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*Attorneys for Plaintiffs Sierra Club et al.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

SIERRA CLUB; FRIENDS OF THE EARTH; and )  
GREENPEACE, INC., )

*Plaintiffs,* )

v. )

Case No. 3:22-cv-00189-JMK

BUREAU OF LAND MANAGEMENT; UNITED )  
STATES DEPARTMENT OF THE INTERIOR; )  
DEB HAALAND, in her official capacity as )  
Secretary of the United States Department of the )  
Interior; and STEVE COHN, in his official capacity )  
as Alaska State Director of the Bureau of Land )  
Management, )

*Defendants.* )

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**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF  
(5 U.S.C. §§ 701-706; 42 U.S.C. § 4332)**

## INTRODUCTION

1. This action arises from the Bureau of Land Management's (BLM) approval of Emerald House's Peregrine oil and gas exploration program in the National Petroleum Reserve-Alaska (Reserve).<sup>1</sup> The environmental assessments (EA) prepared by BLM for the program do not meet the requirements of the National Environmental Policy Act (NEPA). Plaintiffs seek a declaratory judgment finding that BLM's approval of the exploration program was unlawful, vacatur of the initial Decision Record approving the program, vacatur of the subsequent Decision Record approving an amendment to the right-of-way for the program and an additional application for a permit to drill (APD), and enjoinder of further exploration activities until BLM has complied with NEPA.

2. This is a case about BLM's decision to approve an oil and gas exploration program in furtherance of future oil development, a major source of climate pollution, without adequate discussion or analysis of the exploration program's impacts on climate change.

3. We are rapidly approaching a "point of no return" where the worst effects of climate change will wreak havoc across the Earth. *See Juliana v. United States*, 947 F.3d 1159, 1166 (9th Cir. 2020).

4. Temperatures across the globe are rising at an unprecedented rate.

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<sup>1</sup> Emerald House is a wholly owned subsidiary of Australian-owned 88 Energy. Accumulative Energy Alaska, Inc., is also a wholly owned subsidiary of 88 Energy. These 88 Energy subsidiaries are referenced in the applications, environmental analyses, and decision documents for the exploration program.

5. Nowhere are these impacts more observable than in Alaska's Arctic region. The Arctic is experiencing temperature increases four times that of the global rate. This is resulting in, among many other impacts, rapid degradation of the sea-ice and snow cover extents, the greening of tundra and unprecedented increases in the soil active layer, and a predicted three-fold increase in the incidence of wildfire in Alaska by the end of the century. These impacts are being experienced most acutely by the people and wildlife that depend on Alaska's Arctic.

6. The unprecedented increase in temperatures is caused by the production and combustion of fossil fuels. The most significant risks and impacts from climate change would be avoided if we limit the global increase in temperature to 1.5 degrees Celsius (°C) above pre-industrial levels. To limit temperature rise to 1.5°C above pre-industrial levels, industrialized nations like the United States must rapidly transition away from producing and consuming fossil fuels.

7. The Peregrine exploration program itself requires the annual combustion of hundreds of thousands of gallons of fossil fuels to power construction, exploration, camp, and cleanup activities, resulting in greenhouse gas emissions in the Reserve.

8. The program's ultimate objective is to explore, delineate, and appraise the oil and gas prospect for potential future development, production, and consumption. The result of that consumption would be climate pollution.

9. Despite the program's direct and indirect climate consequences, BLM approved the program without assessing the greenhouse gas emissions that would result

from oil and gas produced and consumed if exploration results in discovery, development, and production. BLM later assessed only a fraction of the direct emissions that would result from on-the-ground operations to conduct the exploration.

10. BLM's failure to analyze these reasonably foreseeable greenhouse gas emissions consequences from approving the Peregrine exploration program violates NEPA.

### **JURISDICTION AND VENUE**

11. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and may issue a declaratory judgment and further relief pursuant to 28 U.S.C. §§ 2201-02. Judicial review is available under the Administrative Procedure Act (APA), 5 U.S.C. §§ 701-706. Venue is appropriate under 28 U.S.C. § 1391(e).

### **PLAINTIFFS**

12. Plaintiff Sierra Club is the nation's oldest and largest grassroots environmental organization. The Sierra Club is a national nonprofit organization of approximately 800,000 members dedicated to exploring, enjoying, and protecting the wild places of the Earth; to practicing and promoting the responsible use of the Earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. The Alaska Chapter of the Sierra Club has approximately 1,600 members. The Sierra Club's concerns encompass a variety of environmental issues in

Alaska and beyond, and the organization has long been active on issues related to oil and gas activities in America's Arctic, including in the Reserve, such as polar bear conservation. Sierra Club members use the public lands in the Arctic, including the Reserve, for quiet recreation, aesthetic pursuits, and spiritual renewal.

13. Plaintiff Friends of the Earth is a tax-exempt, 501(c)(3) organization and a not-for-profit corporation with a headquarters in Washington, DC, an office in Berkeley, California, and staff located across the U.S., including in Alaska. Friends of the Earth is a membership organization consisting of nearly 294,000 members, including more than 650 members who live in Alaska, and more than 4.9 million activists nationwide. Friends of the Earth is also a member of Friends of the Earth-International, which is a network of grassroots groups in 74 countries worldwide. Friends of the Earth's mission is to protect our natural environment, including air, water, and land, and to create a more healthy and just world. Friends of the Earth utilizes public education, advocacy, legislative processes, and litigation to achieve its organizational goals. Friends of the Earth is concerned about the potential adverse impacts that fossil fuel exploration and development activities in Alaska's Arctic, including in the Reserve, have on the climate and people, fish, birds, and other species that depend on this region. Therefore, on behalf of its members and activists, Friends of the Earth actively engages in advocacy to influence U.S. energy and environmental policies affecting Alaska's Arctic.

14. Plaintiff Greenpeace, Inc. (Greenpeace) is a non-profit corporation organized under the laws of the State of California, with its principal place of business in

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