

VIA E-MAIL

January 17, 2019

Mr. David Bernhardt
Secretary of the Interior, Acting
1849 C Street, NW
Washington, D.C.

Re: Postponing BLM Oil & Gas Lease Sales Due to the Partial Government Shutdown

Dear Acting Secretary Bernhardt:

The undersigned organizations represent millions of members and supporters across the West and the nation who are concerned about how the current lapse in appropriations for the Department of the Interior (DOI) will impact upcoming oil and gas lease sales. In light of the national parks, other public lands, wildlife and local communities across these landscapes that are affected by these irrevocable decisions to convey public lands to oil and gas companies for at least ten years, we request you immediately postpone all upcoming oil and gas lease sales. Due to the partial government shutdown, the Bureau of Land Management (BLM) lacks the necessary funds and staff to fully comply with applicable legal requirements, which include mandatory environmental reviews and 30-day public comment and protest periods under the Federal Land Policy and Management Act (FLPMA) and National Environmental Policy Act (NEPA), in order to conduct these sales as scheduled.

To date, neither DOI nor the BLM have provided any information regarding the status of upcoming lease sales and associated comment and protest periods. Scoping periods for at least two lease sales were scheduled to commence on December 31 (Colorado) and January 7 (New Mexico), but no notices were posted. Additional protest periods are slated to begin in the coming days and weeks, including January 18 (New Mexico), January 24 (Utah), and February 9 (Montana).

Providing meaningful public participation in the oil and gas leasing process is a binding legal requirement. In September, a federal district court enjoined provisions of BLM's new oil and gas leasing policy that dramatically curtailed public participation in the leasing process. The court's central finding in the case was that "the public involvement requirements of FLPMA and NEPA cannot be set aside in the name of expediting oil and gas lease sales."¹ Consequently, any attempt to eliminate or abbreviate environmental reviews and public comment and protest periods for upcoming oil and gas lease sales because of the government shutdown would be inconsistent with this court decision and violate FLPMA and NEPA.

At the same time, we understand that various BLM offices are continuing to issue permits to drill, adding to our concerns regarding potential damage to public lands without adequate agency consideration of environmental consequences and public oversight.

For the foregoing reasons, we request that you promptly postpone any and all oil and gas lease sales until such time as BLM is able to conduct legally-compliant environmental reviews and comment and protest periods. For the same reasons, we further ask that DOI immediately cease work on any and all oil and gas permitting and planning activities. Finally, we ask that DOI communicate these

¹ *West. Watersheds Project v. Zinke*, 336 F. Supp. 3d 1204, 1238 (D. Idaho 2018).

decisions to the public as soon as possible. Please do not hesitate to contact us if you have any questions.

Sincerely,

American Bird Conservancy
Basin and Range Watch
Center for Biological Diversity
Clean Water Action
Climate Hawks Vote
Coalition to Protect America's National Parks
Conservation Colorado
Conservation Lands Foundation
Defenders of Wildlife
Earthjustice
Endangered Species Coalition
Environment America
Food & Water Watch
Friends of the Sonoran Desert
Great Old Broads for Wilderness
Greenpeace
League of Conservation Voters
Los Padres ForestWatch
National Parks Conservation Association
National Wildlife Federation
Natural Resources Defense Council
New Mexico Wilderness Alliance
ProgressNow New Mexico
Sierra Club
Southern Environmental Law Center
Southern Utah Wilderness Alliance
The Wilderness Society
Uplift
Western Slope Conservation Center
Western Values Project
Western Watersheds Project
Wilderness Workshop
Wyoming Outdoor Council
Wyoming Wilderness Association

Cc: Brian Steed, Deputy Director, Policy and Programs, Bureau of Land Management
P. Daniel Smith, Deputy Director, National Park Service