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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

STATE OF CALIFORNIA, by and through XAVIER BECERRA, ATTORNEY GENERAL, et al., Plaintiffs, v. UNITED STATES BUREAU OF LAND MANAGEMENT, et al., Defendants.	Case No. 3:17-cv-3804-EDL Consolidated with Case No. 3:17-cv-3885-EDL Date: September 19, 2017 Time: 9:00 a.m. Courtroom: Courtroom E, 15th Floor Judge: Hon. Elizabeth D. Laporte
SIERRA CLUB, et al., Plaintiffs, v. RYAN ZINKE, in his official capacity as Secretary of the Interior, et al., Defendants.	**CONSERVATION AND TRIBAL CITIZEN GROUPS' OPPOSITION TO MOTION TO TRANSFER VENUE**

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INTRODUCTION

On July 5, 2017, the States of California and New Mexico filed a lawsuit in this Court challenging the Bureau of Land Management's (BLM) decision to "postpone" the effective date of its Waste Prevention Rule, which already had been in effect for more than five months. *See* 82 Fed. Reg. 27,430, 27,431 (June 15, 2017) (Stay Notice). A few days later, the Conservation and Tribal Citizen Groups also challenged the Stay Notice in this Court. Because many of the key provisions BLM seeks to delay commence in less than six months—on January 18, 2017—and because the Stay Notice is invalid on its face, both sets of Plaintiffs quickly filed motions for summary judgment. BLM now attempts to delay adjudication of its unlawful Stay Notice by seeking to override Plaintiffs' choice of venue, but BLM has not come close to making the necessary showing.

Because this case has strong connections to California, Plaintiffs' choice of venue in this district merits substantial deference. The stayed provisions of the Waste Prevention Rule would have applied to the significant amount of oil and gas drilling that is occurring on BLM-administered leases in California. But the Stay Notice put on hold indefinitely the many benefits of the Rule, including preventing waste of public natural gas, increasing royalty payments to states, tribes, and local communities, and decreasing air pollution. The State of California has a sovereign interest in seeking these benefits for its land, people, and public treasury. The Conservation and Tribal Citizen Groups also have strong connections with California and the Northern District.

Against these strong connections with California, BLM argues that this case should be transferred to the District of Wyoming because different plaintiffs challenging a different agency action—BLM's decision to adopt the Waste Prevention Rule in the first place—chose that forum. But there would be little benefit to judicial economy from such a transfer. Plaintiffs' challenge to the Stay Notice involves an entirely distinct final agency action and a legal issue that is not presented in the Wyoming case: whether Secretary Zinke exceeded his authority under the Administrative Procedure Act (APA), 5 U.S.C. § 705, by attempting to postpone the effective date of a Rule that had been in effect for more than five months for the purpose of reconsidering it. In fact, judicial economy weighs *in favor* of retaining venue here because this Court is already considering that exact legal issue in a case filed more than two months before this case.

The Northern District of California also is the more convenient venue. The State of California, many of the Conservation and Tribal Citizen Groups, and BLM are all located here. Moreover, no attorneys litigating this case are located in Wyoming. Ultimately, none of the relevant factors favor venue in Wyoming, much less rise to the level necessary to override the deference due Plaintiffs' choice of forum. Accordingly, this Court should reject BLM's motion to transfer.

ARGUMENT

Pursuant to 28 U.S.C. § 1404(a), "[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented." To determine whether transfer is appropriate, this Court looks first at whether the proposed transferee court is a proper venue and second at the convenience of parties and witnesses and the interests of justice. *Ctr. for Biological Diversity v. Lubchenco*, No. C-09-4087 EDL, 2009 WL 4545169, at *2 (N.D. Cal. Nov. 30, 2009). The defendant bears the burden of showing that a transfer of venue is warranted. *Id.*

The Conservation and Tribal Citizen Groups do not contest that this case could have been brought in Wyoming, as well as many other states that will suffer the impacts of BLM's Stay Notice. Accordingly, the Court's inquiry here must focus on the convenience factors and the interests of justice. In assessing those factors, this Court examines:

> (1) the plaintiff's choice of forum; (2) the convenience of the parties; (3) the convenience of the witnesses; (4) ease of access to evidence; (5) familiarity of each forum with applicable law; (6) feasibility of consolidation of other claims; (7) any local interest in the controversy; and (8) the relative court congestion and time of trial in each forum.

Id. at 3 (citations omitted); *see also Jones v. GNC Franchising, Inc.*, 211 F.3d 495, 498–99 (9th Cir. 2000) (assessing similar factors). None of these factors favors a venue transfer here.[1]

[1] As this Court previously has recognized, many of these factors—such as witnesses' convenience, ease of access to evidence, and familiarity of each forum with the applicable law—are largely irrelevant in environmental cases involving issues of federal law resolved through summary judgment motions. *Lubchenco*, 2009 WL 4545169, at *3.

I. Because This Case Has Strong Connections to California, Plaintiffs' Choice of Venue in This District Should Not Be Disturbed.

As this Court has held, "plaintiff's choice of forum should rarely be disturbed" particularly "where a plaintiff chooses to sue in its home state." *Lubchenco*, 2009 WL 4545169, at *4 (citation omitted); *see also Piper Aircraft Co. v. Reyno*, 454 U.S. 235, 255 (1981) (recognizing the "strong presumption in favor of the plaintiff's choice of forum"). Although that substantial deference may be reduced where "plaintiff's venue choice is not its residence *or* where the forum chosen lacks a significant connection to the activities alleged in the complaint," *Lubchenco*, 2009 WL 4545169, at *4 (quoting *Fabus Corp. v. Asiana Express Corp.*, No. C-00-3172 PJH, 2001 WL 253185, at *1 (N.D. Cal. Mar. 5, 2001)), neither condition is met here. This case has a strong connection to California because the Stay Notice impacts the State, the State of California has an undeniable interest in litigating in its home state, and many of the Conservation and Tribal Citizen Groups and their members reside in the State. Therefore, Plaintiffs' choice of venue in California is entitled to substantial deference. *Id.*

California is a major oil and gas producer, with significant drilling occurring on public lands. BLM administers 15 million acres of public lands, more than 49 million acres of subsurface mineral estate, and nearly 600,000 acres of Native American tribal mineral estate in California.[2] As of the end of fiscal year 2016, there were 530 BLM-administered oil and gas leases in California, covering around 200,000 acres and containing around 6,800 oil and gas wells.[3] As BLM concedes, in 2016 California operators developed more than 11 million barrels of federal oil and 12 billion cubic feet of federal natural gas, and flared more than 0.4 billion cubic feet of federal natural gas. Defs.' Mot. to Transfer at 11 & Ex. A ¶ 4 (July 26, 2017), ECF No. 14 (BLM Mot.). Absent the Stay Notice,

[2] BLM California, *About BLM California*, https://blmca.sites.usa.gov/about-blm-california/. Publicly available records on government websites may be subject to judicial notice. *See Eidson v. Medtronic, Inc.*, 981 F. Supp. 2d 868, 879 (N.D. Cal. 2013).

[3] BLM, *Oil and Gas Statistics*, Table 1 (Number of Leases), Table 2 (Acreage in Effect) & Table 10 (Producible and Service Completions), https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/oil-and-gas-statistics.

present and future oil and gas drilling on BLM-administered leases would be subject to the Waste Prevention Rule.

The Waste Prevention Rule also would directly benefit California taxpayers. Since 2008, California has received an annual average of $73 million in royalties from federal mineral extraction within the State.[4] These royalties are used to support public education.[5] Absent the Stay Notice, the Waste Prevention Rule would have increased royalties paid to the states by requiring operators to capture and sell wasted natural gas. *See* 81 Fed. Reg. 83,008, 83,014 (Nov. 18, 2016).

The State of California has a sovereign interest in protecting its resources, air, people and public treasury from the impacts of the Stay Notice. *See, e.g.*, *New Jersey v. U.S. Army Corps of Eng'rs*, No. CIVA 09-5591 (JAP), 2010 WL 1704727, at *3–4 (D.N.J. Apr. 26, 2010) (denying transfer where New Jersey filed in home court and noting local interest in "having a New Jersey court decide . . . issues" that "directly impact New Jersey residents"). Indeed, BLM fails to identify a single case where a state plaintiff has been transferred from its home court.

The Conservation and Tribal Citizen Groups also have strong ties to California sufficient to establish venue in the State. *See Desert Survivors v. U.S. Dep't of the Interior*, No. 16-CV-01165-JCS, 2016 WL 3844332, at *9 (N.D. Cal. July 15, 2016) ("In similar cases involving issues of environmental protection, courts in this district have generally held that even a single plaintiff's residence here gives rise to a 'particular interest.'") (citing cases). For example, Sierra Club, Center for Biological Diversity, and Earthworks are nonprofit corporations incorporated in California.[6] Sierra Club is headquartered in Oakland, and Center for Biological Diversity and Earthworks have offices in Oakland.[7] Environmental Defense Fund, Natural Resources Defense Council, and The

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[4] Office of Natural Resources Revenue, *Statistical Information*, https://statistics.onrr.gov/ReportTool.aspx (Select "Disbursements as "Data Type," "State Detail" as "Detail Type," "FY2008" as "Fiscal Year Start," "FY2016" as "Fiscal Year End," and "California" as "Geographic Area," and take average of "state" Disbursement Type in the "State Share: Onshore" Fund between FY2008 and FY2016).

[5] *See* Cal. Education Code § 12320.

[6] Decl. of Huda Fashho ¶ 3 (Fashho Decl.); Decl. of Michael A. Saul ¶ 2 (Saul Decl.); Decl. of Jennifer Krill ¶ 2 (Krill Decl.).

[7] Fashho Decl. ¶ 3; Saul Decl. ¶ 2; Krill Decl. ¶ 2.

Wilderness Society have offices in San Francisco.[8] *See Ctr. for Biological Diversity v. Kempthorne*, No. C 08-1339 CW, 2008 WL 4543043, at *3 (N.D. Cal. Oct. 10, 2008) (affording deference to plaintiffs' choice of forum where one plaintiff resided in the Northern District and other plaintiffs maintained offices there).

The Conservation and Tribal Citizen Groups also have more than half a million members living in California,[9] including more than 150,000 members in the Northern District.[10] *See Ctr. for Biological Diversity v. Exp.-Imp. Bank of the U.S.*, No. C 12-6325 SBA, 2013 WL 5273088, at *1–2, 5, 8 (N.D. Cal. Sept. 17, 2013) (declining to transfer case to the District of Columbia where plaintiffs have members that live in the Northern District of California who are concerned about the challenged decision). Given Plaintiffs' strong connections to California, their venue choice should not be disturbed.

II. Judicial Economy Favors Retaining Venue in This Court.

BLM's motion relies heavily on its false claim that transfer to Wyoming would promote judicial economy and prevent the risk of inconsistent rulings. However, the Wyoming litigation presents entirely different legal issues and provides no reason to override Plaintiffs' choice of venue. In fact, because this case involves the identical legal issue to another case already pending in this Court, judicial economy is best served by venue in this Court.

This case challenges BLM's Stay Notice, which is a discrete final agency action, published in the Federal Register on June 15, 2017, and subject to judicial review under the APA. 5 U.S.C.

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[8] Decl. of John Stith ¶ 4 (Stith Decl.); Decl. of Gina Trujillo ¶ 4 (Trujillo Decl.); Decl. of Nada Culver ¶ 3 (Culver Decl.).

[9] Decl. of Elizabeth Benson ¶ 5; Fashho Decl. ¶ 6 (Sierra Club, more than 181,000 members); Saul Decl. ¶ 6 (Center for Biological Diversity, more than 13,000 members); Culver Decl. ¶ 4 (The Wilderness Society, more than 91,000 members); Stith Decl. ¶ 5 (Environmental Defense Fund, more than 70,000 members); Trujillo Decl. ¶ 6 (Natural Resources Defense Council, more than 79,000 members); Krill Decl. ¶ 3 (Earthworks, more than 9,000 members); Decl. of Beth Pratt-Bergstrom ¶ 5 (Pratt-Bergstrom Decl.) (National Wildlife Federation, more than 67,000 members).

[10] Fashho Decl. ¶ 6 (Sierra Club, 71,161 members); Pratt-Bergstrom Decl. ¶ 5 (National Wildlife Federation, 23,882 members); Trujillo Decl. ¶ 6 (Natural Resources Defense Council, 33,407 members); Stith Decl. ¶ 5 (Environmental Defense Fund, 17,500 members); Saul Decl. ¶ 6 (Center for Biological Diversity, 4,158 members).

§§ 702, 704, 706.[11] The Conservation and Tribal Citizen Groups allege that BLM exceeded its authority by relying on 5 U.S.C. § 705 in an attempt to alter the Rule's compliance dates without complying with the APA's legally required procedures, including notice and comment rulemaking. *See, e.g.*, Compl. for Declaratory & Injunctive Relief at ¶¶ 68–79, *Sierra Club v. Zinke*, No. 3:17-cv-03885 (N.D. Cal. July 10, 2017), ECF No. 1. For example, the Conservation and Tribal Citizen Groups allege that pursuant to section 705 BLM cannot "postpone" the effective date of a rule that has already gone into effect or use its section 705 authority to stay a rule "pending judicial review" to actually stay the rule for the purposes of administratively reconsidering it. *Id.* ¶¶ 70–71.

The Wyoming litigation challenges BLM's promulgation of the Waste Prevention Rule, a different final agency action, published in the Federal Register on November 18, 2016. Plaintiffs there allege that BLM exceeded its authority under the Mineral Leasing Act, Federal Land Policy and Management Act, and other statutes because, in addition to preventing waste, the Rule will also decrease associated air pollution. *See, e.g.*, Mem. in Supp. of Mot. for Prelim. Inj. at 21–27, *W. Energy All. v. Jewell*, No. 2:16-cv-00280 (D. Wyo. Nov. 23, 2016), ECF No. 13. BLM's authority under section 705 plays no part in the Wyoming case.

In contrast with the Wyoming litigation, where there is *no* overlap with the legal issues presented in this case, another case already pending in this Court involves the *exact* same legal issue of whether Secretary Zinke has authority to stay a Rule after its effective date under section 705 to allow for administrative reconsideration. *See* Compl. For Declaratory & Injunctive Relief at ¶¶ 33–45, *Cal. ex rel. Becerra v. U.S. Dep't of the Interior*, No. 3:17-cv-02376-EDL (N.D. Cal. Apr. 26, 2017), ECF No. 1. Summary judgment briefing in that case is complete, and a hearing is scheduled for August 22, 2017. *See, e.g.*, Stipulation & Order at 2, *California*, No. 3:17-cv-02376-EDL (N.D.

[11] BLM attempts to bolster this case's connections with Wyoming by claiming that the "event[] underlying Plaintiffs' claims" is the Wyoming litigation. BLM Mot. at 6. In fact, the final agency action underlying Plaintiffs' claims is BLM's Stay Notice. Thus, BLM's argument that transfer will "avoid multiple litigations based on a single transaction," *id.* at 7 (quoting *Wireless Consumers All., Inc. v. T-Mobile USA, Inc.*, No. C 03-3711 MHP, 2003 WL 22387598, at *4 (N.D. Cal. Oct. 14, 2003)), is wholly misplaced. Plaintiffs' challenge is based on an entirely new transaction.

Cal. June 12, 2017), ECF No. 19.[12] Accordingly, judicial efficiency and the risk of inconsistent judgments if this case is transferred weigh in favor of venue in this district.

BLM's assertions that this Court might reach different legal conclusions from the District of Wyoming mischaracterize Plaintiffs' claims and are without merit. BLM focuses on Plaintiffs' claim that BLM failed to support its conclusion that "justice . . . requires" a stay because it failed to apply the four-part preliminary injunction test that applies to courts and agencies alike. BLM Mot. at 8–9. According to BLM, if this Court were to evaluate the same four factors that the District of Wyoming did in denying a request to preliminarily enjoin the Waste Prevention Rule, it might reach different conclusions. *Id.* at 9. But Plaintiffs do not seek to have this Court evaluate the four factors necessary to support a stay. Plaintiffs challenge BLM's complete failure to consider these required factors prior to postponing the Rule, as shown by the lack of any mention of them in the Stay Notice. Conservation and Tribal Citizen Groups' Notice of Mot., Mot. for Summ. J., & Mem. of P. & A. in Supp. at 23, *Sierra Club*, No. 3:17-cv-03885-EDL (N.D. Cal. July 27, 2017), ECF No. 37 (Citizen Groups' MSJ). This Court will not actually apply the legally required factors to resolve Plaintiffs' claim; it will simply determine whether BLM considered them. Accordingly, there is no risk of inconsistent judgments.

BLM also wrongly claims that judicial efficiency is served by the District of Wyoming's familiarity with the Rule's provisions and compliance costs. BLM Mot. at 7–8. But such familiarity is not necessary to resolve Plaintiffs' claims. Plaintiffs allege BLM failed to demonstrate that "justice . . . requires" a stay because the agency considered *only* the costs of the Rule and failed to consider any of its benefits. Citizen Groups' MSJ at 17–18. Plaintiffs also claim that BLM failed to provide an explanation for its change in position that the Rule's cost are justified. *Id.* at 18–19.

[12] Although the Department of the Interior has issued a final rule rescinding the stayed rule in that case, 82 Fed. Reg. 36,934 (Aug. 7, 2017), the case is not moot because the Department has not rescinded the stay and its illegal use of its section 705 authority to ensure that industry is not required to comply with duly-promulgated effective rules pending administrative reconsideration is an issue that is capable of repetition yet evading review. Reply to Defs.' Opp'n to Pls.' Mot. for Summ. J. at 9–10, *California*, No. 3:17-cv-02376-EDL (N.D. Cal. Aug. 4, 2017), ECF No. 27. Indeed, BLM has admitted its "three-step plan" to take the same approach in this case. BLM Mot. at 3. This Court must resolve this legal issue to prevent the Department of the Interior from continuing this illegal practice.

Contrary to BLM's assertions, reviewing a two-page Federal Register notice to determine if BLM has considered benefits or provided an explanation for its change in position does not require this Court to become "intimately familiar with the Waste Prevention Rule." BLM Mot. at 7.[13]

BLM asserts that the Wyoming court is better suited to hear this case because it purportedly involves a stay "pending judicial review" in the Wyoming court. *Id.* at 9. But its own venue transfer motion demonstrates that the purpose of the stay has nothing to do with allowing for judicial review; the purpose was to ensure that companies need not comply with a duly promulgated rule while the agency administratively reconsiders it. *Id.* at 3 (confirming that the Stay Notice is the first step in a "three-step plan to propose to *revise or rescind the Rule* and prevent any harm from compliance with the Rule in the interim" (emphasis added)). Indeed, after issuing the stay, BLM promptly sought to delay judicial review in Wyoming. *Id.* at 4. BLM cannot use the Wyoming litigation to manufacture legal authority under section 705 and then turn around and rely on that "authority" to defeat Plaintiffs' choice of venue. And there is simply no reason that this Court is less well-suited than the District of Wyoming to resolve whether BLM's admitted approach stretches its authority under section 705 beyond the breaking point. In sum, BLM offers no compelling rationale for transferring venue based on the pending challenge to the Waste Prevention Rule in Wyoming.

[13] BLM argues that a transfer would "potentially" allow the District of Wyoming to consolidate these cases. BLM Mot. at 9. In fact, consolidation is unlikely because there are *no* "common question[s] of law or fact." Fed. R. Civ. P. 42(a). For example, contrary to BLM's assertions, there are no "overlapping questions of fact regarding the compliance costs of the Rule." BLM Mot. at 10. The facts regarding compliance costs are undisputed, and this case will be resolved through motions for summary judgment. BLM analyzed the Rule's compliance costs in the regulatory impact analysis (RIA) and relied on that analysis to support adoption of the Rule. 81 Fed. Reg. at 83,013–14 & nn. 26–34. BLM cites to the same RIA to justify staying the Rule. 82 Fed. Reg. at 27,431. Plaintiffs do not dispute BLM's conclusions in the RIA in this lawsuit. Thus, the only unresolved question before the Court regarding compliance costs is a legal one: whether BLM provided an explanation in the Stay Notice for its changed position with respect to costs sufficient to satisfy its legal obligations under the APA. Because this legal question is not at issue in the Wyoming litigation, consolidation is unlikely even if this Court were to transfer venue.

III. Other Convenience Factors Also Favor Retaining Venue in This Court.

BLM also fails to "make a strong showing of inconvenience" necessary to overcome the deference owed to Plaintiffs' choice of forum. *Lubchenco*, 2009 WL 4545169, at *4. In fact, BLM fails to identify a single relevant factor that weighs in favor of Wyoming.

First, BLM fails to show that Wyoming is a more convenient forum than California for *any* party. None of the attorneys working on this case reside in Wyoming. Meanwhile, BLM, the State of California, and several of the Conservation and Tribal Citizen Groups have offices in California.[14] BLM makes the dubious claim that Wyoming is more convenient for the Plaintiffs because "they have already demonstrated their ability and willingness to litigate in the District of Wyoming by voluntarily intervening in that action." BLM Mot. at 10–11. Plaintiffs' participation in that case, however, in no way indicates that the forum is convenient. Plaintiffs simply chose to intervene to defend a Rule—that they had spent years promoting and seeking to strengthen—in the forum in which state and industry filed their challenge. But that decision cannot limit Plaintiffs' ability to bring a challenge to a new final agency action in an appropriate forum of their choosing.

Second, BLM fails to show that Wyoming has a "local interest" in the Stay Notice—which applies to all BLM-administered leases nationwide—sufficient to override Plaintiffs' choice of forum.[15] BLM argues that public and tribal lands in Wyoming will be affected by the Stay Notice and therefore Wyoming's interest in this case is "at least equal to that of California." *Id.* at 11 (citing *Lubchenco*, 2009 WL 4545169, at *3). But the very case BLM cites in support demonstrates that such a showing is plainly insufficient to defeat Plaintiffs' choice of venue. *Lubchenco*, 2009 WL 4545169, at *7 (holding Alaska's interests were insufficient to support transfer, in part, because

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[14] As the agency concedes, "BLM can properly be considered a resident of both Wyoming and California, among numerous other jurisdictions, because it has offices in those states and manages land and resources in both states." BLM Mot. at 6 n.2.

[15] This Court has previously litigated public land rules of nationwide scope. *See, e.g.*, *Cal. ex rel. Lockyer v. U.S. Dep't of Agric.*, 459 F. Supp. 2d 874, 879 (N.D. Cal. 2006), *aff'd*, 575 F.3d 999 (9th Cir. 2009) (considering challenge by states, including California and New Mexico, and environmental groups to Department of Agriculture regulation affecting national forest lands throughout the country); *Citizens for Better Forestry v. U.S. Dep't of Agric.*, 481 F. Supp. 2d 1059, 1070 (N.D. Cal. 2007) (considering challenge to the enactment of a nationwide programmatic environmental rule).

the case involved global climate change, which is not a "localized issue"); *see also Kempthorne*, 2008 WL 4543043, at *3 (refusing to transfer to Alaska where the litigation could have impacts "in all fifty states" and therefore "Alaska [was] not the only state with an interest in the litigation"). Because the impacts of BLM's nationwide Stay Notice are not localized to Wyoming, BLM has provided no basis for disturbing Plaintiffs' choice to litigate in this district, which has a significant connection to this case.[16]

Finally, the fact that the District of Wyoming takes longer to resolve cases weighs in favor of retaining venue in this district. *See Exp.-Imp. Bank*, 2013 WL 5273088, at *7 (finding relative congestion factor to be either neutral or weighing slightly against transfer of venue because "[w]hile this district has more pending cases per judgeship . . . the median time from filing to disposition and the median time from filing to trial is longer in the District of Columbia"). As BLM recognizes, "while the District of Wyoming has fewer cases pending before each judge than this district . . . it takes slightly longer for a case in that court to reach disposition (9.7 months in the District of Wyoming versus 7.3 months in the Northern District of California)." BLM Mot. at 11 (citing U.S. Courts, *Fed. Court Mgmt. Statistics* (Dec. 2016), http://www.uscourts.gov/statistics-reports/federal-court-management-statistics-december-2016). This factor also weighs in favor of this district because Plaintiffs seek resolution of their claims prior to the January 2018 compliance dates that BLM has illegally stayed.

CONCLUSION

BLM gives no compelling reason to upset the substantial deference due Plaintiffs' choice of forum. This Court should deny the venue transfer motion.

[16] This case stands in sharp contrast to the cases BLM cites, in which plaintiffs filed suit in the District of Columbia challenging BLM actions solely involving federal land in another jurisdiction. *See* BLM Mot. at 6 (discussing *S. Utah Wilderness All. v. Lewis*, 845 F. Supp. 2d 231, 237–38 (D.D.C. 2012) (transferring case that involved oil and gas leases located in Utah to Utah District Court); *WildEarth Guardians v. BLM*, 922 F. Supp. 2d 51, 54–56 (D.D.C. 2013) (transferring case that involved coal leases located in Wyoming to the District of Wyoming)).

DATED: August 9, 2017.

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