

## Screening Criteria for Litigation Requests

### Joint intervention for Leasing Moratorium in WY Federal Court

2/22/21

(Brief summary of the issue including whether the request is for a demand letter/notice of intent to sue, lawsuit, proposed settlement, fees and cost motions, litigation appeal, Interior Board of Land Appeal (BLM) or whether any of these have already taken place)

1. What are the goals of the action?

Goal: Join a group of interveners to support the federal oil/gas leasing moratorium.

Shortly after the Biden administration ordered the 60-day moratorium for new leasing on federal lands to oil and gas operators, the Western Energy Alliance (WEA led by Kathleen Sgamma) filed suit in Wyoming's district court to reverse the decision.

2. What are the bases for potential litigation success, i.e., what law(s) or regulation(s) are being violated? And in what ways?

The leasing pause is currently in effect, but it has not formally been codified. That will require a secretarial order from a confirmed Sec of Interior. Hopefully, Deb Haaland will be confirmed this week (hearings today and tomorrow in the Senate). Once the moratorium order is issued, other syndicates linked to the oil and gas industry will likely also file lawsuits.

3. What outcome is being sought via the litigation?

Support the oil/gas leasing moratorium. The Wilderness Society is leading the effort, seeking to build a large coalition to file the intervention to ensure its inclusion into the consideration of the Wyoming court's decision, which includes a variety of conservation groups, impacted businesses (skiing, other outdoor recreation, etc.), and place-based resident groups.

4. What is the affected geographic area? Please name the specific public lands [e.g. name of National Forest or BLM Lands, etc., including district) and the appropriate counties/state(s)]

Impacts all federal mineral estate including that under public (BLM, USFS) and private lands (split estate) in the country.

5. Approximately how many acres will be affected? (if applicable)

6. What are the affected environmental values or public processes?

Protect the moratorium, which is designed to give the BLM time to review oil/gas leasing procedures and processes that adhere to its multi-use mandate and to add as appropriate protections for public health and environment.

7. What are the deadlines for GOBW to make a decision? Is the deadline soft or hard?

Soft...but moving quickly. Given that Haaland's confirmation might occur this week, triggering a Secretarial order soon after, the leaders of this effort would like to know within a week or so which organizations will join as co-interveners.

8. What Broadband or Broads are making this request? Who is the contact person for the Broadband in regards to this issue? If this is from a Broadband, have the co-leaders or leadership team reviewed the issue and agree to joining litigation?

NW CO Broadband. Barbara Vasquez

9. What is their relationship to the issue? Have Broads been involved with this issue or land before? How will GOBW add value to this action?

National and specific Broadband, including NW CO, have cosigned comments and protests regarding BLM quarterly lease sales in CO because of impacts to landscapes and wildlife. GOB will add their voice to a variety of groups as described above in question 3. GOB participation is also important for demonstrating broad (no pun intended!) support for the Biden administration's actions, which will help our coalition shape public opinion.

10. Other groups involved and who are their legal representatives?

One of the two lead co-counselors (Mike Freeman, EarthJustice) is well known to GOB and would be our point of contact. The list of other groups is much longer than this but includes Wilderness Workshop, The Wilderness Society, Earthworks, Western Colorado Alliance, San Juan Citizens Alliance, Audubon.

11. What is Broad's relationship to any other groups involved in this issue?

We have worked with a number of the organizations who have joined this intervention on wilderness and public lands issues.

12. What role are those groups taking in this litigation?

Co-interveners

13. In what venue (state or federal court, and location if known) will this be litigated?

Wyoming federal court

14. What are the financial costs and risks? (include copy of any proposed fee agreement)

This endeavor should not consume much time on our part, or any organization that chooses to file alongside TWS. TWS has explained that the legal costs would be covered, but there may be some limited costs (\$ & time) to establish a declaration of standing for a member of GOB. Specifics would come from your next step-conversation with Mike Freeman- if you choose to proceed.

15. How will decisions be made during the litigation?

EarthJustice and WELC are the co-counselors and will be holding meetings with the co-interveners as this case moves forward.