



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

Ms. Randi Spivak  
Public Land Program Director  
Center for Biological Diversity  
1411 K Street, Suite 1300  
Washington, D.C. 20005

RE: Petition to Reduce the Rate of Oil and Gas Production on Public Lands and Waters to Near Zero by 2035

Dear Ms. Spivak:

This responds to the petition your organization submitted on January 19, 2022, on behalf of the Center for Biological Diversity and numerous other environmental organizations. Your petition requested that the Secretary promulgate regulations establishing a maximum production rate and a phasedown of existing onshore and offshore oil and gas production from public lands and waters. This letter constitutes the Department of the Interior's (DOI) response to the petition.

I have considered your petition and have decided not to initiate the rulemaking you requested for the reasons discussed in this letter because the Department has a robust rulemaking agenda already underway to address the climate crisis and implement reforms to our conventional energy programs, and has insufficient resources to undertake the proposed rulemaking at this time.

As you are aware, in early August of 2022, Congress passed the Inflation Reduction Act of 2022 (IRA), Pub. L. No. 117-169, which mandated significant changes to BLM's oil and gas leasing program, including, among other changes, conditioning the issuance of rights-of-way for renewable energy projects on the offering of land for oil and gas leasing, eliminating noncompetitive leasing, increasing rental and royalty payments, and requiring payment of a fee to submit an expression of interest to lease certain lands for BLM's consideration. The BLM is in the process of drafting regulations to implement these changes, which will be the first revision to these oil and gas leasing regulations in almost forty years.

In addition, BLM has several other major rulemakings and other administrative efforts underway, such as:

- The proposed Communications Uses, Cost Recovery, and Vegetation Management Rule published in the Federal Register on November 7, 2022;
- The proposed Waste Prevention Rule published in the Federal Register on November 30, 2022. This rule would reduce the waste of natural gas from

- venting, flaring, and leaks during oil and gas production activities on Federal and Indian leases;
- The proposed Public Lands Rule published in the Federal Register on April 3, 2023;
  - The proposed Renewable Energy Rule published in the Federal Register on June 16, 2023;
  - Rulemaking to address the management and protection of surface resources and Special Areas in the National Petroleum Reserve in Alaska;
  - Rulemaking to update the bonding procedures for rights-of-way on BLM-managed public land;
  - Rulemaking to revise BLM's geothermal regulations;
  - Several Instruction Memoranda to address climate change and the impact of drought on the public lands; and
  - Responses to court ordered remands requiring BLM to revise its National Environmental Policy Act documents associated with leasing and Greenhouse Gas (GHG) emissions.

Likewise, BOEM is implementing new requirements of the IRA and has several other major rulemaking and administrative efforts under way. BOEM is working to implement IRA requirements to hold three OCS oil and gas lease sales, condition issuance of future offshore wind leases on oil and gas lease sales, work with governments of the inhabited territories on the feasibility of offshore wind, and formally initiate the offshore wind leasing process for at least one territory by 2025. Other efforts include, but are not limited to:

- Updating the financial assurance rules for offshore oil and gas operations to reduce the risk of orphaned decommissioning obligations;
- Publishing the proposed Renewable Energy Modernization Rule, 88 Fed. Reg. 5968, which contains reforms that have been identified by DOI and recommended by industry since 2010 and would support efforts to transition to cleaner energy sources in a safe and environmentally sound manner while providing a fair return to the U.S. taxpayer.
- Developing the first-of-its-kind U.S. offshore carbon sequestration rule and program, as mandated by the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58;
- Updating the marine archaeology rule to better conform to updated National Historic Preservation Act guidance and reduce the risk of unanticipated finds during offshore oil and gas activities;
- Preparing for upcoming offshore wind energy lease sales, including those proposed in the Gulf of Mexico and in the Central Atlantic;
- Preparing environmental impact reviews related to construction and operation plans submitted on offshore wind energy leases;

- Developing the next 5-Year National OCS Oil and Gas Leasing Program, as required by the Outer Continental Shelf Lands Act, with the Proposed Final Program expected to be issued by the end of September 2023; and
- Consulting with the National Marine Fisheries Service and Fish and Wildlife Service to ensure oil and gas and renewable activities do not jeopardize the continued existence of species listed under the Endangered Species Act, including ongoing consultations related to the Gulf of Mexico on both the existing oil and gas program and proposed renewable lease sales.

Given the above, BLM's and BOEM's limited resources cannot be dedicated to another major rulemaking. Although your petition also sets out legal and scientific analyses to support the proposed rulemaking, I will not address those arguments here given the decision to deny the petition based on the competing priorities detailed above.

I appreciate the thought and effort behind your petition. This Administration shares your concerns regarding the urgency of the climate crisis and is directing its limited resources in an effort to address them.

Sincerely,

Laura Daniel-Davis  
Principal Deputy Assistant Secretary  
Land and Mineral Management