

Implications of Southern Utah Wilderness Alliance et al. v. Gale Norton et al.¹

Background

- This case – brought by the Southern Utah Wilderness Alliance, Natural Resources Defense Council, and The Wilderness Society (collectively “SUWA”) – challenged the sale of 16 oil and gas leases by the Bureau of Land Management in Utah in November 2003. This was one of the first lease sales following a controversial April 2003 settlement agreement between then- Interior Secretary Norton and then-Utah Governor Leavitt that opened up millions of acres of wilderness quality lands in Utah and across the West for leasing and development.
- The court held in no uncertain terms that BLM’s leasing decision violated federal environmental law. There are two important aspects to the court’s decision:
 - First, that Utah BLM stuck its proverbial “head in the sand” when it rushed ahead to sell oil and gas leases in places that the agency itself concluded have – or are likely to have – wilderness character. As the court stated, “Utah BLM ignored significant new information when it decided to lease the sixteen parcels at issue without first conducting a supplemental NEPA analysis. The Utah BLM’s own files – as well as information provided by Southern Utah Wilderness Alliance – presented a textbook example of significant new information about the affected environment . . . that would be impacted by oil and gas development; information that was not reflected in BLM’s existing NEPA analyses.” Slip Op. at 23.
 - Second, that Utah BLM cannot rely on 30 year old environmental analyses to support oil and gas leasing today. The court stated that BLM’s decision to issue leases based on these analyses “is fatal to the agency’s leasing decision.” Slip Op. at 21.

Implications for Utah and Other Western States

- At every lease sale since November 2003, Utah BLM has offered wilderness quality lands for lease; each of those lease sales– covering well over 125,000 acres – is called into question by this decision. In addition, this decision takes millions of acres of Utah’s most wild public lands off the chopping block – until BLM follows the law – from oil and gas leasing development.
- The Bush Administration has also been pushing oil and gas leasing and development into the wildest corners of other Western states. BLM’s ability to sell leases in places like South Shale Ridge in Colorado, Otero Mesa in New Mexico, and Adobe Town in Wyoming is likely also implicated by this decision.

¹ A copy of this decision is available on SUWA’s website - http://www.suwa.org/library/Nov03LeaseSale_final_decision.pdf.