

LETTER TO PRESIDENT JOSEPH R. BIDEN

**REGARDING YOUR OPPORTUNITY TO OPEN NEW DOORS TO A THRIVING,
RESILIENT FUTURE BY WINDING DOWN THE FEDERAL PUBLIC LANDS AND
MINERALS OIL AND GAS PROGRAM TO MEET THE URGENCY DEMANDED BY
THE CLIMATE CRISIS AND DELIVER ON ENVIRONMENTAL JUSTICE**

Submitted By:

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ORLEANS CLIMATE REALITY PROJECT ♦ GREENLATINOS ♦ GREENPEACE USA ♦ HEIRS TO
OUR OCEANS ♦ I HEART PISGAH ♦ IN THE SHADOW OF THE WOLF ♦ INTERFAITH POWER
AND LIGHT (NEW MEXICO & EL PASO REGION) ♦ LET THERE BE LIGHT INTERNATIONAL ♦
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SODA MOUNTAIN WILDERNESS COUNCIL ♦ SOMA ACTION ♦ SOUTHWEST NATIVE CULTURES
♦ SUNFLOWER ALLIANCE ♦ SUSTAINABLE OBTAINABLE SOLUTIONS ♦ TERRA ADVOCATI ♦
THE ENVIRO SHOW ♦ TÓ NIZHÓNÍ ÁNÍ ♦ UNITE NORTH METRO DENVER ♦ UNITED NATIVE
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APRIL 20, 2022

April 20, 2022

President Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Ave., N.W.
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Dear President Biden,

We appreciate your leadership in this time of intersecting crises. To help address interwoven geopolitical, energy, and climate crises, we once again urge you to take action that opens new doors to a thriving, resilient future—a future responsive to the destabilizing causes and impacts of climate change and a future freed of the shackles imposed by menacing petrostate authoritarians, profiteering oil and gas oligarchs, and the politicians who shield them.

We specifically urge you to consider the following actions:

- 1. Climate Action Framework:** The U.S. Department of Interior should craft a comprehensive, public lands-wide climate action framework that: (1) prohibits new leasing and comprehensively manages new drilling across a full spectrum of issues, in particular climate; and (2) provides for a multi-year managed decline of oil and gas production.¹
- 2. Rulemaking:** Interior should immediately initiate a rulemaking process to implement climate and conservation-centered public powers contained in the Federal Land Policy and Management Act of 1976 (“FLPMA”).² This rulemaking would ensure the long-term durability and effectiveness of the framework recommended above.
- 3. Interim Guardrails:** Interior should immediately impose interim climate and conservation guardrails on the issuance of any new oil and gas leases and drilling permits to satisfy its FLPMA authorities and duties, pending new rules and a comprehensive climate action framework.³ Absent such guardrails, lease sales and permit approvals should be deferred and existing leases and permits, to the extent they are undeveloped or unused, should be suspended to maintain the status quo and protect the public interest.

¹ CBD et al., [Petition to U.S. Dept. of Interior to Reduce the Rate of Oil and Gas Production on Public Lands and Waters to Near Zero by 2035](#) (Jan. 19, 2022) (proposing regulations to implement a controlled phasedown of oil and gas production on public lands).

² WELC et al., [Recommendations to the U.S. Department of the Interior for Scope and Criteria for Review of the Federal Fossil Fuel Programs](#) (April 14, 2021) (recommending FLPMA rulemaking).

³ WELC et al., [Letter to the Honorable Debra Haaland Re: Interim Actions Relating to the Federal Fossil Fuel Programs](#) (June 10, 2021) (outlining recommended interim actions regarding climate action and the federal public lands and minerals oil and gas program); WELC et al., [Letter to the Honorable Debra Haaland re: Interim Action to Eliminate Oil and Gas Methane Emissions and Waste](#) (March 3, 2022) (outlining recommended interim actions specific to oil and gas methane waste and emissions).

- 4. Just Transition Framework:** The White House, employing a whole-of-government approach, should develop a federal framework to incentivize and support state and community efforts to stabilize and diversify revenue streams and economic opportunity away from their current dependency on federal oil and gas leasing and production. Such action would help deliver on environmental justice and support robust job creation.

These four actions would accelerate the U.S. transition to a far more stable, secure, and equitable economy premised on clean, renewable energy. Such a transition is necessary to constrain global warming to 1.5°C to help limit the rising toll of climate related deaths and free public lands to serve as a bulwark of long-term ecological and community resilience in the face of a changing climate. They would also complement important recommendations to employ the Defense Production Act to “support and increase manufacturing capacity and supply chain security for technologies that reduce fossil fuel demand and fuel costs, such as electric heat pumps, efficient electric appliances, renewable energy generation and storage, and other clean technologies.”⁴

NOW IS THE TIME TO LEAN INTO OUR ENERGY TRANSITION

We are cognizant of the argument that increases in domestic oil and gas production over the last decade have provided the U.S. with a measure of geopolitical flexibility and leverage it would otherwise have lacked. So long as we and others remain dependent on oil and gas, however, that flexibility and leverage is illusory. Europe knows this, acutely, and has thus taken swift action to accelerate its clean energy transition.⁵ Now is the time to lean into our energy transition. Current events underscore this reality and are not an excuse to further defer grossly delayed action.

Even as the U.S. is now the world’s largest producer of oil, consumers are paying high prices for gasoline and volatile boom-and-bust cycles continue. The solution to these problems is not to double down on oil, but to invest in a swift and just transition away from oil. Relative to natural gas, we are concerned with the climate implications of your administration’s commitment to provide the European Union with additional liquified natural gas (“LNG”) exports of “at least 15 bcm in 2022” and rising, “until at least 2030,” to “approximately 50 bcm/year.”⁶ While your administration does seek to reduce the greenhouse gas intensity of U.S. LNG and to “reduce overall gas demand by accelerating market deployment of clean energy measures,”⁷ these aspirations, at present, while welcome, lack specificity and are undercut by the administration’s recent commitments with regard to LNG.⁸ The administration must take specific, concrete action to align the federal oil and gas program with the urgency demanded by the climate crisis. And

⁴ [Letter from Sen. Markey, Sen. Warren, Sen. Heinrich, Sen. Booker, Sen. Merkley to President Biden](#) at 1 (March 23, 2022); *see also* [Letter from Over 200 Groups re: Defense Production Action and Clean Energy Transition](#) (March 9, 2022).

⁵ Schonhardt, S., [Europe Races to Break Energy Ties With Russia](#) (March 9, 2022).

⁶ White House Fact Sheet, [United States and European Commission Announce Task Force to Reduce Europe’s Dependence on Russian Fossil Fuels](#) (March 25, 2022).

⁷ *Id.*

⁸ We note immense opportunity to balance Europe’s near-term need for additional LNG with climate objectives in a way that does not require new LNG infrastructure or production. *See* Erickson, P., Stockholm Environment Institute, [The U.S. can provide Europe with LNG while advancing climate goals](#) (April 1, 2022).

that means winding that program down in a way that delivers on environmental justice and provides frontline communities and energy workers with the support they deserve and need.

FOSSIL FUELS MUST BE WOUND DOWN, NOT RAMPED UP

At this juncture, "[t]here is no point expanding today's fossil fuel system."⁹ Rather, "[t]he fossil fuel system should be managed for decline and not growth."¹⁰ As the International Energy Agency found in its 2021 report, *Net Zero: A Roadmap for the Global Energy System*, new fossil fuel production projects are incompatible with U.S. and global commitments to reach net zero emissions by 2050.¹¹ Previous reports echo this conclusion.¹² And more recently, the U.N. Environment Programme *et al.*'s Production Gap report found that:

[T]he world's governments still plan to produce more than double the amount of fossil fuels in 2030 than would be consistent with limiting global warming to 1.5°C, and 45% more than consistent with limiting warming to 2°C. Collectively, although many governments have pledged to lower their emissions and even set net-zero targets, they have not yet made plans to wind down production of the fossil fuels that, once burned, generate most of those emissions.¹³

Every new oil and gas lease or drilling permit risks further locking in fossil fuel production incompatible with measures to limit warming to 1.5°C, including the Biden administration's Nationally Determined Contribution "to achieve a 50-52 percent reduction from 2005 levels in economy-wide net greenhouse gas pollution in 2030"¹⁴ and separate equity-based emissions reductions of 70 percent by 2030 and to near zero by 2040.¹⁵ Just this week, the IPCC concluded that "estimates of future CO₂ emissions from existing fossil fuel infrastructures already exceed remaining cumulative net CO₂ emissions in pathways limiting warming to 1.5°C."¹⁶

These are not abstract problems whose solutions can be deferred. As the IPCC provided in its Sixth Assessment Report, the "rise in weather and climate extremes has led to some irreversible

⁹ Bond, K, Rocky Mountain Institute, [How Putin's War Marks the End of the Fossil Fuel Era](#) (March 31, 2022).

¹⁰ *Id.*

¹¹ International Energy Agency, [Net Zero by 2050: A roadmap for the global energy system](#) at 21 (2021).

¹² Oil Change International, [Sky's the Limit: Why the Paris climate goals require a managed decline of fossil fuel production](#) (2016).

¹³ U.N. Environment Programme, et al., [The Production Gap: Governments' Planned Fossil Fuel Production Remains Dangerously Out of Sync With Paris Agreement Limits](#), Executive Summary at 3 (2021).

¹⁴ White House Fact Sheet, [President Biden Sets 2030 Greenhouse Gas Pollution Reduction Target Aimed at Creating Good-Paying Union Jobs and Securing U.S. Leadership on Clean Energy Technologies](#) (April 22, 2021).

¹⁵ U.S. Climate Action Network, [The US Fair Share Backgrounder](#) at 1 (2020).

¹⁶ M. Pathak, R. Slade, P.R. Shukla, J. Skea, R. Pichs-Madruga, D. Ürge-Vorsatz, 2022: [Technical Summary at TS-26. In: Climate Change 2022: Mitigation of Climate Change. Contribution of Working Group III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change](#) [P.R. Shukla, J. Skea, R. Slade, A. Al Khourdajie, R. van Diemen, D. McCollum, M. Pathak, S. Some, P. Vyas, R. Fradera, M. Belkacemi, A. Hasija, G. Lisboa, S. Luz, J. Malley, (eds.)]. Cambridge University Press, Cambridge, UK and New York, NY, USA. doi: 10.1017/9781009157926.002

impacts as natural and human systems are pushed beyond their ability to adapt.”¹⁷ Put simply, long-term geopolitical stability can and must be achieved through immediate climate action that frees us from the constraints imposed by global and domestic U.S. dependence on oil and gas.

CLIMATE AND ENERGY TRANSITION ACTION CENTERED ON WINDING DOWN FEDERAL FOSSIL FUELS IS A LEGALLY-SOUND IMPERATIVE

Climate action specifically centered on the public lands and minerals oil and gas program would leverage the federal government’s constitutional power at its apex in service of this goal and related goals, including improvements to public health. This power is embodied in FLPMA, which provides your administration with the authority and responsibility to serve as both the trustee of federal public lands for the benefit of the American people and the regulator of federal public lands uses. You are empowered to “protect ... air and atmospheric ... values,” “weigh long-term benefits to the public against short-term benefits,” prevent “permanent impairment of the productivity of the land and quality of the environment,” and “by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands.”¹⁸

Yet, remarkably, the U.S. Department of the Interior has never promulgated rules that fulfill FLPMA’s promise relative to the public lands and minerals oil and gas program, let alone “conform to changing needs and conditions” to account for the acute reality of the climate crisis.¹⁹ While Interior does employ a range of non-regulatory handbooks, manuals, and other policies, this patchwork of guidance is no substitute for a coherent, overarching, and durable regulatory framework. This is particularly so because Interior has already promulgated a regulatory framework to sell oil and gas leases and issue drilling permits—a framework that has only dubious ability to support climate and conservation action.²⁰ This creates an asymmetry that favors oil and gas at the expense of our climate, public health everywhere, and public lands conservation values.

Oil and gas companies have exploited this dynamic to acquire oil and gas development rights to 26.6 million acres of federal public lands and drill over 96,000 wells currently in production — infrastructure that is an underlying cause of the climate crisis, threatens public lands, and harms communities. Oil and gas companies have also stockpiled 9,000 additional oil and gas drilling permits. In other words, it is the oil and gas industry’s interests, not the public interest that dominate the federal public lands oil and gas program. This is a moment for climate leadership and clear, focused, and accelerated action.

¹⁷ IPCC, 2022: [Summary for Policymakers](#) at B.1, [H.-O. Pörtner, D.C. Roberts, E.S. Poloczanska, K. Mintenbeck, M. Tignor, A. Alegría, M. Craig, S. Langsdorf, S. Löschke, V. Möller, A. Okem (eds.)]. *In: Climate Change 2022: Impacts, Adaptation, and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* [H.-O. Pörtner, D.C. Roberts, M. Tignor, E.S. Poloczanska, K. Mintenbeck, A. Alegría, M. Craig, S. Langsdorf, S. Löschke, V. Möller, A. Okem, B. Rama (eds.)] Cambridge University Press. In Press.

¹⁸ 43 U.S.C. §§ 1701(a)(8), 1702(c), 1712(c), 1732(b).

¹⁹ 43 U.S.C. § 1702(c).

²⁰ See 43 C.F.R. Subt. B, Ch. II, Subch. C, Part 3100 (general oil and gas leasing rules), Part 3110 (noncompetitive oil and gas leasing rules), Part 3120 (competitive oil and gas leasing rules), Part 3150 (oil and gas geophysical exploration rules), Part 3160 (oil and gas operations rules), and Part 3170 (oil and gas production measurement and waste rules).

RECOMMENDED FISCAL REFORMS ARE NOT A CLIMATE AND PUBLIC LANDS CONSERVATION SOLUTION AND IN FACT COULD PROVE PROBLEMATIC

We are deeply disappointed by the myopic and timid scope of action recommended by Interior's November 26, 2021 Oil and Gas Report, which we suspect animates Interior's forthcoming revision of oil and gas leasing rules.²¹ In section 208 of executive order 14008 (Jan. 27, 2021), which was the impetus for the report, you directed Interior to complete:

[A] comprehensive review and reconsideration of Federal oil and gas permitting and leasing practices in light of the Secretary of the Interior's broad stewardship responsibilities over the public lands and in offshore waters, including potential climate and other impacts associated with oil and gas activities on public lands or in offshore waters.

Yet Interior's report is neither comprehensive nor a reflection of Interior's expansive authorities and responsibilities. It references "climate" a mere four times: once when it references the title to executive order 14008, once in a footnote referring to Interior's separate coal program, and twice in substance-free introductory language. The report's dodging of the climate crisis is even more egregious in the context of the executive order's prefatory language, which explains that:

The United States and the world face a profound climate crisis. We have a narrow moment to pursue action at home and abroad in order to avoid the most catastrophic impacts of that crisis and to seize the opportunity that tackling climate change presents. Domestic action must go hand in hand with United States international leadership, aimed at significantly enhancing global action. Together, we must listen to science and meet the moment.

Well into the second year of your administration's "narrow moment to pursue action," Interior's report fixates on long-percolating fiscal reforms that are far too little and late. Most critically, the report fails to make more than a passing reference to—let alone to leverage—the agency's expansive FLPMA authorities and duties. To the degree these fiscal reforms are premised on the notion they can internalize climate costs—e.g., make lessees pay for the climate costs of emissions through higher royalties—economic modeling concludes that "raising royalty rates at the levels commonly proposed [a range from 6.25% to 12.5%] would have little effect on federal oil and gas production and hence relatively small effects on emissions."²²

Further, it is critical to keep in mind that only new leases sold by Interior would be subject to many of these fiscal reforms, such as a royalty rate increase. An adjusted royalty rate would not, as we understand it, absent statutory changes, be applied to the more than 26 million onshore acres already under lease today, including the nearly 13.9 million leased acres that have yet to be developed. These existing leases would remain subject to the anemic 12.5% federal royalty rate.

²¹ U.S. Department of the Interior, [Revision of Existing Regulations Pertaining to Fossil Fuel Leases and Leasing Process 43 CFR Parts 3100 and 3400](#) (Fall 2021).

²² Prest, B., Resources for the Future, [Supply-Side Reforms to Oil and Gas Production on Federal Lands: Modeling the Implications for Climate Emissions, Revenues, and Production Shifts](#) at 8 (Sept. 2020).

Of course, these fiscal reforms also presume new leasing and an expansion of oil and gas production on federal public lands, which runs against the grain of a climate-centered energy transition, as well as in the teeth of overwhelming scientific consensus compelling action to mitigate the most catastrophic impacts of climate change. Boosting the royalty rate would merely intensify state dependence on federal oil and gas revenue, skew state-level policy approaches and undermine community-led initiatives to protect people, land, and water, transition economies, and deliver on environmental justice, all goals your administration professes to support.

For example, on November 15, 2021, Secretary of the Interior Haaland announced that Interior “will initiate consideration of a 20-year withdrawal of federal lands within a 10-mile radius around Chaco Culture National Historical Park, which would bar new federal oil and gas leasing on those lands.”²³ Interior would also “undertake a broader assessment of the Greater Chaco cultural landscape to ensure that public land management better reflects the sacred sites, stories, and cultural resources in the region.”²⁴ Intensifying state-level incentives to press for new federal leasing and production to secure boosted royalties would undermine these actions.

**AN ENERGY TRANSITION IS CRITICAL TO ADDRESS THE FOSSIL FUEL
INDUSTRY’S SHIFT FROM VOLATILE BOOM-AND-BUST CYCLES INTO A
STRUCTURAL DECLINE THAT WILL HARM PEOPLE AND COMMUNITIES**

Even setting aside the urgency to exercise climate leadership and take action commensurate with the scale of the climate crisis, and notwithstanding the near-term crisis in Ukraine, there is a persistent and serious risk that the U.S. oil and gas industry is tilting away from already volatile boom-and-bust cycles and into a permanent structural decline. This is a product of waning capital investment, high infrastructure costs, oil and gas demand and supply misalignment, shifts in energy demand, and increasing market competition from renewable energy.

This decline exists even without industry internalizing the harms caused by oil and gas production, and even as industry still benefits from tremendous levels of federal and state subsidies, with direct subsidies alone conservatively estimated at an alarming \$16 billion.²⁵ While oil prices have rebounded since 2020 and may remain high in the near-term, oil and gas faces stiff, long-term headwinds.

We yearn for leadership that articulates a visionary and ambitious framework to match climate action with incentives and support for states and communities to stabilize and diversify revenue streams and economic opportunity away from their current dependency on federal oil and gas leasing and production. The more states and communities remain chained to oil and gas production revenue and economics, the less resilient revenue and jobs will prove to be in the face of a changing climate, the more public health will suffer, and the more difficult effective climate action will become. Such a transition would offer states and communities an unprecedented

²³ U.S. Dept. of the Interior, [*Secretary Haaland Announces Steps to Establish Protections for Culturally Significant Chaco Canyon Landscape*](#) (Nov. 15, 2021).

²⁴ *Id.*

²⁵ Environmental and Energy Study Institute, [*Fact Sheet: Fossil Fuel Subsidies: A Closer Look at Tax Breaks and Societal Costs*](#) (July 2019).

opportunity: the freedom to choose a revenue and economic pathway unshackled from an industry that harms the climate, public lands, and people.

WE CAN OPEN NEW DOORS TO A THRIVING, RESILIENT FUTURE

The imperative for your administration to take visionary and ambitious climate and energy transition action could not be more clear or urgent. Our recommendations—prohibit oil and gas leasing and sharply reduce production; promulgate climate-centered rules governing the federal oil and gas program; impose interim climate and conservation-centered guardrails on oil and gas activity pending long-term rules; and develop a supportive federal framework to assist states and communities in efforts to stabilize and diversify revenue and jobs—provide an opportunity for your administration to work with us to open new doors to game-changing climate leadership and a thriving, resilient future for all people.

We appreciate your consideration of our recommendations. We would be happy to discuss them with you and your administration in more depth at your convenience.

Sincerely,



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Cc: The Honorable Debra Haaland, U.S. Secretary of the Interior
The Honorable Gina McCarthy, National Climate Advisor
David Hayes, Special Assistant to the President for Climate Policy
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