

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MAY 10 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DRAKES BAY OYSTER COMPANY;
KEVIN LUNNY,

Plaintiffs - Appellants,

v.

SALLY JEWELL, in her official capacity
as Secretary, U.S. Department of the
Interior; U.S. DEPARTMENT OF
INTERIOR; U.S. NATIONAL PARK
SERVICE; JONATHAN B. JARVIS, in
his official capacity as Director, U.S.
National Park Service,

Defendants - Appellees.

No. 13-15227

D.C. No. 4:12-cv-06134-YGR
Northern District of California,
Oakland

ORDER

The parties are directed to be prepared to address at oral argument whether and to what extent NEPA applies (1) to actions that do not change the status quo, (2) to actions that have beneficial environmental effects, and (3) to actions that protect or conserve the environment. The parties are directed to be prepared to discuss the following Ninth Circuit authorities:

National Wildlife Federation v. Espy, 45 F.3d 1337 (9th Cir. 1995)

Douglas County v. Babbitt, 48 F.3d 1495 (9th Cir. 1995)

Humane Society of U.S. v. Locke, 626 F.3d 1040 (9th Cir. 2010)

FOR THE COURT:
Molly Dwyer, Clerk of Court

By: Beverly Brown
Deputy Clerk