

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Powder River Basin Resource Council v. Department of the Interior

Powder River Basin Resource Council v. Department of the Interior · No. Civil Action No. 2022-2696 (TSC) ·
Decided February 27, 2026

SUMMARY

The U.S. District Court for the District of Columbia considers environmental groups’ challenge to the Department of the Interior and Bureau of Land Management’s approval of the Converse County Oil and Gas Project in Wyoming. The court holds that BLM violated NEPA by failing to adequately analyze reasonable alternatives, including paced development and targeted greenhouse-gas mitigation. The court grants plaintiffs’ summary judgment motion, denies as moot motions to dissolve the injunction, and denies leave to file a second amended complaint.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Tanya S. Chutkan
JURISDICTION	United States District Court for the District of Columbia
DECIDED	February 27, 2026
DOCKET	Civil Action No. 2022-2696 (TSC)
DISPOSITION	vacated
PROCEDURAL POSTURE	Plaintiffs sought summary judgment on claims challenging the Department of the Interior and BLM's approval of the Converse County Oil and Gas Project under NEPA, the APA, FLPMA, and the MLA. The court considered Plaintiffs' remaining summary-judgment claims, Defendants' and Intervenor's motions to dissolve an interim injunction, and Plaintiffs' motion for leave to file a second amended complaint.
STANDARD OF REVIEW	Under the APA, the court reviews agency action under the arbitrary-and-capricious standard and sets it aside if it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. In APA cases, summary judgment is resolved as a matter of law based on whether the agency action is supported by the administrative record and consistent with the APA standard. NEPA claims are reviewed under the APA because NEPA provides no independent private right of

	action. The court reviews an agency's definition of objectives and selection of alternatives under the rule of reason.
PRECEDENTIAL VALUE	Published district court memorandum opinion; persuasive within the district and subject to appellate review
PARTIES	Powder River Basin Resource Council, Western Watersheds Project v. U.S. Department of the Interior, U.S. Bureau of Land Management

TOPICS

environmental impact review oil and gas administrative procedure act judicial review of agency action remedies

PRACTICE AREAS

environmental law administrative law oil and gas mineral rights remedies

QUESTIONS PRESENTED

1. Whether Plaintiffs' remaining challenges to the 2020 Converse County EIS and ROD were moot after BLM issued supplemental groundwater analyses and reaffirmed the Project approval.
2. Whether BLM violated NEPA by eliminating from detailed study a reasonable alternative involving a slower or paced rate of development.
3. Whether BLM violated NEPA by failing to adequately consider a standalone alternative involving direct greenhouse-gas reduction and mitigation measures.
4. Whether the 2020 EIS and ROD should be vacated and remanded rather than remanded without vacatur.
5. Whether Plaintiffs should be permitted to supplement or amend the complaint to add claims challenging later BLM environmental documents and permit approvals.

HOLDINGS

1. Plaintiffs' remaining claims were not moot because BLM's later supplemental environmental documents reaffirmed and incorporated the 2020 EIS and ROD rather than correcting or superseding the challenged environmental analysis.
2. BLM violated NEPA by eliminating from detailed study a reasonable alternative that would have limited or paced the rate of well development.
3. BLM violated NEPA by eliminating a reasonable alternative involving direct greenhouse-gas mitigation without adequately considering feasible measures short of carbon-neutral operations or total elimination of venting and flaring.
4. The 2020 Converse County EIS and ROD must be vacated and remanded to BLM for further consideration.

5. Plaintiffs' motion for leave to file a second amended complaint was denied because the proposed claims concerned separate, later agency actions and would radically alter the scope and nature of the litigation, causing delay and prejudice.

KEY QUOTATIONS

“The heart of an EIS is its analysis of a reasonable range of alternatives to the agency’s proposed action.” (at 8)

“Applying the rule of reason, the court concludes that in eliminating reduced rate of development and greenhouse gas reduction alternatives without further analysis, BLM violated its obligation to rigorously evaluate a reasonable range of alternatives to its proposed action.” (at 14)

“Although vacatur is the typical remedy for an APA violation, it is not inevitable.” (at 15)

“Because the 2025 approvals rest on separate procedures, administrative records, and decision documents independently authorizing development, they constitute new, final agency actions subject to separate NEPA and APA review, rather than extensions of the 2020 EIS or ROD.” (at 19)

FACTUAL BACKGROUND

The Department of the Interior and BLM approved the Converse County Oil and Gas Project in Wyoming, selecting an alternative authorizing approximately 5,000 new wells on 1,500 new well pads over ten years and amending the Casper Resource Management Plan. The Project area included federal and nonfederal surface estates overlying federal minerals, and BLM subsequently issued applications for permits to drill. Plaintiffs challenged the environmental review, including BLM's groundwater modeling, alternatives analysis, greenhouse-gas mitigation analysis, and compliance with obligations to prevent unnecessary or undue degradation. After the court identified a groundwater-modeling deficiency, BLM issued supplemental groundwater analyses and reaffirmed the Project approval.

PROCEDURAL HISTORY

Plaintiffs filed suit in September 2022 challenging the Project's 2020 EIS, Record of Decision, and related approvals. The court previously denied preliminary injunctive relief, granted in part and denied in part a motion to dismiss, denied a motion to transfer, and entered partial summary judgment for Plaintiffs after finding BLM's groundwater modeling arbitrary and capricious. After supplemental remedies briefing and subsequent BLM groundwater analyses, the court granted Plaintiffs' remaining motion for summary judgment, vacated and remanded the 2020 EIS and ROD, denied as moot the motions to dissolve the injunction, and denied leave to file a second amended complaint.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The 2020 Converse County EIS and ROD are vacated and remanded to BLM for further consideration consistent with the opinion, including adequate analysis of reasonable alternatives involving a slower pace of development and direct greenhouse-gas mitigation measures. Vacatur does not require unwinding completed wells, infrastructure, or existing drilling permits, and does not prevent independent BLM authorizations in the Converse County area.

CASES CITED

- Coe v. McHugh, 968 F. Supp. 2d 237, 239-40 (D.D.C. 2013)
- Env't Def. Fund, Inc. v. Costle, 657 F.2d 275, 283 (D.C. Cir. 1981)
- Owner-Operator Indep. Drivers Ass'n v. Fed. Motor Carrier Safety Admin., 494 F.3d 188, 203-04 (D.C. Cir. 2007)
- Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983)
- U.S. Air Tour Ass'n v. FAA, 298 F.3d 997, 1008 (D.C. Cir. 2002)
- Eagle-Picher Indus., Inc. v. EPA, 759 F.2d 905, 921 (D.C. Cir. 1985)
- Fulbright v. McHugh, 67 F. Supp. 3d 81, 89 (D.D.C. 2014)
- Theodore Roosevelt Conservation P'ship v. Salazar, 661 F.3d 66, 72-73 (D.C. Cir. 2011)
- Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 348 (1989)
- In re Polar Bear Endangered Species Act Listing & 4(d) Rule Litig., 818 F. Supp. 2d 214, 238 (D.D.C. 2011)
- Sierra Club v. FERC, 827 F.3d 59, 63 (D.C. Cir. 2016)
- Am. Freedom Def. Initiative v. Wash. Metro. Area Transit Auth., 901 F.3d 356, 361-62 (D.C. Cir. 2018)
- Initiative & Referendum Inst. v. USPS, 685 F.3d 1066, 1074 (D.C. Cir. 2012)
- Nat'l Black Police Ass'n v. District of Columbia, 108 F.3d 346, 349 (D.C. Cir. 1997)
- Pickus v. U.S. Bd. of Parole, 507 F.2d 1107, 1111 (D.C. Cir. 1974)
- Organic Trade Ass'n v. U.S. Dep't of Agric., 370 F. Supp. 3d 98, 111 (D.D.C. 2019)
- Oceana, Inc. v. Evans, 384 F. Supp. 2d 203, 240 (D.D.C. 2005)
- Citizens Against Burlington, Inc. v. Busey, 938 F.2d 190, 195-96 (D.C. Cir. 1991)
- Stand Up for California! v. U.S. Dep't of the Interior, 919 F. Supp. 2d 51, 77 (D.D.C. 2013)
- New Mexico ex rel. Richardson v. BLM, 565 F.3d 683, 710 (10th Cir. 2009)
- Copper Valley Mach. Works, Inc. v. Andrus, 653 F.2d 595, 601 (D.C. Cir. 1981)
- Nat. Res. Def. Council, Inc. v. Berklund, 458 F. Supp. 925, 936 n.17 (D.D.C. 1978)
- WildEarth Guardians v. Zinke, 368 F. Supp. 3d 41, 52 (D.D.C. 2019)
- Citizens Action Coal. of Ind., Inc. v. FERC, 125 F.4th 229, 235 (D.C. Cir. 2025)
- Point Park Univ. v. NLRB, 457 F.3d 42, 50 (D.C. Cir. 2006)
- Am. Fed'n of Lab. & Cong. of Indus. Orgs. v. NLRB, 57 F.4th 1023, 1049 (D.C. Cir. 2023)
- Good Fortune Shipping SA v. Comm'r, 897 F.3d 256, 263 (D.C. Cir. 2018)
- Union Neighbors United, Inc. v. Jewell, 831 F.3d 564, 577 (D.C. Cir. 2016)
- High Country Conservation Advocs. v. U.S. Forest Serv., 951 F.3d 1217, 1224 (10th Cir. 2020)
- Colo. Env't Coal. v. Dombeck, 185 F.3d 1162, 1175 (10th Cir. 1999)

- Nat. Res. Def. Council, Inc. v. Morton, 458 F.2d 827, 836 (D.C. Cir. 1972)
- City of Grapevine v. Dep't of Transp., 17 F.3d 1502, 1506 (D.C. Cir. 1994)
- Standing Rock Sioux Tribe v. U.S. Army Corps of Eng'rs, 985 F.3d 1032, 1050-52 (D.C. Cir. 2021)
- Gulf Restoration Network v. Haaland, 47 F.4th 795, 804-05 (D.C. Cir. 2022)
- Allied-Signal, Inc. v. U.S. Nuclear Regul. Comm'n, 988 F.2d 146, 150-51 (D.C. Cir. 1993)
- Humane Soc'y of U.S. v. Kempthorne, 579 F. Supp. 2d 7, 21 (D.D.C. 2008)
- Cboe Futures Exch., LLC v. SEC, 77 F.4th 971, 982 (D.C. Cir. 2023)
- United States v. Hicks, 283 F.3d 380, 385 (D.C. Cir. 2002)
- Miss. Ass'n of Cooperatives v. Farmers Home Admin., 139 F.R.D. 542, 544 (D.D.C. 1991)
- Nat'l Treasury Emps. Union v. Helfer, 53 F.3d 1289, 1295 (D.C. Cir. 1995)
- Hall v. CIA, 437 F.3d 94, 101 (D.C. Cir. 2006)
- WildEarth Guardians v. Kempthorne, 592 F. Supp. 2d 18, 23 (D.D.C. 2008)
- Wolf v. CIA, 569 F. Supp. 2d 1, 11 (D.D.C. 2008)
- Howard v. Blank, 891 F. Supp. 2d 95, 102 (D.D.C. 2012)
- Lawrence v. Lew, 156 F. Supp. 3d 149, 174 (D.D.C. 2016)
- Djourabchi v. Self, 240 F.R.D. 5, 13 (D.D.C. 2006)
- Cause of Action Inst. v. U.S. Dep't of Just., 282 F. Supp. 3d 66, 76 (D.D.C. 2017)

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