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EXHIBIT A TO JOINT STIPULATION: [PROPOSED] STIPULATED JUDGMENT

STIPULATED JUDGMENT

In this action, Plaintiffs Karuk Tribe of California and Leaf Hillman have filed a Complaint against Defendants California Department of Fish and Game ("DF&G"), and Ryan Broddrick, Director of DF&G. Plaintiffs alleged in their Complaint that Defendants had violated the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code §§ 21000 *et seq.*, and Fish and Game Code § 5653(b) in issuing permits for suction dredge mining, and sought declaratory and injunctive relief. Defendants have denied these allegations. The Court has been advised that the Parties have reached a settlement of this matter and has now received a Joint Stipulation for Entry of Judgment (hereinafter "Joint Stipulation"), bearing a header dated November 28, 2005, executed by the Plaintiffs and the Defendants, in which the Parties stipulate to the entry of this Stipulated Judgment. The Court having considered the Joint Stipulation and the other papers and pleadings filed, and good cause existing therefor, hereby issues the following as its Stipulated Judgment herein.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. As used in this Stipulated Judgment, "permits for suction dredge mining" refers to the permits issued by Defendants pursuant to Fish and Game Code §§ 5653-5653.9, and the regulations codified at 14 Cal. Code Regs. §§ 228, 228.5.
2. DF&G is hereby enjoined and restrained from issuing permits for suction dredge mining that allow suction dredge mining during any of the periods of a year prohibited in Exhibit 1 attached hereto for the Klamath, Salmon, and Scott Rivers, their tributaries and thermal refugia.
3. The Department shall, upon stipulation in open Court on March 23, 2006, initiate a rulemaking regarding its regulations for suction dredge mining (Cal. Code Regs., tit. 14, § 228 *et seq.*) within 120 days of the entry of this Stipulated Judgment.
4. In the event that DF&G hereinafter adopts amendments to its regulations for permits for suction dredge mining, which amendments address the same areas as are covered in Exhibit 1, it may apply to this Court for a termination of the injunction set forth in paragraph 2 above. Any such application by Defendants shall be filed within 15 days

1 of DF&G's adoption of the amendments and shall include a copy of the amendments
2 to the regulations so adopted.

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4 5. Plaintiffs shall have 30 days after the filing of any such application to state whether
5 they object to the termination of the injunction, provided that Plaintiffs shall not file
6 any such objections if the amendments to the regulations provide for the closures of
7 the water bodies in Exhibit 1 for periods identical to or longer than the periods set
8 forth therein. Any such objections shall include a statement of the grounds for the
9 objections, which are limited to the scope of the claims in Plaintiffs' Complaint, and
10 may include allegations of a failure to comply with CEQA or Fish & Game Code,
11 section 5653. Upon the filing of proper objections by the Plaintiffs, they shall request
12 that the Court set a hearing date to determine the merits of Plaintiffs' objections, and
13 the Parties may request that the Court set intermediate deadlines for the filing of an
14 administrative record for the amendments, for briefing and for such other matters as
15 are necessary to bring the matter on for hearing. Plaintiffs may also seek to amend
16 their Complaint herein, as provided by law.
- 17 6. In the event that the Court determines that Defendants have not complied with law in
18 the adoption of the regulations, the Court may continue the injunction in Paragraph 2
19 in effect or enter such other relief as the Court determines is just and proper.
- 20 7. The injunction set forth in paragraph 2 of this Stipulated Judgment shall otherwise
21 terminate if Defendants have filed an application for termination of the injunction
22 pursuant to Paragraph 3 above, and either (i) no proper objection has been filed
23 thereto by Plaintiffs pursuant to Paragraph 4 above, or (ii) the Court has entered an
24 order or judgment ruling against all of Plaintiffs' objections. In either case the
25 injunction shall remain in effect until the amendments to the regulations submitted to
26 the Court pursuant to Paragraph 3 have become effective under California law.
- 27 8. DF&G shall pay Plaintiffs' reasonable attorneys fees and costs incurred in this action.
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- 1 9. This Stipulated Judgment is binding upon and shall inure to the benefit of the Parties
2 and their respective agents, employees, successors, assigns, trustees, and personal
3 representatives.
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5 10. This Court shall retain jurisdiction to interpret, modify, and enforce the terms and
6 conditions of this Stipulated Judgment and to enforce the Joint Stipulation for Entry
7 of Judgment until such time that the injunction is terminated pursuant to paragraphs 4
8 and 7 above. Regardless of the provisions in paragraphs 4, 5, 6, and 7 above, the
9 injunction in paragraph 2 above shall terminate one year and 120 days after the date
10 of the entry of this Stipulated Judgment unless the Court determines that it should be
11 continued pending the completion of a rulemaking by the Department of Fish and
12 Game. A status conference shall be set 30 days before the above date for termination
13 of the injunction for the Court's review of the status of the matter.
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15 Dated:

The Honorable Bonnie Sabraw
Judge of the Superior Court

EXHIBIT 1 TO STIPULATED JUDGMENT**PROHIBITIONS ON SUCTION DREDGE MINING****I. THE KLAMATH RIVER AND ITS TRIBUTARIES****SUCTION DREDGE MINING SHALL NOT BE ALLOWED:**

- On the main stem of the Klamath River from its confluence with the Trinity River to Iron Gate Dam *except from July 1 through September 15.*
- On the following tributaries of the Klamath at any time of the year: Indian, Elk, Dillon, Independence, Bluff, Red Cap, Camp and Clear Creeks.
- On all other Klamath River tributaries, *except from July 1 through September 15.*

II. THE SALMON RIVER AND ITS TRIBUTARIES**SUCTION DREDGE MINING SHALL NOT BE ALLOWED:**

- On the main stem Salmon River from its confluence on the Klamath River to the Forks of the Salmon River (i.e., the confluence of the North and South Forks of the Salmon River) at any time during the year.
- On the North and South Forks of the Salmon River, *except from July 1 through September 15.*
- On the following tributaries of the Salmon River at any time of the year: Butler Creek, East Fork Knownothing Creek, Indian Creek, Kelly Gulch, Knownothing Creek, Little North Fork, Methodist Creek, Negro Creek, Nordheimer Creek, and Specimen Creek.

III. THE SCOTT RIVER AND ITS TRIBUTARIES**SUCTION DREDGE MINING SHALL NOT BE ALLOWED:**

- On the Scott River from its mouth to Headwaters, *except from July 1 through September 15.*
- On the following tributaries of the Scott River at any time of the year: Big Mill Creek (East Fork), Boulder Creek (South Fork), Canyon Creek, Etna Creek, French Creek, Kangaroo Creek (East Fork), Kelsey Creek, Kidder Creek, McAdam Creek, Mill Creek (Scott Bar), Mill Creek (aka Shackleford/Mill), Miners Creek, Moffett Creek, Patterson

Creek, Shackleford Creek, South Fork Scott River, Sugar Creek, Tompkins Creek, Wildcat Creek, and Wooliver Creek.

IV. THERMAL REFUGIA

Thermal refugia areas are located at the confluence of the tributary and the main stem of the river. Suction dredge mining shall not be permitted at the thermal refugia areas designated below within five hundred (500) feet up the named tributary from the confluence with the main stem and five hundred (500) feet up and downstream on the main stem from the confluence of the tributary with the main stem.

SUCTION DREDGE MINING SHALL NOT BE ALLOWED AT ANY TIME IN THE FOLLOWING THERMAL REFUGIA:

- The thermal refugia on all direct tributaries on the Klamath, Salmon, and Scott Rivers that are closed to suction dredge mining for the entire year as listed above.
- The thermal refugia areas at the confluence of the following tributaries with the main stem of the Klamath River: Beaver Creek, Bluff Creek, Bogus Creek, Boise Creek, Camp Creek, Clear Creek, Coon Creek, Elk Creek, Grider Creek, Hopkins Creek, Horse Creek, Hunter Creek, Independence Creek, Indian Creek, Irving Creek, Little Grider Creek, Pearch Creek, Pecwan Creek, Red Cap Creek, Rogers Creek, Salmon River, Salt Creek, Scott River, Slate Creek, Swillup Creek, Thomas Creek, Ti Creek, Tom Marten Creek, Trinity River, and Ukonom Creek.
- The thermal refugia at the confluence of all tributaries on the North Fork of the Salmon River from Eddie Gulch to the Forks of the Salmon (i.e., the confluence of the North and South Forks of the Salmon River) and Crapo Creek on the mainstem below the Forks of the Salmon.