

that rule. FWS would prefer to produce the records for the two rules together because they are interrelated and contain numerous overlapping documents.

As to the Court's inquiry about a delay of the proceedings until summary judgment motions could be resolved, because the parties would require the administrative record prior to briefing summary judgment motions, the administrative record schedule would realistically require any voluntary delay in enforcement of the rule to be in place for several months, if not longer. FWS is also unwilling to stipulate to such a lengthy delay of the effective date of the Rule. As Federal Defendants will discuss in more detail in their opposition to Plaintiff's Motion, any delay in implementation of the Rule increases the opportunity for these invasive species to be introduced or spread further into the United States and cause significant environmental harm. Additionally, in the limited time they have had to research the issue, Federal Defendants do not believe that the Fish and Wildlife Service ("FWS") has the authority to stay the effective date of a final rule without going through a formal decisionmaking process. Because the rule is currently set to go into effect on April 9, 2015, FWS cannot complete that process in time to delay the effective date, nor is it apparent that the agency could make the findings necessary to support a decision to delay the effective date.

Respectfully submitted this 2nd day of April, 2015.

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of April, 2015, a copy of the foregoing Notice was filed via the Court's electronic case filing (ECF) system, which will send notice to all counsel of record.

/s/ Clare M. Boronow
CLARE M. BORONOW