

Exhibit 1

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21
22 **IN THE UNITED STATES DISTRICT COURT**
23 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

24 ALERT PROJECT/EARTH ISLAND INSTITUTE;
25 ALASKA COMMUNITY ACTION ON TOXICS;
26 COOK INLETKEEPER; CENTER FOR BIOLOGICAL
27 DIVERSITY; ROSEMARY AHTUANGARUAK; and
28 KINDRA ARNESEN,

Plaintiffs,

v.

ANDREW WHEELER, in his official capacity as
Administrator of the United States Environmental
Protection Agency; and the ENVIRONMENTAL
PROTECTION AGENCY,

Defendants.

Civil Case No. 3:20-CV-00670-WHO

**DECLARATION OF SUZANNE
LEMIEUX IN SUPPORT OF THE
MOTION TO INTERVENE OF
AMERICAN PETROLEUM
INSTITUTE**

Date: May 13, 2020
Time: 2:00 p.m.
Dept: San Francisco, Courtroom 2
Judge: Hon. William H. Orrick

NOTICE: Pursuant to General Order 72,
all civil matters will be decided on the
papers, unless the assigned judge
determines a telephonic or video
conference hearing is necessary

1 I, SUZANNE LEMIEUX, DECLARE:

2 1. I am the Manager, Operations Security and Emergency Response Policy, for the
3 American Petroleum Institute (“API”). API is the primary national trade association of the oil and
4 natural gas industry, representing more than 600 companies involved in all aspects of that industry,
5 including the exploration, production, shipping, transportation, and refining of crude oil.

6 2. Together with its member companies, API is committed to ensuring a strong, viable U.S.
7 oil and natural gas industry capable of meeting the energy needs of our Nation in an efficient and
8 environmentally responsible manner. Representation of the interests of the oil and gas industry in
9 litigation is part of API’s overall purpose, and API has on numerous occasions intervened as a party in
10 litigation affecting those interests.

11 3. I received a Bachelor of Business Administration degree in Marketing and Marketing
12 Management from Radford College, and a Master of Public and International Affairs degree in Global
13 Governance from the Virginia Polytechnic Institute and State University. I also completed the National
14 Preparedness Leadership Initiative curriculum at Harvard University.

15 4. Based on my more than 7-year career at API, I am familiar with our member companies’
16 activities concerning offshore leasing, exploration and development, and their use of pipelines and
17 tankers, to transport oil.

18 5. Oil and gas development on the OCS is carried out exclusively through private oil and
19 gas companies, which acquire leases through a sealed bidding process and then engage in exploration
20 efforts that, if successful, will lead to production. API members include leaseholders that have
21 expended significant sums to obtain leases from the Government for the opportunity to explore for and
22 develop valuable oil and gas resources.

23 6. API members are among the principal bidders for offshore leases, are directly engaged
24 in the resulting exploration and production, and, indeed, have been for decades among the principal
25 explorers and developers of leases throughout the United States, including on the OCS. Indeed, API’s
26 members are deeply engaged in the exploration for and development of offshore oil and gas resources,
27 and operate drilling units, offshore platforms, and pipelines. API members also include the operators
28 and suppliers that either conduct or support oil and gas development operations on OCS leases.

1 7. Most offshore exploratory wells are drilled from mobile offshore drilling units. Most
2 offshore oil production is conducted from offshore platforms, large structures with facilities to drill
3 wells, to extract and process the oil, and sometimes temporarily to store product until it can be brought
4 to shore for refining and marketing, typically using pipelines. Mobile offshore drilling units, offshore
5 platforms, and pipelines seaward of the coast line are considered “facilities” subject to Department of
6 the Interior (“DOI”) oil spill response requirements.

7 8. Operations for the exploration and development of oil and gas resources on a lease—
8 including drilling—are conducted pursuant to plans and permits that must be approved by the DOI.
9 Among other things, before conducting drilling activities under an approved exploration or
10 development plan, a lessee must also obtain DOI’s approval of, *inter alia*, an application for a permit to
11 drill.

12 9. As a condition for operation every offshore oil drilling unit, offshore platform, and
13 pipeline seaward of the coast line must have a DOI approved “oil spill response plan.” Each oil spill
14 response plan must contain a “dispersant use plan,” which specifies the inventory and location of
15 dispersants and other agents that might be used in the event of a discharge of oil. The oil spill response
16 plan must set forth how the dispersant use plan would be implemented. The dispersant use plan must
17 be consistent with the National Contingency Plan. Thus, the offshore operations of API’s members rely
18 upon, and are therefore regulated by, the contents of the National Contingency Plan.

19 10. Taken together, the National Contingency Plan is an important component in the
20 approval of operations on API members’ leases, or conducted by API members on OCS leases.
21 Plaintiffs’ claims that the National Contingency Plan is legally inadequate and that Federal Defendants
22 must therefore prepare a new Plan governing dispersants to be used in API member operations, thus
23 directly affects API member property rights, operations, and interests. Plaintiffs’ challenge would
24 affect, potentially adversely, both the required contents of API members’ dispersant use plans, and the
25 required explanation in their oil spill response plans of the methods by which the dispersant use plan
26 would be implement. Plaintiffs’ attack could also ultimately impact the dispersants and other products
27 that would be available to API members for use in the event of an oil discharge from a drilling unit,
28 platform, pipeline, or vessel.

1 11. At a minimum, the requested order directing Federal Defendants to develop and issue a
2 new National Contingency Plan by rulemaking could substantially delay the development activities of
3 API members and on API members' OCS leases.

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5 I declare under penalty of perjury under the laws of the United States that the foregoing is true
6 and correct.

7 Executed on April 2, 2020.

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9 _____
10 Suzanne Lemieux
11 Manager
12 Operations Security and Emergency Response Policy
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14 Washington, D.C.