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Biden To 'Pause' Oil And Gas Leasing On Public Lands And Waters

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In an effort to slow the nation's contribution to climate change, President Biden is expected to begin halting oil and gas leasing on federal lands and waters.

The much-anticipated move is one of several executive actions the president is scheduled to make Wednesday to address the worsening climate crisis and the broader decline of the natural world, but it won't come without pushback.

According to White House officials, Biden will order the Department of the Interior to "pause" new oil and gas leasing on public land and offshore water "to the extent possible" and to also review existing leasing and permitting practices "related to fossil fuel development" on the properties.

Oil and gas drilling on tribal land would not be barred by Biden's order.

The oil and gas industry, hard hit by the coronavirus pandemic, is expected to challenge the move, as are fossil-fuel rich Western states whose economies are closely linked to extractive industry on public lands.

Anticipating the move, Kathleen Sgamma, president of the Western Energy Alliance, which represents oil and gas companies in many Western states, said: "We'll be in court shortly thereafter."

Fossil fuel extraction on federal lands generates billions of dollars in royalties and revenues for local and state economies. But it's also responsible for [nearly a quarter](#) of

the country's total greenhouse gas emissions, and the Biden administration appears to be serious about cutting the country's [outsized contribution](#) to global warming.

During his first day in office, Biden [recommitted](#) the U.S. to the Paris climate agreement and [revoked a permit](#) for the controversial Keystone XL pipeline, which would move crude oil from Canada to the U.S. He also [ordered reviews](#) of more than 100 of the Trump administration's environmental rollbacks.

"The climate and wildlife extinction crises demand this kind of bold, urgent action," said Kierán Suckling, executive director at the Center for Biological Diversity, in a statement.

The halt on new federal leasing is one of several executive actions Biden will take Wednesday. The orders will formally begin the process of implementing steps that Biden promised throughout his campaign for the White House.

In addition to the leasing order, Biden will direct the Department of the Interior to conserve 30% of the nation's land and waters by the 2030 and to identify ways to double offshore wind production by that same deadline.

Biden has repeatedly framed climate change as one of the top threats facing the U.S. An order that the director of national intelligence produce reports on the security risks of changing weather patterns and temperatures will further formalize that view.

Biden is also ordering federal agencies to examine how they can purchase zero-emission vehicles and electricity, and announcing the date of a long-promised global summit meant to underscore that the United States has returned to the fold of nations working together to lower carbon emissions: April 22, which is Earth Day.

And Biden is also beginning the process of launching another major campaign promise: a Civilian Climate Corps, modeled after the New Deal's iconic national conservation project, that would work to sequester carbon emissions in the agricultural sector and create more green spaces across the country.

The shift in attitude toward climate change and its causes is among the starkest differences between the Biden administration and its predecessor. Over the last four years, the Trump administration minimized the role of climate change, shrinking protections for undeveloped landscapes and endangered species, while rolling back regulations on fossil fuel extraction. The administration opened up broad swaths of the country's roughly 640 million acres of public lands to development as part of its "energy dominance" agenda. The moves could cast a long shadow on Biden's climate goals.

[An analysis](#) by The Associated Press found that oil companies stockpiled leases and pushed through drilling permit applications on public lands in the waning months of the Trump administration, giving the industry a large inventory to work with.

Biden's halt on new oil and gas leasing also does nothing to affect activities on private or state lands, where roughly 90% of the country's oil and gas development occurs.

"The industry has a lot of leases in production, a lot of leases that have been issued, so it won't have an immediate impact. But it will give an immediate opportunity for the administration to think about how we move forward," said Nada Culver, the vice president of public lands at the National Audubon Society.

The law governing fossil fuel and mineral development on public lands is the General Mining Law of 1872, Culver added. "It's definitely time for more than a few tweaks," she said.

Last month, more than 500 environmental groups [sent a letter](#) to Biden's transition team with a draft executive order, asking the then president-elect to make good on his campaign promises and permanently ban new oil and gas leasing and permitting on federal lands and waters.

Last week, acting Interior Secretary Scott de la Vega signed an [order](#) to temporarily do just that for the next 60 days. Legal experts question whether a permanent ban would hold up in court. As of Wednesday morning, the White House had not released the exact language of Biden's order and has only characterized the next step as a "pause," so it's unclear how far the latest action goes beyond the initial 60-day halt.

"Ending permitting would be extremely difficult," said Rebecca Watson, who served as assistant secretary for lands and minerals management at the Department of the Interior under President George W. Bush. "You have sold a property right, a lease, so you've paid for a lease and then you can't develop it. I think there would be lawsuits, and rightly so over a move like that."

A permanent leasing ban would also be subject to lawsuits, she said. Under the Mineral Leasing Act, the government is required to hold quarterly lease sales. The Biden administration could make fewer or all lands unavailable for leasing, but Watson thinks a court might find that illegal.

Mark Squillace, a law professor at the University of Colorado who worked at Interior under the Clinton and Carter administrations, agrees that a permanent ban would run into more problems than a temporary pause. But he thinks the administration can make a big statement with its immediate actions.

What the Biden administration does on public lands could be an example for states that have a lot of oil and gas development on private lands and depend on that development, he said.

"I'd really like to see an orderly ramping down of oil and gas development on public lands, recognizing that in 20 or 30 years we want to be in a really different place," he said.

Squillace points to the quick decline of the coal industry over the past decade as an example of what not to do. As energy companies moved more toward cheaper renewable energy sources and natural gas, coal-dependent communities in Appalachia and some Western towns saw their economic base deteriorate almost overnight.

Careful planning, he said, could avoid the same fate for places like Wyoming and New Mexico that have a similar dependence on oil and gas.

That approach would also mean a more gradual decline in climate-warming greenhouse gas emissions, but the science is clear that sharp reductions need to happen immediately to avoid the most catastrophic climate change scenarios.