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6 Attorneys for PROPOSED-INTERVENORS
WESTERN ENERGY ALLIANCE and
7 INDEPENDENT PETROLEUM
ASSOCIATION OF AMERICA

8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

10 STATE OF CALIFORNIA, by and through
11 XAVIER BECERRA, ATTORNEY
GENERAL; STATE OF NEW MEXICO, by
12 and through HECTOR BALDERAS,
ATTORNEY GENERAL; SIERRA CLUB;
13 CENTER FOR BIOLOGICAL DIVERSITY;
ENVIRONMENTAL DEFENSE FUND;
14 NATIONAL WILDLIFE FEDERATION;
NATURAL RESOURCES DEFENSE
15 COUNCIL; THE WILDERNESS SOCIETY;
CITIZENS FOR A HEALTHY
16 COMMUNITY; DINE CITIZENS AGAINST
RUINING OUR ENVIRONMENT;
17 EARTHWORKS; ENVIRONMENTAL LAW
AND POLICY CENTER; FORTH
18 BERTHOLD PROTECTORS OF WATER
AND EARTH RIGHTS; MONTANA
19 ENVIRONMENTAL INFORMATION
CENTER; SAN JUAN CITIZENS
20 ALLIANCE; WESTERN ORGANIZATION
OF RESOURCE COUNCILS; WILDERNESS
21 WORKSHOP; WILDEARTH GUARDIANS;
and WYOMING OUTDOOR COUNCIL,

22 Plaintiff,

23 v.

24 RYAN ZINKE, in his official capacity as
25 Secretary of Interior; BUREAU OF LAND
MANAGEMENT; KATHARINE S.
26 MACGREGOR, in her official capacity as
Acting Assistant Secretary for Land and
27 Minerals Management, United States
Department of the Interior; and UNITED
28 STATES DEPARTMENT OF THE

Case No. 3:17-cv-03804-EDL

Consolidated with Case No. 3:17-cv-03885-
EDL

**PROPOSED-INTERVENORS' NOTICE
OF LODGING PROPOSED JOINDER IN
FEDERAL DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

Date: Sept. 19, 2017
Time: 9:00 a.m.
Ctrm.: E, 15th Floor

[The Hon. Magistrate Judge Elizabeth D.
Laporte]

Trial Date: None Set

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LEGAL-10834-00017-803776-1

1 INTERIOR,
2
3 Defendants.

4 AND RELATED ACTIONS.

5 Eric P. Waeckerlin – *Admitted Pro Hac Vice*
6 epwaeckerlin@hollandhart.com
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LEGAL:10854-0001/7803776.1

**PROPOSED-INTERVENORS’ NOTICE OF LODGING PROPOSED JOINDER IN
FEDERAL DEFENDANTS’ OPPOSITION TO PLAINTIFFS’ MOTION FOR SUMMARY
JUDGMENT**

TO THE COURT, AND TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Proposed-Intervenors, Western Energy Alliance and the Independent Petroleum Association of America (collectively “Proposed-Intervenors”) respectfully submit this Notice of Lodging of Proposed Joinder in Federal Defendants’ Opposition to Plaintiffs’ Motion for Summary Judgment (*see* Dkt. 52) (the “Defendants’ Opposition”) filed on August 25, 2017. The Proposed Joinder is attached hereto as Exhibit "A."

Proposed-Intervenors recognize their Motion to Intervene (*see* Dkt. 43) is pending and therefore they are not yet parties to this case. Nonetheless, the Proposed-Intervenors now submit this Proposed Joinder in Federal Defendants’ Opposition to Plaintiffs’ Motion for Summary Judgment to adhere to the current briefing schedule. The States of California and New Mexico did not oppose the Proposed-Intervenors’ Motion to Intervene on the condition that the Proposed-Intervenors abide by all existing schedules in this litigation. (Dkt. 43, pg. 13, lines 5–6.) Similarly, the Conservation and Tribal Citizen Groups took no position on the Motion to Intervene if the Proposed-Intervenors complied with the stipulated schedule to brief motions for summary judgment. (Dkt. 43, pg. 13, lines 7–9.)

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1 Therefore, although the Proposed-Intervenors are not yet parties to the case, they submit
2 this Proposed Joinder in Federal Defendants' Opposition to Plaintiffs' Motion for Summary
3 Judgment so that, if their intervention is granted, their participation will not disrupt the existing
4 briefing schedule.

5
6 DATED: August 25, 2017

HOLLAND & HART LLP

7
8 By: /s/ ERIC P. WAECKERLIN

9
10 ERIC P. WAECKERLIN - *Admitted Pro Hac Vice*

11 Attorneys for PROPOSED-INTERVENORS
12 WESTERN ENERGY ALLIANCE and the
13 INDEPENDENT PETROLEUM ASSOCIATION OF
14 AMERICA

15
16 DATED: August 25, 2017

DAVIS GRAHAM & STUBBS LLP

17 By: /s/ KATHLEEN SCHRODER

18 KATHLEEN SCHRODER - *Admitted Pro Hac Vice*

19 Attorneys for PROPOSED-INTERVENORS
20 WESTERN ENERGY ALLIANCE and the
21 INDEPENDENT PETROLEUM ASSOCIATION OF
22 AMERICA

23
24 DATED: August 25, 2017

WOOD, SMITH, HENNING & BERMAN LLP

25 By: /s/ EMIL A. MACASINAG

26 EMIL A. MACASINAG

27 Attorneys for PROPOSED-INTERVENORS
28 WESTERN ENERGY ALLIANCE and the
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 10960 Wilshire Boulevard, 18th Floor, Los Angeles, CA 90024-3804.

On August 25, 2017, I served the following document described as **PROPOSED-INTERVENORS' NOTICE OF LODGING PROPOSED JOINDER IN FEDERAL DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** on the interested parties in this action as follows:

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 25, 2017, at Los Angeles, California.

/s/ Adriana C. Moreno
Adriana C. Moreno

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EXHIBIT A

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24 RYAN ZINKE, in his official capacity as
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1	INTERIOR,
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4	AND RELATED CROSS-ACTIONS.
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PROPOSED JOINDER IN FEDERAL DEFENDANTS’ OPPOSITION TO PLAINTIFFS’

MOTION FOR SUMMARY JUDGMENT

Proposed-Intervenors hereby join the Federal Defendants’ Opposition to Plaintiffs’ Motions for Summary Judgment (Dkt. 52). By doing so, Proposed-Intervenors expressly adopt, incorporate as their own, and preserve for appeal the arguments set forth in the Federal Defendants’ Opposition to Plaintiffs’ Motions for Summary Judgment in support of the Notice of the Postponement of Certain Compliance Dates of the Rule, 82 Fed. Reg. 27,430 (June 15, 2017), except that Proposed-Intervenors disagree with and disclaim the Federal Defendants’ assertions that the Bureau of Land Management’s (“BLM’s”) Waste Prevention, Production Subject to Royalties, and Resource Conservation Rule (“Rule”), 81 Fed. Reg. 83,008 (Nov. 18, 2016), was properly promulgated. (See Dkt. 52 at 5, 10, 11). Proposed-Intervenors maintain the Rule is arbitrary, capricious, an abuse of discretion, in excess of BLM’s statutory authority, and otherwise not in accordance with law under 5 U.S.C. § 706 and do not waive any challenges or objections they have asserted or may assert in the future related to the Rule.

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DATED: August 25, 2017

HOLLAND & HART LLP

By: /s/ ERIC P. WAECKERLIN

ERIC P. WAECKERLIN - *Admitted Pro Hac Vice*

Attorneys for PROPOSED-INTERVENORS
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INDEPENDENT PETROLEUM ASSOCIATION OF
AMERICA

DATED: August 25, 2017

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By: /s/ KATHLEEN SCHRODER

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