys for Plaintiff, Karuk Tribe of California
and Leaf Hillman

Date


Authorized Representative, Karuk Tribe of California
and Leaf Hillman

Date



Attorneys for Defendants, California Department of
Fish and Game and Ryan Broddrick, Director

12/15/06
Date



Authorized Representative, California Department of
Fish and Game and Ryan Broddrick, Director

Dec 9, 2006
Date

Attorney for Interveners, The New 49'ERS and
Raymond W. Koons

Date

Authorized Representative, The New 49'ERS and
Raymond W. Koons

Date

Attorney for Intervener, Gerald Hobbs

Date

Intervener Gerald Hobbs

Date

ACCEPTED AND CONSENTED BY:

Attorneys for Plaintiff, Karuk Tribe of California
and Leaf Hillman

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Authorized Representative, Karuk Tribe of California
and Leaf Hillman

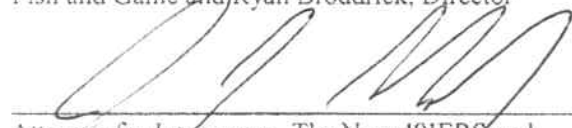
Date

Attorneys for Defendants, California Department of
Fish and Game and Ryan Broddrick, Director

Date

Authorized Representative, California Department of
Fish and Game and Ryan Broddrick, Director

Date



Attorney for Interveners, The New 49'ERS and
Raymond W. Koons

Date

12/12/06

Authorized Representative, The New 49'ERS and
Raymond W. Koons

Date

Attorney for Intervener, Gerald Hobbs

Date

Intervener Gerald Hobbs

Date

ACCEPTED AND CONSENTED BY:

Attorneys for Plaintiff, Karuk Tribe of California
and Leaf Hillman

Date

Authorized Representative, Karuk Tribe of California
and Leaf Hillman

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Attorneys for Defendants, California Department of
Fish and Game and Ryan Broddrick, Director


Date

Authorized Representative, California Department of
Fish and Game and Ryan Broddrick, Director

Date

Attorney for Interveners, The New 49ERS and
Raymond W. Koons

Date



Authorized Representative, The New 49ERS and
Raymond W. Koons

12-12-06
Date

Attorney for Intervener, Gerald Hobbs

Date

Intervener Gerald Hobbs

Date

ACCEPTED AND CONSENTED BY:

Attorneys for Plaintiff, Karuk Tribe of California
and Leaf Hillman

Date

Authorized Representative, Karuk Tribe of California
and Leaf Hillman

Date

Attorneys for Defendants, California Department of
Fish and Game and Ryan Brodrick, Director

Date

Authorized Representative, California Department of
Fish and Game and Ryan Brodrick, Director

Date

Attorney for Interveners, The New 49'ERS and
Raymond W. Koons

Date

Authorized Representative, The New 49'ERS and
Raymond W. Koons

Date

David Young
Attorney for Intervener, Gerald Hobbs

12/11/06
Date

Gerald E Hobbs
Intervener Gerald Hobbs

12-9-06
Date