

**BEFORE THE UNITED STATES DEPARTMENT OF THE INTERIOR**

**EMERGENCY PETITION TO  
HALT NEW DRILLING IN THE GULF OF MEXICO**

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*Submitted By*

**310 ENVIRONMENTAL JUSTICE, CLIMATE, CONSERVATION,  
PUBLIC HEALTH, INDIGENOUS, FAITH-BASED, AND COMMUNITY  
ORGANIZATIONS**

*Filed With*

**DEBRA HAALAND**, in her official capacity as Secretary,  
United States Department of the Interior

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## INTRODUCTION AND PETITIONED ACTION

Fossil fuels are killing us and killing our planet. The climate crisis is already causing devastating impacts from rising seas and coastal erosion; more destructive hurricanes and wildfires; increasing heatwaves, droughts, and floods; imperiling food and water security; and the collapse of ecosystems.

President Biden has acknowledged that we are facing a “profound climate crisis” and we have only a little time to pursue bold actions to avoid the most catastrophic impacts of climate change.<sup>1</sup> Yet rather than taking the bold action necessary to address the climate emergency, in November 2021, the Biden administration held the largest oil and gas lease sale in U.S. history — offering up more than 80 million acres of the Gulf of Mexico to the oil industry.<sup>2</sup>

This decision was not only a spectacular failure of climate leadership, it was also unlawful. Specifically, the U.S. District Court for the District of Columbia ruled on January 27, 2022 that the U.S. Department of the Interior’s (“Interior”) decision to hold the lease sale (“Lease Sale 257”) was arbitrary and capricious for failing to properly consider the substantial greenhouse gas emissions that would result from the lease sale in any of its National Environmental Policy Act (“NEPA”) analyses on Gulf oil and gas leasing.<sup>3</sup> As the court aptly put it, “[b]arreling full-steam ahead with blinders on was simply not a reasonable action for [Interior] to have taken” in deciding to hold Lease Sale 257.<sup>4</sup>

Such violation, however, is not limited to Interior’s actions with respect to Lease Sale 257. Interior — through the Bureau of Ocean Energy Management and Bureau of Safety and Environmental Enforcement (collectively, “the Bureaus”) — is relying on the environmental analyses the court held unlawful to approve exploration plans, development plans, and drilling permits throughout the nearly 11 million acres of the Gulf of Mexico already leased to oil companies.<sup>5</sup> This means that Interior has approved, and is approving, *all* oil and gas activity in the Gulf of Mexico unlawfully.

These violations extend not only to Interior’s failure to take a hard look at the impacts of approving more drilling activity as required by NEPA, but to the Outer Continental Shelf Lands Act (“OCSLA”) as well. Without taking the hard look NEPA demands, Interior cannot reasonably determine whether new drilling activity meets the substantive standards of OCSLA,

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<sup>1</sup> Executive Order Executive Order on Tackling the Climate Crisis at Home and Abroad (Jan. 27, 2021), 86 Fed. Reg. 7619 (Jan. 27, 2021) (Executive Order 14008), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

<sup>2</sup> See Bureau of Ocean Energy Management (“BOEM”), Record of Decision for Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 257, Aug. 31, 2021, <https://www.boem.gov/sites/default/files/documents/oil-gas-energy/GOM-LS-257.pdf>.

<sup>3</sup> *Friends of the Earth v. Haaland*, No. 21-2317-RC, 2022 U.S. Dist. LEXIS 15172, at \*29–54 (D.D.C. Jan. 27, 2022).

<sup>4</sup> *Id.* at \*51.

<sup>5</sup> See BOEM, Combined Leasing Report As of January 1 2022, <https://www.boem.gov/sites/default/files/documents/Lease%20stats%201-1-22.pdf>; Combined Leasing Report as of November 1, 2021, <https://www.boem.gov/sites/default/files/documents/Combined%20Lease%20Stats%20Archive%202021.pdf>.

such as whether it will “cause serious harm or damage to life . . . or to the marine, coastal, or human environment;” whether new drilling will be “consistent with . . . national needs;” and whether sufficient “environmental safeguards” are in place for these activities.<sup>6</sup> Interior’s approval of new drilling activity therefore violates both NEPA and OCSLA, and puts our climate, wildlife, and frontline communities at even greater risk from the numerous harms inherent in offshore oil and gas activities.

This is a substantial concern as the science demonstrates that every additional barrel of oil developed, and every additional ton of greenhouse gas emissions, worsen the climate emergency. Yet — in the last year alone — the Bureaus have approved *hundreds* of exploration plans, development plans, and drilling permits throughout the Gulf of Mexico without properly studying the climate impacts of doing so.<sup>7</sup>

Accordingly, pursuant to the right to petition the government provided in the First Amendment to the U.S. Constitution<sup>8</sup> and the Administrative Procedure Act,<sup>9</sup> 310 Environmental Justice, Climate, Conservation, Public Health, Indigenous, Faith-Based, And Community Organizations hereby petition the Secretary of the Interior and the Bureaus **to immediately stop approving new exploration plans, new development and operations coordination documents (hereafter, “development plans”), and new drilling permits<sup>10</sup> in the Gulf of Mexico unless and until the Bureaus comply with NEPA and properly analyze the climate impacts of approving new oil and gas drilling activity.**

Granting the petition will help protect our climate, wildlife, and frontline communities while the administration develops a plan to phase out fossil fuel extraction in federal waters. Granting the petition is one important step towards transforming our extractive economy to a regenerative and inclusive one in a manner that dismantles systemic racism and advances environmental, racial, and economic justice.

## NEW GULF DRILLING EXACERBATES THE CLIMATE CRISIS

An overwhelming amount of scientific information demonstrates that approving new offshore oil and gas activity is entirely incompatible with the urgent need to address the climate crisis, and ensuring a just, equitable transition to clean energy. This information demonstrates why conducting a comprehensive, science-based evaluation of the climate impacts of approving new

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<sup>6</sup> 43 U.S.C. §§ 1332(3), 1334(a)(2)(A)(i), 1340(c)(1), 1351(h)(1)(D)(i).

<sup>7</sup> See Status of Gulf of Mexico Well Permit, <https://www.bsee.gov/stats-facts/offshore-information/status-of-gulf-of-mexico-well-permits> (updated Jan. 1, 2022); Status of Gulf of Mexico Plans, <https://www.boem.gov/oil-gas-energy/exploration-and-development-plans/status-gulf-mexico-plans> (updated Jan. 27, 2022).

<sup>8</sup> U.S. Const. amend. I; see also *United Mine Workers v. Ill. State Bar Ass’n*, 389 U.S. 217, 222 (1967) (explaining that the right “to petition for a redress of grievances [is] among the most precious of the liberties safeguarded by the Bill of Rights”).

<sup>9</sup> 5 U.S.C. § 553(e); see also *id.* § 555(b) (“within a reasonable time, each agency shall proceed to conclude a matter presented to it”); *id.* § 551(13) (defining “agency action” to include “the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.”).

<sup>10</sup> For purposes of this petition, “new drilling permits” does not include approvals of decommissioning activities or those approvals necessary to address a threat to public health, safety, or the environment.

oil and gas drilling and infrastructure is so critically important — such analysis will show that approving new drilling activity will cause serious harm to life and the environment and is inconsistent with the “national needs” such that Interior cannot approve new drilling activity under OCSLA.<sup>11</sup> At the very least, Interior must immediately stop authorizing new exploration plans, development plans, and drilling permits until it conducts such analysis.

Numerous reports demonstrate how the climate emergency is already causing devastating impacts from rising seas and coastal erosion; more destructive hurricanes and wildfires; increasing heatwaves, droughts, and floods; food and water insecurity; and the collapse of ecosystems. Climate change threatens public safety, health, and well-being, with particular harms to children, older adults, communities of color, low-income communities, immigrant groups, and persons with disabilities and pre-existing medical conditions.<sup>12</sup> Many of these same communities are also disproportionately impacted by the impacts from upstream and downstream oil and gas production.<sup>13</sup>

Health risks from climate change include increased exposure to heat waves, floods, droughts, and other extreme weather events; increases in infectious diseases; decreases in the quality and safety of air, food, and water; displacement; and stresses to mental health and well-being.<sup>14</sup> In the United States, the health costs of air pollution from fossil fuel combustion and climate change are estimated to already exceed \$800 billion per year and will become much more expensive without rapid action to curb fossil fuel pollution.<sup>15</sup>

The Gulf of Mexico region — long-treated as a sacrifice zone by both the oil industry and our federal government — is already ground-zero for many of these impacts. For example, the corridor along the Mississippi River between New Orleans and Baton Rouge is known as “Cancer Alley” due to the many polluting petrochemical plants and refineries already located

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<sup>11</sup> 43 U.S.C. §§ 1332(3), 1334(a)(2)(A)(i), 1340(c)(1), 1351(h)(1)(D)(i).

<sup>12</sup> Fourth National Climate Assessment, Vol. II at 548; U.S. Global Change Research Program, *The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment* (2016).

<sup>13</sup> *See, e.g.*, Donaghy and Jiang, 2021; Hsu et al., Disproportionate exposure to urban heat island intensity across major US cities. 12 *Nature Comms.* 2721 (2021), <https://www.nature.com/articles/s41467-021-22799-5.pdf>; Tuholske et al. 2021. Global urban population exposure to extreme heat. *PNAS*, Vol. 118 No. 41, <https://www.pnas.org/content/pnas/118/41/e2024792118.full.pdf>; Tessum et al. 2021. PM2.5 pollutants disproportionately and systemically affect people of color in the United States. *Science Advances*, Vol. 7, Issue 18, <https://advances.sciencemag.org/content/7/18/eabf4491>; Goldman et al. 2021. Assessment of Air Pollution Impacts and Monitoring Data Limitations of a Spring 2019 Chemical Facility Fire. *Env. Justice*, <https://www.liebertpub.com/doi/10.1089/env.2021.0030>; Johnston et al. 2021. Respiratory health, pulmonary function and local engagement in urban communities near oil development. *Environmental Research*, Vol. 197, <https://www.sciencedirect.com/science/article/abs/pii/S0013935121003820?via%3Dihub>; World Health Organization, COP26 Special Report on Climate Change and Health, Oct. 2021, <https://www.who.int/publications/i/item/cop26-special-report>; Michanowicz, et al. 2021. Methane and Health-Damaging Air Pollutants From the Oil and Gas Sector: Bridging 10 Years of Scientific Understanding. PSE, [https://www.psehealthyenergy.org/wp-content/uploads/2021/10/Full-Report\\_Bridging-10-Years-of-Scientific-Understanding.pdf](https://www.psehealthyenergy.org/wp-content/uploads/2021/10/Full-Report_Bridging-10-Years-of-Scientific-Understanding.pdf).

<sup>14</sup> Fourth National Climate Assessment, Vol. II at 540; USGCRP, *Impacts of Climate Change on Human Health*.

<sup>15</sup> Medical Society Consortium on Climate and Health, *The Costs of Inaction: The Economic Burden of Fossil Fuels and Climate Change on Health in the United States*, 5 (2021), <https://medsocietiesforclimatehealth.org/wp-content/uploads/2021/05/CostofInactionReport-May2021.pdf>.

there and sickening local residents.<sup>16</sup>

Additionally, Texas's record-breaking freeze in the winter of 2021 left millions of people without power and water, resulting the deaths of dozens of people.<sup>17</sup> And later in 2021, Hurricane Ida made landfall in Louisiana with near-Category 5 winds (i.e., winds of 150 miles per hour), an observed storm surge of at least 8 to 10 feet, and offshore waves nearly 40 feet high.<sup>18</sup> More recent National Weather Service data show that Hurricane Ida's surge reached as high as 14 feet.<sup>19</sup> While the full extent of the storm's damage is still unknown, available information indicates it caused extensive harms throughout Louisiana and the Gulf, including widespread flooding, the toppling of levees, downed transmission lines, and road closures.

Hurricane Ida also caused numerous spills and other accidents from existing oil and gas infrastructure. This included, for example, a spill from the Phillips 66 Alliance Oil Refinery in Plaquemines Parish; the release of various chemicals at different facilities from power outages and other problems; extensive air pollution from refineries that flared gas because they were shutdown; and extensive damage to Port Fourchon — the largest base supporting the offshore oil and gas industry — along with damage to various offshore rigs and pipelines.<sup>20</sup> The U.S. Coast Guard also received 2,472 incidents reports following the storm, most of which were oil spills.<sup>21</sup> Hurricane Ida — one of the most deadly storms to ever make landfall in Louisiana — is simply the most recent example of record-breaking, deadly tropical storms and hurricanes hitting the Gulf region in modern history.<sup>22</sup>

The warm waters of the Gulf of Mexico caused Hurricane Ida to intensify quickly, a pattern that will only persist as waters continue to warm.<sup>23</sup> Indeed, scientists expect such rapid intensification of storms will become increasingly common as global temperatures rise due to climate change,

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<sup>16</sup> See, e.g., Oliver A. Houck, Shintech: Environmental Justice at Ground Zero, 31 *Georgetown Env'tl. L. Rev.* 455, 459–61, 472–75 (2019).

<sup>17</sup> Shawn Mulcahy, Many Texans have died because of the winter storm. Just how many won't be known for weeks or months, *Texas Tribune*, Feb. 19, 2021, <https://www.texastribune.org/2021/02/19/texas-power-outage-winter-storm-deaths/>.

<sup>18</sup> Capital Weather Gang, *Ida's impact from the Gulf Coast to Northeast — by the numbers*, *Washington Post*, Sep. 3, 2021, <https://www.washingtonpost.com/weather/2021/09/03/hurricane-ida-numbers-surge-wind-pressure-damage/>.

<sup>19</sup> National Weather Service, *Post Tropical Cyclone Report for Hurricane Ida*, updated Sept. 28, 2021, <https://www.weather.gov/lix/pshhurricaneida>.

<sup>20</sup> See, e.g., Mark Schleifstein, *Reports of environmental problems caused by Hurricane Ida begin to trickle in*, *The Times-Picayune*, Aug. 31, 2021, [https://www.nola.com/news/environment/article\\_ccac5322-0a9e-11ec-aa1a-b3a6500298cd.html](https://www.nola.com/news/environment/article_ccac5322-0a9e-11ec-aa1a-b3a6500298cd.html); David Wethe, *Port Fourchon, other Gulf oil facilities likely offline for weeks after Ida*, *Bloomberg*, Aug. 31, 201, available at <https://www.worldoil.com/news/2021/8/31/port-fourchon-other-gulf-oil-facilities-likely-offline-for-weeks-after-ida>

<sup>21</sup> USCG, *Press Release, UPDATE 4: Coast Guard continues to support Hurricane Ida recovery efforts*, Sep. 16, 2021, <https://content.govdelivery.com/accounts/USDHSCG/bulletins/2f1bd3c>.

<sup>22</sup> Chris D'Angelo, *Here Are The Records Ida Toppled*, *Huffington Post*, Sept. 2, 2021, [https://www.huffpost.com/entry/hurricane-ida-records\\_n\\_61311efee4b05f53eda51714](https://www.huffpost.com/entry/hurricane-ida-records_n_61311efee4b05f53eda51714).

<sup>23</sup> H. Fountain, *Ida Strengthened Quickly Into a Monster. Here's How*, *NYTimes*, pub. Aug. 29, 2021, updated Sep. 10, 2021, <https://www.nytimes.com/2021/08/29/climate/hurricane-ida-category.html>. “Rapid intensification” occurs when a tropical cyclone's wind speeds increase by at least 35 mph in a 24 hour period.” *Id.*

and rapid-intensification already is five-times as likely today as in 1980.<sup>24</sup>

The overwhelming scientific consensus has conclusively determined that without significant, rapid emissions reductions, warming will exceed 1.5°C and will result in catastrophic damage around the world. Every fraction of additional warming will worsen these harms, threatening people’s lives, health, safety, and livelihoods; as well as threaten the economy and national security for this generation and future generations.<sup>25</sup>

For example, the Intergovernmental Panel on Climate Change (“IPCC”) released a new report in August 2021.<sup>26</sup> The United Nations Secretary-General described the report as a “code red for humanity” and stated that it “must sound a death knell for coal and fossil fuels, before they destroy our planet. . . . Countries should also end all new fossil fuel exploration and production.”<sup>27</sup>

The report confirms that it is now unequivocal that human influence has warmed the climate and caused widespread, rapid changes to every inhabited region across the globe.<sup>28</sup> Over the next 20 years, it is likely that global temperatures will meet or exceed 1.5°C of warming with current emissions.<sup>29</sup> The report confirms that aggressive reductions in greenhouse gas emissions are necessary. Unless there are immediate and rapid reductions in emissions, limiting warming to 1.5°C or even 2°C will be beyond reach.<sup>30</sup> The report shows that extreme climate changes will be more widespread at 2°C compared to 1.5°C warming, including increased heat waves, more severe storms, and greater sea level rise.<sup>31</sup> The IPCC report also warns that “*every tonne of CO<sub>2</sub> emissions adds to global warming.*”<sup>32</sup>

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<sup>24</sup> *Id.*

<sup>25</sup> *See, e.g.*, Intergovernmental Panel on Climate Change, Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty, (V. Masson-Delmotte, et al. eds.) (2018), <https://www.ipcc.ch/sr15/>.

<sup>26</sup> IPCC, 2021: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [Masson-Delmotte, V., P. Zhai, A. Pirani, S. L. Connors, C. Péan, S. Berger, N. Caud, Y. Chen, L. Goldfarb, M. I. Gomis, M. Huang, K. Leitzell, E. Lonnoy, J. B. R. Matthews, T. K. Maycock, T. Waterfield, O. Yelekçi, R. Yu and B. Zhou (eds.)]. Cambridge University Press, available at [https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC\\_AR6\\_WGI\\_Full\\_Report.pdf](https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report.pdf).

<sup>27</sup> United Nations, Secretary-General Calls Latest IPCC Climate Report ‘Code Red for Humanity’, Stressing ‘Irrefutable’ Evidence of Human Influence, SG/SM/20847 (Aug. 9, 2021), <https://www.un.org/press/en/2021/sgsm20847.doc.htm>; United Nations Secretary-General, Secretary-General’s statement on the IPCC Working Group I Report on the Physical Science Basis of the Sixth Assessment, Aug. 9, 2021, <https://www.un.org/sg/en/content/secretary-generals-statement-the-ipcc-working-group-1-report-the-physical-science-basis-of-the-sixth-assessment>.

<sup>28</sup> IPCC, 2021.

<sup>29</sup> *Id.* at Summary for Policymakers (“SPM”) 17–18.

<sup>30</sup> *Id.* at SPM-36.

<sup>31</sup> *Id.* at SPM-32.

<sup>32</sup> *Id.* at SPM-37.

Likewise, continued Gulf drilling also contributes to the climate emergency. Phasing out existing Gulf drilling is a critical component to a plan to ambitiously cut back U.S. emissions. One study estimated, for example, that for each unit (“QBTu”) of federal oil production cut, other oil supplies would substitute for about half a unit (0.56 QBTu) and net oil consumption would drop by nearly half a unit (0.44 QBTu), with associated reductions in greenhouse gas emissions.<sup>33</sup> The analysis recommended that “policy-makers should give greater attention to measures that slow the expansion of fossil fuel supplies.”<sup>34</sup>

Other studies have reached similar conclusions.<sup>35</sup> For example, an analysis published in the journal *Nature Climate Change* concluded that increased oil production would significantly increase global oil consumption as the result of greater supplies and lower global oil prices.<sup>36</sup> Using publicly available global oil supply curves from the International Energy Agency (“IEA”) and peer-reviewed elasticities of demand, the analysis estimated that each barrel of increased oil production would result in an increase of 0.59 barrels of global oil consumption.<sup>37</sup>

New leasing and new fossil fuel development approvals also lead to carbon lock-in, “whereby prior decisions relating to GHG-emitting technologies, infrastructure, practices, and their supporting networks constrain future paths, making it more challenging, even impossible, to subsequently pursue more optimal paths toward low-carbon objectives.”<sup>38</sup> Once approved and constructed, a variety of incentives exist to continue to operate a fossil fuel infrastructure project — and thus to continue to extract and burn fossil fuels — even when it is not beneficial from an overall investment or policy perspective to do so.<sup>39</sup>

In 2021, the IEA released a climate report. The IEA’s Executive Director said upon the release of the report that “If governments are serious about the climate crisis, there can be no new

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<sup>33</sup> P. Erickson and M. Lazarus, How would phasing out US federal leases for fossil fuel extraction affect CO2 emissions and 2°C goals?, Stockholm Environment Institute, Working Paper No. 2016-2 (2016).

<sup>34</sup> *Id.* at 1.

<sup>35</sup> 9 P. Erickson and M. Lazarus, Impact of the Keystone XL Pipeline on Global Oil Markets and Greenhouse Gas Emissions, 4 *Nature Climate Change* 778 (2016); see also P. Erickson, Rebuttal: Oil Subsidies—More Material for Climate Change Than You Might Think (Nov. 2, 2017); United Nations Environment Programme, Emissions Gap Report 2019, UNEP, Nairobi (2019), at 25, 26, <https://wedocs.unep.org/bitstream/handle/20.500.11822/30797/EGR2019.pdf?sequence=1&isAllowed=y>; United Nations Environment Programme, et al., The Production Gap: The discrepancy between countries’ planned fossil fuel production and global production levels consistent with limiting warming to 1.5°C or 2°C (2019), at 4, 14, <http://productiongap.org/>.

<sup>36</sup> Erickson, P. & Lazarus, M., Impact of the Keystone XL Pipeline on Global Oil Markets and Greenhouse Gas Emissions, 4 *Nature Climate Change* 778 (2014).

<sup>37</sup> *Id.*; see also Erickson, P. & Lazarus, M., How Limiting Oil Production Could Help California Meet Its Climate Goals, Stockholm Environment Institute Discussion Brief (2018) at 2 (reaching similar conclusions for California oil).

<sup>38</sup> Peter Erickson et al., Assessing carbon lock-in, 10 *Environmental Research Letters* 084023 (2015).

<sup>39</sup> *Id.*; Karen Seto et al., Carbon Lock-In: Types, Causes, and Policy Implications, 41 *Annual Review of Environment and Resources* 425 (2016); Intergovernmental Panel on Climate Change, Climate Change 2014: Mitigation of Climate Change. Contribution of Working Group III to the Fifth Assessment Report (Ottmar Edenhofer et al. eds., 2014) at 18.

investments in oil, gas and coal, from now — from this year.”<sup>40</sup> The report itself concludes that “hav[ing] a fighting chance of . . . limiting the rise in global temperatures to 1.5°C . . . requires nothing short of a total transformation of the energy systems that underpin our economies.”<sup>41</sup>

And in October 2021 several reports issued by the Department of Homeland Security, the Department of Defense, the National Security Council, and the National Intelligence Director all highlight the threat that climate change poses to national security. For example, the Office of the Director of National Intelligence issued the first-ever National Intelligence Estimate on Climate Change (“NIE”). The NIE notes that climate change will increasingly exacerbate a number of risks to U.S. national security interests through (1) increased geopolitical tension as countries argue over who should be doing more, and how quickly, and compete in the ensuing energy transition; (2) cross-border geopolitical flash points from the physical effects of climate change as countries take steps to secure their interests; and (3) climate effects straining country-level stability in select countries and regions of concern.<sup>42</sup> The NIE further states that “[g]iven current government policies and trends in technology development . . . collectively countries are unlikely to meet the Paris goals,” and concludes that “[h]igh-emitting countries would have to make rapid progress toward decarbonizing their energy systems by transitioning away from fossil fuels within the next decade.”<sup>43</sup>

President Biden has acknowledged the science and directed federal agencies to take all necessary action to address the climate emergency. For example, in his January 27, 2021 Executive Order on Tackling the Climate Crisis at Home and Abroad, he wrote:

There is little time left to avoid setting the world on a dangerous, potentially catastrophic, climate trajectory. . . . we face a climate crisis that threatens our people and communities, public health and economy, and, starkly, our ability to live on planet Earth. . . . We must listen to science — and act. . . . It is the policy of my Administration to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy. . . .<sup>44</sup>

And late last year, President Biden stated at the United Nations climate summit in Glasgow that we are at an “inflection point” in the fight against climate change and countries have only a

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<sup>40</sup> Fiona Harvey, No new oil, gas or coal development if world is to reach net zero by 2050, says world energy body, *The Guardian*, May 18, 2021, <https://www.theguardian.com/environment/2021/may/18/no-new-investment-in-fossil-fuels-demands-top-energy-economist>.

<sup>41</sup> International Energy Agency, *Net Zero by 2050: A roadmap for the global energy system* (2021), available at: <https://www.iea.org/reports/net-zero-by-2050>.

<sup>42</sup> National Intelligence Council’s National Intelligence Estimate on Climate Change, Oct. 2021, available at [https://www.dni.gov/files/ODNI/documents/assessments/NIE\\_Climate\\_Change\\_and\\_National\\_Security.pdf](https://www.dni.gov/files/ODNI/documents/assessments/NIE_Climate_Change_and_National_Security.pdf).

<sup>43</sup> *Id.*; see also Report on the Impact of Climate Change on Migration, Oct. 2021, available at <https://www.whitehouse.gov/wp-content/uploads/2021/10/Report-on-the-Impact-of-Climate-Change-on-Migration.pdf>; Climate Risk Analysis, Oct. 2021, available at <https://media.defense.gov/2021/Oct/21/2002877353/-1/-1/0/DOD-CLIMATE-RISK-ANALYSIS-FINAL.PDF>.

<sup>44</sup> Exec. Order No. 14008, *supra* n.1.



“brief window” to act.<sup>45</sup> He further noted that “every day we delay, the cost of inaction increases” and urged “this be the . . . start of a decade of transformative action that preserves our planet and raises the quality of life for people everywhere;” and that the United States is “not only back at the table but, hopefully, leading by the power of our example.”<sup>46</sup> Approving new oil and gas exploration plans, development plans, and drilling permits does just the opposite.

As detailed in a landmark report, fossil fuel producers currently plan to extract at least 120 percent more fossil fuels than can be burned and still limit warming to 1.5° C.<sup>47</sup> This discrepancy is known as the “production gap.” To keep within the 1.5°C guardrail, ***the world’s fossil fuel production must decrease by roughly 6 percent per year between 2020 and 2030.***<sup>48</sup> Most developed oil and gas fields and coal mines must be shut down before their reserves are fully depleted to keep warming to below 1.5° C.<sup>49</sup>

Other research confirms that the committed carbon emissions from existing fossil fuel infrastructure in the energy and industrial sectors exceed the carbon budget for limiting warming to 1.5°C, meaning that ***no new fossil infrastructure can be built***, and much existing infrastructure must be retired early to avoid catastrophic climate harms.<sup>50</sup>

The United States is the world’s largest oil and gas producer and third largest coal producer, and a dominant driver of global fossil fuel expansion.<sup>51</sup> Absent major shifts in policy, U.S. production of both oil and gas is projected to increase more than twice as much as any other country by 2030.<sup>52</sup> In total, the U.S. fossil fuel industry is on track to account for 60 percent of the world’s projected growth in oil and gas production this decade.<sup>53</sup> If U.S. fossil fuel expansion is not immediately halted, it will make it impossible to meet the 1.5°C limit and preserve a livable planet.

And clean, renewable solar and wind energy, paired with energy storage, efficiency and grid technologies, can be rapidly scaled up to meet U.S. and global energy needs many times over,

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<sup>45</sup> See, e.g., Morgan Chalfant and Rachel Frazin, Biden warns of 'existential' climate threat at Glasgow summit, The Hill, Nov. 1, 2021, <https://thehill.com/policy/energy-environment/579403-biden-calls-for-collective-action-at-glasgow-climate-summit?rl=1>.

<sup>46</sup> *Id.*

<sup>47</sup> SEI, IISD, ODI, E3G, and UNEP, The Production Gap Report: 2020 Special Report (2020), <http://productiongap.org/2020report>.

<sup>48</sup> *Id.*

<sup>49</sup> Oil Change International, Drilling Toward Disaster: Why U.S. Oil and Gas Expansion Is Incompatible with Climate Limits (2019), <http://priceofoil.org/drilling-towards-disaster>.

<sup>50</sup> Dan Tong et al., Committed emissions from existing energy infrastructure jeopardize 1.5 °C climate target, 572 Nature 373 (2019).

<sup>51</sup> *Id.*

<sup>52</sup> Ploy Achakulwisut & Peter Erickson, Trends in fossil fuel extraction: Implications for a shared effort to align global fossil fuel production with climate limits, Stockholm Environment Institute Working Paper (April 2021), [www.sei.org/publications/trends-in-fossil-fuel-extraction/](http://www.sei.org/publications/trends-in-fossil-fuel-extraction/) at Figure 3.

<sup>53</sup> Oil Change International, *supra* n.49.

while providing 100 percent energy access in a just transition.<sup>54</sup> Solar photovoltaics and wind energy are by far the fastest-growing new energy resources, comprising 90 percent of the global power sector's growth in 2020.<sup>55</sup> Indeed, Interior recently issued "Request for Interest in Commercial Leasing for Wind Power Development on the Gulf of Mexico Outer Continental Shelf," and is otherwise actively promoting offshore wind.<sup>56</sup> Selling lease parcels for oil and gas development is incompatible with leasing for wind energy. Several solar technologies and wind power are now cheaper than the cheapest fossil fuel generation, while renewables across the board are achieving cost parity.<sup>57</sup> The IPCC has mapped out multiple pathways that achieve the 1.5°C climate limit through immediate, transformative action to end new fossil fuel projects, phase-out existing fossil fuel production and use, and rapidly build up new clean and renewable energy technologies alongside new storage, efficiency, and grid technologies.<sup>58</sup>

Renewable solar and wind energy — particularly distributed renewable energy resources such as rooftop and community solar, storage, and microgrids — are not only a key solution to the climate crisis while fully meeting the nation's energy needs, but also provide numerous co-benefits<sup>59</sup> that serve the public interest and avoid and redress the catastrophic harms to the public interest created by fossil fuel infrastructure. Renewable energy avoids the toxic air and water pollution created by the current fossil fuel-dominated energy system that disproportionately harms Black, Brown, Indigenous, and low-wealth communities<sup>60</sup> as well as injuring wildlife and ecosystems.<sup>61</sup> Rooftop solar and community-owned solar and storage offer critical climate resilience benefits during emergencies, such as hurricanes and wildfires worsened by the climate

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<sup>54</sup> Anthony Lopez et al., U.S. Renewable Energy Technical Potentials: A GIS-Based Analysis. National Renewable Energy Laboratory (2012), <https://www.nrel.gov/docs/fy12osti/51946.pdf>; Sven Teske & Sarah Niklas, Fossil Fuel Exit Strategy: An orderly wind down of coal, oil and gas to meet the Paris Agreement (2021), <https://fossilfuel treaty.org/exit-strategy>; Carbon Tracker Initiative, The Sky's The Limit: Solar and wind energy potential is 100 times as much as global energy demand (2021), <https://carbontracker.org/reports/the-skys-the-limit-solar-wind/>.

<sup>55</sup> Press Release, International Energy Agency, Renewables are stronger than ever as they power through the pandemic (May 11, 2021), <https://www.iea.org/news/renewables-are-stronger-than-ever-as-they-power-through-the-pandemic>.

<sup>56</sup> 86 Fed. Reg. 31,339 (June 11, 2021).

<sup>57</sup> Lazard, Insights: Levelized Cost Of Energy, Levelized Cost Of Storage, and Levelized Cost Of Hydrogen (2020), <https://www.lazard.com/perspective/levelized-cost-of-energy-levelized-cost-of-storage-and-levelized-cost-of-hydrogen/>; Simon Evans, Carbon Brief, Solar is now 'cheapest electricity in history', confirms IEA (Oct. 13, 2020, 8:37 PM), <https://www.carbonbrief.org/solar-is-now-cheapest-electricity-in-history-confirms-iea>.

<sup>58</sup> IPCC, Global Warming of 1.5°C at SPM.

<sup>59</sup> Rebecca R. Hernandez et al., Techno-Ecological Synergies of Solar Energy for Global Sustainability, 2 *Nature Sustainability* 560 (2019), <https://www.nature.com/articles/s41893-019-0309-z?proof=t%2525C2%2525A0>.

<sup>60</sup> Tim Donaghy and Charlie Jiang, Fossil Fuel Racism: How Phasing Out Oil, Gas, and Coal Can Protect Communities, Apr. 2021, <https://www.greenpeace.org/usa/wp-content/uploads/2021/04/Fossil-Fuel-Racism.pdf>.

<sup>61</sup> Nathalie Butt et al., Biodiversity risks from fossil fuel extraction, 342 *Science* 425 (2013); Margaret C. Brittingham et al., Ecological risks of shale oil and gas development to wildlife, aquatic resources and their habitats, 48 *Environmental Science and Technology* 11034 (2014); Paul D. Pickell et al., Monitoring forest change in landscapes under-going rapid energy development: challenges and new perspectives, 3 *Land* 617 (2014); Sara Souther et al., Biotic impacts of energy development from shale: research priorities and knowledge gaps, 12 *Frontiers in Ecology and the Environment* 330 (2014); Brady W. Allred et al., Ecosystem services lost to oil and gas in North America, 348 *Science* 401 (2015); Michael B. Harfoot et al., Present and future biodiversity risks from fossil fuel exploitation, 11 *Conservation Letters* e12448 (2018).

crisis,<sup>62</sup> and can empower local communities through local energy choice, job creation, and other regenerative economic benefits that remain local.<sup>63</sup>

Indeed, study after study has shown that investment in clean energy creates many more jobs than investment in fossil fuels.<sup>64</sup> Globally, ambitious climate action could result in an additional 65 million jobs by 2030 as compared to a business as usual scenario.<sup>65</sup> The Biden administration recently released a report that recognizes this is the decisive decade for addressing climate change and transitioning to clean energy; that the clean-energy transition would create 500,000 to 1 million new jobs on net; and that there would be significant co-benefits from reducing air pollution.<sup>66</sup>

A recent global survey of more than 200 of the world's most senior economists at the onset of the COVID-19 downturn reinforces these findings, concluding that clean energy infrastructure is the top investment we can make, both in terms of climate benefits and having the highest stimulus effect.<sup>67</sup> Clean energy infrastructure is also particularly well suited as an economic recovery measure because it is very labor intensive in the early stages. Investment in a full suite of just transition policies will bring family sustaining jobs, many economic benefits, and a brighter future for all.<sup>68</sup>

In short, an overwhelming amount of scientific information demonstrates that the approval of new oil and gas activity is entirely incompatible with the national interest in addressing the climate crisis by ending new fossil fuel exploration and development. This information also demonstrates why Interior must stop permitting all new drilling activity in the Gulf of Mexico

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<sup>62</sup> Energy Democracy: Advancing Equity in Clean Energy Solutions, (Denise Fairchild & Al Weinrub eds. 2018), [https://islandpress.org/sites/default/files/9781610918510\\_excerpt.pdf](https://islandpress.org/sites/default/files/9781610918510_excerpt.pdf); Sherry Stout et al., National Renewable Energy Laboratory, Distributed Energy Planning for Climate Resilience (2018), <https://www.nrel.gov/docs/fy18osti/71310.pdf>; John Farrell, The New Rules Project, Community Solar Power: Obstacles and Opportunities (2010), <https://ilsr.org/wp-content/uploads/files/communitysolarpower2.pdf>.

<sup>63</sup> *Id.*

<sup>64</sup> Brian O'Callaghan & Cameron Hepburn, Carbon Brief, Leading economists: Green coronavirus recovery also better for economy (May 5, 2020, 6:54 AM), <https://www.carbonbrief.org/leading-economists-green-coronavirus-recovery-also-better-for-economy>; Heidi Garrett-Peltier, Green versus brown: Comparing the employment impacts of energy efficiency, renewable energy, and fossil fuels using an input-output model, 61 *Economic Modelling* 439 (2017); Robert Pollin et al., Center for American Progress & Political Economy Research Institute, Green Growth: A U.S. Program for Controlling Climate Change and Expanding Job Opportunities (2014).

<sup>65</sup> Global Commission on the Economy and the Climate, Unlocking the Inclusive Growth Story of the 21<sup>st</sup> Century: Accelerating Climate Action in Urgent Times (2018) at 39, [http://newclimateeconomy.report/2018/wp-content/uploads/sites/6/2019/04/NCE\\_2018Report\\_Full\\_FINAL.pdf](http://newclimateeconomy.report/2018/wp-content/uploads/sites/6/2019/04/NCE_2018Report_Full_FINAL.pdf)

<sup>66</sup> The Long-Term Strategy of the United States: Pathways to Net-Zero Greenhouse Gas Emissions by 2050. Published by the United States Department of State and the United States Executive Office of the President, Washington DC. November 2021 at 13, 51, <https://www.whitehouse.gov/wp-content/uploads/2021/10/US-Long-Term-Strategy.pdf>.

<sup>67</sup> O'Callaghan & Hepburn, *supra* n.64.

<sup>68</sup> Pollin et al. 2014; *see also* Political Economy Research Institute, Green Economy Transition Programs for U.S. States (Feb. 25, 2021), <https://www.peri.umass.edu/publication/item/1032-green-new-deal-for-u-s-states>; J. Mijin Cha et al., Labor Network for Sustainability, Workers and Communities in Transition: Report of the Just Transition Listening Project (2021), <https://www.labor4sustainability.org/JTLP-2021/>.

unless and until it conducts the comprehensive NEPA analysis mandated by law.

### **THE SECRETARY OF THE INTERIOR HAS THE LEGAL AUTHORITY AND OBLIGATION TO GRANT THE PETITION**

Interior not only has the authority to grant the action requested in this petition, it *must* do so in order to comply with its legal obligations under both NEPA and OCSLA. Halting the authorization or approval of new exploration plans, new development plans, and new drilling permits is the only way Interior can take the requisite hard look at the climate impacts of such activity *before* allowing it as required by NEPA; and is the only way Interior can ensure that permitting yet more Gulf drilling complies with the substantive provisions of OCSLA.

Because a federal court declared that Interior’s approach to analyzing the climate impacts of offshore oil and gas leasing was unlawful, it follows that all subsequent stages of offshore oil activities are also proceeding unlawfully. OCSLA establishes a multi-stage process for leasing, exploration, and development of the OCS.<sup>69</sup> As explained by the Supreme Court, the statute creates four separate stages to developing an offshore oil well: (1) Interior’s formulation of a five-year leasing plan; (2) lease sales; (3) exploration by the lessees; and (4) development and production.<sup>70</sup> Finally, Interior also issues drilling permits.<sup>71</sup> “Each stage involves separate regulatory review that may, but need not, conclude in the transfer to lease purchasers of rights to conduct additional activities on the OCS.”<sup>72</sup> Here, each stage is implicated, and new exploration, development, and drilling activities must cease pending new NEPA review.

### **There Is No Lawful NEPA Analysis on Which Interior Can Rely to Permit New Drilling Activity in the Gulf of Mexico**

There is no lawful, programmatic NEPA analysis on which Interior can rely to permit new drilling activity in the Gulf of Mexico. This is because, while *Friends of the Earth v. Haaland* directly challenged only Lease Sale 257, the NEPA analyses invalidated by the court also underly Interior’s approval of all other drilling activity in the Gulf — including exploration, development, and drilling — on previously issued leases. Thus, as explained further below, Interior must halt these approvals until and unless it complies with NEPA.

The federal government has offered over 2.8 billion offshore acres to the oil industry through numerous lease sales since 1954, the majority of which have occurred in the Gulf of Mexico.<sup>73</sup> Gulf lease sales prior to August 2017 occurred under prior five-year programs and environmental

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<sup>69</sup> See 43 U.S.C. §§ 1344, 1337, 1340, 1351.

<sup>70</sup> See *Sec’y of the Interior v. California*, 464 U.S. 312, 337 (1984).

<sup>71</sup> 30 C.F.R. §§ 550.281(a)(1), 250.410, 250.465(a)(1).

<sup>72</sup> *California*, 464 U.S. at 337. The Secretary of the Interior has delegated its responsibilities under OCSLA to the Bureaus. Specifically, the Bureau of Ocean Energy Management is responsible for managing leasing, exploration, development, and production of oil and gas resources on the OCS. 30 C.F.R. § 550.101. The Bureau of Safety and Environmental Enforcement is responsible for enacting and enforcing safety and environmental standards under OCSLA, as well as issuing drilling permits and permits to modify. *Id.* § 250.101.

<sup>73</sup> BOEM, Table 1. All Lease Offerings, <https://www.boem.gov/sites/default/files/documents/about-boem/Table%201%20SwilerTable%2024FEB2021.pdf> (updated Nov. 2020).

impact statements (“EIS”) prepared for those specific programs and lease sales.<sup>74</sup> None of the old EISs evaluated the true climate impacts from Gulf leasing by analyzing the full lifecycle greenhouse gas emissions caused by the sale.

While Interior purported to do so for the 2012–2017 Outer Continental Shelf Leasing Program, its modeling assumed oil and gas not produced under the program would be fully substituted by other fossil fuels; and included impacts on domestic consumption only, it did not consider foreign consumption.<sup>75</sup> The overwhelming evidence demonstrates the fallacy of Interior’s perfect substitution assumption and decision to exclude foreign consumption — Interior itself admits that not holding offshore oil and gas lease sales will reduce global consumption.<sup>76</sup> Interior did not cure these errors in its EISs on individual lease sales under the 2012–2017 program. Indeed, Interior’s subsequent EISs for Gulf of Mexico leases sales under that program did not even mention lifecycle greenhouse gas emissions, let alone attempt to correct the errors.<sup>77</sup>

Interior first attempted to analyze the full climate impacts of continued offshore oil and gas leasing by considering impacts on foreign oil consumption in issuing the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program.<sup>78</sup> That program included 11 proposed lease sales — ten in the Gulf of Mexico and one in Cook Inlet, Alaska between 2017 and 2022.<sup>79</sup> To analyze the impacts of these lease sales at the programmatic level, Interior issued a programmatic EIS for the entire five-year program in 2016 (“Program EIS”) and, in 2017, issued a Multisale EIS for sales 249, 250, 251, 252, 253, 254, 256, 257, 259, and 261 — the ten sales planned to occur in the Gulf of Mexico (“Multisale EIS”).<sup>80</sup>

In the Multisale EIS, Interior stated that it “expected to utilize the tiering process to supplement its NEPA analysis ‘on a regular basis,’ and that it expected to ‘issue a Supplemental EIS once a calendar year.’”<sup>81</sup> In December 2017, Interior issued a supplemental EIS for Lease Sales 250 and

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<sup>74</sup> *See id.*

<sup>75</sup> *See* BOEM, Outer Continental Shelf Oil and Gas Leasing Program: 2012-2017 Final Programmatic Environmental Impact Statement, July 2012, at 2-22, [https://www.boem.gov/sites/default/files/uploadedFiles/BOEM/Oil\\_and\\_Gas\\_Energy\\_Program/Leasing/Five\\_Year\\_Program/2012-2017\\_Final\\_PEIS.pdf](https://www.boem.gov/sites/default/files/uploadedFiles/BOEM/Oil_and_Gas_Energy_Program/Leasing/Five_Year_Program/2012-2017_Final_PEIS.pdf); *see also* Consumer Surplus and Energy Substitutes for OCS Oil and Gas Production: The 2015 Revised Market Simulation Model (MarketSim) at 21, n.4, <https://www.boem.gov/sites/default/files/oil-and-gas-energy-program/Leasing/Five-Year-Program/2017-2022/Market-Sim-Model.pdf>.

<sup>76</sup> *See, e.g., Ctr. for Biological Diversity v. Bernhardt*, 982 F.3d 723, 735–36 (9th Cir. 2020).

<sup>77</sup> *See, e.g., Gulf of Mexico OCS Oil and Gas Lease Sale: 2016 Western Planning Area Lease Sale 248 Final Supplemental Environmental Impact Statement*, Feb. 2016, <https://www.boem.gov/sites/default/files/environmental-stewardship/Environmental-Assessment/NEPA/BOEM-2016-005.pdf>; *Gulf of Mexico OCS Oil and Gas Lease Sales: 2017 and 2017 Final Supplemental Environmental Impact Statement*, Sept. 2015, <https://www.boem.gov/sites/default/files/boem-newsroom/Library/Publications/2015/BOEM-2015-033.pdf>.

<sup>78</sup> BOEM, 2017–2022 OCS Oil and Gas Leasing Proposed Final Program, Nov. 2016, available at <https://www.boem.gov/sites/default/files/oil-and-gas-energy-program/Leasing/Five-Year-Program/2017-2022/2017-2022-OCS-Oil-and-Gas-Leasing-PFP.pdf>.

<sup>79</sup> *Id.*

<sup>80</sup> *See, e.g., Friends of the Earth*, 2022 U.S. Dist. LEXIS 15172, at \*9.

<sup>81</sup> *Id.* (citing Multisale EIS).

251 that tiered from and updated the Multisale and Program EISs (the “2017 SEIS”).<sup>82</sup>

Despite holding multiple Gulf lease sales since then, Interior has not issued another supplemental EIS.<sup>83</sup> Instead, it has issued a series of “Record of Decisions” in which the agency concluded that its prior analyses sufficiently analyze the impacts of continued Gulf leasing and oil and gas activity under those leases.<sup>84</sup>

The recent decision from the U.S. District Court for the District of Columbia confirms the error of the conclusion that Interior’s prior climate analysis sufficed. The court held that Interior’s “counterintuitive conclusion[s]” in the Program EIS, Multisale EIS, and 2017 SEIS “that total greenhouse gas emissions would actually be higher if no lease sales took place” was arbitrary and capricious.<sup>85</sup>

Specifically, in modeling the lifecycle greenhouse gas emissions from Gulf leasing, Interior acknowledged that the no action alternative (i.e., not having the lease sale) would result in “a reduction in foreign oil consumption of 1, 4, and 6 billion barrels of oil for the low-, mid-, and high-price scenarios respectively over the duration of the 2017–2022 Program.”<sup>86</sup> Yet Interior then excluded the impacts this would have on the total quantitative emissions calculation by summarily claiming that calculating foreign emissions would be too speculative, despite the existence of several available tools to quantify those emissions.<sup>87</sup> The court held this approach “entirely failed to consider an important aspect of the problem . . . a classically arbitrary action.”<sup>88</sup>

In reaching its decision, the court pointed to a recent Interior analysis for a proposed offshore lease sale in Cook Inlet, Alaska which concluded — after accounting for both foreign consumption *and* emissions — that the no action alternative would result in *substantially less* greenhouse gas emissions than holding the lease sale.<sup>89</sup>

The court vacated Lease Sale 257 due to Interior’s “serious fail[ure]” to properly examine the climate impacts of new oil and gas activity.<sup>90</sup> While the court’s vacatur order only applied to Lease Sale 257, Interior’s flawed analysis is more pervasive. The inadequate and unlawful analyses on prior five-year programs and lease sales; the Program EIS; Multisale EIS; and 2017 SEIS are also governing Interior’s approval of *all* oil and gas activity on *existing* leases in the

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<sup>82</sup> *Id.* at \*9–10.

<sup>83</sup> *Id.* at 10.

<sup>84</sup> *See id.*; *see also* BOEM, Record of Decision for Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 257, Aug. 31, 2021.

<sup>85</sup> *Friends of the Earth*, 2022 U.S. Dist. LEXIS 15172, at \*31, 41–42.

<sup>86</sup> *Id.* at \*41.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.* (citations omitted).

<sup>89</sup> *Id.* at \*48; BOEM, Cook Inlet Lease Sale 258 Revised Draft Environmental Impact Statement, Oct. 2021 at 47, available at <https://www.boem.gov/sites/default/files/documents/oil-gas-energy/leasing/LS258-DEIS.pdf>.

<sup>90</sup> *Friends of the Earth*, 2022 U.S. Dist. LEXIS 15172, at \*80.

Gulf of Mexico.<sup>91</sup> Interior cannot now rely on the faulty and invalidated NEPA analysis as the basis for further approvals.

Yet that is just what Interior is doing. Interior relies on these flawed environmental reviews for all subsequent oil and gas activities conducted on existing leases, including exploration, development, and drilling. As explained by the U.S. District Court for the District of Columbia, Interior does not prepare environmental impact statements for its approval of exploration or development plans (known as development and operations coordination documents) in the Gulf. Instead, it has a categorical exclusion that exempts the approval of such plans — as well as the approval of permits to drill — from additional NEPA review.<sup>92</sup>

And while Interior’s regulations prohibit it from using the categorical exclusion when extraordinary circumstances indicate an activity may have a significant impact,<sup>93</sup> Interior regularly relies on categorical exclusions for approving exploration plans, development plans, drilling permits on the millions of acres of the Gulf already leased to oil companies. In the rare instances in which Interior completes a subsequent NEPA analysis for an exploration or development plan, it does so via an environmental assessment that tiers to the existing EISs BOEM has completed for Gulf lease sales.<sup>94</sup> But agencies cannot tier to an unlawful EIS.<sup>95</sup>

There is, therefore, no lawful NEPA analysis governing Interior’s approval of offshore oil and gas activities in the Gulf of Mexico. As such, Interior cannot permit any more Gulf drilling unless and until it (1) first prepares a programmatic EIS on all oil and gas activity in the Gulf that properly considers the climate impacts of such activity by accounting for the foreign consumption *and emissions* caused by such activity; and (2) then conducts site-specific analysis on the climate (and other) impacts from individual projects. Doing so is the only way to ensure the careful, comprehensive analysis demanded by law.<sup>96</sup> Interior’s failure to do so would violate both NEPA and OCSLA.

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<sup>91</sup> See, e.g., 516 DM § 15.4; BOEM, Site-Specific Environmental Assessment for BP Exploration & Production Inc.’s Revised Development and Operations Coordination Document, Doc No. R-6818 (Jan. 13, 2020) (tiering to BOEM’s 2017 Multisale EIS and 2018 Supplemental EIS sale) available at <https://www.data.bsee.gov/PDFDocs/Scan/PLANS/39/39809.pdf>.

<sup>92</sup> See, e.g., *Friends of the Earth*, 2022 U.S. Dist. LEXIS 15172, at \*22–23; 516 DM § 15.4.

<sup>93</sup> 43 C.F.R. § 46.205(c).

<sup>94</sup> See, e.g., BOEM, Site-Specific Environmental Assessment for BP Exploration & Production Inc.’s Revised Development and Operations Coordination Document, Doc No. R-6818 (Jan. 13, 2020) (tiering to BOEM’s 2017 Multisale EIS and 2018 Supplemental EIS sale); see also BOEM, Exploration and Development Plans Online Query, <https://www.data.boem.gov/Plans/Plans/Default.aspx> (updated Jan. 29, 2022); BSEE, Scanned Plans Query, <https://www.data.bsee.gov/Other/DiscMediaStore/ScanPlans.aspx> (updated: Jan. 27, 2022).

<sup>95</sup> *Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt.*, 387 F.3d 989, 997–98 (9th Cir. 2004); *Org. of Res. Councils v. Zinke*, 892 F.3d 1234, 1245 (D.C. Cir. 2018).

<sup>96</sup> See, e.g., *Native Vill. of Point Hope v. Jewell*, 740 F.3d 489, 503 (9th Cir. 2014) (“Once BOEM made the determination that production is reasonably foreseeable, it was required to consider the full cumulative impact of that production.”).

## Interior’s Continued Permitting of New Oil Drilling Activity Violates NEPA

Interior’s continued permitting of new exploration plans, new development plans, and new drilling permits would violate NEPA. NEPA is “our basic national charter for protection of the environment.”<sup>97</sup> It seeks to (1) “prevent or eliminate damage to the environment and biosphere;” (2) “stimulate the health and welfare” of all people; and (3) “encourage productive and enjoyable harmony between [hu]man[kind] and [the] environment.”<sup>98</sup> To that end, NEPA requires that federal agencies prepare an EIS for federal actions “significantly affecting the quality of the human environment.”<sup>99</sup> In its EIS, the agency must “consider every significant aspect of the environmental impact of a proposed action,”<sup>100</sup> and “evaluate different courses of action.”<sup>101</sup> “The EIS’s discussion of environmental impacts forms the scientific and analytic basis for the comparisons of alternatives, which are ‘the heart’ of the EIS.”<sup>102</sup>

This requirement helps to ensure the twin aims of NEPA: (1) “that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts,” and (2) “the relevant information will be made available to the larger audience that may also play a role in both the decisionmaking process and the implementation of that decision.”<sup>103</sup> And while NEPA is procedural in nature, it “is an action-forcing statute, which serves ‘not to generate paperwork . . . , but to provide for informed decision making and foster excellent action.’”<sup>104</sup>

Interior cannot avoid its obligation to take a hard look at the climate impacts of continued oil and gas leasing by claiming it will take further review down the road. This is true for two primary reasons. First, as courts have explained, “[i]t is only at the lease sale stage that the agency can adequately consider cumulative effects of the lease sale on the environment, including . . . the effects of the sale on climate change.”<sup>105</sup> Yet Interior has never properly examined the climate impacts of Gulf leasing, as the recent court decision makes perfectly clear. Interior cannot cure its failure to take a hard look at the climate impacts of new drilling activity across the entire Gulf region through site-specific analyses at the project stage.

Second, “[a]n agency cannot avoid its procedural obligations under NEPA by deferring its analysis to processes that do not meet the same standard.”<sup>106</sup> Allowing an agency to skirt the requisite NEPA review “on the basis that it will undertake further discretionary review down the

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<sup>97</sup> *Ctr. for Biological Diversity v. U.S. Forest Serv.*, 349 F.3d 1157, 1166 (9th Cir. 2003) (cleaned up).

<sup>98</sup> 42 U.S.C. § 4321.

<sup>99</sup> *Id.* § 4332(C).

<sup>100</sup> *Dubois v. U.S. Dep’t of Agric.*, 102 F.2d 1273, 1286 (1st Cir. 1996) (citing *Baltimore Gas & Electric v. NRDC*, 462 U.S. 87, 97 (1983)).

<sup>101</sup> *Id.* (citing *Kleppe v. Sierra Club*, 427 U.S. 390, 410 (1976)).

<sup>102</sup> *Id.* (cleaned up).

<sup>103</sup> *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).

<sup>104</sup> *Friends of the Earth*, 2022 U.S. Dist. LEXIS 15172, at \*78 (citing 40 C.F.R. § 1500.1(a)).

<sup>105</sup> *Id.* at \*25 (citing *Native Vill. of Point Hope*, 740 F.3d at 504).

<sup>106</sup> *Id.* at \*24.



road would amount to an impermissible ‘just trust us’ from the agency.”<sup>107</sup> Such an approach would be particularly inappropriate here, where Interior has been permitting offshore oil and gas activity *for decades* without ever taken the required hard look at such impacts.

In other words, NEPA prohibits federal agencies from “build[ing] first and consider[ing] environmental consequences later.”<sup>108</sup> Yet that is just what Interior would be doing in permitting new Gulf drilling in reliance on unlawful EISs that fail to properly examine one of the most significant impacts of permitting more oil and gas activity — how new oil and gas activity exacerbates the climate crisis.

### **Interior’s Continued Permitting of New Oil Drilling Activity Violates OCSLA**

Interior’s continued permitting of new exploration plans, new development plans, and new drilling permits would also violate OCSLA. Congress enacted OCSLA in 1953 to establish a framework under which the Secretary of the Interior may lease areas of the outer continental shelf (“OCS”) for purposes of exploring and developing the oil and gas deposits of the OCS’s submerged lands.<sup>109</sup> The OCS generally begins three miles from shore — the outer boundary of state waters — and extends seaward to the limits of federal jurisdiction.<sup>110</sup>

OCSLA charges Interior with overseeing the “expeditious and orderly development [of offshore oil and gas resources], subject to environmental safeguards, in a manner which is consistent with the maintenance of competition and other national needs.”<sup>111</sup> It further requires that Interior ensure offshore oil and gas activity is balanced “with protection of the human, marine, and coastal environments.”<sup>112</sup>

OCSLA’s four-stage process for offshore oil and gas activities involves: (1) creation of a nationwide five-year leasing program; (2) holding lease sales; (3) exploration plan approvals; (4) development and production plan approvals. And for exploration and development, Interior also approves drilling permits.<sup>113</sup>

At the third stage, Interior must reject an exploration plan if it determines that such exploration “would probably cause serious harm or damage to life (including fish and other aquatic life), to property, to any mineral (in areas leased or not leased), to the national security or defense, or to the marine, coastal, or human environment” and the “activity cannot be modified to avoid such condition.”<sup>114</sup>

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<sup>107</sup> *Id.* at \*25.

<sup>108</sup> *Standing Rock Sioux Tribe v. U.S. Army Corps of Eng’rs*, 985 F.3d 1032, 1051 (D.C. Cir. 2021) (citation omitted).

<sup>109</sup> *See* 43 U.S.C. §§ 1331, *et seq.*

<sup>110</sup> *Id.* § 1331(a); 48 Fed. Reg. 10,605 (Mar. 14, 1983).

<sup>111</sup> 43 U.S.C. § 1332(3).

<sup>112</sup> *Id.* §§ 1332(3), 1802(2).

<sup>113</sup> 30 C.F.R. §§ 550.281(a)(1), 250.410, 250.465(a)(1).

<sup>114</sup> 43 U.S.C. §§ 1340(c)(1), 1334(a)(2)(A)(i).

At the fourth stage, Interior must reject a development plan if activities under the plan “threaten national security” or if Interior determines:

that (i) implementation of the plan would probably cause serious harm or damage to life (including fish and other aquatic life), to property, to any mineral deposits (in areas leased or not leased), to the national security or defense, or to the marine, coastal or human environments, (ii) the threat of harm or damage will not disappear or decrease to an acceptable extent within a reasonable period of time, and (iii) the advantages of disapproving the plan outweigh the advantages of development and production.<sup>115</sup>

In addition, prior to drilling a well, an oil company must also obtain a permit to drill.<sup>116</sup> An oil company must also obtain approval in the form of a permit to modify if it intends to “revise [a] drilling plan, change major drilling equipment, or plugback” a well.<sup>117</sup> Prior to issuing the permits, Interior must ensure the activities approved under a drilling permit receive proper environmental review.<sup>118</sup>

Since OCSLA does not expressly mandate site-specific NEPA review for new exploration, development, or drilling permits in the Gulf, Interior must conduct a proper, programmatic review of the climate impacts of approving new oil and gas exploration and development activities in the Gulf of Mexico. Without conducting such review, Interior has no reasonable basis on which to determine that authorizing exploration, development, and permitting activities in the Gulf will satisfy the relevant standards, including whether these activities will probably cause serious harm to the environment or national security by exacerbating the climate crisis.

### **Interior Has More Than Sufficient Authority to Grant the Petitioned Action to Stop Permitting New Drilling Activity Pending Additional Programmatic Environmental Review**

Interior’s continued permitting of new drilling activity without first conducting additional, programmatic review of the climate impacts of doing so would be unlawful. This should be reason enough to grant the petitioned action.

Regardless, OCSLA provides Interior with more than ample authority to grant the petitioned action by ceasing the issuance of approvals for new oil and gas exploration, development, and drilling permits pending further programmatic review of the impacts of such activity on our climate. For example, as explained above, OCSLA requires Interior to reject exploration and development plans in certain situations, including when activity under such plans would probably cause serious harm or damage to national security, life, or the environment; and such

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<sup>115</sup> 43 U.S.C. § 1351(h)(1).

<sup>116</sup> 30 C.F.R. §§ 550.281(a)(1), 250.410.

<sup>117</sup> *Id.* § 250.465(a)(1).

<sup>118</sup> *See, e.g., Env'tl. Def. Ctr. v. Bureau of Ocean Energy Mgmt.*, No. 16-8418 PSG (FFMx), 2018 U.S. Dist. LEXIS 196437 (C.D. Cal. Nov. 9, 2018).

activity cannot be modified to avoid such condition.<sup>119</sup>

Without first conducting a comprehensive evaluation of the climate impacts of approving new oil drilling at the programmatic level (and alternatives thereto), Interior cannot properly determine whether these standards are satisfied. The Supreme Court’s directive that Interior must comply with NEPA prior to holding a lease sale only further emphasizes the importance of this comprehensive review.<sup>120</sup>

Additionally, OCSLA authorizes Interior to “prescribe such rules and regulations as may be necessary” to manage oil and gas activities, including regulations governing “drilling or easements necessary for exploration, development, and production.”<sup>121</sup> Interior can also issue regulations necessary to ensure safety, environmental protection, and conservation of natural resources.<sup>122</sup>

The statute specifies that the regulations must provide “for the suspension or temporary prohibition of any operation or activity, including production, pursuant to any lease or permit” when “in the national interest . . . [or] if there is a threat of serious, irreparable, or immediate harm or damage to life (including fish and other aquatic life) . . . or to the marine, coastal, or human environment.”<sup>123</sup>

Pursuant to the statute, Interior’s regulations implementing OCSLA state that it can order a suspension of operations on existing leases in a variety of circumstances, including “[w]hen activities pose a threat of serious, irreparable, or immediate harm or damage,” including a threat to life (including aquatic life), or to “the marine, coastal, or human environment.”<sup>124</sup> The regulations also provide for a suspension of operations “[w]hen necessary to carry out the requirements of NEPA or to conduct an environmental analysis.”<sup>125</sup> Interior can also order a suspension of operations when “[t]he suspension is in the interest of National security or defense.”<sup>126</sup>

Prohibiting the permitting of new activity so that Interior can properly consider how doing so will affect the existential threat that is climate change falls well-within these standards and would not infringe on lessees’ rights.

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<sup>119</sup> See, e.g., 43 U.S.C. §§ 1340(c)(1), 1351(h)(1)(D)(i); see also 30 C.F.R. § 550.202(d) (exploration plans and development operations coordination documents must “not cause undue or serious harm or damage to the human, marine, or coastal environment.”).

<sup>120</sup> See *California*, 464 U.S. at 336 (“The second stage of OCS planning . . . involves the solicitation of bids and the issuance of offshore leases. . . . Requirements of the National Environmental Policy Act and the Endangered Species Act must be met first.”).

<sup>121</sup> 43 U.S.C. § 1334(a).

<sup>122</sup> *Id.*

<sup>123</sup> *Id.* § 1334(a)(1).

<sup>124</sup> 30 C.F.R. § 250.172(b)

<sup>125</sup> *Id.* § 250.172(d).

<sup>126</sup> *Id.* § 250.173(b); see also, e.g., 30 C.F.R. § 250.103 (stating that BSEE “may issue Notices to Lessees and Operators (NTLs) that clarify, supplement, or provide more detail about certain requirements.”).

OCSLA specifies that Interior can order a suspension of operations and that it can reject exploration plans and development plans in certain circumstances, including those where activities under the plan would probably cause serious harm to national security, life or the environment and these ills cannot be avoided through changes in the plan.<sup>127</sup> Indeed, OCSLA states that Interior may ultimately cancel leases if certain standards are met including that continued activity under the lease would “probably cause serious harm or damage” to national security, life, or the environment; that threat will not sufficiently dissipate within a reasonable time; and the advantages of cancellation outweigh the advantages of continuing such lease.<sup>128</sup>

Lessees take their leases with this knowledge, and any suspension of activities would not constitute a breach-of-contract.<sup>129</sup> Moreover, the leasing form specifies that a lease “assignment is subject to the Outer Continental Shelf Lands Act of August 7, 1953, 67 Stat. 462; 43 U.S.C. 1331 *et seq.*, as amended (the ‘Act’), and Assignee(s) is (are) subject to, and shall fully comply with, all applicable regulations now or to be issued under the Act.”<sup>130</sup>

In sum, OCSLA and its implementing regulations contain language that explicitly give Interior the authority to act to protect life and the environment, in the interest of national security, and to conduct additional NEPA review. Interior’s failure to stop issuing new approvals for new drilling activity would constitute a gross dereliction of Interior’s legal obligations, and further threaten our climate, wildlife, and frontline communities with runaway climate change, the impacts of which have already been devastating the Gulf.

## CONCLUSION

Petitioners request that the Secretary and the Bureaus immediately stop permitting all new

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<sup>127</sup> 43 U.S.C. § 1334(a)(1), 1334(a)(2)(A)(i), 1340(c)(1), 1351(h)(1)(D)(i). Because the prohibition requested in this petition would apply to new permitting decisions only, Interior would not likely have to order a suspension of activity at existing operations.

<sup>128</sup> *Id.* § 1334(a)(2). To cancel a lease, activities typically need to have been first suspended for five years and the statute lays out a compensation process. *See id.* § 1334(a)(2)(C).

<sup>129</sup> While the Supreme Court held in *Mobil Oil* that legislation passed after the issuance of a lease can constitute a breach-of-contract amounting to repudiation, that case has no bearing here. In *Mobil Oil*, the Court found — based on unique facts whereby Interior refused to consider an exploration plan based solely on newly created statutory authority outside those statutes incorporated into the lease — that the government had repudiated the contract. Here, because OCSLA and its implementing regulations already contain language that explicitly gives Interior the authority to suspend operations to protect life and the environment, in the interest of national security, and to conduct additional NEPA review, there would be no breach of contract. *Mobil Oil Exploration & Producing Southeast v. United States*, 530 U.S. 604 (2000); *see also Century Exploration New Orleans, LLC v. United States*, 745 F.3d 1168, 1177–78 (Fed. Cir. 2014) (noting that in reaching its decision in *Mobil Oil*, “the Supreme Court emphasized the government’s chosen source of authority: the government cited the Outer Banks Protection Act, not OCSLA regulations” and holding that “[a] change to an OCSLA regulation does not breach the express terms of the lease language as interpreted by the Supreme Court in *Mobil Oil*[.]”); *see also Taylor Energy v. United States*, 975 F.3d 1303, 1317 (Fed. Cir. 2020) (holding “*Mobil Oil* has little relevance” where “BSEE’s refusal to grant Taylor’s departure request is in compliance with the OCSLA, and the Trust Agreement specifically references the OCSLA regulations that govern the parties’ contractual duties.”).

<sup>130</sup> Assignment Of Operating Rights Interest In Federal OCS Oil And Gas Lease, Form BOEM-0151, BOEM at 2 (Jan. 2020), <https://www.boem.gov/BOEM-0151/>.

exploration plans, new development plans, and new drilling permits in the Gulf of Mexico unless and until it completes comprehensive NEPA review of the climate impacts of doing so. The Bureaus failure to do so would not only violate NEPA, but the substantive provisions of OCSLA as well; and would put our climate, wildlife, and frontline communities at even greater risk of the numerous dangers of offshore oil and gas drilling. A proper, science-based review will reveal that continuing to permit new drilling activity is incompatible with preventing climate chaos and the substantive standards of OCSLA.

Respectfully submitted this 8th day of February, 2022,



Kristen Monsell  
Oceans Legal Director  
Center for Biological Diversity  
1212 Broadway, Ste. 800  
Oakland, CA 94612  
kmonsell@biologicaldiversity.org

On behalf of:

1. Center for Biological Diversity
2. Friends of the Earth
3. Healthy Gulf
4. Sierra Club
5. Carrizo Comecrudo Tribal Nation of Texas
6. Indigenous Environmental Network
7. Port Arthur Community Action Network
8. 198 methods
9. 350.org
10. 350 Central Mass
11. 350 Bucks County
12. 350 Hawaii
13. 350 Humboldt
14. 350 Mass
15. 350 Mass Metro North Node
16. 350 New Hampshire
17. 350 New Orleans
18. 350 Santa Barbara
19. 350 Seattle
20. 350 Triangle
21. 350 Ventura County Climate Hub
22. 350 Wichita
23. 350 Deschutes

24. 350 Kishwaukee
25. 350 NJ-Rockland
26. 350 NYC
27. A Community Voice
28. A Community Voice - Louisiana
29. Action Center on Race and the Economy
30. Action for the Climate Emergency (ACE)
31. Action Together New Jersey
32. Alianza Americas
33. Allamakee Protectors - Education Campaign
34. Alliance of Nurses for Healthy Environments
35. Animal Welfare Institute
36. Animals Are Sentient Beings, Inc.
37. Animas Valley institute
38. Anthropocene Alliance
39. Azul
40. Baltimore, MD Phil Berrigan Memorial Chapter Veterans For Peace
41. Battle Creek Alliance / Defiance Canyon Raptor Rescue
42. Beloved Earth Community of The Riverside Church
43. Berks Gas Truth
44. Berkshire Environmental Action Team (BEAT)
45. Beyond Extreme Energy
46. Beyond Plastics
47. Big Reuse
48. Bold Alliance
49. Breast Cancer Action
50. Brighter Green
51. Bronx Jews for Climate Action
52. Broome Tioga Green Party
53. Bucks Environmental Action
54. Businesses for a Livable Climate
55. Cahaba Riverkeeper
56. California Communities Against Toxics
57. Californians Against Waste
58. Call to Action CO
59. Canton Residents for a Sustainable Equitable Future
60. Cascadia Wildlands
61. CatholicNetwork US
62. Catskill Mountainkeeper
63. CDEO Pipe Organs/Golden Ponds Farm
64. Center for Environmental Health
65. Central California Asthma Collaborative
66. Central California Environmental Justice Network
67. Central Jersey Environmental Defenders
68. Centre for Citizens Conserving Environment (CECIC)
69. CERBAT

70. Change Begins With ME (Indivisible)
71. Chapman Forest Foundation
72. Christian Council of Delmarva
73. Church of the Covenant, Boston
74. Church Women United in New York State
75. Citizen's Climate Committee-Tri-Valley Chapter
76. Citizens Alliance for a Sustainable Englewood (CASE)
77. Citizens Awareness Network
78. Citizens Caring for the Future
79. Citizens Climate Action
80. Citizens for Clean Air and Water in Brazoria County
81. Citizens Resistance At Fermi Two (CRAFT)
82. Ciudadanos Del Karso
83. Climate Hawks Vote
84. Climate Justice Alliance
85. Climate Reality Massachusetts Southcoast
86. Climate Reality Project: Susquehanna Valley PA
87. CO Businesses for a Livable Climate
88. Coalition Against Death Alley
89. Coalition Against Pilgrim Pipeline - NJ
90. Common Ground Community Trust
91. Concerned Citizens of St. John
92. Concerned Health Professionals of New York
93. Conejo Climate Coalition
94. Conservation Congress
95. Conservation Council For Hawaii
96. Corvallis Climate Action Alliance
97. Corvallis Interfaith Climate Justice Committee
98. Dayenu: A Jewish Call to Climate Action
99. Don't Waste Arizona
100. Don't Gas the Meadowlands Coalition
101. Dryden Resource Awareness Coalition
102. Earth Action, Inc.
103. Earth Day Initiative
104. Earth Ethics, Inc.
105. EARTHDAY.ORG
106. Earthworks
107. Eco-Eating
108. Eco-Socialism Working Group, Boston DSA Chapter
109. ecoAmerica
110. EcoPoetry.org
111. EKOenergy ecolabel
112. Elders Climate Action
113. Elected Officials to Protect America
114. Electrify Corvallis
115. Elmirans and Friends Against Fracking

116. End Climate Silence
117. Endangered Habitats League
118. Endangered Species Coalition
119. Environmental Concerns Committee, Kendal at Oberlin
120. Environmental Protection Information Center - EPIC
121. Extinction Rebellion San Francisco Bay Area
122. Farmworker Association of Florida
123. Family Farm Defenders
124. First Wednesdays San Leandro
125. Flight Free USA
126. Food & Water Watch
127. FoodScraps360
128. FracTracker Alliance
129. FreshWater Accountability Project
130. Friends For Environmental Justice
131. Friends of the Bitterroot
132. Fund for Democratic Communities
133. Fund for Wild Nature
134. Future Coalition
135. Genesis Farm
136. George Mason University Center for Climate Change Communication
137. Georgia Advancing Communities Together, Inc.
138. Golden Egg Permaculture
139. Grassroots Global Justice Alliance
140. Great Old Broads for Wilderness
141. Greater New Orleans Climate Reality Project
142. Greater New Orleans Interfaith Climate Coalition
143. GreenFaith
144. Green New Deal Virginia
145. Green Newton Inc
146. Green State Solutions
147. Greenbelt Climate Action Network
148. Greenpeace USA
149. Greenvest
150. Harbor Farms
151. Harvard Solar Gardens
152. Harford County Climate Action
153. Heirs To Our Oceans
154. Hilton Head for Peace
155. Hispanic Access Foundation
156. Hollis Environmental Consulting Services, LLC
157. Honor the Earth
158. Howling For Wolves
159. Hudson Center for Community and Environment
160. In the Shadow of the Wolf
161. Indian Point Safe Energy



162. Indigenous Peoples Power Project
163. Indivisible Cranbury
164. Inland Ocean Coalition
165. inNative
166. Inspiration of Sedona
167. Institute for Policy Studies Climate Policy Program
168. Interfaith Oceans
169. Interfaith Power & Light
170. Isle de Jean Charles Biloxi-Chitimacha-Choctaw Indian of Louisiana
171. James Paul Rodell Trust
172. Just Transition Alliance
173. Kickapoo Peace Circle
174. Klamath Forest Alliance
175. Lady Freethinker
176. Let's Green CA!
177. Liveable Arlington
178. Long Beach Alliance for Clean Energy
179. Long Island Progressive Coalition
180. Louisiana Bucket Brigade
181. Louisiana League of Conscious Voters
182. Lowlander Center
183. Maine Unitarian Universalist State Advocacy Network
184. Mattawoman Watershed Society
185. Malach Consulting
186. Maryland Ornithological Society
187. Media Alliance
188. MEIC
189. Methane Action
190. Michigan Climate Action Network
191. Michigan Interfaith Power & Light
192. Mid-Missouri Peaceworks
193. Mission Blue
194. Mothers Out Front
195. Movement Training Network
196. Moxie Media Productions
197. National Religious Coalition on Creation Care
198. Natural Resources Law
199. New Energy Economy
200. New York Communities for Change
201. No Fracked Gas in Mass
202. North American Climate, Conservation and Environment (NACCE)
203. North American Water Office
204. North Jersey Sierra Group
205. Northern Colorado Community Rights Network
206. Northern Michigan Environmental Action Council
207. Northern New Jersey NOW

208. NY4WHALES
209. Oasis Earth
210. Ocean Conservation Research
211. Oceana
212. Oceanic Preservation Society
213. Oil and Gas Action Network
214. Oil Change International
215. Organized Uplifting Resources and Strategies
216. Pacific Environment
217. PAUSE - People of Albany United for Safe Energy
218. Pax Christi Hilton Head
219. PeaceWorks of Greater Brunswick
220. Pelican Media
221. Pennsylvania Council of Churches
222. Pennsylvania Interfaith Power and Light
223. People for a Healthy Environment
224. Physicians for Social Responsibility Florida
225. Pivot Point
226. Poweshiek and Jasper Green Party
227. Presente.org
228. Progressive Democrats of America
229. Public Lands Project
230. Rachel Carson Council
231. RapidShift Network
232. Raptors Are The Solution
233. Reconstructionist Rabbinical Association
234. Reject Raytheon AVL
235. Renewable Energy Worcester, CEC of Co-op Power
236. Research By The Sea
237. Resource Renewal Institute
238. RESTORE: The North Woods
239. Rincon-Vitova Insectaries
240. Sachamama
241. San Bernardino Valley Audubon Society
242. San Ramon Valley Climate Coalition
243. Santa Barbara Standing Rock Coalition
244. Santa Cruz Climate Network
245. Save Our Shores
246. Save RGV (Rio Grande Valley)
247. Save The Colorado
248. SAVE THE FROGS!
249. Save the Manatee Club
250. SEED
251. Seeds for the Sol
252. Seneca Lake Guardian
253. Sequoia ForestKeeper®

254. Seventh Generation
255. Sisters of Charity Federatiin
256. Sisters of Mercy of the Americas Justice Team
257. Sisters of St. Dominic of Blauvelt, New York
258. Sisters of St. Joseph of Rochester
259. Small Business Alliance
260. Solar Wind Works
261. South Asian Fund For Education Scholarship and Training Inc (SAFEST)
262. Southwest Native Cultures
263. Spottswoode Winery, Inc.
264. Senior Stewards Acting for the Environment (SSAFE)
265. Stand.earth
266. Stone Quarry House
267. Suffolk Progressives
268. Sunflower Alliance
269. Sustainable Arizona
270. Terra Advocati
271. Texas Campaign for the Environment
272. Texas Drought Project
273. The Borneo Project
274. The CLEO Institute
275. The Climate and Community Project
276. The Enviro Show
277. The Last Plastic Straw
278. The Outrage
279. The Quantum Institute
280. The Rewilding Institute
281. The Shalom Center
282. The Vessel Project of Louisiana
283. The Wei LLC
284. Think Like a Bee
285. Time Laboratory
286. Together We Will Long Island
287. Toxics Information Project (TIP)
288. Transition Sebastopol
289. True Transition
290. Turtle Island Restoration Network
291. Unitarian Universalist Association
292. Unitarian Universalist Service Committee
293. Vale Energy Services LLC
294. Vale Law PLLC
295. Vote Climate
296. Wall of Women
297. Wasatch Clean Air Coalition
298. Waterkeeper Alliance
299. WESPAC Foundation, Inc.

- 300. West 80s Neighborhood Association
- 301. West Dryden Residents Against Pipeline
- 302. West End Revitalization Association WERA
- 303. Western Watersheds Project
- 304. WildEarth Guardians
- 305. Women With Bows
- 306. Women's Earth and Climate Action Network
- 307. Women's March Santa Barbara
- 308. Xun Biosphere Project
- 309. Zero Hour
- 310. Zero Wasted California