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

_____)	
WILDEARTH GUARDIANS)	
)	
and)	
)	
PHYSICIANS FOR SOCIAL)	
RESPONSIBILITY,)	
)	
<i>Plaintiffs,</i>)	
)	Case No. 1:16-cv-1724-RC
v.)	The Honorable Rudolph Contreras
)	
S.M.R. JEWELL, in her official capacity)	
as Secretary of the Interior,)	
)	FEDERAL DEFENDANTS' ANSWER TO
NEIL KORNZE, in his official capacity)	THE SUPPLEMENTED COMPLAINT
as Director of the United States Bureau of)	
Land Management,)	
)	
and)	
)	
UNITED STATES BUREAU OF LAND)	
MANAGEMENT)	
)	
<i>Federal Defendants,</i>)	
)	
and)	
)	
)	
)	

WESTERN ENERGY ALLIANCE,)
 PETROLEUM ASSOCIATION OF)
 WYOMING, AMERICAN)
 PETROLEUM INSTITUTE)
)
Intervenor Defendants)
)

FEDERAL DEFENDANTS’ ANSWER TO THE COMPLAINT

Federal Defendants, S.M.R. Jewell, Secretary of the Department of the Interior, Neil Kornze, Director of the United States Bureau of Land Management, and the United States Bureau of Land Management (“BLM”), hereby respond to the allegations in Plaintiffs’ Supplemented Complaint for Declaratory Judgment and Injunctive Relief (“Complaint”). The numbered paragraphs in this Answer correspond to the numbered paragraphs of the Complaint.

1. The allegations of the first paragraph constitute Plaintiffs’ characterization of their case, to which no response is required. To the extent a response is required, the allegations are denied.

2. The allegations of the first and fifth sentences of this paragraph are quotations from the President of the United States, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of the quoted statements are denied. Federal Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations of the second, third, and fourth sentences of this paragraph and on this basis deny them.

3. Federal Defendants deny the allegations of the first sentence of this paragraph and admit that operators producing oil and gas on BLM-leased lands contribute GHG pollution to the atmosphere. With respect to the allegations of the second sentence, Federal Defendants admit

that BLM manages nearly 700 million acres and state that they lack knowledge and information sufficient to form a belief as to the truth of the remaining allegations of the second sentence and on this basis deny them. Federal Defendants admit the allegations of the third sentence, Federal Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations of the fourth, fifth, and sixth sentences and on this basis deny them.

4. Federal Defendants deny the allegations of this paragraph and admit that they periodically issue federal oil and gas leases in western states, consistent with requirements of BLM regulations implementing the Mineral Leasing Act of 1920 (“MLA”), *see* 30 U.S.C. § 187 *et seq.* (MLA); 43 C.F.R. § 3120.1-2 (requiring BLM to “hold lease sales at least quarterly if lands are available for competitive leasing . . .”), as well as with the National Environmental Policy Act, 42 U.S.C. §§ 4321-4370h (“NEPA”).

5. Federal Defendants deny the allegations of the first sentence of this paragraph and admit that BLM has, in 2015 and the first eight months of 2016, held eleven oil and gas lease sales with respect to federal minerals located in Colorado, Utah, and Wyoming. The allegations of the second sentence purport to characterize a map evidently prepared by Plaintiffs. Given the map’s scale and undetermined origins, Federal Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations relating to the map, and on that basis, those allegations are denied.

6. Federal Defendants deny the allegations of this paragraph.

7. Federal Defendants deny the allegations of this paragraph and admit that BLM has held or will soon hold lease sales, additional to those at issue in this case, in Colorado, Montana, New Mexico, Utah, and Wyoming.

8. Federal Defendants deny the allegations of the first and second sentences of this paragraph and admit that on January 15, 2016, the Secretary of the Interior issued a secretarial order, no. 3338, which speaks which speaks for itself and provides the best evidence of its contents. Federal Defendants deny the allegations in the third sentence and admit that BLM has never prepared programmatic EIS focusing on the climate impacts of its nationwide oil and gas leasing activities.

9. Federal Defendants deny the allegations of the first sentence of this paragraph and admit that on January 20, 2016, the University of California Irvine School of Law Environmental Law Clinic and Plaintiff WildEarth Guardians submitted a petition to the Department of the Interior under the Administrative Procedure Act calling for a programmatic EIS focusing on the climate impacts of BLM's oil and gas leasing activities. The allegations of the second sentence purport to characterize the noted petition, submitted to the Department of the Interior ("Interior") by Plaintiff WildEarth Guardians, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the petition are denied. Federal Defendants deny the allegations of the third sentence and admit that Interior formally responded to the petition on December 19, 2016.

10. The allegations of this paragraph constitute Plaintiffs' characterization of their case, to which no response is required. To the extent a response is required, the allegations are denied.

11. The allegations of this paragraph consist of legal conclusions, to which no response is required.

12. The allegations of this paragraph consist of legal conclusions, to which no response is required.

13. The allegations of this paragraph consist of legal conclusions, to which no response is required.

14. The allegations of this paragraph consist of legal conclusions, to which no response is required.

15. The allegations of this paragraph consist of legal conclusions, to which no response is required.

16. The allegations of this paragraph consist of legal conclusions, to which no response is required.

17. The allegations of this paragraph consist of legal conclusions, to which no response is required.

18. Federal Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations of this paragraph and on this basis deny them.

19. Federal Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations of this paragraph and on this basis deny them.

20. Federal Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations of this paragraph and on this basis deny them.

21. Federal Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations of this paragraph and on this basis deny them.

22. Federal Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations of this paragraph and on this basis deny them.

23. Federal Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations of this paragraph and on this basis deny them.

24. Federal Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations of this paragraph and on this basis deny them.

25. Federal Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations of this paragraph and on this basis deny them.

26. Federal Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations of the first and second sentences of this paragraph and on this basis deny them. Federal Defendants deny the allegations of the third sentence and admit that reasonably foreseeable development of the leases at issue in this case will potentially have impacts as evaluated in BLM's environmental assessments being challenged in this case.

27. Federal Defendants deny the allegations of the first sentence of this paragraph and admit that development of the leases at issue in this case will potentially have impacts as evaluated in BLM's environmental assessments being challenged in this case. The allegations of the second sentence are vague and ambiguous, and are therefore denied. Federal Defendants admit the allegations of the third sentence. Federal Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations of the fourth and fifth sentences and on this basis deny them.

28. The allegations of the first and fourth sentences of this paragraph consist of legal conclusions, to which no response is required. The allegations of the second and third sentences are denied because they are speculative and because Federal Defendants did in fact properly take climate impacts into account in their decision making.

29. Federal Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations of this paragraph and on this basis deny them.

30. Federal Defendants admit the allegations of this paragraph.

31. Federal Defendants admit the allegations of this paragraph.

32. Federal Defendants admit the allegations of this paragraph.

33. The allegations of this paragraph purport to characterize NEPA, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of NEPA are denied.

34. The allegations of this paragraph purport to characterize one of NEPA's implementing regulations, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the cited regulation are denied.

35. The allegations of this paragraph purport to characterize judicial case law, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the case law are denied.

36. The allegations of this paragraph purport to characterize one of NEPA's implementing regulations, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the cited regulation are denied.

37. The allegations of this paragraph purport to characterize NEPA and one of its implementing regulations, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of the cited provisions are denied.

38. The allegations of this paragraph purport to characterize NEPA, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of NEPA are denied.

39. The allegations of this paragraph purport to characterize NEPA and several of its implementing regulations, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of the cited provisions are denied.

40. The allegations of this paragraph purport to characterize several of NEPA's implementing regulations, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of the cited regulations are denied.

41. The allegations of this paragraph purport to characterize one of NEPA's implementing regulations, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the cited regulation are denied.

42. The allegations of this paragraph purport to characterize judicial case law and one of NEPA's implementing regulations, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of the cited case law and regulation are denied.

43. The allegations of this paragraph purport to characterize two of NEPA's implementing regulations, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of the cited regulations are denied.

44. The allegations of this paragraph purport to characterize several of NEPA's implementing regulations, which speak for themselves and provide the best evidence of their

contents. Any allegations contrary to the plain language, meaning, and context of the cited regulations are denied.

45. The allegations of this paragraph purport to characterize two of NEPA's implementing regulations, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of the cited regulations are denied.

46. The allegations of this paragraph purport to characterize Interior regulations that further implement NEPA. These regulations speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of the cited regulations are denied.

47. The allegations of this paragraph purport to characterize the MLA, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the MLA are denied.

48. The allegations of this paragraph purport to characterize an Interior regulation implementing the MLA, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the cited regulation are denied.

49. The allegations of this paragraph purport to characterize an Interior regulation implementing the MLA, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the cited regulation are denied.

50. Federal Defendants deny the allegations of the first sentence of this paragraph and admit that, for lawful reasons, lease sales do not always occur quarterly in every state. Federal Defendants admit the allegations of the second sentence.

51. Federal Defendants admit the allegations of this paragraph.

52. The allegations of this paragraph purport to characterize the MLA but instead Plaintiffs cite and quote an Interior regulation implementing the MLA. This regulation speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the regulation are denied.

53. Federal Defendants deny the allegations of this paragraph and admit that BLM manages oil and gas development in a multi-phase process, each subject to specific rules, policies, and procedures.

54. Federal Defendants deny the allegations of the first sentence of this paragraph and admit that BLM prepares resource management plans (“RMPs”) in accord with the cited regulations, its Land Use Planning Handbook, and other laws and regulations. The allegations of the second, third and fourth sentences purport to characterize the contents of unidentified RMPs, which, if identified, would speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of these unidentified RMPs are denied.

55. The allegations of this paragraph are vague and ambiguous, and are therefore denied.

56. Federal Defendants deny the allegations of the first sentence of this paragraph and admit that, as part of its multi-phase oil and gas development process, BLM identifies boundaries for lands to be offered for lease, conducts lease sales, and executes and issues leases in accord

with applicable law. The allegations of the second sentence purport to characterize Interior regulations and BLM Instruction Memorandum No. 2010-117, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of the cited regulation and policy are denied. Federal Defendants deny the allegations of the third sentence and admit that, in most instances, BLM state offices manage lease sales, while the BLM field offices with direct responsibility for given lands generally conduct the necessary NEPA review, and also perform the additional duties cited by Plaintiffs.

57. The allegations of this paragraph purport to characterize BLM Instruction Memorandum No. 2010-117, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the cited regulation and policy are denied.

58. The allegations of this paragraph purport to characterize judicial case law, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the case law are denied.

59. The allegations of this paragraph purport to characterize Interior regulations implementing the MLA, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of those regulations are denied.

60. The allegations of this paragraph purport to characterize an Interior regulation implementing the MLA, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the regulation are denied.

61. The allegations of the first and second sentences of this paragraph purport to characterize judicial case law and an Interior regulation implementing the MLA, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of the case law and regulation are denied. Federal Defendants deny the allegations of the third sentence and admit that BLM cancelled dozens of leases in Colorado and Montana due to deficiencies in the NEPA analysis.

62. The allegations of this paragraph purport to characterize an Interior regulation implementing the MLA, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the regulation are denied.

63. Federal Defendants deny the allegations of the first sentence of this paragraph and admit that, as part of its multi-phase oil and gas development process, BLM issues leases and the operators are then required to submit to BLM applications for permits to drill (“APDs”) which must be approved before drilling may commence. The allegations of the second sentence purport to characterize an Interior regulation implementing the MLA, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the regulation are denied.

64. The allegations of this paragraph purport to characterize the Administrative Procedure Act (“APA”), which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the APA are denied.

65. The allegations of this paragraph purport to characterize the APA, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the APA are denied.

66. Federal Defendants deny the allegations of the first sentence of this paragraph as ambiguous and generally admit that climate change has been studied at global, national, and regional scales. Federal Defendants deny the allegations of the second sentence and admit that climate change is being fueled in part by the factors Plaintiffs cite. The remaining allegations of this paragraph purport to characterize a 2014 report of the Intergovernmental Panel on Climate Change (“IPCC”), which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the IPCC report are denied.

67. Federal Defendants deny the allegations of the first sentence of this paragraph and admit that the gases identified by Plaintiffs are greenhouse gases that contribute to climate change. The remaining allegations of this paragraph purport to characterize a 2009 EPA publication in the Federal Register, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the publication are denied.

68. Federal Defendants deny the allegations of the first sentence of this paragraph and admit that the western United States may be susceptible to effects of future climate change. The allegations in the second and third sentences are vague, ambiguous, and speculative, and are therefore denied.

69. The allegations of the first sentence of this paragraph purport to characterize an unspecified NOAA report, which may not be part of the administrative record in this case. Assuming it is even relevant to these proceedings, Federal Defendants state that the report speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the report are denied. The allegations of the second sentence are vague and speculative and are therefore denied.

70. The allegations of the first sentence of this paragraph purport to characterize a 2001 secretarial order, no. 3226, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the order are denied.

71. The allegations of this paragraph purport to characterize a 2007 GAO report, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the report are denied.

72. The allegations of this paragraph purport to characterize a 2009 secretarial order, no. 3289, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the order are denied.

73. The allegations of this paragraph purport to characterize two executive orders, nos. 13514 and 13693, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of the cited orders are denied.

74. The allegations of the first sentence of this paragraph are vague and ambiguous and are therefore denied. Federal Defendants deny the allegations the second sentence. The allegations of the third sentence purport to characterize a 2009 secretarial order, no. 3289, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the order are denied.

75. The allegations of this paragraph purport to characterize an August 23, 2016 EPA publication entitled the “Social Cost of Carbon,” which postdates the decisions challenged and therefore is not a part of the administrative record in this case. Assuming it is even relevant to these proceedings, Federal Defendants state that the publication speaks for itself and provides the

best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the publication are denied.

76. The allegations of this paragraph purport to characterize earlier drafts of the “Social Cost of Carbon” publication, prepared by EPA and other federal agencies, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of the publications are denied.

77. The allegations of this paragraph purport to characterize one of the earlier drafts of the “Social Cost of Carbon” publication, though plaintiffs do not specify which one. In any event, the publications speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of the publications are denied.

78. The allegations of this paragraph purport to characterize two EPA Federal Register publications which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of the publications are denied.

79. The allegations of this paragraph purport to characterize an August 1, 2016 guidance by the White House Counsel for Environmental Quality (“CEQ”), which postdates the decisions challenged in this case. Assuming it is even relevant to these proceedings, Federal Defendants state that the 2016 guidance speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the guidance are denied.

80. The allegations of this paragraph purport to characterize the 2016 CEQ guidance, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the guidance are denied.

81. The allegations of this paragraph purport to characterize the 2016 CEQ guidance, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the guidance are denied.

82. The allegations of this paragraph purport to characterize the 2016 CEQ guidance, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the guidance are denied.

83. The allegations of this paragraph purport to characterize one of NEPA's implementing regulations, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the cited regulation are denied.

84. Federal Defendants deny the allegations of the first sentence of this paragraph and admit that the leasing decisions challenged in this case were issued by BLM under authority of the Mineral Leasing Act. Federal Defendants deny the allegations of the second sentence and admit that BLM has occasionally and informally referred to its oil and gas leasing activities as a "program," but expressly deny that it has done so in the sense of the term's definition in 40 C.F.R. § 1508.1(b)(3). The allegations of the third and fourth sentences purport to characterize information published on BLM's website, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the cited information are denied.

85. Federal Defendants admit the allegations of the first sentence of this paragraph. The allegations of the second sentence purport to characterize a report by Stratus Consulting, which may not be part of the administrative record in this case. Assuming it is even relevant to these proceedings, Federal Defendants state that the report speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the report are denied.

86. Federal Defendants deny the allegations of the first sentence of this paragraph and admit that, as of 2015, BLM-managed lands contained 44,213 oil and gas parcels, covering over 32 million acres of public lands, on which 94,484 producible wells and service wells have been drilled. Federal Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations of the second sentence and on this basis deny them.

87. The allegations of the first sentence of this paragraph are vague, ambiguous, and speculative and are therefore denied. The allegations of the second, third, fourth, and fifth sentences purport to characterize the noted Stratus Consulting report, which may not be part of the administrative record in this case. Assuming it is even relevant to these proceedings, Federal Defendants state that the report speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the cited information are denied.

88. Federal Defendants admit the allegations of this paragraph.

89. The allegations of the first sentence of this paragraph constitute Plaintiffs' characterization of their case, to which no response is required. To the extent a response is required, the allegations are denied. Federal Defendants deny the allegations of the second sentence.

90. Federal Defendants deny the allegations of the first and second sentences of this paragraph, admit that BLM has not completed a programmatic EIS (including with respect to a Resource Management Plan) that focuses on the climate impacts of BLM's nationwide oil and gas leasing activities, and aver that NEPA did not require nationwide analysis for the leasing decisions challenged in this case. Federal Defendants further aver that the programmatic nationwide NEPA analysis Plaintiffs seek in their prayer for relief, Compl. at 39-40, ¶¶ B, C, would be an excessive and legally unnecessary way of remedying any of the specific legal violations alleged in this case. Federal Defendants deny the allegations of the third and fourth sentences.

91. Federal Defendants deny the allegations of this paragraph.

92. The allegations of this paragraph purport to characterize the environmental assessments at issue in this case, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of those environmental assessments are denied.

93. The allegations of this paragraph constitute legal argument, to which no response is required, and they purport to characterize the environmental assessments at issue in this case, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of those environmental assessments are denied.

94. The allegations of the first, second, and third sentences of this paragraph purport to characterize the environmental assessments at issue in this case, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of those environmental assessments are denied. The allegations of the

fourth sentence consist of legal conclusions, to which no response is required. Federal Defendants deny the allegations of the fifth sentence.

95. The allegations of this paragraph purport to characterize the environmental assessments at issue in this case, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of those environmental assessments are denied.

96. The allegations of the first, second, and third sentences of this paragraph purport to characterize the environmental assessments at issue in this case, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of those environmental assessments are denied. Federal Defendants deny the allegations of the fourth sentence of this paragraph and admit that, assuming lease development, transmission, processing, and combustion of oil and gas from the 473 leases at issue in this case may result in GHG emissions as indicated by and evaluated in the environmental assessments. The allegations of the fifth sentence purport to characterize the 2016 CEQ Guidance, which postdates the decision in this case, a fact Plaintiffs freely acknowledge. Compl. at ¶ 79. Assuming it is even relevant to these proceedings, Federal Defendants state that the guidance speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the guidance are denied.

97. The allegations of the first sentence of this paragraph consist of legal conclusions, to which no response is required. Federal Defendants deny the allegations of the second sentence.

98. Federal Defendants deny the allegations of the first sentence of this paragraph and admit that issuance of the 473 leases (from the eleven lease sales challenged in this case)

may result in some new oil and gas development in Colorado, Wyoming, and Utah. Federal Defendants deny the allegations of the second sentence and aver that Plaintiffs misstate NEPA's requirements for a cumulative impacts analysis.

99. The allegations of this paragraph purport to characterize unidentified BLM data, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the data are denied.

100. The allegations of this paragraph purport to characterize the environmental assessments at issue in this case, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of those environmental assessments are denied.

101. The allegations of the first, second, and third sentences of this paragraph purport to characterize the environmental assessments at issue in this case, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of those environmental assessments are denied. The allegations of the fourth and fifth sentences constitute legal conclusions, to which no response is required.

102. The allegations of the first sentence of this paragraph purport to characterize the environmental assessments at issue in this case, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of those environmental assessments are denied. The allegations of the second sentence are vague and are therefore denied. The allegations of the third sentence contain legal conclusions, to which no response is required, and they purport to characterize some version of EPA's "Social Cost of Carbon" publication, presumably the final version, issued in August 2016 and postdating the decisions challenged in this case. Assuming it is even relevant to these proceedings, Federal

Defendants state that the publication speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the publication are denied.

103. The allegations of the first and second sentences of this paragraph purport to characterize the environmental assessments at issue in this case, which speak for themselves and provide the best evidence of their contents. Any allegations contrary to the plain language, meaning, and context of those environmental assessments are denied. The allegations of the third sentence constitute legal conclusions, to which no response is required.

104. Federal Defendants admit the allegations of the first sentence of this paragraph. Federal Defendants deny the allegations of the second sentence of this paragraph and admit that, at the February 2015 lease sale, BLM sold 21 leases competitively. Federal Defendants further admit that in accordance with regulations, BLM made parcels that were offered but not sold at auction available for a period of two years for non-competitive leasing to the first qualified person to submit a bid meeting the minimum requirement, and that three more leases from the February 2015 lease sale were sold in this manner. Federal Defendants further admit that at the May 2015 lease sale, BLM sold 73 leases competitively and eleven more subsequently were sold noncompetitively as just described; that at the November 2015 lease sale, BLM sold 106 leases competitively and twelve more subsequently were sold noncompetitively; and that at the May 2016 lease sale, BLM sold 6 leases competitively.

105. Federal Defendants admit the allegations of this paragraph.

106. Federal Defendants admit the allegations of this paragraph.

107. Federal Defendants admit the allegations of the first and second sentences of this paragraph. Federal Defendants deny the allegations of the third sentence and admit that BLM

held the lease sale on May 14, 2015, and issued the leases that were sold on June 3, 2015, with an effective date of July 1, 2015.

108. Federal Defendants deny the allegations of the first sentence and admit that BLM received the noted protest on September 14, 2015. Federal Defendants admit the allegations of the second and third sentences.

109. Federal Defendants admit the allegations of the first sentence of this paragraph. Federal Defendants deny the allegations of the second sentence and admit that BLM denied the noted protest on May 12, 2016. Federal Defendants deny the allegations of the third sentence and admit that BLM held the lease sale on May 12, 2016, and issued the leases that were sold on May 19, 2016, with an effective date of June 1, 2015.

110. Federal Defendants admit the allegations of the first sentence of this paragraph. Federal Defendants deny the allegations of the second sentence and admit that BLM sold (i) 32 leases competitively (thirteen in the Richfield Field Office, one in the Cedar City Field Office, three in the Vernal Field Office, four in the Fillmore Field Office, two in the Moab Field Office, and nine in the Price Field Office), encompassing approximately 40,000 acres; and (2) an additional twelve leases non-competitively, encompassing approximately 11,000 acres.

111. Federal Defendants admit the allegations of this paragraph.

112. Federal Defendants admit the allegations of the first and second sentences of this paragraph. Federal Defendants deny the allegations of the third sentence and admit that BLM issued thirteen of the sold leases on August 3, 2015, and issued the other leases on later dates.

113. Federal Defendants admit the allegations of the first and second sentences of this paragraph. Federal Defendants deny the allegations of the third sentence and admit that BLM

sold a total of 21 leases on February 16, 2016, and issued 22 leases between April 15 and 19, 2016.

114. Federal Defendants admit the allegations of the first sentence of this paragraph. Federal Defendants deny the allegations of the second sentence and admit that BLM competitively sold and issued 31 leases as a result of the May 2015 lease sale; that BLM competitively sold and issued 56 leases as a result of the August 2015 lease sale; that BLM competitively sold and issued 38 leases as a result of the November 2015 lease sale; that BLM competitively sold and issued 95 leases as a result of the May 2016 lease sale; and that BLM competitively sold and issued 69 leases as a result of the August 2016 lease sale, for a total of 289 oil and gas leases encompassing approximately 309,000 acres in sixteen Wyoming counties.

115. Federal Defendants admit the allegations of this paragraph.

116. Federal Defendants admit the allegations of the first and third sentences of this paragraph. Federal Defendants deny the allegations of the second sentence and admit that on May 4, 2015, BLM dismissed WildEarth Guardians' protest as to one parcel and denied it as to the remainder.

117. Federal Defendants admit the allegations of this paragraph.

118. Federal Defendants deny the allegations of the first and second sentences of this paragraph and admit that on September 4, 2015, WildEarth Guardians filed two protests, which were denied in part and dismissed in part on November 2, 2015. Federal Defendants deny the allegations of the third sentence and admit that BLM held the lease sale and issued the leases on the day it decided WildEarth Guardians' protests.

119. Federal Defendants deny the allegations of the first and second sentences of this paragraph and admit that on March 4, 2016, WildEarth Guardians and Physicians for Social

Responsibility (“PSR”) filed a joint protest; and that, on May 2, 2016, the Guardians protest was dismissed in part and denied in part, while the PSR protest was dismissed in its entirety based on the failure of PSR to participate during the public comment period. Federal Defendants admit the allegations of the third sentence.

120. Federal Defendants admit the allegations of this paragraph.

121. Federal Defendants incorporate by reference their responses to the allegations contained in paragraphs 1 through 120, above.

122. The allegations of this paragraph consist of legal conclusions, to which no response is required.

123. Federal Defendants deny the allegations of this paragraph.

124. Federal Defendants deny the allegations of this paragraph.

125. Federal Defendants deny the allegations of the first sentence of this paragraph. Federal Defendants deny the allegations of the second sentence, and admit that BLM has never prepared a programmatic EIS focusing on the climate impacts of its nationwide oil and gas leasing activities. The allegations of the third sentence consist of legal conclusions, to which no response is required.

126. The allegations of this paragraph consist of legal conclusions, to which no response is required.

127. The allegations of this paragraph consist of legal conclusions, to which no response is required.

128. Federal Defendants deny the allegations of the first sentence of this paragraph and admit that one possible approach to evaluating the impact of GHG emissions is to undertake a complex and arguably subjective analysis of the costs of those emissions to society, although

such an approach is not always helpful to decision makers or the interested public. The allegations of the second sentence purport to characterize one of the earlier drafts of the “Social Cost of Carbon” publication, discussed in paragraph 76 of the Complaint, which speaks for itself and provides the best evidence of its contents. Any allegations contrary to the plain language, meaning, and context of the publication are denied.

129. Federal Defendants deny the allegations of this paragraph.

130. Federal Defendants incorporate by reference their responses to the allegations contained in paragraphs 1 through 129, above.

131. The allegations of this paragraph consist of legal conclusions, to which no response is required.

132. The allegations of this paragraph consist of legal conclusions, to which no response is required.

133. Federal Defendants deny the allegations of this paragraph.

134. The allegations in the first sentence of this paragraph are vague and ambiguous and are therefore denied. The allegations of the second sentence consist of legal conclusions, to which no response is required.

135. The allegations of this paragraph consist of legal conclusions, to which no response is required.

136. Federal Defendants deny the allegations of this paragraph.

PRAYER FOR RELIEF

The remainder of the Complaint constitutes Plaintiffs’ request for relief, to which no response is required. To the extent a response may be deemed required, Federal Defendants deny

that Plaintiffs are entitled to relief in the form of a programmatic EIS, for various reasons including those briefly stated in paragraph 90 of this Answer, or to any other form of relief.

GENERAL DENIAL

Federal Defendants deny any allegations of the Complaint, whether express or implied, that are not specifically admitted, denied, or qualified herein.

AFFIRMATIVE DEFENSES

- (1) The Court may lack subject matter jurisdiction over Plaintiffs' claim.
- (2) Plaintiffs may lack standing.
- (3) Plaintiff PSR waived its right to bring suit by not participating in agency proceedings and failing to bring their objections to the agency's attention.
- (4) Plaintiffs fail to state a claim upon which relief may be granted.

Respectfully submitted this 19th day of December, 2016.

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CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2016, a copy of the foregoing was served by electronic means on all counsel of record by the Court's CM/ECF system.

/s/ John S. Most

JOHN S. MOST