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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

WildEarth Guardians,

Plaintiff,

v.

United States Fish and Wildlife Service, et
al.,

Defendants.

No. CV-13-00151-TUC-RCC

**ORDER APPROVING
STIPULATION MODIFYING
INJUNCTION**

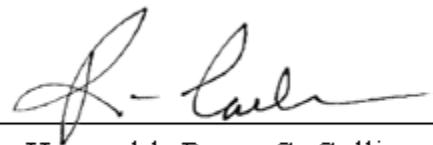
Being fully advised in the premises, the Court hereby APPROVES the parties' Stipulation to Modify Injunction filed on October 21, 2019. Pursuant to that stipulation of the parties, the Court hereby MODIFIES the injunction put in place by its September 12, 2019 Order to except the following specifically enumerated activities from the injunction:

1. Projects entirely outside of Mexican spotted owl Protected Activity Centers, Mexican spotted owl critical habitat, and Mexican spotted owl recovery habitat as set out on Attachment 1 to the Federal Defendants' currently pending Motion to Alter the Court's Decision and to Clarify or Modify the Court's Injunction. (Doc 104.)
2. Prescribed burning projects, as set out on Attachment 3 to the Federal Defendants' currently pending motion, with the limitation that no trees greater than 9" dbh will be cut in Mexican spotted owl Protected Activity Centers in connection with such prescribed burning projects.
3. Commercial firewood gathering projects that are outside Mexican spotted owl

1 habitat. There are three such projects set out on Attachment 5 to the Federal Defendants'
2 currently pending motion. Insofar as commercial firewood gathering projects on the Gila
3 National Forest are concerned, the parties stipulate that the two projects set out on
4 Attachment 5 of Federal Defendants' currently pending motion will not proceed while the
5 September 12, 2019 injunction is in place, but that the U.S. Forest Service may authorize
6 and allow commercial firewood gathering projects on equivalent acreage (272 acres) in
7 the Gila National Forest that are entirely outside of Mexican spotted owl habitat.

- 8 4. The cutting of the U.S. Capitol Christmas tree.
9 5. Personal Christmas tree cutting.
10 6. The cutting of personal use forest products such as vigas and latillas.
11 7. Special product collection by tribes for ceremonial purposes.
12 8. The cutting of hazard trees, so long as the trees are individually and specifically
13 identified as having a structural defect that presents a risk of injury to life or property.
14 The parties stipulate that this paragraph does not contemplate the cutting of trees in
15 connection with post-fire "salvage," and that all trees cut pursuant to this paragraph will
16 be left lying in place.

17 Dated this 22nd day of October, 2019.
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22 Honorable Raner C. Collins
23 Senior United States District Judge
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