

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

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Case No. _____

Plaintiffs,

v.

KRIS KIRBY, in her official capacity
as Acting Director of the Wyoming Bureau
of Land Management Office,

BILL GROFFY, in his official capacity
as Acting Director of the Bureau of Land
Management,

BUREAU OF LAND
MANAGEMENT,

DOUG BURGUM, in his official
capacity as Secretary of the U.S.
Department of the Interior, and

SECRETARY OF THE INTERIOR,

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. This case concerns the federal government’s unlawful issuance of thousands of oil, gas, and mineral leases, drilling permits, and other authorizations in Wyoming. Under federal law, the Bureau of Land Management (BLM) may only take actions and authorizations pursuant to a valid Resource Management Plan (RMP). Congress has now confirmed that each and every RMP in Wyoming—and many across the nation—is legally invalid because none of the RMPs were ever submitted to Congress under the Congressional Review Act (CRA). This means that each and every oil, gas, and mineral lease, drilling permit, and other authorization issued pursuant to those RMPs is also invalid.

2. BLM develops RMPs under its organic statute, the Federal Land Policy and Management Act (FLPMA), to manage resources and uses of America’s public lands. Under FLPMA, the Secretary’s management of public lands must be “in accordance with the land use plans developed by him,” 43 U.S.C. § 1732(a), and FLPMA’s implementing regulations make clear that all resource management authorizations and actions must “conform to [an] approved plan,” 43 C.F.R. § 1610.5-3(a). BLM therefore may issue oil, gas, and mineral leases and related development authorizations for public lands if—and only if—a valid RMP is in effect for the relevant lands.

3. Congress has now made clear that there are no valid RMPs in effect for public lands in Wyoming, because Defendants have never submitted an RMP for Wyoming to Congress pursuant to the CRA. Congress enacted the CRA in 1996 to promote accountability in the federal regulatory process and provide elected representatives with oversight over agency rulemaking. The CRA prescribes mandatory procedures for agencies to follow when issuing new “rules,” which the CRA defines to include any “agency statement of general or particular applicability

and future effect designed to implement, interpret, or prescribe law or policy.” 5 U.S.C. §§ 551(4), 804(3). The CRA requires federal agencies to submit each new rule they issue to Congress and the Government Accountability Office (GAO). Congress then has the opportunity to vote to disapprove the rule.

4. Under the CRA, an agency’s failure to submit a rule to Congress as required carries a clear consequence: the rule cannot “take effect.” 5 U.S.C. § 801(a)(1)(A).

5. GAO has recently determined that RMPs constitute “rules” for purposes of the CRA, [and Congress ratified that determination by voting to overturn three RMPs pursuant to the CRA’s procedures for Congress to disapprove an agency rule].

6. BLM’s problems do not stop at the three RMPs for which [Congress has now passed resolutions of disapproval]: BLM has never submitted its RMPs to Congress—for decades—in accordance with the CRA. Nationwide, there are more than 170 RMPs plus RMP amendments (RMPAs), as well as project-specific RMPAs for pipelines, transmission lines and large oil and gas projects, virtually none of which have been submitted to Congress and the GAO pursuant to the CRA. These plans that have not been submitted under the CRA have no lawful effect, and yet BLM has taken and is continuing to take management actions and approving authorizations pursuant to them.

7. For instance, BLM has taken actions and authorizations under a total of ten legally ineffective RMPs in Wyoming, including the 2,599 oil and gas leases that BLM has issued statewide on over 2.1 million acres. Because these RMPs never took legal effect, all actions and authorizations approved under them are void.

8. This case concerns four such Wyoming RMPs under which BLM has been unlawfully taking actions and authorizations, including mineral leasing and approving projects

for oil and gas drilling and trona mining. These four Wyoming RMPs are for the Pinedale, Kemmerer, Casper, and Lander Field Offices.

9. Because the RMPs for these Field Offices never took legal effect, every action or authorization that BLM has approved pursuant to these rules is void ab initio. That includes thousands of authorizations that BLM has issued purportedly pursuant to those RMPs, including oil and gas, coal, and other non-fluid mineral leases; grazing permits; rights-of-way for pipelines, powerlines, and roads; travel management plans; recreation permits; and mining and development authorizations for oil and gas and other minerals including trona. For oil and gas leases alone, BLM has issued over 1,100 oil leases on over 793,000 acres just in the Pinedale, Casper, and Lander Field Offices. And BLM has approved multiple trona mining projects in the Kemmerer Field Office, including a trona mining project approved as recently as May 2025.

10. BLM continues to this day to make resource management authorizations and actions, including the issuance of leases, pursuant to the legally defective RMPs.

11. All of these authorizations and actions are unlawful agency actions under the Administrative Procedure Act (APA), because they violate FLPMA's most basic requirement that such actions be taken pursuant to a valid RMP. Plaintiffs therefore seek to declare unlawful and have this Court vacate every unlawful authorization provided pursuant to the four RMPs at issue in this case.

PARTIES

12. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED],

[REDACTED]

13. [REDACTED]

14. [REDACTED]

15. Plaintiffs have been adversely affected and will be irreparably harmed by BLM's actions and authorizations under the challenged RMPs. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Plaintiffs' injuries are actual and concrete and would be remedied by the relief sought in this case.

16. Defendant Doug Burgum is the Secretary of the United States Department of the Interior, the highest ranking official in the Department of the Interior. Secretary Burgum oversees oil and gas development and other authorizations on federal and tribal lands and is responsible for actions and authorizations under the RMPs challenged here. Plaintiffs sue Secretary Burgum in his official capacity.

17. Defendant the U.S. Department of the Interior is an executive branch department and is the parent agency of the Bureau of Land Management.

18. Defendant Bill Groffy is the Acting Director of the United States Bureau of Land Management, the highest-ranking official in the Bureau of Land Management. Plaintiffs sue Defendant Groffy in his official capacity.

19. Defendant the Bureau of Land Management is a subagency within the Department of the Interior. The Secretary has delegated to the Bureau of Land Management the day-to-day management of federal lands.

20. Defendant Kris Kirby is the Acting Director of the Bureau of Land Management Wyoming, the highest-ranking official governing Wyoming State programs. She is responsible for approving Resource Management Plans for Wyoming. Plaintiffs sue Defendant Kirby in her official capacity.

JURISDICTION AND VENUE

21. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction); § 2201 (authorizing declaratory relief); § 2202 (authorizing injunctive relief); and 5 U.S.C. § 702 (providing for judicial review of agency action under the APA).

22. Venue in this district is predicated upon 5 U.S.C. § 703 and 28 U.S.C. § 1391(e)(1). Venue in the District of Wyoming is proper because this case concerns BLM actions affecting public lands in Wyoming.

BACKGROUND

The Federal Land Policy and Management Act of 1976

23. The Federal Land Policy and Management Act of 1976, as amended (FLPMA), directs BLM to develop, maintain, and when appropriate, revise “land use plans which provide by tracts or areas for the use of the public lands.” 43 U.S.C. § 1712(a).

24. BLM land use plans are referred to as “resource management plans,” or “RMPs,” and they establish goals and objectives to guide BLM’s future land and resource management actions. RMPs govern all uses on public lands. 43 U.S.C. § 1732; 43 C.F.R. § 1601.0-2.

25. Under FLPMA, the Secretary’s management of public lands must be “in accordance with the land use plans developed by him.” 43 U.S.C. § 1732.

26. FLPMA’s implementing regulations likewise provide that “all future resource management authorizations and actions . . . shall conform to the approved plan.” 43 C.F.R. § 1610.5-3(a).

27. Accordingly, all BLM resource management actions and authorizations, including permitting and leasing of activities taking place on public lands, must be done in accordance with a valid RMP.

The Congressional Review Act

28. The CRA was enacted in 1996 to increase congressional oversight over federal agency rulemaking. With passage of the CRA, Congress provided a mechanism for congressional review and disapproval authority over new rules.

29. The CRA requires agencies to submit every rule that they adopt to Congress for its review before the rule can go into effect. The statute provides that “*Before a rule can take effect*, the Federal Agency promulgating such rule *shall submit* to each House of the Congress and to the Comptroller General [of the GAO] a report containing” a copy of the rule, the rule’s proposed effective date, and “a concise general statement relating to the rule,” along with other information. 5 U.S.C. § 801(a)(1)(A) (emphasis added).

30. Congress may review a rule only once it has been submitted. 5 U.S.C. § 802(a). After the rule is submitted, Congress can, if it disagrees with the rule, adopt a joint resolution of disapproval voiding the rule through expedited procedures. 5 U.S.C. §§ 801(b)(1), 802(a) (providing that a joint resolution may only be introduced in the period beginning “on the date on which the report . . . is received by Congress” and ending 60 legislative days thereafter). Accordingly, an agency’s failure to submit a rule under the CRA prevents Congress from exercising its oversight and legislative functions.

31. If both Houses of Congress pass such a joint disapproval resolution, it is presented to the President for his signature. *See* 142 Cong. Rec. S3683. If both Houses pass and the

President signs such a joint resolution, the CRA provides that the agency rule “shall not take effect.” 5 U.S.C. § 801(b).

32. The CRA adopts the Administrative Procedure Act’s definition of “rule,” which provides that a covered “rule” includes “the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency.” 5 U.S.C. §§ 551(4), 804(3).

33. The CRA exempts from its requirements only three categories of rules: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. § 804(3).

Congress Determines that Resource Management Plans Are CRA Rules

34. Land management agencies like BLM have historically not submitted RMPs or other land or resource management plans to Congress, taking the position that such plans are not “rules” for CRA purposes.

35. But Congress has recently requested opinions from GAO regarding whether RMPs are rules under the CRA, and thus subject to the CRA review process. GAO determined that RMPs do meet the CRA’s definition of a “rule,” because: (i) each RMP is “an agency statement as it was issued by BLM”; (ii) each RMP is “of future effect as it is to be used prospectively to guide the management of the [relevant] planning area and later site-specific projects”; and (iii) each RMP “implements, interprets, or prescribes law or policy because it prescribes and implements a consolidated direction under one plan to address land and resource use and development on BLM-managed public lands within the planning area in accordance with

FLPMA.” U.S. Gov’t Accountability Off., *Applicability of the Congressional Review Act to Central Yukon Record of Decision and Approved Resource Management Plan*, B-337200, at 5-6. (June 25, 2025); accord U.S. Gov’t Accountability Off., *Applicability of the Congressional Review Act to North Dakota Field Office Record of Decision and Approved Resource Management Plan*, B-337175 (June 25, 2025); U.S. Gov’t Accountability Off., *Applicability of the Congressional Review Act to Miles City Field Office Record of Decision and Approved Resource Management Plan Amendment*, B-337163 (June 25, 2025).

36. GAO further advised Congress that RMPs and RMPAs must “be submitted to Congress and the Comptroller General before [they] can take effect,” meaning that they currently are not, and have not been, legally effective. B-337200, at 11.

37. The House of Representatives recently passed three resolutions of disapproval under the CRA to repeal three RMPs. H.R.J. Res. 104, 119th Cong. (2025) (providing for CRA disapproval of the Miles City Field Office Record of Decision and Approved Resource Management Plan Amendment); H.R.J. Res. 105, 119th Cong. (2025) (providing for CRA disapproval of North Dakota Field Office Record of Decision and Approved Resource Management Plan); H.R.J. Res. 106, 119th Cong. (2025) (providing for CRA disapproval of Central Yukon Record of Decision and Approved Resource Management Plan). [The Senate passed the joint disapprovals, and they took effect with the President’s signature on [date]].

38. These resolutions of disapproval make clear that Congress has, for the first time, determined that RMPs are “rules” subject to CRA requirements. *See, e.g.*, H.R. J. Res. 104, 119th Cong. (2025) (disapproving of the RMP as a “rule,” and relying on the GAO opinion “concluding that such . . . resource management plan [] is a rule under the Congressional Review Act”).

39. The CRA is clear that “[b]efore a rule can take effect,” an agency must submit the rule to Congress under the CRA’s statutory review procedures. 5 U.S.C. § 801(a)(1)(A) .

The Resource Management Plans for Pinedale, Kemmerer, Casper, and Lander Field Offices in Wyoming

40. The Pinedale Field Office manages 923,000 acres of public land and 1.2 million acres of federal mineral estate in western Wyoming.

41. BLM approved the RMP for the Pinedale Field Office in November 2008. *Record of Decision and Approved Pinedale Resource Mgmt. Plan*, United States Dep’t of the Interior, Bureau of Land Mgmt. Pinedale Field Office (Nov. 26, 2008) <https://perma.cc/KWC2-K29W>; *see* 74 Fed. Reg. 828 (January 8, 2009).

42. BLM has not submitted the Pinedale RMP to Congress for review under the CRA.

43. The Kemmerer Field Office manages 1.4 million acres of public land and 1.6 million acres of federal mineral estate.

44. BLM approved the RMP for the Kemmerer Field Office in May 2010. *Record of Decision and Approved Resource Mgmt. Plan*, United States Dep’t of the Interior, Bureau of Land Mgmt. Kemmerer Field Office (May 13, 2010) <https://perma.cc/F9X8-HVLP>; *see* 75 Fed. Reg. 30426 (June 1, 2010).

45. BLM has not submitted the Kemmerer RMP to Congress for review under the CRA.

46. The Casper Field Office manages 1.4 million acres of public land and 4.7 million acres of federal mineral estate.

47. BLM approved the RMP for the Casper Field Office in 2007. *Record of Decision and Approved Casper Resource Management Plan* (Dec. 10, 2007) <https://perma.cc/6A8P-XR5P>; *see* 72 Fed. Reg. 69706.

48. BLM has not submitted its Casper RMP to Congress for review under the CRA.

49. The Lander Field Office manages more than 2.4 million acres of public land and 2.8 million acres of federal mineral estate.

50. BLM approved the RMP for the Lander Field Office in 2014. *Record of Decision and Approved Resource Management Plan for the Lander Field Office Planning Area* at 17, U.S. Dep't of the Interior, Bureau of Land Mgmt. (June 2014) <https://perma.cc/7U2C-X4PS>.

51. BLM has not submitted its Lander RMP to Congress for review under the CRA.

52. The Pinedale, Kemmerer, Casper, and Lander RMPs are all “rules” subject to the CRA, as Congress has recently confirmed in voting on disapproval resolutions for other RMPs. Because BLM has not submitted any of these RMPs to Congress as required under the CRA, the Pinedale, Kemmerer, Casper, and Lander RMPs never took legal effect.

Leasing and Permitting under the RMPs for the Pinedale, Kemmerer, Casper, and Lander Field Offices

53. Throughout BLM’s ten Field Offices in Wyoming, BLM has issued 2,599 oil and gas leases on over 2,191,854 acres pursuant to RMPs finalized and approved after the CRA’s enactment on March 29, 1996.

54. Since BLM approved the Pinedale RMP in 2008, BLM has approved approximately 67 oil and gas leases, spanning over 69,323 acres, pursuant to that RMP. Over 40 of those oil and gas leases have been approved since 2019.

55. Since BLM approved the Kemmerer RMP in 2010, BLM has approved multiple trona mining projects pursuant to that RMP, including the Big Dry Creek Sodium Lease Sale (2021), the Genesis Mineral Material Sale (2022), the American Soda Five Year Mine Plan (2024), and the Dry Creek Trona Mine Project, which was recently approved by the Trump administration in May 2025. The Dry Creek project authorizes development of four 2019 trona

mining leases on over 4,900 acres and refinement of the mined materials in new facilities. The project is estimated to produce approximately 6.06 million tons of soda ash and 440,900 tons of sodium bicarbonate per year. In addition to lease and project approvals, the companies have applied for rights of way to construct, operate and decommission numerous ancillary facilities, including temporary access roads, rail and transmission lines, water and natural gas pipelines, and storage ponds and stockpiles.

56. Since BLM approved the Casper RMP in 2007, BLM has approved 885 oil and gas leases, spanning over 537,000 acres. Since BLM approved the Lander RMP in 2014, BLM has approved 154 oil and gas leases, spanning over 186,677 acres. Pursuant to both the Casper and Lander RMPs, BLM has also approved multiple large-scale oil and gas projects to develop leases within those field offices. The Converse County Oil and Gas Project was approved in December 2020, authorizing drilling of up to 5,000 oil and gas wells on 1,500 well pads and associated infrastructure over a period of 10 years, with producing wells for 30 years, pursuant to the 2007 Casper RMP. The Moneta Divide Natural Gas and Oil Development Project was approved in August 2020, authorizing drilling up to 4,250 wells and related infrastructure (e.g., over 800 miles of roads and nearly 600 miles of pipelines) over approximately 15 years, pursuant to the 2007 Casper RMP and the 2014 Lander RMP.

CLAIMS FOR RELIEF

COUNT I

Violation of the Administrative Procedure Act: Not in Accordance with Law

57. Plaintiffs hereby incorporate by reference the foregoing paragraphs of the Complaint as if set forth herein.

58. The APA provides that a court “shall” “hold unlawful and set aside agency action” found to be “not in accordance with law.” 5 U.S.C. § 706(2)(A).

59. An agency action is reviewable under the APA if it is a final agency action. 5 U.S.C. § 704. An agency action is final if it “mark[s] the consummation of the agency’s decisionmaking process” and is an action by which “rights or obligations have been determined, or from which legal consequences will flow.” *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997) (cleaned up).

60. BLM’s actions and authorizations adopted under the Pinedale, Kemmerer, Casper, and Lander RMPs, including oil and gas and trona mining leases and subsequent development authorizations on those leases, are each final agency actions reviewable under 5 U.S.C. § 704, because they determine lessees’ rights and obligations; produce legal consequences by authorizing or restricting rights to use of federal lands; and confer enforceable rights to use public resources.

61. BLM’s actions and authorizations adopted under the Pinedale, Kemmerer, Casper, and Lander RMPs do not comply with FLPMA and its implementing regulations. BLM may only award permits, leases, rights of way, and other authorizations “in accordance with” a valid land use plan. 43 U.S.C. § 1732(a). FLPMA’s implementing regulations likewise provide that all “resource management authorizations and actions . . . shall conform to the approved [RMP].” 43 C.F.R. § 1610.5-3(a).

62. Every permit, lease, right of way, and other authorization that BLM issued purportedly pursuant to the Pinedale, Kemmerer, Casper, and Lander RMPs violates FLPMA and its implementing regulations, because the RMPs never went into legal effect.

63. Because RMPs are rules under the CRA, BLM was required to submit the RMPs to both houses of Congress and the GAO before they could “take effect.” 5 U.S.C. § 801(a)(1)(A). But BLM never did so.

64. The Pinedale, Kemmerer, Casper and Lander Field Office RMPs therefore were not in effect when BLM issued each permit, lease, right of way, and other site-specific authorization for the covered areas of Wyoming.

65. Accordingly, BLM's issuance of each such permit, lease, right of way, and other site-specific authorization was not in accordance with law, and must be declared unlawful and vacated under the APA. 5 U.S.C. § 706(2)(A).

66. Under the APA, the legal effect of declaring unlawful and vacating an unlawful agency action is that the action is "treated as though it had never happened" *Griffin v. HM Fla.-ORL, LLC*, 144 S. Ct. 1, 2 (2023) (Statement of Kavanaugh, J.). In other words, the agency action is "formally nullif[ied] and revoke[d]." *Data Mktg. P'ship, LP v. Dep't of Lab.*, 45 F.4th 846, 859 (5th Cir. 2022).

67. All permits, leases, rights of way, and other site-specific authorizations for the Pinedale, Kemmerer, Casper, and Lander Field Offices therefore must be nullified and revoked, as if they were never issued.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs request that this Court:

A. Declare unlawful and set aside all permits, leases, rights of way, and other site-specific authorizations issued pursuant to the RMPs for the Pinedale, Kemmerer, Casper, and Lander Field Offices.

B. Declare that all permits, leases, rights of way, and other site-specific authorizations issued pursuant to the RMPs for the Pinedale, Kemmerer, Casper, and Lander Field Offices are null and void, and as a legal matter were never issued.

C. Postpone the effective date of all permits, leases, rights of way, and other site-specific authorizations issued pursuant to the RMPs for the Pinedale, Kemmerer, Casper, and Lander Field Offices, pursuant to 5 U.S.C. § 705.

D. Declare unlawful, and preliminarily and permanently enjoin Defendants—and all corporations, organizations, and persons acting in concert or participation with Defendants—from taking any action pursuant to, or based on, any permits, leases, rights of way, and other site-specific authorizations that have been issued pursuant to the RMPs for the Pinedale, Kemmerer, Casper, and Lander Field Offices.

E. Award Plaintiffs costs, attorneys' fees, and other disbursement for this action.

F. Grant any other relief as the Court may deem proper and just.

October __

Respectfully submitted,

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