

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

Southern Utah Wilderness Alliance *et al.*,

Plaintiffs,

v.

David Bernhardt *et al.*,

Defendants.

Civ. No. 1:20-cv-03654 RC

HEARING REQUESTED

**MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 65 and LCvR 65.1, Plaintiffs Southern Utah Wilderness Alliance, Natural Resources Defense Council, Center for Biological Diversity and Living Rivers move for a temporary restraining order and preliminary injunction to prevent imminent, irreparable harm from a proposed helium development project targeting an unlawfully issued federal oil and gas lease, and a state lease, within the congressionally designated Labyrinth Canyon Wilderness. Plaintiffs respectfully request that the Court enjoin Federal Defendants from authorizing all or part of the Twin Bridges Bowknot Helium Project (Project). In the absence of emergency relief, the Project will industrialize one of the most remote, spectacular, and undeveloped locations in the United States, causing irreparable harm to the local environment and Plaintiffs' interests in it.

The underlying federal oil and gas lease was issued in violation of the National Environmental Policy Act, 42 U.S.C. §§ 4321-4347, and the Administrative Procedure Act, 5 U.S.C. §§ 551-559, 701-706. Nevertheless, Federal Defendants, officials at the U.S. Department

of the Interior and Bureau of Land Management (collectively, “BLM”), have been working in concert with the lessee, Twin Bridges Resources LLC (Twin Bridges), to fast-track the Project in the remaining days of the Trump Administration. Based on representations of agency counsel, BLM plans to issue a decision regarding some or all of the Project on December 23, 2020. With BLM’s authorization in hand, Twin Bridges will immediately begin surface-disturbing operations and will have equipment staged at or near the Project area to do so. These activities include widening and grading primitive roads extending into the Wilderness, bulldozing and clearing acres of land for a well pad, drilling wells, and authorizing gas processing infrastructure and pipelines—all of which will occur on federal public lands and will cause irreparable impacts to the Labyrinth Canyon Wilderness.

As discussed in their Memorandum in Support of Motion for Temporary Restraining Order and Preliminary Injunction, Plaintiffs satisfy the test for obtaining this extraordinary relief. In evaluating a motion for emergency relief, the court considers whether Plaintiffs have shown: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm absent injunctive relief; (3) that the balance of equities tips in the plaintiff’s favor; and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008); *Ellipso, Inc. v. Mann*, 480 F.3d 1153, 1157 (D.C. Cir. 2007). The irreparable harm that will occur to one of the most remote and spectacular locations in the United States absent injunctive relief (as well as to Plaintiffs’ cognizable interests in enjoying these areas of spectacular solitude in their primitive state), Plaintiffs’ likely success on the merits, and the heavy weighting of the balance of equities and public interest in preserving the status quo all justify the issuance of emergency injunctive relief.

Although BLM issued this lease in 2019, Plaintiffs seek this emergency injunctive relief now because they only recently learned that approval of the Project was being fast-tracked, ***would come on December 23, 2020, and that Twin Bridges' construction activities would immediately commence and run through the Christmas weekend in an effort to complete these activities as soon as possible (and before a Court could issue meaningful relief)***. Plaintiffs will suffer immediate and significant harm to their interests in the preservation of these remote federal public lands through the initial clearing and construction phases of the Project.

Undersigned counsel for Plaintiffs have communicated with counsel for BLM to seek a mutually agreeable schedule to avoid the need for Plaintiffs to file, and the Court to address, this motion, but BLM thus far has not indicated any willingness to delay its approval and authorization of the Project.¹ **As a result, Plaintiffs respectfully request that the Court resolve this motion no later than December 23, 2020, in order to ensure that the Court's ruling comes before BLM and its lessee cause irreversible harm to the environment and Plaintiffs' interests.**

¹ Plaintiffs agreed to withhold filing this motion for approximately one day while government counsel conferred with BLM as to its willingness to delay Project approval on awaiting the outcome of expedited summary judgment briefing or, at a minimum, the Court's resolution of this motion for emergency injunctive relief. To date, BLM has not agreed to either option that would avoid burdening the Court with this emergency request; thus, Plaintiffs were forced to file this motion to protect their interests and the public's interests in preserving this unique, pristine area of public lands from irreversible harm until the Court can resolve the merits of the case.

Respectfully submitted this 18th day of December, 2020.

/s/ William N. Lawton

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