

**Conservation Groups' Motion to Intervene**

**Exhibit 1**

**Supporting Declarations**

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## DECLARATION OF HALLIE TEMPLETON

I, Hallie Templeton, declare as follows:

1. I have personal knowledge of the matters asserted in this declaration, and if called upon to testify would state the same.

2. I am the Legal Director for Friends of the Earth (FoE), a 501(c)(3) non-profit, membership-based organization with offices located in California and Washington, DC. FoE currently has over 5 million activists and over 225,000 members, located across all 50 states and the District of Columbia. FoE's primary mission is to defend the environment and champion a more healthy and just world by collectively ensuring environmental and social justice, human dignity, and respect for human rights and peoples' rights. I am also a member of FoE.

3. FoE board members, staff, and members are dedicated to fighting climate change and advocating for clean energy alternatives. FoE's Climate & Energy and Oceans & Vessels programs directly engage in administrative and legal advocacy to protect the environment and society from climate change, pollution, and industrialization associated with fossil fuel development and greenhouse gas emissions. Key to this work is fighting to reduce greenhouse gas emissions and domestic reliance on fossil fuels, and advance clean energy. This work depends in large measure on the Department of the Interior and Bureau of Land Management (BLM)'s discretion to determine whether, when, where, and how much federal public land is leased for oil and gas development.

4. FoE board members, staff, and members use and enjoy federal public lands near where oil and gas development is occurring, has been proposed, and/or could be proposed again in the future. These broad uses include recreational and commercial activities such as camping, hiking, wildlife viewing, photography, paddling, swimming, meditating, and fishing. Their

enjoyment of these activities is heavily dependent on the health and abundance of the surrounding ecosystem. FoE members and staff specifically use and enjoy undisturbed areas of the Intermountain West for these activities and would experience harm from continued oil and gas lease sales in the region. Our members frequently enjoy hunting, fishing, and wildlife viewing in this region, and have expressed grave concern over oil and gas activity's impacts to the nearby ecosystem and water quality, and animal health and welfare. These members have stopped hunting and fishing certain areas in the Intermountain West entirely due to degradation from nearby oil and gas development.

5. Oil and gas leasing and development often impairs these interests. For example, once clear and healthy rivers, streams, and lakes near Casper, Wyoming are now degraded from nearby oil and gas development. Not only has this prevented one FoE member from frequenting these waters for his customary fishing lifestyle, but he also refrains from recreating there with his dog, who he once frequently allowed to swim during walks and other visits.

6. FoE and its board members, staff, and members are also impacted by the significant impacts of climate change, which are caused in part by federal onshore oil and gas leasing and development. Rising sea levels and increased storm activity and floods are tied to climate change, which has become more rampant and deadly in recent years. In January 2023, California went from an extreme drought to historic, widespread flooding and associated destruction, killing at least 19 people, tolling damages up to \$1 billion, and devastating the State's critical agriculture industry. In June 2022, unprecedented rainfall and snowmelt caused 500-year flooding, along with rockslides and mudslides, in Yellowstone National Park. The flooding severely damaged critical park infrastructure. Climate change has also been linked with increased frequency, extent, and severity of wildfires throughout the region, which has wreaked

havoc on transportation, water supply, air quality, crops, and more. Finally, climate change impacts natural resources and exacerbates stress on vulnerable wildlife species and their habitats throughout the Intermountain West. FoE members and staff located throughout the region have no doubt felt harms from these climate-change tragedies, and more.

7. Harms from climate change are also directly related to the work that FoE does through its Ocean & Vessels and Climate & Energy programs. Sea change and storm intensity also affect our board, staff, and members who live, work, and recreate in coastal areas. Rising temperatures also shorten viable growing seasons, which are directly related to the work of our Food & Agriculture program. Truncated “frost-free” seasons impact our farmer and other food-producing partners, as well as all consumers. Finally, climate change is causing Arctic ice to melt at a rapid pace and the region is expected to become ice free within the next 50 years. FoE has an established Arctic Shipping campaign, which seeks to prevent harms of climate change on Arctic communities, Arctic food security, and Indigenous peoples’ cultures, all of which stand to be greatly impacted.

8. Since its inception in 1969, FoE has been dedicated to the reduction of greenhouse gas emissions and domestic reliance on fossil fuels, as well as the advancement of clean energy. To this end, we have been strong proponents of the “Keep It In The Ground” coalition campaign, which aims to protect public lands from fossil fuel extraction. Our work toward this goal includes organizing and hosting direct-action events, legislative advocacy and policy analysis, government scrutiny and accountability, publications of reports and easy-to-read fact sheets to help educate the public, as well as other communications, outreach, and social media. FoE also advocated for a pause on new oil and gas leasing, including collecting more than 45,000 petition signatures in support of pausing oil and gas leasing on federal lands and waters

and joining a December 15, 2020 letter to President Biden from 574 organizations calling for a day-one Executive Order placing a pause on new oil and gas leasing.

9. FoE has engaged in the administrative process for oil and gas leasing and, when necessary, challenged lease sales through litigation. Recent legal challenges include lease sales in Bakersfield, Kern County, California; the June 2022 BLM lease sale in Wyoming; the Arctic National Wildlife Research; the National Petroleum Reserve-Alaska and in the Central and Western Gulf of Mexico Planning Areas. More recent lease sales of significant concern to FoE are the proposed 2023 competitive oil and gas lease sales on federal public lands in Wyoming, Colorado, Utah, Wyoming, New Mexico, and Montana. For each of these sales, at both the scoping and final decision protest stages, FoE submitted formal letters advocating for BLM to either cancel or defer the sale of many proposed parcels and to address the serious, structural deficiencies in the federal oil and gas leasing program and implement meaningful leasing program reforms within the agency's legal authority and jurisdiction. FoE has scheduled numerous emails to its lists sharing opportunities for its members and activists to call for the same.

10. BLM's authority to determine the timing and scope of onshore lease sales, including not leasing at all when appropriate, benefits FoE and its board members, staff, and members in myriad ways. Indeed, this discretion helps each of the harms and impacts described above by allowing BLM to tailor lease sales to specific environmental and social needs, including postponing or canceling sales that would cause undue harm or environmental degradation. For example, FoE's advocacy around critical wildlife habitat helped contribute to BLM's decision to select the No Action Alternative—meaning no new leases—for the June 30, 2022 lease sale in Utah following the agency's protest period.

11. BLM’s exercise of this discretion reduces the likelihood of harms from oil and gas operations, including contamination of waterways and aquifers, degraded air quality, risk of oil spills, and wildlife disruptions, and helps combat climate change. It also enables BLM to better account for the various risks posed by fossil fuel extraction and more responsibly manage our public commons, including by ensuring any new fossil fuel leasing is consistent with climate protection, requires adequate royalties, and protects our natural resources, cultural heritages, and surrounding ecosystems.

12. If BLM’s broad discretion to determine whether, when, where, and how much public land to lease were eliminated or constrained, it would directly harm FoE’s interests, as well as those of its board, staff, and members. Requiring BLM to hold lease sales every three months would likely force continued and increased oil and gas leasing on public lands without proper consideration of the costs and benefits—something BLM is statutorily charged with evaluating—nor adequate measures to protect BLM-managed resources. Mandatory quarterly lease sales would also drain FoE’s resources by requiring additional time and effort to constantly advocate for our interests during the administrative processes for those sales—even if BLM eventually chooses not to offer or issue leases as part of a given sale. Such a requirement from the Court could also significantly delay or degrade the federal government’s ability to effectively address climate change, a key aspect of FoE’s mission.

I declare under penalty of perjury that the foregoing is true and correct.

January 26, 2023.



Hallie Templeton

## DECLARATION OF TRACY COPPOLA

I, Tracy Coppola, hereby declare as follows:

1. I have personal knowledge of the matters stated herein and, if called as a witness, could and would competently testify thereto.

2. I am the Colorado Senior Program Manager for the National Parks Conservation Association (NPCA). My office is in Denver. I have worked at NPCA since September of 2018 and am also an active member.

3. In my role, I oversee NPCA's advocacy work to protect and preserve the natural and cultural resources within Colorado's thirteen national park units and the interrelated landscapes that surround these units. I also work on outreach and education to connect people with these places and to build relationships with other stakeholders.

4. I have a professional and personal interest in advocacy, conservation, wildlife, and coalition building, and I treasure living in close proximity to Colorado's natural spaces.

5. I joined NPCA because I strongly support the work that NPCA does on energy, air quality, climate, and other issues that threaten our national parks and surrounding communities. I also value NPCA's commitment to engage on these issues as an independent, nonpartisan, and inclusive voice in order to advance its work within legislative, administrative, and judicial process, as well as through public outreach and educational programming.

6. NPCA's primary mission is to protect and preserve the nation's national park units for present and future generations. Since its founding in 1919, NPCA has worked to execute our mission through advocacy, education, and strategic litigation to enforce environmental laws. This includes efforts to preserve habitat connectivity and to prevent air, climate, soil and water pollution within national parks and their surrounding communities,

including by seeking to limit oil and gas leasing on federal public lands. As part of that effort, NPCA frequently submits comments and protests (i.e., administrative appeals) on lease sales with parcels that could harm national park landscapes, including surrounding ecosystems and communities. For example, NPCA protested three proposed lease parcels near Dinosaur National Monument due to their location on designated Lands with Wilderness Characteristics and high potential for resource values other than oil and gas. BLM deferred leasing these parcels in response to our protest.<sup>1</sup>

7. Although I am based in Denver, I travel throughout the state to experience Colorado's park units firsthand. I also prioritize meeting with NPCA members, ally organizations, and National Park Service staff in Colorado. In doing so, I have developed, and plan to continue to develop, a close understanding of the unique history, resources, and expertise at these treasured places and how best to protect them. I strongly believe that our parks, especially vast landscapes like Rocky Mountain National Park (Rocky), truly need to be seen in order to gain an understanding of their complexity and the challenges they face.

8. I have seen Rocky's vast ecosystem firsthand and have experienced its incomparable beauty. To my delight, I have witnessed wildlife like moose, elk, pika, yellow-bellied marmots, golden-mantled ground squirrel, and the iconic bighorn sheep in the park as I hiked areas like Upper Beaver Meadows, Sprague Lake, the Continental Divide, Indian Peaks Wilderness, and along the sensitive, treeless tundra of the alpine. I have traveled through Trail Ridge Road several times, an experience that continually enriches my appreciation of the history of the Ute and Arapaho tribes, as well as several other native tribes, that originally lived, hunted,

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<sup>1</sup> BLM, NPCA Protest Decision for June 2022 Competitive Oil & Gas Lease Sale, June 29, 2022, [https://eplanning.blm.gov/public\\_projects/2015560/200495339/20062687/250068869/CO%20June2002%20Protest%20Response%20NPCA%20signed.pdf](https://eplanning.blm.gov/public_projects/2015560/200495339/20062687/250068869/CO%20June2002%20Protest%20Response%20NPCA%20signed.pdf).

and traveled throughout what is now Rocky. I have also frequented coffee shops and tourism offices in the park's gateway communities of Estes Park and Grand Lake.

9. I regularly spend time in and around the park, including meeting with the park superintendent and expert staff; currently coordinating national and local public comment outreach for the park's pre-NEPA long-term day use management plan; organizing a Public Lands Day volunteer stewardship clean-up event with the Rocky Mountain Conservancy; co-sponsoring a LGBTQ youth conference at the YMCA of the Rockies adjacent to the park boundary; organizing a day of learning with the one of the park's lead naturalists in celebration of Rocky's 104th birthday; and establishing a partnership with the Poudre Heritage Alliance to protect the Cache la Poudre River headwaters located in the heart of the park. I last visited Rocky and met with staff on November 7, 2022, and I am planning my next visit for early Spring, 2023.

10. During my time at NCPA, I have also personally witnessed the detrimental impact of the Bureau of Land Management (BLM)'s oil and gas leasing program on national parks like Rocky. Rocky is one of America's most threatened national parks, largely because oil and gas production east of Rocky has polluted the park's air so much that the park itself no longer meets national Clean Air Act standards for ozone. Meanwhile, nitrogen oxide is harming its soil, surface water, plants, and wildlife, and ground level ozone and visibility impairing haze also threatens the park and the park experience. Reflecting the scale, scope, and threat of pollution in Rocky, NPCA's 2019 Polluted Parks report,<sup>2</sup> which evaluates damage from air pollution at 417 national parks based on harm to nature, hazy skies, unhealthy air, and climate change, lists Rocky as one of eleven southwest parks that struggle significantly from the effects of climate change, unhealthy air, and harm to nature from air pollution. The damaging impacts of oil and

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<sup>2</sup> <https://npca.s3.amazonaws.com/documents/NPCAParksReport2019.pdf>.

gas leasing in and around Rocky were central to NPCA's work on the regional haze implementation plan that Colorado submitted to EPA in May 2022. NPCA's analysis of emissions from different industrial sectors<sup>3</sup> shows that Rocky is the fourth-highest national park burdened by haze pollution, which is due to oil and gas and other industrial facilities in the surrounding region degrading visibility.

11. There are currently thousands of active oil and gas wells in Weld County, the state's biggest oil and gas producing county located directly east of the park. Any new leasing and development in this region contributes cumulatively to the problem, adding even more pollution to an impaired baseline that makes it difficult to bring the park's air quality to a safe level.

12. In addition to its impact on Weld County, the BLM's oil and gas leasing program has repeated a devastating pattern of oil and gas leasing in Jackson County, Colorado during my tenure with NPCA. This leasing opens for drilling more areas close to the western side of Rocky and adjacent to the Arapaho National Wildlife Refuge, a critical wintering habitat for elk and mule deer that migrate into the west side of the park.

13. In September of 2019, the BLM auctioned 33 leases, totaling more than 21,000 acres, in Jackson County for oil and gas drilling, and the majority of these leases were sold. During its December 2020 quarterly lease sale, the BLM offered over 47,000 acres for oil and gas leasing in Colorado, including 11,507 acres in Jackson County alone. Ultimately, 8,989 acres were sold in Jackson County, nearly all at the minimum bid. On behalf of NPCA and in coalition with ally groups, I contributed to and signed on to comments submitted to the BLM in opposition

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<sup>3</sup> NPCA, *Case Study: Colorado: Rocky Mountain National Park*, <https://www.npca.org/case-studies/colorado-rocky-mountain-national-park>.

to each of these proposed quarterly lease sales because I was concerned for the immediate and cumulative detrimental effects on the landscape adjacent to Rocky. Based on this history, additional acreage could be offered again in the future, especially if BLM is forced to hold lease sales on a set schedule or scale.

14. BLM's lease sales also present a threat to Colorado's economy and the communities surrounding Rocky, who depend on a healthy park landscape and with whom I enjoy continual engagement. Rocky is consistently considered the nation's third most-visited national park, contributing significantly to Colorado's multi-billion-dollar outdoor recreation industry, with 4.4 million visitors in 2021, representing a nearly 45% increase since 2012, despite a second year of restricting visitation through its timed-entry reservation permit system,

15. In 2018, a national study found that park visitation drops by at least eight percent when health warnings show that ozone pollution is high — a clear indicator that air quality directly impacts the public's enjoyment of our national parks. A threat to the park experience is a direct threat to the gateway community businesses that depend on robust visitation and a positive visitor experience where people return.

16. The persistent threat of the BLM's oil and gas leasing program lessens my overall experience at and enjoyment of Rocky. BLM's discretion to control the timing and scope of lease sales, including by postponing or canceling sales when appropriate, helps alleviate this harm by limiting new leases from being issued in the region due to environmental, economic, and/or community health concerns. If BLM were forced to hold lease sales on a quarterly basis, it may offer more leases than it otherwise would have in proximity to Rocky and/or other national park units that NPCA works to protect. Further leasing and development would result in additional damage to the park's natural resources, further fragment habitat for wildlife migrating in and out

of the park boundary, and, as such, would harm me by degrading my experience as a visitor and advocate of the park. The process of quarterly lease sales alone would force me and my colleagues to spend more time and resources investigating sales' likely impacts, engaging with our members, submitting comment letters, and taking other administrative steps.

17. Protecting Rocky is critical to NPCA's mission, as well as my work. While I will nonetheless continue to visit the park—because I am deeply connected to this place, people, and history—any damage to its connected natural resources and wildlife resulting from further oil and gas leasing and development would be a loss to me and affect my experience of this special place.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

DATED: January 25, 2023

  
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TRACY COPPOLA

## DECLARATION OF MATTHEW KIRBY

I, Matthew Kirby, hereby declare as follows:

1. I have personal knowledge of the matters stated herein and, if called as a witness, could and would competently testify thereto.

2. I am the Senior Director of Energy and Landscape Conservation for the National Parks Conservation Association (NPCA). I have worked at NPCA for over four years and am also a member.

3. In my role, I oversee NPCA's campaign work to protect and preserve landscapes surrounding national parks, as well as nearby communities, from the detrimental impacts of oil and gas development.

4. I have a professional and personal interest in conservation, national parks, and the plants, fish, and wildlife therein that make America's national parks unique in the world.

5. NPCA's primary mission is to protect and preserve the nation's national parks units and their resources for the use and enjoyment of present and future generations. This includes efforts to prevent air, climate, and water pollutants within national parks and their surrounding communities. Since its founding in 1919, NPCA has worked to execute our mission through advocacy, education, and strategic litigation to enforce environmental laws.

6. As an NPCA staff person and member I count on NPCA to represent my interest, and the interest of the next generation of my family, by advocating for the protection of park resources.

7. In my tenure at NPCA, I have personally witnessed the detrimental impact of the Bureau of Land Management's oil and gas leasing program on national parks.

8. As a frequent recreational visitor to America's national parks in my private life, the federal oil and gas leasing program in its current form harms my personal experience of the national parks I visit and in particular the solitude, quiet, dark skies, and clear air that I seek out.

9. For example, in January 2021 I took my then-three-month-old daughter to visit her first national parks, Arches and Canyonlands National Parks in Utah. While visiting we hiked on lands outside of the boundaries of those parks, specifically the Sand Flats Recreation Area.

10. The Sand Flats Recreation Area was one such area that was slated to be auctioned for oil and gas development in early 2020.

11. The Sand Flats Recreation Area rises above Moab and is an internationally renowned destination for its mountain biking. It is a high plain of slickrock domes, bowls and fins. The Sand Flats Recreation Area is home to what many consider to be some of the best mountain biking in the world and is just as incredible on foot as it is on bike. I plan to return to the area in the future with my family.

12. As part of my role at NPCA I spent significant time and effort advocating that the leases in the Sand Flats Recreation Area be temporarily deferred in early 2020.

13. BLM ultimately exercised its discretion not to offer those leases, a decision for which NPCA advocated through direct communications with BLM officials, petitions to our membership, and paid advertising. Those leases could be offered again at a future date, a possibility made more likely if BLM is forced to hold lease sales on a pre-determined schedule or scale. If these or similar leases were issued, they would enable oil and gas development that impairs the spectacular character of the Sand Flats Recreation Area. I was able to travel back to this region in December of 2022, again with my daughter in tow, glad to see that the area has not

yet been leased for oil and gas development. However, given that it was proposed for leasing as recently as 2020, I worry it will not remain that way indefinitely.

14. I frequently visit and enjoy federal lands, both personally for recreation and professionally as part of the advocacy work I do. This includes regular travel to and use of such lands here in Colorado but also New Mexico, Utah and Wyoming. Many of these lands are designated as open to oil and gas leasing. For example, I hope to visit the BLM lands surrounding Montezuma Canyon in southeast Utah this year. This landscape is one in which I am actively engaged in work to protect it from oil and gas leasing, to which it is open. I had the opportunity to visit the region by foot and car, as well as through an overflight flight in August 2022, and I anticipate I will return to the region within the year. If lands in this area—or any of the other public lands for which I advocate or on which I recreate—are leased, it will severely hamper and limit in scope the places that I could or want to visit.

15. For decades, NPCA has worked to improve and protect the air and water quality and reduce climate impacts and other harms to the natural and cultural resources in national park units nationwide. To do so, NPCA relies on the protections provided by key federal statutes like the National Environmental Policy Act, Federal Land Policy and Management Act, Organic Act, Clean Air Act, and Clean Water Act, among others. This work, and therefore NPCA's interests, necessarily depend on the government's proper interpretation and enforcement of these bedrock environmental laws.

16. NPCA also works extensively to engage in the leasing process and encourage responsible siting of oil and gas development with respect to the impacts on nearby national parks. BLM often does not give areas near national parks preferential consideration when planning and offering leases. As a result, leases have been proposed directly adjacent to national

park units in places that, if developed, would severely impair park resources. The solitude, dark night skies, clear air, sweeping vistas, migrating animal populations, and natural state that people expect to find when visiting national parks can all be undermined when there is industrial development of oil and gas directly outside the border of the park—with impacts that cross park boundaries and impair the park resources and experience. This risk increases if BLM is obligated to hold a set number of lease sales. An increased number of proposed lease sales also requires NPCA to commit more resources to engagement in the oil and gas leasing administrative processes.

17. In addition to the negative impacts that adjacent or nearby oil and gas development has on my experience recreating in and around national parks, I am also concerned about the impacts that the federal government's oil and gas leasing is having on the climate. We know that fossil fuel development on U.S. federal lands is a major source of greenhouse gas emissions. As a parent, I am deeply concerned about the effects of climate change for my daughter's generation, not only with respect to the myriad ways climate change will affect the environment, public health, and other facets of life, but also for the impact it will have on our national parks, including Arches National Park. I hope to take my daughter to Arches many times as she grows up, but, given increasingly hot and arid summers and the lack of snow in the winter, I fear that it may be a very different place before long.

18. BLM's discretion to control the scope and timing of leasing helps address the harms I experience from federal oil and gas development. This discretion gives BLM flexibility to determine whether new leases are issued in places like the Sand Flats Recreational Area and other public lands where I recreate. It also allows BLM to determine that no leasing should occur during a particular time, to account for problems like noise, light, and air pollution and the

impacts of climate change. In my role at NPCA, I regularly advocate for BLM to exercise this discretion to better protect our national park units and surrounding federal lands. The loss of that discretion would therefore impair my interests as an advocate and user of these cherished places.

19. If BLM is forced to hold lease sales on a quarterly basis, it is likely to result in more leasing that, in turn, could permanently damage the nearby national parks and diminish my enjoyment and experience of these special places the next time I return to visit. It would also make NPCA's efforts to protect national parks and surrounding landscapes from the negative impacts of oil and gas development much more difficult, both by requiring additional commitment of NPCA's resources and by eliminating a key tool that has protected NPCA's interests in the past.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge, information, and belief.

DATED: January 30, 2023

*Matthew Kirby*  
MATTHEW KIRBY

DECLARATION OF RAY BLOXHAM

1. I have personal knowledge of each of the facts set forth below and, if called upon to do so, could and would testify regarding the statements that follow.

2. I am the Field Director for the Southern Utah Wilderness Alliance (“SUWA”), where I have been employed since 1999. I am also an active member of SUWA. The Field Director position requires me to spend considerable amounts of time traveling on federal public lands managed by the Bureau of Land Management (“BLM”) in Utah. For more than twenty-two years I have worked to protect the public lands in Utah.

3. SUWA has more than 13,000 members in all fifty states. SUWA’s mission is to preserve the outstanding wilderness and other sensitive public lands at the heart of the Colorado Plateau and to advocate for management of these lands, and the associated natural and cultural resources, in their natural state for the benefit of all Americans. SUWA promotes local and national recognition of the region’s unique character through research and public education; supports both administrative and legislative initiatives to permanently protect Utah’s wild places within the National Park and National Wilderness Preservation System or by other protective designation where appropriate; builds support for such initiatives on both the local and national level; and provides leadership within the conservation movement through its advocacy for wilderness preservation.

4. I am also an active member of the Center for Biological Diversity, Sierra Club, and The Wilderness Society.

5. SUWA members and staff have a well-demonstrated interest in the preservation and protection of Utah’s remarkable BLM-managed public lands and resources, including lands impacted by BLM’s oil and gas leasing program. This includes, for example, the millions of

acres of BLM-identified lands with wilderness characteristics in Utah proposed for wilderness designation in America's Red Rock Wilderness Act ("ARRWA"), S.1535, H.R. 3780 (117th Cong.).

6. For decades SUWA has commented on, protested, and litigated BLM oil and gas leasing proposals and decisions in Utah. This has required significant amounts of institutional resources including staffing, time, and money. For example, since 2017, SUWA commented on and protested nearly twenty BLM leasing decisions in Utah. Most recently, SUWA submitted scoping comments for BLM's Q3 and Q4 2023 sales, which include lease parcels in ARRWA and greater sage-grouse habitat, among other sensitive public lands—areas that SUWA has worked for decades to protect. SUWA also commented on and protested BLM's June 2022 lease sale in Utah. BLM subsequently granted SUWA's protest and cancelled that sale.

7. Additionally, since 2019 SUWA has filed three federal lawsuits challenging BLM leasing decisions. *See, e.g., S. Utah Wilderness All. v. Bernhardt*, Case No. 4:19-cv-00013-DN-PK (D. Utah) (consolidated) (challenging BLM's decisions to offer thirty-five oil and gas leases for development in southeast Utah); *Living Rivers et al. v. Hoffman*, Case No. 4:19-cv-00074-DN-PK (D. Utah) (challenging BLM's decisions to offer 130 oil and gas leases for development throughout Utah); *S. Utah Wilderness All. et al. v. Bernhardt*, Case No. 1:20-cv-03654 RC (D.D.C) (challenging BLM's decisions to offer and / or issue seventy-seven oil and gas leases in southeast Utah). As a result of these actions, BLM had to suspend hundreds of leases in Utah because they had been issued in violation of law.

8. The leases at issue in these past protests and lawsuits threaten wildlife, including greater

sage-grouse, wild places, and irreplaceable cultural resources. This is partly because the leases were issued based on antiquated laws and BLM's outdated oil and gas program—both of which do not reflect or account for new information, science, and changed circumstances.

9. SUWA has taken an active role in providing information to BLM regarding the agency's day-to-day management activities, including oil and gas leasing and development. SUWA members and staff participate in information gathering and dissemination, education and public outreach and other activities relating to the management of and impacts to BLM-managed lands and resources, including oil and gas leasing and development.

10. SUWA members' and staff's recreational, aesthetic, informational, and other interests are directly affected and harmed by BLM's leasing and development decisions in Utah.

#### **Impacts of Oil and Gas Leasing and Development on Public Lands**

11. I have worked and advocated for more than twenty-two years to protect BLM-managed public lands in Utah from oil and gas leasing and development. This includes, but is not limited to, advocating for the passage of ARROWA, writing letters to elected officials, traveling to Washington D.C. to meet with elected officials, helping prepare and provide information to BLM regarding proposed oil and gas leasing and development, and preparing and submitting wilderness character inventory submissions for areas in ARROWA.

12. I take great pleasure from my visits to BLM-managed public lands in Utah. I use these lands to camp, hike, canoe, raft, appreciate cultural resources, enjoy solitude, appreciate expansive views of undisturbed, intact, landscapes, view and photograph native wildlife and plants and to avoid the noise, pollution, and industrialization of modern society.

13. Unfortunately, I have visited and seen countless BLM-managed public lands in Utah that

have been destroyed and / or significantly degraded by oil and gas development, including road and well pad construction and the noise, unsightly infrastructure, and pollution that comes with such development. I do not enjoy or appreciate the sights, sounds, and smells of oil and gas development.

14. I have visited and seen oil and gas development areas and observed and documented the environmental destruction that accompanies such development throughout Utah, including, but not limited to, in the Uinta Basin, Desolation Canyon region, West Tavaputs Plateau, White River region, Book Cliffs, Hovenweep region, San Rafael Desert, and Big Flat area north of Canyonlands National Park.

15. Over the past twenty-two years, I have spent hundreds of days—and thousands of hours— travelling through Utah to visit public lands proposed for new oil and gas leasing, or that are subject to existing leases. I make these trips to collect information (such as to document wilderness characteristics), to monitor ongoing activities, to ground-truth BLM’s information, and for my own education. For example, in just the past two years, I have visited the San Rafael Desert in southeastern Utah at least 10 times, most recently in November 2022. This area contains more than two hundred thousand acres of BLM-identified wilderness character federal public lands. Unfortunately, it also includes more than fifty oil and gas leases that were offered and sold at recent BLM lease sales. On these trips, I passed through and viewed the majority of these leases and, on one particular occasion, hiked to a high point near one—located in the Labyrinth Canyon Wilderness—that was being actively developed. I observed recently disturbed soils and vegetation, large truck traffic, significant quantities of airborne dust, and heard the ongoing development activities. This development has permanently scarred one of the most remote, wild, and scenic areas in Utah.

16. Other examples of these trips include the southern Uinta Basin, the Desolation Canyon region, the San Rafael Swell and the western Swell area, White River area, Book Cliffs, and several wilderness-caliber areas near Capitol Reef National Park. These areas contain, by BLM's own admission, wilderness characteristics, important wildlife habitats, and irreplaceable cultural resources, among other resource values. These areas remain designated by BLM as open for leasing, so additional leasing is likely to occur.

17. I plan on making several additional trips in 2023 for these same purposes. For example, in the next few weeks, I will visit the Uinta Basin to meet with BLM staff as well as to conduct field assessments. This will include visiting the Lower Bitter Creek and White River areas, which contain BLM-identified wilderness characteristics and are threatened by past and proposed oil and gas leasing and development. Moreover, this spring I plan to travel to the San Rafael Desert to revisit the well pad site where I witnessed the drilling in the Labyrinth Canyon Wilderness (referenced above in paragraph 15) to monitor and document the recently "completed" reclamation work. The drilling of this well, which turned out to be a dry hole, significantly degraded one of the most scenic areas in Utah, and I am determined to ensure that the lessee and BLM follow through with their reclamation obligations. In addition, this spring I also plan to travel to Utah's West Desert, to monitor and document resource values in the Snake Valley area (an area proposed for Wilderness designation in ARROWA). The BLM has proposed to lift the suspensions on several oil and gas leases in this area—suspensions put into place as a result of SUWA litigation brought more than 15 years ago.<sup>1</sup> Finally, in late spring (or early summer), I plan to visit the Bad Land Cliffs region of the southern Uinta Basin to conduct several field assessments in response to oil and gas leasing and development proposals. The Bad

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<sup>1</sup> Additional information about these suspended leases and SUWA's past litigation is available here: <https://eplanning.blm.gov/eplanning-ui/project/2022273/510> (last updated December 6, 2022).

Land Cliffs region includes the Bad Land Cliffs and Desolation Canyon lands with wilderness characteristics areas, among other wilderness-caliber areas. These areas were targeted for leasing over the past several years and, as a result, there are now new oil and gas-related development proposals that threaten the wilderness characteristics in these areas.

18. An oil and gas lease once issued remains in place, encumbering the land, for at least ten years. Moreover, there are a variety of ways the ten-year lease term can extend even longer if, for example, the lease is suspended or if oil and gas production is achieved. Many critical rules and limitations applicable to the lease, like wildlife- or wilderness-related stipulations, are established up front and extend for the entirety of the lease term. Consequently, issuing a lease can lock in existing practices that become antiquated—to the detriment of public lands—before the lease terminates.

19. SUWA and I continue to advocate for protection of wilderness-quality lands impacted by oil and gas leasing decisions through ARROW and other BLM management decision-making mechanisms. However, preventing the lands from becoming encumbered by private rights is crucial to the success of our advocacy. This is because BLM routinely decides not to manage wilderness-caliber lands, including areas I have visited on multiple occasions, for the protection of such values because they are encumbered by oil and gas leases. For example, in the BLM Vernal field office resource management plan, BLM explained that many areas with BLM-identified wilderness characteristics in the Uinta Basin “were not [managed for the protection of such values] because they are considered to have high potential for oil and gas resources and currently have a large portion of the lands leased.”<sup>2</sup>

20. Similarly, in the BLM Price field office resource management plan, BLM expressly did

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<sup>2</sup> BLM, Vernal Field Office, Record of Decision and Approved Resource Management Plan at 33 (Oct. 2008), [https://eplanning.blm.gov/public\\_projects/lup/68145/86218/103392/VernalFinalPlan.pdf](https://eplanning.blm.gov/public_projects/lup/68145/86218/103392/VernalFinalPlan.pdf).

not manage to protect agency-identified lands with wilderness characteristics because they were encumbered by “existing [oil and gas] leases.”<sup>3</sup> According to BLM, the mere existence of the leases left open the door to future development. Thus, BLM elected not to manage the wilderness-caliber areas for the protection of their wilderness values because “[t]he development of these valid existing leases will preclude the BLM from protecting the wilderness characteristics of these areas.”<sup>4</sup>

### **Continued Oil and Gas Leasing Threatens Utah’s Wild Places and Harms My Interests**

21. The BLM continues to offer federal public lands for leasing in Utah. Since 2021, the BLM has proposed several oil and gas lease sales for public lands in Utah. For example, at the June 2022 sale, BLM considered offering as many as 6 parcels for sale and eventually elected to move forward with the offering of just 1 parcel.<sup>5</sup> As noted above, SUWA protested the June sale and BLM subsequently granted SUWA’s protest and cancelled the sale.<sup>6</sup> Moreover, BLM has proposed its 2023 “Quarter Three” and “Quarter Four” sales, which include the offering of 14 and 13 parcels, respectively.<sup>7</sup> SUWA submitted scoping comments for both sales and will continue to participate and engage in those sales as they move forward through the respective leasing process.

22. The parcels included in the 2022 and 2023 sales threatened, or threaten, SUWA’s and my

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<sup>3</sup> BLM, Price Field Office, Record of Decision and Approved Resource Management Plan at 36 (Oct. 2008), [https://eplanning.blm.gov/public\\_projects/lup/67041/83197/99802/Price\\_Final\\_Plan.pdf](https://eplanning.blm.gov/public_projects/lup/67041/83197/99802/Price_Final_Plan.pdf).

<sup>4</sup> *Id.*

<sup>5</sup> *See generally* BLM Utah 2022 First Competitive Oil and Gas Lease Sale, DOI-BLM-UT-0000-2021-0007-EA, <https://eplanning.blm.gov/eplanning-ui/project/2015573/510>.

<sup>6</sup> *See* BLM, Decision, Protest Granted (June 29, 2022), [https://eplanning.blm.gov/public\\_projects/2015573/200495437/20062648/250068830/2022-06-29-2022\\_1st\\_UT.SUWA%20Protest%20Response.pdf](https://eplanning.blm.gov/public_projects/2015573/200495437/20062648/250068830/2022-06-29-2022_1st_UT.SUWA%20Protest%20Response.pdf).

<sup>7</sup> *See generally* BLM, 2023 Utah BLM Oil and Gas Competitive Lease Sale, DOI-BLM-UT-0000-2023-0001-EA, <https://eplanning.blm.gov/eplanning-ui/project/2022049/510>; BLM, 2023 Utah BLM Oil and Gas Competitive Lease Sale, DOI-BLM-UT-0000-2023-0003-EA, <https://eplanning.blm.gov/eplanning-ui/project/2022373/510>.

interests in Utah's remarkable public lands. For example, the 1 parcel offered at the June sale was located near the Green River, in a riparian area that I have visited and observed.

Additionally, the Quarter Four 2023 sale includes 3 parcels in BLM-identified lands with wilderness characteristics—2 in the White River area, and 1 in the Lower Bitter Creek area. I have been to both of these wild places on numerous occasions and worked for more than two decades to protect their wilderness characteristics. With regard to the White River, BLM has [stated](#): “This is a place to paddle, watch wildlife, and occasionally leave the river for an unforgettable hike. This is one of the quiet places, where solitude and a sense of adventure are still very much a part of the outdoor experience.” I could not agree more. My visits to this special place over the past several decades have only confirmed this sentiment. But BLM's proposed lease sale threatens to destroy this quiet place, replacing it with the unwanted sights, sounds, and smells of industrialized development (several photographs that I took of the White River area available [here](#)).

23. These and similar leasing proposals consume an enormous amount of SUWA's and my time and resources. As noted above, SUWA routinely comments on, protests, and litigates BLM's leasing decisions. In addition, to support SUWA's efforts, and for personal reasons, I frequently visit areas proposed for leasing to document their wilderness values, photograph the areas (and surrounding landscapes), gather information and, more generally, inform myself about the potential impacts of leasing and development. These efforts often time require several days and the driving of hundreds of miles—time that I could spend on other efforts related to SUWA's mission if there were no leasing proposals (or fewer proposals). As an example, because BLM has proposed leasing at its Quarter Four 2023 sale in the White River area, as discussed above in paragraph 17, I have already made plans to visit the proposed parcel areas in

the next few weeks (weather permitting) to gather information related to the resource values that may be impacted by development activities in those areas (and to better understand existing conditions on-the-ground). I would not have made these plans but for BLM's Quarter Four leasing proposal.

24. An order by the Court requiring that BLM conduct quarterly leasing, or otherwise constraining BLM's discretion to determine the scope and timing of leasing, would harm SUWA's and my interests in protecting Utah's wild lands. Among other things, SUWA and I would exhaust our resources participating in the leasing processes (*e.g.*, commenting, visiting areas proposed for leasing)—resources that could be used on other projects and to further SUWA's mission; ARROW lands and other wild places in Utah would be threatened more frequently for leasing and development; more leasing and thus development would result in new roads, well pads, and, most importantly, significant amounts of new climate pollution (*i.e.*, carbon dioxide, methane, nitrous oxide)—climate pollution that is destroying our ability to survive on this planet.

I DECLARE, under penalty of perjury, that the foregoing is true and correct.



DATED: January 20, 2023

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Ray Bloxham

## DECLARATION OF JULIA STUBLE

I, Julia Anne Stuble, declare as follows:

1. I have personal knowledge of the matters stated in this declaration.
2. I am the Wyoming Senior Manager for The Wilderness Society (TWS). I was born and raised in Wyoming and have lived in the state for 39 years. Currently, I reside in Lander, Wyoming. I have a bachelor's degree in English and a master's degree in American Studies and Environment and Natural Resources from the University of Wyoming. I also hold a master's degree in Environmental Studies from Prescott College. I have been working on public lands issues and with local communities for over a decade and have worked with TWS on campaigns to protect public lands in Wyoming since 2017.
3. Founded in 1935, TWS is a nonprofit organization headquartered in Washington, D.C., with offices throughout the country. TWS's mission is uniting people to protect America's wild places. Primary strategic goals of TWS include transforming federal land management to prioritize climate resilience and biodiversity protection and helping develop and advance policies for just and equitable public land conservation on behalf of all people.
4. I am a member of TWS and support the organization because our work is vital to protecting our shared federal public lands. TWS helps to elevate

the voices of communities that might otherwise be unable to engage in federal processes affecting public lands. My membership, along with the support of all our members across the country, allows TWS to fulfill its mission.

5. Currently, TWS has 135,531 total members. We have members in all the states where federal oil and gas leasing is the most significant. In all those states, the government's authority to limit leasing by holding lease sales only when and where it is appropriate has substantial positive impacts on our members, including 1,513 members in New Mexico, 318 members in Wyoming, 19,170 members in California, 4,583 members in Colorado, 175 members in North Dakota, 279 members in South Dakota, 778 members in Idaho, 934 members in Utah, 861 members in Montana, and 470 members in Alaska.

6. A key metric for TWS is achieving net zero fossil fuel emissions on federal public lands by 2030. We support transitioning to responsible renewable energy and ensuring that any oil and gas development on public lands occurs only at appropriate times and is sited only in suitable locations, if any, that do not harm other crucial values. Ensuring ecological and economic sustainability for local communities with whom we work and who are affected by oil and gas development is important to our work. All these priorities are essential to our members and critical to our mission.

7. For years, TWS has advocated for the Bureau of Land Management

(BLM) to significantly curtail or halt oil and gas leasing. We consistently track BLM's lease sales across the western states and actively participate in many of the lease sale processes. With in-house science, policy, and legal expertise, TWS comments on BLM environmental reviews pursuant to the National Environmental Policy Act (NEPA) and often submits protests on lease sales. We have aggregated and analyzed significant amounts of leasing data, producing charts, maps, graphics, and other informational documents, which we have used in technical comments, distributed to our members and the public, and disseminated to the media.

Addressing and ameliorating the harmful environmental impacts of federal oil and gas development is integral to our work and directly benefits our members who use and enjoy federal public lands where oil and gas leasing and development occurs.

8. TWS also works extensively on the resource management planning processes undertaken by BLM field offices. For example, on behalf of the organization, I am part of a coalition of Wyoming-based organizations advocating for a conservation-focused resource management plan covering BLM's Rock Springs field area. Oil and gas development poses significant threats to cherished lands and resources managed out of the Rock Springs Field Office, which directly impacts our members. BLM's proposed or preferred resource management plans frequently fail to protect TWS members' interests, so our engagement in these processes is critical.

9. Carefully tailoring future federal oil and gas leasing to align with environmental and community health needs would directly benefit TWS members. This is an important tool for addressing substantial conservation issues affecting federal public lands, including eventually reducing greenhouse gas emissions on those lands to net zero. Limiting the timing and scope of leasing, including by canceling or postponing lease sales where appropriate, provides a critical opportunity to address many problems that currently exist with the federal oil and gas leasing program, which is harming our members.

10. For years, the oil and gas industry has stockpiled and failed to use thousands of leases and drilling permits, locking up public lands that our members have used and enjoyed, wasting government resources, and undermining principles of multiple-use management. Between 2009 and 2018, 63 percent of acres leased sat idle each year, producing no oil or gas. A recent Government Accountability Office (GAO) study found that industry was not utilizing nearly 10,000 approved drilling permits, an increase of at least 32 percent from just five years ago.<sup>1</sup>

11. Additionally, lease-holding companies routinely fail to pay rent on their leases, which are then terminated by BLM. Over a recent ten-year period, BLM terminated leases covering over 5 million acres.<sup>2</sup> This wasteful practice unnecessarily keeps our members from enjoying these lands while they are

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<sup>1</sup> U.S. Gov't Accountability Office, Oil and Gas Permitting: Actions Needed to Improve BLM's Review Process and Data System 11 (Mar. 2020), <https://www.gao.gov/assets/gao-20-329.pdf>.

<sup>2</sup> *Id.* at 21–22, Table 3, 26–27, Fig. 6.

leased.

12. Over three-fourths of public lands available for oil and gas leasing have little to no development potential. Leasing these lands inhibits our members from using them for recreation. For example, the BLM Cody and Worland Field Offices have identified hundreds of thousands of acres of Lands with Wilderness Characteristics (LWC).<sup>3</sup> However, in the recent Big Basin Resource Management Plan Final Evaluation Report, BLM explained that “both field offices have Wilderness Study Areas (WSAs), which are monitored annually” but that “no lands with wilderness characteristics are managed to maintain their wilderness characteristics, including naturalness, outstanding opportunities for solitude, and primitive and unconfined recreation.”<sup>4</sup> Some of this acreage has been – and additional acreage is continually at risk of becoming – encumbered by oil and gas leases, leaving the door open to future development. BLM has stated that “development of . . . valid existing leases will preclude the BLM from protecting the wilderness characteristics of these areas.”<sup>5</sup> Oil and gas leasing on LWC thus imminently threatens our members’ ability to continue to use these lands for recreation.

13. Further, leasing lands with low development potential breeds

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<sup>3</sup> Bureau of Land Mgmt., Bighorn Basin Proposed RMP and Final EIS, at 3-191, 3-198, table 3-51 (May 2015).

<sup>4</sup> Bureau of Land Mgmt., Cody and Worland Field Offices Approved Resource Management Plan Evaluation 9–10 (June 28, 2022).

<sup>5</sup> Bureau of Land Mgmt., Record of Decision and Approved Resource Management Plan, Price Field Office 36 (Oct. 2008).

speculation, waste, and low returns for American taxpayers. As of 2016, about 90 percent of lands managed by BLM in the West—close to 200 million acres—were open to oil and gas leasing.<sup>6</sup> Yet, only 23 percent of BLM lands are considered to have a moderate to high potential for oil and gas development.<sup>7</sup>

14. There is also a dire orphaned well problem on federal lands, which negatively impacts our members’ ability to use and safely enjoy public lands even when no drilling is occurring. As of 2020, over 92,000 wells throughout the country are documented as orphaned—meaning the operator has abandoned the well without plugging it or reclaiming the surrounding site.<sup>8</sup> The Interstate Oil and Gas Compact Commission estimates that as many as 746,000 additional wells may also be orphaned.<sup>9</sup> It can cost \$300,000 or more to plug a modern oil and gas well, but BLM presently requires companies to post a bond of just \$10,000 per well.<sup>10</sup> According to the GAO, BLM has just \$204 million in reclamation bonds, though the cost to reclaim the over 96,000 producible oil and gas wells on federal

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<sup>6</sup> The Wilderness Soc’y, Acreage Open to Leasing – BLM Plans Around the West (aggregating data), <https://www.wilderness.org/sites/default/files/media/file/TWS%20Acreage%20Open%20to%20Leasing%20June%202016.pdf>.

<sup>7</sup> Trout Unlimited, Oil & Gas Reform (aggregating data), <https://www.tu.org/conservation/conservation-areas/land-management-and-development/responsible-energy-development/speculative-leasing/>.

<sup>8</sup> See Interstate Oil & Gas Compact Comm’n, IDLE AND ORPHAN OIL AND GAS WELLS: STATE AND PROVINCIAL REGULATORY STRATEGIES 2021, at 2, [https://iogcc.ok.gov/sites/g/files/gmc836/f/iogcc\\_idle\\_and\\_orphan\\_wells\\_2021\\_final\\_web.pdf](https://iogcc.ok.gov/sites/g/files/gmc836/f/iogcc_idle_and_orphan_wells_2021_final_web.pdf).

<sup>9</sup> Columbia Center on Global Energy Pol’y, “Green Stimulus for Oil and Gas Workers: Considering a Major Federal Effort to Plug Orphaned and Abandoned Wells” (July 20, 2020) (citing IOGCC, “Idle and Orphan Oil and Gas Wells,” March 2020 update), [https://www.energypolicy.columbia.edu/research/report/green-stimulus-oil-and-gas-workers-considering-major-federal-effort-plug-orphaned-and-abandoned#\\_ednref9](https://www.energypolicy.columbia.edu/research/report/green-stimulus-oil-and-gas-workers-considering-major-federal-effort-plug-orphaned-and-abandoned#_ednref9).

<sup>10</sup> Carbon Tracker, *Billion Dollar Orphans: Why millions of oil and gas wells could become wards of the state* (Oct. 2020), <https://carbontracker.org/reports/billion-dollar-orphans/>.

public lands could exceed \$6 billion.<sup>11</sup> Cleaning up orphaned wells could therefore easily cost taxpayers hundreds of millions—if not billions—of dollars. Beyond the profound risk to taxpayers, orphaned wells are environmental hazards that threaten drinking water supplies, endanger wildlife, and serve as a significant source of methane pollution, all of which harm TWS members.

15. Other valuable uses of our federal public lands are constantly at odds with oil and gas leasing, even though conserving public lands for TWS member uses such as outdoor recreation creates jobs and generates revenue. Outdoor recreation is an important revenue stream for many Wyoming communities. But leasing public land for oil and gas development has frequently been favored over all other values. As a result, broad swaths of Wyoming and across the West are now burdened with improvidently issued leases and poorly managed development, including within sensitive habitat for wildlife, as well as surrounding numerous National Parks and Monuments. Limiting the number and scope of lease sales offers a critical tool to better serve these other, valuable uses, and to ensure that leases are issued only when it is environmentally, socially, and fiscally responsible to do so.

16. TWS submitted extensive recommendations to BLM in 2021 when it was conducting its comprehensive review of the oil and gas program. We urged

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<sup>11</sup> GAO, Bureau of Land Management Should Address Risks from Insufficient Bonds to Reclaim Wells 11 (Sept. 2019), <https://www.gao.gov/assets/gao-19-615.pdf>.

pausing oil and gas leasing unless and until the government could ensure that further oil and gas development and production aligned with conservation and climate targets and commitments of the United States.

17. We strongly disagreed with BLM's decision to reinitiate holding lease sales in 2022. TWS submitted extensive lease sale scoping comments and technical comments on the draft environmental assessments for each of the 2022 oil and gas lease sale processes in BLM state offices, including for the June 2022 Wyoming lease sale. We also protested every parcel that was ultimately offered for lease in Wyoming and every other state where 2022 lease sales were held, and we are challenging the Wyoming lease sale in court. TWS has actively engaged and is currently commenting on every oil and gas lease sale that BLM has announced it will hold in 2023. Our comments urge BLM to substantially curtail the size of the lease sales or defer all parcels in some of the lease sales. As this effort illustrates, if BLM holds, or proposes to hold, additional lease sales, it will require significant time and resource allocation by TWS staff, including me.

18. TWS has challenged and is currently challenging other oil-and-gas-related decisions of the government. For example, we successfully challenged BLM's approval of the Willow Master Development Plan in the National Petroleum Reserve-Alaska. Presently, we are engaged in litigation against the Department of the Interior and BLM over multiple oil and gas lease sales across

the West that threaten Greater Sage-Grouse habitat.

19. Oil and gas leasing and development thus directly affect TWS members, including me. Wells and associated infrastructure have a profound impact on TWS members' experiences hiking, camping, bird watching, and otherwise recreating in these areas—and sold, undeveloped leases, curtail recreation- and wildlife-focused management for other important areas I frequent. Many of our members, including me, use and enjoy federal public lands near or directly impacted by such operations. For example, I hike and camp on BLM-managed lands in the Rock Springs Field Office that are known as the “Big Sandy Foothills.” Much of this area is open to oil and gas leasing, and my experience of scenic views, feelings of naturalness, solitude, and viewing wildlife would be impacted by granting rights to develop this area. This is also true for areas where I hike, camp, and run in the Great Divide Basin, also in the Rock Springs Field Office. I run and hike on public lands almost daily and camp and backpack for longer trips multiple times a year.

20. Offering and selling these lands in lease sales threatens my ability to continue recreating on and enjoying them. For example, land sold as lease parcel WY-183Q-292 contains prime recreation, with plentiful camping and hiking. Many of the adjacent parcels that were sold likewise offer these important recreational values. I often enjoy recreating on this land and plan to

return there to hike and camp, but the risk of oil and gas development from leasing inhibits me from doing so.

21. When lands where I recreate are leased and developed, I lose access to the source of solace and fitness that I deeply value. Spending time out on these public lands is an essential component of my mental and physical health. My way of life depends on access to these places, and my quality of life depends on having healthy and robust wildlife populations inhabit these lands. Oil and gas development has been shown to harm multiple wildlife species, directly affecting my experience on public lands.

22. TWS members also depend upon surface and ground water for drinking, stock watering, and other purposes negatively impacted by nearby federal oil and gas development. These harmful impacts affect both the animals that depend upon often scarce water supplies and the TWS members who depend upon the livestock for their way of life.

23. BLM's discretion to control the timing and scope of leasing, including canceling or postponing lease sales when appropriate, therefore, directly benefits our members. It gives the government a chance to assess how much and which of our public lands can and should be offered up for oil and gas leasing. It also allows BLM to limit or avoid many longstanding, indiscriminate practices like leasing of low-potential areas that needlessly lock up public lands where our

members recreate, hunt, fish, and camp. This discretion also allows the government to evaluate and reform the existing practices that enable rampant waste and speculation and to address the serious environmental hazards of orphaned wells. The government requires the authority to determine how best to fulfill its multiple-use mandate in administering public lands, which inures to the benefit of all users of those lands, including our members, and not solely to the benefit of the oil and gas industry.

24. If lease sales proceed unabated and the government is held not to have discretion and authority over the timing and scope of oil and gas lease sales, the public lands that TWS members and I visit would once again be at risk of ongoing, indiscriminate leasing, which is likely to impair our access, use, and enjoyment. Invalidating or limiting BLM's discretion over the timing and scope of lease sales would also make the government's ability to address systemic flaws with its oil and gas program less effective, impairing my and other TWS members' ability to advocate for much-needed reforms. The oil and gas industry already has approximately 23 million acres under lease, much of which it is not even developing. Forcing BLM to hold lease sales every three months would strip the government of a critical tool in implementing its broad, multiple-use statutory purpose, which, in turn, would harm TWS and its members.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the

foregoing is true and correct to the best of my knowledge.

Executed on January 30, 2023.

A handwritten signature in black ink, appearing to read "Julia Stuble".

Julia Stuble  
Wyoming Senior Manager  
The Wilderness Society

## DECLARATION OF JANA WEBER

I, Jana Weber, declare as follows:

1. I have personal knowledge of the matters stated in this declaration.
2. I was born in Rock Springs, Wyoming. I grew up there and in Cokeville, Wyoming, on a sheep and cattle ranch that relied on Bureau of Land Management (BLM) public lands for grazing. Currently, I reside in Pinedale, Wyoming. I have spent most of my life in the state.
3. Growing up, our sheep migrated south in the winter to BLM land near Rock Springs. I feel gratitude for this use and management of public lands. I grew up appreciating the beauty of mountains and high-altitude desert.
4. My use of public lands since that time has been primarily recreational. I have a cabin near Pinedale on a Forest Service lease, and I use mountain bike and ski trails on public lands in and around Pinedale on a regular basis. I feel that these public lands have afforded me a lifestyle from childhood through the present day that simply would not have been possible without access and availability.
5. I am a current member of The Wilderness Society (TWS). The work TWS does is critically important to maintaining the fragile balance in what I consider to be an overpopulated, overheated planet. I have been very impressed with TWS's work with the resource management planning process in Wyoming.

The public testimony of TWS staff has been very helpful in working for responsible land management.

6. I have both benefitted and suffered from oil and gas development. Mineral revenues have supported my salary and benefits as a teacher in Wyoming, and my son was able to attend excellent schools through college from these resources. However, I have also watched the landscape, once wild and beautiful, interrupted by infrastructure in the desert between Pinedale and Rock Springs. It feels to me like the area where we once grazed sheep is now a huge industrial park. The air has become dangerous to breathe at times due to the emissions from this industry. I fear for the future of the planet as I watch the Wind River Mountain glaciers disappear and our winters and water sources dwindle. It is important to me that BLM have the authority to manage public lands for conservation, multiple use, sustained yield, and the best interests of the public and that the federal leasing program be reformed to protect Wyoming's landscape, water, and air. The oil and gas program must also ensure that the public gets a fair return for development of federal oil and gas resources.

7. Oil and gas development has a profound impact on wildlife, which I love to view and experience as I use federal public lands. Mule deer and antelope migrate through my part of Wyoming and are a huge part of the rhythm of nature here. Oil and gas leasing and development has shown little or no respect for the

migration or stopovers of these animals. This will be one of the most negative aspects if the government is required to hold lease sales every quarter with no discretion to cancel or postpone a lease sale. A reduction in mule deer numbers directly related to gas and oil development has severely affected Wyoming in particular. On federal public lands I visit in the state to enjoy wildlife viewing, I have personally witnessed an extreme loss of wildlife habitat through ever increasing habitat fragmentation due to oil and gas development on those lands. Pronghorn are now regularly seen in my town, appearing confused as to where to go as a result of their habitat being fragmented. I have observed this phenomenon in the last two decades because of irresponsible leasing and development of public lands.

8. Stripping the government of its ability to cancel or postpone lease sales and make decisions about public land management in the public interest will seriously impair my ability to continue enjoying lands in Wyoming that are threatened with oil and gas leasing. I regularly visit federal public lands in Wyoming that are at risk of being leased for oil and gas development. Some of the lands I enjoy have already been leased. This hinders my ability to visit and use them for viewing wildlife and recreating. I plan to continue viewing wildlife and recreating on BLM lands that will be subject to oil and gas leasing.

However, if the government does not have the discretion to determine the timing

and scope of lease sales and is forced to hold lease sales every three months, the resulting ongoing quarterly sales will substantially harm my ability to enjoy these public lands.

9. The authority to cancel or postpone lease sales gives the government a chance to ensure lands are properly conserved for multiple use, including for wildlife and recreation – values that are important to me. For example, BLM postponed the June 2020 lease sale, which meant that nearly 170,000 acres that would have been up for sale were taken off the auction block for that time period. This postponement allowed land users, including me, to continue enjoying those lands free of oil and gas leasing and development.

10. BLM also needs the ability to make important changes in the use of public land for oil and gas drilling. The discretion to choose whether, when, and how much to lease provides the government much-needed time and space to make decisions about land management in the best interests of the public and to fulfill its multiple use mandate, along with determining ways to create a more sustainable economic future for Wyoming. BLM's continued discretion not to hold a lease sale every quarter will therefore help me enjoy viewing wildlife on these public lands now and in the future.

11. If the government's discretion and authority to determine the timing and scope of lease sales are invalidated, the public lands that I have used and

enjoyed my entire life would be at risk of constant, imminent leasing. Upholding this discretion and authority and allowing the government to make the best land management decisions, along with giving BLM time to periodically consider and update its leasing program, would protect my interests in the vital public lands that I use and enjoy.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on January 27, 2023.

/s/ Jana Weber  
Jana Weber

## DECLARATION OF MARK WALTERMIRE

I, Mark Waltermire, declare as follows:

1. I have personal knowledge of each of the facts set forth below, and if called upon to do so, could and would testify regarding the following.
2. I have been a Board Member of the Valley Organic Growers Association (VOGA) since 2008 and have represented VOGA on oil and gas related matters since 2014. This position necessitates me representing the interests of over 150 members of VOGA. I have formerly served as Vice President of the Board of Directors and President of the Board of Directors of VOGA and have lived and farmed in this valley since 2005.
3. VOGA, based in the North Fork Valley of Colorado, has over 150 members, most of whom live and farm in the North Fork Valley. VOGA's mission is to promote local sustainable agriculture by supporting and educating producers and consumers.
4. VOGA represents its members, as they've requested, in matters concerning the health of the air and water that make their work possible. VOGA collaborates with other local non-profits to protect our watershed from irresponsible development. The North Fork Valley is a unique growing region. With mild winters, warm summers, clean water, interesting geology that created our soils, a high altitude, and our "million-dollar wind," we are well situated to grow a wide variety of produce including fruit, vegetables, flowers, hay, grain, livestock, and wine grapes.
5. VOGA has participated in community efforts to guide the federal Bureau of Land Management's (BLM) administration of the federal oil and gas mineral estate in our region. For example, we commented on every stage in the adoption process of BLM's Uncompahgre Field Office Resource Management Plan revision. As part of that process, we worked with other community members to offer the BLM a plan alternative for our area that reflects our needs and concerns, especially regarding oil and gas development. VOGA opposes the Uncompahgre Field Office Resource Management Plan adopted in 2020, recognizing that it fails to include our comments, fails to address our concerns, and it fails to protect our interests.
6. VOGA has worked with the Colorado Oil and Gas Conservation Commission to help the COGCC incorporate the concerns of VOGA members into its rulemaking.
7. On the federal level, VOGA has consistently opposed proposed BLM leases on lands surrounding our valley. Our efforts to date have been successful in preventing new leases from being issued in recent years, but BLM has continued to propose new leasing in and around the North Fork Valley.
8. Oil and gas development on federal public lands harms VOGA and its members. Our industry depends on clean water and healthy, functional watersheds. Federal oil and gas development can pollute and reduce water resources—both groundwater and surface water—especially when subject to outdated, inadequate regulations. Oil and gas development also contributes to regional air pollution, which harms VOGA members

whose livelihoods depend on clean air and soils, and on a reputation for a pristine growing environment. Finally, climate change hurts growers in the North Fork Valley via increased wildfire risk, reduced snowpacks, hotter summer temperatures, and less predictable growing season weather. Federal oil and gas leasing and development contributes to this problem.

9. VOGA and its members benefit from BLM's ability to exercise discretion to postpone lease sales. Doing so ensures that no new leases expand oil and gas developers' property rights in our region while the federal government conducts environmental or policy reviews, or assesses planning options about where, when, and how our public lands should be managed for oil and gas. This includes an evaluation of how to protect critically important resources like clean water and air, and how to ameliorate or eliminate contributions to climate change.
10. If a court required BLM to hold lease sales every three months in each state regardless of other considerations, VOGA and its members would face additional harm. New leasing inevitably would increase the amount of federal public lands leased and subject to outdated rules and practices. Such new leasing would also enable additional future development and its concomitant risks of water and air pollution, degradation of soils, and contribution to climate change.
11. VOGA has a long history of commenting on BLM's oil and gas leasing practices in our area and on BLM's long-term vision and management of the land from which we draw our water. VOGA members have a distinct and substantial interest in making the federal oil and gas leasing process more inclusive of the needs and concerns of surrounding communities and industries. Allowing BLM to maintain its flexibility in the timing of lease sales gives us an opportunity to put forward our needs and concerns, and it has provided a respite from potential new leases until we have an opportunity to weigh in.

I DECLARE, under penalty of perjury, that the foregoing is true and correct.

DATED: Jan. 10, 2023



Mark Waltermire

## **DECLARATION OF BRIAN WILLIAMS**

I, Brian Williams, declare as follows:

1. My name is Brian Williams. I am Western Colorado Alliance's lead community organizer concerning oil and gas policy, and have been in this position since 2020. In this capacity I engage in one-on-one conversations with residents throughout Western Colorado who have been adversely impacted by the negative externalities of the oil and gas industry. I am also a member of Western Colorado Alliance.

2. Western Colorado Alliance is a grassroots organization dedicated to building and sustaining healthy, just, and self-reliant communities throughout Western Colorado. Our organization includes approximately 800 members living in rural western communities spanning from Jackson to La Plata County. Approximately one-third of our membership is comprised of farmers and ranchers. Western Colorado Alliance is an affiliate of the Western Organization of Resource Councils.

3. Western Colorado Alliance is dedicated to empowering community members to become their own advocates, and to the slow, hard work of personal engagement through one-on-one conversations. As such, the issues that we engage with, including federal oil and gas policy and decisions on federal public lands, are member driven. The positions that our organization takes are crafted by residents of Western Colorado for residents of Western Colorado who are concerned for their health, safety, and welfare, as well as that of their children and the world they will inherit. In pursuit of a brighter, more sustainable future, our Alliance has sought to strengthen regulations

pertaining to the oil and gas industry to make the rules protective of public health, welfare, air quality, climate, and the environment.

4. Western Colorado Alliance's membership includes persons who live near, recreate in, rely for their livelihoods on, and otherwise use and enjoy federal public lands that are subject to oil and gas leasing, permitting and drilling, including hydraulic fracturing and the infrastructure associated with such oil and gas operations. Members of our Alliance use these public lands, and the rivers, streams and wetlands within them, for outdoor recreation, including hiking, wildlife viewing, photography, fishing, camping, solitude, and a variety of other activities. Oil and gas leasing and the subsequent operations involve a variety of adverse environmental impacts that can interfere with our members' use and enjoyment of these public lands and waters, such as air emissions, noise, contaminated water discharges, disruption of wildlife, vibrations, and industrialization of landscapes that diminish natural views. Federal oil and gas development also contributes to climate change, which poses an existential threat to the residents of Western Colorado in the form of devastating wildfires and crippling drought.

5. In addition, our Alliance has members who reside in communities that are threatened by drilling and fracking activities, including areas where the United States Bureau of Land Management (BLM) owns and leases the minerals, and are exposed to the air and water pollution associated with these activities. Oil and gas development also negatively impacts the interests of Western Colorado Alliance via degradation of

property values and economic viability of lands that our members use in the course of conducting farming and ranch operations.

6. Western Colorado Alliance is dedicated to doing our part regionally in averting the worst impacts of the climate crisis through slowing or stopping the expansion of fossil fuel production and infrastructure, and protecting the environment and communities from the negative impacts of these projects. Part of this program involves opposing oil and gas development on federal public lands that have adverse impacts to human health and welfare, air quality, and the environment. Western Colorado Alliance has a long history of working to advance responsible drilling practices on public lands. Most recently, we played a leading role in the effort to conserve natural gas from being flared from federally permitted wells, submitting written and verbal public comments in support of the BLM Methane Waste Reduction rule. We consistently and actively submit comments on BLM lease sales throughout Western Colorado, submitted hundreds of written and verbal comments on the Uncompahgre Valley Resource Management Plan, and were a lead plaintiff in litigation around the Colorado River Valley Field Office Resource Management Plan, where we won additional review of the impacts of increased oil and gas development on public health and the climate. We have numerous volunteers who facilitate rallies, disseminate information, attend public meetings, and comment to both state and federal agencies on oil and gas leasing, drilling and other harmful projects in efforts to protect our community, educate the public on the impacts of these projects, and encourage federal, state and local officials to take the most protective measures in regards to such projects.

7. Our members' concerns encompass the protection of wildlands, wildlife and habitat, including threatened and endangered species, water resources, air quality, climate, public health, and the health of its members, all of which stand to be adversely affected by projects that are approved under the BLM's leasing program. To this end, Western Colorado Alliance strives to empower its members and coalition partners in their efforts to protect communities, ecosystems, air quality, and water quality from federally-permitted oil and gas operations, and promotes the protection of rivers, streams, wetlands, and threatened and endangered species.

8. For decades, Western Colorado Alliance's members have organized, submitted public comments, attended public meetings, and promoted responsible reforms. Recent examples include our Alliance's work tightening leak detection and repair requirements near homes and schools in Colorado's Air Quality Control Commission, and advocating for a comprehensive suite of protective measures before the Colorado Oil and Gas Conservation Commission during the mission change rulemaking of 2020. We have also supported federal legislation that would tie modernization of federal leasing rates to funding for reclamation projects that would assist oil and gas workers who have been displaced as a result of fluctuations in the global energy market in part due to COVID-19.

9. Since taking office, the Biden administration has been working on reforms to the federal oil and gas program, and undertaking a rebalancing of the priorities demanded by BLM's multiple-use mandate. Allowing BLM discretion over the timing of lease sales is important to WCA and its members, especially while BLM considers



## Declaration of Erik Molvar

I, Erik Molvar, declare as follows:

1. The following facts are personally known to me, and if called as a witness I would and could truthfully testify to these facts.

2. I am the Executive Director of Western Watersheds Project (WWP), a nonprofit conservation group working to protect and restore watersheds and wildlife throughout the West. I have served in this position since October of 2016. I am a wildlife biologist with scientific findings published in multiple peer-reviewed scientific journals. I am also a member of WWP.

3. Western Watersheds Project has approximately 1,500 paid members. Our members hike, hunt, fish, birdwatch, rockhound, camp, view wildlife, and appreciate nature on federal public lands throughout the West. So avid are our members for recreating on federal public lands, and so widespread is their use of these lands, that is difficult to imagine any large tract of publicly accessible western federal public land that is not visited by a WWP member at least once in any given year.

4. The federal public lands that I and my fellow WWP members use and enjoy will be threatened by Petitioners' request for a court order requiring BLM to plan for lease sales every three months in each state, regardless of other considerations. As described below, those lease sales result in a variety of harms caused by oil and gas development on public lands where I and other WWP members recreate.

5. I have extensively explored western public lands for personal recreation over more than three decades. I regularly camp, hike, boat, backpack, hunt, fish, photograph, observe birds and wildlife, study habitat conditions, conduct fieldwork, and

seek spiritual renewal through my work and recreation involving public lands. I intend to continue this work into the future for as long as I am able, to continue to recreate on western public lands as long as I am able, and regularly return to areas that I know to be beautiful and ecologically valuable.

6. I take many trips to recreate on federal public lands each year. I have written 16 guidebooks to western public lands over the years, most of which are still in print. These include hiking guides to national parks, Bureau of Land Management (BLM) lands, and wilderness areas. Each year, I make one or more trips to federal public lands to hike, photograph, and enjoy the areas covered in the books, in order to keep them up-to-date. I often travel to Wyoming's Red Desert and Bighorn Basin during summer to hike, camp, and view wildlife and wild horses. During late winter (late March and early April in Wyoming), I make one or more annual pilgrimages to the Red Desert to watch the spectacular natural spectacle of sage-grouse strutting and mating. I take a separate, weeklong trip around Spring Break, when I traditionally explore the public lands of Utah, Nevada, Oregon, and/or California, and engage in hiking, camping, viewing of ghost towns and ancient cliff dwellings and rock art panels, viewing of wild horses, wildlife, and sage grouse.

7. In fall, I often hunt elk or pronghorn on public lands, or on private lands underlain by federal minerals. I have typically put in for a pronghorn tag for the Red Desert or the Shirley Basin, to hunt on federal public lands. For example, in October 2019, I got a very large 6x6 bull elk in the northwestern Red Desert, one of the most prized and difficult tags to draw, and the hunt of a lifetime. When I do not draw a tag in the initial lottery, I often purchase an over-the-counter tag for northeastern Wyoming,

where I hunt on a private ranch owned by a friend southwest of Gillette, Wyoming. I know this ranch is underlain by federal minerals, because the ranch owner has told me they spent more than \$75,000 of their own money on lawyers trying to prevent oil and gas development on federal leases underlying their ranch from destroying or degrading their ranch.

8. Many of the federal lands where I recreate are designated by BLM as open for oil and gas development and may be leased for oil and gas in the future. For example, the Adobe Town Citizens' Proposed Wilderness in Wyoming's Red Desert is one of my favorite places on federal public land to visit. I first visited this area in 1999, while doing research for my book *Wild Wyoming*, which includes a chapter on Adobe Town. It is also featured in my book of photography titled, *Wyoming's Red Desert: A Photographic Journey*. Subsequently, in 2001, I conducted a comprehensive wilderness inventory of this entire area, which was then submitted to BLM, traversing every vehicle route and documenting human intrusions using GPS coordinates and photos. Later, I led scores of field tours of this area for the general public, for journalists, and for political leaders, and took at least five aerial overflights of the area in light planes, engaging in further photography. In 2008, I led a team of writers and photographers on a multi-day, off trail backpack across Adobe Town. That backpacking trip traversed an area covered by several BLM oil and gas leases proposed to be offered in a March 2021 lease sale and later sales, which was published as a feature article in Backpacker Magazine under the title, *The Red Zone: Wyoming's Red Desert*.<sup>1</sup> I also used this area for hiking, nature

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<sup>1</sup> This article remains online at <https://www.backpacker.com/trips/the-red-zone-wyoming-s-red-desert/>

appreciation, photography (amassing hundreds if not thousands of images), wild horse viewing, and camping, by myself, with my family, and with friends, generally more than once each year since 2000. My most recent visit to the area was over Memorial Day weekend in 2021, when I camped and hiked around the Powder Rim and Skull Rim, visiting an area subject to newly proposed BLM oil and gas leases. I plan to return to this area for camping, wildlife and wild horse viewing, hiking, and photography in April 2023.



*Adobe Town, Labor Day weekend 2017.*

9. My next planned visit to federal public lands will be on the week of January 15, 2023, when I will join a friend to hike, photograph, and explore federal public lands near Gardnerville, Nevada to view and photograph wild horses of the Fish

Springs herd. I am planning another trip to Utah, Nevada, and other western states for March 11– 19, 2023, when I will engage in camping, hiking, wildlife viewing, and photography together with my youngest daughter. I am also planning a further trip to the Onaqui wild horse Herd Management Area and southern Red Desert in April 2023, together with a wild horse photographer. All of these lands are designated as open for oil and gas leasing by BLM.

10. Both leasing and development of oil and gas on federal public lands harm me and other WWP members. Leasing results in a limited right to explore for, drill, and produce fluid fossil fuels from at least one surface location on the leasehold. If exploration and development result in oil and gas production, the lease can be held by production indefinitely, sometimes decades. During the life of the lease, the presence of the lease(s) can impair management for other uses like wilderness, wildlife, and recreation—even after oil and gas development is no longer occurring. I have personally seen examples (e.g., the Koch Exploration Adobe Town #1 well) where a lease located within a Wilderness Study Area was extended administratively by BLM for an additional 27 years after the last oil and gas was produced. Thus, the mere commitment of federal lands and minerals to oil and gas leasing can result in long-lasting harms to federal public lands.

11. After leasing, exploration wells are typically drilled to determine the degree to which paying qualities of oil, natural gas, condensates, and/or coalbed methane exist on the leasehold. At this stage, operators use massive off-road heavy equipment (called “thumper trucks” or “vibroseis buggies”) that weigh as much as 30 tons apiece, driving cross-country and crushing any vegetation (and archaeological sites, fossil

deposits, or other sensitive features) in their path. The scars from geophysical exploration in the fragile vegetation remain visible for decades after the completion of the project, marring the naturalness of the landscape.

12. Where paying quantities are found, full-field development follows. Standard well density is four wellpads sited per square mile, but I have seen projects approved on BLM lands where as many as 128 well sites per square mile were authorized. Full-field development entails a maze of access roads and pipelines leading to each wellpad.

13. Sensitive wildlife, including iconic and highly visible species that I enjoy viewing like the greater sage-grouse, Rocky Mountain elk, pronghorn, pygmy rabbit, ferruginous hawk, golden eagle, wild horse, and mule deer are driven away from surrounding habitats by the vehicle traffic and human activity, noisy equipment (including but not limited to compressor stations, dehydrators, and pumps), and their freedom of movement and migration is impeded by networks of roads, pipelines, and wellpads. Native wildlife also are directly killed by wellfield traffic, and birds are commonly killed by flying into burners or reserve pits filled with toxic waste.



*Dead pronghorn, Monell oil and gas unit, Wyoming's Red Desert, 2002. Erik Molvar photo.*

14. Oil and gas development on federal public land employs a variety of toxic chemicals, some occurring naturally in the fluid mineral deposits, and brought to the surface during drilling and production, and others brought on-site as part of the drilling, fracking, completion, or production processes. Spills of toxic chemicals are a widespread

and pervasive accompaniment to drilling and production on federal lands and minerals. These toxic chemicals can poison groundwater and surface waters, poisoning fish and other aquatic life and rendering subsurface aquifers undrinkable. This aspect of oil and gas production is such a concern to me that as a Laramie City Councilman, I personally authored and sponsored a fracking resolution for the National League of Cities. This resolution was ultimately adopted as official NLC policy in fall of 2012.

15. Oil and gas development on federal public land also results in air pollution that harms me personally, as well as the interests of WWP. Oil and gas development entails the use of drilling rigs, trucks, compressor stations, and other wellfield equipment that emit both greenhouse gases and carcinogenic fumes. Volatile organic compounds including benzene, toluene, ethylene, and xylene waft from open ports on condensate tanks at wellsites on federal oil and gas leases, causing myriad health problems, and degrading into ozone (smog) when exposed to sunlight. The smog from oil and gas development causes widespread air quality degradation, even far from the source wellfields, interfering with my photography, which requires crystalline air clarity to capture the most spectacular images. Methane is the primary constituent of natural gas, and leaks from pipelines, wellsites, and other facilities, as well as direct venting to the atmosphere during well completions and fracking. Oil and gas development and production in Wyoming's Upper Green River Valley – an area where I and other WWP members recreate – have caused air pollution so severe that pollution levels are worse than in Los Angeles, local residents with lung conditions are advised to remain indoors, and Clean Air Act ozone standards are violated. Four years ago, I was diagnosed with chronic asthma at the age of 51, and the only environmental risk factor to which I have

been exposed in several decades is air pollution associated with oil and gas development on federal leases in areas where I recreate.



*Habitat destruction and visual impacts of oil and gas development in Wyoming's Jonah Field. Erik Molvar photo.*

16. Oil and gas development also impacts me and other WWP members by contributing to climate change. Climate change is impacting the arid West in significant, negative ways, and it likewise has a major negative impact on me and other WWP members. Unnaturally large and frequent fires across the West are rooted in climate change, as extended drought dries fuels, and unnaturally hot, dry conditions cause “extreme fire weather” that elevates the likelihood of serious fires, and contributes to expanding the size and duration of large fires. These fires pose a danger to the public recreating on public lands, and closure orders resulting from these fires have blocked

access to public lands for myself and other WWP members. For me, this happened most recently in late October 2020, when I was traveling through northern California and was unable to camp on public lands on some parts of my trip due to fire risk. Also, in March 2021 I recreated in Gold Butte National Monument and visited lands that had burned in previous years, wiping out the Joshua trees that I enjoy viewing and replacing them with red brome, an invasive weed. This severely impaired my enjoyment of the area.

17. Climate change results in reduced winter snowpacks and net melting and disappearance of glaciers in the Rocky Mountains. This translates to lower stream and river flows, and warmer water temperatures, conditions that are unfavorable for the survival of native trout species. I am a fly fisherman, and many WWP members likewise are anglers. The reduction of trout populations as a result of changing water conditions is a negative climate impact on our recreational experiences.

18. Climate change also threatens the survival of many species of native wildlife, notably the collared pika (with its numerous endemic subspecies) and whitetailed ptarmigan. These two species are heavily dependent on alpine tundra habitats, which are shrinking and ultimately will disappear as climate change causes the treeline to move upward in elevation. I have personally enjoyed watching and photographing both species. Climate change also threatens the survival of larger, charismatic wildlife like moose and grizzly bears. Moose are limited by their thermal mass and lack adequate mechanisms to shed heat. Their distribution is therefore limited by high temperatures. Grizzly bears in the Yellowstone ecosystem face survival issues due to the climate related disappearance of whitebark pines, whose nuts are an important fat-rich food source that helps bears survive winter hibernation. Whitebark pines are disappearing due to heavy

infestations of bark beetles, which have been released from population limitations imposed by very cold winter temperatures that ordinarily kill bark beetle grubs while they overwinter in tree trunks. My and other WWP members' ability to view and enjoy moose and grizzly bears is hindered by range contractions and population reductions caused by climate change.

19. As an environmental professional, and executive director of WWP, I have been working on protecting public lands from the environmental impacts of oil and gas leasing and development since 2001. As part of this work, I drafted detailed science based comments seeking to reduce or eliminate oil and gas exploration and development on federal fluid mineral leases, minimize impacts of oil and gas development to wildlife, and I drafted conservation alternatives for the Rawlins and Bighorn Basin RMPs to identify sensitive lands and wildlife habitats that should be closed to future oil and gas leasing to protect their sensitive resources. I also personally have written comments on and protests of federal oil and gas lease auction offerings totaling approximately 5 million acres of federal lands and minerals, and am currently responsible for overseeing legal strategy for WWP in our ongoing litigation against federal oil and gas leases involving sensitive sage-grouse habitats across five western states (*WWP v. Bernhardt*, Case No. 20-35291).

20. I am the author of a 2003 report on directional drilling titled *Drilling Smarter: Using Directional Drilling to Reduce Oil and Gas Impacts in the Intermountain West*.<sup>2</sup> This report was peer-reviewed prior to release by two petroleum geologists, and I

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<sup>2</sup> Available at [http://www.oilandgasbmps.org/docs/GEN161-DirectionalDrilling\\_BCA.pdf](http://www.oilandgasbmps.org/docs/GEN161-DirectionalDrilling_BCA.pdf)

recently learned that subsequent to its release, this paper has been cited in petroleum engineering journals including *Proceedings of the IFAC Workshop on Automatic Control in Offshore Oil and Gas Production*, *Iranian Journal of Oil & Gas Science and Technology*, and *Robot Intelligence Technology and Applications*. This paper was intended to show how environmental impacts to wildlife habitats could be reduced, but to date oil and gas development on federal public lands and minerals have not been designed using directional drilling to truly minimize surface impacts.

21. Western Watersheds Project is actively involved in litigation to nullify previously approved oil and gas leases in important sage-grouse habitats, and this litigation has already resulted in the courts vacating almost a million acres of oil and gas leases on federal public lands in five western states. I have personally been involved in that case as the WWP staff person responsible for litigation strategy. Other WWP staff have drafted comments on and protests of numerous quarterly lease sales. Our comments and protests have focused heavily on oil and gas impacts to sage grouse and other wildlife.

22. I have also advocated for the federal government to pause new leasing to enable a comprehensive review of the federal oil and gas program. In an article I wrote for Counterpunch, which ran on January 1, 2021,<sup>3</sup> I called attention to the urgency needed to solve the climate crisis:

President-elect Biden has promised to end fossil fuel leasing on public lands. This is a long-overdue measure, given the enormous costs to the taxpayers to mitigate and clean up the damage from the fires, superstorms, droughts, and sea level rise stemming from emissions of the greenhouse gases that come from burning fossil fuels. Because federally-owned minerals belong to

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<sup>3</sup> Available at [counterpunch.org/2021/01/01/a-bold-conservation-agenda-for-biden/](https://counterpunch.org/2021/01/01/a-bold-conservation-agenda-for-biden/).

the taxpayers, the best investment for the owners is to keep them safely sequestered in the ground.

Similarly, in a January 2021 article that ran in *The Wildlife News*,<sup>4</sup> I advocated in favor of a pause on new leasing:

The Biden approach to fossil fuels is an unambiguous victory for the environment. . . . It puts a pause on leasing for oil, gas, and coal, each of which are dirty fuels that cause climate-disrupting spikes in atmospheric carbon. When it comes to implementing these policies, it will be essential for the Biden team to be as aggressive as possible, because the oil and gas industry has already banked up an enormous surplus of unused oil and gas leases, and pre-approved permission to drill tens of thousands of wells, which will cause major spikes in drilling and fracking for decades to come, even if new leases and permits are prohibited entirely, right away.

23. WWP was very disappointed when BLM resumed new oil and lease sales in June 2022, and it continued planning for more sales in 2023. WWP has filed suit to challenge the agency's June 2022 lease sales. *See Dakota Res. Cncl. et al. v. Dep't of the Interior*, No. 22-cv-01853-CRC (D.D.C.).

24. Allowing BLM to exercise its discretion over the timing and scope of lease sales is important for WWP and its members. When BLM holds fewer lease sales, WWP can use that time to advocate for a more responsible approach to oil and gas development, and also spend more time advocating for solutions for other pressing environmental issues such as the severe damage caused to public lands by domestic livestock, which would benefit me and other WWP members.

25. If this Court rules that BLM must hold lease sales every three months in each state, as Petitioners have requested, I and other WWP members would be harmed. Holding so many sales will inevitably result in more leasing, with the concomitant harms

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<sup>4</sup> <https://www.thewildlifeneeds.com/2021/01/27/biden-climate-policy-could-bring-positive-change-to-the-west-heres-how/>.

detailed above: degraded public lands, impacts to wildlife, air and water pollution, and contribution to global climate change. For example, I am concerned about oil and gas leases proposed for the September 2023 oil and gas lease sale for the Path of the Pronghorn migration route in the Upper Green River Valley of western Wyoming, and in the Adobe Town citizens' proposed wilderness in the southern Red Desert in the June 2023 lease sale. The leasing and development of some of these parcels would negatively impact my recreational enjoyment of Adobe Town, where I have long recreated, and the Upper Green River Valley, where I have hiked and viewed and photographed pronghorns and wild horses. As explained above, these leases could lock in harmful land uses and operations for decades.

26. Furthermore, the United States' broader global credibility on tackling climate change will be undermined if the government is required to continue selling leases every three months, regardless of climate imperatives.

27. Because of my personal and professional interests in continuing to visit, recreate on, and protect public lands across the West, I care deeply that the federal government take a close, hard look at reforming its oil and gas leasing program and exercise its discretion to determine whether, where, and when to lease. If Petitioners obtain their requested relief—a mandate to continually offer new oil and gas leases throughout the West—I fear that further loss and fragmentation of intact sagebrush habitat will accelerate the decline of the greater sage grouse species and additional road building, pipelines, powerlines and well sites will drive away pronghorns, elk, golden eagles, burrowing owls, and other wildlife. This would deprive me and other WWP members of our ability to enjoy public lands, which is predicated on their wild and

pristine qualities, their ability to support abundant wildlife, their natural appearance and soundscapes, their beautiful scenery, their ability to provide solitude and distance from human intrusions, and their resilience to climate change. Each of these attributes is threatened with every new lease issued under existing rules and practices.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of January, 2023, in Laramie Wyoming.

A handwritten signature in black ink, appearing to read "Erik Molvar", written over a horizontal line.

Erik Molvar

## **DECLARATION OF PETER HART**

I, Peter Hart, declare as follows:

1. I am over eighteen years of age and a citizen of the United States. The facts and opinions set forth in this declaration are based on my personal knowledge and experience. If called as a witness in these proceedings, I could and would testify competently to these facts and opinions.

2. I reside in Grand Junction, Colorado.

3. For the past 16 years I have been employed by the Wilderness Workshop based in Carbondale, Colorado. My title at Wilderness Workshop is Legal Director. My work focuses on public land management. I review and comment on projects proposed on local public lands that may have impacts on the ecological integrity of those lands, including proposed federal oil and gas lease sales. As a public land watchdog group, Wilderness Workshop also advocates strongly for open and transparent decisionmaking, opportunities for public comment, and agency compliance with rules and regulations that protect the environment and the public interest.

4. Wilderness Workshop's advocacy to protect the Thompson Divide in Colorado's White River National Forest is perhaps the best example of our extensive work and deep investment in federal public lands. Much of our work over the last decade has focused on advocating for meaningful protection of the Thompson Divide and its roadless areas. The Thompson Divide is foundational to the economy, culture, and ecology of the region and we have long aimed to keep it that way. The broader landscape surrounding the Thompson Divide is one of the largest complexes of roadless lands in Colorado. Wilderness Workshop has worked for more than a decade to ensure that federal lands in the Thompson Divide are not leased or

developed for oil and gas, and to ensure these lands continue to provide critical wildlife habitat, recreation opportunities, grazing lands, and clean air and water.

5. I am also a member of Wilderness Workshop and, like many of our members, live in Western Colorado because of the area's federal public lands and the values those public lands retain. I support Wilderness Workshop as a member and employee because of the work we do to protect federal public lands. Wilderness Workshop members are also concerned with public lands management and the regulation of fossil fuel development on public lands, including the economic, social, and environmental impacts of developing minerals on public lands in our area.

6. Wilderness Workshop members, including me, use and enjoy federal public lands that would be threatened by the court order sought by the Petitioners in these cases requiring BLM to hold lease sales every three months in each state. Wilderness Workshop members use and enjoy federal public lands for hiking, skiing, camping, hunting and fishing, photography, wildlife watching, mountain biking, snowshoeing, snowmobiling, wildflower viewing, and education. Some Wilderness Workshop members rely on water produced on federal public lands for domestic and agricultural use. Wilderness Workshop also has members in the tourism and recreation industry whose businesses thrive because of visitation to federal public lands subject to the executive order. For example, one particularly active member owns and operates a bed and breakfast on a scenic and narrow mountain road that provides access to National Forest lands overlying federal oil and gas. This member and the bed and breakfast would be negatively impacted by new federal oil and gas development utilizing the same roadway.

7. On a personal level, I regularly enjoy exploring the undeveloped mid-elevation forestlands of western Colorado, particularly the White River, Grand Mesa, Uncompahgre and

Gunnison National Forests. While much of Garfield, Mesa, Gunnison and Delta Counties has been cut up, developed, or otherwise altered by intensive human use, parts of the national forests remain quiet, full of wildlife and numerous clean mountain streams, and abound with opportunities for unconfined recreation. I return at every opportunity to hike, ride my bike, take photographs, watch wildlife, and camp. I have developed fond memories in these areas and a deep appreciation for the natural values that still exist. These places have helped me introduce my children to nature, provided a place for me to quench my thirst for outdoor adventure, and given me opportunities to connect with my aging parents in wild country that they also have grown to love.

8. Federal oil and gas development has been proposed on many areas of the national forests and surrounding BLM lands where I regularly hike, backcountry ski, camp, and mountain bike. These include areas west and southwest of Carbondale, Colorado such as the Thompson Creek watershed, the Lake Ridge and East Willow areas, Haystack Mountain, the area around McClure Pass, as well as Battlement Mesa southwest of Rifle, Colorado. New leases were recently nominated and considered near the 18 Road mountain bike trails in Mesa County, and near Highline State Park, where I've camped with my kids. There are also large new oil and gas developments proposed in roadless areas that I love near Paonia, like the Pilot Knob Roadless Area. I intend to keep returning to these places for many years in the future.

9. Oil and gas leasing and development threaten many of the federal public lands that I enjoy and that Wilderness Workshop works to protect. The presence of oil and gas infrastructure, such as roads and waste pits, diminishes the striking beauty and pristine character of these public lands, and impairs my and other Wilderness Workshop members' ability to use

and enjoy them. For example, I often visit Mamm Peak, a largely roadless area in Colorado's White River National Forest that rises to over 11,000 feet and is covered with stands of aspen and evergreen forest including some old-growth conifers. The Bureau of Land Management (BLM) has approved drilling up to the boundary of the roadless area, and the federal government has approved expansion of roads in the broader area to accommodate drilling operations. On a July 2016 backpacking trip to Mamm Peak, my group and I came across a well pad as we hiked out of the roadless area. A waste pit containing noxious fluids significantly exacerbated the disruption of the area's natural character. After enjoying the beauty of Mamm Peak during our overnight backpack, I found it disturbing to come across this industrial waste pit sitting in such a spectacular area. Fluids, moreover, appeared to have leaked from one corner of the pit and run downslope into a creek that ran by the pad. Seeing this was especially troubling because during our trip my group had drawn drinking water from streams in the same drainage (fortunately, we had done so upstream of the well pad and pit). In future visits to the area, I will need to be conscious of getting our drinking water upstream of such pits.

10. Even without drilling or development, leasing alone can harm the public lands where I and other Wilderness Workshop members enjoy recreating. BLM often sells oil and gas leases in productive and undeveloped habitat for a wide variety of wildlife species, including big game like deer, elk, moose, black bear, Canada lynx, bald eagles, cutthroat trout, boreal toads, and northern leopard frogs. Those leases commonly are based on outdated environmental analyses and lack stipulations and other measures adequate to protect the area's natural values. Moreover, companies commonly take advantage of arcane regulations to extend the life of their leases for decades, even when they are not producing oil and gas. These lease extensions have

the practical effect of preventing the BLM from managing those lands for other uses and leaving them subject to development based on outdated lease terms and antiquated management regimes. Wilderness Workshop has worked for years in some cases to organize and advocate for termination of some of these invalid leases. *See, e.g., Willsource Enter., LLC v. Interior Bd. Of Land Appeals*, No. 17-cv-01887-REB, 2020 WL 5088069, at \*2–3, \*7 (D. Colo. Aug. 28, 2020). For all these reasons, the federal oil and gas leasing program needs to be reevaluated and reformed.

11. The existing federal oil and gas leasing system is sometimes administered without considering environmental impacts under the National Environmental Policy Act (NEPA). For example, the attention that Wilderness Workshop and its partners have dedicated to reviewing and monitoring leases in Colorado roadless areas, including those within the Thompson Divide, was influential in exposing a significant NEPA deficiency. In 2013 BLM admitted that it had sold at least 65 leases in and around the Thompson Divide without any NEPA analysis at all. A multi-year NEPA process followed this admission during which BLM reconsidered decisions to issue the leases. In recent years we have identified and challenged numerous other agency decisions which improperly extended undeveloped oil and gas leases on sensitive public lands with lease suspensions and unit approvals which also failed to comply with applicable laws and agency regulations, including NEPA.

12. Federal oil and gas leasing also contributes to climate change, which harms me and other Wilderness Workshop members. Climate change causes unnaturally large and frequent fires across the West, which pose a danger to anyone recreating on public lands. Climate change also reduces winter snowpack and melts glaciers in the Rocky Mountains, impairing the

recreational enjoyment of skiers and snowshoers and resulting in lower stream and river flows and warmer water temperatures. These conditions impede native trout species' ability to survive and reproduce, which reduces recreational enjoyment for anglers and undermines my work and the work of Wilderness Workshop to protect the ecological integrity of local public lands. In addition to native fish, climate change threatens the survival of many species of native wildlife and plants integral to the ecosystems that I and other Wilderness Workshop members enjoy. For example, in recent years tens of millions of acres of National Forest have been affected by unusually heavy infestations of mountain pine and spruce beetles, which ordinarily are limited by cold winter temperatures that kill beetle grubs while they overwinter in tree trunks. Some Wilderness Workshop members are also farmers and ranchers who depend on healthy public lands to graze livestock and who rely on water flowing from public lands to sustain agriculture. Climate change poses a real threat to the viability of these agricultural operations as well.

13. BLM's ability to exercise discretion over the timing of new oil and gas leasing therefore directly benefits our members. Limiting or postponing lease sales for NEPA analysis or other reasons gives the government an opportunity to ensure the federal oil and gas program is adequately considering impacts to other public lands resources and the agency is better balancing resource use and protection in accordance with its multiple use mandate. Flexibility in the timing of lease sales also provides the government an opportunity to implement practices that enable adequate public participation in oil and gas leasing decisions; to rethink its system for complying with NEPA; to evaluate and reform the poor regulation and oversight that enables abusive practices that undercut and prevent protection of public lands; and to assess which of our public

lands should be offered for oil and gas leasing, and under what conditions, in light of the ever-increasing impacts from climate change.

14. If Petitioners succeed in obtaining a court ruling the BLM must hold lease sales every three months in Colorado, the public lands that Wilderness Workshop members and I visit would face heightened risk of increased leasing under outdated and inadequate regulations, which would harm our access, use, and enjoyment of these lands. For example, Wilderness Workshop filed comments on BLM's proposed 2022 lease sales in Colorado, Utah and Wyoming, because the agency had not analyzed the reasonably foreseeable impacts from that leasing, including impacts to climate, public health, and groundwater resources in Colorado. Wilderness Workshop also filed a protest (i.e., administrative appeal) of BLM's June 2022 Colorado lease sale. In addition, Wilderness Workshop submitted comments objecting to the March 2021 BLM lease sale in Colorado because BLM intended to sell the leases without analyzing the likely on-the-ground effects oil and gas development would have on certain resources, including old growth forests, inventoried Colorado Roadless Areas, important habitat for sensitive and listed wildlife species, public water supplies, and areas with usable groundwater. In the sale, BLM proposed to auction off a new lease on National Forest land and within the Mamm Peak Roadless Area, a place where I have hiked with other Wilderness Workshop members and partners, and a place with extraordinary habitat values that are important to our members. The foreseeable development of the proposed leases would result in real impacts to these values and others that were never adequately considered or disclosed to the public. Nonetheless, BLM was proceeding with the lease sale as if it need not complete site-specific NEPA analysis for all resources and foreseeable impacts prior to issuing these proposed leases. If Petitioners succeed in obtaining

their requested relief, these sensitive public lands would likely be back on the auction block in the near future.

15. A requirement that BLM hold lease sales every three months in each state also would impair Wilderness Workshop's ability to advocate for much-needed reforms. Forcing the agency to continually churn out lease sale decision documents and analyses would divert staff resources and essential time needed to review and reform a leasing program that is sorely outdated and harms the public. Furthermore, Wilderness Workshop has devoted thousands of hours of staff time and sizeable out-of-pocket costs to protecting local public lands from federal oil and gas development, and it will suffer additional, similar drains on our organizational resources if we must comment and address leasing under the schedules sought by Petitioners.

16. Wilderness Workshop has long challenged BLM's leasing decisions and processes affecting local public lands. For example, in 2004 Wilderness Workshop and partners protested BLM decisions to lease lands in the Thompson Divide for failure to undertake adequate analysis of the potential impacts. We ultimately won that case before the Interior Board of Land Appeals in 2007. *See Board of Commissioners of Pitkin County and Wilderness Workshop*, 173 IBLA 173 (December 20, 2007). Since then Wilderness Workshop has been engaged in numerous other BLM leasing decisions. Wilderness Workshop successfully challenged BLM's decisions to authorize more oil and gas leasing and development on our public lands without adequate analysis of potential climate impacts. *See Wilderness Workshop v. United States BLM*, 342 F. Supp. 3d 1145, 1167 (D. Colo. 2018) (BLM failed, in part, to take a hard look at the severity and impacts of greenhouse gas pollution. Namely, it failed to take a hard look at the reasonably foreseeable indirect impacts of oil and gas); *see also Ctr. for Biological*

*Diversity v. United States BLM*, Civil Action No. 19-cv-02869-REB (D. Colo.) (challenge to the Grand Junction Field Office Resource Management Plan for failure to consider potential impacts, including the impacts of new oil and gas leasing and development on climate); *Wilderness Workshop v. BLM*, Civil Action No. 18-cv-00987 (D. Colo.) (challenge to BLM lease sales for failure to take a hard look at potential impacts, including impacts to climate); *Western Slope Conservation Center et al. v. U.S. Bureau of Land Management et al.*, Civil Action 20-cv-02787-REB (D. Colo.) (challenge to BLM's RMP that prioritized fossil fuel leasing over all other uses and failed to consider reasonable alternatives).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on Jan. 16, 2023.



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Peter Hart

## **DECLARATION OF CONNIE J. WILBERT**

1. My name is Connie J. Wilbert. I am of legal age and am competent to give this declaration. All information herein is based on my own personal knowledge and experience unless otherwise indicated.

2. I have been a member of the Sierra Club since 1981 and I am currently the Chapter Director for Sierra Club's Wyoming Chapter.

3. I grew up in Riverton, Wyoming, a small town in west-central Wyoming in the Wind River Valley. I have lived in Laramie, Wyoming in southeastern Wyoming since 1985.

4. I possess a Master of Science degree in Zoology and Physiology, specializing in wildlife biology, and Bachelor of Science degrees in Zoology and Botany. I have worked as a professional habitat biologist.

5. I have been an avid outdoors person since childhood, enjoying camping, hiking, hunting, fishing, backpacking and other recreational pursuits throughout the state of Wyoming, other intermountain western states, and Alaska.

6. I spent much of my childhood and youth enjoying a variety of activities on federally managed public land throughout the State of Wyoming. With my parents and siblings, I camped, fished, hiked, and hunted on public

land on the Bridger-Teton and Shoshone national forests and on lands managed by the Bureau of Land Management in Fremont, Sweetwater, Teton, Sublette, and Natrona counties in particular, with less frequent but occasional visits to the Bighorn National Forest and public lands in Campbell, Sheridan, and Johnson counties and counties throughout the Big Horn basin.

7. We frequently enjoyed public lands in what is known locally as the Red Desert, an area of central and southern Wyoming that includes the Big Sandy foothills of the Wind River Mountains, Continental Peak, the Oregon Buttes, Steamboat Mountain, Jack Morrow Hills, Killpecker Sand Dunes, Boars Tusk, Honeycomb Buttes, and many other extraordinary landscapes. We camped and fished along the Sweetwater River, wandered the Oregon Trail, and viewed with respect and awe many Native American cultural sites throughout the Red Desert.

8. I have continued to visit, explore, and enjoy these same areas as an adult, and my husband and I introduced them to and shared them with our children as they grew up. Just last summer (2022), I spent time exploring areas near the Oregon Buttes, Honeycomb Buttes, South Pinnacles, and Sand Dunes. I plan to continue visiting these areas and engaging in these activities on a regular basis in the future. This coming summer (2023), I hope to camp and hike near Adobe Town, Steamboat Mountain, Alkali Basin, and Prospect

Mountain. As far as I know, all or at least portions of the areas I have recently visited and plan to visit in the near future are currently open to leasing and could be leased in any upcoming sale.

9. Part of my recreational and scientific enjoyment of these areas involves looking for signs of wildlife and observing wildlife. Many species of wildlife depend on undeveloped specialized habitats found throughout the Red Desert, including greater sage-grouse, desert elk, mule deer, pronghorn antelope, moose, migratory birds, raptors, and amphibians such as the spadefoot toad, to name but a few.

10. Sage-grouse numbers have declined in North America by as much as 93% from historic levels, with current population estimates ranging from 200,000 to 500,000 birds. Nearly 40% of remaining sage-grouse exist in Wyoming. Sage-grouse are restricted to sagebrush dominated habitats, and the Red Desert offers some of the best remaining habitat for and highest numbers of grouse in Wyoming. Breeding and nesting sage-grouse are very sensitive to disturbance, e.g. from oil and gas operations and associated roads and infrastructure. It is well understood that disturbance from roads within two miles of breeding sites can cause grouse to abandon the sites. High road densities can also affect brood rearing success of grouse through direct mortality and displacement. Less is known about critical winter habitat for

sage-grouse, but researchers have documented wintering areas that appear to be critical for grouse winter survival. Some of these important wintering areas are found in the Red Desert. Disturbance from winter drilling activity could impact sage grouse winter survival.

11. The southern two-thirds of the longest known mule deer migration corridor in the world traverses the Red Desert. Recent scientific research has clearly documented that migrating mule deer avoid areas of oil and gas development, and development that spans their traditional migration routes disrupts their migration and diminishes availability of seasonal habitat that may be critical to their survival.

12. The Red Desert is home to the largest desert elk herd in the United States, and the only one in Wyoming.

13. I personally have watched herds of more than 100 cow elk with calves on the north side of Steamboat Mountain, and have seen sage-grouse on many occasions in the Big Sandy foothills. I have heard the distinctive call of spadefoot toads in ephemeral ponds in the spring, and I've seen fledgling mountain plovers along high rims. I have witnessed migrating mule deer, pronghorn antelope, songbirds, and raptors.

14. I have become increasingly distressed in recent years by growing evidence of oil and gas leasing throughout the Red Desert. Roads have been

bladed to allow easy passage for trucks hauling drilling equipment and crews. Roads, drill pads, and pipelines have proliferated in the Big Sandy foothills and other areas, and I've observed dead mammals and waterfowl caught in torn netting around oil covered drilling waste water pits. These sights are troubling and greatly diminish my enjoyment of formerly wild places.

15. I also am deeply concerned by the number of oil and gas leases that have been sold in the Red Desert over the past several years. Many of these leases overlay priority sage-grouse habitat and completely bisect the mule deer migration corridor. Maps showing currently leased areas reveal many leases right next to wilderness study areas, within identified lands with wilderness characteristics, and near designated areas of critical environmental concern. Wildlife habitat and scenic beauty already have been diminished, and in recent years, I have been dismayed to see the changes that have already occurred. Just knowing that the leases are there—even if they have not yet been developed—reduces my enjoyment of these places as I know this makes future development more likely and thus degrades their wild character in my eyes.

16. I wish to continue to enjoy public lands in the Red Desert and other areas of Wyoming for the same reasons and pursuits I have enjoyed for decades, but if oil and gas leasing continues and leases are developed, the

landscapes will be permanently altered and the natural values that are important to me will be lost for the rest of my lifetime. I will not be able to visit the Red Desert and other public lands for recreational and scientific pursuits if the landscape is permanently altered with roads, drilling sites, pipelines, and waste water pits. It would be too sad and depressing to see the places I have loved my entire life spoiled by fossil fuel drilling. It would be heartbreaking to know the sage grouse and desert elk were rare or even gone for good, to know that mule deer could no longer make their annual migration to and from summer ranges more than a hundred miles away as they have done for millennia, and to know that migratory songbirds and raptors could no longer find the secure habitat they need to complete their annual treks.

17. I hope these places and their natural values will still exist in years to come so that my children and their future families can continue to know this remarkable natural area as we have been able to do during our lifetimes.

18. Through my work at Sierra Club, I am involved in Sierra Club's climate advocacy aimed at stopping the expansion of fossil fuel extraction on public lands in Wyoming and across the country.

19. Sierra Club previously intervened as a defendant in litigation filed in the federal District Court in Wyoming (and a similar case filed in North Dakota), to defend the Department of the Interior's decision to pause

the issuance of new oil and gas lease sales in 2021. I filed a declaration in the Wyoming case in support of Sierra Club's motion to intervene, which was granted.

20. Although the Department of the Interior's oil and gas pause is no longer in place, Sierra Club continues to advocate for protection of the climate and public lands, including by seeking to limit oil and gas leasing on federal public lands. An important tool in that endeavor is the authority of the Department of the Interior, through the Bureau of Land Management, to determine the timing and scope of oil and gas lease sales—conducting them only when and where it is environmentally appropriate to do so. If the Bureau of Land Management were required to hold lease sales every three months, irrespective of these concerns, its ability to responsibly manage public lands would be diminished. That, in turn, would harm my and Sierra Club's interests.

21. In 2022, the Department of the Interior issued oil and gas leases on more than 125,000 acres of public lands across seven states: Wyoming, Colorado, New Mexico, Nevada, Oklahoma, Montana, and North Dakota.

22. In June 2022, Sierra Club and other conservation organizations filed a lawsuit in federal court challenging the Department of the Interior's decision to issue those leases under the National Environmental Policy Act

and other federal statutes. It is my understanding that that lawsuit is still pending.

I declare under the penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information, and belief.

Dated: January 23, 2023

Signed: /s/ Connie Wilbert

## **DECLARATION OF MIYA KING-FLAHERTY**

I, Miya King-Flaherty, declare as follows:

1. I am over 18 years of age and am competent to testify.
2. The information in this declaration is based on my personal experience and my review of publicly available information.
3. I live in Albuquerque, New Mexico. I am an employee at the Sierra Club Rio Grande Chapter in Albuquerque, New Mexico. I am also a member of the Sierra Club. I have worked with the Chapter for more than seven years as an organizer focusing on oil and gas impacts to public health, air quality, and the environment in the Greater Chaco region in northwestern New Mexico. I also work on oil and gas leasing impacts in southeastern New Mexico's Permian Basin. My official title is Our Wild America New Mexico Organizing Representative.
4. The mission of the Rio Grande Chapter is to explore, enjoy, and protect the planet, through prioritizing actions that protect the climate, clean air, clean water, and conserving wildlife and public lands in New Mexico and West Texas.
5. In my professional capacity, my work entails traveling often to the Tri-Chapter area in the Greater Chaco region that is comprised of Counselor, Ojo Encino, and Torreon/Starlake Navajo Chapters. Most of my travel has been to Counselor, Ojo Encino, or Nageezi with the purpose of talking to community members or attending public meetings. Throughout my travel, I have worked very

closely with individuals in the region that have experienced the impacts of expanded drilling and hydraulic fracturing of the Mancos-Gallup shale. I have also experienced these impacts firsthand including driving on narrow, dirt roads that have deep ruts caused by industrial trucks which makes travel difficult; dodging on-coming, speeding industrial trucks; and smelling odors and fumes from nearby sites when traveling. Due to the COVID-19 pandemic, travel was limited. However, the recent easing of restrictions has enabled me to do more work-related travel. Community engagement has largely been done through telecommunication and virtually. The Navajo Nation has been severely impacted by the pandemic and tribal governments have instituted a series of restrictions to protect vulnerable populations. As cases have plateaued and appear to be improving, I have resumed regular work including travel to the region.

6. The Bureau of Land Management (BLM) is the primary agency responsible for approving applications for permits to drill (APDs) for new wells near Chaco Culture National Historical Park and throughout the Greater Chaco region that overlaps with the Eastern Navajo Agency (ENA). ENA is comprised of 31 Navajo chapters, including Counselor, Ojo Encino, Torreon/Starlake, and Nageezi. The Greater Chaco area is also called the Checkerboard area because it covers multiple land jurisdictions, such as Tribal Trust (split estate) land administered by BLM, public lands, private lands, and tribal allotment lands.

7. In March 2016, I was invited to visit a home located 330 feet from a newly developed fracking well approved by the BLM in Nageezi. This well was on BLM federal lands and the surrounding area was adjacent tribal allotment land. There were several other homes within close proximity as well. A few months later, in July 2016, an explosion of 36 storage tanks occurred at the well near the house I visited in March. The explosion caused a fire that burned continuously for days, caused 55 residents to evacuate, and resulted in multiple community members losing livestock and pets.



Photo 1: The house 330 feet from the well I visited. Photo by Miya King-Flaherty March 2016.



Photo 2: The proximity of the fracking derrick to the house I visited. Photo by Miya King-Flaherty March 2016.

8. I have also traveled on roads that are heavily trafficked by the oil and gas industry to transport production materials. The local roads were never built to withstand intensive industrial use. On multiple occasions when traveling through the area, I have been tailgated to the point of having to pull over to ensure my safety.

9. These roads are not maintained by the oil and gas operators that frequently use them. For example, I've traveled to see well sites that are located in the community, or neighborhoods in the Counselor area, and have had to avoid ruts in the road that are as deep as 12 inches. This makes it very difficult to travel to local communities, as these dangerous roads are the only access points.

10. Road conditions are also dangerous during dry months. Many trucks will speed on their way to the sites, and it creates a lot of dust. The dust impacts visibility and makes it difficult to see. On several occasions, I have traveled to the “Corn Field” and” Cross Roads” areas in Counselor and have had to stop or pull over after a truck has sped by because my visibility was impaired by the amount of dust kicked up.



Photo 3: A truck using a rural road in Counselor area. Photo by Miya King-Flaherty February 2016.

11. As expanded oil and gas development occurs, so do the risks of poor air quality. In Counselor, the majority of residents, around 700 people, live within 1 mile of one or more wells, including horizontally fracked wells. I traveled to locations near several BLM-permitted well sites that are in close proximity to where people live. On several occasions, I can recall feeling light-headed or nauseous. In February 2016, in collaboration with Earthworks, I organized a “tour” to raise awareness of oil and gas sites in the Greater Chaco region. Earthworks is a nonprofit organization dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions. On this tour I visited a site in close proximity to a hydraulically fracked well and had the opportunity to see through a FLIR Optical Gas Imaging Infrared camera. Earthworks’ camera technician explained that the FLIR Infrared camera they use allows you to see gas emissions that are not otherwise visible to the naked eye. These gasses are a combination of hydrocarbons that include methane and other volatile organic compounds. While using the FLIR camera, I saw a significant amount of gas leaking from a storage tank in addition to vented gas from the well site. The fumes were overwhelming and I had to get back in the car and wait.

12. Since many community members talk about the impacts of leasing and drilling on air quality and have expressed concerns about oil and gas operators continuously flaring natural gas, I became part of a working group called the

Counselor Health Impact Assessment - K'ée Bee Hózhqoggo Iiná Silá Committee that started taking air samples in November 2016. The sample sites are in densely populated areas, located within 1 mile of a residence or public place. Below is a picture of a flare that was identified by a community member as flaring for over a month on BLM federal land. The Committee utilized local information like this from community members when deciding where to collect air samples.



Photo 4: by Miya King-Flaherty November 2016.

13. Below is a picture of a community member taking an air sample during a training session in November 2016 at the BLM site previously shown.



Photo 5: by Miya King-Flaherty November 2016.

14. After four years of this work, I attended a community training hosted by Earthworks at Counselor Chapter House in Counselor, NM on how to monitor oil and gas sites in January of 2020. The purpose of the event was to educate community members on how to conduct citizen inspections of oil and gas wells using a checklist to determine if they are in compliance or if they should be reported to regulatory authorities. As part of the training, in February of 2020, I visited the area near a well site in Rio Arriba County (well ID API# 30-039-31337/N-7-23N-07W), located about a 20-minute drive northwest from Counselor Chapter House on BLM federal land. Below is a picture from the February 2020 site visit.



Photo 6: by Miya King-Flaherty February 2020.

15. In addition to working in the Greater Chaco area, I also recreate there. There are great places to hike and camp in the surrounding area; I have camped at both Chaco Park and Angel Peak, which are nearby. When I visit this area, I am drawn in spiritually because of its significance to the ancient Puebloans. There is more we can learn about the history of the place and people, and it is particularly meaningful to me because I have a background in anthropology, and learning about the archeological past and culture of the ancient Chacoan culture is intriguing to me.

16. I have visited Chaco Culture National Historical Park on several occasions and see how the landscape has changed by the proliferation of oil and gas, specifically wells. There are noticeably more wells along US Highway 550, which is the route I normally take to visit the park, than there used to be. I have seen oil

and gas trucks at the intersection of Rd 7900 and 550, which hinders my personal experience of going to a UNESCO World Heritage Site. Chaco Park has so much rich, cultural history that gives me a personal and spiritual connection to what the area meant to the inhabitants of the past and what it represents to modern day tribes. If BLM issues new oil and gas leases in these areas, it would diminish my enjoyment of this area. The addition of wells in the region will result in the permanent desecration of cultural and archeological sites that have yet to be discovered and impact both my sense of safety when driving to Chaco Park and my recreational enjoyment of the area.

17. One of my favorite memories of Chaco Culture National Historical Park was in April 2017 when I visited with my husband and his parents who had traveled from England. We went on a guided tour to the major great houses. What was so memorable about that visit was the tour guide admitting that while they know very little about the people that inhabited Chaco Canyon, and that more needed to be studied about the place, they do know that the canyon truly meant so much to them. While walking to other sites in the area we saw a herd of elk, which was amazing because it was the first time my English in-laws had seen elk. It was an amazing experience that made me feel connected to nature and the region.



Photo 7: Picture of my husband at a Kiva site.



Photo 8: Picture of Elk herd at Chaco Park.

18. I also visited Chaco National Historical Park in April of 2019. As I left the park heading toward US Highway 550 northbound, the fumes associated with oil and gas extraction were very noticeable. I have also noticed a rotten egg smell in

various places throughout the areas, which I understand is hydrogen sulfide. The industrialized nature of drilling operations in the region has diminished the profound experience I used to come away with after visiting the park.

19. In addition to thinking about the Puebloan culture that used to exist there and the amazing thousand-year-old construction feats they achieved, I also think about the potential health impacts I am being exposed to. When visiting this beautiful place, I breathe in volatile organic compounds and am exposed to poor air quality, which have both been shown to correlate to upper respiratory diseases and asthma. I also think about how this culturally significant landscape is being fragmented and the unidentified cultural resources that are being desecrated. These days, I no longer feel the solace I experienced when I used to travel because the oil and gas rigs and trucks take away from what used to be a peaceful place beyond the immediate vicinity of Chaco Park.

20. I recently visited Chaco Culture National Historical Park on November 22, 2021 to attend an event hosted by the Department of the Interior to celebrate the recent announcement by President Biden and Interior Secretary Haaland to initiate the process of a 20-year mineral withdrawal of new mineral leasing within a 10-mile buffer around Chaco Park. Additionally, I attended a community meeting hosted by the BLM at Counselor Chapter House in July 2022. I expect to visit Chaco Park once or twice a year for recreational enjoyment for as long as I live in Albuquerque, and

I have no plans to move away from Albuquerque. However, the addition of more wells would also impact my sense of safety for community members that live in the region; I have developed relationships with community members impacted by increased drilling that I worry about.

21. I have seen the impacts the wells drilled in this area have had over the years, and if new wells are drilled there will continue to be negative impacts on the land and the people of this region. I do not wish to see my enjoyment of this area impacted any further, and support the Sierra Club in its efforts to stop oil and gas drilling on public lands.

22. In 2021, Sierra Club intervened in lawsuits brought in Wyoming and North Dakota, seeking to defend the Biden Administration's decision to implement a pause on new oil and gas leases so that the administration could study the climate and other environmental impacts of oil and gas leasing on public lands and waters. Sierra Club also sought to intervene as a defendant in a lawsuit brought in Louisiana, but was denied intervention and subsequently participated in the case by filing an amicus brief with the court.

23. Despite the ongoing climate crisis, the Biden Administration's temporary pause on issuing new oil and gas leases has ended. The Biden Administration issued oil and gas leases in 2022 and has more leases planned in 2023.

24. In June 2022, Sierra Club joined other conservation organizations in bringing a lawsuit challenging BLM's decision to issue new oil and gas leases on public lands in several states, including New Mexico, Colorado, Nevada, North Dakota, Montana, Oklahoma, and Wyoming.

25. If successful, the ongoing challenge to BLM's decision to issue these leases may cause the Biden Administration to reconsider its decision to issue the leases at all, as it is critical that we keep fossil fuels in the ground if we have any hope of avoiding the worst effects of climate change.

26. I understand that in this lawsuit and related ones, the State of Wyoming and fossil fuel industry groups have challenged BLM's discretion to determine the scope and timing of lease sales. I am opposed to oil and gas leasing on public lands and I support Sierra Club's determination to defend BLM's discretion not to issue oil and gas leases under the relevant federal statutes.

27. If the State of Wyoming and the industry group plaintiffs are successful in forcing BLM to hold quarterly lease sales, the public lands that I cherish in New Mexico would be threatened, along with the people and communities in these areas, and it would lessen my use and enjoyment of these areas.

28. Sierra Club will continue our litigation and non-litigation advocacy to protect cherished public lands and preserve a livable planet in the face of the worsening climate crisis, and I intend to continue to work to advance those goals.

29. I declare under penalty of perjury under the laws of the United States, 28 U.S.C. § 1746, that, to the best of my knowledge, the foregoing is true and correct.

Dated this 31st day of January 2023, from Albuquerque, NM.

/s/ Miya King-Flaherty  
Miya King-Flaherty

## **DECLARATION OF CATHERINE COLLENTINE**

1. My name is Catherine Collentine. I am the Director of the Sierra Club's Beyond Dirty Fuels Campaign. In this capacity I oversee our oil and gas work across the country, work with staff and volunteers helping to lead efforts on fossil fuel infrastructure issues, and manage staff on our team. Before holding this position, I was an Associate Director of the campaign for four years and worked for the Sierra Club for four years as a Senior Campaign Representative leading our work on oil pipeline issues and on a state-based campaign to regulate oil and gas development in Colorado.

2. Sierra Club is the nation's oldest grassroots organization dedicated to the protection and preservation of the environment. Sierra Club has approximately 3.8 million members and supporters nationwide, including chapters and members in each of the 50 states.

3. Sierra Club is dedicated to exploring, enjoying, and protecting the wild places of the Earth; practicing and promoting the responsible use of the Earth's ecosystems and resources; educating and enlisting humanity to protect and restore the quality of the natural and human environment; and using all lawful means to carry out these objectives. In addition to helping people from all backgrounds explore nature and our outdoor heritage, the Sierra Club works to promote clean energy, safeguard the health of our communities, protect wildlife,

and preserve our remaining wild places through grassroots activism, public education, lobbying, and legal action.

4. Sierra Club's membership includes persons who live near, recreate in, and otherwise use and enjoy federal public lands that are subject to oil and gas leasing, permitting and drilling, including hydraulic fracturing and the infrastructure associated with such oil and gas operations. Members of the Sierra Club use these public lands, and the rivers, streams, and wetlands within them, for outdoor recreation and scientific study of various kinds, including nature study, birdwatching, observing wildlife (including protected species), photography, fishing, canoeing, camping, solitude, and a variety of other activities. Oil and gas leasing and the subsequent operations involve a variety of adverse environmental impacts that can interfere with our members' use and enjoyment of these public lands and waters, such as air emissions, water discharges, disruption of wildlife, noise, vibration, traffic and diminishment of natural views.

5. Sierra Club is dedicated to averting the worst impacts of the climate crisis through slowing or stopping the expansion of fossil fuel production and infrastructure and protecting the environment and communities from the environmental impacts of these projects. Part of this program involves opposing oil and gas development of the federal public lands as well as offshore areas that have adverse impacts on human health and the environment. We have numerous staff

who work on these issues with volunteer Sierra Club members in organizing rallies, disseminating information, attending public meetings and commenting on oil and gas leasing, drilling, and other harmful projects in efforts to protect the community, educate the public on the impacts of these projects, and encourage federal, state, and local officials to take the most protective measures in regards to such projects.

6. Sierra Club members work to protect our public lands from all forms of commercial exploitation and to protect rare wildlife, habitat, and biodiversity. Oil and gas development on federal public lands threatens Sierra Club members' use and enjoyment of these areas. In addition, Sierra Club has members who reside in communities that are threatened by drilling and fracking activities, including areas where BLM owns and leases the minerals, and they are exposed to the air and water pollution associated with these activities.

7. The members' concerns encompass the protection of wildlands, wildlife, and habitat, including threatened and endangered species, water resources, air, climate, public health, and the members' health, all of which stand to be adversely affected by projects that are approved under the BLM's leasing program. Sierra Club strives to empower its members and coalition partners in their efforts to protect communities, ecosystems, and water quality from the federally-permitted oil and gas operations and promotes the protection of rivers, streams, wetlands, and

threatened and endangered species on a national, state, and local level towards this end.

8. For decades Sierra Club and its members have engaged in activism, submitted public comments, attended public meetings, promoted legislation, filed administrative protests with BLM, and litigated numerous federal oil and gas lease sales, BLM resource management plans (RMPs) that designate areas for such leasing, and individual permits to drill. Recent examples include such activities on oil and gas operations in the White River National Forest in Colorado, BLM's Colorado River Valley Field Office Resource Management Plan, BLM's opening of 1.2 million acres for oil and gas leasing in Central California under its Resource Management Plan, BLM's oil and gas leasing for approximately 41,000 acres in the San Juan basin in New Mexico, leasing on federal public lands near Chaco Canyon, New Mexico, on federal public lands near the Petrified Forest in Arizona, on federal lands near Bears Ears National Monument in Utah, oil and gas leasing in the Wayne National Forest in Ohio, oil and gas leasing in the Arctic National Wildlife Refuge in Alaska, oil and gas leasing on federal lands in Montana and North Dakota, and challenging BLM's Uncompahgre RMP, to name a few. In addition, Sierra Club and its members have engaged in such activities opposing federal leasing of offshore areas for oil and gas development, including lease sales in the Gulf of Mexico.

9. Further examples of participation by Sierra Club and its members in oil and gas leasing on federal land includes a protest of BLM's May 12, 2016 oil and gas lease sale involving the Tres Rios and Little Snake Field Offices in Colorado (March 14, 2015); a protest of BLM's planned July 20, 2016 oil and gas lease sale in the Carlsbad Field Office of New Mexico (May 20, 2016); comments on the proposed November 2016 oil and gas lease sale in the Grand Junction, Tres Rios, and Royal Gorge Field Offices in Colorado; comments on the EA for the proposed November 2016 oil and gas lease sale in the Rock Springs, Kemmerer, Pinedale, and Rawlins Field Offices in Wyoming (May 19, 2016); comments regarding the BLM's January 2017 oil and gas lease sale in the Farmington Field Office of New Mexico (June 17, 2016 and June 20, 2016); a protest of the planned August 2, 2016 oil and gas lease sale of parcels in the Wind River/Bighorn Basin and High Plains districts in Wyoming (June 2, 2016); comments on the proposed October 2016 oil and gas lease sale in the HiLine district of Montana (June 14, 2016); submitted comments on the proposed November 15, 2016 oil and gas lease sale in the Vernal Field Office in Utah (July 15, 2016); a protest of BLM's planned September 20, 2016 oil and gas lease sale in the Bienville and Homochitto National Forests in Mississippi (July 20, 2016); protest of the BLM's planned October 18, 2016 oil and gas lease sale in the Glasgow, Havre, Malta, and Miles City Field Offices in Montana (August 18, 2016); comments on the February 2017

lease sale for the Wind River/Bighorn Basin District in Wyoming (August 24, 2016); comments on the proposed April 19, 2017 oil and gas lease sale in the Oklahoma Field Office (August 29, 2016); comments regarding the BLM's January 2017 oil and gas lease sale in the Farmington Field Office in New Mexico (September 2, 2016). This list is not exhaustive, but demonstrates the Sierra Club's active engagement and interest in BLM oil and gas lease sales.

10. In 2020, 2021, and 2022, Sierra Club and other conservation organizations litigated a NEPA lawsuit challenging BLM's approval of the Uncompahgre Resource Management Plan (RMP) amendment. The parties in that litigation filed a settlement with the Federal District Court in Colorado in August 2022. Under the terms of the settlement agreement, BLM agreed, among other things, to revise the Uncompahgre RMP, prepare new NEPA analysis analyzing alternatives that would close additional acres to oil and gas leasing, and not to issue new oil and gas leases in the planning area until a new Uncompahgre RMP amendment is approved.

11. In 2020, 2021, and 2022, Sierra Club and other conservation organizations also litigated a NEPA lawsuit challenging BLM's approval of RMP amendments for the Buffalo and Miles City field offices in Wyoming and Montana, respectively. In August 2022, the Federal District Court in Montana ruled in favor of Sierra Club and its partners, finding that BLM violated NEPA,

including by failing to adequately analyze and disclose the indirect effects of downstream combustion of coal, oil, and gas produced under the RMPs. The Court specifically required BLM to analyze both climate and non-climate impacts of burning fossil fuels produced under the plans, including impacts from emissions of mercury, lead, sulfur dioxide, nitrogen oxides, and particulate matter from downstream combustion. On November 2, 2022 Sierra Club and other conservation groups filed NEPA scoping comments on BLM's remand NEPA analysis.

12. On February 1, 2023, the Tenth Circuit Court of Appeals ruled in favor of Sierra Club and other conservation groups in a NEPA lawsuit challenging BLM's approval of more than 300 Applications for Permit to Drill (often referred to as "APDs") for oil and gas on public lands in the Great Chaco region of northwest New Mexico. The Court held BLM failed to adequately analyze and disclose the climate and public health impacts of the proposed oil and gas fracking as required by NEPA.

13. In 2021, Sierra Club intervened as a defendant in lawsuits in Wyoming and North Dakota order to help uphold the Department of the Interior's decision to temporarily pause onshore and offshore oil and gas leasing on public lands and waters while studying the climate and environmental impacts of continued fossil fuel leasing.

14. In 2022, the Biden Administration issued oil and gas leases on public lands. It is planning to issue additional leases in 2023.

15. In 2022, Sierra Club and other conservation organizations filed a lawsuit challenging BLM's decision to issue oil and gas leases on more than 125,000 acres of public lands in several western states, including Colorado, New Mexico, Nevada, North Dakota, Oklahoma, Montana, and Wyoming. That lawsuit is still pending.

16. Sierra Club continues to engage in both litigation and non-litigation advocacy aimed at ending the practice of leasing public lands and waters to fossil fuel companies, as the burning of coal, oil, and gas is a key contributor to the climate crisis we are already experiencing in the United States.

17. Finally, I am also a member of the Sierra Club. I personally recreate (skiing, hiking, backpacking, camping) on the Medicine Bow-Routt National Forest (WY), White River NF (CO), and Bridger-Teton NF (WY), and I plan to recreate there in the future. My most recent trips to these areas were in the summer of 2022, and I expect to make annual trips to some of these areas. Permitting oil and gas exploration, leasing, and development in these areas would have adverse environmental impacts and negatively impact my enjoyment of these areas. Conversely, if the federal government exercised its discretion not to lease the public lands where I recreate, it would protect these areas that I use and care

deeply about, and I could continue to use and enjoy these public lands for years to come.

*I declare under penalty of perjury that the foregoing is true and correct.*

Dated this 3<sup>rd</sup> day of February, 2023.

A handwritten signature in black ink, appearing to read 'Catherine Collentine', written over a horizontal line.

Catherine Collentine

## DECLARATION OF TOMÁS REBECCHI

I, Tomás Rebecchi, declare that I am over 18 years of age and competent to testify.

Unless otherwise stated, I have personal knowledge of the facts stated below and, under penalty of perjury, declare as follows:

1. I am a Senior Organizer in the California Office of Food & Water Watch (“FWW”). I am also a current member of Food & Water Watch (“FWW”). I joined FWW because I consider myself quite active on a whole host of issues, including environmental justice and climate change issues central to FWW’s overarching mission. I share FWW’s goals, particularly its aim to guarantee a habitable climate for future generations through the cessation of societal reliance upon fossil fuels and ensure clean air for our communities. I reside in Ventura, CA with my wife and our two young children. I have lived in southern California for 7 years.

2. I make this declaration in support of FWW’s intervention in the above captioned case, in support of pausing, postponing, and cancelling lease sales. FWW also intervened in the previous case, *Western Energy Alliance v. Biden et al.*, 2:21-CV-00013-SWS (D. Wyo.), which is in support of the BLM’s authority to carry out Executive Order 14008, issued January 27, 2021. I would be directly impacted by Petitioner’s success in this case, which would require that BLM hold quarterly leasing sales regardless of the environmental impacts or agency discretion to consider those impacts, as I regularly recreate on public land subject to oil and gas exploration and extraction, and am harmed by these activities.

3. As a resident of southern California, my family and I regularly hike and camp within Los Padres National Forest and plan on continuing to do into the future. My family and I visit Los Padres roughly 5-6 times a year and plan on doing so into the future. I most recently

visited, hiked, and camped in Los Padres National Forest on January 29<sup>th</sup>-31<sup>st</sup> 2021. This National Forest is subject to extensive oil and gas leasing.

4. I enjoy regularly recreating within this tract of public land as it is one of the closest and most accessible forested areas in southern California and provides mental respite from the urban development of the Los Angeles area that is not found in other areas of the region. We also live in a community that is 71% Hispanic and identified by the California EPA's CalEnviroScreen as disproportionately burdened by, and vulnerable to, multiple sources of pollution. We live within two miles of hundreds of oil wells in the Ventura Oilfield and within 2,000 ft of a polluting gas compressor station. So, access to open spaces with clean air and water is crucial for our mental and physical health.

5. However, knowing that the forest in which my family and I regularly recreate is subject to oil and gas extraction lessens my enjoyment of my hiking and camping activities there. I understand that oil and gas extraction threaten the public health of those who spend time near extraction sites and that significant reductions in extraction and use of fossil fuels is necessary to avert the most catastrophic effects of global climate change, such as increased wildfires in my home state of California. My wife and our newborn daughter were under mandatory evacuation from our home for over a week during the Thomas Fire in 2017, while many of our neighbors in Ventura lost their homes. This was the biggest wildfire in California history at the time and burnt thousands of acres of Los Padres National Forest and affected air quality in our region for weeks. We have experienced several wildfires in our area since then and they continue to affect our already poor air quality in our neighborhood. When I am recreating near these extraction sites my concerns about these public health and climate change impacts diminishes my enjoyment of my visits to the National Forest.

6. I have always wanted to take my children to see the Sespe Condor Sanctuary in Los Padres National Forest but in order to get to it you need to pass several oil wells, and I do not want to expose my children to further pollution when we are seeking relief from it in our neighborhood.

7. Through my work as an environmental advocate, and because I closely follow research and news related to climate change and fracking, I understand that air pollution from public lands drilling adversely impacts public health, as well as the local air quality and water quality across southern California. Oil and gas emissions contain a number of chemicals regulated under the Clean Air Act due their harm to human health and local air quality. The pausing and cancelling of lease sales under Executive Order 14008 has significantly alleviated my concerns about increased oil and gas extraction in the public lands I visit, allowing me to enjoy my recreation in National Forests more. If this Executive Order is reversed through litigation, concerns for my and my family's health would again harm my enjoyment of the National Forest system.

8. If Petitioners are successful in their challenge and are able to force BLM to hold quarterly leasing sales regardless of environmental impact, I will be further harmed by federal oil and gas leasing due to its ongoing and potentially expanded emissions of large volumes of greenhouse gases. I understand that climate change will increase the incidence of wildfires, increase desertification, and reduce agricultural productivity within California; as such I experience concern for my family's safety and wellbeing due to the contribution of oil and gas leasing on public lands, and the broader gas infrastructure expansion ongoing throughout the nation, to the ever-increasing concentration of greenhouse gases in the atmosphere affecting climate change.

9. We believe that the BLM should continue to have the authority to place climate and public health concerns at the forefront of agency leasing and permitting decisions. This will have significant positive impacts for my enjoyment of the public lands I spend time in due to potentially decreased drilling within Los Padres National Forest and reduced greenhouse gas emissions from public lands.

10. Further, a ruling upholding the BLM's authority to pause, cancel and defer oil and gas leasing on public lands would alleviate my concerns and stress surrounding climate change's impacts within the region, as it would allow the U.S. Department of Interior to seriously evaluate the life-cycle impact of continued leasing of oil and gas development on public lands and place climate concerns at the forefront of its public lands program. Given that the United States is the largest natural gas producing nation on the planet, a favorable decision of this Court would significantly reduce my concerns surrounding climate change and oil and gas's role in those impacts due to such review's ability to slow the emission of greenhouse gases into the atmosphere.

I hereby certify that the facts set forth above are true and correct to the best of my knowledge, information, and belief, subject to the penalty of perjury, pursuant to 28 U.S.C. § 1746.



Tomás Rebecchi

Dated: February 3, 2023

## DECLARATION OF MITCH JONES

I, Mitch Jones, declare that I am over 18 years of age and competent to testify. Unless otherwise stated, I have personal knowledge of the facts stated below and, under penalty of perjury, declare as follows:

1. I am the Managing Director of Policy and Litigation at Food & Water Watch (“FWW”). I have worked for FWW for the past 14 years, and have held several positions within the legal and policy departments of FWW. Given my past and present duties, I am intimately familiar with the organization’s mission, membership, activities, and operations. My business address is 1616 P St. NW, Suite 300, Washington, D.C. 20036.

2. I make this declaration in support of FWW’s intervention in the above captioned case, in support of pausing, postponing, and cancelling lease sales. FWW also intervened in the previous case, *Western Energy Alliance v. Biden et al.*, 2:21-CV-00013-SWS (D. Wyo.), in support of the Executive Office of the White House’s Executive Order 14008, issued January 27, 2021. FWW supported the Executive Order’s pause on oil and gas leasing on federal lands and waters as an important way to effectuate the Secretary of the Interior’s broad stewardship responsibilities over the public lands and in offshore waters.

3. FWW is a national non-profit membership organization with its headquarters in Washington, D.C. and staff that operate in Illinois, Iowa, Maryland, New York, New Jersey, Oregon, California, Colorado, Florida, Pennsylvania, and New Mexico. We have more than 1.2 million members and supporters. Our organization’s mission is to create a healthy future for all people and generations to come—a world where everyone has food they can trust, clean drinking water and a livable climate. FWW uses grassroots organizing, policy advocacy, research, communications, and litigation to further this mission.

4. Advocating for the rapid and just transition of our energy system to one that protects the environment, preserves clean water, and prevents the worst impacts of future climate change is central to FWW's mission. Integral to this purpose is working to both counter the many harms of our current energy system and promote cleaner and more equitable systems of energy production. To advance this goal, FWW dedicates significant resources to developing and implementing campaigns to reduce pollution from fossil fuel extraction, transmission, and combustion. FWW conducts all of our advocacy work on behalf of our members and supporters, as well as the public.

5. FWW has a long history of work opposing extreme forms of energy extraction, like hydraulic fracturing (fracking) for oil and gas. FWW was the first nationwide organization to call for a ban on fracking and played a pivotal role in the banning of the practice in New York and Maryland, organizing fracking bans in numerous municipalities across the country, and educating policymakers of the health impacts of extreme methods of oil and gas extraction.

6. FWW believes that it is vitally important that the federal government fulfill its mission to protect our environment and communities from the harm of pollution from oil and gas extraction, refining, transmission, and combustion—particularly for those oil and gas resources managed by the government on federal lands and waters. FWW closely tracks the leading research on fracking, other fossil fuel extraction, and climate change, and understands that it clearly shows that continued exploitation of fossil fuels will result in serious destruction of our lands, waters, air, and wildlife, which increases the risks of disease pandemics and climate change-induced disasters.

7. We believe that, to date, the Department of Interior has failed to adequately regulate the fossil fuel industry, including its greenhouse gas emissions and the climate change

impacts that they bring. The Department of Interior's historical failure continues to harm FWW and its many members; Executive Order 14008's public lands leasing pause will have a lasting positive impact on FWW and our many members and supporters who live and recreate near and on public lands. FWW has spent much of the past 15 years campaigning to hold the federal government accountable for its failures to adequately protect public health from fracking, mitigate climate change, or regulate fossil fuel interests, and as a result we do not believe that the federal government adequately represents our or our members' and supporters' interests in this matter.

8. One of our organizational goals is to educate members regarding the impacts of pollution from oil and gas extraction, transmission, combustion, and disposal of wastewater, as well as the impacts that this pollution has on climate change. To that end, we maintain a website and communications network whereby we keep our members, policymakers, media, and the public informed about the current model of oil and gas production in the United States, including the operation of fracking rigs and construction of new fossil fuel transmission, export, and combustion infrastructure.

9. To help fill gaps in public access to information about oil and gas exploitation, FWW regularly drafts data-driven policy reports, white papers, fact sheets, and web pieces about the health and environmental impacts of oil and gas extraction, as well as methods for transitioning to non-fossil fuel sources of energy. Some of FWW's publications include a February 2021 fact sheet "The Case to Ban Fracking on Federal Lands", a February 2021 issue brief "Now We're Fracked: Fracking's Public Health Crisis", a January 2020 report "Fracking's Bridge to Climate Chaos", a detailed June 2019 report "The Fracking Endgame: Locked Into Plastics, Pollution and Climate Chaos", an October 2019 fact sheet "Fracking Wastewater: A

Toxic and Radioactive Problem”, and a June 2020 fact sheet “Drilled Too Far: The Perils of Injection Wells”.

10. FWW advocates extensively for the cessation of fossil fuel extraction due to its impacts on local communities and the broader climate; this has included campaigning in support of hydraulic fracking bans; state and local energy transition resolutions; and petitioning governmental agencies for stricter controls on extraction, transmission, and use of fossil fuels, including controlling emissions of greenhouse gases which are released via fossil fuel infrastructure. FWW has successfully campaigned for fracking bans in Maryland, New York, and the Delaware River Basin, as well as a fracking moratorium in Oregon and municipal bans across the nation.

11. FWW and its members understand that the United States must drastically reduce extraction and use of fossil fuels to avert the most catastrophic effects of global climate change and that oil and gas extraction also threatens the public health of frontline communities. One consequence of Executive Order 14008 is that the Department of Interior will place climate concerns at the forefront of agency leasing and permitting decisions as it reviews its fossil fuel leasing program. This could have significant positive impacts for members affected by federal lands drilling.

12. FWW and our members also have an interest in upholding Executive Order 14008 because of the positive air quality and public health benefits that will result from its implementation. Air pollution from public lands drilling impacts communities’ quality of life and public health, air quality, and water quality across the country. Oil and gas emissions contain hundreds of gases and compounds, including a number of chemicals regulated as hazardous air

pollutants under Section 112 of the Clean Air Act. The oil and gas extraction process also involves many stages and provides many opportunities for the release of air pollutants.

13. As an organization that partners with community groups and frontline residents to mitigate the harms of oil and gas extraction and works to inform the public about pollution from oil and gas operations, FWW and our members and supporters would be directly and adversely impacted by a decision that would force BLM to hold quarterly leasing sales regardless of the environmental impacts or agency discretion to consider those impacts as the BLM deems appropriate; FWW members would continue to be exposed to hazardous environmental and public health effects stemming from widespread extractive industry on public lands and FWW would have to continue dedicating resources to advocating for a stop to fracking leases that it could otherwise dedicate to other anti-fracking and climate change work.

14. As a policy advocate, I understand the importance of assessing the environmental and health effects of fossil fuel leasing and extraction in light of current scientific research before permitting is allowed to continue. I also understand that an adequate assessment requires an oversight agency with the proper statutory authority, agency scientists with the proper environmental expertise, and agency regulatory oversight capable of ensuring safety. The Department of Interior, under the Federal Land Policy and Management Act, has the broad discretion to ensure that federal land is used in a sustainable manner to ensure multiple uses – thus allowing it to pause and cancel leasing as it sees fit. As a result, if this court were to force BLM to conduct quarterly federal oil and gas leasing, regardless of environmental impact, the interests of FWW's members would be injured.

15. FWW and its members would be further impacted by this litigation, as an outcome in favor of Petitioners would result in expanded drilling of public lands, which are

responsible for a large portion of the nation's greenhouse gas emissions which exacerbate global climate change. This would result in irregular rain and weather patterns, increase in global average temperature, disruptions to agricultural systems, mass migration, diminished water quality and accessibility, and degradation of public lands.

16. FWW believes that the United States will not be able to address climate change without policies requiring thorough consideration of future impacts. A government that engages in meaningful consideration of the climate and public health impacts of oil and gas extraction on public lands, which includes a government with the authority to pause or cancel leasing as it sees fit, would greatly benefit our work and promote FWW's goals and mission. A pause on new leasing would prevent further harms to our members whose health, quality of life, and recreational and aesthetic interests are adversely affected by oil and gas operations on public lands.

I hereby certify that the facts set forth above are true and correct to the best of my knowledge, information, and belief, subject to the penalty of perjury, pursuant to 28 U.S.C. § 1746.

  
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Mitch Jones

Dated: February 6, 2023

## **DECLARATION OF BARBARA VASQUEZ**

1. My name is Barbara Vasquez. I earned a Ph.D. from Arizona State University in biochemistry and a B.S. in Chemistry from University of Arizona. I am retired from a 7-year career in basic biomedical research at the National Institutes of Health plus a 23-year career in research and development as well as in manufacturing in the semiconductor industry. When I retired in 2005, I moved to an area of Jackson County, Colorado north of Cowdrey.

2. Shortly after moving to Jackson County I was appointed as the environmental representative to the North Platte Basin Roundtable, a position in which I continue to serve currently. I was appointed to the U.S. Forest Service (USFS) Medicine Bow Routt National Forest Resource Advisory Council on which I served from 2010 through 2016. I was appointed to and served on the Northwest Colorado Bureau of Land Management (BLM) Resource Advisory Council from 2011 to 2017. I resigned as Chair in 2017 because it had become clear to me that the federal oil/gas leasing/permitting programs and processes were in serious need of reform. I was appointed to the USFS Greater Rocky Mountain Resource Advisory Committee in 2022 that covers the entire states of Colorado and Wyoming and was voted in as ViceChair.

3. I joined Western Colorado Alliance (WCA) and the Western Organization of Resource Councils (WORC) as a member in 2017 because of the personal and community impacts of federal, state, and private oil and gas development surrounding me in Jackson County, Colorado. WORC is a network of grassroots organizations that span seven Western states with more than 15,000 members. Many WORC members live on lands overlying and neighboring federal, tribal, state, and privately owned oil and gas deposits, and experience numerous impacts due to federal oil and gas production. I have been a member of the oil and gas campaign team of WCA since joining the organization and was asked to join their Board of Directors in 2022. I presently serve as the Chair of WORC's member-led Oil and Gas Team. Our team supports and has advocated for a pause on federal leasing, pending review and reform of the leasing program. I also joined their Board of Directors in 2022.

4. Jackson County is a rural county comprising the headwaters of the North Platte River that is approximately 65% public lands. The central part of the basin is a sagebrush sea at an elevation of approximately 8000 feet, is ringed by mountains which include several wilderness areas (Mount Zirkel, Rawah, Never Summer, Platte River, Neota) and is immediately adjacent to Rocky Mountain National Park. It is home to a small human population (~1300) but

large populations of wildlife including moose, elk, deer, pronghorn and bighorn sheep. The basin also hosts a large and important subpopulation of Greater Sage Grouse which is functionally isolated from other subpopulations by the surrounding mountains. The incredible landscapes, the diverse plant and animal life and large swaths of public lands in both the basin and surrounding mountains are what drew me to make this my new and final home. Viewing wildlife every time I drive in North Park brings me amazing joy! I frequently see raptors like bald and golden eagles, many species of hawks and the occasional osprey as well as members of our large populations of ungulates including moose, deer, pronghorn and elk, and the keystone species in the sagebrush sea, the Greater Sage Grouse. The opportunities to hike and backpack on public lands up and down this basin and in the mountains surrounding it are a treasured experiences.

5. Oil and gas development of federal minerals in this region started in the late 1920s in what is known as the McCallum field, mostly on BLM surface. It is located northeast of Walden which is the county seat and the only incorporated town in Jackson County. This field is home to a high density of shallow, vertical stripper wells with aging infrastructure owned and operated by a single company, KP Kaufmann. In Jan. 2023, the Colorado Oil and Gas Conservation Commission (COGCC) voted to suspend all their operations in the state until they complete cleanup of multiple spills and pay fines assessed for failing to execute the majority of the compliance order under which they have been operating for many months.

6. More recently, starting in 2006, shale oil development started in the southwest quadrant of the county. This development involves drilling to much greater vertical depths, in the range of 2 miles, with horizontal runs of 1-3 miles in length. These wells are hydraulically fractured, using 14-20 million gallons of fresh surface water from the North Platte River system, water which is ‘used to extinction’ and removed from the planet’s hydrological cycle for each job. I am personally very concerned about this permanent withdrawal from the surface waters of the North Platte River headwaters for fracking wells. As we face accelerating drought and aridification driven by climate change in this over appropriated river basin, we will see increasing water scarcity for the humans and wild communities of plants and animals that depend on it for their lives and livelihoods. Despite the substantial development of federal minerals, there is no water or air quality monitoring in this county associated with federal oil and gas development.

7. These shale oil wells produce not only oil but large quantities of natural gas. Production of oil is allowed without infrastructure for getting this co-produced gas to market, resulting in close to one hundred percent of the gas being flared since the first well was drilled. This wastes a public resource that should result in revenue to federal and local governments. I have personally seen and documented the internal combusters used to “flare” or burn this gas being operated under such high pressure that they look like inverted rockets. Under these conditions, a larger percentage of the methane, volatile organic chemicals (VOCs) and hazardous air pollutants (HAPs) escape combustion and are emitted into the atmosphere. Given the absence of air and water quality monitoring in association with this development, we have no insight into how this development may be contaminating the environment nor the potential impacts to the people and wildlife here in Jackson County. These air pollutants have been shown to be associated with risks to public health. And we know these emissions can contribute to regional pollution and to climate change. COGCC promulgated rules in 2020 that forbade routine flaring starting Jan.15, 2022. Unfortunately, the shale oil operator has continued to flare without regulatory consequences imposed by the COGCC.

8. Light pollution from the shale oil development has an impact on wildlife and people. When I visit my friends in the southwest quadrant of the county where the shale oil development is concentrated, the stars are rendered nearly invisible by the sky glow created by the gas flares and the brilliant lighting on the installations. The loss of dark night skies, something Jackson County residents had never questioned as a wonderful attribute of living in this remote mountain-ringed basin, also impacts visitors who come to enjoy star-gazing.

9. It is important to note that this shale oil development involves substantial truck traffic as well, almost all of which comes through the middle of the small town of Walden because the main north/south street is Colorado SH125. All of the equipment and materials for hydraulic fracturing (except the water) are trucked through Walden to the well sites to the SW and all the oil is trucked from sites north the town Walden into Wyoming because there is no pipeline. Although injection wells have been established in the past few years, considerable trucking of produced water is still required, coming north through Walden to commercial disposal sites in WY or other counties in CO. This truck traffic creates significant wear and tear on roads which the state, county and town do not have adequate budgets to keep in good repair.

10. The truck traffic contributes to air pollution as well as offering the unfortunate opportunity for accidental spills of oil and/or produced water. There have been two rollovers on the northern end of SH125 in the past 10 years, one of which involved a crude oil tanker that split open upslope of the North Platte River close to where I live. I witnessed the painfully slow response to remediate this crude oil spill and still worry that the oil that seeped into the ground may have made its way downslope into the river. The location of the spill was not far from the public land access to the river just upstream of the beginning of the Platte River Wilderness. This 'put in' is used by people to launch their rafts or dories to float down the river for the sheer joy of being on the white water, as I have done several times with friends. It is also used by people, including friends of mine, who fish as they float down the river. I worry about what contaminants are in the fish they catch and eat. Without water quality monitoring of any kind, and in particular water quality monitoring for oil and gas hydrocarbons, we will never know. The irony of this worry is that surface waters that flow through wilderness areas are categorized as 'class 1' water quality in absence of any water quality data. I engaged with the USGS for 4 years matching their costs with private donations to actually take samples of water and sediment from the North Platte River three times a year and analyze for various components including oil/gas hydrocarbons. At that time, there were no levels of these hydrocarbons that caused concern and therefore established a baseline for the river. However, having exhausted my ability to raise funds to continue this work, I was unable to find a federal or state agency that would take up that ongoing monitoring on any stream reach in this basin, nor could I find a nonprofit organization that would do that work.

11. While the county is a checkerboard of federal, state, and private oil and gas leasing, the Arapahoe National Wildlife Refuge in the center of the basin is one of the most important places to me. I frequently cross the Wildlife Refuge on county roads to view wildlife. I have also have received permission to hike areas closed to public access to gather data on wildlife and lease parcel impacts on water and land as part of a volunteer citizen science program. Currently, the Refuge is surrounded on three sides by federal oil and gas development that negatively impacts the ecosystem, our efforts to protect wildlife, and my enjoyment of those lands.

12. The federal oil and gas leasing program charges operators antiquated, below-market rates to bid on, lease, and produce publicly owned resources. For decades, operators have

not paid the fair price for oil and gas owned by the public, starving the state and county of reasonable revenue for the right to develop that nonrenewable resource. This lost revenue translates to roads in disrepair, tight school budgets, and woefully inadequate social services. Furthermore, oil and gas development is industrializing the landscape, threatening our evergreen economy based on outdoor recreation, fishing, wildlife viewing and big game hunting in Jackson County. Finally, the greenhouse gas emissions associated with this development and the final use of the fossil fuels being produced contribute to local and global climate change.

13. For the past 15 years, I have held public meetings to educate neighbors, facilitated engagement by multiple nonprofit organizations to work against the impacts of oil/gas development in Jackson County (including The Wilderness Society, National Wildlife Federation, Colorado Wildlife Federation, Conservation Colorado, Center for Biological Diversity, Audubon, Great Old Broads for Wilderness in addition to WCA and WORC), coordinated overflights for media and key influencers in environmental nonprofits to demonstrate the impacts of oil/gas development, signed onto multiple comments and protests over several years regarding lease sales offered by the BLM in northwest Colorado, and worked to prevent the worst impacts of oil and gas development on the places I love in Jackson County. This work included contributions to the Greater Sage Grouse Management Plan of 2015 and efforts to ensure that the Kremmling Field Office of the Colorado BLM included a Master Leasing Plan for North Park (Jackson County) in its revision of their Resource Management Plan. In spite of these two controlling documents, the BLM has continued to lease parcels in priority habitat for Greater Sage Grouse without adequate landscape level assessment of impacts to this bird. While I once acquiesced to the concept of responsible development, the federal oil and gas program is so broken that I now know it must be paused to institute fundamental reforms. And with the accelerating transition to renewables driven by economics as well as climate change, it is incumbent on the BLM to consider the managed decline of fossil fuel development on public lands.

14. I supported WORC's involvement in the first round of litigation in *Western Energy Alliance v. Biden et al.*, 2:21-CV-00013-SWS (D. Wyo.) because I believed that a temporary pause in federal oil and gas leasing and review of the program was critically important to prevent new leases from locking in bad existing practices. By enabling a comprehensive programmatic review of the federal oil and gas program, it was my belief that further degradation

of the land, air, water, and climate that supports my life in Jackson County, Colorado would be minimized. I was disappointed in both the “comprehensive review” conducted by BLM and BLM’s decision to resume holding lease sales in the absence of such a process. I was pleased with the Court’s decision upholding BLM’s discretion to not conduct leases absent sufficient environmental review in that case, and support WORC’s intervention in the present case in support of that principle and in the hope that BLM will at last take meaningful action to address the many continuing deficiencies of its oil and gas program before proceeding with additional leasing in Wyoming or in my home state of Colorado.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed in Cowdrey, Colorado on February 4, 2023.

A handwritten signature in cursive script, reading "Barbara Vasquez", is written over a horizontal line.

BARBARA VASQUEZ

## DECLARATION OF NANCY SORENSON

I, Nancy Sorenson, declare as follows:

1. My husband, Robert, and I seasonally live on a cattle ranch near Arvada in Sheridan County, Wyoming, now owned and operated by our son and daughter-in-law. The ranch is located in the middle of the Powder River Basin, an area with historic and ongoing oil and gas development from the federal mineral estate.

2. Along with my husband, I am a dues-paying member of the Powder River Basin Resource Council (Resource Council or PRBRC). I have been a member since 1998. I am a past Chair and Board Member of the organization, and I continue to be an active member and volunteer. Through the Resource Council, I am also a member of the Western Organization of Resource Councils (WORC), a network of organizations in seven states that provides resources and trainings for members like me.

3. I am a member of the Resource Council and WORC because I support their mission to promote responsible development of Wyoming's natural resources, and protection of our air, water, land, and wildlife resources in the face of oil and gas and coal development.

4. Our family ranch has in the past been negatively affected by federal oil and gas development, both on our land and adjacent to it. The area has now been reclaimed, but new leasing would bring new impacts to the ranch and nearby in the vicinity. I have long advocated for reforms at the Department of Interior and Bureau of Land Management to address the impacts of federal oil and gas leasing and drilling. I have personally visited Washington, D.C. to meet with members of Congress and multiple staff at the federal agencies over the years, and I have likewise advocated for reform before state agencies and several Governors of Wyoming.

5. One of my biggest concerns about federal oil and gas development is the low level of reclamation bonding. I have seen first-hand in Wyoming a problem of orphan wells and a federal government that is ill-equipped to deal with the scope of the situation. Unfortunately, this means that ranchers like me and my neighbors are often left with abandoned wells and debris on our property and ongoing impacts to our quality of life. It also means that all of us as American taxpayers are left holding the bag and paying for the reclamation and cleanup that should have been covered by the oil and gas industry.

6. I am also concerned that the current level of oil and gas leasing in the Powder River Basin, and across Wyoming, does not adequately protect multiple uses, and more favors development over protection of our air, land, water, and wildlife resources.

7. I support the Resource Council's and WORC's intervention in this case for many of the same reasons as in 2021. In *Western Energy Alliance v. Biden et al.*, 2:21-CV-00013-SWS (D. Wyo.), I supported WORC's and the resource Council's intervention because I supported the Biden Administration's attempt to pause leasing in 2021 in order to complete a comprehensive review of the federal oil and gas program. I am not satisfied with the review that has happened, although recent steps to increase minimum bids and royalty rates, as well as funding for abandoned well reclamation are welcome progress. However, I believe BLM has a long way to go, and I continue to support the government's authority not to issue leases or hold lease sales before it has done a thorough environmental review. More remains to be done to improve bonding, address orphan well cleanup, and more appropriately balance multiple uses, in addition to protecting the global climate in the Powder River Basin and across the Western United States.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the

United States that the foregoing is true and correct to the best of my knowledge,  
information, and belief.

Signed this 3rd day of February, 2023

*Nancy Sorenson*

Nancy Sorenson

## DECLARATION OF SHANNON ANDERSON

I, Shannon Anderson, declare as follows:

1. The following facts are personally known to me, and if called as a witness, I could and would competently testify thereto. I am over 18 years of age.
2. I am a Staff Attorney and Organizer at Powder River Basin Resource Council (“PRBRC” or “Resource Council”). I have worked for the organization since October 15, 2007 when I moved back to my hometown of Sheridan, Wyoming.
3. I have also been a dues-paying member of the Resource Council since 2008, and I renew my membership annually. I am a member of the Resource Council because the organization works to protect landscapes, wildlife, and natural resources in special areas that I care about, including the Powder River Basin of Northeast Wyoming.
4. The Resource Council is a tax-exempt, nonprofit organization with offices and staff in Wyoming. The Resource Council has been a Wyoming nonprofit corporation since its founding in 1973. The Resource Council currently has approximately 2,000 dues-paying members. The vast majority of Resource Council members live and work in Wyoming, including in areas and nearby to areas proposed for additional leasing and oil and gas development.
5. Not all Resource Council members are opposed to oil and gas development. In fact, some members benefit financially from the development through royalties and surface use and damage payments. However, our members join our organization to support our mission of ensuring responsible development of Wyoming’s oil and gas resources.
6. As part of this mission to ensure responsible development of Wyoming’s oil and gas resources, the Resource Council closely follows proposed oil and gas leasing and development, and has long advocated for reforms at the federal level to address a number of issues, including

fiscal improvements to royalty and rental rates, bonding reform, orphan well cleanup, better mitigation of impacts to air, land, and water resources, greater setbacks and protections for public health, habitat protection for our state's treasured wildlife, and addressing impacts to the global climate. Our organization actively submits comments and participates in public hearings related to these issues surrounding the federal oil and gas program administered by the Bureau of Land Management (BLM) and the Department of the Interior (DOI).

7. Our organization has been advocating for a programmatic review of the federal oil and gas program since the deep oil development started to take off in the early 2010s. Our members believe that programmatic review is needed to address the landscape scale impacts of oil and gas development in the Powder River Basin and other areas of the Western United States.

8. As part of my work to address the impacts of the oil and gas development, I take regular field trips to areas where leasing and development occurs in the Powder River Basin. I visit ranches of split estate landowners with federal oil and gas development on their land or nearby to their land. I also take regular drives on the county roads and state highways of the area, both for professional and personal reasons, and on these drives, I witness federal oil and gas development. Over the course of my lifetime, coalbed methane, and now deep oil and gas development, has transformed what was a peaceful prairie landscape into an industrialized one.

9. In speaking with our members, I know they support actions of the BLM and DOI to address impacts from oil and gas leasing and development. Our organization supports intervening in this litigation to defend the authority to take actions to address impacts, do more careful environmental review, carry out programmatic reform of the federal oil and gas program, and forgo or delay new leasing if impacts are not successfully addressed.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Signed this 6th day of February, 2023 in Sheridan County, Wyoming.

A handwritten signature in black ink, appearing to read "Shannon Anderson", written over a horizontal line. The signature is stylized and cursive.

SHANNON ANDERSON

## DECLARATION OF JEREMY NICHOLS

I, Jeremy Nichols, declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge. If called as a witness in this proceeding, I could and would testify competently to these facts.
2. I currently reside in Denver, Colorado
3. I am an employee and member of WildEarth Guardians. I am the Climate and Energy Program Director for the organization. WildEarth Guardians is a nonprofit environmental advocacy organization founded more than 30 years ago. WildEarth Guardians' mission is to protect and restore the wildlife, wild places, wild rivers, and health of the American West. While headquartered in Santa Fe, New Mexico, the organization has offices and advocates across the western United States.
4. Through the Climate and Energy Program, Guardians works to confront the negative environmental and public health impacts of fossil fuel development and consumption, and to advance cleaner energy and fuels in order to make the west and the world a healthier, happier place to live. Key concerns of the Climate and Energy Program are the impacts of oil, gas, and coal development in the western United States to our global climate. The production, processing, distribution, and consumption of fossil fuels releases large amounts of greenhouse gas emissions that are contributing to global climate change. Guardians' Climate and Energy Program works to curtail these emissions and help foster a just and equitable transition away from reliance on fossil fuels.
5. A major campaign of WildEarth Guardians' Climate and Energy Program is to spur the U.S. Department of the Interior's Bureau of Land Management to be more transparent in disclosing the greenhouse gas emissions associated with its oil and gas leasing approvals, and to

compel action from the agency to limit these emissions. The agency manages vast amounts of publicly owned oil and gas reserves, most of which are located in the western United States.

6. Recent reports have found that the agency’s management of these oil and gas resources, and in particular the leasing of oil and gas, poses tremendous impacts to the climate in the form of added greenhouse gas emissions. Given this, we see an important opportunity for the Bureau of Land Management to play a leading role in scrutinizing the climate impacts of oil and gas development in order to help our nation become less dependent on fossil fuels and to help our world combat climate change.

7. Leasing primarily (if not entirely) occurs in response to industry demand or “expressions of interest.” Industry demands that the Bureau of Land Management offer leases so that they can develop the leases. To this end, selling and issuing a federal oil and gas lease conveys a right to develop, making the action an irreversible commitment of resources. Given this, leasing is a critical stage for the public to engage with the Bureau of Land Management and to bring forward scrutiny, analysis, information, and ideas to help aid the agency in conducting a thorough review of proposed leasing and ultimately in making a well-informed decision.

8. Because of this, WildEarth Guardians has weighed in extensively on Bureau of Land Management proposals to lease oil and gas, bringing forward information, recommendations, and scrutiny to ensure the agency accounts for and takes action to address the climate impacts of its actions.

9. Over the last several years Guardians has weighed in on numerous oil and gas leasing proposals as part of the Bureau of Land Management’s review under the National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4331, *et seq.*, and Council on Environmental Quality regulations implementing NEPA, 40 C.F.R. § 1500, *et seq.* We have done this by

submitting written comments on draft environmental documents (e.g., environmental assessments), filing written “protests” (i.e., administrative appeals) in an attempt to secure greater disclosure and action related to the climate, and even filing litigation in federal court to enforce NEPA and informed decisionmaking. Our advocacy has primarily focused on leasing in the Rocky Mountain states of Colorado, Montana, New Mexico, Utah, and Wyoming.

10. In comments, protests, and challenges to leasing, we have generally challenged 100% of the leases offered for sale by the Bureau of Land Management. This has been due to the fact that the agency universally appears to be dodging its duty to effectively disclose the reasonably foreseeable climate impacts of oil and gas leasing and to do anything in response, in accordance with NEPA.

11. For example, the Bureau of Land Management often claims that development of leases, and the resultant release of emissions –is “speculative” because there are no specific development proposals that have been offered to the agency. In light of this, the agency claims it is impossible to estimate what future emissions might be. Although development is not speculative (as evidenced by industry’s “expression of interest”), the Bureau of Land Management’s argument is belied by the fact that it can estimate emissions using readily available methodologies and reasonable estimates of likely future development.

12. The Bureau of Land Management has also consistently argued that greenhouse gas emissions from its individual oil and gas leasing proposals are “insignificant” or “negligible” from a climate change perspective. We have challenged this response on the grounds that it ignores the environmental impacts of cumulative and similar oil and gas leasing in the Rocky Mountain region, in violation of NEPA, and denies the overall climate impact of regularly leasing publicly owned oil and gas across the nation.

13. Federal courts have agreed with us. We have prevailed in several suits challenging oil and gas leasing across the western U.S. on the grounds that the Bureau of Land Management improperly ignored the climate consequences of oil and gas production and consumption. See e.g. *WildEarth Guardians v. Zinke*, 68 F. Supp. 3d 41 (D.D.C. 2019); *WildEarth Guardians v. Bernhardt*, No. 16-1724-RC, 2020 WL 6701317 (D.D.C. Nov. 13, 2020); *WildEarth Guardians v. U.S. Bureau of Land Mgmt.*, 457 F. Supp. 3d 880 (D. Mont. 2020).

14. As a result of litigation and mounting controversy over federal oil and gas leasing and the impacts of oil and gas production to the climate, President Biden directed the Secretary of the Interior to halt new leasing through Executive Order No. 14008. As part of this Order, the President also directed the Secretary to complete a comprehensive review and reconsideration of Federal oil and gas permitting and leasing practices and to take action to account for climate costs.

15. The President's Order came on the heels of a massive oil and gas leasing frenzy that occurred over the last several years. The Department of the Interior and Bureau of Land Management were selling at unprecedented rates, too often overlooking environmental concerns, sidestepping legal procedures, and sidelining other uses and users of public lands. Often, leases were sold in response to obvious industry speculation and for as low as \$1.50/acre. This frenzy of leasing unfolded even as the Bureau of Land Management has acknowledged serious foundational flaws in the current management of federal oil and gas and the need for comprehensive reforms to modernize the oil and gas program. See e.g. Bureau of Land Management, "Oil and Gas Leasing; Royalty on Production, Rental Payments, Minimum Acceptable Bids, Bonding Requirements, and Civil Penalty Assessments; Advance Notice of

Proposed Rulemaking,” 80 Fed. Reg. 22,148 (June 5, 2015).

16. In *Western Energy Alliance v. Biden et al.*, 2:21-CV-00013-SWS (D. Wyo.), Petitioners challenged the President’s actions and allege that the Secretary of the Interior violated federal law. WildEarth Guardians intervened in that case to defend the leasing pause and the BLM’s authority and obligation to pause, cancel and defer leasing pursuant to environmental review.

17. I am writing this declaration in favor of intervention in the above captioned case. A decision in favor of Petitioners would directly affect and harm WildEarth Guardians and its members. A decision granting Petitioners their relief could compel the Interior Department and Bureau of Land Management to hold oil and gas leases quarterly, even as the agencies have acknowledged problems and legal flaws in the current program and even as controversy over public lands oil and gas leasing continues to simmer and boiler. A decision in favor of Petitioners would put pressure on the Bureau of Land Management to continue to lease at all costs and in doing so, sidestep environmental reviews, dismiss public concerns, and reject full consideration of environmental consequences.

18. A decision in favor of Petitioners would undermine WildEarth Guardians’ efforts to secure relief, either administratively or through litigation, from the Bureau of Land Management with regards to the climate and other environmental impacts of oil and gas leasing. A ruling in favor of Defendants would undermine Guardians’ efforts to secure accountability to climate by reforming federal oil and gas oversight to account for climate costs and other environmental concerns.

19. A ruling in favor of Petitioners would also harm me personally, and in turn WildEarth Guardians, because it would compel the Bureau of Land Management to continue its

practice of not properly accounting for the climate impacts of oil and gas leasing under NEPA and accordingly limiting or preventing surface development of leases. Over the years, the Bureau of Land Management has leased many millions of acres of publicly owned oil and gas leases, much of which underlies publicly owned lands. By myself, or together my family, I recreate upon and enjoy many of the public lands that either include the areas where the leases are located or are adjacent to some of the leases, particularly lands in Colorado, Montana, New Mexico, Utah, and Wyoming. I use these public lands that include or are adjacent to some of the leases to view wildlife, camp, hike, explore for fossils and other unique geological features, and generally to experience and enjoy the outdoors. As public lands have been leased and development has occurred, my enjoyment of the outdoors has been diminished as a result of industrial development. Oil and gas has brought more air pollution, more heavy vehicle traffic, more noise, and more industrialization to previously undeveloped, natural lands and landscapes.

20. In 2022, I recreated on public lands south of Pinedale, Wyoming where a surge in oil and gas development over the last few years has transformed a once-undeveloped landscape of sagebrush steppe into a maze of roads, wells, tanks, trucks, compressor engines, rigs, and pipelines. I visit this landscape at least once annually to hike, rockhound, and view wildlife, and every time it seems as if oil and gas development just continues to expand. It is offensive and distressing to see so much of this industrial development at the foot of the majestic Wind River Range. All this development was enabled by Bureau of Land Management oil and gas leasing. In fact, the Bureau leased thousands of acres of the Upper Green River Basin south of Pinedale in the last four years. I intend to return to this area in June of 2023 and in foreseeable years. More leasing portends more development, further undermining my recreational enjoyment of the public lands in this area.

21. Many of areas of the western U.S. that the Bureau of Land Management would be forced to lease on a quarterly basis regardless of the environmental impact if Petitioners prevail include public lands that I regularly visit and enjoy for recreational purposes.

22. According to the Bureau of Land Management's online National Fluids Lease Sale System (<https://nflss.blm.gov/eoi/list>), companies, most anonymous, have submitted Expressions of Interest requesting the agency lease thousands of acres of public lands in Colorado, Montana, New Mexico, Utah, and Wyoming. These include lands in the Greater Chaco region of northwest New Mexico, an area I regularly visit for recreational enjoyment. These includes lands in the Red Desert of Wyoming, another area I visit regularly for outdoor enjoyment. These include lands in southeast Montana's Tongue and Powder River watersheds, another area I visit regularly to enjoy recreating outdoors. These also include lands in the Uinta Basin of northwest Colorado and northeast Utah, where I regularly visit to enjoy recreating on public lands and in the outdoors.

23. The Bureau of Land Management has before it expressions of interest for vast acreages of public lands in the Rocky Mountain states of Colorado, Montana, New Mexico, Utah, and Wyoming. If the agency were compelled by this Court to offer these areas for sale on a quarterly basis, it would effectively guarantee the sale, issuance, and inevitable development of every lease for which the agency received an Expression of Interest. This would render the agency incapable of limiting or preventing leasing and the reasonably foreseeable surface disturbance that would follow, whether on the basis of climate or other environmental considerations. It would also lead to an irreversible commitment of resources that would limit options for the Bureau of Land Management as the agency reviews and reconsiders federal oil and gas permitting and leasing.

24. A ruling against Petitioners would protect WildEarth Guardians' interests in holding the Bureau of Land Management accountable to disclosing and addressing the climate impacts of oil and gas leasing and in updating policies and management of federal oil and gas to be consistent with the need to safeguard the climate and ensure responsible management of public resources. A ruling against Petitioners would also prevent harm to my personal recreational interests on public lands that either include areas that could be leased for oil and gas leases or are adjacent to lands that could be leased for oil and gas. As a member of WildEarth Guardians, this would further prevent or reduce harms that the organization would experience if Defendants secure a favorable ruling in this lawsuit.

25. WildEarth Guardians is not adequately represented by other parties in this case. In particular, while Guardians seeks intervention to defend the President Biden and the Department of the Interior's decision to pause oil and gas lease sales pending a comprehensive review of oil and gas leasing and permitting, Guardians is not adequately represented by the federal government in this case. The Bureau of Land Management has a duty to manage and make decisions on public lands pursuant to the agency's multiple use mandate. As I discussed above, such decisions have commonly diverged from the interests of WildEarth Guardians.

Pursuant to 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct.

Executed in Denver, Colorado this 6 day of February 2023.

  
\_\_\_\_\_  
Jeremy Nichols

## DECLARATION OF KENDRA PINTO

I, Kendra Pinto, declare as follows:

1. I grew up in Twin Pines, New Mexico. I have lived here for a majority of my life. It is a small community located within or near the Lybrook Badlands area near Chaco Canyon National Historical Park, a site well known for its history and architecture. People from all over the world travel to Chaco to witness its beauty and wonder. I live on tribal trust land within the Navajo Nation on a one-acre homesite. Residents of Twin Pines must travel nearly an hour by car to access jobs, schools, medical care, and groceries. My family and I harvest wild plants around our home. I intend to continue to live in Twin Pines.

2. I live in the one-mile buffer zone allowing the residents in this area to choose either Nageezi or Counselor as their home chapter. This area is known as the Checkerboard, and includes federal, state, tribal, allotment, and private lands, which results in a patchwork of management and regulatory authority and jurisdictional loopholes, which allows oil and gas development to occur without consistent regulatory oversight. This has resulted in outdated and un-maintained wells, pipelines, and other infrastructure on the BLM public lands that I recreate and harvest wild plants on. As a result of this checkerboard, many of my family members' homes are located near public BLM lands that are being leased for oil and gas. As a result, well sites can be established in very close proximity to their homes.

3. I graduated from Fort Lewis College in 2020 with a Bachelor of Arts degree in Environmental Studies. I previously earned an Associate of Arts degree in Creative Arts and Technology from San Juan College.

4. I am a board member of Diné Citizens Against Ruining our Environment (Diné CARE). Diné CARE, formed in 1988, is a community-based environmental justice organization

operating within the Navajo Nation. Diné CARE's mission is to support local community activists who seek to defend their communities from the adverse effects of unchecked energy exploration and development. For more than 30 years, Diné CARE has been the foremost defender of local community people on a wide variety of issues affecting their land and health, and advocating a course of development that is in harmony with the traditional Navajo philosophy of "Hozhoji," path to live in harmony.

5. Before I became involved with Diné CARE, I became involved with the Greater Chaco Coalition, with which group I am still active. That involvement and my own research formed the basis of my knowledge about the oil and gas industry and caused me to deepen my advocacy on these issues to address the impacts to local communities. I began working with Diné CARE in 2015 while attending Fort Lewis College.

6. As part of my work with Diné Care, I have flown to Washington DC to speak with Congressional members and their staff to promote legislation to protect my tribal homeland and my peoples' physical and mental wellbeing. Each time I attended one of these meetings, I extended an invitation to the Congress-person and their staff to visit the Chaco area and see firsthand the conditions I and my community experience on a daily basis. I gave testimony before the House Committee on Natural Resources in April 2019 to share the experiences I personally go through on a day-to-day basis with the oil and gas industry. I provided a Health Impact Assessment to the Committee so they could read for themselves the data we are collecting from within the Counselor area on health impacts felt by the community. Days before the day of the testimony, I was with the Congressional members as they participated in a Fracking Reality Tour, a tour meant to show the firsthand effects of oil and gas development felt by the community. The film "We Are Greater Chaco" showcases the voices of the Greater Chaco

Region and the efforts by the group to protect the air, land, water, and people as industrial developments creeps closer and closer to homes.

7. Through my work with Diné CARE, I have also participated in well monitoring trips to evaluate active wells for venting emissions. The most recent of these trips included one on November 4, 2020 in the Counselor and Nageezi area off County Road 7900 and others on March 9 and 10, 2021 in the Counselor and Lybrook areas. During these trips, we identified wells with significant emissions and filed a complaint with the New Mexico Environment Department.

8. I have seen the physical changes in the landscape and air quality near Twin Pines as a result of oil and gas development on public and tribal lands. These changes became more evident beginning around 2013. Traffic on Highway 550 began to increase with semi-trucks, used in fracking activities, which have impacted road conditions and made travel more dangerous. With the increase in truck traffic on the highway there have been many safety violations committed by oil industry truck drivers. These safety incidents are felt throughout the community by locals who live in the area and must share the road with oil and gas industry traffic to commute to work, school, and medical appointments and drive back home. Such unsafe driving conditions are a source of daily stress for community members, including myself. Watching this development occur makes me concerned about the effects of natural gas venting and flaring on my health, the health of my family and community, and the health of my surroundings, and it affects my aesthetic enjoyment of my surroundings. I have also noticed impacts to plant species significant to local communities, including impacts to white cedar, pine trees, and Clover's Fishhook Cactus, which were buried below developed acreage by equipment used in hydraulic fracturing.

9. When President Biden announced a “pause” on all new oil and gas leasing on federal lands in Section 208 of Executive Order 14008, I was intensely relieved. The “comprehensive review and reconsideration” called for by President Biden’s Executive Order was long overdue, although we were not pleased with the surface-level of review offered in the 2021 Report on the Federal Oil and Gas Leasing Program, and we still believe that further review is necessary. I also believe that the Order’s recognition of the Secretary’s responsibility over public lands—including the climate impacts of actions taken on those lands—is critically necessary to protect the existing resources and climate stability of my home community. That is why Diné CARE participated in the previous case, *Western Energy Alliance v. Biden et al.*, 2:21-CV-00013-SWS (D. Wyo.), where we intervened to defend the leasing pause because it would have protected my community from the harmful effects of new oil and gas leasing.

10. I believe the impacts of oil and gas development on me, other members of Diné CARE, and my community will worsen if oil and gas development continues unchecked in my community. I have quite a few relatives who are directly impacted by the oil and gas activity because of its proximity to their homes. These impacts to me and my family members are concerning to me. Many of my relatives reside on “split estate” lands where the federal government owns the minerals underlying the property, or they live in close proximity to federal lands where oil and gas development has been proposed. I worry about the effects of this proximity on my relatives and on myself when I visit them. I am concerned that, if oil and gas development surrounding my own and my relatives’ homes continues as it has in the past, my family members and I will experience more health impacts from emissions from flaring and venting, wells and that these effects will increase with more development.

11. I am concerned that the beauty of my surroundings is being damaged and will continue to be damaged by oil and gas development on public lands in my area. Damage to our clean air, pure water, and healthy wildlife populations, as well as to our health, occurs due to lax regulation of methane waste and other types of pollutants from the industry. Emissions that make their way to the atmosphere contribute to climate change, which in turn negatively impacts my community and environment through drought, changes in precipitation and weather patterns, extreme heat, and other effects.

12. BLM has a duty to ensure that oil and gas reserves on tribal and allotted lands, as well as adjacent BLM lands, are developed responsibly, and to ensure that energy is not wasted. I supported the the comprehensive review and reconsideration called for President Biden's Executive Order 14008, because I believe a comprehensive review of the oil and gas program necessary to carry out BLM's duties and the government's trust obligation to tribes, especially given current climate science that reveals the consequences of failing to keep climate change below 1.5 degrees Celsius of warming.

13. Because of the benefits I would personally experience from the implementation of the leasing pause and comprehensive review, I am concerned that Petitioners' challenge to BLM's authority to pause, defer, and cancel leasing as they see fit will compound the risks the oil and gas industry poses to my community by allowing oil and gas development to continue on public lands near my home without any significant analysis of the dangers and costs of such development. I believe that if this challenge is successful, my community and our environment will continue to be harmed and that these harms will be compounded as the effects of climate change grow more severe.

14. One important risk of continued development—in addition to climate change—is the air pollution that occurs during oil and gas extraction. I understand that these pollutants include a host of harmful air pollutants, such as volatile organic compounds (VOCs) and benzene. VOCs form ground-level ozone, or smog, that has been linked to increased rates of asthma attacks, and exacerbation of other heart and lung conditions, especially in communities near or adjacent to oil and gas development, as mine and many of my family members' are. I understand that asthma rates among Navajos are two to three times higher than in the general public. I also understand that the oil and gas sector emits pollutants that include toxic chemicals, such as benzene, that are known to cause cancer in humans. There is a high rate of lung cancer among Navajos that is attributable in part to uranium mining on the Navajo Nation. This risk of lung cancer can be exacerbated by air pollution from oil and gas development. If the pause and comprehensive review promised by Executive Order 14008 do not occur, these risks are all but certain to increase as development goes on and no additional safety measures or limitations on the industry are implemented.

15. I also am concerned for the safety of the children and staff who attend Lybrook Elementary School, as it is located near several oil and/or natural gas well sites. These sites can be seen in clear view from the school. In the summer of 2015, I witnessed four flares going simultaneously within a mile of the school. I am concerned that the safety of children in my community is at risk when natural gas is flared in their vicinity. I believe the comprehensive review is needed to address this type of situation and the construction of more well sites in close proximity to schools and other population areas.

16. The ability of the BLM to be able to pause leasing in order to conduct appropriate environmental review is also necessary to address the impacts of oil and gas development on

local ecosystems. The pause and reconsideration of the oil and gas program will benefit local natives, including myself, who forage for wild plants and garden, as well as local ecosystems that I and others in my community enjoy for hiking, camping, cultural use, and recreation. If the challenge to the leasing pause is successful, and this review does not occur, these resources will continue to be negatively impacted by unchecked oil and gas development.

17. The ability of the BLM to be able to pause leasing in order to conduct appropriate environmental review is also critical to addressing viewshed issues caused by the release of ozone, nitrogen oxides, and particulate matter emissions caused by venting and flaring. Addressing these issues has the potential to improve recreational opportunities for visitors to Chaco Culture National Historical Park, including for myself and other Diné CARE members, as well as tourists who contribute to our community's economy. Personally, I regularly visit and recreate in and around the Lybrook Badlands. Hiking and scenic photography are a regular activity I pursue while recreating in the area. The increased industrial equipment being placed in Lybrook and Counselor has been visually abundant and has made me concerned for my future use of the area, which I intend to continue on daily basis for the foreseeable future.

18. Similarly, I believe BLM's discretion to pause and review the oil and gas leasing program has the potential to address flaring, and a pause on new leasing while such considerations are reviewed by BLM is appropriate. Such analysis would in turn benefit those who live in the Lybrook/Counselor area, and who occasionally experience noisy and unsightly flares near their homes or in the areas where they enjoy recreating. I experienced such flares throughout my childhood, at Lybrook Natural Gas Plant, which was down the road from my childhood home. I have commonly witnessed flaring within approximately three miles from my home near the Sinclair gas station on Highway 550 near Nageezi.

19. The authority of the BLM to pause, cancel and defer leasing in order to conduct further review is also critical to address the current inequity in the public participation process for oil and gas leasing on public lands near my home. Lack of reliable internet access prevents all shareholders, especially those like myself and other Diné CARE members who are disproportionately affected by oil and gas development, from the ability to participate regularly and reliably in the administrative review process for these actions. Virtual meetings are not adequate to ensure that all stakeholders have a role in these discussions. The pause on new leasing and accompanying comprehensive review are critical to addressing these public participation and stakeholder issues, especially in tribal and other rural communities, and to ensuring that tribal governments and individuals impacted by oil and gas development have input in decisions that impact their local resources and cultural interests.

20. A future pause in leasing and truly comprehensive review of the leasing program would also ensure that additional lands—particularly those within the greater Chaco landscape, which are vitally important to me and my community—are not committed to development while the comprehensive review takes place. If Petitioners are successful in their challenge and are able to force BLM to hold quarterly leasing sales, or even are able to compel BLM to hold the specific lease sales Wyoming seeks in relief, regardless of the environmental impacts or agency discretion to consider those impacts as the BLM deems appropriate, it would harm my interests and increase the impacts that oil and gas leasing and development has in my community, on my family, on my inherent rights as an Indigenous woman, on Diné CARE members, and on the land which I live on and thrive on.

21. Diné CARE is not adequately represented by other parties in this case. In particular, while Diné CARE seeks to defend the authority of the BLM to pause oil and gas

leasing, our interests are not the same as those of the federal government. The Bureau of Land Management has a duty to manage oil and gas as a multiple use, but has historically prioritized oil and gas above cultural values, public health, and the environment, which has significantly harmed Diné CARE and me personally.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated this 6<sup>th</sup> day of February, 2023



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Kendra Pinto

## DECLARATION OF NATASHA LÉGER

I, Natasha Léger, declare as follows:

1. I am the Executive Director of Citizens for a Healthy Community. I have served the organization since 2014 as a Board Member, Interim Executive Director and currently as Executive Director.
2. I have a Juris Doctor degree from Boston College School of Law, and Master of Law and Diplomacy from the Fletcher School at Tufts University.
3. I am personally familiar with Citizens for a Healthy Community's work, including the organization's advocacy to avoid and minimize the harm caused by oil and gas leasing and development, and associated climate change impacts, in the North Fork Valley in Colorado.
4. Citizens for a Healthy Community is a nonprofit organization based in Paonia, Colorado, with more than 500 members in the Delta County region.
5. Our organization seeks to ensure a livable and resilient future for present and future generations, in particular with respect to the impacts of oil and gas leasing and development on climate, organic and sustainable agriculture, outdoor recreation (hunting, fishing, hiking, camping, and biking), agri-tourism, watershed health, and public health. Oil and gas leasing on surrounding public lands, and large-scale oil and gas development in the region is incompatible with our work to ensure ecological and climate stability for the vital ecosystem that supports our community and local economy.
6. To advance the organization's goals, Citizens for a Healthy Community advocates to eliminate or minimize the impacts of leasing and existing and proposed oil and gas development, and to protect communities and the landscape from the harm caused by such

actions. Our organization has long challenged oil and gas leasing and development to protect the health of its members; the North Fork Valley's air, water and foodsheds, public lands; and vulnerable wildlife. In Particular, CHC has actively engaged with the Bureau of Land Management over the course of a decade to encourage it to comply with environmental laws, including National Environmental Policy Act (NEPA), Federal Land Policy and Management Act, and Mineral Leasing Act. This engagement has included the filing of administrative comments and protests on actions that have threatened to violate federal environmental protection laws such as NEPA. The continued and additional leasing of these public lands for oil and gas development, without adequate review and in the face of overwhelming evidence of an impending climate crisis, would pose a grave threat to these public resources as well as to human health and safety.

7. CHC intervened in *Western Energy Alliance v. Biden et al.*, 2:21-CV-00013-SWS (D. Wyo.), to defend Section 208 of Executive Order E.O. 14008, which paused new oil and natural gas leases on public lands or in offshore waters pending completion of a comprehensive review and reconsideration of Federal oil and gas permitting and leasing practices. CHC supported E.O 14008 because it represents a significant step forward in addressing the climate change impacts of oil and gas leasing on public lands, and more specifically is critical to protecting the rare and vital ecosystem of the North Fork Valley in Southwest Colorado.

8. I make this declaration in support of CHC's intervention in the above captioned case, in support of BLM's continued authority to pause, postpone, and cancel lease sales.

9. Pausing and deferring lease sales will protect the interests of CHC and its members. CHC members live in, or have second homes in Delta County, Colorado where 95% of

Bureau of Land Management lands and minerals have been opened to oil and gas leasing under the new Uncompahgre Resource Management Plan (which is currently being challenged by CHC, other environmental groups and the State of the Colorado). Oil and gas is currently being developed, or may be developed in the future on federal public lands within the County or surrounding it.

10. CHC filed a lawsuit against the Bureau of Land Management in August 2020 over the Uncompahgre Resource Management Plan for the agency's failure to consider a no-leasing alternative, climate impacts, and other NEPA deficiencies.

11. Numerous CHC members recreate on public lands near where oil and gas development is occurring or has been proposed. Other members reside on "split estate" lands where the federal government owns the minerals underlying the property, or they live in close proximity to federal lands where oil and gas development has been proposed. Hundreds of proposed wells on existing BLM leases near where CHC members live or recreate are at various stages of permitting.

12. Delta County is a climate hotspot in the Western United States, having warmed 2.1 C, faster than the global average, resulting in hotter, drier weather, extreme drought, changes to wildlife habitat, and increased wildfire risk. BLM's authority to pause and cancel leasing is critical to analyzing development rights that could last decades into the future *before* they are granted. Such rights, if granted, will accelerate climate and ecological degradation, derail State Greenhouse Gas Emissions reduction targets, along with State and local government laws, regulations and policies to prioritize the protection of public health, safety, welfare, the environment, and wildlife.

13. The North Fork Valley has successfully transitioned away from dependency on extractive fossil-fuel industries. It has developed a sustainable, diversified economy that includes organic and sustainable agriculture, outdoor recreation, creative arts, health and wellness, and renewable energy. BLM's authority to pause and cancel leasing pursuant to environmental review protects this diverse economy by requiring the government to thoroughly and holistically evaluate the environmental impacts of oil and gas leases before committing these lands to long term extractive development that will threaten the North Fork Valley economy and ecosystem.

14. BLM maintaining the authority to pause and cancel leasing pursuant to environmental review will allow the government to look before it leaps to commit 871,810 acres to oil and gas development, and has the potential to thereby decrease emissions of hazardous air pollutants, including carcinogens like benzene, and particulate matter and nitrogen oxides, all of which would benefit the health of CHC's members and local ecosystems.

15. Pausing and cancelling oil and gas leases has numerous other potential social benefits in addition to the benefits of reducing climate change impacts. These include the reduction of volatile organic compounds and therefore the reduction of ozone. Ozone reductions provide numerous public health benefits. For example, a 2012 study found that annual numbers of avoided ozone-related premature deaths would range from 1,410 to 2,480 at 75 ppb to 2,450 to 4,130 at 70 ppb, and 5,210 to 7,990 at 60 ppb. Jesse D. Berman et al., Health Benefits from Large-Scale Ozone Reduction in the United States. *Environ Health Perspect* 120:1404–1410. In October of 2015, EPA revised the health-based ambient air quality standard for ozone pollution to 70 parts per billion. Many CHC members recreate in areas that have ozone levels above 70 parts per billion, for example, near the Bull Mountain project area in Gunnison County, where the BLM acknowledges areas with ozone concentrations in the range of 70-76 ppb. The Berman

study also found that in the data years of 2005, 2006, and 2007, acute respiratory symptoms would have been reduced by 3 million cases and school-loss days by 1 million cases annually if only the then-current 75-ppb standard had been attained. *Id.*

16. We believe that the immediate and potential longer term emission reductions that may result from pausing and cancelling leases are essential to a sustainable economy in Delta County, and to protecting the health of our local communities. Among other things, oil and gas production releases large quantities of methane, a very potent greenhouse gas that exacerbates climate change. Climate change will decrease water availability in our County, which will harm our region's wealth of crops and local food supply.

17. If, on the other hand, Petitioners are successful in forcing the BLM to conduct quarterly oil and gas lease sales regardless of the environmental consequences, CHC's members will be harmed by the continuance of oil and gas leasing on public lands in the North Fork Valley without sufficient analysis of environmental, public health, and climate change related costs and risks.

18. Our organization has a unique interest in protecting Delta County from the harm caused by oil and gas operations in order to ensure a sustainable and healthy economy for our region. The North Fork Valley is home to the largest concentration of organic farms in the State and plays an important role in the State's food security. Therefore, our interests cannot be adequately represented by Federal Respondents, as the multiple use mandate federal respondents apply to management of federal public lands too often comes down in favor of fossil fuel development at the expense of sustainability and public health.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge,

information, and belief.

Signed this 3<sup>rd</sup> day of February, 2023

A handwritten signature in blue ink, appearing to read "N. Léger", with a long horizontal stroke extending to the right.

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NATASHA LÉGER

## DECLARATION OF TAYLOR MCKINNON

I, Taylor McKinnon, declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge. If called as a witness in these proceedings, I could and would testify competently to these facts.
2. I am the Senior Public Lands Campaigner at the Center for Biological Diversity (“CBD”), and in this role, I work to protect public lands and endangered species in the United States with a focus on curbing federal fossil fuel development on public lands. CBD is a membership based 501(c)(3) non-profit corporation that is incorporated in California, whose primary mission is to protect threatened and endangered species and their habitats both in the United States and abroad. CBD relies upon the voluntary contributions of members, supporters, and donors to support its operations and its members and supporters rely on CBD to advocate for them on behalf of CBD’s organizational mission.
3. CBD and its members include individuals with varying interests in wildlife species and their habitat ranging from scientific, professional, and educational, to recreational, aesthetic, moral, and spiritual. Further, CBD’s members enjoy, on an ongoing basis, the biological, scientific, research, educational, conservation, recreational, and aesthetic values of the regions inhabited by these species, including the areas impacted by this litigation. CBD’s members observe and study native species and their habitat, and derive professional, scientific, educational, recreational, aesthetic, inspirational, and other benefits from these activities and have an interest in preserving the possibility of such activities in the future. CBD’s members have participated in efforts to protect and preserve natural areas, including the habitat essential to the continued survival of native species, and to address threats to the continued existence of these species.
4. CBD has an interest in ensuring the preservation, protection, and restoration of biodiversity, native species, ecosystems, climate conditions, public lands and waters, and public health through science, policy, and environmental law. Based on the understanding that the health and vigor of human societies and the integrity and wildness of the natural environment are

closely linked, CBD is working to secure a future for animals and plants hovering on the brink of extinction, for the ecosystems they need to survive, and for a healthy, livable future.

5. CBD's activities include public education, advocacy, litigation to enforce environmental laws, and participation in the government's decision-making process at the administrative level.

6. CBD has actively campaigned for several years to persuade the Bureau of Land Management ("BLM") to comply with federal environmental laws, such as the National Environmental Policy Act ("NEPA") and the Endangered Species Act ("ESA"), as well as BLM's own mandate under the Federal Land Policy and Management Act ("FLMPA") to manage public lands "without permanent impairment of the productivity of the land and the quality of the environment." For example, CBD has, where substantiated, filed administrative protests under BLM's regulations and manual where the BLM's federal oil and gas lease sales have violated federal environmental protection laws, such as NEPA and the ESA. The leasing of these public lands pending the federal government's commitment to conduct a comprehensive review of oil and gas leasing and permitting, and without following NEPA and its implementing regulations, would pose a threat to sensitive species and their habitat, public lands and waters, and public health and safety.

7. CBD has over 84,300 members, including those living New Mexico, Texas, Oklahoma, Utah, Montana, the Dakotas, Wyoming, Colorado, and the Eastern States (including Mississippi, Michigan, Louisiana, Alabama, Arkansas, Ohio, Pennsylvania, and Kentucky), on or near public lands where oil and gas development is occurring or has been proposed. For example, some members reside on "split estate" lands where the federal government owns the minerals underlying their property, or they live in close proximity to federal lands where oil and gas development has been proposed. Numerous CBD members have also visited these lands for recreational, scientific, educational, and other pursuits and intend to continue to do so in the future, and are particularly interested in protecting the many native, imperiled, and sensitive species and their habitats that may be affected by the BLM's oil and gas leasing.

8. I regularly use public lands for recreational, artistic, scientific, and familial purposes. I frequently travel to, explore, fish, bike, snowboard, run, hike, observe wildlife and camp on public lands throughout the western United States. I usually do so with family and friends. I am an amateur landscape, nature, and wildlife photographer. Most of my subjects are nature scenes and wildlife on public lands. Industrialization and pollution from oil and gas development harms my use and enjoyment of public lands. I have encountered extensive oil and gas industrialization while visiting public lands in southern and north-eastern Utah; in northeastern New Mexico; in southeastern Wyoming; in Nevada; and along Colorado's western slope. This industrialization, because of its impacts to scenery and ecosystems, has precluded my camping, photography, and other uses of public lands. For example, I choose not to camp near oil and gas development because industrialization is unsightly, and the associated truck traffic, dust, and noise is bothersome. I do not photograph nature scenes that include oil and gas development because its industrialization often ruins otherwise aesthetically pleasing scenes. Oil and gas development has made it extremely difficult to photograph greater sage-grouse, whose populations have crashed at the hand of development, making the birds rare and vulnerable to human disturbance. Despite always visiting public lands with my camera and bird photography lens, I have only photographed mating grouse in Nevada's Monitor Valley which, though undeveloped, was ironically slated for oil and gas leasing. Even from far away, lights from oil and gas development have foreclosed my ability to photograph western public lands under a night sky because those scenes would have been marred by oil and gas light pollution. For these and other reasons, I choose to avoid visiting public lands with oil and gas development, which constrains the places, routes, and activities that would otherwise choose.

9. In addition, many CBD members use domestic water wells or streams for drinking water, stock watering, fishing, and other purposes that may be impacted by nearby federal oil and gas development.

10. CBD regularly participates in the BLM's NEPA processes for federal oil and gas lease sales. As part of this participation, CBD provides public comments to identify issues that

need to be addressed and analyzed in NEPA documents (“scoping comments”). CBD also reviews and provides comments on the BLM’s draft Environmental Assessment (“EA”) and Finding of No Significant Impact (“FONSI”), or draft Environmental Impact Statements (“EIS”).

11. CBD’s advocacy in federal oil and gas leasing processes focus on three principal areas of concern. The first is on attempting to mitigate impacts to threatened, endangered, and sensitive species and their habitats from oil and gas leasing activity, by providing scientific and geographic information regarding species and habitats that may be adversely affected by oil and gas development.

12. The second focus of CBD’s federal oil and gas leasing activity concerns efforts to ensure that planning, leasing, and environmental analysis processes adequately consider scientific and other information regarding the air, water, seismic, and public health impacts of unconventional drilling technologies and methods such as hydraulic fracturing.

13. The third aspect of the CBD’s leasing advocacy concerns efforts to require environmental analysis of the greenhouse gas emission consequences of federal fossil fuel leasing decisions, and to ensure that public lands and offshore waters energy policies consider the effects relating to climate change.

14. The 2021 pause in oil and gas leasing and announced comprehensive review greatly enhance CBD and its members’ ability to obtain relevant information regarding the lands and resources that may be affected by proposed oil and gas lease sales.

15. Since 2014, CBD has actively participated in the BLM oil and gas leasing process by commenting on proposed sales and Environmental Assessments, filing administrative protests of proposed lease sales, and engaging in scientific, educational, and public outreach efforts to inform the public regarding the climate and other environmental consequences of the BLM’s oil and gas leasing programs.

16. From 2017 to 2023, CBD submitted comments on and/or filed formal protests against NEPA plans and decisions approving the following onshore oil and gas lease sales in the Lower 48, listed here by BLM State Office and lease sale date:

Colorado, November 2015	Wyoming, June 2018
Alaska, NPRA, 2016	Wyoming, September 2018
Utah, February 2016	Colorado, March 2019
New Mexico, April 2016	Montana, March 2019
Colorado, May 2016	New Mexico, March 2019
Montana, May 2016	Utah, March, 2019
Dakotas, July 2016	Wyoming, February 2019
New Mexico, July 2016	Wyoming, March 2019
Eastern States, Sept. 2016	Colorado June 2019
Colorado, November 2016	Eastern States, June 2019
Utah, November 2016	Nevada, June 2019
New Mexico, January 2017	Utah, June 2019
New Mexico, April 2017	Wyoming, June 2019
Colorado, March 2017	Montana, July 2019
Colorado, June 2017	Colorado, September 2019
Colorado, December 2017	Eastern States, Sept. 2019
Eastern States, March 2017	Montana, September 2019
Eastern States, Sept. 2017	Utah, September 2019
Eastern States, Dec. 2017	Wyoming, September 2019
Montana, June 2017	New Mexico, Nov. 2019
Montana, December 2017	Eastern States, Dec. 2019
New Mexico, June 2017	Montana, December 2019
Nevada, March 2017	Utah, December 2019
Nevada, June 2017	Wyoming, December 2019
Nevada, September 2017	New Mexico, February 2020
Nevada, December 2017	Colorado, March 2020
Utah, September 2017	Eastern States, March 2020
Utah, December 2017	Montana, March 2020
Wyoming, June 2017	Utah, March 2020
Wyoming, September 2017	Wyoming, March 2020
Arizona, September 2018	New Mexico, August 2020
Colorado, March 2018	Colorado, September 2020
Colorado, June 2018	Eastern States, Sept. 2020
Colorado, September 2018	Montana, September 2020
Eastern States, March 2018	Utah, September 2020
Eastern States, Sept 2018	Wyoming, September 2020
Montana, March 13, 2018	New Mexico, October 2020
Nevada, March 13, 2018	California, December 2020
Nevada, June 2018	Colorado, December 2020
Nevada, September 2018	Eastern States, Dec. 2020
Nevada, December 2018	Nevada, December 2020
Utah, March 20, 2018	Utah, December 2020
Utah, June 2018	Wyoming, December 2020
Utah, September 2018	New Mexico, January 2021
Wyoming, March 2018	Colorado, June 2022

Nevada, June 2022  
New Mexico, June 2022  
Montana-Dakotas, June 2022  
Wyoming, June 2022  
Utah, June 2022

Utah, September 2023  
Utah, December 2023  
New Mexico, May 2023  
Montana-Dakotas June 2023  
Wyoming, June 2023

17. CBD also submitted comments on and/or filed formal protests challenging BLM's NEPA plans and decisions relating to the National Petroleum Reserve in Alaska:

Call for Nominations and Comments for the 2016 National Petroleum Reserve-Alaska Oil and Gas Lease Sale -- Comments submitted on Apr. 29, 2016;

Call for Nominations and Comments for the 2017 National Petroleum Reserve-Alaska Oil and Gas Lease Sale -- Comments submitted on Sept. 6, 2017;

Call for Nominations and Comments for the 2018 National Petroleum Reserve-Alaska Oil and Gas Lease Sale -- Comments submitted on Aug. 20, 2018;

Call for Nominations and Comments for the 2019 National Petroleum Reserve-Alaska Oil and Gas Lease Sale -- Comments submitted on July 22, 2019;

Scoping for the Draft Environmental Impact Statement for the National Petroleum Reserve-Alaska's Integrated Activity Plan -- Comments submitted on Jan. 22, 2019;

Draft Environmental Impact Statement for the National Petroleum Reserve-Alaska's Integrated Activity Plan -- Comments submitted on Jan. 21, 2020;

Scoping for the Environmental Impact Statement on the Coastal Plain Oil and Gas Leasing Program -- Comments submitted on June 19, 2018;

Draft Environmental Impact Statement for Coastal Plain Oil and Gas Leasing Program -- Comments submitted on Mar. 13, 2019;

Call for Nominations and Comments for the Coastal Plain Alaska Oil and Gas Lease Sale -- Comments submitted on Dec. 17, 2020.

18. From 2017 to 2021, CBD submitted comments on and/or filed formal protests against NEPA plans and decisions approving the following offshore oil and gas lease sales and plans:

Preliminary Revised 5-Year OCS Leasing Program for 2007–2012 -- Comments submitted on May 3, 2010;

Proposed 5-Year OCS Oil and Gas Leasing Program for 2012– 2017 -- Comments submitted on Feb. 8, 2012;

Environmental Impact Statement on Gulf of Mexico 2017–2022 Lease Sales -- Comments submitted on March 29, 2015;

2017–2022 National OCS Draft Proposed Program -- Comments submitted on March 30, 2015;

Draft Supplemental Environmental Impact Statement on Lease Sale 247 in the Central Planning Area of the Gulf of Mexico -- Comments submitted on Apr. 11, 2016;

Draft Programmatic Environmental Impact Statement for the National OCS Oil and Gas Leasing Program: 2017–2022 -- Comments submitted on May 2, 2016;

Draft Environmental Impact Statement for OCS Oil and Gas Leases in the Gulf of Mexico from 2017–2022 -- Comments submitted on June 6, 2016;

2017– 2022 OCS Proposed Program -- Comments submitted on June 16, 2016;

Scoping for Proposed Gulf of Mexico OCS Oil and Gas Lease Sales 250 and 251 - - Comments submitted on Sept. 19, 2016;

Draft Environmental Impact Statement for OCS Lease Sale 244 in Cook Inlet, Alaska -- Comments submitted on Sept. 22, 2016'

Request for Information on New Five-Year National OCS Oil and Gas Leasing Program: 2019–2024 -- Comments submitted on Aug. 17, 2017;

National OCS Oil and Gas Leasing Draft Proposed Program -- Comments submitted on Mar. 9, 2018;

Scoping for Proposed 2019 OCS Lease Sale in Beaufort Sea -- Comments submitted on Jan. 4, 2019;

Scoping for the Draft Environmental Impact Statement for OCS Lease Sale 258 in Cook Inlet, Alaska -- Comments submitted on Oct. 13, 2020;

19. BLM and BOEM denied many, but not all, of the CBD concerns and protests described above and moved forward with the lease sales onshore and offshore.

20. CBD first became aware of this action in December 2022, shortly after Wyoming (“Petitioner”) filed its complaint against the Department of Interior, the Secretary of Interior and the BLM (collectively, “Respondents”).

21. BLM decisions to pause oil and gas leasing, including the Second and Third Quarter 2021 lease sales, as well as Third Quarter 2022 lease sales, has benefitted CBD’s mission and its members both procedurally and substantively.

22. Decisions to postpone or defer leasing for additional environmental review and/or consultation increase the likelihood of adequate consideration of environmental impacts from leasing and/or consideration of impacts to affected communities.

23. A decision to refrain from leasing lease reduces the likelihood of contamination of surface water and groundwater from spills from chemical and waste transport; chemical storage leaks; breaches in wastewater pits; leaching from landfills that receive drilling and fracking solid wastes; injection of fracking waste underground; and migration via abandoned or improperly constructed wells, natural faults, or intentionally created fractures. The decision not to lease also reduces the harmful impacts of water depletion on biodiversity, local ecosystems, and the availability of water to communities.

24. CBD members also have economic and personal interests in BLM’s decision not to lease. Because their homes are in close proximity to federal oil and gas development, surface contamination or aquifer impacts from hydraulic fracturing (or “fracking”) or inadequate well construction can directly impact their property values and require significant expenditures for substitute sources of drinking water. Furthermore, due to the heavy and frequent use of chemicals, proximity to fracked wells is associated with higher rates of cancer, birth defects, infant mortality, and acute health effects for nearby residents who must endure long-term exposure including carcinogenic, reproductive, and endocrine disruption effects. BLM’s decision not to lease would reduce those impacts.

25. If Wyoming succeeds in requiring BLM to offer lands and for oil and gas exploration and development on a quarterly basis, which would adversely impact the human environment and resources, all of the aforementioned benefits to CBD members would be lost.

26. Although CBD has an interest in defending the BLM's decision not to lease or make available certain parcels, the current Defendants in this action do not adequately represent CBD's interest. CBD has requested that BLM analyze numerous significant impacts likely to result from the leasing of the public lands and waters for oil and gas development, including but not limited to the impacts of fracking and other unconventional well stimulation techniques on water resources, human health and safety, climate change, wildlife and wildlife resources. However, many of these potential impacts have been omitted from or inadequately considered in BLM's NEPA analyses for every oil and gas lease sale on which CBD has provided comment or protested. Many of CBD's protests have been dismissed or denied by BLM.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 7, 2023 in Flagstaff, Arizona.



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Taylor McKinnon

## DECLARATION OF WADE SIKORSKI

I, Wade Sikorski, declare as follows:

1. I am over eighteen years of age and a citizen of the United States. The facts and opinions set forth in this declaration are based on my personal knowledge and experience.

2. I live on my family's ranch approximately 20 miles south of Baker, Montana. My great-grandfather homesteaded the land where I live in 1911. I have lived on the ranch for my entire life, except my years spent in college and graduate school and one year working in New Mexico. I expect to live in Montana the rest of my life.

3. I am a member of Montana Environmental Information Center (MEIC). I have been a member of MEIC since the early 1990s. I first became involved with MEIC because of concerns I had about a PCB incinerator moving to my community and the risks it posed to human health and the environment.

4. I have an undergraduate degree from the Montana State University at Bozeman and a Ph.D. in political science from the University of Massachusetts at Amherst. My academic specialty is in contemporary political theory and political ecology, subjects on which I have published books and articles.

5. I work on my family's ranch from spring to fall, and write books and articles during the winter. We raise wheat, lentils, safflower, and corn on our farmland. And we raise several hundred head of cattle on our pastures.

6. The earth-sheltered house that I built as I was finishing my dissertation is just below a hill that is one of the highest points between Baker and Ekalaka. From my house, as a result, I can see to the Ekalaka Hills, about 15 miles to the south. To the west, I can see the pine covered hills outside of Miles City—perhaps 50 miles away. To the southwest, I can also see a

good part of the distance to Broadus. I have no idea how far away the horizon is, but I imagine that if I went to the last ridge that I can see, I might be looking down into the valley where Broadus is. To the northeast, I can see the Diamond Willow Wind Farm outside of Baker. At night I can see the lights flashing on the wind farms near Rhame in North Dakota. Much of this land is managed by BLM and is open to oil and gas development.

7. There is a long history of oil development in our area. My family ranch has about half a section of BLM land. When I was a child, an oil well was drilled on our property, and several others were drilled in our immediate area, though none of them were ever put into production. Since then, we have had different seismograph crews on our place, trying to find oil. We are about 10 miles south of where a substantial oil field near Baker is producing oil, and which I have been told was one of the first fields to use horizontal drilling and fracking.

8. My property overlooks a large area that is being leased for oil and gas development under the Miles City Resource Management Plan (“RMP”). I am concerned about the impacts of oil and gas development on my family’s land and my community.

9. I travel throughout Fallon, Custer, and Carter Counties on an almost daily basis and will do so well into the future, sometimes for work, sometimes just to meditate on the shifting seasons, the wandering wildlife, the shape and contour of the land. Seeing vast areas of undisturbed BLM land in my area is one of the great joys in my life. They are also an opening into philosophical and spiritual meditation for me.

10. Although my family ranch does not have any operating oil wells, I live close enough to the Baker oil field to know what the consequences of fossil fuel development are—noise, pollution, harm to the land, disruption of wildlife behavior, and economic cost.

11. I am concerned about health harms from volatile organic compounds (VOCs) that lead to ozone formation, and emissions of cancer-causing pollutants. I typically run 30 miles a week on the gravel road leading to my house to protect my health. I do aerobic exercise because I have a chronic infection of Lyme disease that I caught when I was going to graduate school in Massachusetts. The bacteria, which scientists have proven can survive even massive doses of antibiotics, are anaerobic, so aerobic exercise, which increases the flow of oxygen through my body, helps keep my chronic Lyme infection under control. I know that ozone has long been recognized to cause adverse health effects. Exposure to ozone can cause or exacerbate respiratory health problems—including shortness of breath, asthma, chest pain and coughing—can decrease lung function, and can even lead to long-term lung damage. Short-term exposure to ozone causes multiple adverse respiratory effects, from inflammation of airways to more serious respiratory effects that can lead to use of medication, hospital admissions, emergency room visits, and chronic obstructive pulmonary disease. According to a recent report by the National Research Council, short-term exposure to current levels of ozone in many areas is likely to contribute to premature deaths. Long-term exposure may also increase risk of death from respiratory problems. Short- and long-term exposure to elevated levels of ozone can also harm people's hearts and cardiovascular systems. By helping me breathe easier when I exercise, lower levels of ozone help me keep my chronic Lyme disease infection under control.

12. I am also concerned about the environmental impacts of oil and gas development to Montana's ecosystems and agricultural lands such as those my family owns. From a broader perspective, the seriousness of the impacts of oil and gas development on the climate is something that concerns me deeply and impacts me personally. As a result of my experiences with changing weather patterns and hydrological cycles on my family's ranch, I am increasingly

alarmed by the impact that global warming is having on our ecosystems, our economy, our political system, our health, and our spiritual well-being. As climate scientists have long been warning us, global warming is happening, is human caused, and will threaten our civilization if we continue using fossil fuels as we have. As a farmer, I have the deepest reservations about my family's ability to operate our ranch, producing the food we all need, unless emissions from federal lands are drastically reduced or eliminated as part of a comprehensive response to the climate crisis. I am 65 years old now, and well enough experienced with how drought, heat, and extreme weather events like hail can impact crop production to know how global warming is going to turn out. I know how insects like grasshoppers thrive when it is hot and dry, and how extreme weather events like drought, heat waves, tornadoes, and hail storms are becoming more common and destructive. And I know that we just cannot continue as we have if the children of today are going to have the life they deserve to have.

13. For all of these reasons, I welcomed President Biden's issuance of Executive Order 14008. Section 208 of E.O. 14008, which sought to pause new oil and gas leases on public lands pending a comprehensive review of the Federal Oil and Gas Permitting Program. While I believe the "comprehensive review" that resulted from that process was far from thorough, I nonetheless continue to support the government's ability to exercise its discretion as to when, where, and how to hold lease sales and issue oil and gas leases. I believe MEIC's involvement in this litigation is important both to uphold that agency discretion and to continue to voice the need for a more thorough review and analysis of the environmental impacts of the oil and gas program than has been done to date. This is a perspective that needs to be heard in this litigation and it has become clear that the government is unable or unwilling to provide that perspective.

14. The outcome of this litigation has the potential to impact the interests of farmers and ranchers such as myself, as well as the interests of MEIC's membership across the state. MEIC's diverse membership includes members who recreate on public land in Montana near where oil and gas development is occurring or has been proposed, as well as others, like me, who earn their living from the land and who are directly impacted by oil and gas development on public lands adjacent to the areas where we live and farm. All of MEIC's members, like people everywhere, are impacted by the very real and ever-increasing impacts of climate change.

15. A court decision affirming the government's authority over when and how it leases public land for oil and gas development will help MEIC in its continuing advocacy to ensure that the government analyze the science and environmental, economic, and human health consequences of its oil and gas program while there is still time to avert the worst effects of climate change, and it will affirm the government's ability to do so. Additional benefits include the potential to contribute to the long-term reduction of VOC's associated with oil and gas development, including ozone, which would have direct public health benefits, and would benefit me personally. A favorable decision would also allow and encourage the government to properly evaluate the effects of other pollutants, including carcinogens like benzene, and particulate matter and nitrogen oxides, on human health and the environment. Such an analysis may ultimately result in additional health benefits to me and others like me through increased protections and limitations on oil and gas production.

16. I and MEIC's other members still hope, and will continue to urge that the government conduct a comprehensive evaluation of the Federal Oil and Gas Permitting Program and that such an evaluation will result in long-term changes to the way oil and gas production

occurs on federal land, which will ultimately result in the reduction or elimination of greenhouse gasses and associated pollutants.

17. If the plaintiffs in these cases are successful, I fear that business will continue as usual at the BLM, with quarterly lease sales at below-market rates, and locked-in future oil and gas development that will occur without regard to environmental harm, human health impacts, or climate change. These consequences will continue to harm me both physically and spiritually.

18. My interests, and those of MEIC, are not adequately represented by the existing parties to this case. The Federal Defendants, in particular, manage BLM land under a multiple use mandate. While this mandate is neutral in theory, far too often, the interests of industry and fossil fuel production seem to weigh more heavily than those of public health or the environment. For that reason, the Federal Defendants cannot adequately represent my interests or those of other MEIC members, who put human health and climate security first.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated this 7<sup>th</sup> day of February, 2023.

  
Wade Sikorski

## DECLARATION OF DERF JOHNSON

I, Derf Johnson, declare as follows:

1. I am a citizen of the United States and over 18 years of age. I reside in Helena, Montana. I am a member and employee of the Montana Environmental Information Center (MEIC) and the Sierra Club.

2. I have been a resident of Montana since my birth in 1982.

3. I am a graduate of the University of Montana School of Law, and chose to stay in Montana after law school to begin my career in environmental and natural resources law in one of the most beautiful and spectacular landscapes on earth. Because I continue to live in Montana, I'm afforded the opportunity to regularly travel throughout the state for both work and pleasure.

4. For over twelve years I have been employed in various capacities by the Montana Environmental Information Center (MEIC). I currently serve as the organization's Deputy Director. In this role, I have worked to address the environmental problems associated with natural resource extraction, with a specific focus on fossil fuel development and climate change.

5. The Montana Environmental Information Center is a non-profit organization founded in 1973 with approximately 10,000 members and supporters throughout the United States and the State of Montana. MEIC is dedicated to the preservation and enhancement of the natural resources and environment of Montana and to the gathering and dissemination of information concerning the protection and preservation of the human environment through education of its members and the general public concerning their rights and obligations under local, state, and federal environmental protection laws and regulations. MEIC is also dedicated to assuring that federal officials comply with and fully uphold the laws of the United States that are designed to protect the environment from pollution, including greenhouse gas pollution.

6. For decades, MEIC has worked to curtail and mitigate oil and gas development on federal land and has supported efforts to end the leasing of oil and gas on federal lands. This has included playing a key role in the lease cancellations that occurred along the Rocky Mountain Front under Senator Max Baucus. MEIC has also brought litigation, along with our co-plaintiffs, in challenging the BLM's recent lease sale activities in Montana and issuance of the flawed Miles City and Buffalo Field Office's Resource Management Plans in the Powder River Basin of Montana and Wyoming.

7. I regularly testify before the Montana legislature, state boards, and commissions, on the environmental impacts associated with oil and gas development in Montana. This has included testimony on the pollution of air and water associated with oil and gas leasing on federal lands in Montana.

8. Montana is an important place for me personally and professionally. Personally, it is a place of abundant beauty and recreation that is unlike anywhere else that I've lived or traveled. Over the years, I have traveled extensively across Montana – to hunt, fish, camp, bike, and drive, and just generally enjoy Montana and its solitude. I particularly enjoy visiting the vast acreage of federal land that we have in Montana. These places are one of the least populous places in the lower 48, and so offer the opportunity for solace and escape from the daily grind of life.

9. As part of the duties of my employment, I also travel regularly throughout Montana in order to conduct a variety of activities, including meeting with members and viewing landscapes that are relevant to MEIC's work and membership. I travel for work throughout Montana approximately once every two months. When I travel for work, I frequently drive on

roads on or adjacent to federal lands that are currently used for or are open to oil and gas leasing under existing land use plans.

10. The availability and opportunity to recreate on federal lands is part and parcel of why I continue to live in Montana. I thrive on being able to be outdoors and having open space to roam and find peace of mind. I view oil and gas leasing as a very personal and direct threat to my and my family's wellbeing. Oil and gas development displaces wildlife, causes pollution, and ruins the majestic views we have in Montana. It also directly contributes to climate change, which I have directly experienced in the form of hotter and drier summers, increased wildfire activity, less water in our rivers and streams, and an earlier runoff season.

11. In my personal and professional life, I routinely visit and drive by lands that are managed by the Bureau of Land Management. I regularly visit BLM lands close to my home in Helena to camp, hunt, and fish. This past summer, I camped several times on BLM lands as part of my weekend and vacation activities. In December of 2021, I traveled to south central Montana, including the Colstrip region, for work. This trip involved viewing and visiting BLM lands across a large swath of Montana. In April of 2022, I traveled to the majestic Missouri Breaks region of Montana, where I hiked and biked over several tracts of BLM lands while visiting friends.

12. In the summer of 2018, I accompanied a reporter for the New York Times to a large section of BLM land in southeastern Montana's Powder River Basin, discussed the extremely flawed leasing process for oil and gas on BLM lands, and provided him with a tour of some of the lands that were being leased. The reporter wrote a story on federal oil and gas leasing as part of this trip, available here: <https://www.nytimes.com/2018/11/27/business/energy-speculators-public-land-leases.html>.

13. I am shocked and disgusted when I see federal lands that are being leased for oil and gas development, knowing full well that the lease terms likely do not include the necessary environmental mitigation and that the lease payments to the public do not reflect the actual cost of oil and gas development in terms of damage to the land and the environmental and economic costs associated with climate change. I am also concerned by the threat to water quality by the development of oil and gas, as well as its impacts to wildlife.

14. I plan on continuing my frequent visits to BLM lands across Montana and the west, in both personal and professional capacities

15. I abhor the practice of oil and gas drilling and the devastation that it causes to federal lands in Montana. In particular, I am very concerned by the greenhouse gas pollution that results from oil and gas drilling on federal lands, which will have devastating consequences for Montana and the United States if it continues unabated. The pause on federal oil and gas leasing promised by Executive Order 14008 was to have been a temporary reprieve from a flawed leasing program, and was supposed to allow the federal government to truly analyze the impacts existing policy has on the environment, public health, public lands, and the climate.

Unfortunately, that analysis (and the pause) has yet to materialize. Nonetheless, I continue to support the government's discretion to lease or not lease federal lands when, where, and under the conditions it deems appropriate, and I believe a decision by this court upholding that discretion is critical if we are ever going to prevail on the government to conduct a truly comprehensive review of the oil and gas program. At a minimum, I believe judicial recognition of BLM's discretion is necessary to ensure that it conduct appropriate environmental review at the level of individual lease sales, as required by NEPA.

16. If Petitioners are granted their requested relief, I fear that this critical programmatic review will never occur, and that the government's ability to conduct adequate NEPA review of individual lease sales will be curtailed. Moreover, it will mean that the status quo will continue to compound the environmental and climate impacts that are already occurring and being felt in Montana as well as the rest of the country.

17. My interests, and those of MEIC, are not adequately represented by the existing parties to this case. In particular, the federal government operates under a multiple use mandate, and in the statutory balancing it is required to conduct in its management of federal lands—particularly BLM lands—the balance too often tips in favor of industry and extractive interests rather than environmental concerns.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Signed this 27th day of January, 2023



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Derf Johnson