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11
12 **UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF ARIZONA**

14 Center for Biological Diversity, Sierra Club, and
15 WildEarth Guardians,

16 Plaintiffs,

17 vs.

18 Raymond Suazo, in his official capacity as the
19 State Director, Bureau of Land Management
20 Arizona State Office; David Bernhardt, in his
21 official capacity as Secretary of the Interior; and
22 the Bureau of Land Management,

23 Defendants.

No. 3:19-cv-08204-PCT-MTL

**STIPULATION OF
DISMISSAL WITHOUT
PREJUDICE**

24 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), this Stipulation of
25 Dismissal Without Prejudice (“Stipulation”) is entered into by and between Defendants
26 Raymond Suazo, in his official capacity as the Arizona State Director of the United States
27 Bureau of Land Management (“BLM”), David Bernhardt, in his official capacity as the

28 STIPULATION OF DISMISSAL WITHOUT PREJUDICE

1 Secretary of the United States Department of the Interior, and the Bureau of Land
2 Management and Plaintiffs Center for Biological Diversity (“Center”), Sierra Club, and
3 WildEarth Guardians (collectively, “the Parties”) who, by and through their undersigned
4 counsel, state as follows:
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6 WHEREAS, on July 18, 2019, Plaintiffs sent Defendants a 60-day notice of their
7 intent to sue for alleged violations of the Endangered Species Act (“ESA”) relating to
8 impacts connected to BLM’s September 2018 Competitive Oil and Gas Lease Sale—AZ-
9 2019-03-0391, AZ-2019-030386, and AZ-2019-03-0418;
10

11 WHEREAS, on October 1, 2019, Plaintiffs filed their First Amended Complaint for
12 Declaratory and Injunctive Relief challenging BLM’s decision to issue certain oil and gas
13 leases in Navajo and Apache Counties, Arizona, alleging violations of the National
14 Environmental Policy Act (“NEPA”), Endangered Species Act, National Historic
15 Preservation Act (“NHPA”), and Federal Land Policy and Management Act (“FLPMA”)
16 (ECF No. 25);
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19 WHEREAS, on October 11, 2019, BLM sent its Decisions of Suspension of
20 Operations and Production (SOPs) to oil and gas operators on three different leased parcels
21 (AZA37570, AZA37565, and AZA375569) stating the immediate suspension of the leases
22 until BLM can complete the appropriate environmental analysis under NEPA;
23

24 WHEREAS, on October 21, 2019, Defendants filed an Answer to Plaintiffs’
25 Complaint ECF No. 28;
26

27 WHEREAS, on February 5, 2020, BLM sent a clarification of the October 11, 2019,
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1 SOPs stating: “By means of this notice, the BLM is clarifying the language used in the
2 Suspension of Operations and Production Decision (SOP) effective October 1, 2019. In the
3 SOP, BLM concluded that it was necessary ‘to suspend the above-reference leases until
4 completion of appropriate environmental analysis under NEPA.’ For purposes of this
5 clarification, BLM states that ‘completion of appropriate environmental analysis’ means
6 compliance with all applicable laws and regulations including the *National Environmental*
7 *Policy Act*, the *Endangered Species Act of 1973*, and the *National Historic Preservation*
8 *Act of 1966*”;

11 WHEREAS, the BLM would like to update the NEPA analysis in compliance with
12 all applicable laws and regulations and complete consultations under the ESA and NHPA
13 prior to issuing a new decision on the leases, which may include the following: (i) lift the
14 lease suspensions; (ii) modify the lease terms and lift the suspensions; or (iii) void the
15 leases;
16

18 WHEREAS, by letter and email to Defendants dated February 5, 2020, Plaintiffs
19 requested notice of any NEPA-related hearings, public meetings, and the availability of
20 environmental documents related to any of the leased parcels described above;
21

22 NOW THEREFORE, the parties hereby stipulate and agree as follows:

- 23 1. To the stipulated dismissal, without prejudice, of this action challenging BLM’s
24 decision to issue certain oil and gas leases. This Stipulation does not in any way bar
25 Plaintiffs from challenging other lease sales or from bringing any other future claims
26 relating to the leases mentioned herein.
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2. Pursuant to 40 C.F.R. § 1506.6 and Plaintiffs' request, BLM will mail notice to the Plaintiffs of any NEPA-related hearings, public meetings, and the availability of environmental documents related to any of the leased parcels described above.

3. The undersigned representatives of each party certify that they are fully authorized by the party or parties they represent to agree to the terms and conditions of this Stipulation.

Respectfully submitted February 5, 2020:

/s/ Elizabeth H. Potter
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CERTIFICATE OF SERVICE

I hereby certify that today I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of this filing to the attorneys of record.

/s/ Davis A. Backer
DAVIS A. BACKER