

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge John L. Kane

Civil Action No. **09-cv-85-AP**

**COLORADO ENVIRONMENTAL COALITION, et al.,**

Plaintiffs,

v.

**DIRK KEMPTHORNE, et al.,**

Defendants, and

**SHELL FRONTIER OIL & GAS INC.,**

Applicant for Intervention as Defendant.

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Civil Action No. 09-cv-00091-AP

**COLORADO ENVIRONMENTAL COALITION, et al.,**

Plaintiffs,

v.

**KEN SALAZAR, Secretary of the Interior, in his official capacity,**

Defendants, and

**AMERICAN PETROLEUM INSTITUTE,**

Applicants for Intervention as Defendant.

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**ORDER**

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Kane, J.

Plaintiffs in the above-captioned actions challenge oil shale regulations promulgated by the Bureau of Land Management as part of Congress's directive in the Energy Policy Act of

2005 to develop a commercial oil shale development program on federal lands. Shell Frontier Oil & Gas Inc. (“Shell”) moves in both cases to intervene as an interested party under Fed. R. Civ. P. 24(a)(2) or (b)(1)(B). The American Petroleum Institute (API) moves in 09-cv-91-AP to intervene under those same alternative rule provisions.

After considering carefully the briefs and arguments of all of the parties for and against intervention, and applying the legal standards set forth by the Tenth Circuit in *San Juan County, Utah v. United States*, 503 F.3d 1163, 1188 (10<sup>th</sup> Cir. 2007)(en banc), I am persuaded to grant both Motions, but on the condition that all filings and briefs by Shell and API as Intervenors be consolidated. Plaintiffs and Defendants, too, SHALL FILE CONSOLIDATED BRIEFS. Differences in arguments or positions among the individual members of the consolidated party groups may be stated in the consolidated briefs. Except for reasons granted upon a finding of good cause, separate filings by multiple Plaintiffs, Defendants or Intervenors will be STRICKEN.

Dated May 11, 2009.

**s/John L. Kane**  
SENIOR U.S. DISTRICT JUDGE