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11 **UNITED STATES DISTRICT COURT**
 12 **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”), and David Bernhardt, in his official capacity as

1 the Secretary of the United States Department of the Interior and Plaintiffs Center for
2 Biological Diversity (“Center”), Sierra Club, and WildEarth Guardians (collectively, “the
3 Parties”) who, by and through their undersigned counsel, state as follows:

4 WHEREAS, on July 18, 2019, Plaintiffs sent Defendants a 60-day notice of their
5 intent to sue for alleged violations of the Endangered Species Act (“ESA”) relating to
6 impacts connected to BLM’s September 2018 Competitive Oil and Gas Lease Sale—AZ-
7 2019-03-0391, AZ-2019-030386, and AZ-2019-03-0418;

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10 WHEREAS, on October 1, 2019, Plaintiffs filed their First Amended Complaint for
11 Declaratory and Injunctive Relief challenging BLM’s decision to issue certain oil and gas
12 leases in Navajo and Apache Counties, Arizona, alleging violations of the National
13 Environmental Policy Act (“NEPA”), Endangered Species Act, National Historic
14 Preservation Act (“NHPA”), and Federal Land Policy and Management Act (“FLPMA”)
15 (ECF No. 25);

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18 WHEREAS, on October 11, 2019, BLM sent its Decisions of Suspension of
19 Operations and Production (SOPs) to oil and gas operators on three different leased parcels
20 (AZA37570, AZA37565, and AZA375569) stating the immediate suspension of the leases
21 until BLM can complete the appropriate environmental analysis under NEPA;

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

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

10 WHEREAS, the BLM would like to update the NEPA analysis in compliance with
11 all applicable laws and regulations and complete consultations under the ESA and NHPA
12 prior to issuing a new decision on the leases, which may include the following: (i) lift the
13 lease suspensions; (ii) modify the lease terms and lift the suspensions; or (iii) void the
14 leases;
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16 WHEREAS, by letter and email to Defendants dated February 5, 2020, Plaintiffs
17 requested notice of any NEPA-related hearings, public meetings, and the availability of
18 environmental documents related to any of the leased parcels described above;
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20 NOW THEREFORE, the parties hereby stipulate and agree as follows:

- 21
- 22 1. To the stipulated dismissal, without prejudice, of this action challenging BLM’s
23 decision to issue certain oil and gas leases. This Stipulation does not in any way bar
24 Plaintiffs from challenging other lease sales or from bringing any other future claims
25 relating to the leases mentioned herein.
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 - 27 2. Pursuant to 40 C.F.R. § 1506.6 and Plaintiffs’ request, BLM will mail notice to the
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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