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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

WESTERN ENERGY ALLIANCE, <i>et al.</i> ,)	
<i>Petitioners,</i>)	
)	Case No. 0:21-cv-00013-SWS
)	(Lead Case)
v.)	
)	
JOSEPH R. BIDEN, Jr., <i>et al.</i> ,)	
<i>Respondents,</i>)	
)	
CENTER FOR BIOLOGICAL)	
DIVERSITY, <i>et al.</i> (Conservation Groups),)	
and ALTERRA MOUNTAIN)	
COMPANY, <i>et al.</i> (Business Coalition),)	
<i>Intervenor-Respondents.</i>)	

STATE OF WYOMING,)	
<i>Petitioner,</i>)	
)	
v.)	Case No. 0:21-cv-00056-SWS
)	(Joined Case)
U.S. DEPARTMENT OF INTERIOR, <i>et al.</i> ,)	

Respondents,)
)
CENTER FOR BIOLOGICAL)
DIVERSITY, *et al.* (Conservation Groups),)
and ALTERRA MOUNTAIN)
COMPANY, *et al.* (Business Coalition))
Intervenor-Respondents.)

**BRIEF OF *AMICUS CURIAE* WESTERN LEADERS NETWORK
IN SUPPORT OF RESPONDENTS AND INTERVENOR-RESPONDENTS**

CORPORATE DISCLOSURE STATEMENT

In compliance with Fed. R. App. P. 26.1, *amicus curiae* herein, Western Leaders Network, certifies that it is a non-stock, nonprofit corporation. It does not have a parent corporation and is not owned, in part or whole, by any single person or entity.

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STATEMENT OF INTEREST

Amicus curiae Western Leaders Network (“WLN”) is a group of more than 450 locally-elected officials from cities and towns, tribes, counties, water districts, rural electric cooperatives, and other local entities across the Interior West, including Arizona, Colorado, New Mexico, Wyoming, Idaho, Nevada, Utah, and Montana. WLN is a non-partisan, nonprofit organization that elevates the voices of local communities across the West to support policies that advance conservation and community resilience. WLN’s interest in this case is to inform the Court about the important role the federal government’s authority to postpone lease sales plays in enabling long-awaited reforms to the antiquated federal oil and gas leasing program. These reforms will benefit local communities by promoting more sustainable and more resilient local economies. This brief is filed alongside a motion for leave to file.

RULE 29(a)(4)(E) STATEMENT

Authors of this brief certify that no outside counsel, neither in whole nor in part, authored this amicus brief. Further, authors of this brief did not receive funding from any party for preparation of the brief.

SUMMARY OF ARGUMENT

The program for leasing public lands for oil and gas development is outdated and in need of modernization. Local leaders across the West have long advocated for reforms to the federal leasing program that would benefit their communities, such as increasing royalty rates on federal land to provide more revenue for communities. In pursuit of these reforms, the Biden Administration ordered federal land managers to undertake a comprehensive evaluation of federal leasing policies and pause oil and gas leasing on federal lands, to the extent consistent with applicable law.¹ While the narrow legal issues in this case involve the government’s specific reasons for postponing individual lease sales (namely, to ensure compliance with the National Environmental Policy Act), the Petitioners’ sweeping theory that the Bureau of Land Management (“BLM”) does not have the authority to postpone lease sales would undercut a central aspect of the broader federal plan to reform oil and gas leasing on public lands. Because local economies across the West would benefit from modernizations and reform to the federal leasing program, WLN supports the federal plans for reform and opposes the Petitioner’s arguments that would undermine it.

¹ Exec. Order No. 14008, 86 Fed. Reg. 7619, 7625 (Jan. 27, 2021).

While modernization of the federal leasing program would benefit local communities across the West in a variety of ways, this brief focuses on how reform would benefit local economies. For decades, local leaders from Western communities have highlighted three ways that the existing, outdated federal leasing program inhibits their economies. First, royalty rates for oil and gas development on federal land are outdated and low, depriving local communities of deserved revenue from development on public lands. Second, federal policies do not adequately protect against the risk that developers will abandon wells, which puts local communities at risk of pollution and other harms. Third, the combination of low leasing prices and long lease terms encourages speculative leasing, where companies can place huge swaths of public land under oil and gas leases for decades at a time, at low cost and without concrete plans to develop it. Because land leased for oil and gas development cannot be set aside for other uses that may better fit a local economy's needs, such as ranching, conservation, or outdoor recreation, this "locked up" public land cannot not be fully leveraged to diversify and otherwise benefit local economies across the West.

Local leaders, including members of WLN, have long identified that these problems with the federal leasing program harm local economies and their communities. Because BLM's authority to postpone individual lease sales

is a central part of the federal government's larger approach towards reforming the federal oil and gas leasing program and including local communities in that process, Petitioners' challenge to that authority risks derailing much-needed reforms that would benefit local economies across the West.

ARGUMENT

I. BLM's authority to postpone lease sales enables reform to the federal oil and gas leasing program, which will benefit local economies across the West.

A. Antiquated policies of the federal leasing program harm local communities.

Three areas for reform are low royalty rates, low bonding requirements, and policies that enable speculative leasing. These deficiencies permit developers to acquire many acres of land at rock-bottom prices and impose negligible consequences for leaving land undeveloped and abandoning wells.² The unreasonably low royalties and bonding requirements, coupled with low leasing prices that allow speculators to lock up millions of acres of land in the Interior West, form the pillars of this damaging set of policies that harm Western communities.³

² Thomas Covert and Ryan Kellogg, *Opinion: Federal government should take a lesson from states in oil and gas leasing policies*, DENVER POST (Apr. 3, 2021), <https://www.denverpost.com/2021/04/03/oil-gas-leading-federal-lands-biden/>.

³ *Id.*; see Joshua Axelrod, Valerie Cleland and Lauren Kubiak, *Federal Oil and Gas Leasing Needs Reform and Phaseout*, NATURAL RESOURCES DEFENSE COUNCIL: EXPERT BLOG (Mar. 23, 2021), <https://www.nrdc.org/experts/josh-axelrod/federal-oil-and-gas-leasing-needs-reform-and-phaseout>.

1. Low royalty rates on federal lands deprive Western communities of deserved revenue from oil and gas development.

Royalties due on federal lands are significantly less than comparable rates on state or private lands. The standard royalty rate on federal leases is 12.5%.⁴ In contrast, private landowners often charge royalty rates of 25% or more.⁵ Likewise, Western states charge royalty rates ranging from 16.67% to 25% for oil and gas production on state lands.⁶ The low federal royalty rates—which have remained constant since they were first established over one hundred years ago by the Mineral Leasing Act in 1920—therefore often fail to recover present-day value owed to taxpayers.⁷ In particular, noncompetitive lease sales—where parties can acquire the lease without paying the minimum bid price—prove detrimental to taxpayers because, on average,

⁴ 43 C.F.R. § 3103.3-1 (2016).

⁵ See Covert and Kellogg, *supra* note 2.

⁶ Nicole Gentile, *Federal Oil and Gas Royalty and Revenue Reform* (Jun. 19, 2015, 12:01 am), <https://www.americanprogress.org/issues/green/reports/2015/06/19/115580/federal-oil-and-gas-royalty-and-revenue-reform/>; COLORADO STATE LAND BOARD DEPARTMENT OF NATURAL RESOURCES, *Oil and Gas Lease Terms and Royalty Rate Revisions*, at 5 (Jan. 14, 2016), https://www.statetrustland.org/uploads/1/2/0/9/120909261/oil_and_gas_lease_terms_and_royalty_rate_revisions.pdf.

⁷ See TAXPAYERS FOR COMMON SENSE, *Losing on Leasing: How Colorado Loses from Oil and Gas Development on Federal Lands*, at 3 (Nov. 2019), https://www.taxpayer.net/wp-content/uploads/2019/11/TCS_-Losing-on-Leasing-Colorado-Loses-from-Federal-Oil-Gas_-Nov.-2019.pdf.

noncompetitive leases generate less than one-third the revenue of land rented through the competitive process.⁸

As a result, states and local communities are losing millions of dollars a year in potential revenue because of outdated federal royalty rates. For royalties generated on public land, royalties are split about half and half between the federal government and the state governments where public land is located.⁹ As a result, increasing royalties on federal lands would increase revenue to states. For example, if BLM collected a 20% royalty on all federal oil and gas leases (similar to private rates) instead of the current 12.5%, and assuming all other factors stayed the same, an oil and gas producing state like Colorado would have received almost \$500 million more in revenue during this fiscal year alone.¹⁰ Revenue from oil and gas operations helps fund a variety of state expenses, including education and municipal governments.¹¹ Therefore, local and tribal leaders of the Interior West are invested in the

⁸ U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-21-138, OIL AND GAS: BUREAU OF LAND MANAGEMENT SHOULD ADDRESS RISKS FROM INSUFFICIENT BONDS TO RECLAIM WELLS (Nov. 19, 2020), <https://www.gao.gov/products/gao-21-138>

⁹ BUREAU OF LAND MANAGEMENT, *About the Oil and Gas Leasing Program*, About Oil and Gas, <https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/about>.

¹⁰ See generally U.S. DEP'T OF LABOR, OFFICE OF NATURAL RESOURCES REVENUE, *Natural Resources Revenue Data* (Sep. 3, 2021), <https://revenuedata.doi.gov/>.

¹¹ Daniel Raimi and Richard G. Newell, *U.S. State and Local Oil and Gas Revenues*, RESOURCES FOR THE FUTURE: DISCUSSION PAPER 1, 7 (Nov. 2016), <https://media.rff.org/documents/RFF-DP-16-50.pdf>.

leasing reform process, and a higher federal royalty rates is one step towards bettering their communities.

2. Inadequate federal bonding requirements leave local communities to bear the harms caused by abandoned wells.

Companies who rent federal lands for oil and gas exploration also pay inadequate bonds. A bond, in this context, is a financial assurance that the government requires lessees to post before they can conduct any “surface-disturbing activities” (such as drilling) on public lands.¹² Bonding requirements are intended to guarantee compliance with leasing conditions, including obligations to restore land when the well’s useful life comes to an end. It is vital to properly plug abandoned wells to both mitigate environmental health risks to the surrounding communities’ and restore land for other uses.¹³

However, current federal bonding requirements are grossly insufficient. Depending on the age, depth, and location of the well, the federal government estimates average clean-up costs range from about \$20,000 to \$145,000 per

¹² DEP’T OF THE INTERIOR BUREAU OF LAND MANAGEMENT, *Bonding*, <https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/bonding> [hereinafter *Bonding*].

¹³ Cathy Bussewitz, *Why it’s so hard and expensive to plug an abandoned well*, AP NEWS (Jul. 29, 2021), <https://apnews.com/article/business-environment-and-nature-climate-change-7392636504b2763de07ff4b3fe78710e>.

well.¹⁴ BLM requires extractors to post bonds of \$10,000 per lease, \$25,000 per statewide operation, or \$150,000 per nationwide operation.¹⁵ As a result, the average bond per well on federal land was only \$2,122 in 2018.¹⁶ Current federal bonding requirements therefore cannot pay for plugging all of the abandoned wells on public lands, leaving nearby communities to bear the risks. While there have been notable federal efforts towards well remediation in recent years, unplugged wells will continue to litter public lands until the federal government effectuates sweeping bonding reforms.¹⁷ Moreover, until the wells are plugged and the land restored, these former leaseholds are less desirable for other, potentially profitable uses by surrounding communities.

3. Current federal policies allow speculative leasing that limits other beneficial uses of public land for local communities.

By combining low rental fees and long lease terms, current federal policies allow for speculative leasing that “locks up” federal lands in oil and gas leases for years or decades at a time. To understand this problem and its

¹⁴ *Id.*; U.S. GOV’T ACCOUNTABILITY OFFICE, GAO-19-615, OIL AND GAS: BUREAU OF LAND MANAGEMENT SHOULD ADDRESS RISKS FROM INSUFFICIENT BONDS TO RECLAIM WELLS, at 6 (Sep. 2019), <https://www.gao.gov/assets/gao-19-615.pdf>.

¹⁵ 43 C.F.R. §§ 3104.3-3104.4 (1988); Bonding, *supra* note 12.

¹⁶ U.S. GOV’T ACCOUNTABILITY OFFICE, *supra* note 14, at 11.

¹⁷ U.S. DEP’T OF THE INTERIOR, Statement for the Record for Legislative Hearing on H.R. 2415 (Apr. 15, 2021), https://www.blm.gov/sites/blm.gov/files/docs/2021-05/Congressional_20210415_HR2415.pdf.

impact on local communities, it is helpful to first understand two key features of federal leasing policy.

First, federal policies enable noncompetitive leasing that allows developers to accumulate leases on many acres of public land for low cost.¹⁸ Whereas land leased through BLM's competitive process has a minimum upfront bid of \$2 per acre, land leased through the noncompetitive process requires no upfront bid.¹⁹ As a result, this process allows speculators to secure leases on vast amounts of land, with limited financial risk and varied expectations of development.²⁰ In the last twenty years, approximately 28% of leased federal land (just under 11.3 million acres) was leased through a noncompetitive process.²¹ Second, while public land is subject to an oil and gas lease, federal regulators will not set aside the land for activities that could be more beneficial to local communities.²² These lands are "locked up" in the

¹⁸ Kate Kelly, Jenny Rowland-Shea and Nicole Gentile, *Backroom Deals: The Hidden World of Noncompetitive Oil and Gas Leasing*, Center for American Progress: Oil and Gas Leasing (May 23, 2019), <https://www.americanprogress.org/issues/green/reports/2019/05/23/470140/backroom-deals/>.

¹⁹ 30 U.S.C. § 226(b)(1)(B), (c)(1) (2014).

²⁰ See TAXPAYERS FOR COMMON SENSE, *Noncompetitive Oil and Gas Leasing on Federal Lands* (May 2021), https://www.taxpayer.net/wp-content/uploads/2021/05/TCS_Policy-Brief_Noncompetitive-Federal-Oil-Gas-Leasing_2021.pdf.

²¹ *Id.*

²² *Id.*

sense that they cannot be dedicated to other, “more optimal uses like recreation, wildlife and fish, grazing, [or] timber.”²³

Long lease terms exacerbate these effects. The typical lease term is ten years for both competitive and noncompetitive leases.²⁴ Lessees pay \$1.50 per acre for the first five years, and \$2 per acre for the second five years.²⁵ During those ten years, the land is locked up, even if the parcel is never developed. Moreover, developers often hold onto leases well beyond that initial ten-year period, foreclosing other uses for decades at a time.²⁶ The federal program’s strong bias towards oil and gas development, therefore, prejudices local communities who want to diversify sources of revenue into areas such as ranching, conservation, or outdoor recreation on public land.

This combination of low rates and long lease terms has locked up millions of acres of public lands across the West that remain undeveloped yet restricted from alternative uses. From 2001-2020, four Western states—Nevada, Montana, Wyoming, and Utah—had the most noncompetitively leased

²³ *Id.*

²⁴ U.S. DEP’T OF THE INTERIOR BUREAU OF LAND MANAGEMENT, *General Oil and Gas Leasing Instructions*, <https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/leasing/general-leasing>.

²⁵ 43 C.F.R. § 3103.2-2 (1988).

²⁶ Kelly, Rowland-Shea and Gentile, *supra* note 18.

acreage.²⁷ However, from fiscal year (“FY”) 2003 to FY 2009, only 1% of noncompetitive leases entered into production.²⁸ This same pattern continued on both a national and regional level. As of spring 2021, 53% of federally leased onshore acreage was not producing.²⁹ In Wyoming alone, 10.8 million acres of the state’s more than 30 million acres of public lands are currently under lease for oil and gas development, but nearly half of that acreage (4.8 million acres) remains undeveloped and restricted from other uses.³⁰

B. Local leaders consider reforms addressing these problems as essential to building resilient local economies in the West.

Local leaders have long identified these problems, from low royalty rates to speculative leasing of public land, as barriers to growing and sustaining their local economies. For these reasons, local leaders have advocated for reforms to federal leasing programs, through legislation or otherwise, that would benefit their communities and local economies.

²⁷ TAXPAYERS FOR COMMON SENSE, *supra* note 20.

²⁸ TAXPAYERS FOR COMMON SENSE, *supra* note 20.

²⁹ U.S. DEP’T OF THE INTERIOR, *FACT SHEET: President Biden to Take Action to Uphold Commitment to Restore Balance on Public Lands and Waters, Invest in Clean Energy Future*, Press Releases (Feb. 11, 2021), <https://www.doi.gov/pressreleases/fact-sheet-president-biden-take-action-uphold-commitment-restore-balance-public-lands>.

³⁰ Wyoming Outdoor Council, *Public Lands Lease Reform* (Mar. 30, 2021), <https://storymaps.arcgis.com/stories/13996cf40e264a7c8a443020a86a35a5>.

Examples of this advocacy from three local Western leaders, all members of WLN, drive home how important reforming the federal leasing program is for local economies.

Gill Sorg, a City Councilor for Las Cruces, New Mexico, wrote last year that “[a]nything that hasn’t changed in a century is probably due for a makeover,” and “[t]hat’s certainly true of our federal oil and gas fiscal policies, which currently shortchange taxpayers and allow speculators to lock up public lands for next to nothing.”³¹ Sorg explained that “the federal royalty rate for onshore oil and gas development has remained stagnant, and the rental rate and national minimum bid are also extremely outdated,” such that modernizing the rates could “increase revenues” while having “negligible” impacts on production.³² To a local government official like Sorg, reforms mean more “funds for education, mental health and other social programs,” as well as an opportunity to address current policy that “allows oil and gas companies to cheaply hoard federal public lands for speculation that could be put to other uses.”³³

³¹ Gill Sorg, *New Mexicans deserve fair return on oil and gas leases*, LAS CRUCES SUN NEWS (Mar. 4, 2020), <https://www.lcsun-news.com/story/opinion/2020/03/04/new-mexicans-deserve-fair-return-oil-and-gas-leases/4935576002/>.

³² *Id.*

³³ *Id.*

Tim Corrigan, a Commissioner for Routt County, Colorado, made similar points in 2019.³⁴ “Routt County, like so many communities across the West,” Corrigan explained, “owes a significant part of its prosperity to oil and gas development, much of which takes place on our public lands.”³⁵ But Corrigan identified two problems with existing federal leasing policy that need reform. First, royalty rates are too low to protect local communities. Reform starts, Corrigan wrote, “with increasing the 12.5% federal royalty rate, which laughably hasn’t changed since 1920” and which has been surpassed by all “major oil and gas producing states in the West.”³⁶ Second, “oil and gas companies can lock up federal lands that could be used for other revenue-generating activities,” such as outdoor recreation and agriculture.³⁷ “Versatility, after all, is what makes public lands such a lucrative asset to our local economies,” Corrigan noted, and failing to update the outdated federal oil and gas program would give “oil and gas companies a free pass and miss out on millions in taxpayer revenue.”³⁸

³⁴ Tim Corrigan, *Opinion: Oil and gas companies have been paying the same federal royalty rate since 1920. It’s time that changed*, COLORADO SUN (Nov. 3, 2019), <https://coloradosun.com/2019/11/03/oil-gas-energy-development-public-lands-opinion/>.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

Mary McGann, a Councilor for Grand County, Utah, made similar points in relation to her community's vibrant outdoor recreation economy.³⁹ "The development of oil and gas can be of great value to the county and help diversify the economy," McGann began, but it should be balanced to enable other economic drivers that draw on public lands, such as the booming outdoor recreation industry in Utah.⁴⁰ McGann explained that the "Federal Land Policy and Management Act of 1976 stipulates a 'multiple use' approach to managing our public lands" but "outdated rates and fees" in the federal leasing program "favor oil and gas companies, while negatively affecting communities impacted by the industry."⁴¹ Not only do these outdated royalty rates result in missed revenue "that could have helped fund after-school programs, crumbling roads or other vital public services and infrastructure," but current leasing policies also "allow large swaths of federal land to be tied up in oil and gas leasing, rather than being managed for recreation, conservation or other uses."⁴²

Speaking for her community, McGann explained that "Grand County is a

³⁹ Mary McGann, *Mary McGann: Utah deserves fair value for oil and gas leases*, THE SALT LAKE TRIBUNE (Jul. 30, 2020), <https://www.sltrib.com/opinion/commentary/2020/07/30/mary-mcgann-utah-deserves/>.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

world class recreation destination and, as such, the region has seen steady economic growth for the past 40 years.”⁴³ This “industry generates \$887 billion in consumer spending annually, as well as supports 7.6 million jobs that can’t be outsourced or automated.”⁴⁴ “Fossil fuel extraction and a thriving outdoor recreation industry are pillars of many local Western economies and there is room for both,” McGann concluded “but we can’t hope to sustain either without modern policies in place to protect the landscape and taxpayers.”⁴⁵

These points resonate in Wyoming, where many local communities benefit both from oil and gas revenue and diversified uses of federal land such as outdoor recreation. For example, according to federal government statistics, Wyoming ranks second in the country for the percent of jobs in the outdoor recreation sector.⁴⁶ Reforms targeting the antiquated royalty,

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ U.S. DEP’T OF COMMERCE BUREAU OF ECON. ANALYSIS, Outdoor Recreation, *Table 1. Outdoor Recreation Value Added, Employment, and Compensation as a Percent of Total, 2019*, (Sep. 24, 2020), <https://www.bea.gov/data/special-topics/outdoor-recreation> (table available at link titled “Tables-State Level”). While Wyoming ranks comparatively low in absolute number of jobs in outdoor recreation, this sector represents a higher percentage of jobs in Wyoming’s economy. *See id.*

bonding, and leasing rates that prompt speculative leasing will benefit local communities across the West, including those in Wyoming.

C. BLM’s authority to postpone lease sales enables local communities to participate in the federal reform process and advance the interests of resilient local economies in the West.

Tim Corrigan, the County Commissioner from Routt County, Colorado, recently wrote that “the future of our public lands is often” on the minds of his constituents because “public lands offer so much to our community,” including as places to make memories outdoors and support local businesses.⁴⁷ Yet “for decades” public lands “have been at the mercy of an antiquated federal leasing system that was created to exclusively value one purpose above all others: oil and gas development.”⁴⁸

“For far too long,” Corrigan continued, “this broken leasing system has let industry CEOs scoop up millions of acres and then do nothing with them, tying the hands of agencies who then won’t actively manage these lands for conservation, recreation, or other valuable community benefits.”⁴⁹ But the broken system “does not have to stay that way,” and by calling for a “thorough

⁴⁷ Tim Corrigan, *Coloradans need a reformed oil and gas leasing system*, THE DAILY SENTINEL (Mar. 7, 2021), https://www.gjsentinel.com/opinion/columns/coloradans-need-a-reformed-federal-oil-and-gas-leasing-system/article_74e5c40a-7e0c-11eb-966a-7fec971a865b.html

⁴⁸ *Id.*

⁴⁹ *Id.*

review of this outdated system,” the Biden administration has taken the “first step to fix” a “federal leasing system that makes little sense but does tangible harm to” communities and the outdoors.”⁵⁰

“Most importantly,” Corrigan wrote, slowing “leasing affords the Biden administration time to work closely with states and fossil-fuel reliant communities to ensure economic safeguards are in place to build a shared path forward.”⁵¹ The federal government has already started providing opportunities for local leaders and community members to participate in leasing reform, such as at a virtual public forum in March 2021.⁵² At the forum, local leaders raised issues stemming from the antiquated federal leasing program that have long plagued Western communities, including how the program’s low leasing and royalty rates enable developers to lock-up vast amount of land in the West for fossil fuel development, and how low bonding rates permit eventual abandonment of wells without proper plugging and reclamation.⁵³ These opportunities for increased community involvement are a promising beginning to the federal reform process, and undercutting BLM’s

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *See generally* U.S. DEP’T OF THE INTERIOR, *Public Forum on Federal Oil and Gas Program*, YOUTUBE (Mar. 25, 2021), <https://www.youtube.com/watch?v=KRlb-fzIqcY> [hereinafter Public Forum].

⁵³ *Id.* at 3:04:00 (academic experts describe the detrimental effects of the current leasing program).

authority to pause or postpone lease sales at this point risks derailing that process.

Moreover, the postponements at issue here will have limited impact on the oil and gas industry or the local communities that benefit from royalties of development on federal land. Nationwide, more than 26 million acres of public land are already under lease by oil and gas companies, and will remain so.⁵⁴ Companies hold numerous unused, approved drilling permits that have the capacity to foster decades of future drilling on U.S. federal lands.⁵⁵ In Wyoming specifically, there are “an estimated 67 years of drilling opportunities on federal lands, at historical levels of regional oil and gas development, facilitated by [the industry’s] stockpile.”⁵⁶ Even New Mexico, which possesses fewer non-producing lease acres than all other Interior West states, has at least eleven years of drilling opportunities available without any new leases.⁵⁷ As a result, temporary postponement of individual lease sales is

⁵⁴ NATIONAL WILDLIFE FEDERATION. *A primer on the federal oil and gas leasing pause*, at 2 (Jan. 27, 2021), <https://www.nwf.org/-/media/Documents/PDFs/Press-Releases/2020/Oil-and-Gas-Leasing-Pause-factsheet-01-27-21>.

⁵⁵ CONSERVATION ECONOMICS INSTITUTE. *Economic Effects of Pausing Oil and Gas Leasing on Federal Lands*, at 2-3 (Aug. 4, 2021), <https://suwa.org/wp-content/uploads/CEI-ExecSummary-Economic-Effects-of-Pausing-Oil-and-Gas-Leasing-on-Federal-Lands.pdf>.

⁵⁶ *Id.* at 3.

⁵⁷ *Id.*

unlikely to produce any significant impact on oil and gas revenue in the Interior West.

Without reform, local Western communities will continue to bear the impacts of an outdated federal leasing program. BLM's authority to pause or postpone lease sales advances government's current effort to modernize the leasing program and include local communities in that process. Adopting Petitioners' theory and undercutting that authority would therefore undermine efforts to reform the federal leasing program for the benefit Western communities.

CONCLUSION

For these reasons, the Court should deny Petitioners' requests for relief and uphold BLM's authority to postpone lease sales.*

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CERTIFICATE OF COMPLIANCE

I, Megan L. Hayes, hereby certify that pursuant Fed. R. App. P. 32(a)(7), this amicus brief contains 3851 words, as computed by Microsoft Word 365, and that this complies with the applicable word limit established by the Court.

This brief also complies with typeface requirements of Fed. R. App. P. 32(a)(5) and type-style requirements of Fed. R. App. P. 32(a)(6) because it is in 14-point Cambria font, proportionally spaced, and has one-inch margins on all sides.

 /s/ Megan L. Hayes

Megan L. Hayes

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2021, I served this Brief of *Amicus Curiae* Western Leaders Network in Support of Respondents and Intervenor-Respondents via the Court's electronic CM/ECF system, to all attorneys of record.

/s/ Megan L. Hayes
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