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

WESTERN WATERSHEDS PROJECT,)
and CENTER FOR BIOLOGICAL)
DIVERSITY,)

Plaintiffs,)

v.)

RYAN K. ZINKE, Secretary Of Interior;)
DAVID BERNHARDT, Deputy Secretary)
of Interior; and UNITED STATES)
BUREAU OF LAND MANAGEMENT,)
an agency of the United States,)

Defendants.)

No. 01:18-cv-187

COMPLAINT

INTRODUCTION

1. Plaintiffs challenge the Trump Administration’s unlawful actions to lease and develop oil and gas resources on public lands, or managed by the United States, that will adversely impact essential habitats and populations across the range of the greater sage-grouse (*Centrocercus urophasianus*), and violate bedrock environmental laws including the Federal Land Policy and Management Act (“FLPMA”), National Environmental Policy Act (“NEPA”), and Administrative Procedure Act (“APA”).

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2. The greater sage-grouse is deeply imperiled because of the loss, fragmentation, and degradation of its native sagebrush habitats across the Interior West. Multiple peer-reviewed studies have found that infrastructure and human activity associated with oil and gas development adversely affect greater sage-grouse and their habitat through direct mortality, habitat loss, displacement and behavioral effects, noise, spread of invasive plants, disease transmission, and other means. Defendant Bureau of Land Management (“BLM”) directly manages approximately 45% of all remaining occupied greater sage-grouse habitat, as well as managing mineral leasing for substantial additional areas of occupied habitat on Forest Service and split estate (private surface and federal minerals) lands.

3. In 2010, the U.S. Fish and Wildlife Service determined that greater sage-grouse “warranted” listing under the Endangered Species Act (“ESA”), based on threats including impacts of oil and gas development, and lack of adequate regulatory mechanisms for oil and gas development of federal minerals and on public lands. As a result, between approximately 2011 and 2015, BLM adopted interim policies in large part barring the issuance of new oil and gas leases in what was preliminarily identified as “core” greater sage-grouse habitats.

4. In September 2015, BLM and U.S. Forest Service completed their National Greater Sage-grouse Planning Strategy, which amended or revised 98 BLM Resource Management Plans (“RMPs”) and Forest Service land use and resource plans (“Forest Plans”) (jointly, “land use plans”) to designate sage-grouse habitats across the species’ range, and impose new management protections intended to prevent, mitigate, or compensate for further sage-grouse population declines and habitat losses.

5. Although these 2015 “Sage-Grouse Plan Amendments” vary across states and planning areas in the specifics of their management of oil and gas leasing and development, they

all consistently mandate that BLM “prioritize oil and gas leasing and development” outside of sage-grouse habitats, including Sagebrush Focal Areas (“SFAs”), Priority Habitat Management Areas (“PHMAs”), General Habitat Management Areas (“GHMAs”), and other identified high-value habitats.

6. In October 2015, the Fish and Wildlife Service determined that ESA listing is “not warranted,” finding that the Sage-Grouse Plan Amendments provide adequate regulatory mechanisms, and specifically citing the Plan Amendments’ requirement that “priority will be given to leasing and development of fluid mineral resources, including geothermal, outside of sage-grouse habitat.” 80 Fed. Reg. 59858, 59876 (Oct. 2, 2015) (emphasis added).

7. Beginning in early 2016, some BLM Field Offices resumed leasing, subject to the Sage-Grouse Plan Amendments, of federal fluid minerals affecting sage-grouse habitats. On September 1, 2016, BLM issued guidance for “Implementation of Greater Sage-Grouse Resource Management Plan Revisions or Amendments – Oil & Gas Leasing and Development Sequential Prioritization,” Instruction Memorandum 2016-143.

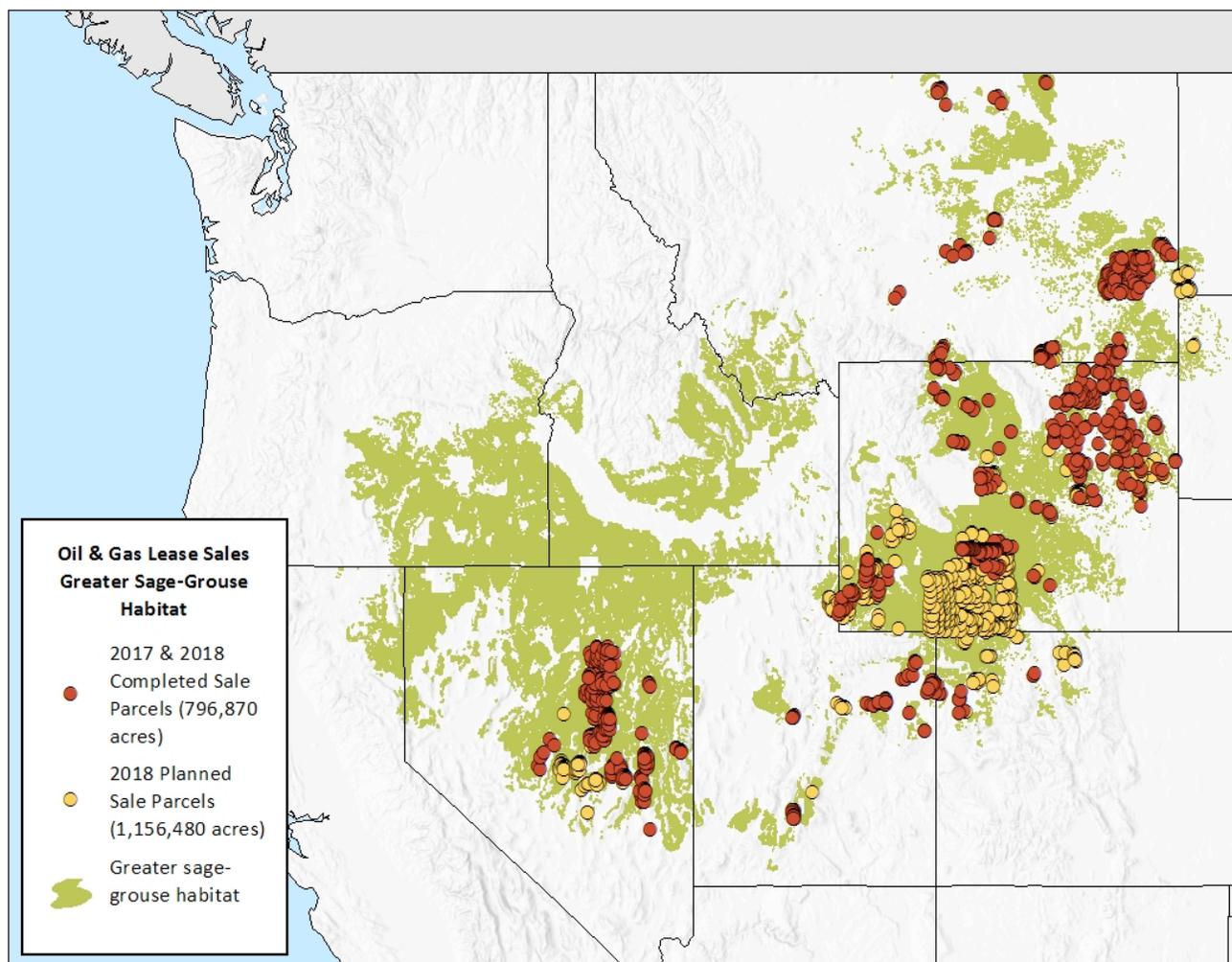
8. In January 2017, the new Trump Administration began working systematically to dismantle and/or avoid protections for public lands and their resources in order to promote oil, gas, and other fossil fuel development. Defendant Ryan Zinke, Trump’s Secretary of Interior, and Defendant David Bernhart, a former energy industry lobbyist who is now Deputy Secretary of Interior, have led the charge – to the point that the Department of Interior recently put an oil rig on employee identification badges. *See* D. Grandoni & J. Eilperin, “Oil rigs and cowboys: Interior agency gives employees new cards to wear,” *Washington Post* (3/15/18).

9. In an October 2017 “Final Report: Review of the Department of Interior Actions that Potentially Burden Domestic Energy,” Zinke’s Interior Department identified sage-grouse

management plans, and the prioritization requirement in particular, as “burdens” to the Administration’s announced policy of promoting domestic oil and gas extraction. Defendant Zinke has further announced his intention to revise the Sage-Grouse Plan Amendments in order to weaken their protections.

10. Defendants have issued a series of orders, reports, and directives reducing consideration of impacts to sage-grouse and opportunities for public involvement in the oil and gas leasing process. Among others, on December 27, 2017, without amending or revising its land use plans under FLPMA or NEPA, BLM issued Instruction Memorandum 2018-026, effectively repealing the prioritization requirement of the 2015 Sage-Grouse Plan Amendments.

11. Following these directives, BLM has offered and sold – without prior review or analysis of site-specific and cumulative impacts to greater sage-grouse populations and habitat – hundreds of thousands of acres of oil and gas leases within or affecting sage-grouse habitats designated in the Sage-Grouse Plan Amendments, including SFAs, PHMAs, and GHMAs. These leasing actions violate the Sage-Grouse Plan Amendments’ provisions and requirements, including that oil and gas leasing be prioritized outside sage-grouse habitats. Over a million acres of similar lease sales are slated to be offered and sold by BLM in coming months. Individually and cumulatively, these oil and gas leases threaten substantial degradation and fragmentation of key sage-grouse habitats, and harm to sage-grouse populations, as illustrated on the following map Plaintiffs have prepared using BLM data (but not including proposed eastern Idaho June 2018 split estate lease sale near Gray’s Lake, discussed below in paragraphs 230-38):



12. BLM has also commenced approval of large oil and gas development projects in or affecting priority sage-grouse habitats, including the Normally Pressurized Lance (“Lance”) project, a massive proposed development of some 3,500 oil and gas wells within critical sage-grouse winter habitat and connectivity corridors for sage-grouse and other sagebrush-obligate wildlife. This Court previously addressed the Lance project in related BLM sage-grouse litigation. *See* Memorandum Decision and Order, *W. Watersheds Project v. Salazar*, No. 08-cv-516-BLW, 2012 WL 5880658 (D. Idaho Nov. 20, 2012), ECF Docket No. 31. The Court declined to enjoin the Lance project at that time because it was not yet final; now, however,

COMPLAINT

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