

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CIVIL ACTION NO. 07-CV-00945-WDM-MEH

SAN LUIS VALLEY ECOSYSTEM COUNCIL,

Plaintiff,

v.

U.S. FISH AND WILDLIFE SERVICE,

Defendant,

LEXAM EXPLORATIONS (U.S.A.) INC.,

Intervenor.

**STIPULATION BY AND AMONG
PLAINTIFF SAN LUIS VALLEY ECOSYSTEM COUNCIL,
DEFENDANT U.S. FISH AND WILDLIFE SERVICE, AND
INTERVENOR LEXAM EXPLORATIONS (U.S.A.) INC.**

COME NOW Plaintiff San Luis Valley Ecosystem Council, Defendant U.S. Fish and Wildlife Service, and Intervenor Lexam Explorations (U.S.A.) Inc., by and through their respective counsel, and stipulate and agree as follows:

WHEREAS, on or about October 20, 2008, Defendant FWS issued the *Final Environmental Assessment of Planned Gas and Oil Exploration, Baca National Wildlife Refuge, Saguache County, Colorado* ("Final EA") and the related *Finding of No Significant Impact* ("FONSI").

WHEREAS, pursuant to the Final EA/FONSI and the terms and conditions contained therein, Lexam Explorations (U.S.A.) Inc. ("Lexam") may conduct certain exploratory activity within the Baca National Wildlife Refuge.

WHEREAS, Plaintiff has filed a civil action, pursuant to the Administrative Procedure Act ("APA"), 5 U.S.C. §§ 701 *et seq.*, challenging the Final EA/FONSI as a violation of the National Environmental Policy Act ("NEPA"), 42 U.S.C. §§ 4321 *et seq.*

WHEREAS, Plaintiff has also filed a Motion and Memorandum in Support of Preliminary Injunction. [Docket No. 50.]

WHEREAS, on February 11, 2009, the Court held a Status Conference.

WHEREAS, subsequent to the Status Conference, the parties have entered into the following agreement and stipulation.

THEREFORE, for the period starting on the date that the within stipulation is filed with the Court through and including July 31, 2009, it is hereby stipulated and agreed as follows:

1. Lexam shall cease all construction activities on the Lexam Road on the Baca National Wildlife Refuge.
2. Lexam shall not begin construction on the access road to Baca # 5, Baca # 6, or Baca # 7.
3. Lexam shall not begin construction on the well pads for Baca # 5, Baca # 6, or Baca # 7.

4. Lexam shall remove all construction equipment from the Baca National Wildlife Refuge within fifteen (15) days after the filing with the Court of the within stipulation.

5. The parties shall proceed with the litigation of Plaintiff's motion for a preliminary injunction.

Respectfully submitted,

ENERGY MINERALS LAW CENTER

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CERTIFICATE OF SERVICE

I hereby certify that on February, 2009, I electronically filed the foregoing with the Clerk of Court using the ECF system which will send notification of such filing to the following e-mail addresses:

Travis Stills, Esq. stills@frontier.net
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and I hereby certify that I have mailed or served the foregoing to the following non CM/ECF participants in the manner indicated by the nonparticipant's name:

By mail, postage prepaid

Jennifer Rigg, Esq.
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Office of the Regional Solicitor
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s/Stephen D. Taylor
STEPHEN D. TAYLOR