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

WESTERN ENERGY ALLIANCE and
PETROLEUM ASSOCIATION OF WYOMING,

Petitioners,

v.

JOSEPH R. BIDEN, JR., in his official capacity as
President of the United States; DEB HAALAND, in her
official capacity as

**No. 21-CV-13-SWS
(Lead Case)**

Secretary of the Interior; and THE UNITED STATES
BUREAU OF LAND MANAGEMENT,

Respondents, and

CENTER FOR BIOLOGICAL DIVERSITY, et al
("Conservation Groups"), and ALTERRA MOUNTAIN
COMPANY, et al ("Business Coalition"),

Intervenor-Respondents.

STATE OF WYOMING,

Petitioners,

v.

THE UNITED STATES DEPARTMENT OF
INTERIOR; DEBRA ANNE HAALAND, in her official
capacity as Secretary of the Interior; THE BUREAU OF
LAND MANAGEMENT; NADA CULVER, in her
official capacity as Acting Director of the Bureau of Land
Management; and KIM LIEBHAUSER, in her official
capacity as the Acting Director of the Wyoming State
Bureau of Land Management,

Respondents, and

CENTER FOR BIOLOGICAL DIVERSITY, et al
("Conservation Groups"), and ALTERRA MOUNTAIN
COMPANY, et al ("Business Coalition"),

Intervenor-Respondents.

**No. 21-CV-56-SWS
(Joined Case)**

NOTICE OF COMPETITIVE LEASE SALE ACTIVITY

Respondents respectfully submit this notice of competitive lease sale activity that occurred on April 18, 2022, when the Bureau of Land Management (BLM) published notices of competitive lease sales to be held in June 2022. *See* Exs. A–F. While BLM had previously anticipated publishing such lease sale notices in time to hold lease sales in the first quarter of 2022, Declaration of Merry Gamper (Gamper Decl.) ¶ 16, ECF No. 86-1, recent court activity prevented BLM from issuing those competitive sales notices on the previously anticipated timeline, as explained below.

On October 5, 2021, Respondents informed the Court that “BLM presently anticipates publishing updated draft NEPA analysis for public comment by early November in preparation for lease sales in the first quarter of 2022.” Resp’ts’ Opp’n to Industry Pet’rs’ Opening Mem. on the Merits at 17, ECF No. 86 (citing Gamper Decl. ¶ 16); Resp’ts’ Opp’n to Wyo.’s Brief on the Merits at 17–18, ECF No. 87. As BLM explained, it was “work[ing] diligently to improve the NEPA analyses for the 2022 Quarter 1 lease sales,” by “developing an inventory of greenhouse gas (GHG) emissions from fossil fuels produced on lands managed by the BLM in fiscal year 2020 and from reasonably foreseeable fossil fuel production and leasing over the next 12 months, as well as preparing an assessment of future GHG emissions trends from federal fossil fuel development and potential climate change impacts.” Gamper Decl. ¶16.

As anticipated, on October 29, 2021, BLM began publishing draft NEPA analyses for its anticipated first-quarter 2022 lease sales with a revised approach to analyzing GHG impacts associated with leasing decisions.¹ That revised approach to analyzing GHG impacts featured several changes, which BLM described in a Fact Sheet it published on October 29, 2021. Ex. G, BLM, Fact Sheet: Analyzing the effects of fossil fuel leasing and development on greenhouse gases (Oct. 29, 2021). One of those changes involved an analysis of the social cost of greenhouse gases based on interim estimates prepared by the Interagency Working Group on the Social Cost of Greenhouse Gases (IWG) established by Executive Order 13,990. *Id.*

Ten States sought to preliminarily enjoin numerous federal agencies from, *inter alia*, relying upon the interim estimates prepared by the IWG. *See Louisiana v. Biden*, --- F. Supp. 3d ---, No. 2:21-CV-01074, 2022 WL 438313, at *1–5 (W.D. La. Feb. 11, 2022).² Those States identified BLM’s October 29, 2021 Fact Sheet

¹ Ex. H, Declaration of Peter Cowan ¶ 3. A comment period for those draft NEPA assessments expired between December 8 and 12, 2021. *Id.* ¶ 4. BLM received many comments on those draft NEPA assessments, and “worked diligently to prepare responses to the public comments and prepare final NEPA analyses in anticipation of publishing lease sale notices in time for sales to be held in the first quarter of 2022.” *Id.*

² There are two lawsuits captioned *Louisiana v. Biden* relevant to this litigation. *See Louisiana v. Biden*, No. 21-cv-778 (W.D. La. filed Mar. 24, 2021); *Louisiana v. Biden*, No. 21-cv-1074 (W.D. La. filed April 22, 2021). The first lawsuit challenges Section 208 of Executive Order 14,008; the second lawsuit challenges Executive Order 13,990.

as one of the actions that they sought to enjoin. *Id.* at *8. On February 11, 2022, the United States District Court for the Western District of Louisiana granted their motion, preliminarily enjoining the Department of the Interior (Interior) from relying upon the interim estimates prepared by the IWG. *Id.* at *5, 21.

To hold a first-quarter 2022 lease sale, BLM was required to publish competitive sale notices by February 14, 2022. *See* 30 U.S.C. § 226(f) (“At least 45 days before offering lands for lease . . . the Secretary shall provide notice of the proposed action.”). Because the February 11, 2022 order enjoined Interior from “relying upon the work product of the Interagency Working Group, including without limitation, any and all Social Cost of Greenhouse Gas estimates published by the Interagency Working Group,” *Louisiana*, 2022 WL 438313, at *5, 21, Interior could not rely upon its existing NEPA analysis in order to publish competitive sale notices in time to hold first-quarter 2022 sales. *See* Ex. I, Declaration of Dominic J. Mancini ¶ 21; Ex. H, Declaration of Peter Cowan ¶ 4.

Since that injunction issued on February 11, 2022, Interior and the other defendant agencies promptly sought to stay that injunction. On February 19, 2022, the defendant agencies appealed the injunction and moved the district court to stay the injunction pending resolution of their appeal. Ex. J, Defs.’ Mot. for a Stay Pending Appeal, No. 21-cv-1074, ECF No. 102 (W.D. La. Feb. 19, 2022). On March 1, 2022, the defendant agencies moved the United States Court of Appeals

for the Fifth Circuit to stay the injunction; the Fifth Circuit granted that motion on March 16, 2022. *Louisiana by & through Landry v. Biden*, No. 22-30087, 2022 WL 866282, at *3 (5th Cir. Mar. 16, 2022). The State of Louisiana filed a petition for rehearing en banc on March 30, 2022. Pet. for Rehearing En Banc, *Louisiana by & through Landry v. Biden*, Case No. 22-30087 (5th Cir. Mar. 30, 2022). The Fifth Circuit denied that rehearing petition on April 14, 2022. Ex. K, Order on Petition for Rehearing En Banc, (5th Cir. Apr. 14, 2022).

On April 15, 2022, the Department of the Interior announced that it would publish competitive lease sale notices.³ Interior published those competitive sale notices the following business day, on April 18, 2022. Exs. A–F.

³ U.S. Dept. of Interior, Interior Department Announces Significantly Reformed Onshore Oil and Gas Lease Sales (Apr. 15, 2022), <https://www.doi.gov/pressreleases/interior-department-announces-significantly-reformed-onshore-oil-and-gas-lease-sales>.

Respectfully submitted this 22nd day of April, 2022.

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