

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

SOUTHERN UTAH WILDERNESS  
ALLIANCE  
425 East 100 South  
Salt Lake City, Utah 84111,

NATURAL RESOURCES DEFENSE  
COUNCIL  
40 West 20th Street, 11th Floor  
New York, New York 10011,

CENTER FOR BIOLOGICAL DIVERSITY  
378 North Main Avenue  
Tucson, Arizona 85701,

LIVING RIVERS  
P.O. Box 466  
Moab, Utah 84532,

Plaintiffs,

v.

DAVID BERNHARDT, Secretary  
U.S. Department of Interior  
1849 C Street, NW  
Washington, DC 20240,

WILLIAM PERRY PENDLEY, Acting  
Director  
Bureau of Land Management  
1849 C Street, NW  
Washington, DC 20240,

KENT HOFFMAN, Deputy State Director  
Bureau of Land Management's Utah State  
Office  
440 West 200 South, Suite 500  
Salt Lake City, Utah 84101,

Defendants.

Civ. No. \_\_\_\_\_

## INTRODUCTION

1. This lawsuit challenges a decision by the United States Department of the Interior’s Bureau of Land Management (“BLM”) to offer, sell, and issue an oil and gas lease located within public lands that are now federally protected as the Labyrinth Canyon Wilderness in southeastern Utah.

2. BLM sold the lease at issue in this litigation (referred to herein as the “Twin Bridges Lease”) to Twin Bridges Resources LLC (“Twin Bridges”) at its online December 2018 competitive oil and gas lease sale.

3. BLM then issued the lease to the company on March 1, 2019, after the John D. Dingell, Jr. Conservation, Management, and Recreation Act (“Dingell Act”) was passed by both chambers of Congress and just days before the Dingell Act was signed into law. [Pub. L. 116-9, 133 Stat 580](#) Mar. 12, 2019). Among its provisions, the Dingell Act designated the lands encompassing the Twin Bridges Lease as the Labyrinth Canyon Wilderness.

4. The Labyrinth Canyon Wilderness is located in the San Rafael Desert region of southeastern Utah. This is one of the most sublime and least traveled areas of federal public lands in the nation. A stunning and remote redrock landscape, it lacks any sign of human development. The overwhelming silence is broken only by the wind or the call of a circling raven. There are no buildings or fixed lights to detract from the natural form of the cliffs, canyons, and plateaus.



(Labyrinth Canyon Wilderness. The Twin Bridges Lease is located in the area highlighted by the red box.)

5. Now, despite congressional Wilderness designation, and with time quickly running out on the Trump administration, BLM is racing to authorize development of this lease. Based upon information and belief, the Office of the Secretary of the Department of the Interior is directing BLM to expedite the so-called “Twin Bridges Bowknot Bend Helium Project” and environmental assessment (referred to herein as the “Twin Bridges Drilling Project”) which involves the drilling of up to seven wells, road construction and widening, and installation of several pipelines. Further, based on information and belief, Twin Bridges will immediately commence surface disturbing activities once BLM authorizes the project, on or around December 23. Initial roadbuilding and well pad construction may only take a day or two, but the damage from these activities to lands and resources within or immediately adjacent to the newly-designated Wilderness will be permanent.

6. BLM violated the law when it issued the Twin Bridges Lease; a decision made possible only by Interior Department policies issued from Washington, D.C. intended to facilitate the President’s “energy dominance” agenda. The construction and development activities—including, but not limited to, road construction, well pad construction, drilling, and production—will result in greenhouse gas (“GHG”) emissions such as carbon dioxide, methane, and nitrous oxide. Moreover, activities occurring after production will also result in reasonably foreseeable GHG emissions through pipeline and infrastructure leaks. BLM failed to analyze and disclose the environmental impacts of issuing this lease for development, as required by the National Environmental Policy Act (“NEPA”), 42 U.S.C. §§ 4321-4347. Instead, the agency prepared a Determination of NEPA Adequacy (“DNA”) to support the sale and issuance of this lease, which is not a NEPA document, and does not contain NEPA analysis.

7. Consequently, BLM did not analyze the direct, indirect, or cumulative impacts of the GHG emissions from its leasing decision to climate change. BLM’s failure to take the required “hard look” at these impacts violated NEPA, the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 551-559, 701-706; and the regulations and policies that implement these laws.

8. Plaintiffs seek a declaration that BLM’s decision to sell and issue the Twin Bridges Lease was “arbitrary, capricious, . . . or otherwise not in accordance with law,” or that the decision was issued “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A), (D). Plaintiffs also seek injunctive relief and an order vacating the issuance of this lease.<sup>1</sup>

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<sup>1</sup> Plaintiffs anticipate they will amend this Complaint to challenge development activities undertaken pursuant to the lease once BLM authorizes the Twin Bridges Drilling Project. As discussed above, this will likely occur on or around December 23, 2020.

### **JURISDICTION AND VENUE**

9. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question). This Court also can provide relief under 28 U.S.C. § 2201 (declaratory judgment), 28 U.S.C. § 2202 (injunctive relief), and 5 U.S.C. §§ 553, 702 and 706 (APA).

10. The challenged agency actions are final and subject to judicial review pursuant to 5 U.S.C. §§ 702, 704, & 706.

11. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e) because Defendants David Bernhardt and, on information and belief, William Perry Pendley reside in Washington, D.C. Additionally, Plaintiffs Southern Utah Wilderness Alliance, Natural Resources Defense Council, and Center for Biological Diversity each maintain an office in Washington, D.C.

### **PARTIES**

12. Plaintiff SOUTHERN UTAH WILDERNESS ALLIANCE (the “Alliance”) is a non-profit environmental membership organization dedicated to the preservation of outstanding wilderness found throughout Utah, including in the San Rafael Desert and Labyrinth Canyon Wilderness, and the management of wilderness-quality lands in their natural state for the benefit of all Americans. The Alliance has long maintained an office in Washington, D.C. in light of the fact that many agency decisions that affect public lands in Utah are actually made in the nation’s capital, where the Department of Interior is headquartered.. The Alliance has roughly 16,000 members across the nation, including members in Washington, D.C. The Alliance’s members use and enjoy federal public lands in and around the Labyrinth Canyon Wilderness for a variety of purposes, including solitude, wildlife viewing, cultural appreciation, hiking and backcountry recreation, and aesthetic appreciation. The Alliance promotes national recognition of the region’s unique character through research and public education and supports administrative and

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