

No. 22-1222

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

AMERICAN PETROLEUM INSTITUTE; AMERICAN EXPLORATION &
PRODUCTION COUNCIL; ENERGEO ALLIANCE; INDEPENDENT
PETROLEUM ASSOCIATION OF AMERICA; INTERNATIONAL
ASSOCIATION OF DRILLING CONTRACTORS; MONTANA PETROLEUM
ASSOCIATION; NATIONAL OCEAN INDUSTRIES ASSOCIATION; NORTH
DAKOTA PETROLEUM COUNCIL; PETROLEUM ALLIANCE OF
OKLAHOMA; SOUTHEAST OIL AND GAS ASSOCIATION; UTAH
PETROLEUM ASSOCIATION; WESTERN STATES PETROLEUM
ASSOCIATION;
Petitioners,

v.

UNITED STATES DEPARTMENT OF THE INTERIOR; DEBRA HAALAND,
in her official capacity as Secretary of the Interior; BUREAU OF OCEAN
ENERGY MANAGEMENT; AMANDA LEFTON, in her official capacity as
Director of the Bureau of Ocean Energy Management,
Respondents,

PETITION FOR REVIEW

The American Petroleum Institute, American Exploration & Production
Council, EnerGeo Alliance, Independent Petroleum Association of America,
International Association of Drilling Contractors, Montana Petroleum Association,
National Ocean Industries Association, North Dakota Petroleum Council,
Petroleum Alliance of Oklahoma, Southeast Oil and Gas Association, Utah

Petroleum Association, and Western States Petroleum Association, on behalf of themselves and their members (“Petitioners”), hereby petition this Court for review of the failure of the Bureau of Ocean Energy Management and the Secretary of the U.S. Department of the Interior (“Respondents”) to prepare and maintain a Five-Year Leasing Program for leasing federal oil and gas on the Outer Continental Shelf as required by the Outer Continental Shelf Lands Act, 43 U.S.C. § 1344(a), and its implementing regulations, 30 C.F.R. part 556, subpart B, before expiration of the 2017-2022 Five-Year Leasing Program on July 1, 2022.

Though Petitioners have challenged this failure to act in separately filed litigation, Respondents on December 27, 2021, moved to dismiss for lack of subject matter jurisdiction alleging that this Court instead has exclusive jurisdiction under 43 U.S.C. § 1349(c)(1) governing a challenge to an approval of a Five-Year Leasing Program, which Petitioners contend is inapplicable to their claims.

American Petroleum Institute, et al. v. U.S. Dep’t of the Interior, et al, No. 2:21-CV-2506 (W.D. La. filed Aug. 16, 2021) (*API I*). The district court in *API I* has not yet ruled on that motion to dismiss. Petitioners’ present petition in this Court is intended as a protective filing to ensure timeliness under 43 U.S.C. § 1349(c)(3) in the event of any final ruling that 43 U.S.C. § 1349(c)(1) applies to Petitioners’

claims in *API I*, or any final ruling that Respondents' action thereunder occurred no later than July 1, 2022.

Dated: August 26, 2022

Respectfully submitted,

/s/ James M. Auslander

James M. Auslander (*counsel of record*)

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Attorneys for Petitioners

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, and Circuit Rule 26.1, Petitioners provide the following corporate disclosure statement:

Petitioner American Petroleum Institute (“API”) is a national trade association representing over 600 member companies involved in all aspects of the oil and gas industry. API has no parent corporations and no publicly held company owns any stock in it.

Petitioner American Exploration and Production Council (“AXPC”) is a District of Columbia nonprofit trade organization that represents the U.S. oil and gas industry before the national executive, legislative, and judicial branches of government. AXPC represents approximately 25 member companies involved in the upstream sector of the oil and gas industry. AXPC has no parent corporations and no publicly held company owns any stock in it.

Petitioner EnerGeo Alliance is a non-governmental corporate party to this action. EnerGeo Alliance is not publicly traded and does not have a parent corporation.

Petitioner Independent Petroleum Association of America (“IPAA”) is a District of Columbia nonprofit trade organization that represents America’s independent oil and natural gas producers before the federal executive, legislative, and judicial branches of government. IPAA represents approximately 7,000

members involved in the upstream oil and natural gas industry. IPAA has no parent corporations and no publicly held company owns any stock in it.

Petitioner International Association of Drilling Contractors (“IADC”), based in Houston, Texas, IADC is a Delaware nonprofit trade organization that represents international drilling contractors and other support service contractors comprising the global upstream oil and gas industry supply chain. Such representation provides facilitation/collaboration of best practice policies and national authorities’ compliance initiatives in the global oil and gas drilling space. IADC represents approximately 1000 member companies involved in all aspects of the global upstream oil and gas industry. IADC has no parent corporations and no publicly held company owns any stock in it.

Petitioner Montana Petroleum Association (“MPA”) is a Montana based trade association representing over 155 member companies involved in all aspects of the oil and natural gas industry. MPA has no parent corporations and no publicly held company owns any stock in it.

Petitioner National Ocean Industries Association (“NOIA”) is a District of Columbia nonprofit trade organization that represents the U.S. offshore energy industry, including offshore oil and natural gas and offshore wind before the national executive, legislative, and judicial branches of government. NOIA

represents approximately 120 member companies involved in all aspects of the oil and gas industry. NOIA has no parent corporations and no publicly held company owns any stock in it.

Petitioner North Dakota Petroleum Counsel has no parent corporations and no publicly held company owns any stock in it.

Petitioner Petroleum Alliance of Oklahoma (“PAO”) is an Oklahoma nonprofit trade organization that represents the Oklahoma oil and gas industry before the state and national executive, legislative, and judicial branches of government. PAO represents approximately 1300 member companies involved in all aspects of the oil and gas industry. PAO has no parent corporations and no publicly held company owns any stock in it.

Petitioner Southeast Oil and Gas Association (“SOGA”) is a Mississippi nonprofit trade organization that represents the oil and gas industry before the state executive and legislative branches of government. SOGA represents member companies involved in the oil and gas industry. SOGA has no parent corporations and no publicly held company owns any stock in it.

Petitioner Utah Petroleum Association has no parent corporations and no publicly held company owns any stock in it.

Petitioner Western States Petroleum Association (“WSPA”) is a non-profit trade association that represents companies that account for the bulk of petroleum exploration, production, refining, transportation and marketing in the five western states of Arizona, California, Nevada, Oregon, and Washington. WSPA represents 15 member companies involved in all aspects of the oil and gas industry. WSPA has no parent corporations and no publicly held company owns any stock in it.

Dated: August 26, 2022

/s/ James M. Auslander
James M. Auslander
BEVERIDGE & DIAMOND, P.C.
Attorney for Petitioners

CERTIFICATE OF SERVICE

Pursuant to Fed. R. App. P. Rule 15(c) and Circuit Rule 15(a), I hereby certify that a copy of this Petition for Review and the Disclosure Statement were served by first class mail on the 26th day of August, 2022, on the following parties:

Merrick Garland
Attorney General of the United States
U.S. Department of Justice
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Washington, DC 20530

Debra Haaland, Secretary
United States Department of the Interior
1849 C Street, NW
Washington, DC 20240

Amanda Lefton, Director
Bureau of Ocean Energy Management
United States Department of the Interior
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Dated: August 26, 2022

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