



## Inadequate NEPA Climate Change Analysis Prevents Oil and Gas Leasing in Wyoming

### Judge Contreras's Second Opinion Blasts the Bureau of Land Management for Sloppy Environmental Analysis

Last year, in a 60-page opinion issued in March 2019, U.S. District Judge Rudolph Contreras stopped the Bureau of Land Management (BLM) from leasing oil and gas on over 500 square miles of federal lands in Wyoming. He began his opinion by stating: "Climate change, and humanity's ability to combat it, are increasingly prominent topics of public discourse. This case concerns the attention the government must give climate change when taking action that may increase its effects."

Remanding the matter back to the agency, Judge Contreras at that time concluded: "BLM failed to take a "hard look" at GHG emissions from the Wyoming Lease Sales, and therefore the EAs and FONSI's issued for those sales did not comply with NEPA."

See 2019 opinion [here](#).

This year, twenty months later, Judge Contreras was no kinder to the agency. On Friday the 13<sup>th</sup>, Judge Contreras provided an extensive 18-page review of the BLM's supplemental analysis. In a strong rebuke of the Trump administration for a "sloppy and rushed" environmental analysis, the Court concluded that the BLM failed to look closely enough at climate change impacts from oil and gas development. The ruling maintained the prohibition on issuing permits for drilling on over 500 square miles in Wyoming and forces the agency to more accurately consider cumulative greenhouse gas emissions from oil and gas operations on public lands in Wyoming, as well as Colorado and Utah.

Judge Contreras: “The Court concludes today that BLM failed to take a “hard look” at GHG emissions from the Wyoming Lease Sales – it does not conclude that BLM’s analysis demonstrates that the proposed action requires an EIS. As before, however, the Court will enjoin BLM from issuing APDs for the Wyoming leases while it works to substantiate its Supplemental EA and FONSI. . . . [T]he Court concludes that BLM’s supplemental assessment does not comply with federal law and does not adequately consider the climate change impacts of the oil and gas leasing decisions . . . .”

See opinion [here](#).

This post was drafted by [John Watson](#), an attorney in the Denver, CO office of Spencer Fane LLP. For more information, visit [www.spencerfane.com](http://www.spencerfane.com).