

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Wilderness Society, et al. v. Douglas Burgum, et al.

Wilderness Society v. Burgum, No. 22-cv-1871 (CRC) (D.D.C. Mar. 19, 2026) · No. 22-cv-1871 (CRC) ·
Decided March 19, 2026

SUMMARY

The memorandum opinion addresses the Conservation Groups’ motion for attorney fees and expenses under the Equal Access to Justice Act following their partial success in challenging a Bureau of Land Management oil and gas lease sale in Wyoming. The court analyzes deductions for clerical work, block billing, administrative proceedings, and travel, as well as reductions based on the plaintiffs’ degree of success. The court awards \$170,016.37 in attorney fees and \$200 in expenses.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Christopher R. Cooper
JURISDICTION	United States District Court for the District of Columbia
DECIDED	March 19, 2026
DOCKET	22-cv-1871 (CRC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs, having prevailed in part on cross-motions for summary judgment in an action challenging a Bureau of Land Management lease sale under NEPA and the APA, moved for attorney fees and expenses under the Equal Access to Justice Act.
STANDARD OF REVIEW	The Court exercised discretion to determine the amount of a reasonable EAJA fee award, applying the lodestar method and considering the degree of success obtained. It reviewed the requested time entries for compensability, excessiveness, duplication, and clerical character.
PRECEDENTIAL VALUE	Published district-court memorandum opinion; persuasive authority but not binding circuit precedent.

TOPICS

- attorney fees
- environmental impact review
- judicial review of agency action
- administrative law
- remedies

PRACTICE AREAS

environmental law

administrative law

attorney fees

civil procedure

QUESTIONS PRESENTED

1. Whether the Conservation Groups were entitled to attorney fees and expenses under the EAJA as prevailing parties.
2. Whether particular time entries for clerical work, block-billed work, pre-litigation administrative proceedings, and travel were compensable under the EAJA.
3. Whether the fee award should be reduced to reflect the Conservation Groups' partial success and failure to obtain vacatur of the leases.
4. Whether expert expenses incurred during pre-litigation administrative proceedings and pro hac vice application fees were recoverable under the EAJA.

HOLDINGS

1. Purely clerical or secretarial tasks are not compensable under the EAJA, even when performed by a paralegal, because they are generally included in law-firm overhead; work that is legal in nature may be compensable at a paralegal rate.
2. Time and expenses incurred during administrative proceedings preceding the challenged agency action are not compensable under the EAJA when those proceedings were not ordered by the district court and the civil action did not remain pending through them.
3. A prevailing party's EAJA fee award may be reduced to reflect limited overall success, including failure to obtain the ultimate relief sought, even when the claims are related.
4. Pro hac vice application fees incurred by out-of-district counsel for the litigation may be recoverable as EAJA expenses.

KEY QUOTATIONS

“A party is therefore eligible for fees, costs, and expenses under the EAJA if (1) the party was a “prevailing party”; (2) the government’s position was not “substantially justified”; (3) no special circumstances make an award unjust; and (4) the party satisfies the threshold eligibility requirements under 28 U.S.C. § 2412(d)(2) (B).” (at 4)

“The Supreme Court “has stated consistently that fees for administrative proceedings can only be awarded under § 2412(d)(1)(A) if the district court ordered the further proceedings, and the district court action remained pending until the conclusion of the administrative proceedings.”” (at 12)

“Because the Conservation Groups did not obtain “the ultimate ruling [they] sought,” the Court concludes that a 40 percent reduction to their fee award “fairly accounts for [their] overall level of success in the litigation.”” (at 17)

FACTUAL BACKGROUND

BLM finalized lease sales covering nearly 120,000 acres of Wyoming public land for oil and gas development. In the underlying litigation, the Court found deficiencies in BLM's analysis of groundwater, wildlife, and greenhouse-gas impacts, while rejecting other challenges concerning the range of alternatives and the size of the Wyoming sale. The Court remanded without vacating the leases and temporarily barred new drilling permits and surface disturbance during remand.

PROCEDURAL HISTORY

The Conservation Groups challenged BLM's June 2022 auction of nearly 120,000 acres of Wyoming public land for oil and gas development. The Court previously granted partial summary judgment, holding that BLM violated NEPA and the APA in portions of its environmental analysis, remanded without vacatur, and temporarily enjoined approval of new drilling permits and surface-disturbing activities during remand. The government voluntarily dismissed its appeal. Plaintiffs then sought approximately \$300,000 in EAJA fees and expenses; the Court granted the motion in part and denied it in part, awarding \$170,016.37 in fees and \$200 in expenses.

DISPOSITION

other

REMAND INSTRUCTIONS

No new remand was ordered in this fee opinion. The underlying case had previously been remanded to BLM to correct deficiencies in its NEPA and APA analysis, while the leases remained in place and new drilling permits and surface disturbance were temporarily enjoined during remand.

CASES CITED

- *Wilderness Society v. U.S. Department of Interior*, No. 22-cv-1871 (CRC), 2024 WL 1241906 (D.D.C. Mar. 22, 2024)
- *Wilderness Society v. U.S. Department of Interior*, No. 22-cv-1871 (CRC), 2024 WL 3443754 (D.D.C. July 16, 2024)
- *Select Milk Producers, Inc. v. Johanns*, 400 F.3d 939, 941 (D.C. Cir. 2005)
- *Center for Food Safety v. Burwell*, 126 F. Supp. 3d 114, 119 (D.D.C. 2015)
- *SecurityPoint Holdings, Inc. v. TSA*, 836 F.3d 32, 35-36, 40-41 (D.C. Cir. 2016)
- *Washington Alliance of Technology Workers v. DHS*, 857 F.3d 907, 910 (D.C. Cir. 2017)
- *Hensley v. Eckerhart*, 461 U.S. 424, 433-37, 440 (1983)
- *Murray v. Weinberger*, 741 F.2d 1423, 1427 (D.C. Cir. 1984)
- *Animal Legal Defense Fund, Inc. v. Perdue*, 292 F. Supp. 3d 315, 317-20 (D.D.C. 2018)
- *George Hyman Construction Co. v. Brooks*, 963 F.2d 1532, 1535 (D.C. Cir. 1992)
- *Oklahoma Aerotronics, Inc. v. United States*, 943 F.2d 1344, 1347 (D.C. Cir. 1991)
- *In re Olson*, 884 F.2d 1415, 1426, 1428 (D.C. Cir. 1989) (per curiam)
- *Cobell v. Norton*, 407 F. Supp. 2d 140, 156, 164 (D.D.C. 2005)
- *Lopez v. District of Columbia*, 383 F. Supp. 2d 18, 25 (D.D.C. 2005)

- Role Models America, Inc. v. Brownlee, 353 F.3d 962, 971, 973 (D.C. Cir. 2004)
- National Law Center on Homelessness & Poverty v. U.S. Department of Veterans Affairs, 10 F. Supp. 3d 21, 28 (D.D.C. 2013)
- Driscoll v. George Washington University, 55 F. Supp. 3d 106, 117 (D.D.C. 2014)
- Dickens v. Friendship-Edison P.C.S., 724 F. Supp. 2d 113, 124 (D.D.C. 2010)
- Tridico v. District of Columbia, 235 F. Supp. 3d 100, 109 (D.D.C. 2017)
- Fitts v. Unum Life Insurance Co. of America, 680 F. Supp. 2d 38, 42 (D.D.C. 2010)
- Hernandez v. Chipotle Mexican Grill, Inc., 257 F. Supp. 3d 100, 112 (D.D.C. 2017)
- Montana Wildlife Federation v. Haaland, 127 F.4th 1, 25-26, 47 (9th Cir. 2025)
- Alfonso v. District of Columbia, 464 F. Supp. 2d 1, 5 (D.D.C. 2006)
- Western Watersheds Project v. U.S. Department of the Interior, 677 F.3d 922, 924-26 (9th Cir. 2012)
- Levernier Construction, Inc. v. United States, 947 F.2d 497, 503 (Fed. Cir. 1991)
- Full Gospel Portland Church v. Thornburgh, 927 F.2d 628, 631-33 (D.C. Cir. 1991) (per curiam)
- Shalala v. Schaefer, 509 U.S. 292, 299-300 (1993)
- F.J. Vollmer Co. v. Magaw, 102 F.3d 591, 599 (D.C. Cir. 1996)
- American Petroleum Institute v. EPA, 72 F.3d 907, 911 (D.C. Cir. 1996)
- Goos v. National Association of Realtors, 68 F.3d 1380, 1384, 1387 (D.C. Cir. 1995)
- Sierra Club v. Van Antwerp, 719 F. Supp. 2d 77, 78 (D.D.C. 2010)
- INS v. Jean, 496 U.S. 154, 163 n.10 (1990)
- EPIC v. DEA, 266 F. Supp. 3d 162, 173-74 (D.D.C. 2017)
- Osterweil v. Bartlett, 92 F. Supp. 3d 14, 37 (N.D.N.Y. 2015)

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