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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION**

KELSEY CASCADIA ROSE JULIANA, *et al.*, Case No. 6:15-cv-1517-AA

Plaintiffs,

v.

**DEFENDANTS' ANSWER TO
SECOND AMENDED COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF (ECF No. 542)**

THE UNITED STATES OF AMERICA, *et al.*,

Defendants.

Pursuant to Federal Rule of Civil Procedure 8(b), the United States of America, *et al.* (“Defendants”), by and through undersigned counsel, submits the following Answer to the claims and allegations in the “Second Amended Complaint for Declaratory and Injunctive Relief” (“Complaint”) (ECF No. 542) filed by Kelsey Cascadia Rose Juliana, *et al.* (“Plaintiffs”).

The numbered paragraphs of this Answer correspond to the numbered paragraphs of Plaintiffs’ Complaint.¹

“INTRODUCTION”

1. With respect to the first sentence, Defendants admit that for over fifty years some officials and persons employed by the federal government have been aware of a growing body of scientific research concerning the effects of fossil fuel emissions on atmospheric concentrations of CO₂—including that increased concentrations of atmospheric CO₂ could cause measurable long-lasting changes to the global climate, resulting in an array of severe deleterious effects to human beings, which will worsen over time. The term “United States” as used in the Complaint is vague and ambiguous and Defendants cannot attribute knowledge to it. Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in this sentence, and on this basis deny them. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the second sentence, and on this basis deny them. Defendants deny the allegation, in the third sentence, that it has continued a policy or practice of allowing the exploitation of fossil fuels. Defendants deny the allegations in the fourth and fifth sentences. Defendants lack sufficient knowledge or information to form a

¹ The section headings and subheadings used in this Answer follow the headings and subheadings used in Plaintiffs’ Complaint and are included solely for the purpose of organizational convenience in matching the answers provided herein with the allegations in the Complaint. The headings are not part of Defendants’ answer to the allegations.

belief about the truth of the allegations in the sixth sentence, and on this basis deny them.

Defendants deny the allegations in the seventh sentence.

2. The allegations characterize a 1965 White House Report, “Restoring the Quality of Our Environment,” which speaks for itself and is the best evidence of its contents.

3. The allegations in the first and second sentences characterize a 1990 report by the Environmental Protection Agency (“EPA”) entitled “Policy Options for Stabilizing Global Climate” and a 1991 assessment by the Congressional Office of Technology Assessment entitled “Changing by Degrees: Steps to Reduce Greenhouse Gases,” each of which speaks for itself and is the best evidence of its contents. With respect to the third sentence, Defendants deny the allegations and aver that neither document constituted a “plan” that was intended to be “implemented” by Defendants.

4. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the first sentence, and on this basis deny them. Defendants deny the allegations in the second sentence and aver that there is no scientific consensus that 350 parts per million (“ppm”) is the maximum safe level of atmospheric CO₂ concentration that is necessary to restore a stable climate system.

5. Defendants deny the allegations in the first and third sentences. With respect to the second sentence, the allegations are too vague for Defendants to admit or deny. Defendants aver that EPA has assessed the effects of greenhouse-gas pollution and has concluded that this pollution endangers the public health and welfare of current and future generations and thus requires Clean Air Act regulation. 74 Fed. Reg. 66,496 (Dec. 15, 2009); 81 Fed. Reg. 54,422 (Aug. 15, 2016). With regard to the fourth sentence, Defendants deny the allegations and aver that global atmospheric concentrations of CO₂, methane, and nitrous oxide are at

unprecedentedly high levels compared to the past 800,000 years of historical data and pose risks to human health and welfare.

6. The allegations in this paragraph are too vague for Defendants to admit or deny. Defendants aver that there has been a substantial body of scientific publications since 1965 regarding the harms caused by elevated atmospheric concentrations of greenhouse gases (“GHGs”), including from emissions related to fossil fuel combustion.

7. Defendants admit that they permit, authorize, and subsidize fossil fuel extraction, development, consumption, and exportation. Defendants admit that fossil fuel extraction, development, and consumption produce CO₂ emissions and that past emissions of CO₂ from such activities have increased the atmospheric concentration of CO₂. The remaining allegations in the first sentence are too vague for Defendants to admit or deny. Defendants aver that EPA has concluded under specific provisions of the Clean Air Act that, combined, emissions of six well-mixed GHGs are the primary and best understood drivers of current and projected climate change. 74 Fed. Reg. 66,496 (section 202); 81 Fed. Reg. 54,422 (section 231). The allegations in the second sentence constitute legal conclusions to which no response is required. Defendants admit the allegations in the third sentence and aver that from 1850 to 2012, CO₂ emissions from the United States (including from land use) constituted more than one-quarter of cumulative global CO₂ emissions.

8. The allegations in the first sentence, and in particular the phrase “zone of danger,” are vague and ambiguous, and Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on those bases deny them. Defendants aver that current and projected concentrations of six well-mixed GHGs, which include CO₂, constitute a

threat to public health and welfare. The remaining allegations in the second, third, and fourth sentences are conclusions of law to which no response is required.

9. The allegations in the first and fourth sentences are conclusions of law to which no response is required. Defendants deny the allegations in the second and third sentences and aver that Jordan Cove Energy Project L.P. (“Jordan Cove”) is no longer authorized by the Federal Energy Regulatory Commission (“FERC”) or the Department of Energy (“DOE”) to construct the Jordan Cove liquefied natural gas (“LNG”) export terminal or to export LNG from the proposed terminal, respectively.

10. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the first, second, and third sentences, and on this basis deny them. With respect to the fourth sentence, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegation of “carbon overshoot” and on this basis deny it. Defendants deny the remainder of the fourth sentence and aver that the consequences of climate change are already occurring and, in general, those consequences will become more severe with more fossil fuel emissions.

11. Defendants deny the allegations in the first, second, and third sentences. With respect to the third sentence, Defendants aver that Jordan Cove is no longer authorized by DOE to export LNG from the proposed Jordan Cove LNG terminal. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the fourth sentence, and on this basis deny them.

12. The allegations in the first sentence consist of Plaintiffs’ prayers for relief to which no response is required. To the extent a response is required, Defendants deny that

Plaintiffs are entitled to the relief requested. The allegations in the remaining sentences constitute legal conclusions to which no response is required.

“JURISDICTION AND VENUE”

13. The allegations constitute legal conclusions to which no response is required.

14. The allegations in the first, second, sixth, seventh, and eighth sentences constitute legal conclusions to which no response is required. The allegations in third, fourth, and fifth sentences characterize and quote the Declaratory Judgment Act, 28 U.S.C. § 2201-2202, which speaks for itself and is the best evidence of its contents.

15. The allegations constitute legal conclusions to which no response is required.

“PLAINTIFFS”

16. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

17. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the second and third sentences and on this basis deny them. Defendants deny the allegation in the first sentence that projected drought and lack of snow are caused by Defendants.

18. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

19. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

19-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

20. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

21. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

22. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the first sentence, and on this basis deny them. Defendants deny the allegations in the second and third sentences and aver that Jordan Cove is no longer authorized by FERC or DOE to construct the Jordan Cove LNG terminal or to export LNG from the proposed terminal, respectively.

22-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

23. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

24. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

25. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the first sentence, and on this basis deny them. Defendants deny the allegations in the second, third, and fourth sentences and aver that Jordan Cove and Pacific Connector are no longer authorized by FERC to construct the Jordan Cove LNG terminal or the Pacific Connector pipeline, respectively.

26. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

27. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the first and second sentences, and on this basis deny them. Defendants deny the allegation in the third sentence that climate change is caused by Defendants. Defendants deny the allegations in the fourth sentence that ocean acidification, warming, and sea level rise are caused by Defendants.

28. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the first, third, and eighth sentences that climate change is caused by Defendants.

29. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the first sentence that climate change is caused by Defendants.

30. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

30-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

31. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them.

32. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the seventh sentence that climate destabilization is caused by Defendants.

33. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the eighth sentence that rising sea levels are caused by Defendants, deny the allegation in the ninth sentence that ocean acidification is caused by Defendants, and deny the allegation in the tenth sentence that both rising sea level and ocean acidification are caused by Defendants.

34. Defendants deny the allegations in this paragraph and aver that Jordan Cove and Pacific Connector are no longer authorized by FERC to construct the Jordan Cove LNG terminal or the Pacific Connector pipeline, respectively.

34-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

35. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the second and fourth sentence that climate change is caused by Defendants.

36. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

37. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the third sentence that climate change is caused by Defendants.

38. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

39. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the

allegation in the third sentence that warmer water temperatures, rising sea levels, and ocean acidification are caused by Defendants.

39-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

40. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the second sentence that climate change is caused by Defendants.

41. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis denies them. Defendants deny the allegation in the first and sixth sentence that climate change is caused by Defendants.

42. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the first sentence that climate change is caused by Defendants.

43. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegations in the third sentence that warmer water temperatures, sea level rise, and ocean acidification are caused by Defendants.

43-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

44. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the second sentence that climate change is caused by Defendants.

45. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the first sentence that climate impacts such as increased temperatures and drought conditions are caused by Defendants.

46. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the third sentence that climate change is caused by Defendants' actions.

46-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

47. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

48. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

49. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

49-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

50. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

51. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

52. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the first sentence that climate change is caused by Defendants.

52-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

53. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

54. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the first sentence that climate change is caused by Defendants.

55. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the third sentence that climate change is caused by Defendants.

56. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis denies them. Defendants deny the allegation in the fifth sentence that increasing temperatures are caused by Defendants.

56-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

57. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

58. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

59. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

59-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

60. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the second sentence that increasing temperatures are caused by Defendants.

61. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the second sentence that increased temperatures, low water levels in lakes, and abnormal seasonal variations are caused by Defendants. Defendants deny the allegation in the fourth sentence that increased surface and ocean temperatures, sea level rise, and ocean acidification are caused by Defendants. Defendants deny the allegation in the fifth sentence that increased water temperature, drought, and ocean acidification are caused by Defendants.

62. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the fourth sentence that a June 2015 heat wave was caused by the acts of Defendants.

62-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

63. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the fifth sentence that Defendants cause catastrophic impacts.

64. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the first sentence that climate changed is caused by the acts of Defendants.

64-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

65. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the fourth sentence that climate changed is caused by the acts of Defendants.

66. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the sixth sentence that climate changed is caused by the acts of Defendants.

67. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the fourth sentence that climate changed is caused by the acts of Defendants and

deny the allegation in the eighth sentence that drought conditions and forest fires are caused by the acts of Defendants.

67-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

68. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them.

69. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the third sentence that climate change and ocean acidification are caused by Defendants.

70. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the first sentence that ocean acidification, sea level rise, increased sea surface temperature, alteration in ocean circulation, and increased storm intensity are caused by the acts of Defendants.

70-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

71. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

72. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them. Defendants aver that White Plains New York, where Plaintiff resides, is at an elevation 213 feet above sea level.

72-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

73. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

74. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

75. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the fifth sentence that changing temperatures are caused by the acts of Defendants and deny the allegation in the seventh sentence that climate change is caused by Defendants.

76. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

76-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

77. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the second sentence that climate change is caused by Defendants.

78. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the sixth sentence that ocean acidification and climate change are caused by Defendants.

79. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

80. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the first sentence that climate change is caused by Defendants.

80-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

81. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

82. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

83. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

84. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

85. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

85-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

86. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the fourth sentence that climate change is caused by Defendants.

87. The allegations in the fourth sentence are too vague and ambiguous for Defendants to admit or deny. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them.

88. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the third sentence that climate change is caused by Defendants.

88-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

89. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the paragraph, and on this basis deny them. Defendants deny the allegation in the second sentence that climate change is caused by Defendants.

90. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

90-A. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- c. The allegations constitute legal conclusions to which no response is required.

91. [DELETED]

92. The allegations constitute legal conclusions to which no response is required.

93. Defendants admit that Dr. James Hansen is a former Director of the NASA Goddard Institute for Space Studies, and that he is presently an adjunct professor at Columbia University's Department of Earth and Environmental Sciences, where he directs a program in Climate Science, Awareness, and Solutions. Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in the paragraph, and on this basis deny them.

94. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

95. Defendants admit the allegations in this paragraph.

95-A. The allegations constitute legal conclusions to which no response is required.

95-B. The allegations constitute legal conclusions to which no response is required.

95-C. The allegations constitute legal conclusions to which no response is required.

95-D. The allegations constitute legal conclusions to which no response is required.

96. The allegations in this paragraph constitute legal conclusions to which no response is required. With respect to the seventh and eighth sentences, Defendants also deny the allegations and aver that on April 22, 2022, DOE granted Jordan Cove's request to vacate its authorizations to export LNG from the proposed Jordan Cove LNG terminal, and thus Jordan Cove lacks authority from DOE to export LNG. Additionally, on December 16, 2021, FERC granted the request of Jordan Cove to vacate the authorization for the proposed Jordan Cove LNG terminal, such that Jordan Cove lacks authority to site, construct, or operate the Jordan Cove LNG terminal.

97. [DELETED]

“DEFENDANTS”

98. The first, second, third, fourth, eighth, and ninth sentences consist of conclusions of law to which no response is required. The allegations in the fifth, sixth, and seventh sentences are too vague for Defendants to admit or deny, and are denied on that basis.

99. [DELETED]

100. Defendants deny the allegations in the first sentence that the Office of the President of the United States includes the Council on Environmental Quality (“CEQ”), the Office of Management and Budget (“OMB”), and the Office of Science and Technology Policy (“OSTP”) and aver that these entities are part of the Executive Office of the President.

- a. The duties of the Council on Environmental Quality are contained in 42 U.S.C. § 4344. Defendants deny the allegations to the extent inconsistent with that statutory provision.
- b. The first sentence consists of Plaintiffs' characterization of the OMB mission statement, which speaks for itself and is the best evidence of its contents. Defendants deny the allegations in the second sentence.
- c. Defendants deny the allegations in the first sentence and aver that OSTP's responsibilities are set forth in its organic statute at 42 U.S.C. § 6611 *et seq.* The allegations in the second sentence characterize authorities granted by Congress under the National Science and Technology Policy, Organization, and Priorities Act of 1976, and Executive Orders 13226 and 13539, which speak for themselves and are the best evidence of their contents. Defendants deny the allegations in the third sentence.

101. Defendants deny the allegations in this paragraph.

102. Defendants deny the allegations in this paragraph and aver that Brenda Mallory is current Chair of CEQ.

103. Defendants admit the allegations contained in this paragraph.

104. Defendants admit the allegations contained in this paragraph.

105. Defendants admit the allegations in the first three sentences. With respect to the third sentence, Defendants aver that DOE's Office of Fossil Energy was renamed the Office of Fossil Energy and Carbon Management in 2021. Defendants deny the allegation in the fourth sentence and aver that there is no direct federal regulation of domestic energy production. Further, FERC (not DOE) regulates interstate transportation of oil and gas by pipeline.

Defendants admit the allegations in the fifth sentence and aver that the Energy Policy Act mandates that 75 percent of light-duty vehicle (“LDV”) acquisitions by federal agencies be alternative fueled vehicles. 42 U.S.C. § 13212(b)(1)(D). These requirements apply to agency fleets of 20 or more LDVs that are centrally fueled and operated in a metropolitan statistical area/consolidated metropolitan area (“MSA/CMSA”). 42 U.S.C. § 13212(b)(3). Defendants admit the allegation in the sixth sentence and aver that under the Energy Policy and Conservation Act of 1975, as amended, “covered products and equipment” are subject to energy conservation standards set either by statute or DOE regulations. 42 U.S.C. §§ 6291-6317.

- a. Defendants deny that FERC is an agency of DOE and aver that FERC is an independent government agency, officially organized as part of DOE. Defendants admit the remainder of the sentence.

106. The allegations in the first sentence are legal conclusions for which no response is required. Defendants deny the allegations in the second sentence.

107. Defendants admit that DOE issued DOE/FE Order No. 3041 on December 7, 2011, which was amended by DOE/FE Order No. 3041-A on July 20, 2018, and aver that on April 22, 2022, DOE granted Jordan Cove’s request to vacate its authorizations to export LNG from the proposed Jordan Cove LNG terminal, including vacating DOE/FE Order No. 3041, as amended by DOE/FE Order No. 3041-A. Jordan Cove thus lacks authority from DOE to export LNG. Additionally, on December 16, 2021, FERC granted the request of Jordan Cove to vacate the authorization for the proposed Jordan Cove LNG terminal, such that Jordan Cove lacks authority to site, construct, or operate the Jordan Cove LNG terminal.

108. Defendants admit the allegations contained in this paragraph.

109. Defendants admit the allegations in the first sentence. The second and third sentences consist of Plaintiffs' characterization of the mission of the Department of Interior (DOI), which is stated in the DOI strategic plan, which speaks for itself and is the best evidence of its contents.

110. Defendants admit the allegations in the first sentence, deny the allegations in the second sentence, and aver that most of the land suitable for oil and gas development is non-federal.

111. Defendants admit the allegations in the first sentence except to the extent that it characterizes the Outer Continental Shelf Lands Act of 1953, 43 U.S.C. § 1333(a), which speaks for itself and is the best evidence of its contents. Defendants admit the allegations in the second sentence. Defendants deny the allegations in the third sentence and aver that the provision for the advanced payment of coal royalties originated in the Mineral Leasing Act of 1920, 41 Stat. 439, ch. 85, § 7 (1920).

112. Defendants admit that many of the activities DOI permits on public lands result in emission of CO₂ into the atmosphere. The remaining portions of the paragraph are denied.

113. Defendants admit the allegations in this paragraph.

114. Defendants admit the allegations in the first sentence. The allegations in the second sentence constitute legal conclusions to which no response is required.

- a. The allegations characterize authorities granted under the Department of Transportation Act, 49 U.S.C. § 305, as amended, which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants admit that the Federal Aviation Administration, the Federal Highway Administration, and the Pipeline and Hazardous

Materials Safety Administration are operating administrations within the Department of Transportation (“DOT”). Defendants admit that the Federal Aviation Administration and the Federal Highway Administration administer programs that provide financing for the construction and maintenance of a portion of the nation’s transportation infrastructure but deny that the Pipeline and Hazardous Materials Safety Administration oversees and regulates spending programs that finance construction and maintenance of our nation’s transportation infrastructure.

- b. The allegations characterize authorities granted under the Energy Policy and Conservation Act as amended by the Energy Independence and Security Act of 2007, 49 U.S.C. § 32902, which speaks for itself and is the best evidence of its contents. Defendants aver that DOT, through the National Highway Traffic Safety Administration, sets fuel economy standards for passenger cars and light trucks produced for sale in the United States.

115. Defendants deny the allegations in this paragraph.

116. Defendants admit the allegations in this paragraph.

117. Defendants admit that the United States Department of Agriculture (“USDA”) is a federal agency. The remaining allegations in the first sentence are Plaintiffs’ characterization of the USDA vision statement, which speaks for itself and is the best evidence of its contents. The allegations in the second sentence consist of Plaintiffs’ characterization of the USDA mission statement, which speaks for itself and is the best evidence of its contents. Defendants aver that neither the vision statement nor the mission statement carry the force of law. With respect to the

third sentence, Defendants admit that USDA plays a role with respect to our nation's food and agriculture, as well as certain natural resources including national forests, and denies the remaining allegations in this sentence.

- a. Defendants deny that it authorizes coal production on National Forest System lands, and aver that about 25 percent of the coal production in the United States occurs on such lands.
- b. The allegations in first sentence characterize authorities granted under the Mineral Leasing Act of 1920, the Federal Onshore Oil and Gas Leasing Reform Act, and the Mineral Leasing Act for Acquired Lands, which speak for themselves and are the best evidence of their contents. The allegations in second sentence characterize authorities granted under the Mineral Leasing Act of 1920 and the Surface Mining Control and Reclamation Act, 30 U.S.C. § 1273, which speak for themselves and are the best evidence of their contents.
- c. Defendants deny the allegations in this paragraph.
- d. Defendants deny the allegations in this paragraph.

118. Defendants admit the allegation in this paragraph.

119. Defendants admit that the United States Department of Commerce ("Commerce") is a federal agency. The remaining allegations in the first sentence are Plaintiffs' characterization of Commerce's mission statement, which speaks for itself and is the best evidence of its contents. Defendants admit the allegation that Commerce has authority over equipment that monitors GHGs and aver specifically that the National Oceanic and Atmospheric Administration ("NOAA") operates the monitoring equipment. The remaining allegations in the second sentence

consist of Plaintiffs' characterizations of authorities granted under Title 15 of the United States Code, which speaks for itself and is the best evidence of its contents.

- a. Defendants admit that the National Institute of Standards and Technology ("NIST") is a federal agency in the Department of Commerce that develops measurement science, predictive models, and performance metrics to improve the energy efficiency of building components and systems, and advances measurement science, standards, and technology related to energy utilization in buildings.
- b. Defendants admit that the International Trade Administration ("ITA") is a bureau in the Department of Commerce but deny Plaintiffs' characterization of the work of ITA's Office of Energy and Environmental Industries. ITA works to strengthen the international competitiveness of U.S. industry, promote trade and investment, and ensure fair trade and compliance with trade laws and agreements. ITA's work includes support for U.S. companies across the energy industry in exporting to international markets where there is demand for their products and services. The remaining allegations consist of Plaintiffs' characterization of authorities provided under Reorganization Plan No. 3 of 1979, which speaks for itself and is the best evidence of its contents.
- c. Defendants admit that the Bureau of Industry and Security ("BIS") is a bureau in the Department of Commerce but deny that BIS currently issues permits to export crude oil to all destinations, including Canada.

Defendants aver that as of December 18, 2015, pursuant to section 101 of

Division O of the Consolidated Appropriations Act, 2016, United States Government officials are prohibited from implementing or enforcing export controls on crude oil and that BIS subsequently removed 15 C.F.R. § 754.2 in conformance with that prohibition. Defendants further aver that a license continues to be required for export of crude oil to sanctioned or embargoed countries or to certain prohibited end users.

- d. Defendants admit that NOAA is a federal agency in the Department of Commerce. The remaining allegations consist of Plaintiffs' characterization of authorities provided under Reorganization Plan No. 4 of 1970, which speaks for itself and is the best evidence of its contents.
- e. The allegations in this paragraph constitute legal conclusions to which no response is required.

120. Defendants admit the allegation in this paragraph.

121. Defendants admit the allegation in the first sentence that the United States Department of Defense is a federal agency. The second and third sentences appear to characterize the 2014 Quadrennial Defense Review, which speaks for itself and is the best evidence of its contents.

- a. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.
- b. The allegations in the first sentence consist of Plaintiffs' characterization of authorities pursuant to the Clean Water Act and the Rivers & Harbors Act, which speak for themselves and are the best evidence of their contents. The allegations in the second sentence consist of Plaintiffs'

characterization of authorities pursuant to the Rivers & Harbors Act, which speaks for itself and is the best evidence of its contents. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the third sentence, and on this basis deny them.

122. Defendants admit the allegations in this paragraph.

123. Defendants admit that the United States Department of State (“State Department”) is a federal agency. The remaining allegations in the first sentence consist of Plaintiffs’ characterization of the State Department’s mission statement, which speaks for itself and is the best evidence of its contents. To the extent the second sentence refers to the State Department’s role in international fora regarding climate change, Defendants admit the allegation. The third sentence consists of Plaintiffs’ characterization of the 2014 Climate Action Report, which speaks for itself and is the best evidence of its contents. Defendants aver that the quoted language, including the portions that Plaintiffs omit, states that: “The United States is committed to continuing enhanced action, *together with the global community*, to lead the global effort to achieve a low-emission, climate-resilient future.” (emphasis added). This additional language underscores that climate change is a global challenge that the United States addresses together with international partners and stakeholders.

- a. Defendants admit the allegation.
- b. Defendants admit the allegations in this paragraph. Defendants aver that the quoted language is from the United States intervention at the Ad Hoc Working Group on Long-term Cooperative Action Under the Convention, March 29, 2009. It is important to keep in mind that these remarks come in the context of negotiations in which the United States was seeking to forge

a global agreement to address climate change—and thus in context the Special Envoy was referring to the need for the global community to act together.

- c. The allegations in the first two sentences consist in part of Plaintiffs' characterization of requirements under Executive Order 13337 and pursuant to 3 U.S.C. § 301, which speak for themselves and are the best evidence of their contents. Defendants deny all other allegations in the second sentence. While Defendants admit that the State Department considers pipeline applications pursuant to Executive Order 13337, Defendants deny the allegations in the third, fourth, and fifth sentences. Defendants aver that the State Department is not charged with regulating petroleum products that enter or leave the country.

124. Defendants admit the allegation in this paragraph.

125. Defendants admit the allegation in the first sentence that the EPA possesses regulatory authorities and issues permits under the Clean Air Act, Clean Water Act, Safe Drinking Water Act, and Resource Conservation and Recovery Act, but aver that while EPA possesses certain regulatory authorities under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), those authorities do not include issuing permits. Defendants deny the remainder of the first sentence. The second sentence consists of Plaintiffs' characterization of EPA's mission statement, which speaks for itself and is the best evidence of its contents. With respect to the third sentence, Defendants admit that the electricity generation sector accounted for 36.7 percent of national CO₂ emissions in 2014, which was the economic sector accounting for the greatest portion of annual CO₂ emissions in the United States, and that

EPA has established CO₂ emission standards for certain types of power plants. The fourth sentence consists in part of Plaintiffs' vague characterizations of EPA's regulatory activity and in part constitutes legal conclusions to which no response is required.

- a. This paragraph consists of Plaintiffs' characterization of authority granted under the Energy Policy Act of 2005, which speaks for itself and is the best evidence of its contents.

126. The allegations in the first sentence characterize a 1990 report by EPA entitled, "Policy Options for Stabilizing Global Climate," which speaks for itself and is the best evidence of its contents. To the extent a response is required, Defendants deny the allegations this paragraph.

127. The first sentence consists of Plaintiffs' characterization of the EPA rule titled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Utility Generating Units," 80 Fed. Reg. 64,662 (Oct. 23, 2015)—which was also known as the "Clean Power Plan." Defendants aver that the Clean Power Plan was never implemented and the "generation shifting" best system of emission reductions on which it was based was invalidated by the Supreme Court in *West Virginia v. EPA*, 142 S. Ct. 2587 (2002). *See* 88 Fed. Reg. 33,240 (May 23, 2023). The Clean Power Plan spoke for itself and was the best evidence of its contents. The second through ninth sentences consist of Plaintiff's characterization of the Clean Power Plan, a regulation that was never implemented. To the extent a response is required, the former rule text speaks for itself and is the best evidence of its contents. In addition, the allegation in the fifth sentence that the Clean Power Plan was based on "biased math" is too vague to respond to, and to the extent a response is required, Defendants deny the allegation. With respect to the sixth sentence, Defendants admit that CO₂ emissions from the electric power sector in 2014, before the Clean

Power Plan was finalized, were approximately 18 percent below 2005 levels. The remainder of the ninth sentence constitutes legal conclusions to which no response is required. With respect to the tenth sentence, the allegations are too vague to respond to. To the extent a response is required, Defendants deny the allegations as stated.

128. Defendants admit the allegation in this paragraph.

129. Defendants deny the allegations in the first and second sentence as overly broad and insufficiently specific. The third, fourth, fifth, and sixth sentences consist of legal conclusions to which no response is required.

130. Defendants admit that CO₂ concentrations have increased to greater than 400 ppm but otherwise deny the allegations in the first sentence as overly broad and insufficiently specific. The second and third sentences consist of legal conclusions to which no response is required.

“STATEMENT OF FACTS”

“I. THE FEDERAL GOVERNMENT HAS KNOWN FOR DECADES THAT CARBON DIOXIDE POLLUTION WAS CAUSING CATASTROPHIC CLIMATE CHANGE AND THAT MASSIVE EMISSION REDUCTIONS AND A NATION-WIDE TRANSITION AWAY FROM FOSSIL FUELS WAS NEEDED TO PROTECT PLAINTIFFS’ CONSTITUTIONAL RIGHTS.”

131. With respect to the first sentence, Defendants admit that prior to 1899 some scientists published estimates of the impact that elevated CO₂ concentrations could have on global temperature. Defendants aver that important details of the carbon cycle and other aspects of climate change were not widely understood until many decades later. Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in this sentence, and on this basis deny them. With respect to the second sentence, Defendants admit that some scientists understood that CO₂ was an important factor in determining global temperatures, and deny the remaining allegations in the sentence. With respect to the third

sentence, Defendants admit that by the early 1900s some scientists had studied the potential impacts of increasing atmospheric concentrations of CO₂ on global climate change, and deny the remaining allegations in the sentence.

132. The assertions in this paragraph characterize and quote from a 1965 Report of President Lyndon Johnson's Scientific Advisors entitled "Restoring the Quality of Our Environment" ("1965 Report"), which speaks for itself and is the best evidence of its content.

133. The assertions in this paragraph characterize and quote from the 1965 Report, which speaks for itself and is the best evidence of its content.

134. The assertions in this paragraph appear to characterize the 1965 Report, which speaks for itself and is the best evidence of its content. With respect to the first sentence, Defendants aver that while the 1965 Report concludes that increased CO₂ emissions lead to melting of the Antarctic icecap, rising sea levels, warming oceans, and acidifying waters, the report does not conclude that increased CO₂ emissions lead to "additional releasing of CO₂ and methane due to these events." Further, the 1965 Report only mentions methane in two places, and neither directly discusses methane in relation to climate change, but rather it is discussed as a byproduct of biological processes resulting from pollution.

135. The assertions in this paragraph appear to characterize and quote from the 1965 Report, which speaks for itself and is the best evidence of its content.

136. The allegations characterize and quote from a September 17, 1969 memorandum from Daniel P. Moynihan to John Ehrlichman, White House Counsel, which speaks for itself and is the best evidence of its content.

137. The allegations characterize and quote from a provision of the National Climate Program Act, Pub. L. No. 95-367, 92 Stat. 601 (Sept. 17, 1978), which speaks for itself and is the

best evidence of its contents. Defendants aver that the quoted language is codified at 15 U.S.C. § 2902.

138. The allegations characterize congressional testimony by Dr. James Hansen, Director, NASA Goddard Institute for Space Studies, which speaks for itself and is the best evidence of its contents.

139. The allegation as to EPA appears to characterize a September 12, 1986, letter from eight members of the Senate Subcommittee on Environmental Pollution to EPA Administrator Lee Thomas, which speaks for itself and is the best evidence of its contents. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegation as to Congress' direction to its own offices.

140. Defendants admit the allegations in the first sentence. The second sentence characterizes and quotes from EPA's 1990 report to Congress, "Policy Options for Stabilizing Global Climate" ("1990 EPA Report"), which speaks for itself and is the best evidence of its content.

141. The allegations characterize and quote from the 1990 EPA Report, which speaks for itself and is the best evidence of its content.

142. The allegations characterize and quote from a 1991 report from Congress's Office of Technology Assessment entitled "Changing by Degrees: Steps to Reduce Greenhouse Gases" ("1991 OTA Report"), which speaks for itself and is the best evidence of its contents.

143. The allegations characterize and quote from the 1991 OTA Report, which speaks for itself and is the best evidence of its contents.

144. The allegations characterize the 1990 EPA Report and the 1991 OTA Report, which speak for themselves and are the best evidence of their contents.

145. Defendants deny the allegation in the first sentence and aver that the United States Senate passed a resolution providing advice and consent for the ratification of the United Nations Framework Convention on Climate Change (“UNFCCC”) on October 7, 1992, and the President signed the instrument of ratification on October 13, 1992. The assertions in the second, third, fourth, and fifth sentences characterize and quote from the UNFCCC, which speaks for itself and is the best evidence of its content. With respect to the second sentence, Defendants aver that the quoted language pertains to Article 3.1, a provision of the UNFCCC that is of a non-binding in nature and provides that the parties to the UNFCCC “*should* protect the climate system for the benefit of present and future generations of humankind.” (emphasis added). With respect to the third sentence, Defendants aver that the quoted language—“overwhelming weight”—is not included in the UNFCCC and further that norms and principles of intergenerational equity are not referenced in the document. With respect to the fourth and fifth sentences, Defendants aver that Plaintiffs’ characterization of the quoted language of Article 2 of the UNFCCC as “[t]he minimal objective of the UNFCCC” is inconsistent with the text of the UNFCCC, which states that the quoted language is “[t]he *ultimate objective* of this Convention.” (emphasis added).

146. Defendants deny the allegations in the first sentence and aver that the 1990 EPA Report explicitly stated that “[t]he policy options presented herein should therefore be viewed as examples of what could be done to reduce the buildup of greenhouse gases, not as recommendations of what should be done.” Further, Defendants aver that some of those examples in the 1990 EPA Report were in fact subsequently implemented. Defendants aver that the 1991 OTA Report contained policy “options available or likely to be available for reducing CO₂ emissions” and noted what “Congress must consider” when assessing them. The allegations in the second sentence are too vague for Defendants to admit or deny.

147. With respect to the first sentence, Defendants admit that on December 7, 2009, EPA Administrator Lisa Jackson signed, “Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Section 202(a) of the Clean Air Act,” 74 Fed. Reg. 66496 (Dec. 15, 2009). The second sentence characterizes that finding, which speaks for itself and is the best evidence of its contents. Defendants deny the allegations in the third sentence.

148. Defendants admit that, on January 2, 2011, EPA Clean Air Act standards for GHG emissions from certain mobile sources became operative, and certain stationary source permitting requirements also became applicable to GHGs. *See* “Reconsideration of Interpretation of Regulations that Determine Pollutants Covered by Clean Air Act Permitting Programs.” 75 Fed. Reg. 17004 (Apr. 2, 2010). Defendants otherwise deny the allegations.

149. Defendants admit the allegation in the first sentence and deny the allegations in the first clause of the second sentence. The remaining allegations in the second sentence quote from and characterize a DOE strategic plan, which speaks for itself and is the best evidence of its contents.

150. Defendants admit the allegations in this paragraph.

“II. IN SPITE OF KNOWING OF THE SEVERE DANGER POSED BY CARBON POLLUTION, DEFENDANTS CREATED AND ENHANCED THE DANGERS THROUGH FOSSIL FUEL EXTRACTION, PRODUCTION, CONSUMPTION, TRANSPORTATION, AND EXPORTATION”

“A. Despite the Known Danger, Defendants Caused Climate Instability and Allowed U.S. Fossil Fuel Extraction, Production, Consumption, Transportation, and Exportation and Associated Emissions, to Dangerously Increase”

151. The allegations in the first and fourth sentences are too vague and ambiguous for Defendants to admit or deny. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in the second sentence and deny them on that basis.

Defendants aver that from 1850 to 2012, CO₂ emissions from sources within the United States

(including from land use) comprised more than 25 percent of cumulative global CO₂ emissions. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the third sentence, and on this basis deny them.

152. Defendants admit that overall production and consumption of fossil fuels over the last fifty years has increased. Defendants otherwise deny the allegations.

153. Defendants deny the allegations in the first sentence, and aver that the recommendations in the 1990 EPA Report were policy recommendations. Defendants aver that the 1990 EPA Report explicitly stated that “[t]he policy options presented herein should therefore be viewed as examples of what could be done to reduce the buildup of greenhouse gases, not as recommendations of what should be done.” Further, Defendants aver that some of those examples in the 1990 EPA Report were in fact subsequently implemented. Defendants aver that the 1991 OTA Report contained policy “options available or likely to be available for reducing CO₂ emissions” and noted items “Congress must consider” when assessing them. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the second sentence, and on this basis deny them. Defendants admit the allegation in the third sentence regarding the volume of CO₂ emissions and aver that between 1991 and 2014 about 127,600 million metric tons of CO₂ were emitted from fossil fuel combustion in the United States. The remaining allegations in the third sentence are denied.

154. This paragraph appears to characterize as “plans” the 1990 EPA Report and the 1991 OTA Report, both of which speak for themselves and are the best evidence of their contents. The remaining allegations contain conclusions of law to which no response is required.

155. Defendants deny the allegation that total fossil fuel production in the United States was 65.244 Quadrillion Btus in 2014 and aver that when natural gas plant liquids are

included, total fossil fuel production in the United States was 69.653 Quadrillion Btus in 2014. The remaining allegations in this paragraph are Plaintiffs' opinion and require no answer.

156. Defendants admit that total fossil fuel energy consumption in the United States was close to the 80.366 Quadrillion Btus in 2014 that Plaintiffs allege and aver total fossil fuel energy consumption in the United States was 80.240 Quadrillion Btus in 2014. The remaining allegations in this paragraph are Plaintiffs' opinion and require no answer.

157. Defendants admit the allegation that CO₂ emissions from energy consumption in the United States in 2014 was close to the 5.4 billion metric tons Plaintiffs allege and aver that CO₂ emissions from energy consumption in the United States in 2014 was 5.406 billion metric tons. The remaining allegations in this paragraph are Plaintiffs' opinion and require no answer.

158. Defendants admit the allegations.

159. Defendants admit the allegation in the first sentence that the emissions figures above are from United States government sources, but deny the remaining allegations in the sentence. With respect to the second sentence, Defendants admit that the EPA develops the United States Greenhouse Gas Emissions Inventory ("GHG Inventory") based on Intergovernmental Panel on Climate Change ("IPCC") guidelines that provide methods for countries to estimate GHG emissions and removals where and when they happen. With respect to the third and fourth sentences, Defendants admit that the GHG Inventory does not include emissions embedded in imported goods consumed in the United States.

160. Defendants admit the allegations in this paragraph and aver that the data presented has changed slightly due to revisions to the data published after the Complaint was filed.

161. Defendants admit the allegations in this paragraph and aver that the data presented has changed slightly due to revisions to the data published after the Complaint was filed.

162. Defendants admit the allegations in the first sentence. With respect to the second sentence, Defendants admit that the United States produces commercial volumes of natural gas or crude oil from shale formations. Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in this sentence and on this basis deny them.

163. Defendants deny the allegations in this paragraph.

“B. Defendants Have Allowed Excessive Fossil Fuel Production on Federal Public Lands.”

164. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph, and on this basis deny them.

165. Defendants admit the allegation in this paragraph.

166. Defendants admit that the allegations in this paragraph were accurate as of 2015.

167. Defendants admit the allegation in this paragraph.

168. Defendants admit the allegations in the first sentence and aver that the Bureau of Land Management (“BLM”) had 46,183 oil and gas leases in effect in Fiscal Year 2014, containing a total of 94,778 producible and service well bores. Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in the first sentence, and on this basis deny them. Defendants admit the allegation in the second sentence. Defendants deny the allegation in the third sentence and aver that as of October 1, 2015 there were 32,193,369 acres of federal land under lease in 32 states.

169. Defendants deny the allegation that BLM processed more applications for permits to drill from 2009-2011 than it did from 2006-2008. Defendants admit that BLM received fewer new applications for permits to drill from 2009-2011 than it did from 2006-2008.

170. Defendants admit that the allegations in the first sentence were accurate as of 2015, when the First Amended Complaint was filed. Defendants deny the allegations in the

second sentence and aver that between 2003 and 2015, BLM had consistently approved between 77 and 91 percent of the applications for permits to drill that it has processed.

“C. Defendants Subsidize the Fossil Fuel Industry”

171. Defendants deny the allegations in this paragraph.

172. Defendants deny the allegations in the first sentence. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the second and third sentences, and on this basis deny them.

173. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph, and on this basis deny them.

174. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph, and on this basis deny them.

175. The allegations in this paragraph characterize two provisions of the Title 26 of the United States Code, which speak for themselves and are the best evidence of their contents.

176. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph, and on this basis deny them.

177. Defendants admit the allegations in this paragraph.

178. The allegations in the first sentence are too vague for Defendants to admit or deny. The second sentence characterizes publicly available details of the social cost of carbon, developed by an interagency working group convened by the Council of Economic Advisors and OMB, which speak for themselves and are the best evidence of their contents.

“D. Defendants Recklessly Allow Interstate and International Transport of Fossil Fuels”

179. Defendants deny the allegations in this paragraph.

180. The allegations in the first sentence characterize and quote from Executive Order 11423, which speaks for itself and is the best evidence of its contents. Defendants deny the allegations in the second sentence.

181. With respect to the first sentence, Defendants admit that, prior to December 18, 2015, a license was required to export crude oil from the United States to all destinations, with licenses to Canada generally being approved and licenses to other countries generally being rejected. Defendants aver that as of December 18, 2015, pursuant to section 101 of Division O of the Consolidated Appropriations Act, 2016, United States Government officials are prohibited from implementing or enforcing export controls on crude oil and that BIS subsequently removed 15 C.F.R. § 754.2 in conformance with that prohibition. Defendants further aver that a license continues to be required for export of crude oil to sanctioned or embargoed countries or to certain prohibited end users. Defendants aver the allegation in the second sentence that the number of barrels of crude oil exported in 2014 pursuant to a BIS license was an increase from the number of barrels exported in 2013, deny that BIS authorized the exportation of 126,155 thousand barrels of crude oil in 2014 and aver that the correct figure is 127,864 thousand barrels. With respect to crude oil imports, Defendants deny that DOE has oversight authority, deny the amount of imports in 2014 and aver that according to EIA—an independent statistical agency formally organized under DOE—the volume of crude oil imported in 2014 was 2,680,626 thousand barrels.

182. Defendants deny the allegation, in the first sentence, that FERC authorizes natural gas imports and exports and aver that jurisdiction over import and export authorization lies with DOE. Defendants deny the allegations in the second sentence and aver that under Natural Gas Act section 3 and Parts 153 and 380 of FERC's regulations, FERC approves the construction of

interstate natural gas pipelines, storage facilities, and LNG terminals. However, on December 16, 2021, FERC granted the request of Jordan Cove to vacate the authorization for the proposed Jordan Cove LNG terminal, such that Jordan Cove lacks authority to site, construct, or operate the Jordan Cove LNG terminal. Additionally, on April 22, 2022, DOE granted Jordan Cove's request to vacate its authorizations to export LNG from the proposed Jordan Cove LNG terminal, including vacating DOE/FE Order No. 3041 as amended by DOE/FE Order No. 3041-A. Jordan Cove thus lacks authority from DOE to export LNG. Defendants admit that the allegations in the third and fourth sentences were accurate as of 2015 when the First Amended Complaint was filed.

183. Defendants admit that the allegations in the first, third, and fourth sentences were accurate as of 2015 when the First Amended Complaint was filed. Defendants deny the allegations in the second sentence.

184. Defendants admit the allegations in this paragraph.

“E. Defendants Recklessly Allow CO₂ Pollution From Combustion of Fossil Fuels”

185. Defendants deny the allegations in the first sentence and admit the allegations in the second sentence.

186. Defendants admit the allegations in the first sentence that in 2012 petroleum accounted for 36.5 percent of total energy consumption in the United States and was the single largest source of energy consumption. With respect to the second sentence, Defendants aver that EPA has issued regulations that apply to petroleum refineries but deny that all United States petroleum refineries are permitted and regulated by EPA. Defendants aver that under the Clean Air Act, EPA has issued standards for refineries that apply based on certain characteristics and

refineries may be subject to permitting requirements under EPA permitting programs, but the permits under those programs are usually issued by state or local governments.

187. Defendants admit the allegation in the first sentence that in 2013 CO₂ emissions from the industrial sector were approximately 15 percent of total CO₂ emissions in the United States. With respect to the second sentence, Defendants admit that EPA regulates various aspects of industrial sources but deny the remaining allegations as too vague to verify.

188. With respect to the first sentence, Defendants deny the allegations and aver that under the Energy Policy and Conservation Act of 1975 “covered products and equipment” are subject to energy conservation standards set either by statute or by DOE regulations, 42 U.S.C. §§ 6291–6317, and that under the Energy Conservation and Production Act (“ECPA”) DOE is required to establish building energy efficiency standards for all new federal buildings, 42 U.S.C. § 6834(a)(1). Defendants aver that ECPA requires States to certify that they have reviewed their residential building code regarding energy efficiency and made a determination as to whether it is appropriate for such State to revise such residential building code provisions to meet or exceed the revised model code that the Secretary of Energy has determined would improve the level of efficiency in buildings. 42 U.S.C. § 6833(a). ECPA also requires States to certify that they have reviewed and updated the provisions of their commercial building codes regarding energy efficiency provisions to meet or exceed the revised model code that the Secretary of Energy has determined would improve the level of efficiency in buildings. 42 U.S.C. § 6833(b). Defendants admit the allegations in the second sentence.

189. Defendants admit the allegation in the first sentence that Congress enacted the Corporate Average Fuel Economy (“CAFE”) standards program in 1975, and that the National Highway Traffic Safety Administration within the DOT establishes fuel economy standards. The

remainder of the first sentence is Plaintiffs' characterization of CAFE program requirements of the Energy Policy and Conservation Act, 49 U.S.C. § 32904 *et seq.*, which speak for themselves and are the best evidence of their contents. With respect to the second sentence, Defendants admit that DOT has established fuel economy standards and fuel efficiency standards, and that EPA has established standards for emissions of greenhouse gases (including CO₂) from certain new motor vehicles and engines; and admit that both fuel economy standards and fuel efficiency standards can reduce CO₂ emissions. The remainder of the second sentence is a conclusion of law to which no response is required.

190. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the first sentence, and on this basis deny them. Defendants admit that SUVs are less fuel-efficient and emit greater quantities of CO₂ per mile than lighter-weight vehicles if other factors are held equal.

191. Defendants deny the allegations in the first sentence and aver that in 2012, United States CO₂ equivalent emissions from transportation were approximately 1,780 million metric tons. Defendants admit the allegations in the second sentence.

“III. THE JORDAN COVE LNG EXPORTS”

192. The allegations characterize Section 201 of the Energy Policy Act, 15 U.S.C. § 717b(c), which speaks for itself and is the best evidence of its contents.

193. Defendants admit the allegations in the first and second sentence and aver that on April 22, 2022, DOE granted Jordan Cove's request to vacate its authorizations to export LNG from the proposed Jordan Cove LNG export terminal, including vacating DOE/FE Order No. 3041 as amended by DOE/FE Order No. 3041-A, and thus Jordan Cove lacks authority from DOE to export LNG from the proposed export terminal. Additionally, on December 16, 2021,

FERC granted the request of Jordan Cove to vacate the authorization for the proposed Jordan Cove LNG terminal, such that Jordan Cove lacks authority to site, construct, or operate the Jordan Cove LNG terminal. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the third sentence, and on this basis deny them.

194. Defendants deny the allegation in this paragraph that Jordan Cove will be operational in the first quarter of 2018.

195. Defendants deny the allegations in this paragraph and aver that Jordan Cove lacks authority to site, construct, or operate the Jordan Cove LNG terminal.

196. Defendants deny the allegations in this paragraph.

197. The allegations in this paragraph characterize and quote from a letter from Governor John Hickenlooper to DOE and FERC, which speaks for itself and is the best evidence of its contents.

198. Defendants deny the allegations in this paragraph.

199. Defendants deny the allegation in this paragraph and aver that according to EIA, approximately 14 percent of the natural gas delivered to LNG export facilities (feed gas) is used for liquefaction processes.

200. Defendants deny the allegations in this paragraph.

201. Defendants deny the allegations in this paragraph. The allegations are also comprised of conclusions of law to which no response is required.

“IV. CURRENT SCIENCE ON GLOBAL CLIMATE CHANGE AND OCEAN ACIDIFICATION”

202. Defendants admit the allegations in the first and second sentences that there is a scientific consensus that the buildup of GHGs (including CO₂) due to human activities (including the combustion of fossil fuels) is changing the global climate at a pace and in a way that

threatens human health and the natural environment. With respect to the third sentence, Defendants admit that GHG emissions (including CO₂) from fossil fuel combustion have contributed to increasing atmospheric GHG concentrations and therefore, the global energy imbalance in the climate system. Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in the third sentence.

203. Defendants deny the allegations in the first sentence and aver that atmospheric CO₂ concentrations over 280 ppm have led to an energy imbalance compared to the pre-industrial era. Defendants deny the allegation in the second sentence that the energy imbalance is now approximately 0.6 Watts/m². Defendants aver that the best estimate of radiative forcing change from 1750 to 2019 is 2.72 Watts/m² averaged over the entire planet and that the current energy imbalance is estimated to be 0.79 (0.52 to 1.06) Watts/m² during the 2006-2018 period. Defendants lack sufficient knowledge or information sufficient to form a belief about the truth of the remaining allegations in this sentence, and on this basis deny them.

204. The allegations characterize and quote from the 2014 National Climate Assessment, which speaks for itself and is the best evidence of its content.

205. Defendants admit the allegations in the first sentence. With respect to the second sentence, Defendants admit that GHGs in the atmosphere slow the release of heat into space, keeping the Earth warmer than it would be otherwise, and that increasing GHG *concentrations* in the atmosphere will therefore lead to further warming. The remaining allegations in the second sentence are too vague for Defendants to admit or deny.

206. Defendants admit the allegations in the first sentence. Defendants admit the allegations in the second and third sentences that CO₂ emissions are currently altering the

atmosphere's composition and will continue to alter Earth's climate for thousands of years. Defendants deny the remaining allegations as stated.

207. The allegations in this paragraph, and in particular Plaintiffs' use of the term "danger zone," as too vague for Defendants to admit or deny. Defendants aver that current and projected concentrations of six well-mixed greenhouse gases in the atmosphere, including CO₂, threaten the public health and welfare of current and future generations.

208. Defendants admit the allegation in the first sentence that in 2013, daily average atmospheric CO₂ concentrations (measured at the Mauna Loa Observatory) exceeded 400 ppm for the first time in millions of years. With respect to the second sentence, Defendants admit that average atmospheric CO₂ concentrations were approximately 280 ppm in the late 1700s. The remaining allegations in this sentence are too vague to admit or deny. With respect to the third sentence, Defendants admit that stabilizing atmospheric CO₂ concentrations will require deep reductions in CO₂ emissions. Defendants lack sufficient knowledge or information to determine the truth of the remaining allegations in this sentence.

209. Defendants deny the allegation in the first sentence that monthly global average CO₂ concentrations exceeded 400 ppm for the first time in March 2015, and aver that that monthly global average CO₂ concentrations exceeded 400 ppm for the first time in February 2015. Defendants admit that these are levels that were unprecedented for at least 2.6 million years. With respect to the second sentence, Defendants admit that atmospheric CO₂ concentrations have risen more than 120 ppm since the late 1700s, and about half of that increase occurred after 1980.

210. Defendants deny that the Earth has now warmed about 0.9°C above pre-industrial temperatures and aver that global average temperatures over the past decade (2012–2021) were

close to 2°F (1.1°C) warmer than the preindustrial period (1850–1899). Evidence from multiple proxy-based reconstructions of the past indicates that the rate of increase of global surface temperatures observed over the past several decades is unprecedented over the past 2,000 years.

211. With respect to the first and second sentences, Defendants admit that the more rapid the rate of climate change, the more challenging it is for humans and natural systems to adapt to it. The remaining allegations in the first sentence are too vague for Defendants to admit or deny. Defendants lacks sufficient knowledge or information to determine the truth of the allegations in the second and third sentences, and on this basis deny them.

212. The allegations consist of legal conclusions to which no response is required.

“V. EXISTING IMPACTS OF CLIMATE CHANGE ACROSS THE NATION”

213. With respect to the first sentence, Defendants admit that climate change is damaging human and natural systems, increasing the risk of loss of life, and requiring adaptation on larger and faster scales than current species have successfully achieved in the past, potentially increasing the risk of extinction or severe disruption for many species. The allegations in the second sentence are too vague and speculative for Defendants to admit or deny. Defendants aver that current and projected atmospheric concentrations of six well-mixed GHGs, including CO₂, threaten the public health and welfare of current and future generations, and this threat will mount over time as GHGs continue to accumulate in the atmosphere and result in ever greater rates of climate change.

214. The allegations in the paragraph are too vague and speculative for Defendants to admit or deny. Further, the assertions characterize and reference “[r]ecent scientific reports,” which speak for themselves and are the best evidence of their contents. To the extent a response is required, Defendants acknowledge that scientific assessments of the IPCC and the National

Academies have projected sea level rise by the end of the next century to the range of 0.28 meters to 2.0 meters relative to the year 2000 (depending on the assessment, the emissions scenario, and the response of the Greenland and Antarctic ice sheets), and that sea level rise would lead to increases in flooding and other damages in coastal and island communities.

Defendants deny the remaining allegations in this paragraph as stated.

215. The allegations in this paragraph are too vague for Defendants to admit or deny. To the extent a response is required, Defendants aver that scientific assessments of the IPCC and the National Academies projected sea level rise by the end of the next century to range from of 0.28 meters to 2.0 meters relative to the year 2000 (depending on the assessment, the emissions scenario, and the response of the Greenland and Antarctic ice sheets), and that the sea level would continue to rise for several centuries even after atmospheric greenhouse gas concentrations were stabilized.

216. The allegations in the first sentence, and in particular Plaintiffs' use of the term "danger zone," are too vague to admit or deny. With respect to the second sentence, Defendants admit that current and projected atmospheric concentrations of six well-mixed GHGs, including CO₂, threaten the public health and welfare of current and future generations, including through warming of land surfaces and oceans, and changes in the hydrologic cycle (including changes to atmospheric moisture levels and rainfall patterns) and circulation of the atmosphere. Defendants otherwise deny the allegations in this paragraph as stated.

217. With respect to the first sentence, Defendants admit that between 1901 and 2021 the average surface temperature across the United States and globally rose at an average rate of 0.17°F per decade. Defendants aver that temperatures in the contiguous United States have risen by 2.5°F and temperatures in Alaska by 4.2°F since 1970. With respect to the second sentence,

Defendants admit that human activity (in particular, elevated concentrations of GHGs) is likely to have been the dominant cause of observed warming since the mid-1900s. Plaintiffs characterize the 1965 White House Report, which speaks for itself and is the best evidence of its contents. With respect to the third sentence, Defendants deny that the Earth has now warmed about 0.9°C above pre-industrial temperatures and aver that the Earth has now warmed about 1.1°C above pre-industrial temperatures. With respect to the fourth sentence, Defendants admit that the average rate of warming over the past 30 years has been higher than over the past 100 years. With respect to the fifth sentence, Defendants deny that 2014 was the “hottest on record” and aver that 2023 was the warmest year to date on record.

218. Defendants deny that sea levels have been rising at an average rate of 3.2 millimeters per year, admit the remaining allegations in the first and second sentence, and aver that sea levels had been rising with an average rate of 2.3 (1.6 to 3.1) millimeters per year over the period 1971-2018, increasing to 3.7 (3.2 to 4.2) millimeters per year over the period 2006-2018. Defendants admit the allegation in the third sentence that this rate is faster than the rate over the past century. Defendants admit the allegation in the fourth sentence that rising relative sea levels (which are a function of global sea level and local factors such as land subsidence or uplift) have caused increased flooding in many communities. Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in the fourth through sixth sentences, and on this basis deny them.

219. Defendants admit the allegation in the first sentence that rising sea levels along coastal states lead to the inundation of low-lying lands and beaches, loss of wetlands, and increased salinity of near-coastal estuaries and aquifers and the allegation in the second sentence that approximately 20 square miles of land along the Atlantic Coast were converted to open

water between 1966 and 2011. Defendants admit the allegation in the third sentence. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the fourth sentence, and on this basis deny them. The remaining allegations in the paragraph are too vague for Defendants to admit or deny.

220. Defendants admit that climate change is associated with increases in hurricane intensity and increased frequency of intense storms and heavy precipitation, and that the number of very heavy precipitation events has been significantly above average since 1991. Defendants deny that across the United States, nine of the top ten years for extreme one-day precipitation events have occurred since 1990 and aver that nine of the top ten years for extreme one-day precipitation events have occurred since 1996. Defendants deny the remaining allegations in the paragraph as stated.

221. Defendants admit that there have been and will continue to be changes in the nation's water cycle as a result of climate change, including more winter and spring precipitation in the northern United States and less precipitation in the Southwest (and more intense droughts projected for the Southwest). Defendants admit that because of increasing temperatures, as well as changes in variability in some regions, drought is expected to increase across most of the central and southern United States—even in regions with increasing precipitation. Defendants admit that prolonged heat events in recent years have been the most extreme on record and that climate change has contributed to these events, but aver that some regions had more intense short-duration heat waves in the 1930s. Defendants deny the remaining allegations in this paragraph as stated.

222. Defendants deny that the average extent of North American snow cover decreased at a rate of about 3,300 square miles per year between 1972 and 2015, and aver that between

1972 and 2020, the average extent of North American snow cover decreased at a rate of about 1,870 square miles per year. Defendants admit that the largest decreases occur in spring and summer, and aver that the United States snow cover season has become shorter by nearly two weeks. Defendants admit that reduced snowpack impacts freshwater management and supply. The remaining allegations in the paragraph are too vague for Defendants to admit or deny. To the extent a response is required, Defendants deny the remaining allegations as stated.

223. Defendants admit the allegation that Arctic sea ice is declining. The remainder of the first sentence is too vague to admit or deny. Defendants deny the allegation in the second sentence that Arctic sea ice in September 2013 was 700,000 square miles below the 1981-2010 average for the same period and aver that the Arctic sea ice extent in September 2013 was 464,000 square miles below the September average for 1981–2010. With respect to the third sentence, Defendants deny that the Arctic sea ice extent in September 2014 was 479,000 square miles below the September average for 1981–2010 and aver that the Arctic sea ice extent in September 2014 was 461,000 square miles below the September average for 1981–2010. The allegations in the fourth and fifth sentences are too vague to admit or deny.

224. With respect to the first, second, and third sentences, Defendants admit that there has been an increase in permafrost thaw in Alaska, that as organic matter frozen in the permafrost thaws (including from peat bogs) it will decay, creating emissions of methane and CO₂ that can lead to more warming, and that methane releases from Arctic permafrost have been observed. With respect to the fourth sentence, Defendants deny the allegations and aver for every degree Celsius of global warming, an additional emission of CO₂ of 18 (3.1 to 41) petagrams of carbon will be released by 2100. Defendants deny the remaining allegations in the paragraph as stated.

225. With respect to the first sentence, Defendants admit that glaciers have been receding on average within the United States. With respect to the second sentence, Defendants admit that in 1850 there were an estimated 150 glaciers in Glacier National Park, Montana, and that as of 2010 there were only twenty-five glaciers larger than twenty-five acres in Glacier National Park. With respect to the third sentence, Defendants admit that every glacier in the Brooks Range of northern Alaska studied by the United States Geological Survey (“USGS”) in a 2010 report was in retreat. Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in this paragraph, and on this basis deny them.

226. With respect to the first sentence, Defendants admit that melting of mountain glaciers due to climate change can impact the timing of water flow downstream, which can have adverse impacts on water systems and flooding, including for areas that rely on snow melt for irrigation and water supply. The remainder of the first sentence is too vague to admit or deny. Defendants admit the allegations in the second sentence. With respect to the third and fourth sentences, Defendants admit that as temperatures warm, areas reliant on snow melt for irrigation and drinking water supplies will be impacted, and in the western United States increasing snow melt will increase flooding in some mountain watersheds. Defendants deny the remaining allegations in the paragraph as stated.

227. Defendants admit the allegations in the first sentence. With respect to the second sentence, Defendants admit that climate change may increase the prevalence of parasites and diseases that affect livestock, increase the range and distribution of weeds and pests, and cause changes in precipitation patterns and extreme weather events, and that reductions in water availability may all result in reduced agricultural productivity. Defendants admit that anthropogenic climate change in the United States has produced warmer summers, but lack

sufficient knowledge or information to form a belief about the truth of the remaining allegations in this sentence. Defendants admit the allegations in the fourth sentence to the extent that, under warming conditions, in Alaska there are spruce beetles that mature in one year rather than two years. Defendants admit the allegations in the fifth sentence that various beetles have killed millions of hectares of trees across the United States but denies the remaining allegations. Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in this sentence.

228. Defendants admit the allegation in the first sentence that climate change effects on agriculture will have consequences for food security. The remainder of the first sentence is too vague for Defendants to admit or deny. Defendants lack sufficient knowledge or information to determine the truth of the allegations in the second sentence and on that basis deny them. With respect to the third sentence, Defendants admit that climate change is predicted to decrease crop yield, increase crop prices, and decrease the concentrations of protein and essential minerals in crops such as wheat and rice, which lowers these crops' nutritional value. Defendants lack sufficient knowledge or information to determine the truth of the remaining allegations in the third sentence and on that basis deny them.

229. The allegations in the first sentence that increased wildfires threaten forest property is admitted. The remaining allegations in the first sentence are too vague for Defendants to admit or deny. Defendants deny the allegations in the second sentence and aver that the average number of wildfires between 1983-2021 was 70,000 per year. Defendants deny the allegation in the third sentence and aver that the ten years with the highest acreage burned between 1983 and 2021 have all occurred since 2004.

230. Defendants deny the allegation in the first sentence and aver that an increase in surface ocean acidity (and a decrease in aragonite saturation levels) has adverse impacts on ocean organisms that use carbonate in their shells and skeletons, placing a number of such organisms at risk and impacting larger ecosystems as well. Defendants admit the allegations in the second sentence and aver that the oceans have absorbed about 28 percent of the CO₂ produced by human activities over the past 250 years, leading to an increase in surface ocean acidity of about 30 percent. Defendants otherwise deny the remaining allegations in the paragraph.

231. Defendants deny the allegations in the second sentence and aver that ocean acidity is increasing at a rate 50 times faster than observed in at least the past 100,000 years. With respect to the third sentence, Defendants admit that increased acidity makes it more difficult for certain organisms to build and maintain their skeletons and shells (including corals, oysters, clams, scallops, mussels, abalone, crabs, geoducks, barnacles, sea urchins, sand dollars, sea stars, sea cucumbers, some single-celled organisms, and protists), putting a number of such organisms and certain forms of seaweed at risk, and thereby impacting larger ecosystems. The allegations in the first and fourth sentences are too vague and speculative for Defendants to admit or deny; to the extent a response is required, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them.

232. Defendants admit that under some high-emission scenarios the allegation in the first sentence that surface ocean waters could be nearly 150 percent more acidic and aver that the oceans have probably not experienced this rate of change in pH for 100 million years. Defendants deny the remainder of the first sentence as stated. Defendants lack sufficient

knowledge or information to form a belief about the truth of the allegations in the second sentence, and on this basis deny them. Defendants admit the allegations in the third sentence.

233. Defendants admit that coral reefs are threatened by increasing acidity. The remainder of the first sentence is too vague for Defendants to admit or deny. Defendants deny the allegations in the second sentence. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in the third sentence, and on this basis deny them.

234. Defendants admit the allegations in the first sentence and aver that under a business-as-usual scenario major United States coral reefs will experience extensive bleaching and dramatic loss of shallow coral cover by 2050, and near complete loss by 2100. With respect to the second sentence Defendants deny that coral cover in Hawaii is projected to decline from 38 percent (current coral cover) to approximately 5 percent by 2050, with further declines thereafter, and aver that, under a very high emissions scenario coral cover in Hawaii is projected to decline from 38 percent to approximately 11 percent by 2050, with further declines thereafter. With respect to the third sentence Defendants admit that, under a business-as-usual scenario, as of 2015 when the Amended Complaint was filed, in Florida and Puerto Rico—where temperatures were already close to bleaching thresholds and where reefs have historically been affected by non-climate stressors—coral was projected to disappear even faster than in Hawaii. With respect to the fourth sentence, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations, and on this basis deny them.

235. With respect to the first sentence, Defendants admit that climate change and ocean acidification threaten the survival of plants, fish, and wildlife, and also threaten biodiversity. With respect to the second and third sentences, Defendants admit that there is an

increase in the risk of species extinctions due to the rate of climate change and ocean acidification, that many species will face changes in abundance, distribution, and species interactions, and that some of these changes will have adverse impacts for ecosystems and humans. Defendants otherwise deny the allegations.

236. The allegations in the first sentence are too vague for Defendants to admit or deny; to the extent a response is required, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them. With respect to the second, third, and fifth sentences, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them. The fourth sentence characterizes the NOAA Fisheries Endangered and Threatened Marine Species list, which speaks for itself and is the best evidence of its contents.

237. With respect to the first sentence, Defendants admit that climate change is likely to be associated with an increase in allergies, asthma, cancer, cardiovascular disease, stroke, heat-related morbidity and mortality, food-borne diseases, injuries, toxic exposures, mental health and stress disorders, and neurological diseases and disorders relative to a future without that climate change. With respect to the allegations in the second sentence, Defendants admit that climate change impacts endanger human health by affecting the air humans breathe, food and water sources, and human interactions with built and natural environments. With respect to the allegations in third sentence, Defendants admit that climate change increases the prevalence and geographic distribution of occurrences of some infectious diseases. Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in this paragraph, and on this basis denies them.

238. Defendants lack sufficient knowledge or information to form a belief about the

truth of the allegations in this paragraph and aver that at least 9,000 Americans had died from heat-related illnesses since 1979. Defendants admit the allegations in the second and third sentences. With respect to the fourth sentence, Defendants admit that longer growing seasons resulting from increased temperatures have allowed ragweed to produce pollen for a longer period, exacerbating the effects of ragweed allergies. Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in this paragraph, and on this basis denies them.

239. The allegations in the first sentence are too vague for Defendants to admit or deny; to the extent a response is required, Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations, and on this basis deny them. The remaining allegations characterize and quote from a Quadrennial Defense Review, which speaks for itself and is the best evidence of its contents.

240. The allegations in this paragraph appear to characterize a Quadrennial Defense Review, which speaks for itself and is the best evidence of its contents.

241. Defendants admit the allegation that significant climate impacts have already occurred in the United States. The remaining allegations in the first sentence are too vague for Defendants to admit or deny. The allegations in the second sentence are too vague for Defendants to admit or deny. With respect to the third and fourth sentences, Defendants admit that positive feedbacks and potential tipping points for some biological or physical systems exist, and that some changes may be irreversible. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations concerning impacts on Plaintiffs; the remaining allegations in this paragraph are too vague for Defendants to admit or deny.

“VI. FUTURE NATIONAL CLIMATE IMPACTS EXPECTED BY 2050 AND 2100”

242. Defendants admit the allegations in this paragraph.

243. With respect to the allegations in the first, second, and third sentences, Defendants admit that relative sea level rise may be higher than the global average in areas with land subsidence or changes in ocean currents such as the land around the Gulf of Mexico and the East Coast, lack sufficient knowledge or information to determine the truth of the remaining allegations, and aver that scientific assessments of the IPCC and the National Academies projected sea level rise by the end of the next century to range from of 0.28 meters to 2.0 meters relative to the year 2000. Defendants admit the allegations in the fourth and fifth sentences. Defendants lack sufficient knowledge or information to determine the truth of the allegations in the sixth sentence. Defendants deny the remaining allegations in the paragraph.

244. The allegations in this paragraph are too vague for Defendants to admit or deny. To the extent a response is required, Defendants admit that non-linear changes in the Greenland and Antarctic ice sheets could contribute to additional sea level rise.

245. With respect to the first sentence, Defendants admit that global temperatures are projected to increase by 1.8° to 10° Fahrenheit by 2100, relative to the 1850-1900 period, depending on future emissions and the responsiveness of the climate system, and that more warming is expected on land and at higher latitudes; Defendants deny the remainder of the first sentence as stated. With respect to the second sentence, Defendants lack sufficient knowledge or information to determine the truth of the allegations and deny them on that basis.

246. The allegations in the first, second, third, fourth, and fifth sentences appear to characterize an EPA-funded study, “Ensemble Projections of Wildfire Activity and Carbonaceous Aerosol Concentrations over the Western United States in the Mid-21st

Century,” which speaks for itself and is the best evidence of its contents. With respect to the allegations in the sixth sentence, Defendants deny the allegations and aver that polar bears are listed as “threatened” under the Endangered Species Act. With respect to the allegations in the seventh sentence, Defendants admit that polar bears are sensitive to climate change because of sea ice retreat, and that polar bear populations are projected to decline in the Beaufort Sea region. The allegations in the eighth and ninth sentences are too vague for Defendants to admit or deny. Defendants otherwise deny the allegations in this paragraph.

247. With respect to the first sentence, Defendants admit that global temperatures are projected to increase by 1.8 to 10° Fahrenheit by 2100 relative to the 1850-1900 period. Defendants deny the remainder of the first sentence as stated. Defendants admit the allegations in the second sentence. With respect to the third sentence, Defendants admit that projections under a higher-emissions scenario suggest that the number of heat-wave days will increase in U.S. cities, resulting in more deaths relative to a future without climate change. The remainder of the third sentence is too vague to admit or deny; to the extent a response is required, Defendants lack sufficient knowledge or information to determine the truth of the remaining allegations.

248. Defendants admit that potential climate change impacts on water resources vary between regions; admit that there have been and will continue to be changes in the nation’s water cycle as a result of climate change, including more winter and spring precipitation in the northern United States (except for the Northwest in the spring) and less precipitation in the Southwest (particularly in the spring); and admit that, because of increasing temperatures and changes in variability in some regions, drought is expected to increase across most of the central and southern United States, even in regions with increasing precipitation. The

remaining allegations in this paragraph are too vague for Defendants to admit or deny; to the extent a response is required, Defendants lack sufficient knowledge or information to determine the truth of the remaining allegations.

249. With respect to the first sentence, Defendants admit that much of the Northwest's water is stored naturally in winter snowpack in the mountains and that climate change threatens this natural storage by changing the timing of snow melt and the amount of water available in streams and rivers (stream flow) throughout the year, reducing water supplies for competing demands. Defendants admit the allegations in the second sentence. With respect to the third sentence, Defendants admit that in the Northwest, summer temperature increases (and in certain basins, increased river flooding and winter flows, and decreased summer flows), will threaten many freshwater species, particularly salmon, steelhead, and trout; and further admit that rising temperatures will increase disease and mortality in several iconic salmon species. Defendants lack sufficient knowledge or information to determine the truth of the remaining allegations in the third sentence.

250. Defendants admit that a single study determined that faster decomposition of salmon corpses in warmer climates would lead to 11 to 14 percent less carcass biomass available to bald eagles near Puget Sound, not taking into account changes in stream flow. Defendants otherwise deny the allegations in this paragraph as stated.

251. The allegations characterize a Department of Homeland Security mass migration plan, which speaks for itself and is the best evidence of its contents.

252. Defendants admit the allegation in the first sentence that some climate change projections estimate an increase in monetary damages associated with inland flooding across most of the contiguous United States. With respect to the second sentence, Defendants admit

that an EPA study projected that without reductions in GHGs, an estimated 190,000 inland bridges would be structurally vulnerable because of climate change by the end of the century, with an adaptation cost of about \$170 billion between 2010 and 2050. With respect to the third sentence, Defendants admit that the same EPA study projected that in the Northwest, a region including Washington and parts of Oregon and Idaho, 56 percent of inland bridges are identified as vulnerable in the second half of the 21st Century. Defendants otherwise deny the allegations in this paragraph as stated.

253. Defendants deny that without reductions in greenhouse gas emissions, adaptation costs in 2100 associated with a 50-year 24-hour storm in 50 United States cities are projected to range from \$1.1 to \$12 billion and that climate change is projected to result in \$5 trillion in damages for coastal property. Defendants aver that without reductions in greenhouse gas emissions, adaptation costs in 2100 associated with updating urban drainage to handle the 50-year 24-hour storm in 50 United States cities are projected to range from \$4.1 to \$5.6 billion. Defendants also aver that, without taking adaptation measures, unmitigated climate change is projected to result in \$3.6 trillion in damages for coastal property due to sea level rise, but that when adaptation measures are taken damages can be reduced to \$800 billion (including the cost of the adaptation measures). Defendants otherwise deny the allegations in this paragraph as stated.

254. Defendants deny that increases in extreme heat would lead to a decrease of 1.8 billion labor hours, with about \$170 billion in lost wages in 2100. Defendants aver that an EPA study projected that under very high emissions, increases in extreme heat would lead to unsuitable working conditions and a large negative impact on United States labor hours—specifically, a decrease of 1.9 billion labor hours, with about \$160 billion in lost wages in 2090,

and under a moderate emissions scenario, a decrease of 1.0 billion labor hours, with about \$85 billion in lost wages in 2090. The remaining allegations in this paragraph are too vague for Defendants to admit or deny; to the extent a response is required, Defendants lack sufficient knowledge or information to determine the truth of the remaining allegations.

255. Defendants admit the allegations in the first sentence. With respect to the allegations in the second sentence, Defendants admit that climate change is expected to increase ground-level ozone pollution over broad areas of the country relative to a future without climate change due to surface temperature and other impacts, including large metropolitan population centers, and admit that ground-level ozone can affect the respiratory system, including through irritation of the airways, reductions in lung function, aggravation of asthma, and airway inflammation. Defendants lack sufficient knowledge or information to determine the truth of the allegations in the third sentence. Defendants deny the remaining allegations in this paragraph as stated.

“VII. RESTORING THE ENERGY BALANCE AND PROTECTING AGAINST A DANGEROUS DESTABILIZED CLIMATE SYSTEM IS POSSIBLE BASED ON BEST AVAILABLE SCIENCE”

256. The allegations in this paragraph consist of conclusions of law to which no response is required. To the extent a response is required, Defendants deny the allegations.

257. Defendants deny the allegations and aver that there is no scientific consensus that 350 ppm is the maximum safe level of atmospheric CO₂ concentration that is necessary to restore a stable climate system.

258. Defendants lack sufficient knowledge or information to form a belief about the truth of the allegations in this paragraph. Defendants aver that there is no scientific consensus that 350 ppm is the maximum safe level of atmospheric CO₂ concentration that is necessary to restore a stable climate system.

259. Defendants lack sufficient knowledge or information to determine the truth of the allegations in the first sentence. With respect to the second sentence, Defendants admit that the oceans have absorbed about 26 percent of the CO₂ produced by human activities from 1850 to 2022, leading to an increase in surface ocean acidity of about 30 percent, with impacts on those ocean organisms that use carbonate in their shells and skeletons, putting a number of such organisms at risk and thereby impacting larger ecosystems as well. Defendants deny the remainder of the second sentence as stated. Defendants lack sufficient knowledge or information to determine the truth of the allegations in the third sentence.

260. With respect to the first sentence, Defendants admit that scientific evidence shows that elevated CO₂ concentrations have caused ocean acidification and ocean warming. Defendants aver that important details of the effects of elevated CO₂ on the ocean and the marine environment are not fully understood. Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in this sentence, and on this basis deny them. With respect to the second and third sentences, Defendants admit that scientific evidence shows that elevated CO₂ levels have caused adverse effects to coral reefs and associated wildlife. Defendants aver that there is uncertainty on the long-term effects of elevated CO₂ on coral reefs and associated wildlife. Defendants lack sufficient knowledge or information to form a belief about the truth of the remaining allegations in the second and third sentences, and on this basis deny them.

261. Defendants admit that current action by the United States will not achieve global atmospheric CO₂ levels of 350 ppm by the end of the century. Defendants deny the allegation that current actions by Defendants are not based on any scientific standard. Defendants lack sufficient knowledge or information to determine the truth of the remaining allegations.

262. Defendants deny the allegations in this paragraph.

“VIII. THE FEDERAL GOVERNMENT’S ADMISSIONS OF ITS PUBLIC TRUSTEE OBLIGATIONS”

263. The allegations consist of legal conclusions to which no response is required.

264. The allegations quote from and characterize the National Environmental Policy Act, 42 U.S.C. § 4331(b)(1), which speaks for itself and is the best evidence of its contents.

265. The allegations quote from and characterize federal statutes, 42 U.S.C. § 9607 and 33 U.S.C. § 2706, which speak for themselves and are the best evidence of their contents.

266. The allegations quote from and characterize a federal statute, 42 U.S.C. § 9607, and a federal regulation, 42 C.F.R. § 300.600, which speak for themselves and are the best evidence of their contents.

267. The allegations consist of legal conclusions to which no response is required.

268. The allegations consist of legal conclusions to which no response is required.

269. The allegations consist of legal conclusions to which no response is required.

270. The allegations consist of legal conclusions to which no response is required.

271. The allegations consist of legal conclusions to which no response is required.

272. The allegations consist of legal conclusions to which no response is required.

273. The allegations consist of legal conclusions to which no response is required.

The allegations are also too vague for Defendants to admit or deny.

274. The allegations quote from and characterize a complaint filed against British Petroleum, which speaks for itself and is the best evidence of its contents.

275. The allegations appear to characterize a 1965 White House Report, “Restoring the Quality of Our Environment,” which speaks for itself and is the best evidence of its contents.

276. The allegations in the first sentence are too vague for Defendants to admit or

deny. To the extent a response is required, Defendants lack sufficient knowledge or information to determine the truth of the allegations in the first sentence and deny them on that basis. The allegations in the second and third sentences constitute legal conclusions to which no response is required.

276-A. The allegations in the first and sixth sentences consist of Plaintiffs' prayers for relief to which no response is required. The allegations in the remaining sentences constitute legal conclusions to which no response is required.

"CLAIMS FOR RELIEF"

**"First Claim for Relief
Violation of the Due Process Clause of the Fifth Amendment"**

277. Defendants incorporate all preceding paragraphs set forth in this Answer as if set forth in full here.

278. The allegations constitute legal conclusions to which no response is required.

279. The allegations constitute legal conclusions to which no response is required.

280. The allegations in the first sentence are too vague for Defendants to admit or deny. To the extent a response is required, Defendants lack sufficient knowledge or information to determine the truth of the allegations and deny them on that basis. The allegations in the second, third, and fourth sentences constitute legal conclusions to which no response is required.

281. The allegations constitute legal conclusions to which no response is required.

282. The allegations constitute legal conclusions to which no response is required.

283. The allegations constitute legal conclusions to which no response is required.

284. The allegations constitute legal conclusions to which no response is required.

285. The allegations constitute legal conclusions to which no response is required.

286. The allegations constitute legal conclusions to which no response is required.

287. The allegations constitute legal conclusions to which no response is required.

288. The allegations constitute legal conclusions to which no response is required.

289. The allegations constitute legal conclusions to which no response is required.

**“Second Claim for Relief
Violation of Equal Protection Principles
Embedded in the Fifth Amendment”**

290. Defendants incorporate all preceding paragraphs set forth in this Answer as if set forth in full here.

291. The allegations constitute legal conclusions to which no response is required.

292. The allegations constitute legal conclusions to which no response is required.

293. The allegations constitute legal conclusions to which no response is required.

294. The allegations constitute legal conclusions to which no response is required.

295. The allegations constitute legal conclusions to which no response is required.

296. The allegations constitute legal conclusions to which no response is required.

297. The allegations constitute legal conclusions to which no response is required.

298. The allegations constitute legal conclusions to which no response is required.

299. The allegations constitute legal conclusions to which no response is required.

300. The allegations constitute legal conclusions to which no response is required.

301. The allegations constitute legal conclusions to which no response is required.

**“Third Claim for Relief
The Unenumerated Rights Preserved for the People
by the Fifth Amendment”**

302. Defendants incorporate all preceding paragraphs set forth in this Answer as if set forth in full here.

303. The allegations constitute legal conclusions to which no response is required.

304. The allegations constitute legal conclusions to which no response is required.

305. The allegations constitute legal conclusions to which no response is required.

306. The allegations constitute legal conclusions to which no response is required.

**“Fourth Claim for Relief
Violation of the Public Trust Doctrine”**

307. Defendants incorporate all preceding paragraphs set forth in this Answer as if set forth in full here.

308. The allegations constitute legal conclusions to which no response is required.

309. The allegations constitute legal conclusions to which no response is required.

310. The allegations constitute legal conclusions to which no response is required.

“PRAYER FOR RELIEF”

The remaining allegations set forth in the Complaint consist of Plaintiffs’ prayers for relief to which no response is required. To the extent a response is required, Defendants deny that Plaintiffs are entitled to the relief requested or any relief whatsoever.

GENERAL DENIAL

Defendants deny any and all allegations in the Complaint, whether express or implied, that are not otherwise specifically admitted, denied, or qualified herein.

AFFIRMATIVE DEFENSES

Defendants state the following affirmative defenses:

1. Plaintiffs’ claims do not present an Article III case or controversy.
2. Plaintiffs’ claims are barred by a lack of standing.
3. Plaintiffs fail to state a claim upon which relief may be granted for some or all of the claims in the Complaint.

4. Plaintiffs' requested relief contains improper collateral attacks on agency actions, which are prohibited by the Administrative Procedure Act.
5. Plaintiffs failed to exhaust their administrative remedies.
6. Plaintiffs' claims are preempted by the Clean Air Act.
7. Plaintiffs' requested relief seeks effective repeal of numerous duly enacted federal statutes.
8. Plaintiffs' requested relief seeks effective vacatur of numerous duly issued federal regulations in violation of the separation of powers principles implicit in the Constitution.
9. Plaintiffs' requested relief is barred by Article I of the Constitution, which vests legislative powers in the Congress.
10. Plaintiffs' requested relief is barred by Article II, which vests executive powers in the President.
11. Plaintiffs' requested relief is barred by international agreements entered into by the United States.
12. Plaintiffs' requested relief is barred by separation of powers principles implicit in the Constitution.
13. Plaintiffs' claims raise non-justiciable political questions.

Dated: February 27, 2024

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