

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WILDEARTH GUARDIANS, and)
PHYSICIANS FOR SOCIAL RESPONSIBILITY)

Plaintiffs,)

v.)

Case No. 1:16-cv-01724-RC

DAVID BERNHARDT, BRIAN STEED, and)
U.S. BUREAU OF LAND MANAGEMENT)

Defendants,)

WESTERN ENERGY ALLIANCE,)
PETROLEUM ASSOCIATION OF WYOMING,)
AMERICAN PETROLEUM INSTITUTE,)
STATE OF COLORADO, STATE OF UTAH, and)
STATE OF WYOMING.)

Defendant-Intervenors.)

**PLAINTIFFS’ RESPONSE TO FEDERAL DEFENDANTS’ NOTICE OF
COMPLIANCE WITH THE COURT’S MARCH 19, 2019 ORDER**

Plaintiffs hereby respond to Federal Defendants’ Notice to the Court regarding compliance with the Court’s March 19, 2019 Order. Dkt. 102 (April 12, 2019). On the evening of April 19, 2019, Federal Defendants informed the Court and the Parties that they had completed “a supplemental environmental assessment to address the issues identified in the Court’s Memorandum Opinion.” Federal Defendants also stated that they would be posting the environmental assessment to the Bureau of Land Management’s (“BLM’s”) website that evening, and that the posting initiated a 10-day comment period ending on April 22, 2019.

Because of BLM’s abbreviated public comment period, which encompasses two weekends and only five business days in between, Plaintiffs will seek from BLM an extension of

the 10-day comment period. An extension is necessary to provide Plaintiffs, and the interested public, sufficient time to review the environmental assessment and craft detailed comments to ensure that the agency's analyses have complied with the Court's direction by addressing the deficiencies recognized by the Court in the agency's previous analyses, and with the requirements of the National Environmental Policy Act.

The Court retained jurisdiction over BLM's leasing decisions for Wyoming, and also gave Plaintiffs leave to "again address whether BLM fulfilled its NEPA obligations" with respect to the remanded Wyoming leasing decisions. Memorandum Opinion at 60. Once Plaintiffs have completed their review of BLM's supplemental environmental assessment, if they conclude that BLM has not complied with NEPA by giving "serious consideration" to this Court's concerns, *id.* at 59, Plaintiffs will seek leave to amend their Complaint. Plaintiffs will also confer with the Parties on a briefing schedule for the amended claim challenging BLM's supplemental environmental analysis.

Respectfully submitted on the 16th day of April 2019,

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CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2019 I electronically filed the foregoing RESPONSE with the Clerk of the Court via the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Samantha Ruscavage-Barz
Counsel for Plaintiffs