

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

FRIENDS OF THE EARTH  
1101 15<sup>th</sup> Street, NW  
11<sup>th</sup> Floor  
Washington, DC 20005

HEALTHY GULF  
100 Common Street  
Suite 902  
New Orleans, LA 70112,

SIERRA CLUB  
2101 Webster Street  
Suite 1300  
Oakland, CA 94612,

and,

CENTER FOR BIOLOGICAL DIVERSITY  
378 N Main Avenue  
Tucson, AZ 85701,

*Plaintiffs*

v.

DEBRA A. HAALAND, in her official capacity as  
SECRETARY OF THE INTERIOR  
1849 C Street NW  
Washington, DC 20240,

LAURA DANIEL-DAVIS, in her official capacity  
as ASSISTANT SECRETARY OF THE INTERIOR  
FOR LAND AND MINERALS MANAGEMENT  
1849 C Street NW  
Washington, DC 20240,

U.S. DEPARTMENT OF THE INTERIOR  
1849 C Street NW  
Washington, DC 20240,

and,

Civil Action No. 1:21-cv-2317

BUREAU OF OCEAN ENERGY MANAGEMENT  
1849 C Street NW  
Washington, DC 20240,

*Defendants.*

## **COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

1. Plaintiffs Friends of the Earth, Healthy Gulf, Sierra Club, and Center for Biological Diversity challenge the unlawful decision by Secretary of the Interior Debra Haaland, acting through her delegated authority to Laura Daniel-Davis, the assistant secretary for land and minerals management, the Department of the Interior, and Bureau of Ocean Energy Management (“the Bureau”) (collectively, “Interior”), to hold Offshore Oil and Gas Lease Sale 257 in the Gulf of Mexico in reliance on arbitrary environmental analyses, in violation of the National Environmental Policy Act (“NEPA”) and the Administrative Procedure Act (“APA”).

2. President Biden’s administration has recognized that climate change presents immense harms and that bold, immediate actions are needed to achieve emission reductions and curb the climate emergency facing the globe. Despite this, the Biden administration’s Interior Department is holding Lease Sale 257. The sale will offer over 80 million acres of public waters to the oil and gas industry, making it the largest offshore lease sale in U.S. history. The lease sale will allow for new fossil fuel extraction over the next 50 years and will magnify greenhouse gas emissions worldwide.

3. Lease Sale 257 will result in the production of up to 1.12 billion barrels and 4.4 trillion cubic feet of fossil fuels over the next 50 years. The combustion of these fossil fuels for energy and transportation is the main human activity that emits carbon dioxide and contributes to a warming climate. The lease sale will thus contribute substantially to greenhouse gas pollution

that, if not curbed, will exacerbate the climate crisis and burdens on communities in the Gulf of Mexico, which are already suffering from climate warming impacts like rising seas and worsening storms.

4. On August 31, 2021, the Bureau released a Record of Decision to hold Lease Sale 257 in the Fall of 2021.

5. While the Bureau claimed to have assessed the environmental effects of the sale before reaching its decision, its irrational NEPA analysis substantially underestimates and fails to account for the environmental harm from this massive lease sale. The Bureau did not rationally evaluate the impacts of greenhouse gas emissions that will result from the sale, in violation of NEPA. According to the Bureau's Record of Decision, producing up to 1.12 billion barrels of oil and 4.4 trillion cubic feet of natural gas that will result from the lease sale will *not* contribute to climate change. In fact, the Bureau's environmental analysis incredulously asserts that burning those fossil fuels will *reduce* greenhouse gas emissions.

6. Interior also violated NEPA by relying on outdated NEPA analysis which by the time of the lease sale will be nearly five years old. The Bureau failed to update its analysis to include significant new information that demonstrates additional oil and gas leasing will exacerbate the climate crisis to an extent that the Bureau did not consider in its previous NEPA analysis. In addition, new information reveals that companies are increasingly drilling in deeper water with greater risks of accidents, undermining the Bureau's previous assumptions that drilling will be concentrated in shallower areas. New information also shows that Gulf drilling threatens several newly listed species under the Endangered Species Act, including one of the most imperiled marine mammals on Earth (the Rice's whale); that offshore well stimulation procedures like hydraulic fracturing are increasingly dangerous; that pipelines have not been

adequately inspected or decommissioned; that there is a substantial new interest in leasing the Gulf for wind energy projects; and that the fossil fuel industry is increasingly harming frontline communities. This new information indicates that Lease Sale 257 will significantly affect the environment to an extent not previously considered.

7. Interior's arbitrary and capricious assumptions in its environmental analysis, and its failure to prepare a supplemental environmental impact statement to fully evaluate significant new information about the effect of the lease sale violate NEPA and resulted in Interior making its lease sale decision without an adequate understanding of the environmental effects, including the full effects of the resulting greenhouse gas emissions.

8. Plaintiffs therefore ask this Court to declare that Interior's decisions to hold Lease Sale 257 violates NEPA and the APA, to vacate the unlawful decision to hold Lease Sale 257, and to vacate or enjoin any leases issued pursuant to unlawful Lease Sale 257.

### **JURISDICTION AND VENUE**

9. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1333 (federal question) and 5 U.S.C. §§ 702–706 (APA).

10. Venue is appropriate under 28 U.S.C. § 1391(e)(1) because the Bureau's headquarters are located in this District, a plaintiff resides in this district, and a substantial part of the events and omissions which gave rise to this action occurred in this District.

11. This Court has authority to grant the requested relief in this case pursuant to the APA, 5 U.S.C. § 706, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202.

### **PARTIES**

12. Plaintiff FRIENDS OF THE EARTH ("FoE") is a 501(c)(3) nonprofit, membership-based organization headquartered in Washington, DC. FoE currently has over 1.5

million activists and over 140,000 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. FoE and its members are dedicated to fighting to reduce greenhouse gas emissions and domestic reliance on fossil fuels and support the temporary pause on oil and gas leasing on federal public lands and water. Specifically, FoE's Climate & Energy and Oceans & Vessels programs directly engages 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. FoE's members recreate and enjoy the waters and wildlife in the Gulf. For example, a Friends of the Earth member, who is also a member of Sierra Club, visits the Gulf of Mexico with his family to fish and recreate. He enjoys fishing, surfing, viewing the wildlife habitats, and visiting rescued turtles on South Padre Island. His enjoyment depends on a healthy environment and abundant marine wildlife protected from oil and gas impacts. Friends of the Earth brings this action for themselves and as representatives of its members.

13. Plaintiff HEALTHY GULF is a network of community, conservation, environmental, and fishing groups and individuals committed to empowering people to protect and restore the natural resources of the Gulf of Mexico. Healthy Gulf's purpose is to collaborate with and serve communities who love the Gulf of Mexico by providing research, communications, and coalition-building tools needed to reverse the long-pattern of over-exploitation of the Gulf's natural resources. Healthy Gulf has been actively involved in efforts to strengthen oversight of the offshore oil and gas industry and end new oil and gas leasing in this region. Healthy Gulf is headquartered in New Orleans, La., with offices in Pensacola, Fla. and

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