IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FRIENDS OF THE EARTH, HEALTHY GULF, SIERRA CLUB, and CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiffs,

v.

DEBRA A. HAALAND, in her official capacity as SECRETARY OF THE INERIOR, LAURA DANIEL-DAVIS, in her official capacity as ASSISTANT SECRETARY OF THE INTERIOR FOR LAND AND MINERALS MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, and BUREAU OF OCEAN ENERGY MANAGEMENT,

Defendants,

and

STATE OF LOUISIANA,
Intervenor-Defendant,

CHEVRON U.S.A. INC.,
6001 Bollinger Canyon Road
San Ramon, California 94583-2324

Proposed Intervenor/Defendant.

Civil Action No. 21-cv-02317

CHEVRON U.S.A. INC.'S
MOTION TO INTERVENE IN SUPPORT OF DEFENDANTS

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Pursuant to Rule 24 of the Federal Rules of Civil Procedure, Chevron U.S.A. Inc. ("Chevron") respectfully moves for leave to intervene as a defendant in the above-captioned matter. As required by Local Civil Rule 7(m), counsel for Chevron have contacted counsel for the parties to this case. Counsel for the Plaintiffs represent that Plaintiffs oppose the motion because they claim Chevron's interests are adequately represented, the motion is untimely, and it will cause prejudice. Counsel for the Federal Defendants stated that the Federal Defendants reserve their position pending review of Chevron's motion. Counsel for Intervenor State of Louisiana states that Louisiana does not oppose Chevron's intervention. Counsel for proposed Intervenor American Petroleum Institute ("API") represents that API does not object to Chevron's intervention.

INTRODUCTION

This case concerns the Bureau of Ocean Energy Management's ("BOEM") administration of the Outer Continental Shelf ("OCS") pursuant to the Outer Continental Shelf Lands Act ("OCSLA") and the sale of leases for the purpose of exploring for, developing, and producing oil and gas from these leases. Plaintiffs contend that, in approving Lease Sale 257 (the "Lease Sale"), the Federal Defendants violated the National Environmental Policy Act ("NEPA") and the Administrative Procedure Act ("APA") by failing to consider adequately the environmental impacts of the Lease Sales and by failing to supplement the environmental reviews with allegedly new information.

Lease Sale 257 was held on November 17, 2021. Chevron participated in Lease Sale 257, and it was announced on the day of the sale that Chevron is the apparent high bidder on 34 tracts offered in the sale. Declaration of Kyle L. Gallman, ¶ 6 ("Gallman Decl.") (attached as Exhibit B). If Chevron's bids are approved by the Department of the Interior in the post-sale review process, the Department will issue Chevron leases for those tracts.

Plaintiffs have requested that the Court vacate the Records of Decision approving the Lease Sale and vacate or enjoin the leases executed pursuant to the Lease Sale. Such actions would deprive Chevron of the use of leases for which it has already paid substantial sums and committed to pay over $47 million. Gallman Decl. ¶ 7. The actions requested by Plaintiffs would also prejudice Chevron because its previously-sealed bids for these 34 tracts have now been made public to Chevron's competitors. In order to protect its substantial interests that are at stake in this litigation, Chevron moves to intervene as a defendant as a matter of right pursuant to Federal Rule of Civil Procedure 24(a). In the alternative, Chevron moves for permissive intervention pursuant to Federal Rule of Civil Procedure 24(b). Intervention is proper here on the same bases that the Court has granted Chevron's previous motions to intervene when some these Plaintiffs have challenged previous Gulf of Mexico lease sales in which Chevron has participated and obtained leases. *Gulf Restoration Network v. Bernhardt*, 456 F. Supp. 3d 81, 93 (D.D.C. 2020) (noting Chevron and API as intervenors in litigation challenging Lease Sales 250 and 251); *Healthy Gulf, et al. v. Bernhardt et al.*, Case No. 1:19-cv-000707 (D.D.C. June 10, 2019), ECF No. 22 (order granting Chevron's motion to intervene in litigation challenging Lease Sale 252).

ARGUMENT

I. CHEVRON IS ENTITLED TO INTERVENE AS A MATTER OF RIGHT.

Rule 24(a) of the Federal Rules of Civil Procedure provides, in pertinent part, that

> [o]n timely motion, the court must permit anyone to intervene who . . . claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless the existing parties adequately represent that interest.

Fed. R. Civ. P. 24(a)(2).

> [Q]ualification for intervention as of right depends on the following four factors: (1) the timeliness of the motion; (2) whether the applicant claims an interest relating to the property or transaction which is the subject of the action; (3) whether the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest; and (4) whether the applicant's interest is adequately represented by existing parties.

Fund for Animals, Inc. v. Norton, 322 F.3d 728, 731 (D.C. Cir. 2003) (internal quotation marks and citations omitted); *see also Karsner v. Lothian*, 532 F.3d 876, 885 (D.C. Cir. 2008). Chevron satisfies each of these requirements.

The D.C. Circuit has held that a party seeking to intervene as of right as a defendant must also satisfy the basic standing requirements of Article III of the Constitution—injury in fact, causation, and redressability. *Old Dominion Elec. Coop. v. FERC*, 892 F.3d 1223, 1232–33 (D.C. Cir. 2018) (citing *Fund for Animals,* 322 F.3d at 732–33); *see also Amgen Inc. v. Hargan*, 285 F. Supp. 3d 397, 406 (D.D.C. 2017) ("Under controlling D.C. Circuit precedent, a movant seeking to intervene as of right pursuant to Rule 24(a) must possess Article III standing."). "The standing inquiry for an intervening-defendant is the same as for a plaintiff: the intervenor must show injury in fact, causation, and redressability." *Crossroads Grassroots Pol'y Strategies v. Fed'l Election Comm'n,* 788 F.3d 312, 316 (D.C. Cir. 2015) (citing *Deutsche Bank Nat'l Trust Co. v. FDIC*, 717 F.3d 189, 193 (D.C. Cir. 2013)). The D.C. Circuit has explained that "the standards for constitutional standing and the second factor of the test for intervention as of right are the same." *Id.* at 320 (citing *Fund for Animals*, 322 F.3d at 735).

A. This Motion Is Timely.

Timeliness is evaluated based on a "consideration of all the circumstances, especially weighing the factors of time elapsed since the inception of the suit, the purpose for which intervention is sought, the need for intervention as a means of preserving the applicant's rights, and the probability of prejudice to those already parties in the case." *United States v. British Am.*

Tobacco Austl. Servs., Ltd., 437 F.3d 1235, 1238 (D.C. Cir. 2006) (quoting *United States v. Am. Tel. & Tel. Co.*, 642 F.2d 1285, 1295 (D.C. Cir. 1980)).

i. Less Than Seven Business Days Have Elapsed Since Chevron's Interest Arose.

"Timeliness is measured from when the prospective intervenor 'knew or should have known that any of its rights would be directly affected by the litigation.'" *Roeder v. Islamic Republic of Iran*, 333 F.3d 228, 233 (D.C. Cir. 2003) (quoting *Nat'l Wildlife Fed'n v. Burford*, 878 F.2d 422, 433–34 (D.C. Cir. 1989), *rev'd on other grounds sub nom. Lujan v. Nat'l Wildlife Fed'n*, 497 U.S. 871 (1990)); *see also Smoke v. Norton*, 252 F.3d 468, 471 (D.C. Cir. 2001) (finding a "a post-judgment motion to intervene in order to prosecute an appeal is timely . . . because 'the potential inadequacy of representation came into existence only at the appellate stage').

Here, Plaintiffs filed their Complaint on August 31, 2021, mere hours after the Federal Defendants issued the Record of Decision approval the Lease Sale. Plaintiffs chose not to seek injunctive relief to preclude the Lease Sale from being held. Instead, Plaintiffs requested and obtained an expedited briefing schedule that would complete briefing *after* the Lease Sale was held, but before leases were awarded. Thus, Plaintiffs were aware that the interests of those who participated in the Lease Sale would ripen during the briefing schedule they negotiated. And that is precisely what has happened. Chevron learned less than a week ago, when the results of the Lease Sale were announced, that it is the apparent high bidder on 34 tracts. Gallman Decl. ¶ 6. While the leases have not yet been awarded, Chevron reasonably expects that it will be awarded leases for some, if not all, of the tract, upon which it is the apparent high bidder. *Id.* at ¶¶ 6, 10.

Thus, Chevron's interest is now— and only now— sufficiently concrete to support intervention.[1] Within seven business days of learning that it had acquired an interest that could be affected by the litigation, Chevron filed the present motion.

ii. Chevron's Purpose of Intervening Aligns with Its Timing.

Chevron's purpose in intervene is defending the property and contract rights it reasonably anticipates it will acquire as a result of being the apparent high bidder on 34 tracts in the Lease Sale. If granted intervention, Chevron will advance that purpose by participating in the ongoing summary judgment briefing and any future briefing ordered by the Court. Specifically, Chevron seeks to present argument on the remedy Plaintiffs seek and its impact on Chevron as the apparent high bidder on 34 tracts in the Lease Sale. The current briefing schedule does not address remedy, and the Federal Defendants have requested that the Court allow further briefing on remedy should the Court find that a NEPA violation occurred. Defendants' Motion for Summary Judgment and Memorandum in Support and Opposition to Plaintiffs' Motion for Summary Judgment, ECF No. 45 at 38. Chevron will address remedy in its proposed Motion for Summary Judgment as well as in any additional briefing this Court may order.

iii. Chevron's Intervention is Necessary to Preserve Its Rights.

Chevron's intervention is proper because "there is a specific right that is not being represented by the existing parties in the case." *Center for Biological Diversity v. Raimondo*, Case No. 1:18-cv-112 (D.D.C. July 7, 2021), ECF No. 146 at 6 (citing *Am. Tel. & Tel. Co.*, 642 F.2d at 1295). As discussed below in Section I.D, neither the Federal Defendants nor Intervenor State of Louisiana represent Chevron's specific and unique interests in the 34 tracts for which it

[1] As an individual bidder, Chevron's property and contractual interests were necessarily speculative prior to the opening of the sealed bids and announcement of the Lease Sale's results.

is the apparent high bidder and has already paid the United States government one-fifth of the bonus bids.[2]

iv. Chevron's Intervention Will Not Unfairly Prejudice Existing Parties.

"[T]he requirement of timeliness is aimed primarily at preventing potential intervenors from unduly disrupting litigation, to the unfair detriment of the existing parties." *Roane v. Leonhart*, 741 F.3d 147, 151 (D.C. Cir. 2014). Thus, "in assessing timeliness a district court must weigh whether the intervention will 'unfairly disadvantage[] the original parties.'" *Amador County v. U.S. Dep't of the Interior*, 772 F.3d 901, 905 (D.C. Cir. 2014) (quoting *Roane*, 741 F.3d at 151). The D.C. Circuit has held that "delay caused by a potential intervenor was sufficient to constitute prejudice where a decision on the merits was pending." *Amador County*, 772 F.3d at 905.

Here, the Plaintiffs' requested briefing schedule is not yet complete. Chevron will lodge a Proposed Cross-Motion for Summary Judgment concurrently with filing this motion[3] and will file its reply according to the current schedule if granted intervention. Chevron will avoid duplicative argument and will instead focus its argument on the impact of Plaintiffs' requested remedy on Chevron, as the apparent high bidder on 34 tracts in the Lease Sale. Chevron's intervention will require, at most, a modest adjustment to the briefing schedule and will not prevent the case from being fully briefed by mid-December, consistent with the existing parties' proposed schedule. *See* ECF No. 22 at 2. Further, Plaintiffs were well aware when they

[2] Proposed Intervenor API also cannot represent these specific interests because it represents industry as a whole and does not represent Chevron's specific interests in the 34 tracts. Gallman Decl. ¶ 12.

[3] Chevron does not object to Plaintiffs filing an additional reply to Chevron's unique arguments one week after Chevron's Proposed Cross-Motion for Summary Judgment is filed. Chevron commits to filing its reply according to the existing schedule on December 10, 2021.

requested the proposed schedule that participants in the Lease Sale would acquire rights that could be affected by the litigation; they should have anticipated that successful bidders would seek to protect those rights by participating in the litigation. The minor prejudice, if any, arising from Chevron's intervention, is easily outweighed by the need for Chevron's intervention to protect its now reasonably foreseeable rights in leases for tracts on which it is the apparent high-bidder.

In conclusion, Chevron's motion is timely because Chevron has filed promptly upon learning that it is likely to acquire property and contract interests that could be affected by this litigation, and Chevron's intervention will neither delay the case nor unfairly prejudice an existing party.

B. Chevron Has Legally Protected Interests at Stake in This Action and Article III Standing.

The second requirement for intervention of right is that the intervenor must demonstrate "an interest relating to the property or transaction that is the subject of the action." Fed. R. Civ. P. 24(a)(2). To demonstrate a sufficient "interest" in the litigation, prospective intervenors must show a "direct and concrete interest that is accorded some degree of legal protection." *Diamond v. Charles*, 476 U.S. 54, 75 (1986). Courts apply a "liberal approach" in evaluating a proposed intervenor's interest under Rule 24(a). *S. Utah Wilderness All. v. Norton*, Civil Action No. 01-2518 (CKK), 2002 U.S. Dist. LEXIS 27414, at *16 (D.D.C. June 28, 2002). "[T]he 'interest' test is primarily a practical guide to disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficiency and due process." *Nuesse v. Camp*, 385 F.2d 694, 700 (D.C. Cir. 1967). A party seeking to intervene as of right as a defendant must also satisfy the basic standing requirements of Article III of the Constitution—injury in fact, causation, and redressability. *Old Dominion*, 892 F.3d at 1232–33. The D.C. Circuit has

recognized that "the standards for constitutional standing and the second factor of the test for intervention as of right are the same." *Crossroads*, 788 F.3d at 320.

Chevron conducts operations in the OCS in the Gulf of Mexico and has participated in a number of lease sales, including the Lease Sales challenged in the Complaint. Gallman Decl. ¶¶ 3, 6–7. Chevron was the high bidder on 34 tracts in the Lease Sale, and the Department of the Interior is currently analyzing the bids to determine whether to award the leases to Chevron. *Id.* at ¶ 6. Chevron has paid the required one-fifth of its bonus bids for the tracts on which it was the high bidder in the Lease Sale. *Id.* at ¶ 7. If the Department of the Interior approves Chevron's bids in the Lease Sale, Chevron will pay an additional $37.7 million in bonus bids for those tracts. *Id.* The bids that Chevron submitted for the leases are now in the public record. If, as Plaintiffs request, the lease awards were vacated and BOEM was required to re-auction the same leases at a later date, Chevron's competitors would have the unfair advantage of knowing Chevron's previously confidential bid amounts for each lease. *Id.* at ¶ 9. If Plaintiffs succeed in obtaining the relief requested, Chevron could lose millions of dollars in lost production opportunities on the tracts for which it now expects to be awarded leases. *Id.*

The D.C. Circuit has recognized that "[a]n intervenor's interest is obvious when he asserts a claim to property that is the subject matter of the suit." *Foster v. Gueory*, 655 F.2d 1319, 1324 (D.C. Cir. 1981). And OCS leases, such as those purchased by Chevron through the challenged Lease Sales, constitute both contracts and property interests. *See, e.g.*, *Mobil Expl. & Producing Se., Inc. v. United States*, 530 U.S. 604, 607–08 (2000) (recognizing contractual nature of OCS leases); *Union Oil Co. v. Morton*, 512 F.2d 743, 747 (9th Cir. 1975) (recognizing that OCS leases convey property rights). Chevron reasonably anticipates that, upon the completion of the Department of the Interior's post-sale review process, it will be awarded leases

granting contract and property interests for at least one and likely all 34 of the tracts for which it was the high bidder in the challenged Lease Sale. Plaintiffs' complaint challenges the legality of the Lease Sales and requests an order vacating their approval and enjoining the leases themselves. These actions would jeopardize Chevron's investments in the leases for which it was the apparent high bidder, as well as Chevron's future operations on such leases. Thus, Chevron has legally protectable interests relating to the property and transactions challenged in this action. Consistent with this conclusion, this Court has consistently granted Chevron's motions to intervene in related lease sale challenges, where, at the time Chevron filed its motion for intervention, the Department of the Interior was similarly analyzing bids for which Chevron was the highest bidder. *See Gulf Restoration Network*, 456 F. Supp. 3d at 93 (noting Chevron and API as intervenors in litigation challenging Lease Sales 250 and 251); *Healthy Gulf, et al. v. Bernhardt et al.*, Case No. 1:19-cv-000707 (D.D.C. May 28, 2019), ECF No. 19 at 4–5 (Chevron motion to intervene explaining that Chevron was the high bidder on certain tracts in Lease Sale 252 and that the Department of the Interior was evaluating the bids), ECF No. 22 (order granting Chevron's motion to intervene in litigation challenging Lease Sale 252).

Chevron also has Article III standing because if the Plaintiffs achieve the remedy they seek, Chevron will suffer an injury in fact in the form of loss or delayed use of its leases for which it was the apparent high bidder and for which it has already paid the United States government one-fifth of the bonus bids (over $9 million). Put simply, Chevron has standing because it has benefited from BOEM's action by acquiring contract and property rights in leases that it seeks to explore; an unfavorable decision in the litigation challenging the Lease Sale would deprive Chevron of this benefit. *See Crossroads*, 788 F.3d at 317.

C. Chevron's Interests Would Be Adversely Affected if Plaintiffs Prevail.

Rule 24 requires putative intervenors to show that they are "so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest." Fed. R. Civ. P. 24(a)(2). In analyzing this factor, the Court should "look[] to the 'practical consequences' of denying intervention, even where the possibility of future challenge . . . remain[s] available." *NRDC v. Costle*, 561 F.2d 904, 909 (D.C. Cir. 1977). It is irrelevant whether the applicant "could reverse an unfavorable ruling" in subsequent proceedings because "there is no question that the task of reestablishing the status quo if the [plaintiff] succeeds . . . will be difficult and burdensome." *Fund for Animals*, 322 F.3d at 735. Intervention is proper when it allows the practical and efficient management of the claims of concerned individuals. *Nuesse*, 385 F.2d at 700.

As explained above, Chevron is the apparent high bidder on millions of dollars-worth of leases through the Lease Sale and expects to acquire those leases after the Department of the Interior's post-sale review process is complete. Plaintiffs have requested the court to vacate the decisions approving the Lease Sale and to vacate or enjoin these leases, which would adversely impact Chevron's investments. Thus, the disposition of this action could impair Chevron's legally protectable interests.

D. Chevron's Interests Are Not Adequately Represented by the Parties.

The final element for intervention "requires that the [applicants] show that their interests are not adequately represented by the existing parties." *Foster*, 655 F.2d at 1325. As this Court has held when granting the State of Louisiana's Motion to Intervene, "this factor does not present a high bar." Order on Motion to Intervene, ECF No. 24 at 2 (citing *Fund for Animals*, 322 F.3d at 736–37 & n.6). This burden is "minimal" and is met "if the applicant[s] show[] that representation of [their] interest[s] 'may be' inadequate." *Id.* (citation omitted); *see also Envt'l*

Def. Fund, Inc. v. Costle, 79 F.R.D. 235, 239 (D.D.C. 1978) ("the proposed intervenors need only show that the representation of their interests by the other parties may be inadequate, and this burden is a minimal one" (citing *Trbovich v. United Mine Workers of Am.*, 404 U.S. 527, 538 n.10 (1972)). Moreover, a prospective intervenor's "interests need not be wholly 'adverse' before there is a basis for concluding that existing representation of a 'different' interest may be inadequate." *Nuesse*, 385 F.2d at 703.

Courts often have concluded that "governmental entities do not adequately represent the interests of aspiring intervenors." *Fund for Animals*, 322 F.3d at 736 n.9 (collecting cases); *Dimond v. District of Columbia*, 792 F.2d 179, 193 (D.C. Cir. 1986) (noting that the government defendant "would face a potential conflict of interest were it to represent both the general interests of its citizens and the financial interests of" the proposed intervenor); *NRDC*, 561 F.2d at 912 (finding the intervenors' interest "more narrow and focused than [the government party], being concerned primarily with the regulation that affects their industries"); *Navistar, Inc. v. Jackson*, 840 F. Supp. 2d 357, 362 (D.D.C. 2012) (finding the federal agency was "unlikely to, and arguably should not, afford the movant's 'discrete and particularized interests the same primacy' as movants would themselves" (quoting *Wildearth Guardians v. Salazar*, 272 F.R.D. 4, 15 (D.D.C. 2010)); *County of San Miguel v. MacDonald*, 244 F.R.D. 36, 48 (D.D.C. 2007) (contrasting the Fish & Wildlife Service's obligation of representing the general public with intervenors' interests to protect their livelihoods and business operations).

Here, the fact that the existing parties proposed an expedited briefing schedule that, at best, severely limits the time in which successful bidders may participate in merits briefing demonstrates that no existing party adequately represents Chevron's interests. The Federal Defendants do not adequately represent Chevron's specific interests, as Chevron's interests are

more narrowly focused than those of the Federal Defendants. Specifically, while the Federal Defendants are concerned with protecting the interests of the public in general, Chevron's focus is on protecting its individual investments. Recognizing the Federal Defendants' unique interests as well as the litigation between the Federal Defendants and the State of Louisiana related to lease sales, this Court has already held that the Federal Defendants cannot adequately represent the interests of Intervenor State of Louisiana. Order on Motion to Intervene, ECF No. 24 at 2–3.

For similar reasons, the Intervenor State of Louisiana cannot adequately represent Chevron's interests because the State is a sovereign and necessarily represents the broad interests of the people of Louisiana. In contrast, Chevron has a specific interest in and knowledge regarding the 34 leases for which it was the apparent high bidder in Lease Sale 257. *See* Gallman Decl. at ¶ 11; *see also WildEarth Guardians*, 272 F.R.D. at 18 (interests of mining trade association and State of Wyoming "sufficiently diverged" such that neither could adequately represent the other); *W. Org. of Res. Councils v. Jewell*, Civil Action No. 14-1993 (RBW), 2015 U.S. Dist. LEXIS 194028, at *17 (D.D.C. July 15, 2015) (trade association entitled to intervene as a defendant in addition to the State of Wyoming).

API moved to intervene on October 8, 2021. Chevron is a member of API, but API does not have specific interests in or knowledge about the leases on which Chevron was the apparent high bidder in the Lease Sale. Thus, API's participation may not be adequate to represent Chevron's specific interests in the Lease Sale. In previous lease sale litigation, this Court has routinely granted intervenor status to both trade associations and individual leaseholders, noting that the interests of some leaseholders "may differ from the interests of other leaseholders." *See Gulf Restoration Network*, 456 F. Supp. 3d at 93 (noting Chevron and API as intervenors in litigation challenging Lease Sales 250 and 251); *Healthy Gulf, et al. v. Bernhardt et al.*, Case No.

1:19-cv-000707 (D.D.C. June 10, 2019), ECF No. 22 (order granting Chevron's and API's motions to intervene in litigation challenging Lease Sale 252); *Oceana v. BOEM*, Case No. 1:12-cv-00981 (D.D.C. Dec. 4, 2012), ECF No. 38 (order granting motion to intervene to two leaseholders and an association where other leaseholders and associations had already intervened); *see also Oceana v. BOEM*, Case No. 1:11-cv-2208 (D.D.C. May 25, 2012), ECF No. 21 (order granting motion to intervene); *Defs. of Wildlife v. Salazar*, Case No. 1:10-cv-816 (D.D.C. Nov. 30, 2011), ECF No. 61 (order granting motion to intervene). In addition to Chevron's interest in the litigation as a part of the oil and gas industry, Chevron has a specific interest in and knowledge related to the 34 leases for which it is the apparent high bidder in the Lease Sale. Gallman Decl. at ¶ 12.

Chevron has satisfied its minimal burden of showing that the current representation is inadequate because its interests may diverge from the Federal Defendants' and the State of Louisiana's and because Chevron's interests are more specifically focused on its expected leases than API's broader interests. Chevron therefore should be granted intervention as of right.

II. IN THE ALTERNATIVE, CHEVRON SHOULD BE GRANTED PERMISSIVE INTERVENTION.

Alternatively, Chevron should be granted permissive intervention under Federal Rule of Civil Procedure 24(b)(1)(B), which allows this Court to permit intervention if a movant "has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B). "[P]ermissive intervention is an inherently discretionary enterprise." *Aristotle Intern., Inc. v. NGP Software, Inc.*, 714 F. Supp. 2d 1, 18 (D.C. Cir. 2010) (quoting *EEOC v. Nat'l Children's Ctr., Inc.*, 146 F.3d 1042, 1046 (D.C. Cir. 1998)). Rule 24 is construed "liberally" in favor of potential intervenors. *In re Vitamins Antitrust Litig.*, Nos. 99-197 (TFH), 1285, 2001 U.S. Dist. LEXIS 25068, at *29 (D.D.C. Mar. 19, 2001).

Chevron's defenses and the allegations in the Plaintiffs' Complaint involve common questions of law (including the standards imposed by NEPA and the APA) and common facts (including the Federal Defendants' fulfillment of their obligations under those statutes). Both Plaintiffs' allegations and Chevron's defenses turn on the facts surrounding Federal Defendants' environmental review of the Lease Sales and whether that review satisfied applicable federal law. Absent intervention, Chevron will lack the opportunity to adequately defend its substantial interests in the specific Gulf of Mexico leases for which it is the apparent high bidder and has already paid the United States government one-fifth of the bonus bids. As described above, the existing parties will not be prejudiced by Chevron's intervention because Chevron proposes to promptly lodge its Proposed Cross-Motion for Summary Judgment and to abide by any future procedural and briefing schedules entered by this Court if granted intervention.

CONCLUSION

Chevron respectfully moves the Court for leave to intervene in this matter without limitation and file the proposed Answer submitted as Exhibit A.

Respectfully submitted this 29th day of November, 2021.

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INDEX OF EXHIBITS

Exhibit	Description
A	Proposed Answer, Defenses, and Affirmative Defenses to Plaintiffs' Complaint for Declaratory and Injunctive Relief
B	Declaration of Kyle L. Gallman

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of November, 2021, I caused a true and correct copy of the foregoing Motion to Intervene in Support of Defendants and all attachments to be filed with the Court electronically and served by the Court's CM/ECF system upon listed counsel for the Plaintiffs, Federal Defendants, Intervenor-Defendant, and Proposed Intervenor American Petroleum Institute:

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