



WYOMING SENATE DISTRICT 26

November 6, 2017

Ryan Zinke, Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

ATTN: OMB Control Number 1004 – 0211

Re: RIN 1004 – AE54; Waste Prevention, Production Subject to Royalties, and Resource Conservation Rule; Delay and Suspension of Certain Requirements

Dear Secretary Zinke:

As President of the Wyoming Senate and an oil and gas operator, I respectfully write in support of the proposed Bureau of Land Management (BLM) rule titled "Waste Prevention, Production Subject to Royalties and Resource Conservation Rule; Delay and Suspension of Certain Requirements" (Proposed Rule).<sup>1</sup> The Proposed Rule will suspend certain requirements of the Waste Prevention, Production Subject to Royalties and Resource Conservation Rule (Rule), including parts that conflict with state statutes and rules that regulate air quality and the conservation of oil and gas resources. This is a needed course of action. States like Wyoming have developed a deliberate and thoughtful regulatory framework to preclude waste of oil and gas and to ensure the protection of air quality and the payment of taxes and royalties on marketable production. Such a framework respects the distinct jurisdictions and expertise of the Wyoming Oil and Gas Conservation Commission (WOGCC) and Wyoming Department of Environmental Quality (DEQ) and allows the BLM and other federal agencies to actively engage in the protection of federal resources and prerogatives.

The authority to administer clean air laws under the Clean Air Act (CAA) has largely been delegated to the states. Pursuant to the Mineral Leasing Act (MLA), the BLM's authority is generally limited to waste prevention and royalty assessment. The MLA establishes the standard for waste prevention and simply requires the use of "all reasonable precautions" to prevent waste. The Rule goes far beyond the standards established in the MLA and improperly attempted to regulate air quality under the guise of waste prevention.

**Existing Source Regulation Burdens Industry and the State**

The BLM failed to recognize the economic burden placed on operators as a result of the requirement to replace equipment on existing wells. Costs associated with existing wells,

<sup>1</sup> The comments in this letter are based on information provided by the Petroleum Association of Wyoming and reflective of my own experiences as an oil and gas operator.

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particularly those that are considered "stripper wells" which produce small amounts of oil or natural gas, would be adversely affected by requiring the retrofit of new equipment. If these requirements become effective, existing and future wells in Wyoming will become uneconomical and premature plugging of existing wells and a decrease in the number of new wells drilled may very well occur. Premature plugging of wells would result in lost economic opportunities for Wyoming state and local governments as well as federal royalties. The BLM does not have the authority to regulate existing facilities where the EPA cannot apply new source performance standards to existing sources. Even if the BLM had the requisite authority, applying new requirements to existing facilities would require operators to undertake a substantial effort and incur significant costs to retrofit those facilities. Regulatory agencies should not promulgate regulations that render private businesses uneconomical, nor should regulations have such negative impacts on state, local and federal taxes and royalties.

### **Duplicative Regulation Adds Another Unnecessary Burden**

The BLM's promulgation of rules that are duplicative of state and other federal requirements are particularly concerning. Wyoming has developed stringent regulations for oil and gas development, including ones aimed at reducing emissions and protecting air quality. DEQ already requires best available control technologies (BACT). DEQ is also vested with the authority to manage air quality in Wyoming and has the personnel, budget and expertise necessary to efficiently and effectively implement applicable statutes and rules. Thus, DEQ, not the BLM, is the proper agency to continue regulating the state's air quality.

Oil and natural gas wells need to be continually drilled. Otherwise, state and national production will continue to decline. Introducing redundant regulations that result in unnecessary delays in the permitting process will only lead to a reduction in both oil and natural gas production on federal lands. Such a reduction will have a severe negative effect on Wyoming and the nation's tax revenue and employment numbers. It will also increase the costs for energy to all consumers along with our country's reliance on imports from volatile parts of the world. Any such reduction would also be contrary to the BLM's responsibility to efficiently manage mineral development on federal and Indian lands.

### **BLM Must Consider Repercussions of its Federal Action**

The authority for the BLM to increase federal royalties by 4% or force a producer to curtail production if flaring is deemed excessive should be discarded. Operators must flare gas for a number of reasons, including circumstances where no infrastructure exists near the well. To the extent the BLM desires to modify regulations in 43 CFR Sections 3103.3-1 to make the language consistent with the MLA, the BLM should mirror the exact language of the MLA and eliminate any reference to "base" rate. The royalty rate must be set at the time of lease offering and should not be subject to any subsequent change. Without federal mineral development, the U.S. Treasury would suffer losses that cannot be made up by the use of non-traditional uses for energy development, nor would such development fill the void for energy use that would be lost from federal mineral development that our nation has developed. The BLM must take into account the size of all operators on federal leases when proposing rules of this magnitude so as not to prevent mineral development and diminish the flow of taxes and royalties to governments at all levels.

### **BLM's Impact on State Ozone Nonattainment Planning**

In its attempt to control emissions of methane, the BLM's requirement to regulate existing sources will increase NOx emissions. As the BLM is aware, NOx is an ozone precursor and additional NOx will be generated during construction of new flares as well as operating them to combust vented gas. Thus, before this requirement could be effective in the Upper Green River Basin (UGRB) ozone nonattainment area in Wyoming, the BLM's action likely requires an ozone General Conformity analysis that complies with the EPA and state General Conformity rules to ensure increased NOx generated from this proposal will not negatively impact state air quality planning to achieve and maintain attainment with the ozone standard.

Imposing existing source requirements such as leak detection and repair (LDAR), liquids unloading and pneumatics to capture or control methane would interfere with Wyoming's air quality program to lower ozone and ozone precursors. A conformity determination is required to ensure increased NOx emissions from lease traffic, construction equipment, all other mobile sources, as well as flaring from liquids unloading and control of pneumatics would not be detrimental to state ozone planning to achieve and maintain attainment with the standard. If annual NOx emissions due to this action were to exceed 100 tons per year for the entire area, the BLM may need to seek offset emissions of NOx to be in compliance. The State of Wyoming has primacy for General Conformity through EPA approval in its State Implementation Plan (SIP), and the BLM may therefore need state approval of the General Conformity analysis.

### **Comments Pertaining to Specific Issues with the Rule**

#### **43 CFR 3162.36-1(j) - Drilling Applications and Plans.**

I support rescinding this part of the Rule. The "waste minimization plan" (WMP) requirement is particularly concerning. Many items required in the WMP may not be available to an operator at the time an operator submits an APD. Operators must apply for APDs many months in advance of drilling plans because APDs are not currently processed in a timely manner. The information required in a WMP might not be available to the operator, who typically does not control midstream operations or pipeline operations. In such instances, the BLM would likely deem the APD incomplete and, in turn, not process the application.

#### **43 CFR 3179.6 - When Flaring or Venting is Prohibited & 43 CFR 3179.7 Gas Capture Requirement.**

In 2016, the WOGCC approved rules allowing operators to flare up to 60 Mcf/day and vent up to 20 Mcf/day. If an operator believes they will flare over 60 Mcf/day, they must apply to the WOGCC for authorization to flare. The WOGCC Supervisor may grant approval up to 180 days for volumes up to 250 Mcf/day not to exceed 45 MMcf. WOGCC approval is required for authorization to flare in excess of 45 MMcf or 180 days. The application to flare must include a gas capture plan, which is intended to allow for the flared gas to be transported away from the well. In addition, alternatives for the period of time between first sales and connection to the gas line must be provided. Operators must report on a monthly basis the duration and total estimated volume of gas and the circumstances that resulted in venting or flaring. The reports must identify if gas was vented or flared and whether gas volume is based on metered flow, Gas/Oil Ratio or other measurement methods. Compositional analysis of gas vented or flared must be submitted within 3 months and every 5 years thereafter. The WOGCC rules recognize that certain actions do not constitute waste. They include emergencies or upset conditions, safety purposes during

maintenance or upgrades, well purging and evaluation tests, and production tests of not more than 15 days. Upon completion of flaring, a final report detailing total volumes, duration and average daily volume flared must be submitted to the Supervisor. The Rule proposes requirements that are duplicative of these rules.

There are many wellsite maintenance activities that require small volume venting, such as routine BLM-required meter maintenance. If operators are required to flare in these situations, where intermittent flow to the flare would be experienced, additional fuel gas would be required on site to keep the flare operational. Fields that are experiencing secondary or tertiary recovery efforts would experience higher concentrations of inert gasses sent to flare. This action would also require additional fuel gas on site to increase flared gas heat content in order to keep flares operational. Flares must be sized for the largest potential throughput to ensure site safety, thereby increasing required fuel gas, site footprint and disturbance. Also, if meter plates are installed in the flare line and the plate is too small for the largest potential throughput to the flare, site safety would be compromised.

The BLM suggests submitting a Sundry Notice to allow for exemptions for limits on venting or flaring on existing leases. It is unclear how long approval of the Sundry Notice would take. In addition, some of the information required on the Sundry Notice might not be available to the operator, who typically does not control midstream operations or pipeline operations.

For these reasons, I support rescinding these portions of the Rule.

#### **43 CFR 3179.9 - Measuring and Reporting Volumes of Gas Vented and Flared From Wells.**

This part of the Rule should be rescinded. Currently, there is no technology that can reliably measure low pressure, low volume, fluctuating gas flow that is typical of activities as defined under the "unavoidably lost" definition in 43 CFR 3179.4. There are also technological limitations of measuring high and low gas flow. The only way to safely design flare measurement is to size the orifice meter for the maximum possible flow under worst case abnormal operating conditions. This basic safety necessity makes it impossible to accurately measure low flow rates. The use of Onshore Order 4 or 5 to comply with this provision is necessary. The Rule has created a system where certain FMPs could not comply with all BLM requirements. By requiring orifice plate inspections, routine verification and spot sampling for high-volume wells every 3 months and very-high-volume wells every 1 month, operators would be required to enter areas that have restrictive stipulations, such as eagle nesting or sage-grouse breeding. This type of inspection schedule would force operators to either violate a wildlife stipulation or miss the inspection timeframe. The operator, then, would be forced into a situation where maintaining compliance is not always possible.

#### **43 CFR 3179.10 - Other Waste Prevention Measures.**

I oppose the Rule's requirement that operators must limit production from a permitted well on a duly obtained federal lease when transportation constraints out of the operator's control restrict the operator's ability to transport natural gas from wells in existing pipelines. The BLM's existing authority to unilaterally curtail production from a lease is quite limited. Pursuant to 30 U.S.C. 187, that authority relates to preventing "undue waste" and ensuring "the sale of the production [from] leased lands to the United States and to the public at reasonable prices." Where transportation constraints do not permit the movement and sale of gas from isolated wells, the

flaring of gas from those wells cannot be labeled as "undue." Because there is limited ability, if any at all, to market transportation-constrained production, and because such isolated production has no market value, there is no "reasonable price" concern under 30 U.S.C. 187. The scope of 30 U.S.C. 187 is notably limited, as "[n]one of [its] provisions shall be in conflict with the laws of the State in which the leased property is situated." As a result, where the WOGCC grants a flaring or venting authorization pursuant to its statutory and regulatory authority, the BLM must adhere to and respect that determination, notwithstanding 43 CFR 3179.10.

Under 30 U.S.C. 225, the BLM may only "use... reasonable precautions to prevent waste of oil or gas developed in the land." Again, where the ability to market gas is limited by pipeline availability or capacity and the WOGCC otherwise permits flaring as not constituting waste under state oil and gas conservation laws, unilateral action by the BLM to disrupt production from a federal lease cannot be deemed reasonable. Consequently, any action taken by the BLM pursuant to 43 CFR 3179.10 would have to adhere to the inherent limitations 30 U.S.C. 225 imposes upon it.

#### **43 CFR 3179.101 - Well Drilling.**

This portion of the Rule should be rescinded. It provides a flaring requirement for wells without taking into account the variable designs of drilling programs. Required emission control options currently found in the Rule to reduce emissions are not feasible or realistic, leaving flaring as the only option in most cases. Drilling operations do not lend themselves to capturing and selling natural gas, fuel gas creation or subsurface gas injection, which are three of the four options in this provision to control emissions. There is no saleable quality or stable quantity of gas available that can be tied into a gas gathering system, used to support field operation or injected practically. Because of the impracticality of these options, the proposed option to flare gas means that virtually all drilling operations will require some type of flare system.

#### **43 CFR 3179.102 - Well Completions and Related Operations.**

This part of the Rule should be rescinded. It is technically infeasible to require that all gas reaching the surface during well completion and post completion, drilling fluid recovery or fracturing or refracturing be captured and sold, flared, used onsite or injected with no allowance for any venting. Until a two- or three-phase gas/liquid separator can be operated, the only option is venting. The EPA's NSPS OOOO and OOOOa allow venting from flowback following hydraulic fracturing until a gas/liquid separator can be operated so that sufficient gas can be captured and sent to a flare or recovered for some other beneficial use.

This requirement is inconsistent with the OOOOa exemption for pneumatic controllers and pumps, and a sundry should not be required when a well completion is subject to the requirements in OOOOa or State regulations.

#### **43 CFR 3179.201 - Equipment Requirements for Pneumatic Controllers.**

I support rescinding this portion of the Rule. Pneumatic controller releases of natural gas are authorized in 43 CFR 3178.4 as a beneficial use of produced gas in which no BLM notice is required and no royalty payment is due. Such releases do not generate any waste, and pneumatic controllers are currently regulated by DEQ and the EPA. This provision, therefore, constitutes a

regulation of air emissions, not waste, and as such is beyond the purview of BLM's regulatory authority.

DEQ has required existing sources to replace pneumatic controllers in the UGRB non-attainment area for winter ozone only, based on criteria in the CAA that provides for control of existing sources and provides for EPA's authority to require such controls under less stringent cost effectiveness criteria. The BLM should not apply a non-attainment standard to all areas of the state, particularly those currently in attainment for all standards under the CAA.

In addition, BLM's mischaracterization in describing pneumatic controllers is concerning, particularly the characterization of intermittent vent controllers as low bleed controllers. Intermittent vent controllers only vent upon actuation; they do not continuously bleed like low bleed controllers. Over the widest range of applications, the intermittent vent controller has the lowest emissions and is generally the controller of choice to replace a continuous high bleed controller since it uses less gas while providing the equivalent response time required for actuation of an end device. When a continuous bleed controller operates at a low bleed rate (less than 6 scf/hr), it may not provide the required response time for end device actuation; that is, a valve may not open or close fast enough for the application.

#### **43 CFR 3179.202 - Requirements for Pneumatic Chemical Injection Pumps or Pneumatic Diaphragm Pumps.**

This part of the Rule should be rescinded. As noted above, using pneumatic pumps and their natural gas discharge is authorized in 43 CFR 3178.4 as a beneficial use, and no royalties are to be collected. As with pneumatic controllers, gas usage for pneumatic pumps is a beneficial use and not waste. Therefore, pneumatic pump discharge is not an issue of an avoidable or unavoidable loss of natural gas in 43 CFR 3179 and this provision constitutes an impermissible attempt to regulate air emissions under the guise of regulating waste.

The BLM is attempting to require previously approved, existing permitted sources to replace pneumatic pumps. DEQ has required existing sources in Wyoming to replace pneumatic pumps in a small area afflicted by non-attainment for winter ozone only, based on criteria in the CAA that provides for control of existing sources and provides for EPA's authority to require such controls under less stringent cost effectiveness criteria. The BLM should not apply a non-attainment standard to all areas of the state, particularly those currently in attainment for all standards under the CAA, and the BLM may not require operators to change pneumatic pumps under the guise of royalty collection.

#### **43 CFR 3179.203 - Crude Oil and Condensate Storage Vessels.**

This portion of the Rule should be rescinded. Storage vessels are regulated by the DEQ and the EPA. DEQ regulations and Guidance require controls on tanks on a per site basis, while the EPA's OOOO regulation imposes a limit of six tons per year (6 TPY) on a single tank basis. The BLM cannot assert authority to require operators to route emissions, particularly VOC emissions, under the guise of royalty collection. There is no issue of avoidable or unavoidable loss, as tank emissions are not recoverable whether vented or combusted, and requiring use of a flare to reduce emissions is based solely on air quality concerns, not waste minimization.

There are two main options for controlling emissions from a storage vessel: combustion or vapor recovery. Combustion does not reduce waste of product; instead it results in further waste by burning gas for the pilot of the combustion device or flare. Standard industry practice and insurance requirements require that a combustion device or flare be placed approximately 50 to 100 feet from any equipment containing hydrocarbons. Therefore, additional surface disturbance will be a direct effect of control device installation.

The ability to use vapor recovery is limited or technically infeasible at many oil and natural gas sites. Vapor recovery devices require a sizable, consistent volume of gas flow rate to enable proper operation. Vapor recovery also requires onsite electric power to efficiently run small vapor recovery compressors or, for large facilities, an engine driven compressor. Most federal and Tribal land well and field sites do not currently have power availability. Operating a gas driven engine creates a new emission source with associated combustion emissions and requires significant maintenance and cost. Even when installing electric power systems is economical, the BLM has been resistant to approving aboveground power lines.

The cost of controlling existing storage vessels (retrofitting) is much higher than for new storage vessels, and the life of an existing storage vessel is obviously shorter. The emissions threshold for controlling existing storage vessels should therefore be higher than the EPA's 6 TPY. Replacing a storage vessel would be a source modification that would trigger Subpart OOOOa. With an existing storage vessel, the thief hatch and Enardo valves will typically need to be replaced with newer models having lower inherent leak rates. The entire tank might have to be replaced if it is not rated or determined to be capable of the higher pressure needed to route vapors from the storage vessel to a control device. This would also trigger NSPS OOOOa. Given that the average life of a storage vessel is only 10 to 12 years, the remaining life of an existing tank could very well be much shorter. Operation and fuel costs would also need to be taken into account. Adding a control device might also require a site expansion, which could trigger additional NEPA actions.

#### **43 CFR 3179.204 - Downhole Well Maintenance and Liquids Unloading.**

I support rescinding this part of the Rule. Venting is required for liquids unloading to remove system back pressure to optimize removal of the liquid. The age of the well and when it was drilled is inconsequential to the need to vent. Requirements to prevent venting in older wells will result in premature shut in of these wells, and requirements to install plunger lifts on new wells are not practical and would not prevent venting. The EPA recognized this fact and determined through its white paper process that there is no Best System of Emission Reduction for liquids unloading and correctly chose not to regulate it in NSPS Subpart OOOOa.

Flares are almost never used in liquids unloading because backpressure will remain on the well from required separation to operate a flare. Without the removal of backpressure, liquids cannot be efficiently removed from the well, resulting in lower production rates or production ceasing altogether.

The BLM was incorrect to characterize a plunger lift as an emissions control system. A plunger lift is designed to promote efficient well deliquification to maximize production rates, not lower emissions. Well characteristics also determine the viability of installing a plunger lift. Directional and horizontal wells are usually not candidates for plunger lifts. Casing and tubing design of any given well further determine viability of a plunger lift, as does the frequency of loading and need

to unload the well. When a plunger lift is installed, failure of the plunger to lift does occur, and venting is then needed to remove the backpressure to complete a lift. Optimized plunger lifts can in some cases result in more venting, not less, than manual well purging.

New wells will generally not require deliquification until years later after initial production. Expecting a plunger lift to be installed at the start of production is a wasted cost, as the equipment may not be needed for years; the well may not be compatible to begin with and if and when the equipment is needed, its condition may have deteriorated such that it needs to be replaced before well deliquification can begin.

DEQ's Guidance already addresses the issue of liquids unloading. The BLM proposal essentially eliminates use of this guidance. DEQ's current Guidance program allows for wide variability in the dynamics of oil and gas production regardless of surface or mineral ownership. Having worked together with industry in its development, DEQ has implemented a cost-effective, common sense permitting program to lower emissions to equivalent standards desired by the EPA. Given that liquids unloading operations are regulated by DEQ, the BLM should not be able to require operators to prevent or limit liquid unloading operations.

#### **43 CFR 3179.301 - Operator Responsibility.**

This portion of the Rule should be rescinded. LDAR programs are regulated by DEQ and the EPA. Because DEQ has the personnel, budget and expertise necessary to efficiently and effectively implement and manage compliance with its LDAR program, this agency is best suited to regulate LDAR in Wyoming. The BLM, on the other hand, lacks the authority to require operators to implement additional and conflicting LDAR program requirements. It is unclear how operators could prove to the BLM via Sundry Notice that LDAR requirements are being met through EPA's OOOOa rule when BLM requirements are not consistent with that rule.

The Rule would require LDAR surveys to be initiated and then repeated during winter months, when harsh, cold weather predominates in Wyoming. This type of weather makes it difficult to visit well sites that can be remote and widely scattered. It may also not be possible to utilize optical gas imaging ("OGI") methods in winter conditions. Visual detection of leaks requires a temperature difference between the leak and ambient air. Delta temperatures between gas leaks and background are highly dependent on many factors, such as wind conditions, hydrocarbon concentrations and mass emission rates. Fluctuating weather patterns further frustrate the ability to utilize OGI methods in winter conditions. It would also be difficult for operators to comply with the Rule's LDAR survey requirements because, in winter, many areas in Wyoming contain disturbance stipulations for wildlife.

#### **Conclusion**

In Wyoming, there is ample and robust regulations and expertise by DEQ, as well as the EPA, to control emissions from oil and gas production sites. To require air quality controls that are already effectively managed by the State and the EPA is unnecessary and redundant. The directive of the BLM does not include requiring air quality controls, despite its suggestion that doing so is only in response to ensure proper royalty payments. The BLM should stay within the parameters of its existing regulatory authority—conserving resources, preventing waste and assuring a fair royalty return to the U.S. government. 30 U.S.C. 187 states that this authority may

not be exercised in such a way as to conflict with the laws of the state in which the leased property is situated. Many parts of the Rule would do just that.

The Rule, as written, contains onerous and unwarranted measures that would delay or deter future mineral development, diminishing production and revenue to federal, state and local governments. Wyoming's economy, in particular, is very dependent on mineral revenues. Disruptions in revenue flow would substantially impact the state's economy on numerous levels.

Thank you for the opportunity to provide these comments.

Sincerely,



Senator Eli Bebout  
Wyoming Senate President

# Congress of the United States

Washington, DC 20510

November 2, 2017

The Honorable Ryan Zinke  
Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

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Dear Mr. Secretary:

We write in strong opposition to the Bureau of Land Management's (BLM) recent announcement that it intends to pursue a new rulemaking to repeal or revise the agency's methane waste prevention rule and any unlawful attempts to delay enforcement of the existing rule. We support the BLM's rule because it prevents the unnecessary waste of a public resource, and makes sure that American taxpayers get fair value in return for commercial use of that public resource.

The rule updated BLM regulations that had become obsolete over the past 35 years. The increased oil and gas development on public lands -- including widespread use of horizontal drilling and fracking -- can pose significant risks to clean air, clean water, human health, wildlife, and local communities. Numerous independent reports and investigations, including those from the U.S. Government Accountability Office (GAO), documented that BLM's outdated policies did not take account of currently available technologies that reduce waste from venting and flaring.

The GAO has repeatedly found that the Department of the Interior (DOI) can do more to minimize waste of public oil and gas resources.<sup>1</sup> GAO has continued to place the DOI's management of federal oil and gas resources in its "High Risk List" of federal programs that are especially vulnerable to waste, fraud, abuse, and mismanagement.<sup>2</sup> Wasted natural gas from oil and gas operations across the United States is estimated at approximately \$2 billion every year and would be enough gas to heat over 7 million homes. This includes an estimated \$330 million worth of natural gas just from public and Tribal lands that could be prevented through the rule. The administration has a statutorily required obligation to prevent the waste of this valuable resource on public lands, a resource that belongs to the taxpayers. The American people deserve to get a proper return on this natural gas resource, and any attempt to roll back this rule would represent a giveaway to industry polluters.

If the rule is delayed, the BLM itself estimates that an additional 175,000 to 250,000 tons of methane and volatile organic compounds would pollute the air we breathe. And yet the BLM found that implementation of the rule would reduce average company profits by only 0.15 percent and,

<sup>1</sup> See GAO-16-607 Interior Could Do More to Account for and Manage Natural Gas Emissions; GAO-11-34 Opportunities Exist to Capture Vented and Flared Natural Gas, Which Would Increase Royalty Payments and Reduce Greenhouse Gases; GAO-04-809 Opportunities to Improve Data and Reduce Emissions

<sup>2</sup> GAO-17-317 HIGH-RISK SERIES: Progress on Many High-Risk Areas, While Substantial Efforts Needed on Others

if savings from increased revenues from increased gas sales are taken into account, the net economic benefit to industry could be as much as \$46 million per year<sup>3</sup>. Protecting the health and safety of the American people is inarguably a core function of government and the rule's requirements are based on well-reasoned science. Capturing and preventing methane emissions will reduce exposure of hazardous pollutants in our local communities and will provide economic benefits to industry.

The Department's stated rationale for moving to repeal or revise the rule is not supported by the facts. There is no credible evidence that the rule will cause marginal wells to shut-in, will drive industry away from federal and Tribal lands, or will result in job loss. The state of Colorado enacted similar methane control rules in 2014, and has not experienced any of these negative consequences. Since the BLM rule went into effect on January 17, 2017 there has been no evidence of any significant negative impacts on economic activity in the oil and gas sector.

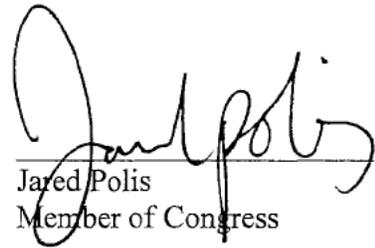
Given the paucity of information provided by BLM in its Federal Register notice, and the great public interest in this rule, we respectfully request the public comment period be extended an additional 60 days, to a total of 90 days, and that public hearings especially in the Western U.S. be added to ensure adequate opportunity for public involvement. We also ask that you ensure the social cost of methane used to evaluate the benefits of the rule conforms to a science-based approach and reflects the October 4, 2017 decision in the Northern District of California District Court.

Finally, the Federal District Court rejected the BLM's attempt to delay compliance with the Methane and Waste Prevention Rule, and ordered BLM to immediately enforce all provisions of the rule that have taken effect. We urge you to fully implement those provisions without further delay.

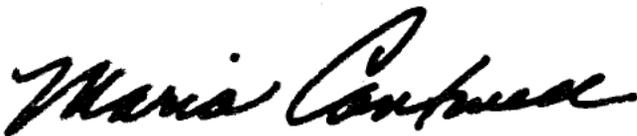
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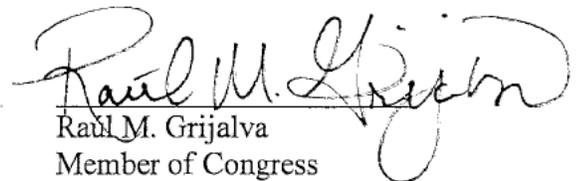
Tom Udall  
United States Senator



Jared Polis  
Member of Congress



Maria Cantwell  
United States Senator



Raul M. Grijalva  
Member of Congress

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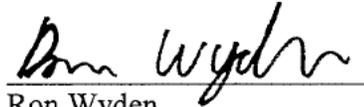
<sup>3</sup> Regulatory Impact Analysis for: Revisions to 43 CFR 3100 (Onshore Oil and Gas Leasing) and 43 CFR 3600 (Onshore Oil and Gas Operations); Additions of 43 CFR 3178 (Royalty-Free Use of Lease Production) and 43 CFR 3179 (Waster Prevention and Resource Conservation), U.S. Bureau of Land Management, November 10, 2016.



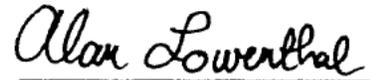
Martin Heinrich  
United States Senator



Diana DeGette  
Member of Congress



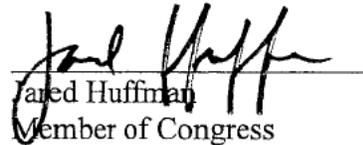
Ron Wyden  
United States Senator



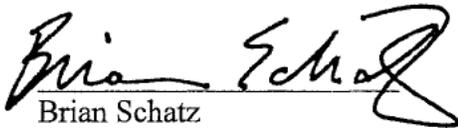
Alan S. Lowenthal  
Member of Congress



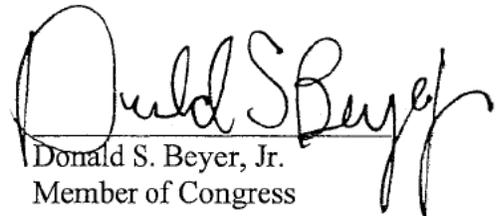
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United States Senator



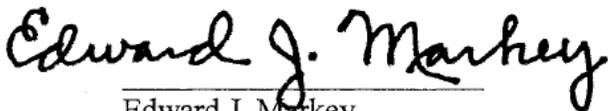
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Member of Congress



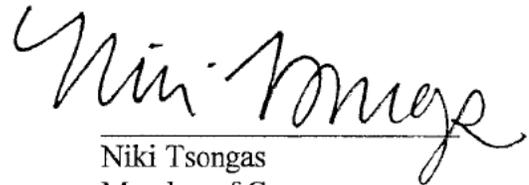
Brian Schatz  
United States Senator



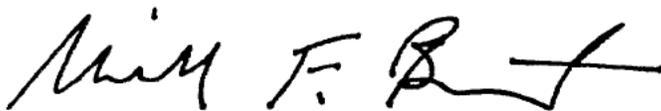
Donald S. Beyer, Jr.  
Member of Congress



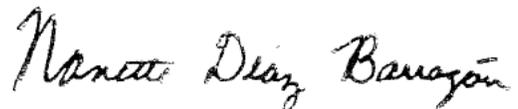
Edward J. Markey  
United States Senator



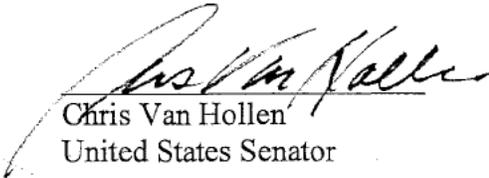
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Member of Congress



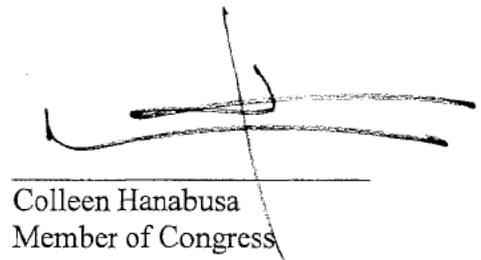
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United States Senator



Nanette Diaz Barragan  
Member of Congress



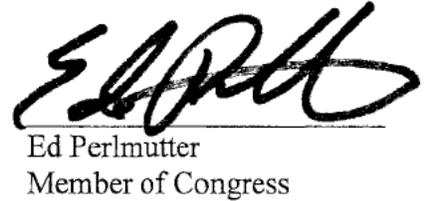
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United States Senator



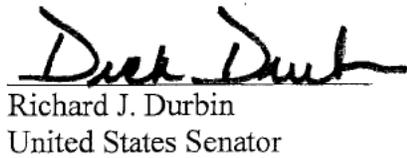
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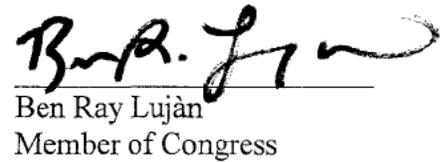
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United States Senator



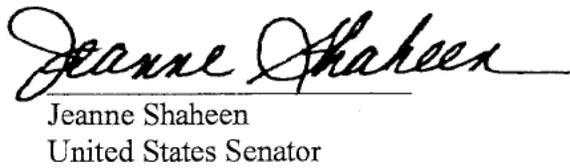
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Member of Congress



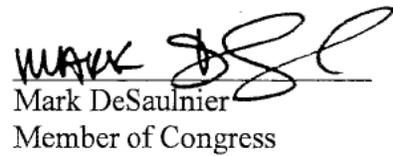
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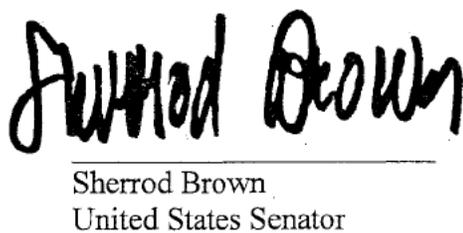
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Member of Congress



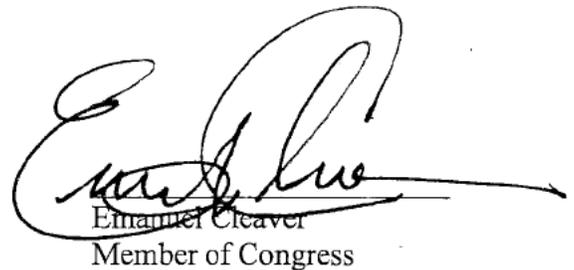
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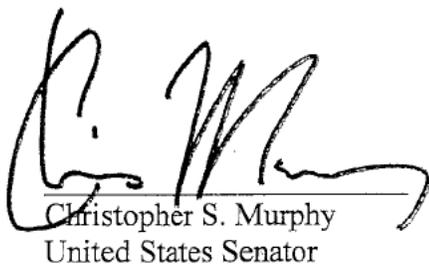
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Member of Congress



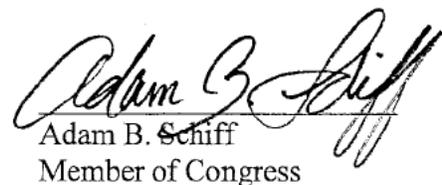
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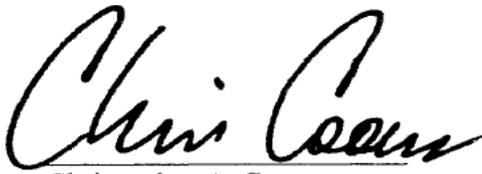
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Member of Congress



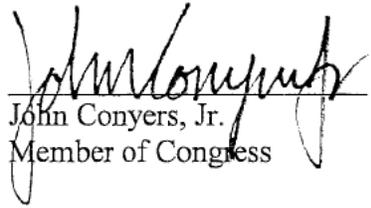
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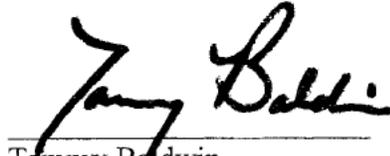
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Member of Congress



Christopher A. Coons  
United States Senator



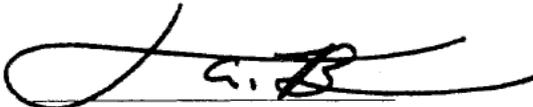
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Member of Congress



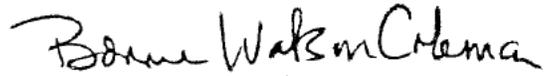
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United States Senator



Katherine M. Clark  
Member of Congress



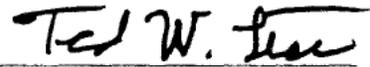
Cory A. Booker  
United States Senator



Bonnie Watson Coleman  
Member of Congress



Debbie Stabenow  
United States Senator



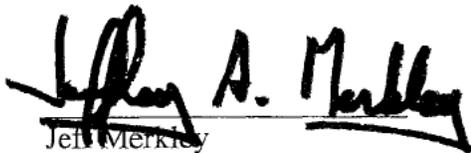
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Member of Congress



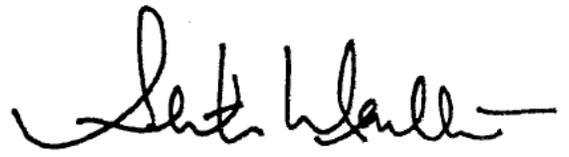
Mazie K. Hirono  
United States Senator



David E. Price  
Member of Congress



Jeff Merkley  
United States Senator



Seth Moulton  
Member of Congress

*Bob Casey, Jr.*

Robert P. Casey, Jr.  
United States Senator

*Will R. Keating*

William R. Keating  
Member of Congress

*Dianne Feinstein*

Dianne Feinstein  
United States Senator

*Gerald E. Connolly*

Gerald E. Connolly  
Member of Congress

*Jack Reed*

Jack Reed  
United States Senator

*Matt Cartwright*

Matt Cartwright  
Member of Congress

*Richard Blumenthal*

Richard Blumenthal  
United States Senator

*Daniel W. Lipinski*

Daniel W. Lipinski  
Member of Congress

*Margaret Wood Hassan*

Margaret Wood Hassan  
United States Senator

*Doris Matsui*

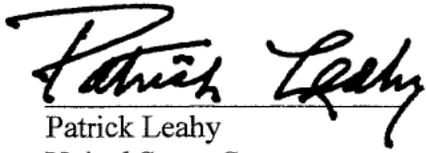
Doris Matsui  
Member of Congress

*Patty Murray*

Patty Murray  
United States Senator

*Lucille Roybal-Allard*

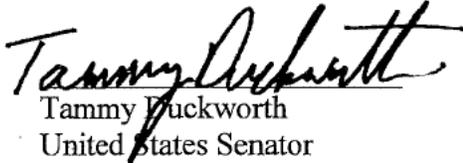
Lucille Roybal-Allard  
Member of Congress



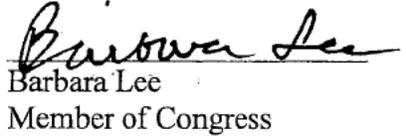
Patrick Leahy  
United States Senator



Keith Ellison  
Member of Congress



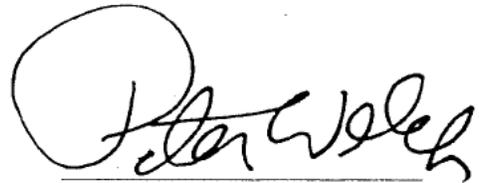
Tammy Duckworth  
United States Senator



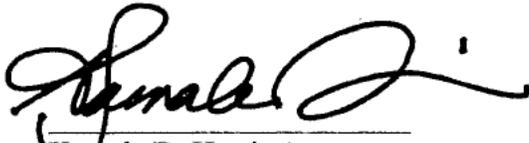
Barbara Lee  
Member of Congress



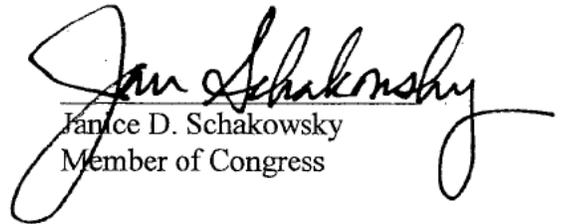
Bernard Sanders  
United States Senator



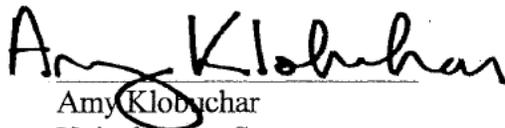
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Member of Congress



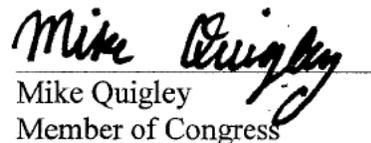
Kamala D. Harris  
United States Senator



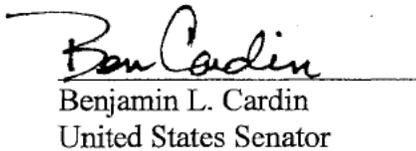
Janice D. Schakowsky  
Member of Congress



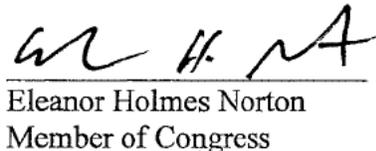
Amy Klobuchar  
United States Senator



Mike Quigley  
Member of Congress



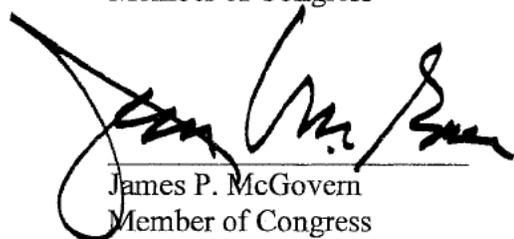
Benjamin L. Cardin  
United States Senator



Eleanor Holmes Norton  
Member of Congress



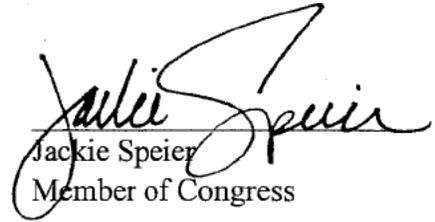
Kirsten Gillibrand  
United States Senator



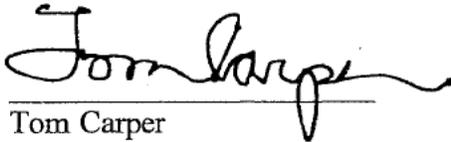
James P. McGovern  
Member of Congress



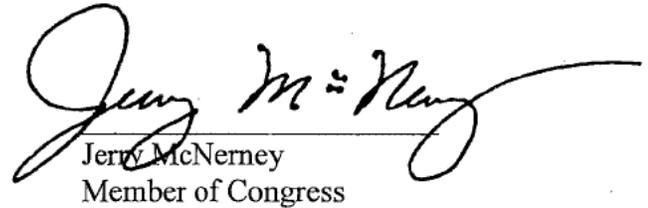
Bill Nelson  
United States Senator



Jackie Speier  
Member of Congress



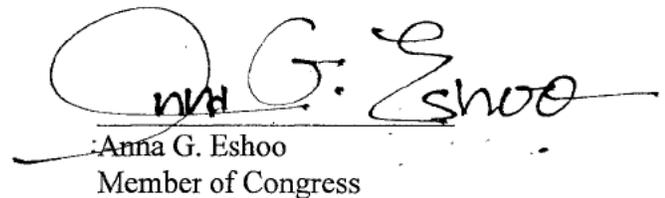
Tom Carper  
United States Senator



Jerry McNerney  
Member of Congress



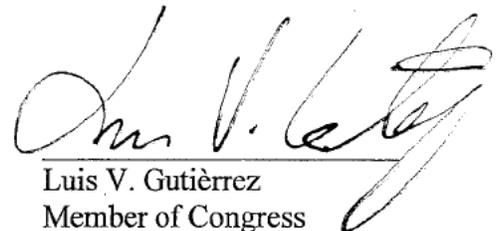
Gary C. Peters  
United States Senator



Anna G. Eshoo  
Member of Congress



Charles Schumer  
United States Senator



Luis V. Gutiérrez  
Member of Congress



Scott H. Peters  
Member of Congress



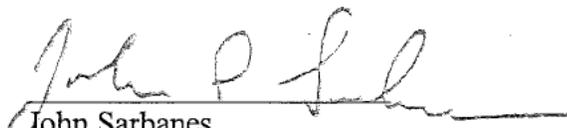
Mark Pocan  
Member of Congress



Carol Shea-Porter  
Member of Congress

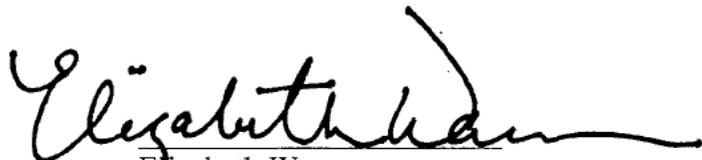


James R. Langevin  
Member of Congress

  
John Sarbanes  
Member of Congress

  
Earl Blumenauer  
Member of Congress

  
Tulsi Gabbard  
Member of Congress

  
Elizabeth Warren  
United States Senator



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Washington, D.C. 20240  
<http://www.blm.gov>



The Honorable Tom Udall  
United States Senate  
Washington, DC 20510

DEC 19 2017

Dear Senator Udall:

Thank you for your letter dated November 2, 2017, to Secretary of the Interior Ryan Zinke regarding the Bureau of Land Management (BLM) Waste Prevention Rule (2016 final rule). The Secretary asked that I respond on his behalf, and I appreciate that you took the time to share your views.

On October 5, 2017, the BLM published in the Federal Register the Proposed Waste Prevention, Production Subject to Royalties, and Resource Conservation; Delay and Suspension of Certain Requirements Rule. Since the scope of the proposal would only temporarily suspend or delay certain requirements of the 2016 final rule until January 17, 2019, the BLM determined that a 30-day comment period was appropriate and feasible. On December 8, 2017, the BLM published the final suspension rule. The BLM had also recently engaged in stakeholder outreach and public listening sessions and does not believe that additional outreach is appropriate or feasible at this time. As the BLM further considers revising the 2016 final rule, in accordance with E.O. 13783, it will continue to provide the public with ample notice and opportunity to comment on the rule. We appreciate the comments contained in your letter, and the BLM will take them into consideration as this process continues.

I look forward to continuing to work with you in the management of our public lands. A similar letter has been sent to the co-signers of your letter.

Sincerely,

Brian C. Steed  
Deputy Director, Policy and Programs  
Exercising the Authority of the Director



THE SECRETARY OF THE INTERIOR  
WASHINGTON

MAY 10 2017

The Honorable Cory Gardner  
United States Senate  
Washington, DC 20510

Dear Senator Gardner:

Thank you for taking the time to speak with me regarding the Department of the Interior's (Department) Methane and Waste Prevention Rule. I am formally responding to your inquiries.

Should you and your Senate colleagues choose to rescind the rule through the Congressional Review Act (CRA), the Bureau of Land Management (BLM) will continue to have the authority to meaningfully update its policies to reduce methane waste. If a CRA is passed, BLM will continue to regulate venting, flaring, and beneficial use of gas pursuant to the DOI guidance known as NTL-4A<sup>1</sup>. NTL-4A was first implemented a few decades ago, so it should be revised to reflect the realities of today. Whether BLM proposes new rulemaking or revisions to the existing NTL-4A process, we will take concrete action to reduce methane waste. Throughout our conversation, you asked me what actions the Department would take in the absence of the current Methane and Waste Prevention Rule. In response, the Department would pursue, among other options, the following strategies:

- Engaging in a robust assessment of all venting and flaring requirements to ensure the industry conserves resources and prevents waste, and so the taxpayer is assured the fair value of royalties. This includes, and is not limited to:
  - Criteria for approving venting and flaring
  - Venting and flaring thresholds and time limits
  - Beneficial use
  - Royalty requirements;
- Strengthening policies to encourage companies to capture methane to be used for other purposes, such as the beneficial use of methane on lease for generating power, powering equipment, and compressing or treating methane;
- Revising existing BLM restrictions on the flaring of unmarketable methane from oil wells;
- Conserving unsold methane by reinjection into the existing well for enhanced oil recovery or for later recovery;
- Expediting rights-of-way (ROW) approvals and removing obstacles so pipeline and gathering infrastructure can be built quickly;
- Eliminating BLM policies that conflict with or duplicate flaring restrictions in states such as North Dakota, Wyoming, Utah, New Mexico, Colorado, and Montana.

I have been tasked to lead and plan for the Department's future over the next 100 years. As an admirer of President Teddy Roosevelt, the policies I propose will reflect the promise I made to you

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<sup>1</sup> The 1979 Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases, Royalty or Compensation for Oil and Gas Lost (NTL-4A)

and your colleagues during my confirmation hearing: we will work together to ensure the use of our public lands reflects higher purpose so that our children's children can look back and say we did it right. As Congress weighs its options, rest assured that the Department is committed to reducing methane waste; under my leadership, we will take the important steps to accomplish that goal. Responsible energy development and proper conservation are not mutually exclusive goals, and we will utilize reasonable regulations without hurting job creation and economic growth.

Thank you for your interest in this issue, and thank you for taking the time to share your perspective.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan R. Zinke". The signature is fluid and cursive, with a large, sweeping initial "R" that extends to the left.

Ryan R. Zinke  
Secretary of the Interior



THE SECRETARY OF THE INTERIOR  
WASHINGTON

MAY 04 2017

The Honorable Rob Portman  
United States Senate  
Washington, DC 20510

Dear Senator Portman:

Thank you for your letter dated May 1, 2017, regarding the Department of the Interior's (Department) Methane and Waste Prevention Rule. I too believe the Department has an integral role to play in this issue, which is why I intend to act within my authority as Secretary to craft solutions that incentivize responsible development.

I share your concerns regarding methane waste and agree that we must manage our public lands in a pragmatic way. Should you and your colleagues choose to rescind the rule through the Congressional Review Act (CRA), the Bureau of Land Management (BLM) will continue to have the authority to meaningfully update its policies to reduce methane waste and will continue to regulate venting, flaring, and beneficial use of gas pursuant to Department guidance, known as Notice to Lessees (NTL) 4A<sup>1</sup>. The NTL-4A was first implemented decades ago, so it should be revised to reflect the realities of today. Whether BLM proposes new rulemaking or revisions to the existing NTL-4A process, we will take concrete action to reduce methane waste. In your letter, you asked me what actions the Department would take in the absence of the current Methane and Waste Prevention Rule. In response, the Department would pursue, among other options, the following strategies:

- Engage in a robust assessment of all venting and flaring requirements to ensure 1) the industry conserves resources and prevents waste, and 2) the taxpayer is assured the fair value of royalties. This includes, but is not limited to:
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  - Beneficial use
  - Royalty requirements;
- Strengthen policies to encourage companies to capture methane to be used for other purposes, such as the beneficial use of methane on lease for generating power, powering equipment, and compressing or treating methane;
- Revise existing BLM restrictions on the flaring of unmarketable methane from oil wells;
- Conserve unsold methane by reinjection into the existing well for enhanced oil recovery or for later recovery;
- Expedite rights-of-way (ROW) approvals and remove obstacles so pipeline and gathering infrastructure can be built quickly; and
- Eliminate BLM policies that conflict with or duplicate flaring restrictions in states such as North Dakota, Wyoming, Utah, New Mexico, Colorado, and Montana.

<sup>1</sup> The 1979 Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases, Royalty or Compensation for Oil and Gas Lost (NTL-4A)

I have been tasked to lead and plan for the Department's future over the next 100 years. As an admirer of President Teddy Roosevelt, the policies I propose will reflect the promise I made to you and your colleagues during my confirmation hearing—we will work together to ensure the use of our public lands reflects higher purpose so that our children's children can look back and say, "we did it right."

As Congress weighs its options, rest assured that the Department is committed to reducing methane waste, and under my leadership, will take important steps to accomplish this goal. Responsible energy development and proper conservation are not mutually exclusive goals, and we will utilize reasonable regulations without hurting job creation and economic growth.

Thank you for your interest in this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan K. Zinke". The signature is stylized and fluid, with a large, sweeping initial "R" and "Z".

Ryan K. Zinke  
Secretary of the Interior



004595

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2017 MAY -9 AM 11:21  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

May 9, 2017

Dear Senator Portman,

Yesterday, you received a letter from Secretary Zinke discussing his intentions to address methane waste if Congress were to rescind the Department of Interior's Methane and Waste Prevention Rule through the Congressional Review Act. In his letter, Secretary Zinke stated: "we will take concrete action to reduce methane waste" and "rest assured that the Department is committed to reducing methane waste, and under my leadership, will take important steps to accomplish this goal."

**Unfortunately, Secretary Zinke is making promises that he cannot keep.**

Secretary Zinke's assurances fail on two key grounds: (1) **uncertainty** regarding his authority to reissue a rule limiting waste after Congress repeals a similar rule under the CRA; and (2) the "strategies" identified in the letter **do not add** up to any meaningful waste reduction.

Because the CRA would permanently bar BLM from issuing a rule that is "substantially the same" as the disapproved rule, the Secretary **can have no certainty that he will actually have legal authority to carry out any of the items identified in his letter** that require rulemaking. No agency has ever reissued a rule to replace a rule rescinded under the CRA, and no court has ever addressed whether such a rule is valid. This is why former DOI officials – including John Leshy, who was Solicitor of DOI from 1993-2001 – and 40 law professors have written to Congress to oppose the CRA.

In addition, the list of "strategies" is so devoid of content that it acts to undercut, rather than bolster, the Secretary's assurances.

The list makes clear that **the Secretary is not contemplating any action that would address the significant methane waste** that comes from leaks, inefficient equipment, tanks, and sources other than deliberate venting and flaring. Waste from these sources totals more than 30 billion cubic feet or \$90 million worth of taxpayer owned natural gas resources per year. The waste rule addresses these losses by requiring common-sense best practices similar to those that Colorado, Wyoming, Ohio and other jurisdictions are applying to oil and gas facilities.

**Also, most of the "strategies" identified in the letter are things that BLM is already doing – while losing \$330 million worth of gas a year.** For example, beneficial onsite use has been incentivized for decades, as it is allowed royalty-free, and other listed actions, such as compressing methane and reinjecting gas, have long been allowed. **The letter provides no indication as to how the Secretary could further "encourage" these practices, nor does it explain how such encouragement could meaningfully reduce waste of produced gas in the absence of the current flaring limits.**

Similarly, pipeline approval is already a priority for BLM, which will continue with or without the CRA. Either way, faster pipeline approvals will have no impact in the many situations where flaring wells are already connected to pipelines or where operators are not seeking to build new pipelines, as BLM discussed in the final waste rule.

**The letter also identifies two “strategies” for waste reduction that would have no impact on waste whatsoever:** engage in an “assessment” of all venting and flaring requirements; and “eliminate BLM policies that conflict with or duplicate” state flaring restrictions. Assessing the requirements in place prior to the waste rule will do nothing to strengthen those requirements, which have proven entirely ineffective. Also, as a legal matter, both BLM and any State flaring restrictions apply to operators on BLM-administered leases in a State, so it is unclear how removing BLM restrictions could have any impact on State restrictions, where those exist.

In fact, of the six listed “strategies,” only one potential action could have any possible meaningful impact on methane waste, and the authority for that action may well be eliminated by use of the CRA. Revising flaring restrictions would have greater legal risks in the wake of a CRA because the current waste rule also revises flaring restrictions. A court could hold that any new requirement tightening flaring restrictions would violate the CRA prohibition on BLM issuing substantially similar rules. If the revision did not tighten flaring restrictions, however, it clearly would not reduce waste.

**Overall, the letter does not identify a single specific “concrete action” that the Secretary might take to reduce waste.** The Secretary asks you to accept a page of vague and unfounded assurances in lieu of an 80-page technical rule, enforceable by law, produced by a team of BLM petroleum engineers and solicitors from the Department of Interior, over the course of a five-year rulemaking process that included input from States, Tribes, industry, elected officials, local residents, environmental advocates, and many others, as well as the Department of Justice and other federal agencies.

Gilding the CRA with Secretary Zinke’s unfounded assurances does not make it one iota better. The CRA would deprive American taxpayers of revenue, allow waste of our energy supplies, and harm Americans’ health and the environment, and I urge you to reconsider your vote.

Sincerely,

Fred Krupp, Executive Director  
Environmental Defense Action Fund

Cc: Secretary Ryan Zinke  
U.S. Department of the Interior



THE SECRETARY OF THE INTERIOR  
WASHINGTON

MAY 04 2017

The Honorable Rob Portman  
United States Senate  
Washington, DC 20510

Dear Senator Portman:

Thank you for your letter dated May 1, 2017, regarding the Department of the Interior's (Department) Methane and Waste Prevention Rule. I too believe the Department has an integral role to play in this issue, which is why I intend to act within my authority as Secretary to craft solutions that incentivize responsible development.

I share your concerns regarding methane waste and agree that we must manage our public lands in a pragmatic way. Should you and your colleagues choose to rescind the rule through the Congressional Review Act (CRA), the Bureau of Land Management (BLM) will continue to have the authority to meaningfully update its policies to reduce methane waste and will continue to regulate venting, flaring, and beneficial use of gas pursuant to Department guidance, known as Notice to Lessees (NTL) 4A<sup>1</sup>. The NTL-4A was first implemented decades ago, so it should be revised to reflect the realities of today. Whether BLM proposes new rulemaking or revisions to the existing NTL-4A process, we will take concrete action to reduce methane waste. In your letter, you asked me what actions the Department would take in the absence of the current Methane and Waste Prevention Rule. In response, the Department would pursue, among other options, the following strategies:

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  - Beneficial use
  - Royalty requirements;
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<sup>1</sup> The 1979 Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases, Royalty or Compensation for Oil and Gas Lost (NTL-4A)

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As Congress weighs its options, rest assured that the Department is committed to reducing methane waste, and under my leadership, will take important steps to accomplish this goal. Responsible energy development and proper conservation are not mutually exclusive goals, and we will utilize reasonable regulations without hurting job creation and economic growth.

Thank you for your interest in this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan K. Zinke". The signature is stylized with a large, sweeping initial "R" and "Z".

Ryan K. Zinke  
Secretary of the Interior

## United States Senate

WASHINGTON, DC 20510

May 1, 2017

The Honorable Ryan Zinke  
Secretary of the Interior  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Secretary Zinke,

Over the last decade, advances in technology and engineering have created unprecedented opportunity for the production of oil and natural gas from underground shale formations. This increased production has made the United States more energy secure, lowered gas prices, and created jobs in Ohio and across the country.

Under current law, the Bureau of Land Management (BLM) is responsible for preventing methane waste through venting and flaring as a result of oil and natural gas production on federal land. I believe BLM should be taking actions to reduce and minimize methane waste—but doing that in a way that does not unnecessarily shut down existing production, especially by smaller producers.

Protecting the environment and taxpayer resources while also protecting the jobs and livelihoods of middle-class families should be the balance we seek. I have authored bills that have been signed into law that support our National Park Service, improve water quality, and promote energy efficiency. Each of those bills found common ground between these two objectives. I believe that we can and should try to find that kind of common ground on this issue, too.

A Congressional Review Act (CRA) resolution currently sits before the United States Senate that would repeal the previous Administration's Methane and Waste Prevention Rule. I support the goal of reducing methane waste but have concerns about the rule's provisions, in part because I think the rule could make it harder to create jobs through energy production on federal lands. I do believe, however, that the Department has the authority and responsibility to act on this issue, and I am requesting a commitment from you that the Department would continue to take significant steps to reduce methane waste without hurting job creation. And so my question to you is a simple one: if the United States Congress rescinds this rule, what concrete actions will you then take to prevent methane waste?

I look forward to working with you to promote better stewardship over our natural resources.

Sincerely,



Rob Portman  
U.S. Senator for Ohio

3580 Byron Drive  
Doylestown, Pennsylvania 18902  
May 6, 2017

Ryan Zinke  
1849 C Street, N.W.  
Washington DC 20240

Dear Secretary Zinke:

My name is (b) (6) and I am an eleventh grade student at Central Bucks High School East in Doylestown, Pennsylvania. I am writing to you in response to recent attitudes coming from Washington towards the protection of National Parks; specifically concerning the topics of privatization and your reviewing of the National Park 9B regulations.

On August 25th, 1916, President Woodrow Wilson signed the Organic Act, creating the national park service (as stated in the act) "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." Preserving National Parks is preserving our founding ideals and our heritage. These sanctuaries are places that people can visit to experience the natural wonders of the wilderness without having to be a millionaire. National Parks are more than just pretty vacation destinations---They are sources of national pride, and Historical national parks help us remember the challenges we've faced to get to where we are now.

I recognize the importance of growing our economy, and I recognize the dilemma that arises out of the fact that a large portion of our nation's available resources are housed underneath and within our national parks. According to The Wildlife Society, the BLM manages about 700 million acres of subsurface minerals under public lands. Surely, harvesting these valuable resources would stimulate our economy and help to solve our shortage of available energy sources. Many members of the White House and Congress, such as Utah representative, Bob Bishop, believe that National Park lands are effectively worthless and that privatizing them to the states and passing legislation that would make it easier for private corporations to drill and frack on public lands would be a more effective use.

While the need for energy and a way out of our national deficit are valid crises, even from a functionalist standpoint; however, National Parks are not effectively worthless; numbers show that they actively contribute to our economy as they are. According to an article written by Heather Hansman on Business Insider, public recreation on nationally protected lands generates an estimated \$646 billion a year in revenue and provides 6.1 million jobs. The BLM is estimated to have only made \$2 billion in royalty revenue in 2016 from leasing out the land to private oil and mining corporations. If National Parks are privatized to the state level, the federal government will not gain that revenue from public recreation anymore, and millions of people will be without work as an entire industry has essentially been terminated. The tourism industry in areas around national parks will also be shattered if the conditions of these parks are no longer protected.

EXECUTIVE SECRETARIAT  
Transferring national parks to the states would severely damage the quality of the parks and hit state economies hard. According to Hansman's article, many state leaders say that the costs of adequate maintenance of the parks, like fire fighting, are not something that their budgets can handle. Take, for a

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hypothetical example, Yellowstone in Wyoming, where forest fires are a very real and present danger: a forest fire may start, and because the state does not have the funds (as stated by Wyoming Governor Mead) to suppress and prevent this fire in time, it could spread and destroy critical ecosystems and endanger the lives of many visitors of the park and people in the surrounding area. When faced with this consequence, many states would have to sell off most of their land to private groups. When this happens, public access to the parks is limited. In Colorado, only 20% of state trust land is accessible for hunting, fishing, and other forms of recreation. Land that belongs to everyone is being taken away from us.

Protecting the natural wildlife and accessibility of our Natural Parks is of utmost importance, and President Trump's Executive Order "Promoting Energy Independence and Economic Growth," which places National Park 9B regulations under review for rescindment if they are inconsistent with his energy goals, puts these at risk. According to an article written by Daniel Setiawan in Mother Jones, there are 534 active oil and gas wells throughout 12 national parks and 30 national parks with split estate lands that are regulated by the basic safety and environmental precautions detailed in these regulations. Drilling for oil causes leakage into critical watersheds; more so if drillers are no longer required to clean up after themselves and make sure their equipment and work is doing as little damage as possible. Damage to watersheds doesn't just harm wildlife ecosystems; it harms anyone who uses that water downstream of where the oil, mining, or construction operation occurs. Whether from runoff or spillage, the water becomes contaminated, and will cause massive suffering. Furthermore, the more drilling operations there are on National lands, the less access people have to them.

Everyone grows up hearing the words of "America The Beautiful." When one stands above the extensive Grand Canyon or among the snow capped mountains of Glacier National Park, or looks out across the once bloodied fields of Gettysburg, those words are the only words ringing in their minds. Regardless of political opinions, there is no greater feeling of American pride than when one is witnessing how beautiful this country is. Even if drilling in national parks generates some revenue, it will tear the land apart until it is an unrecognizable wasteland. Is that something to show off to the world? To celebrate on July 4th? A national park may be located in a particular state, but it belongs to everyone. The vast geography of our country is what makes it so beautiful and impressive. As you review the National Park 9B regulations, keep how much the national parks mean to America, how many lives they have touched, and all these implications of privatizing and drilling in mind. President Trump has talked about wanting to bring the nation together and build nationalism; advise him on how he can do this by working to protect the national parks and encouraging people to enjoy them. When people see how incredible their country is and can be if we work to maintain and improve our natural wilderness's, we will join together in awe. Party tensions cast aside as we stand together; American, from sea to shining sea. Thank you for taking the time to read this letter and for your consideration on this matter. If you wish to respond to this letter, you may send a letter to the address above, or send an e-mail to (b) (6) @student.cbsd.org

Sincerely Yours,

(b) (6)



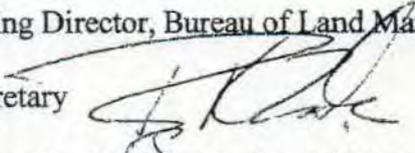


THE SECRETARY OF THE INTERIOR  
WASHINGTON

MAR 27 2017

**Memorandum**

**To:** Acting Director, Bureau of Land Management

**From:** Secretary 

**Subject:** Improving the Bureau of Land Management's Planning and National Environmental Policy Act Processes

On March 27, 2017, President Donald J. Trump signed H.J. Resolution 44, which immediately nullified the regulations known as Planning 2.0.

I have heard many concerns about this rule and about the Bureau of Land Management's (BLM) planning and environmental analysis processes. These concerns must be addressed.

Land use planning and environmental analysis are essential to help promote and improve informed decisionmaking and to involve our state, local government, and tribal partners, as well the public in that process for our public lands.

However, important projects and decisions are sometimes excessively delayed and agency land and resource management actions languish in a quagmire of plans, studies, and regulatory reviews. Often these additional steps are not a crucial part of a successful planning effort, informing the public, or communicating the impacts and tradeoffs involved in a decision.

The BLM manages almost 13 percent of the surface area in the United States and roughly one-third of its mineral resources. There is little doubt that BLM has a big job in managing our public lands for a wide variety of activities. These activities contribute to the economic health and prosperity of states and local communities by creating jobs through multiple use. Yet each year, BLM spends \$48 million for the planning process and completes more than 5,000 documents to comply with the National Environmental Policy Act (NEPA). Some of those funds and staff time would be better applied toward completing work on the ground and creating economic opportunities.

The feedback I have received from many of our state and local partners and the public is that the system is broken, unnecessarily lengthy and burdensome, and does not produce the result demanded by the American people. The result demanded is to have an effective, efficient, and transparent process that 1) takes less time, 2) costs less money, and 3) is more responsive to local needs. For these reasons, I am directing BLM to go back to the drawing board to define actionable items that will make a measurable impact on improving the Federal planning process.

### **Fostering a Good Neighbor Policy and Restoring the Multiple-Use Mission of the BLM**

I hereby direct BLM, in accordance with its multiple-use mission, to immediately begin a focused effort to identify and implement results-oriented improvements to its land use planning and NEPA processes.

As part of this effort, BLM will identify where redundancies and inefficient processes exist and should be eliminated, while ensuring that we fulfill our legal and resource stewardship responsibilities. These concepts are not mutually exclusive and should guide BLM as it undertakes this effort. The BLM will take a hard look at all aspects of the planning process, including challenges with NEPA, and shall incorporate the views and ideas of our state and local partners in examining and implementing solutions that meet the following criteria:

1. Finding better ways to incorporate and partner with state planning efforts;
2. Reducing duplicative and disproportionate analyses;
3. Considering more user-friendly representation of the planning process so stakeholders can easily determine status;
4. Fostering greater transparency in the NEPA process, including proper accounting of timeframes, delays, and financial cost of NEPA analyses;
5. Seeking opportunities to avoid delays caused by appeals and litigation;
6. Building trust with our neighbors through better integration of the needs of state and local governments, tribal partners, and other stakeholders; and
7. Developing and implementing efforts to "right size" environmental documents instead of defaulting to preparing an Environmental Impact Statement in circumstances when such a document is not absolutely needed.

As BLM evaluates all potential solutions, it shall also include in its analysis how a new rulemaking will meet the aforementioned criteria. In conducting this analysis, BLM shall make every effort to restore order, focus, and efficiency to the Federal land planning process. These efforts will align with the President's and my priorities and values: Making America Safe through Energy Independence; Making America Great Through Shared Conservation Stewardship; Making America Safe – Restoring our Sovereignty; Getting America Back to Work; and Serving the American Family.

Please deliver a report to me by no later than 6 months from today that describes your progress and how it will benefit future planning decisions and activities. The report should also provide recommendations for any regulatory or legislative actions necessary to meet the above goals.



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3348

Subject: Concerning the Federal Coal Moratorium

**Sec. 1 Purpose.** The Federal coal leasing program is of critical importance to the economy of the United States, supplying approximately 40 percent of the coal produced in the Nation. On January 15, 2016, Secretary's Order 3338, "Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program," was signed and placed a moratorium on the coal leasing program with limited exceptions. Given the critical importance of the Federal coal leasing program to energy security, job creation, and proper conservation stewardship, this Order directs efforts to enhance and improve the Federal coal leasing program.

**Sec. 2 Authorities.** This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended. Other statutory authorities for this Order include but are not limited to the following statutes:

- a. Mineral Leasing Act, 30 U.S.C. §1181 *et seq.*
- b. Mineral Leasing Act for Acquired Lands, 30 U.S.C. § 351 *et seq.*
- c. Federal Land Policy and Management Act, 43 U.S.C. 1701-1785.
- d. Surface Mining Control and Reclamation Act, 30 U.S.C. §§ 1201-1328.

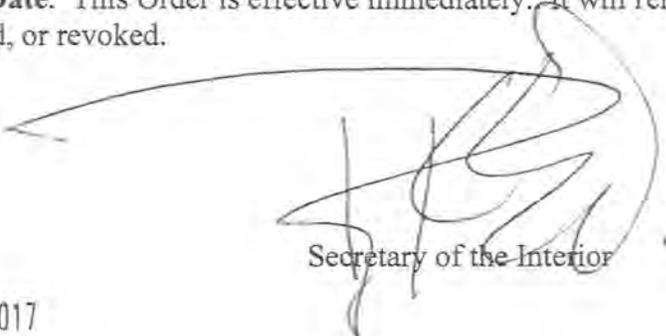
**Sec. 3 Background.** Secretary's Order 3338 directs the Bureau of Land Management (BLM) to analyze and "consider potential leasing and management reforms to the current Federal coal program." Secretary's Order 3338 ordered the preparation of a discretionary Programmatic Environmental Impact Statement (PEIS) to analyze potential reforms and ordered a "pause on leasing, with limited exceptions" pending completion of the discretionary Federal Coal Program PEIS. The PEIS is estimated to cost many millions of dollars and would be completed no sooner than 2019, even with robust funding.

**Sec. 4 Revocation of Secretary's Order 3338.** Based upon the Department's review of Secretary's Order 3338, the scoping report for the discretionary Federal Coal Program PEIS issued in January 2017, and other information provided by BLM, I find that the public interest is not served by halting the Federal coal program for an extended time, nor is a PEIS required to consider potential improvements to the program. Accordingly, consistent with the principles of responsible public stewardship entrusted to this office, I revoke Secretary's Order 3338, "Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program."

Sec. 5 **Implementation.** With the revocation of Secretary's Order 3338, BLM is directed to process coal lease applications and modifications expeditiously in accordance with regulations and guidance existing before the issuance of Secretary's Order 3338. All activities associated with the preparation of the Federal Coal Program PEIS shall cease. The Deputy Secretary, Assistant Secretaries, and heads of bureaus and offices are hereby directed to make changes in their policy and guidance documents that are consistent with the revocation of Secretary's Order 3338.

Sec. 6 **Effect of the Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 7 **Expiration Date.** This Order is effective immediately. It will remain in effect until it is amended, superseded, or revoked.



Secretary of the Interior

Date: MAR 29 2017



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. **3349**

Subject: American Energy Independence

**Sec. 1 Purpose.** This Order implements the review of agency actions directed by an Executive Order signed by the President on March 28, 2017 and entitled "Promoting Energy Independence and Economic Growth" (March 28, 2017 E.O.). It also directs a reexamination of the mitigation policies and practices across the Department of the Interior (Department) in order to better balance conservation strategies and policies with the equally legitimate need of creating jobs for hard-working American families.

**Sec. 2 Authorities.** This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, and other applicable statutory authorities.

**Sec. 3 Background.** Among other provisions, the March 28, 2017 E.O. directs the Department to review all existing regulations, orders, guidance documents, policies, and any other similar actions that potentially burden the development or utilization of domestically produced energy resources. A plan to carry out the review must be submitted to the Director of the Office of Management and Budget (OMB) and to certain other White House officials within 45 days of the date of the March 28, 2017 E.O. The objective of the review is to identify agency actions that unnecessarily burden the development or utilization of the Nation's energy resources and support action to appropriately and lawfully suspend, revise, or rescind such agency actions as soon as practicable.

The March 28, 2017 E.O. also directs the Department to promptly review certain specific actions recently taken by the Department, in particular Secretary's Order 3338, "Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program," and four rules related to onshore oil and gas development.

The March 28, 2017 E.O. also rescinds certain Presidential Actions, reports, and final guidance related to climate change, including:

- a. E.O. 13653 of November 6, 2013 (Preparing the United States for the Impacts of Climate Change);
- b. Presidential Memorandum of June 25, 2013 (Power Sector Carbon Pollution Standards); and
- c. Presidential Memorandum of September 21, 2016 (Climate Change and National Security).

The March 28, 2017 E.O. directs the Department to identify agency actions "related to or arising from" the rescinded Presidential Actions, reports, and guidance, and to initiate a lawful and appropriate process to suspend, revise, or rescind such actions.

The March 28, 2017 E.O. also rescinds the Presidential Memorandum issued on November 3, 2015, entitled "Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment." That Memorandum directed the Secretary of the Interior, among other Cabinet officials, to undertake a number of actions to implement a landscape-scale mitigation policy, including specific directions to the Bureau of Land Management (BLM) and the Fish and Wildlife Service (FWS) to develop mitigation policies that incorporated compensatory mitigation into planning and permitting processes.

Secretary's Order 3330, "Improving Mitigation Policies and Practices of the Department of the Interior," dated October 13, 2013, is directly related to the rescinded Presidential Memorandum on mitigation. Secretary's Order 3330 dovetails with the subsequently issued Presidential Memorandum by directing the development and implementation of a landscape-scale mitigation policy for the Department. As directed by the Order, the Secretary received a report in April 2014 entitled, "A Strategy for Improving Mitigation Policies and Practices of the Department of the Interior." The Strategy set forth a number of "deliverables" by nearly every office and bureau within the Department to advance the stated goal of "landscape-scale mitigation." Given the close nexus between the rescinded Presidential Memorandum and Secretary's Order 3330, a thorough reexamination is needed of the policies set out in that Order.

**Sec. 4 Policy.** To begin implementing the March 28, 2017 E.O., I hereby order the following:

a. Revocation of Secretary's Order 3330. I hereby revoke Secretary's Order 3330, "Improving Mitigation Policies and Practices of the Department of the Interior," dated October 31, 2013. As set forth below, all actions taken pursuant to Secretary's Order 3330 must be reviewed for possible reconsideration, modification, or rescission as appropriate.

b. Review of Department Actions. As set forth in Sec. 5 below, each bureau and office shall review all existing regulations, orders, guidance documents, policies, instructions, notices, implementing actions, and any other similar actions (Department Actions) related to or arising from the Presidential Actions set forth above and, to the extent deemed necessary and permitted by law, initiate an appropriate process to suspend, revise, or rescind any such actions, consistent with the policies set forth in the March 28, 2017 E.O.

Sec. 5 **Implementation.** The following actions shall be taken pursuant to this Order:

a. Mitigation Policy Review.

(i) Within 14 days of the date of this Order, each bureau and office head shall provide to the Deputy Secretary, through their Assistant Secretary, all Department Actions they have adopted or are in the process of developing relating to (1) the Presidential Memorandum dated November 3, 2015, "Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment" and (2) Secretary's Order 3330.

(ii) Within 30 days of the date of this Order, the Deputy Secretary shall inform the Assistant Secretaries whether to proceed with reconsideration, modification, or rescission as appropriate and necessary of any Department Actions they have adopted or are in the process of developing relating to (1) the Presidential Memorandum dated November 3, 2015, "Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment" and (2) Secretary's Order 3330.

(iii) Within 90 days of the date of this Order, each bureau and office required to reconsider, modify, or rescind any such Department Action, shall submit to the Deputy Secretary, through their Assistant Secretary, a draft revised or substitute Department Action for review.

b. Climate Change Policy Review.

(i) Within 14 days of the date of this Order, each bureau and office head shall provide to the Deputy Secretary, through their Assistant Secretary, all Department Actions they have adopted, or are in the process of developing, relating to the Presidential Actions, reports, and guidance that are rescinded by the March 28, 2017 E.O., in particular: Executive Order 13653 of November 6, 2013 (Preparing the United States for the Impacts of Climate Change); Presidential Memorandum of June 25, 2013 (Power Sector Carbon Pollution Standards); Presidential Memorandum of September 21, 2016 (Climate Change and National Security); Report of the Executive Office of the President of June 2013 (The President's Climate Action Plan); Report of the Executive Office of the President of March 2014 (Climate Action Plan Strategy to Reduce Methane Emissions); and the Council on Environmental Quality's final guidance entitled "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews," 81 *Fed. Reg.* 51866 (August 5, 2016).

(ii) Within 30 days of the date of this Order, the Deputy Secretary shall inform the Assistant Secretaries whether to proceed with reconsideration, modification, or rescission as appropriate and necessary of any Department Actions identified in the review required by subsection (i) above.

(iii) Within 90 days of the date of this Order, each bureau and office required to reconsider, modify, or rescind any such Department Action, shall submit to the Deputy Secretary, through their Assistant Secretary, a draft revised or substitute Department Action, for review.

c. Review of Other Department Actions Impacting Energy Development.

(i) As previously announced by the Department, BLM shall proceed expeditiously with proposing to rescind the final rule entitled, "Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands," 80 *Fed. Reg.* 16128 (Mar. 26, 2015).

(ii) Within 21 days, the Director, BLM shall review the final rule entitled, "Waste Prevention, Production Subject to Royalties, and Resource Conservation," 81 *Fed. Reg.* 83008 (January 17, 2017), and report to the Assistant Secretary - Land and Minerals Management on whether the rule is fully consistent with the policy set forth in Section 1 of the March 28, 2017 E.O.

(iii) Within 21 days, the Director, National Park Service shall review the final rule entitled, "General Provisions and Non-Federal Oil and Gas Rights," 81 *Fed. Reg.* 77972 (Nov. 4, 2016), and report to the Assistant Secretary for Fish and Wildlife and Parks on whether the rule is fully consistent with the policy set forth in Section 1 of the March 28, 2017 E.O.

(iv) Within 21 days, the Director, FWS shall review the final rule entitled, "Management of Non-Federal Oil and Gas Rights," 81 *Fed. Reg.* 79948 (Nov. 14, 2016), and report to the Assistant Secretary for Fish and Wildlife and Parks on whether the rule is fully consistent with the policy set forth in Section 1 of the March 28, 2017 E.O.

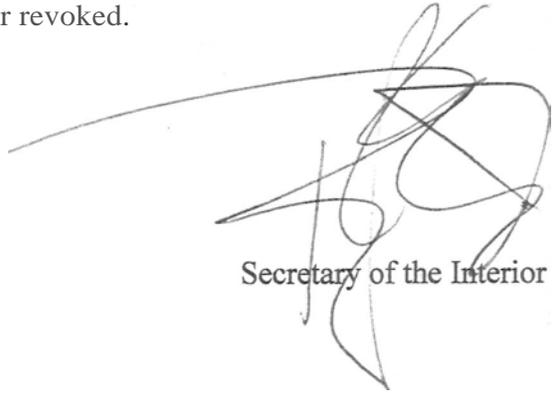
(v) Within 21 days, each bureau and office head shall provide to the Deputy Secretary, through their Assistant Secretary, a report that identifies all existing Department Actions issued by their bureau or office that potentially burden (as that term is defined in the March 28, 2017 E.O.) the development or utilization of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear resources.

(vi) Within 35 days, the Deputy Secretary shall provide to me a plan to complete the review of Department Actions contemplated by Section 2 of the March 28, 2017 E.O. The plan must meet all objectives and time lines set forth in the March 28, 2017 E.O.

**Sec. 5 Effect of the Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies,

instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

**Sec. 6 Expiration Date.** This Order is effective immediately. It will remain in effect until it is amended, superseded, or revoked.



Secretary of the Interior

Date: MAR 29 2017



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3350

Subject: America-First Offshore Energy Strategy

**Sec. 1 Purpose.** This Order further implements the President's Executive Order entitled: "Implementing an America-First Offshore Energy Strategy" (April 28, 2017); enhances opportunities for energy exploration, leasing, and development on the Outer Continental Shelf (OCS); establishes regulatory certainty for OCS activities; and enhances conservation stewardship, thereby providing jobs, energy security, and revenue for the American people.

**Sec. 2 Authorities.** This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, and other applicable authorities, including the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1331 *et seq.*

**Sec. 3 Background.** Safe and responsible development of our offshore natural resources is critical to the Nation's environment and economy. The Bureau of Ocean Energy Management (BOEM) is responsible for administering the leasing program for oil and gas resources on the OCS and developing a five-year schedule of lease sales designed to "best meet national energy needs" for the five-year period following the schedule's approval, as required in Section 18 of the OCSLA, 43 U.S.C. 1334. The BOEM also permits seismic surveys on the OCS and, in conjunction with the Bureau of Safety and Environmental Enforcement (BSEE), regulates leasing, exploration, and development activities on the OCS.

In January 2017 the 2017 - 2022 Outer Continental Shelf Oil and Gas Leasing Program was approved excluding lease sales in the Atlantic Ocean and the Beaufort and Chukchi Seas offshore Alaska. By excluding these areas from the leasing program, the Department has forgone considering areas that potentially contain tens of billions of barrels of oil and over 100 trillion cubic feet of gas by BOEM's own estimates of undiscovered technically recoverable oil and gas resources. In addition, through a series of Presidential Memoranda issued by the previous Administration, huge swaths of the OCS were withdrawn from disposition by leasing along the Alaska and Atlantic coasts.

In addition to existing restrictions on OCS leasing, concerns have been raised by stakeholders that certain final or proposed rules, such as BSEE's final rule on "*Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control*" published at 81 Federal Register 25887 (April 29, 2016), unnecessarily include prescriptive measures that are not needed to ensure safe and responsible development of our OCS resources. Accordingly, a reevaluation of these rules is appropriate and necessary.

On April 28, 2017, the President issued an Executive Order entitled: "Implementing an America-First Offshore Energy Strategy (Executive Order)," which reconfirmed that it is "the policy of the United States to encourage energy exploration and production, including on the

Outer Continental Shelf, in order to maintain the Nation's position as a global energy leader and foster energy security and resilience for the benefit of the American people." The Executive Order eliminated the previous Administration's OCS leasing withdrawals and directed the Department to take a number of actions designed to ensure robust and responsible exploration and development of our OCS resources. These directives include revising the five-year leasing program and reconsidering promulgation of enumerated final or proposed rules and guidance that impact OCS resource development. This Order is designed to implement the President's directives and take other actions to ensure that responsible OCS exploration and development is promoted and not unnecessarily delayed or inhibited.

**Sec. 4 Directive.** In furtherance of the President's Executive Order, and consistent with principles of responsible public stewardship entrusted to the Department, with due consideration of the critical importance of energy security, job creation, and conservation stewardship, I hereby direct the following:

a. The BOEM shall undertake the following actions:

(1) Immediately initiate development of a new "Five-Year Outer Continental Shelf Oil and Gas Leasing Program", with full consideration given to leasing the OCS offshore Alaska, Mid-Atlantic, South Atlantic, and the Gulf of Mexico, in conformity with the provisions of OCSLA as directed by the President's Executive Order.

(2) In cooperation with the National Marine Fisheries Service, undertake the following activities: (i) establish a plan to expedite consideration of Incidental Take Authorization requests, including Incidental Harassment Authorizations and Letters of Authorization, that may be needed for seismic survey permits and other OCS activities; and (ii) develop and implement a streamlined permitting approach for privately-funded seismic data research and collection aimed at expeditiously determining the offshore energy resource potential of the United States.

(3) Expedite consideration of appealed, new, or resubmitted seismic permitting applications for the Atlantic.

(4) Promptly complete BOEM's previously announced review of Notice to Lessees (NTL) No. 2016-N01 "*Notice to Lessees and Operators of Federal Oil and Gas, and Sulfur Leases, and Holders of Pipeline Right-of-Way and Right-of-Use and Easement Grants in the Outer Continental Shelf*" (September 12, 2016), and provide to the Assistant Secretary – Land and Minerals Management (ASLM), the Deputy Secretary, and Counselor to the Secretary for Energy Policy, a report describing the results of the review and options for revising or rescinding NTL No. 2016-N01. The BOEM's previously announced extension of the implementation timelines for NTL No. 2016-N01 shall remain in effect pending completion of the review by the ASLM, Deputy Secretary, and the Counselor to the Secretary for Energy Policy.

(5) Immediately cease all activities to promulgate the "Offshore Air Quality Control, Reporting, and Compliance" Proposed Rule published at 81 Federal Register 19717

(April 5, 2016) and all other rules and guidance published pursuant thereto. Within 21 days of the issuance of this Order, the Director of BOEM shall provide to the ASLM, the Deputy Secretary, and Counselor to the Secretary for Energy Policy, a report explaining the effects, if any, of not issuing a new rule addressing offshore air quality, and providing options for revising or withdrawing the proposed rule consistent with the policy set forth in section 2 of the Executive Order.

(6) Within 21 days of the issuance of this Order, BOEM shall provide to the ASLM, the Deputy Secretary, and Counselor to the Secretary for Energy Policy, a report summarizing progress on the action items 1-5 above.

b. The BSEE shall undertake the following actions:

(1) Promptly review the final rule on “*Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control*” for consistency with the policy set forth in section 2 of the Executive Order, as well as all policies, rules, guidance, instructions, notices, or other implementing actions that have been adopted or are in the process of being developed relating thereto.

(2) Within 21 days of the issuance of this Order, provide to ASLM, Deputy Secretary, and Counselor to the Secretary for Energy Policy a report summarizing the review and providing recommendations on whether to suspend, revise, or rescind the rule.

c. The BSEE and BOEM are also to undertake the following action: Promptly review the final rule entitled “Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf,” 81 Federal Register 46478 (July 15, 2016), for consistency with the policy set forth in section 2 of the Executive Order and, within 21 days of the date of this Order, provide to ASLM, Deputy Secretary, and Counselor to the Secretary for Energy Policy a report summarizing the review and providing recommendations on whether to suspend, revise, or rescind the rule.

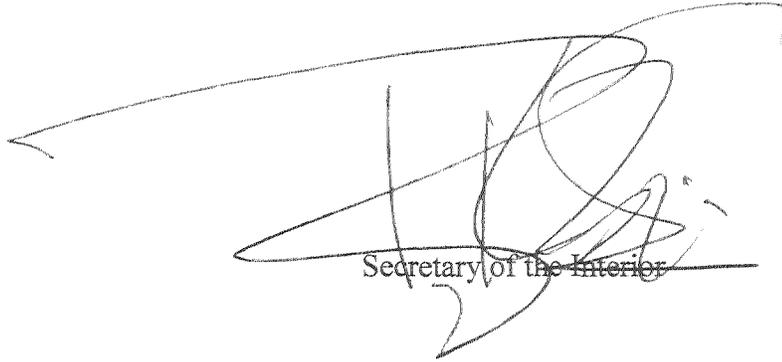
d. The Counselor to the Secretary for Energy Policy, in cooperation with the Assistant Secretary for Fish and Wildlife and Parks (ASFWP) and ASLM, shall work with the Department of Commerce to review the National Marine Sanctuary and Monument designations as directed by the Executive Order.

**Sec. 5 Counselor to the Secretary for Energy Policy.** To further promote the deliberate and active coordination of energy policy in the Department, I am, by separate Order, establishing within the Secretary’s Immediate Office the position of Counselor to the Secretary for Energy Policy. The Deputy Secretary, ASLM, and ASFWP will coordinate with the Counselor to the Secretary for Energy Policy in implementing this Order.

**Sec. 6 Effect of Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its

officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

**Sec. 7 Expiration Date.** This Order is effective immediately. It will remain in effect until its provisions are implemented and completed, or until it is amended, superseded, or revoked.



Secretary of the Interior

Date: **MAY 01 2017**



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3351

Subject: Strengthening the Department of the Interior's Energy Portfolio

**Sec. 1 Purpose.** This Order establishes the position of Counselor to the Secretary for Energy Policy to ensure deliberate and active coordination of energy policy in the Department.

**Sec. 2 Background.** Energy is an essential part of American life and a staple of the world economy. Achieving American energy dominance begins with recognizing that we have vast untapped domestic energy reserves. For too long, America has been held back by burdensome regulations on our energy industry. The Department is committed to an America-first energy strategy that lowers costs for hardworking Americans and maximizes the use of American resources, freeing us from dependence on foreign oil.

Nine of the Department's 10 bureaus have significant energy programs and responsibilities. The Department's energy portfolio includes oil, gas, coal, hydroelectric, wind, solar, geothermal, and biomass. The Department recognizes that the development of energy resources on public lands will increase domestic energy production, provide alternatives to overseas energy resources, create jobs, and enhance the energy security of the United States. Eliminating harmful regulations and unnecessary policies will require a sustained, focused effort.

**Sec. 3 Authority.** This Order is issued under the authority of 43 U.S.C. 1451, Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), and other applicable statutes.

**Sec. 4 Counselor to the Secretary for Energy Policy.**

a. There is established in the Immediate Office of the Secretary, the position of Counselor to the Secretary for Energy Policy (Counselor).

b. The Counselor shall report directly to the Secretary, who retains all decision-making authority.

c. The duties of the Counselor position shall include, but are not limited to:

(1) Advising the Secretary, Deputy Secretary, Assistant Secretaries, and Chief of Staff on all aspects of energy policy.

(2) Developing and coordinating strategies, policies, and practices that promote responsible development of all types of energy on public lands managed and administered by the Department.

(3) Identifying regulatory burdens that unnecessarily encumber energy exploration development, production, transportation; and developing strategies to eliminate or minimize these burdens.

(4) Promoting efficient and effective processing of energy-related authorizations, permits, regulations, and agreements. This includes, but is not limited to, working with the Assistant Secretaries and other Department leadership in prioritizing the work of bureaus/offices in developing and implementing energy policy and affairs; tracking progress of bureaus/offices; and resolving obstacles to energy exploration, development, production, and transportation concerns.

d. As directed by the Secretary, the Counselor:

(1) Represents the Secretary, the Deputy Secretary, and/or Chief of Staff on energy-related intra- and inter-agency meetings of high-level governmental officials;

(2) Chairs boards, councils, and committees concerned with research, development, exploration, and transportation of energy; and

(3) Represents the Secretary, the Deputy Secretary, and/or Chief of Staff before energy-related internal and external stakeholder meetings and conferences.

e. The Counselor undertakes such other actions as directed by and on behalf of the Secretary that relate to energy policy and affairs, including but not limited to coordinating:

(1) Policy and regulatory decisionmaking for domestic and international projects;

(2) Development of best management practices for energy projects on the public lands to ensure responsible development of energy; and

(3) Reviews of cost recovery in processing energy applications and monitoring of authorizations under the provisions of Section 304 and Section 504 of the Federal Land Policy and Management Act.

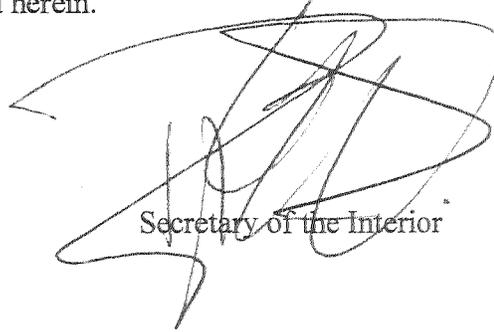
f. The Counselor works with other Federal agencies and offices, and state regulatory agencies and offices, to improve the coordination of energy policy.

## **Sec. 5 Implementation.**

a. The Counselor and the Chief of Staff are responsible for implementing this Order.

b. Each Assistant Secretary and bureau/office head, including the Solicitor, shall designate a liaison to serve with the Counselor in accordance with this Order.

**Sec. 6 Expiration Date.** This Order is effective immediately. It will remain in effect until its provisions are converted to the Departmental Manual or until amended, suspended, or revoked, whichever occurs first. The termination of this Order will not nullify implementation of the requirements and responsibilities affected herein.



Secretary of the Interior

Date: **MAY 01 2017**



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

ORDER NO. 3352

Subject: National Petroleum Reserve – Alaska

**Sec. 1 Purpose.** This Order provides for clean and safe development of our Nation's vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. The prudent development of these natural resources in Alaska and beyond is essential to ensuring the Nation's geopolitical security.

**Sec. 2 Authorities.** This Order is issued under the authority of section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended; the Federal Land Policy and Management Act, 43 U.S.C. 1701-1785; the Naval Petroleum Reserves Production Act of 1976, 42 U.S.C. 6501-6507, as amended; and other applicable statutes.

**Sec. 3 Background.** The National Petroleum Reserve – Alaska (NPR-A) is the largest block of federally managed land in the United States. In 2010, the U.S. Geological Survey estimated the NPR-A contained approximately 895 million barrels of economically recoverable oil and 52.8 trillion cubic feet of natural gas. On February 21, 2013, the Secretary of the Interior signed a Record of Decision approving the Integrated Activity Plan for the NPR-A, which sets forth the Bureau of Land Management's plan for future management of the area. That plan made approximately 11 million of the NPR-A's 22.8 million acres unavailable for leasing, potentially precluding development of up to 350 million barrels of oil and 45 trillion cubic feet of natural gas. The 1.5 million-acre coastal plain of the 19 million-acre Arctic National Wildlife Refuge (ANWR) is the largest unexplored, potentially productive geologic onshore basin in the United States. The primary area of the coastal plain is the Section 1002 Area of ANWR. The Section 1002 Area was specifically set aside by Congress and the President in 1980 because of its potential for oil and natural gas development.

**Sec. 4 Policy and Direction.**

a. Within 21 days of the issuance of this Order, the Assistant Secretary – Land and Minerals Management shall submit to the Counselor to the Secretary for Energy Policy:

(1) a schedule to effectuate the lawful review and development of a revised Integrated Activity Plan for the NPR-A that strikes an appropriate statutory balance of promoting development while protecting surface resources; and

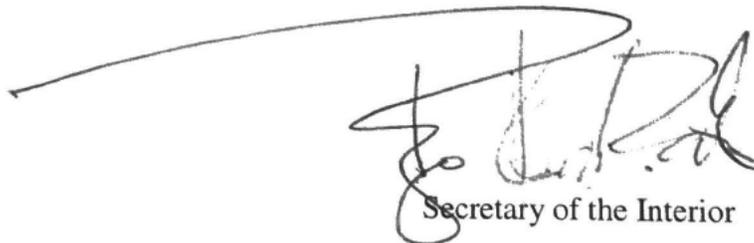
(2) an evaluation, under the existing Integrated Activity Plan, on efficiently and effectively maximizing the tracts offered for sale during the next NPR-A lease sale.

b. Within 21 days of the issuance of this Order, the Assistant Secretary – Land and Minerals Management and the Assistant Secretary – Water and Science shall submit to the Counselor to the Secretary for Energy Policy a joint plan for updating current assessments of undiscovered, technically recoverable oil and natural gas resources of Alaska's North Slope, focusing on Federal lands including the NPR-A and the Section 1002 Area. The joint plan shall include consideration of new geological and geophysical data that has become available since the last assessments, as well as potential for reprocessing existing geological and geophysical data.

c. Within 31 days of the issuance of this Order, the Counselor to the Secretary for Energy Policy shall provide to me a plan to complete the review of the Department's actions set forth above.

**Sec. 5 Effect of Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by any party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

**Sec. 6 Expiration Date.** This Order is effective immediately. It will remain in effect until its provisions are fully implemented, or until it is amended, superseded, or revoked, whichever occurs first.



Secretary of the Interior

Date:



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3353

Subject: Greater Sage-Grouse Conservation and Cooperation with Western States

**Sec. 1 Purpose.** The purposes of the Order are to: (1) enhance cooperation between the Department of the Interior (Department) and the States of Oregon, Washington, California, Nevada, Idaho, Utah, Montana, North Dakota, South Dakota, Wyoming, and Colorado (the Eleven Western States) in the management and conservation of the Greater Sage-Grouse (Sage-Grouse) and its habitat; (2) support a partnership with clearly defined objectives and roles for Federal and State entities responsible for Sage-Grouse management and conservation in order to sustain healthy populations of the species; and (3) establish a team to review the Federal land management agencies' Sage-Grouse plan amendments and revisions completed on or before September 2015.

**Sec. 2 Authorities.** This Order is issued under the authority of section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, and pursuant to the land management and programmatic authorities of the bureaus identified below in section 4b.

**Sec. 3 Background.** The Department has broad responsibilities to manage Federal lands and resources for the public's benefit, including, but not limited to, permitting authorized uses; managing habitat to support fish, wildlife, and other resources; protecting cultural resources; and providing recreational and educational opportunities on Federal lands and waters.

The State agencies responsible for fish and wildlife management possess broad powers for the protection and management of fish, wildlife, and plants within their borders, except where preempted by Federal law. State agencies are at the forefront of efforts to maintain healthy fish and wildlife populations and to conserve at-risk species to ensure that protection under the Endangered Species Act (ESA) is not required.

The State-Federal Sage-Grouse Task Force (SGTF) was established in 2011 as a forum for high-level State and Federal representatives to meet and evaluate policies, programs, management actions, data sharing, and other actions affecting conservation of the Sage-Grouse and the sagebrush ecosystem, as well as the health of the communities and economies of the American West.

In September 2015, the Department and the United States Department of Agriculture (USDA) adopted amendments and revisions to 98 Bureau of Land Management (BLM) and U.S. Forest Service (USFS) land use plans across the Eleven Western States addressing, in part, the Sage-Grouse and its habitat (the 2015 Sage-Grouse Plans). The 2015 Sage-Grouse Plans govern management of 67 million acres of Federal lands. More than half of remaining Sage-Grouse habitat is on land managed by BLM and USFS. As the Department moves forward in the management of Sage-Grouse habitat, it is imperative that it does so in a manner that allows both

wildlife and local economies to thrive and incorporate the expertise of Federal employees in the field, local conditions, and proven State and local approaches.

In October 2015, in reliance upon the conservation commitments and progress reflected in Federal land use plan amendments and revisions and other private, State, and Federal conservation efforts, the U.S. Fish and Wildlife Service (FWS) determined that the Sage-Grouse did not warrant listing under the ESA. In making that finding, FWS committed to work with State and Federal partners to conduct a Sage-Grouse status review in 5 years.

#### Sec. 4 **Policy.**

##### a. Cooperation with the Eleven Western States on Sage-Grouse Conservation Efforts.

Consistent with governing laws, regulations, and policies, the Department will implement a multifaceted strategy to enhance cooperation with the Eleven Western States primarily responsible for the management and conservation of Sage-Grouse. The strategy will include supporting a partnership that allows the Department and the Eleven Western States to maintain healthy populations of Sage-Grouse and improve collaboration and integration of State and local concerns and approaches into sagebrush management and conservation on Federal lands. Accordingly, and subject to paragraph 4b, below, the BLM Director, working with other heads of bureaus and offices within the Department, USFS, and affected States through the SGTF, shall develop:

- (i) memorandums of understanding and other agreements with states and other partners regarding implementation of the 2015 Sage-Grouse Plans;
- (ii) training for BLM staff regarding implementation of the 2015 Sage-Grouse Plans, including direction to consider state and local information, as appropriate; and
- (iii) memorandums of understanding and other agreements with States and other partners regarding integration of information on Sage-Grouse populations into Federal land management decisions.

##### b. Department of the Interior Sage-Grouse Review Team.

This Order establishes the Sage-Grouse Review Team (Team). The Team will be made up of land managers and other professionals from bureaus and offices, including BLM, FWS, and the U.S. Geological Survey (USGS). The Team will closely coordinate with USDA and USFS. The Team will engage with appropriate State agencies through the SGTF to coordinate its work. The Team is hereby directed to conduct:

- (i) a review of the plans and programs that States already have in place to ensure that the 2015 Sage-Grouse Plans adequately complement state efforts to conserve the species;

(ii) a further examination, through the framework established by the Integrated Rangeland Fire Management Strategy, of issues associated with preventing and fighting the proliferation of invasive grasses and wildland fire, which are leading threats to Sage-Grouse habitat;

(iii) an examination of the impact on individual States disproportionately affected by the large percentage of Federal lands within their borders, recognizing that those lands are important to resource use and development, and to the conservation of the Sage-Grouse;

(iv) a review of the 2015 Sage-Grouse Plans and associated polices, including seven BLM Instruction Memoranda (IM) issued in September 2016. The review will include (1) identification of provisions that may require modification or rescission, as appropriate, in order to give appropriate weight to the value of energy and other development of public lands within BLM's overall multiple-use mission and to be consistent with the policy set forth in Secretary's Order 3349, "American Energy Independence," implementing the Executive Order signed by the President on March 28, 2017, "Promoting Energy Independence and Economic Growth"; and (2) opportunities to conserve the Sage-Grouse and its habitat without inhibiting job creation and local economic growth;

(v) as appropriate, the Team should provide recommendations with regard to (1) captive breeding; (2) opportunities to enhance State involvement; (3) efficacy of target populations on a State-by-State basis; and (4) additional steps that can be taken in the near term to maintain or improve the current population levels and habitat conditions.

#### **Sec. 5. Implementation.**

a. Within 10 days of the signing of this Order, the Deputy Secretary will designate individuals from within the Department to serve on the Team.

b. The BLM Director will designate an individual to coordinate all activities by and within the Department with respect to implementation of this Order.

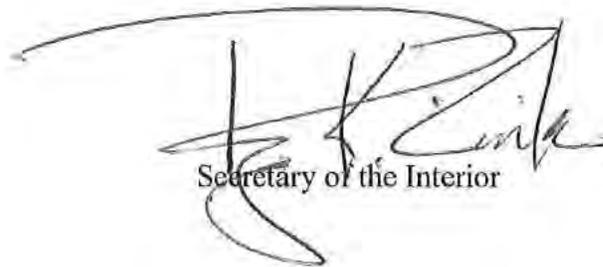
c. All bureaus and offices are directed to immediately begin implementing section 4 of this Order by identifying opportunities for cooperative management agreements and collaborative partnerships with the Eleven Western States and by outlining any specific steps to be undertaken.

d. Within 60 days of the date of this Order, the Team shall provide a report to the Secretary summarizing the review set forth in section 4b of this Order and provide recommendations regarding additional steps the Department should take to address any issues identified as a result of that review.

**Sec. 6 Effect of Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to and

do not create any right or benefit, substantive or procedural, enforceable at law or equity by any party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

**Sec. 7 Expiration Date.** This Order is effective immediately and will remain in effect until its provisions are accomplished, amended, superseded, or revoked, whichever occurs first.



Secretary of the Interior

Date: June 7, 2017



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3354

Subject: Supporting and Improving the Federal Onshore Oil and Gas Leasing Program and Federal Solid Mineral Leasing Program

Sec. 1 **Purpose.** This Order is intended to ensure that quarterly lease sales are consistently held and to identify other ways the Department of the Interior (Department) may promote the exploration and development of both Federal onshore oil and gas resources and Federal solid mineral resources.

In administering 700 million acres of the Federal mineral resources, the Bureau of Land Management (BLM) has a responsibility to make both Federal oil and gas resources and Federal solid mineral resources available for the benefit of citizens of the United States. Multiple quarterly Federal onshore oil and gas lease sales have been postponed or cancelled since 2009. The Mineral Leasing Act of 1920 requires that oil and gas lease sales “be held for each State where eligible lands are available at least quarterly and more frequently if the Secretary of the Interior determines such sales are necessary,” 30 U.S.C. § 226. In issuing this Order, I am taking corrective action as a responsible public steward to strengthen American energy security and create American jobs.

Sec. 2 **Authorities.** This Order is issued under the authority of section 2 of Reorganization Plan No. 3 of 1950, 64 Stat. 1262, as amended. Other statutory authorities for this Order include, but are not limited to, the following:

- (a) Mineral Leasing Act of 1920, 30 U.S.C. §§ 181-287;
- (b) Mineral Leasing Act for Acquired Lands, 30 U.S.C. §§ 351-359; and
- (c) Federal Land Policy and Management Act, 43 U.S.C. §§ 1701-1785.

Sec. 3 **Directive.** Consistent with principles of responsible public stewardship entrusted to this office, with due consideration of the critical importance of American energy security, job creation, conservation stewardship, and the economies of affected states, the following actions shall be taken by BLM:

- (a) support and improve the implementation of the oil and gas quarterly lease sale provision found in the Mineral Leasing Act;
- (b) identify options to improve the Federal onshore oil and gas leasing program and the Federal solid mineral leasing program, as well as identify additional steps to enhance exploration and development of Federal onshore oil and gas resources and Federal solid mineral resources; and

(c) develop an effective strategy to address permitting applications efficiently and effectively as well as develop clear and actionable goals for reducing the permit processing time.

#### Sec. 4 **Implementation.**

(a) The Assistant Secretary – Land and Minerals Management (ASLM) and the Director, BLM, shall report to the Counselor to the Secretary for Energy Policy within 45 days of the date of this Order on:

(1) progress made to support and improve the quarterly lease sales in the Federal onshore oil and gas leasing program and a timeline for doing so, if not already completed;

(2) options identified to improve the Federal onshore oil and gas leasing program and the Federal solid mineral leasing program to enhance Federal onshore oil and gas and Federal solid mineral exploration and development as required by section 3 above; and

(3) a strategy to process the large number of currently pending permitting applications and improve the permitting process. (As part of this process, the ASLM and Director, BLM, shall consult with the U.S. Department of Agriculture and U.S. Forest Service.)

(b) In addition, the other Assistant Secretaries and heads of bureaus/offices within the Department are hereby directed to:

(1) identify any provisions in their existing policy and guidance documents that would impede BLM's plans to carry out quarterly oil and gas lease sales or its efforts to enhance exploration and development of Federal onshore oil and gas resources and Federal solid mineral resources; and

(2) provide to the Counselor to the Secretary for Energy Policy within 45 days of the date of this Order a report on progress made to eliminate the identified policy or guidance impediments and a timeline for eliminating them, if not already completed.

**Sec. 5 Effect of the Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 6 **Expiration Date.** This Order is effective immediately. It will remain in effect until it is amended, superseded, or revoked.

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Secretary of the Interior

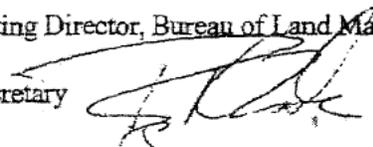
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THE SECRETARY OF THE INTERIOR  
WASHINGTON

MAR 27 2017

**Memorandum**

**To:** Acting Director, Bureau of Land Management  
**From:** Secretary   
**Subject:** Improving the Bureau of Land Management's Planning and National Environmental Policy Act Processes

On March 27, 2017, President Donald J. Trump signed H.J. Resolution 44, which immediately nullified the regulations known as Planning 2.0.

I have heard many concerns about this rule and about the Bureau of Land Management's (BLM) planning and environmental analysis processes. These concerns must be addressed.

Land use planning and environmental analysis are essential to help promote and improve informed decisionmaking and to involve our state, local government, and tribal partners, as well the public in that process for our public lands.

However, important projects and decisions are sometimes excessively delayed and agency land and resource management actions languish in a quagmire of plans, studies, and regulatory reviews. Often these additional steps are not a crucial part of a successful planning effort, informing the public, or communicating the impacts and tradeoffs involved in a decision.

The BLM manages almost 13 percent of the surface area in the United States and roughly one-third of its mineral resources. There is little doubt that BLM has a big job in managing our public lands for a wide variety of activities. These activities contribute to the economic health and prosperity of states and local communities by creating jobs through multiple use. Yet each year, BLM spends \$48 million for the planning process and completes more than 5,000 documents to comply with the National Environmental Policy Act (NEPA). Some of those funds and staff time would be better applied toward completing work on the ground and creating economic opportunities.

The feedback I have received from many of our state and local partners and the public is that the system is broken, unnecessarily lengthy and burdensome, and does not produce the result demanded by the American people. The result demanded is to have an effective, efficient, and transparent process that 1) takes less time, 2) costs less money, and 3) is more responsive to local needs. For these reasons, I am directing BLM to go back to the drawing board to define actionable items that will make a measurable impact on improving the Federal planning process.

**Fostering a Good Neighbor Policy and Restoring the Multiple-Use Mission of the BLM**

I hereby direct BLM, in accordance with its multiple-use mission, to immediately begin a focused effort to identify and implement results-oriented improvements to its land use planning and NEPA processes.

As part of this effort, BLM will identify where redundancies and inefficient processes exist and should be eliminated, while ensuring that we fulfill our legal and resource stewardship responsibilities. These concepts are not mutually exclusive and should guide BLM as it undertakes this effort. The BLM will take a hard look at all aspects of the planning process, including challenges with NEPA, and shall incorporate the views and ideas of our state and local partners in examining and implementing solutions that meet the following criteria:

1. Finding better ways to incorporate and partner with state planning efforts;
2. Reducing duplicative and disproportionate analyses;
3. Considering more user-friendly representation of the planning process so stakeholders can easily determine status;
4. Fostering greater transparency in the NEPA process, including proper accounting of timeframes, delays, and financial cost of NEPA analyses;
5. Seeking opportunities to avoid delays caused by appeals and litigation;
6. Building trust with our neighbors through better integration of the needs of state and local governments, tribal partners, and other stakeholders; and
7. Developing and implementing efforts to "right size" environmental documents instead of defaulting to preparing an Environmental Impact Statement in circumstances when such a document is not absolutely needed.

As BLM evaluates all potential solutions, it shall also include in its analysis how a new rulemaking will meet the aforementioned criteria. In conducting this analysis, BLM shall make every effort to restore order, focus, and efficiency to the Federal land planning process. These efforts will align with the President's and my priorities and values: Making America Safe through Energy Independence; Making America Great Through Shared Conservation Stewardship; Making America Safe – Restoring our Sovereignty; Getting America Back to Work; and Serving the American Family.

Please deliver a report to me by no later than 6 months from today that describes your progress and how it will benefit future planning decisions and activities. The report should also provide recommendations for any regulatory or legislative actions necessary to meet the above goals.



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3348

Subject: Concerning the Federal Coal Moratorium

**Sec. 1 Purpose.** The Federal coal leasing program is of critical importance to the economy of the United States, supplying approximately 40 percent of the coal produced in the Nation. On January 15, 2016, Secretary's Order 3338, "Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program," was signed and placed a moratorium on the coal leasing program with limited exceptions. Given the critical importance of the Federal coal leasing program to energy security, job creation, and proper conservation stewardship, this Order directs efforts to enhance and improve the Federal coal leasing program.

**Sec. 2 Authorities.** This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended. Other statutory authorities for this Order include but are not limited to the following statutes:

- a. Mineral Leasing Act, 30 U.S.C. §1181 *et seq.*
- b. Mineral Leasing Act for Acquired Lands, 30 U.S.C. § 351 *et seq.*
- c. Federal Land Policy and Management Act, 43 U.S.C. 1701-1785.
- d. Surface Mining Control and Reclamation Act, 30 U.S.C. §§ 1201–1328.

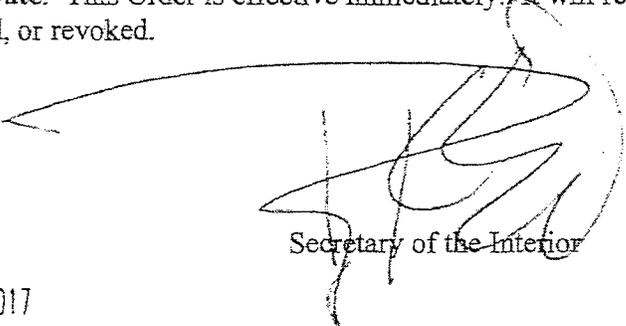
**Sec. 3 Background.** Secretary's Order 3338 directs the Bureau of Land Management (BLM) to analyze and "consider potential leasing and management reforms to the current Federal coal program." Secretary's Order 3338 ordered the preparation of a discretionary Programmatic Environmental Impact Statement (PEIS) to analyze potential reforms and ordered a "pause on leasing, with limited exceptions" pending completion of the discretionary Federal Coal Program PEIS. The PEIS is estimated to cost many millions of dollars and would be completed no sooner than 2019, even with robust funding.

**Sec. 4 Revocation of Secretary's Order 3338.** Based upon the Department's review of Secretary's Order 3338, the scoping report for the discretionary Federal Coal Program PEIS issued in January 2017, and other information provided by BLM, I find that the public interest is not served by halting the Federal coal program for an extended time, nor is a PEIS required to consider potential improvements to the program. Accordingly, consistent with the principles of responsible public stewardship entrusted to this office, I revoke Secretary's Order 3338, "Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program."

**Sec. 5 Implementation.** With the revocation of Secretary's Order 3338, BLM is directed to process coal lease applications and modifications expeditiously in accordance with regulations and guidance existing before the issuance of Secretary's Order 3338. All activities associated with the preparation of the Federal Coal Program PEIS shall cease. The Deputy Secretary, Assistant Secretaries, and heads of bureaus and offices are hereby directed to make changes in their policy and guidance documents that are consistent with the revocation of Secretary's Order 3338.

**Sec. 6 Effect of the Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

**Sec. 7 Expiration Date.** This Order is effective immediately. It will remain in effect until it is amended, superseded, or revoked.



Secretary of the Interior

Date: MAR 29 2017



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3349

Subject: American Energy Independence

**Sec. 1 Purpose.** This Order implements the review of agency actions directed by an Executive Order signed by the President on March 28, 2017 and entitled "Promoting Energy Independence and Economic Growth" (March 28, 2017 E.O.). It also directs a reexamination of the mitigation policies and practices across the Department of the Interior (Department) in order to better balance conservation strategies and policies with the equally legitimate need of creating jobs for hard-working American families.

**Sec. 2 Authorities.** This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, and other applicable statutory authorities.

**Sec. 3 Background.** Among other provisions, the March 28, 2017 E.O. directs the Department to review all existing regulations, orders, guidance documents, policies, and any other similar actions that potentially burden the development or utilization of domestically produced energy resources. A plan to carry out the review must be submitted to the Director of the Office of Management and Budget (OMB) and to certain other White House officials within 45 days of the date of the March 28, 2017 E.O. The objective of the review is to identify agency actions that unnecessarily burden the development or utilization of the Nation's energy resources and support action to appropriately and lawfully suspend, revise, or rescind such agency actions as soon as practicable.

The March 28, 2017 E.O. also directs the Department to promptly review certain specific actions recently taken by the Department, in particular Secretary's Order 3338, "Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program," and four rules related to onshore oil and gas development.

The March 28, 2017 E.O. also rescinds certain Presidential Actions, reports, and final guidance related to climate change, including:

- a. E.O. 13653 of November 6, 2013 (Preparing the United States for the Impacts of Climate Change);
- b. Presidential Memorandum of June 25, 2013 (Power Sector Carbon Pollution Standards); and
- c. Presidential Memorandum of September 21, 2016 (Climate Change and National Security).

The March 28, 2017 E.O. directs the Department to identify agency actions "related to or arising from" the rescinded Presidential Actions, reports, and guidance, and to initiate a lawful and appropriate process to suspend, revise, or rescind such actions.

The March 28, 2017 E.O. also rescinds the Presidential Memorandum issued on November 3, 2015, entitled "Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment." That Memorandum directed the Secretary of the Interior, among other Cabinet officials, to undertake a number of actions to implement a landscape-scale mitigation policy, including specific directions to the Bureau of Land Management (BLM) and the Fish and Wildlife Service (FWS) to develop mitigation policies that incorporated compensatory mitigation into planning and permitting processes.

Secretary's Order 3330, "Improving Mitigation Policies and Practices of the Department of the Interior," dated October 13, 2013, is directly related to the rescinded Presidential Memorandum on mitigation. Secretary's Order 3330 dovetails with the subsequently issued Presidential Memorandum by directing the development and implementation of a landscape-scale mitigation policy for the Department. As directed by the Order, the Secretary received a report in April 2014 entitled, "A Strategy for Improving Mitigation Policies and Practices of the Department of the Interior." The Strategy set forth a number of "deliverables" by nearly every office and bureau within the Department to advance the stated goal of "landscape-scale mitigation." Given the close nexus between the rescinded Presidential Memorandum and Secretary's Order 3330, a thorough reexamination is needed of the policies set out in that Order.

**Sec. 4 Policy.** To begin implementing the March 28, 2017 E.O., I hereby order the following:

a. Revocation of Secretary's Order 3330. I hereby revoke Secretary's Order 3330, "Improving Mitigation Policies and Practices of the Department of the Interior," dated October 31, 2013. As set forth below, all actions taken pursuant to Secretary's Order 3330 must be reviewed for possible reconsideration, modification, or rescission as appropriate.

b. Review of Department Actions. As set forth in Sec. 5 below, each bureau and office shall review all existing regulations, orders, guidance documents, policies, instructions, notices, implementing actions, and any other similar actions (Department Actions) related to or arising from the Presidential Actions set forth above and, to the extent deemed necessary and permitted by law, initiate an appropriate process to suspend, revise, or rescind any such actions, consistent with the policies set forth in the March 28, 2017 E.O.

Sec. 5 **Implementation.** The following actions shall be taken pursuant to this Order:

a. Mitigation Policy Review.

(i) Within 14 days of the date of this Order, each bureau and office head shall provide to the Deputy Secretary, through their Assistant Secretary, all Department Actions they have adopted or are in the process of developing relating to (1) the Presidential Memorandum dated November 3, 2015, "Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment" and (2) Secretary's Order 3330.

(ii) Within 30 days of the date of this Order, the Deputy Secretary shall inform the Assistant Secretaries whether to proceed with reconsideration, modification, or rescission as appropriate and necessary of any Department Actions they have adopted or are in the process of developing relating to (1) the Presidential Memorandum dated November 3, 2015, "Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment" and (2) Secretary's Order 3330.

(iii) Within 90 days of the date of this Order, each bureau and office required to reconsider, modify, or rescind any such Department Action, shall submit to the Deputy Secretary, through their Assistant Secretary, a draft revised or substitute Department Action for review.

b. Climate Change Policy Review.

(i) Within 14 days of the date of this Order, each bureau and office head shall provide to the Deputy Secretary, through their Assistant Secretary, all Department Actions they have adopted, or are in the process of developing, relating to the Presidential Actions, reports, and guidance that are rescinded by the March 28, 2017 E.O., in particular: Executive Order 13653 of November 6, 2013 (Preparing the United States for the Impacts of Climate Change); Presidential Memorandum of June 25, 2013 (Power Sector Carbon Pollution Standards); Presidential Memorandum of September 21, 2016 (Climate Change and National Security); Report of the Executive Office of the President of June 2013 (The President's Climate Action Plan); Report of the Executive Office of the President of March 2014 (Climate Action Plan Strategy to Reduce Methane Emissions); and the Council on Environmental Quality's final guidance entitled "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews," 81 *Fed. Reg.* 51866 (August 5, 2016).

(ii) Within 30 days of the date of this Order, the Deputy Secretary shall inform the Assistant Secretaries whether to proceed with reconsideration, modification, or rescission as appropriate and necessary of any Department Actions identified in the review required by subsection (i) above.

(iii) Within 90 days of the date of this Order, each bureau and office required to reconsider, modify, or rescind any such Department Action, shall submit to the Deputy Secretary, through their Assistant Secretary, a draft revised or substitute Department Action, for review.

c. Review of Other Department Actions Impacting Energy Development.

(i) As previously announced by the Department, BLM shall proceed expeditiously with proposing to rescind the final rule entitled, "Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands," 80 *Fed. Reg.* 16128 (Mar. 26, 2015).

(ii) Within 21 days, the Director, BLM shall review the final rule entitled, "Waste Prevention, Production Subject to Royalties, and Resource Conservation," 81 *Fed. Reg.* 83008 (January 17, 2017), and report to the Assistant Secretary - Land and Minerals Management on whether the rule is fully consistent with the policy set forth in Section 1 of the March 28, 2017 E.O.

(iii) Within 21 days, the Director, National Park Service shall review the final rule entitled, "General Provisions and Non-Federal Oil and Gas Rights," 81 *Fed. Reg.* 77972 (Nov. 4, 2016), and report to the Assistant Secretary for Fish and Wildlife and Parks on whether the rule is fully consistent with the policy set forth in Section 1 of the March 28, 2017 E.O.

(iv) Within 21 days, the Director, FWS shall review the final rule entitled, "Management of Non-Federal Oil and Gas Rights," 81 *Fed. Reg.* 79948 (Nov. 14, 2016), and report to the Assistant Secretary for Fish and Wildlife and Parks on whether the rule is fully consistent with the policy set forth in Section 1 of the March 28, 2017 E.O.

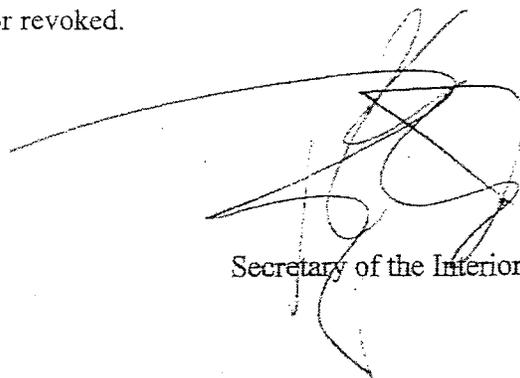
(v) Within 21 days, each bureau and office head shall provide to the Deputy Secretary, through their Assistant Secretary, a report that identifies all existing Department Actions issued by their bureau or office that potentially burden (as that term is defined in the March 28, 2017 E.O.) the development or utilization of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear resources.

(vi) Within 35 days, the Deputy Secretary shall provide to me a plan to complete the review of Department Actions contemplated by Section 2 of the March 28, 2017 E.O. The plan must meet all objectives and time lines set forth in the March 28, 2017 E.O.

**Sec. 5 Effect of the Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies,

instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 6 **Expiration Date.** This Order is effective immediately. It will remain in effect until it is amended, superseded, or revoked.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the left.

Secretary of the Interior

Date: MAR 29 2017



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3350

Subject: America-First Offshore Energy Strategy

**Sec. 1 Purpose.** This Order further implements the President's Executive Order entitled: "Implementing an America-First Offshore Energy Strategy" (April 28, 2017); enhances opportunities for energy exploration, leasing, and development on the Outer Continental Shelf (OCS); establishes regulatory certainty for OCS activities; and enhances conservation stewardship, thereby providing jobs, energy security, and revenue for the American people.

**Sec. 2 Authorities.** This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, and other applicable authorities, including the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1331 *et seq.*

**Sec. 3 Background.** Safe and responsible development of our offshore natural resources is critical to the Nation's environment and economy. The Bureau of Ocean Energy Management (BOEM) is responsible for administering the leasing program for oil and gas resources on the OCS and developing a five-year schedule of lease sales designed to "best meet national energy needs" for the five-year period following the schedule's approval, as required in Section 18 of the OCSLA, 43 U.S.C. 1334. The BOEM also permits seismic surveys on the OCS and, in conjunction with the Bureau of Safety and Environmental Enforcement (BSEE), regulates leasing, exploration, and development activities on the OCS.

In January 2017 the 2017 - 2022 Outer Continental Shelf Oil and Gas Leasing Program was approved excluding lease sales in the Atlantic Ocean and the Beaufort and Chukchi Seas offshore Alaska. By excluding these areas from the leasing program, the Department has forgone considering areas that potentially contain tens of billions of barrels of oil and over 100 trillion cubic feet of gas by BOEM's own estimates of undiscovered technically recoverable oil and gas resources. In addition, through a series of Presidential Memoranda issued by the previous Administration, huge swaths of the OCS were withdrawn from disposition by leasing along the Alaska and Atlantic coasts.

In addition to existing restrictions on OCS leasing, concerns have been raised by stakeholders that certain final or proposed rules, such as BSEE's final rule on "*Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control*" published at 81 Federal Register 25887 (April 29, 2016), unnecessarily include prescriptive measures that are not needed to ensure safe and responsible development of our OCS resources. Accordingly, a reevaluation of these rules is appropriate and necessary.

On April 28, 2017, the President issued an Executive Order entitled: "Implementing an America-First Offshore Energy Strategy (Executive Order)," which reconfirmed that it is "the policy of the United States to encourage energy exploration and production, including on the

Outer Continental Shelf, in order to maintain the Nation's position as a global energy leader and foster energy security and resilience for the benefit of the American people." The Executive Order eliminated the previous Administration's OCS leasing withdrawals and directed the Department to take a number of actions designed to ensure robust and responsible exploration and development of our OCS resources. These directives include revising the five-year leasing program and reconsidering promulgation of enumerated final or proposed rules and guidance that impact OCS resource development. This Order is designed to implement the President's directives and take other actions to ensure that responsible OCS exploration and development is promoted and not unnecessarily delayed or inhibited.

Sec. 4 **Directive.** In furtherance of the President's Executive Order, and consistent with principles of responsible public stewardship entrusted to the Department, with due consideration of the critical importance of energy security, job creation, and conservation stewardship, I hereby direct the following:

a. The BOEM shall undertake the following actions:

(1) Immediately initiate development of a new "Five-Year Outer Continental Shelf Oil and Gas Leasing Program", with full consideration given to leasing the OCS offshore Alaska, Mid-Atlantic, South Atlantic, and the Gulf of Mexico, in conformity with the provisions of OCSLA as directed by the President's Executive Order.

(2) In cooperation with the National Marine Fisheries Service, undertake the following activities: (i) establish a plan to expedite consideration of Incidental Take Authorization requests, including Incidental Harassment Authorizations and Letters of Authorization, that may be needed for seismic survey permits and other OCS activities; and (ii) develop and implement a streamlined permitting approach for privately-funded seismic data research and collection aimed at expeditiously determining the offshore energy resource potential of the United States.

(3) Expedite consideration of appealed, new, or resubmitted seismic permitting applications for the Atlantic.

(4) Promptly complete BOEM's previously announced review of Notice to Lessees (NTL) No. 2016-N01 "*Notice to Lessees and Operators of Federal Oil and Gas, and Sulfur Leases, and Holders of Pipeline Right-of-Way and Right-of-Use and Easement Grants in the Outer Continental Shelf*" (September 12, 2016), and provide to the Assistant Secretary – Land and Minerals Management (ASLM), the Deputy Secretary, and Counselor to the Secretary for Energy Policy, a report describing the results of the review and options for revising or rescinding NTL No. 2016-N01. The BOEM's previously announced extension of the implementation timelines for NTL No. 2016-N01 shall remain in effect pending completion of the review by the ASLM, Deputy Secretary, and the Counselor to the Secretary for Energy Policy.

(5) Immediately cease all activities to promulgate the "Offshore Air Quality Control, Reporting, and Compliance" Proposed Rule published at 81 Federal Register 19717

(April 5, 2016) and all other rules and guidance published pursuant thereto. Within 21 days of the issuance of this Order, the Director of BOEM shall provide to the ASLM, the Deputy Secretary, and Counselor to the Secretary for Energy Policy, a report explaining the effects, if any, of not issuing a new rule addressing offshore air quality, and providing options for revising or withdrawing the proposed rule consistent with the policy set forth in section 2 of the Executive Order.

(6) Within 21 days of the issuance of this Order, BOEM shall provide to the ASLM, the Deputy Secretary, and Counselor to the Secretary for Energy Policy, a report summarizing progress on the action items 1-5 above.

b. The BSEE shall undertake the following actions:

(1) Promptly review the final rule on “*Oil and Gas and Sulfur Operations in the Outer Continental Shelf-Blowout Preventer Systems and Well Control*” for consistency with the policy set forth in section 2 of the Executive Order, as well as all policies, rules, guidance, instructions, notices, or other implementing actions that have been adopted or are in the process of being developed relating thereto.

(2) Within 21 days of the issuance of this Order, provide to ASLM, Deputy Secretary, and Counselor to the Secretary for Energy Policy a report summarizing the review and providing recommendations on whether to suspend, revise, or rescind the rule.

c. The BSEE and BOEM are also to undertake the following action: Promptly review the final rule entitled “Oil and Gas and Sulfur Operations on the Outer Continental Shelf—Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf,” 81 Federal Register 46478 (July 15, 2016), for consistency with the policy set forth in section 2 of the Executive Order and, within 21 days of the date of this Order, provide to ASLM, Deputy Secretary, and Counselor to the Secretary for Energy Policy a report summarizing the review and providing recommendations on whether to suspend, revise, or rescind the rule.

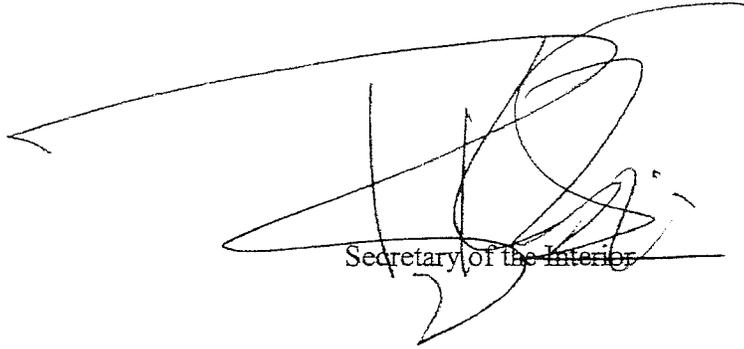
d. The Counselor to the Secretary for Energy Policy, in cooperation with the Assistant Secretary for Fish and Wildlife and Parks (ASFWP) and ASLM, shall work with the Department of Commerce to review the National Marine Sanctuary and Monument designations as directed by the Executive Order.

**Sec. 5 Counselor to the Secretary for Energy Policy.** To further promote the deliberate and active coordination of energy policy in the Department, I am, by separate Order, establishing within the Secretary’s Immediate Office the position of Counselor to the Secretary for Energy Policy. The Deputy Secretary, ASLM, and ASFWP will coordinate with the Counselor to the Secretary for Energy Policy in implementing this Order.

**Sec. 6 Effect of Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its

officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 7 **Expiration Date.** This Order is effective immediately. It will remain in effect until its provisions are implemented and completed, or until it is amended, superseded, or revoked.



Secretary of the Interior

Date: **MAY 01 2017**



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3351

Subject: Strengthening the Department of the Interior's Energy Portfolio

**Sec. 1 Purpose.** This Order establishes the position of Counselor to the Secretary for Energy Policy to ensure deliberate and active coordination of energy policy in the Department.

**Sec. 2 Background.** Energy is an essential part of American life and a staple of the world economy. Achieving American energy dominance begins with recognizing that we have vast untapped domestic energy reserves. For too long, America has been held back by burdensome regulations on our energy industry. The Department is committed to an America-first energy strategy that lowers costs for hardworking Americans and maximizes the use of American resources, freeing us from dependence on foreign oil.

Nine of the Department's 10 bureaus have significant energy programs and responsibilities. The Department's energy portfolio includes oil, gas, coal, hydroelectric, wind, solar, geothermal, and biomass. The Department recognizes that the development of energy resources on public lands will increase domestic energy production, provide alternatives to overseas energy resources, create jobs, and enhance the energy security of the United States. Eliminating harmful regulations and unnecessary policies will require a sustained, focused effort.

**Sec. 3 Authority.** This Order is issued under the authority of 43 U.S.C. 1451, Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), and other applicable statutes.

**Sec. 4 Counselor to the Secretary for Energy Policy.**

a. There is established in the Immediate Office of the Secretary, the position of Counselor to the Secretary for Energy Policy (Counselor).

b. The Counselor shall report directly to the Secretary, who retains all decision-making authority.

c. The duties of the Counselor position shall include, but are not limited to:

(1) Advising the Secretary, Deputy Secretary, Assistant Secretaries, and Chief of Staff on all aspects of energy policy.

(2) Developing and coordinating strategies, policies, and practices that promote responsible development of all types of energy on public lands managed and administered by the Department.

(3) Identifying regulatory burdens that unnecessarily encumber energy exploration development, production, transportation; and developing strategies to eliminate or minimize these burdens.

(4) Promoting efficient and effective processing of energy-related authorizations, permits, regulations, and agreements. This includes, but is not limited to, working with the Assistant Secretaries and other Department leadership in prioritizing the work of bureaus/offices in developing and implementing energy policy and affairs; tracking progress of bureaus/offices; and resolving obstacles to energy exploration, development, production, and transportation concerns.

d. As directed by the Secretary, the Counselor:

(1) Represents the Secretary, the Deputy Secretary, and/or Chief of Staff on energy-related intra- and inter-agency meetings of high-level governmental officials;

(2) Chairs boards, councils, and committees concerned with research, development, exploration, and transportation of energy; and

(3) Represents the Secretary, the Deputy Secretary, and/or Chief of Staff before energy-related internal and external stakeholder meetings and conferences.

e. The Counselor undertakes such other actions as directed by and on behalf of the Secretary that relate to energy policy and affairs, including but not limited to coordinating:

(1) Policy and regulatory decisionmaking for domestic and international projects;

(2) Development of best management practices for energy projects on the public lands to ensure responsible development of energy; and

(3) Reviews of cost recovery in processing energy applications and monitoring of authorizations under the provisions of Section 304 and Section 504 of the Federal Land Policy and Management Act.

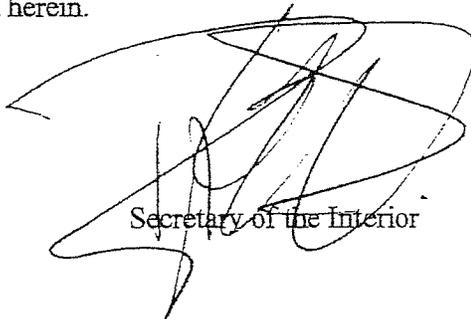
f. The Counselor works with other Federal agencies and offices, and state regulatory agencies and offices, to improve the coordination of energy policy.

## Sec. 5 **Implementation.**

a. The Counselor and the Chief of Staff are responsible for implementing this Order.

b. Each Assistant Secretary and bureau/office head, including the Solicitor, shall designate a liaison to serve with the Counselor in accordance with this Order.

Sec. 6 **Expiration Date.** This Order is effective immediately. It will remain in effect until its provisions are converted to the Departmental Manual or until amended, suspended, or revoked, whichever occurs first. The termination of this Order will not nullify implementation of the requirements and responsibilities affected herein.



Secretary of the Interior

Date: **MAY 01 2017**



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

ORDER NO. 3352

Subject: National Petroleum Reserve – Alaska

**Sec. 1 Purpose.** This Order provides for clean and safe development of our Nation's vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. The prudent development of these natural resources in Alaska and beyond is essential to ensuring the Nation's geopolitical security.

**Sec. 2 Authorities.** This Order is issued under the authority of section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended; the Federal Land Policy and Management Act, 43 U.S.C. 1701-1785; the Naval Petroleum Reserves Production Act of 1976, 42 U.S.C. 6501-6507, as amended; and other applicable statutes.

**Sec. 3 Background.** The National Petroleum Reserve – Alaska (NPR-A) is the largest block of federally managed land in the United States. In 2010, the U.S. Geological Survey estimated the NPR-A contained approximately 895 million barrels of economically recoverable oil and 52.8 trillion cubic feet of natural gas. On February 21, 2013, the Secretary of the Interior signed a Record of Decision approving the Integrated Activity Plan for the NPR-A, which sets forth the Bureau of Land Management's plan for future management of the area. That plan made approximately 11 million of the NPR-A's 22.8 million acres unavailable for leasing, potentially precluding development of up to 350 million barrels of oil and 45 trillion cubic feet of natural gas. The 1.5 million-acre coastal plain of the 19 million-acre Arctic National Wildlife Refuge (ANWR) is the largest unexplored, potentially productive geologic onshore basin in the United States. The primary area of the coastal plain is the Section 1002 Area of ANWR. The Section 1002 Area was specifically set aside by Congress and the President in 1980 because of its potential for oil and natural gas development.

**Sec. 4 Policy and Direction.**

a. Within 21 days of the issuance of this Order, the Assistant Secretary – Land and Minerals Management shall submit to the Counselor to the Secretary for Energy Policy:

(1) a schedule to effectuate the lawful review and development of a revised Integrated Activity Plan for the NPR-A that strikes an appropriate statutory balance of promoting development while protecting surface resources; and

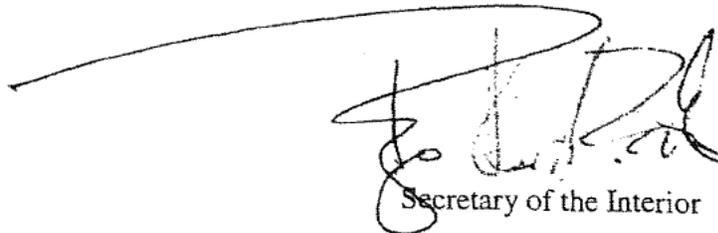
(2) an evaluation, under the existing Integrated Activity Plan, on efficiently and effectively maximizing the tracts offered for sale during the next NPR-A lease sale.

b. Within 21 days of the issuance of this Order, the Assistant Secretary – Land and Minerals Management and the Assistant Secretary – Water and Science shall submit to the Counselor to the Secretary for Energy Policy a joint plan for updating current assessments of undiscovered, technically recoverable oil and natural gas resources of Alaska's North Slope, focusing on Federal lands including the NPR-A and the Section 1002 Area. The joint plan shall include consideration of new geological and geophysical data that has become available since the last assessments, as well as potential for reprocessing existing geological and geophysical data.

c. Within 31 days of the issuance of this Order, the Counselor to the Secretary for Energy Policy shall provide to me a plan to complete the review of the Department's actions set forth above.

**Sec. 5 Effect of Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by any party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

**Sec. 6 Expiration Date.** This Order is effective immediately. It will remain in effect until its provisions are fully implemented, or until it is amended, superseded, or revoked, whichever occurs first.



Secretary of the Interior

Date:



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3353

Subject: Greater Sage-Grouse Conservation and Cooperation with Western States

**Sec. 1 Purpose.** The purposes of the Order are to: (1) enhance cooperation between the Department of the Interior (Department) and the States of Oregon, Washington, California, Nevada, Idaho, Utah, Montana, North Dakota, South Dakota, Wyoming, and Colorado (the Eleven Western States) in the management and conservation of the Greater Sage-Grouse (Sage-Grouse) and its habitat; (2) support a partnership with clearly defined objectives and roles for Federal and State entities responsible for Sage-Grouse management and conservation in order to sustain healthy populations of the species; and (3) establish a team to review the Federal land management agencies' Sage-Grouse plan amendments and revisions completed on or before September 2015.

**Sec. 2 Authorities.** This Order is issued under the authority of section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, and pursuant to the land management and programmatic authorities of the bureaus identified below in section 4b.

**Sec. 3 Background.** The Department has broad responsibilities to manage Federal lands and resources for the public's benefit, including, but not limited to, permitting authorized uses; managing habitat to support fish, wildlife, and other resources; protecting cultural resources; and providing recreational and educational opportunities on Federal lands and waters.

The State agencies responsible for fish and wildlife management possess broad powers for the protection and management of fish, wildlife, and plants within their borders, except where preempted by Federal law. State agencies are at the forefront of efforts to maintain healthy fish and wildlife populations and to conserve at-risk species to ensure that protection under the Endangered Species Act (ESA) is not required.

The State-Federal Sage-Grouse Task Force (SGTF) was established in 2011 as a forum for high-level State and Federal representatives to meet and evaluate policies, programs, management actions, data sharing, and other actions affecting conservation of the Sage-Grouse and the sagebrush ecosystem, as well as the health of the communities and economies of the American West.

In September 2015, the Department and the United States Department of Agriculture (USDA) adopted amendments and revisions to 98 Bureau of Land Management (BLM) and U.S. Forest Service (USFS) land use plans across the Eleven Western States addressing, in part, the Sage-Grouse and its habitat (the 2015 Sage-Grouse Plans). The 2015 Sage-Grouse Plans govern management of 67 million acres of Federal lands. More than half of remaining Sage-Grouse habitat is on land managed by BLM and USFS. As the Department moves forward in the management of Sage-Grouse habitat, it is imperative that it does so in a manner that allows both

wildlife and local economies to thrive and incorporate the expertise of Federal employees in the field, local conditions, and proven State and local approaches.

In October 2015, in reliance upon the conservation commitments and progress reflected in Federal land use plan amendments and revisions and other private, State, and Federal conservation efforts, the U.S. Fish and Wildlife Service (FWS) determined that the Sage-Grouse did not warrant listing under the ESA. In making that finding, FWS committed to work with State and Federal partners to conduct a Sage-Grouse status review in 5 years.

#### Sec. 4 Policy.

##### a. Cooperation with the Eleven Western States on Sage-Grouse Conservation Efforts.

Consistent with governing laws, regulations, and policies, the Department will implement a multifaceted strategy to enhance cooperation with the Eleven Western States primarily responsible for the management and conservation of Sage-Grouse. The strategy will include supporting a partnership that allows the Department and the Eleven Western States to maintain healthy populations of Sage-Grouse and improve collaboration and integration of State and local concerns and approaches into sagebrush management and conservation on Federal lands. Accordingly, and subject to paragraph 4b, below, the BLM Director, working with other heads of bureaus and offices within the Department, USFS, and affected States through the SGTF, shall develop:

- (i) memorandums of understanding and other agreements with states and other partners regarding implementation of the 2015 Sage-Grouse Plans;
- (ii) training for BLM staff regarding implementation of the 2015 Sage-Grouse Plans, including direction to consider state and local information, as appropriate; and
- (iii) memorandums of understanding and other agreements with States and other partners regarding integration of information on Sage-Grouse populations into Federal land management decisions.

##### b. Department of the Interior Sage-Grouse Review Team.

This Order establishes the Sage-Grouse Review Team (Team). The Team will be made up of land managers and other professionals from bureaus and offices, including BLM, FWS, and the U.S. Geological Survey (USGS). The Team will closely coordinate with USDA and USFS. The Team will engage with appropriate State agencies through the SGTF to coordinate its work. The Team is hereby directed to conduct:

- (i) a review of the plans and programs that States already have in place to ensure that the 2015 Sage-Grouse Plans adequately complement state efforts to conserve the species;

(ii) a further examination, through the framework established by the Integrated Rangeland Fire Management Strategy, of issues associated with preventing and fighting the proliferation of invasive grasses and wildland fire, which are leading threats to Sage-Grouse habitat;

(iii) an examination of the impact on individual States disproportionately affected by the large percentage of Federal lands within their borders, recognizing that those lands are important to resource use and development, and to the conservation of the Sage-Grouse;

(iv) a review of the 2015 Sage-Grouse Plans and associated policies, including seven BLM Instruction Memoranda (IM) issued in September 2016. The review will include (1) identification of provisions that may require modification or rescission, as appropriate, in order to give appropriate weight to the value of energy and other development of public lands within BLM's overall multiple-use mission and to be consistent with the policy set forth in Secretary's Order 3349, "American Energy Independence," implementing the Executive Order signed by the President on March 28, 2017, "Promoting Energy Independence and Economic Growth"; and (2) opportunities to conserve the Sage-Grouse and its habitat without inhibiting job creation and local economic growth;

(v) as appropriate, the Team should provide recommendations with regard to (1) captive breeding; (2) opportunities to enhance State involvement; (3) efficacy of target populations on a State-by-State basis; and (4) additional steps that can be taken in the near term to maintain or improve the current population levels and habitat conditions.

#### **Sec. 5. Implementation.**

a. Within 10 days of the signing of this Order, the Deputy Secretary will designate individuals from within the Department to serve on the Team.

b. The BLM Director will designate an individual to coordinate all activities by and within the Department with respect to implementation of this Order.

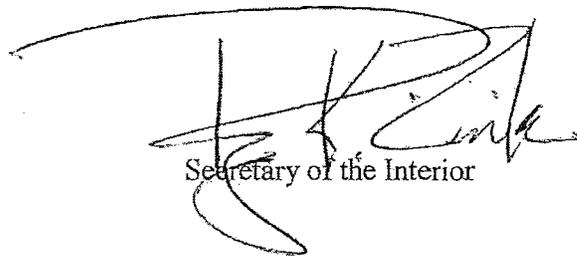
c. All bureaus and offices are directed to immediately begin implementing section 4 of this Order by identifying opportunities for cooperative management agreements and collaborative partnerships with the Eleven Western States and by outlining any specific steps to be undertaken.

d. Within 60 days of the date of this Order, the Team shall provide a report to the Secretary summarizing the review set forth in section 4b of this Order and provide recommendations regarding additional steps the Department should take to address any issues identified as a result of that review.

**Sec. 6 Effect of Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to and

do not create any right or benefit, substantive or procedural, enforceable at law or equity by any party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

**Sec. 7 Expiration Date.** This Order is effective immediately and will remain in effect until its provisions are accomplished, amended, superseded, or revoked, whichever occurs first.



Secretary of the Interior

Date: June 7, 2017



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3354

Subject: Supporting and Improving the Federal Onshore Oil and Gas Leasing Program and Federal Solid Mineral Leasing Program

**Sec. 1 Purpose.** This Order is intended to ensure that quarterly lease sales are consistently held and to identify other ways the Department of the Interior (Department) may promote the exploration and development of both Federal onshore oil and gas resources and Federal solid mineral resources.

In administering 700 million acres of the Federal mineral resources, the Bureau of Land Management (BLM) has a responsibility to make both Federal oil and gas resources and Federal solid mineral resources available for the benefit of citizens of the United States. Multiple quarterly Federal onshore oil and gas lease sales have been postponed or cancelled since 2009. The Mineral Leasing Act of 1920 requires that oil and gas lease sales “be held for each State where eligible lands are available at least quarterly and more frequently if the Secretary of the Interior determines such sales are necessary,” 30 U.S.C. § 226. In issuing this Order, I am taking corrective action as a responsible public steward to strengthen American energy security and create American jobs.

**Sec. 2 Authorities.** This Order is issued under the authority of section 2 of Reorganization Plan No. 3 of 1950, 64 Stat. 1262, as amended. Other statutory authorities for this Order include, but are not limited to, the following:

- (a) Mineral Leasing Act of 1920, 30 U.S.C. §§ 181-287;
- (b) Mineral Leasing Act for Acquired Lands, 30 U.S.C. §§ 351-359; and
- (c) Federal Land Policy and Management Act, 43 U.S.C. §§ 1701-1785.

**Sec. 3 Directive.** Consistent with principles of responsible public stewardship entrusted to this office, with due consideration of the critical importance of American energy security, job creation, conservation stewardship, and the economies of affected states, the following actions shall be taken by BLM:

- (a) support and improve the implementation of the oil and gas quarterly lease sale provision found in the Mineral Leasing Act;
- (b) identify options to improve the Federal onshore oil and gas leasing program and the Federal solid mineral leasing program, as well as identify additional steps to enhance exploration and development of Federal onshore oil and gas resources and Federal solid mineral resources; and

(c) develop an effective strategy to address permitting applications efficiently and effectively as well as develop clear and actionable goals for reducing the permit processing time.

#### Sec. 4 **Implementation.**

(a) The Assistant Secretary – Land and Minerals Management (ASLM) and the Director, BLM, shall report to the Counselor to the Secretary for Energy Policy within 45 days of the date of this Order on:

(1) progress made to support and improve the quarterly lease sales in the Federal onshore oil and gas leasing program and a timeline for doing so, if not already completed;

(2) options identified to improve the Federal onshore oil and gas leasing program and the Federal solid mineral leasing program to enhance Federal onshore oil and gas and Federal solid mineral exploration and development as required by section 3 above; and

(3) a strategy to process the large number of currently pending permitting applications and improve the permitting process. (As part of this process, the ASLM and Director, BLM, shall consult with the U.S. Department of Agriculture and U.S. Forest Service.)

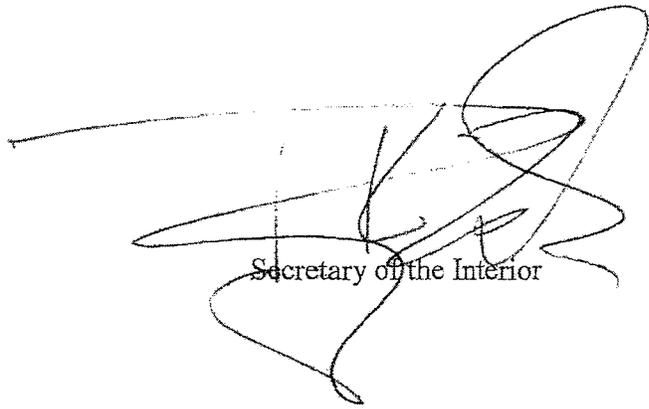
(b) In addition, the other Assistant Secretaries and heads of bureaus/offices within the Department are hereby directed to:

(1) identify any provisions in their existing policy and guidance documents that would impede BLM's plans to carry out quarterly oil and gas lease sales or its efforts to enhance exploration and development of Federal onshore oil and gas resources and Federal solid mineral resources; and

(2) provide to the Counselor to the Secretary for Energy Policy within 45 days of the date of this Order a report on progress made to eliminate the identified policy or guidance impediments and a timeline for eliminating them, if not already completed.

**Sec. 5 Effect of the Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 6 **Expiration Date.** This Order is effective immediately. It will remain in effect until it is amended, superseded, or revoked.



Secretary of the Interior

Date: 6 JUL 17



THE ASSOCIATE DEPUTY SECRETARY OF THE INTERIOR  
WASHINGTON, DC 20240

JUN 28 2017

Memorandum

To: Assistant Secretaries  
Heads of Bureaus and Offices

From: Associate Deputy Secretary *James E. Casler*

Subject: Draft Report on Energy Independence under E.O. 13783

Executive Order (E.O.) 13783, Promoting Energy Independence and Economic Growth, requires the head of each agency to review all agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. *See* E.O. 13783, section 2(a). As part of this review, each agency must submit a draft report to the Vice President and others at the end of July that includes recommendations for addressing actions through rescission, revision, suspension, publication for notice and comment, or otherwise.

Thank you for your efforts to date in identifying actions and providing recommendations under E.O. 13783 and Secretary's Order 3349, American Energy Independence. To ensure that we accurately capture your extensive efforts in the upcoming Interior-wide draft report, please insert the information you have already provided into the format provided in the attached template, filling in any gaps and providing any updates. If you have already identified actions but have not yet made specific recommendations for reconsideration, modification, or rescission, as appropriate, please take this opportunity to make those recommendations. Please also review the template closely, as it requires the inclusion of actions that may extend beyond those you identified in your prior submission. Your use of this format will greatly assist us in ensuring consistency and merging all Bureaus' information into a Department-wide report.

Please provide your formatted input to the Office of the Executive Secretariat, room 7314, by noon on July 14, 2017. Your submission constitutes your approval for the draft report. Thank you again for your attention to this important effort.

cc: Counselor to the Secretary for Energy Policy  
Chiefs of Staff