



## **MEETING THE MOMENT:**

# **How President Biden Can Align the Federal Fossil Fuel Program to Deliver on Climate and Put People Over Profits**

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and Evergreen Action

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# Executive Summary

**President Biden campaigned and won on the most ambitious climate agenda in our nation's history.** He committed to banning new oil and gas leasing on America's public lands and waters, and pledged to take action against fossil fuel companies that disproportionately harm communities of color and low-income communities. Upon taking office, he rejoined the Paris Agreement and announced a historic target to slash U.S. greenhouse gas pollution (or "climate pollution") in half by 2030 and to achieve net-zero carbon emissions by 2050.

**But over a year into President Biden's first term, the U.S. federal fossil fuel program remains inconsistent with his stated national climate pollution target and the goals of the Paris Agreement.** If the federal fossil fuel program continues on its current trajectory, it will be impossible for the Biden administration to meet its climate obligations. After all, the science is resoundingly clear: no new fossil fuel infrastructure can be developed anywhere globally, if we hope to stand a chance of limiting global warming to 1.5°C.

**Beyond exacerbating the climate crisis, the U.S. federal fossil fuel leasing program is irreconcilable with the President's environmental justice commitments.** The impacts of the federal fossil fuel leasing program have all too often overburdened Black, Indigenous, and other communities of color living directly adjacent to the sites of extraction and upstream processing facilities. This environmental injustice must be rectified.

**This paper, co-authored by Earthjustice and Evergreen Action, lays out a policy roadmap for how the Biden administration**

**can align its federal fossil fuel development decisions with the President's climate and environmental justice commitments.**

The paper is guided by the understanding that the Biden administration must phase out federal production of the primary source of greenhouse gas pollution: fossil fuels. As part of these efforts, the Biden administration must take action to realize **three crucial outcomes:**

1. Swiftly and legally phase out new federal fossil fuel leasing on public lands and waters, including oil, gas, and coal.
2. Limit federal fossil fuel production from existing leases to align with the goals of the Paris Agreement and President Biden's climate and environmental justice commitments.
3. Lead a just transition away from a fossil-fueled economy for communities historically and currently impacted by federal fossil fuel leasing, while investing in a just and inclusive clean energy future.

**This paper provides an overview of the legal authority and policy tools the Biden administration has to achieve these three necessary outcomes.** Specifically, our recommendations focus on opportunities to drastically overhaul federal fossil fuel development based on the President's executive authority, as well as the statutory authorities of the U.S. Department of the Interior (DOI) and two of DOI's internal sub agencies, the Bureau of Land Management (BLM) and the Bureau of Ocean Energy Management (BOEM). The recommendations

outlined in this paper focus on short-term policy actions that should be initiated quickly and completed within the remainder of President Biden's first term in office. While the authors acknowledge the vital importance of broader, longer term strategies, they are outside the scope of this paper.

## Key Policy Recommendations:

- **Federal Offshore Drilling:** BOEM should end new offshore oil and gas leasing in federal waters by providing for no new lease sales in the upcoming Five-Year Outer Continental Shelf Leasing Plan. The Biden administration should overhaul its review of development activities for existing offshore leases and adopt comprehensive regulations to curb methane emissions.
- **Federal Onshore Drilling:** The Biden administration should, as a step to ending new onshore leasing, reject new lease sales that do not align with the President's climate commitments; withdraw large amounts of federal lands from the new leasing process; cancel the existing leases issued in the Arctic Refuge; and deny the permit for the Willow Project in the Western Arctic. DOI should also limit the rate of onshore oil and gas production from existing leases to align with climate commitments; prohibit routine venting and flaring of methane gas; and select the "no-action" alternative for massive carbon polluting projects that are proposed to occur.
- **Federal Coal Mining:** The Biden administration should reissue a full coal leasing moratorium, without exceptions, that immediately halts new leasing. The administration should also increase royalty rates in 10-year renewals of existing leases to account for their climate and other environmental costs, and ensure companies pay for the true cost of mining operations and reclamation.

- **Lead a Just Transition<sup>1</sup>:** To realize a just transition away from a fossil-fueled economy for communities impacted by federal fossil fuel leasing, the Biden administration should increase public engagement and honor environmental justice by establishing a Community Council to elevate the concerns of Indigenous and frontline communities; establish a Labor and Just Transition Working Group within the White House Environmental Justice Council to examine the reality and impacts of lost revenue from decreased fossil fuel production and provide concrete recommendations on how to replace that financial support for communities; work to identify federal resources that can help decouple state budgets from fossil fuel royalties; and deploy responsibly-sited clean energy on public lands and waters.

**Moving beyond fossil fuels would jumpstart America's lagging efforts to meet its domestic and international climate commitments.**

**Reducing our reliance on fossil fuels — and investing in domestic clean energy — also makes us more energy secure.** Decreasing demand for oil and gas will help erode the financial support for petrodictators like Vladimir Putin, whose unprovoked war on Ukraine, funded by fossil fuel revenues, has caused a grave humanitarian crisis. Succumbing to ill-advised calls to "drill, baby, drill" in response to high gas prices would only perpetuate the global reliance on fossil fuels that funds Putin's aggression and leave U.S. consumers vulnerable to the price spikes inherent to fossil fuels, regardless of where they originate. Put plainly and simply, increasing federal drilling at home will not lower prices at the pump in the near or mid term. Oil and gas prices are largely dictated by the global market, because they are commodities

<sup>1</sup>This report draws attention to Climate Justice Alliance's and Just Transition Alliance's definitions of a Just Transition.



The North Antelope Rochelle Mine, located in Campbell County, Wyoming, about 65 miles south of Gillette in the Powder River Basin. (EcoFlight)

bought and sold on an international market, subject to price swings and energy insecurity caused by geopolitical events. This is why transitioning to clean energy is essential to provide Americans with better energy security and more stable energy costs.

**2022 must be a year of transformative climate and environmental justice action.**

Throughout the remainder of this year and his presidential term, the Biden administration must do everything in its power to phase out

new fossil fuel development on America's public lands and offshore waters. At the same time, the Biden administration has clear authority to enact sweeping executive action to limit existing onshore and offshore federal oil and gas production. The opportunities are clear. **Now, it's up to President Biden to make choices that deliver on his climate and environmental justice promises.**

# Introduction

This report will focus on one of the dirtiest uses of America's federal public lands and waters: fossil fuel development. The U.S. federal government sells leases to private companies which allow them to extract oil, gas, and coal in vast quantities from America's public lands and waters. By doing so, fossil fuel companies unleash pollution that fuels the climate crisis and disproportionately impacts Black, Brown, Indigenous, and low-income frontline communities.

Adding insult to injury, the federal leasing program itself is perversely structured, enabling fossil fuel companies to not only receive billions in subsidies but easily exploit outdated laws and skirt a weak regulatory system. The very companies fueling the climate crisis are granted access to lease and develop our public lands and offshore waters at low cost, and are often able to walk away from clean up responsibilities. The current system primarily benefits industry at the expense of taxpayers, communities, and our climate. The Government Accountability Office (GAO), the Inspector General for the U.S. Department of the Interior (DOI), and most recently, DOI itself, have all confirmed that the federal oil and gas leasing program is in need of significant review and correction. In fact, Management of Federal Oil and Gas Resources has been on GAO's High-Risk list for more than a decade. The federal coal leasing program is also in dire need of improvement.

The antiquated federal leasing program needs to be drastically overhauled if America's public lands and offshore waters are to be part of the climate solution, rather than a dangerous source of the problem.

The fact is, any new fossil fuel development is irreconcilable with President Biden's national climate commitment to slash U.S. greenhouse gas pollution (or "climate pollution") by 50-52% below 2005 levels by 2030 and arrive at net-zero emissions by 2050.

Between 2005 and 2014, fossil fuels produced on federal land made up nearly a quarter of the nation's carbon pollution. The fact is, any new fossil fuel development is irreconcilable with President Biden's national climate commitment to slash U.S. greenhouse gas pollution (or "climate pollution") by 50-52% below 2005 levels by 2030 and arrive at net-zero emissions by 2050. To achieve this necessary and ambitious goal, the Biden administration must fulfill its campaign promise to end new leasing on public lands and waters and limit fossil fuel production on existing federal fossil fuel leases.

Making these long overdue and necessary changes means not falling for industry's false narratives and misdirection. Predictably, in the wake of Vladimir Putin's war on Ukraine, the fossil fuel industry and their lobbying groups have seized on a humanitarian crisis to push for even more leasing on public

lands and waters. Let's be clear: more federal leasing and drilling at home will not lower prices at the pump in the near term. Instead, it will lock us into decades of price volatility and climate pollution that our planet cannot afford. The fossil fuel industry has asserted that the Biden administration's policies have constrained American energy; yet current U.S. oil production – more than 11 million barrels per day– is nearing all-time highs, and in 2021, President Biden's administration actually issued federal oil and gas permits at a faster pace than the Trump administration. Contrary to claims, President Biden's climate policies are not constraining U.S. energy production.

Rather than doubling down on fossil fuel production, President Biden should seize this moment to supercharge historic clean energy investments and secure a clean energy future. Decreasing our reliance on fossil fuels and investing in domestic clean energy will not only erode support for petro-dictators, but is imperative to combat the climate crisis. And, we have run out of time to act.

With UN Secretary General António Guterres declaring code red for humanity on the heels of the Intergovernmental Panel on Climate Change's (IPCC) recent report, 2022 must be a year of transformative climate action. President Biden and DOI, including two of DOI's sub agencies, the Bureau of Land



Let's be clear: more federal leasing and drilling at home will not lower prices at the pump in the near term.

Management (BLM) and the Bureau of Ocean Energy Management (BOEM), must use all of the tools at their disposal to ensure our public lands and waters are a key part of the climate solution, not a significant source of the problem.

This report lays out a policy roadmap for how the Biden administration can align its fossil fuel development decisions with the President's climate and environmental justice commitments to meet this moment. The report will primarily focus on new leasing, for the purpose of scope, as well as to propose policies that the administration can act on immediately, given existing legal frameworks.

**Section I** of this report will outline the science showing the need to end new fossil fuel development and swiftly limit existing production, introduce the details of the U.S. federal fossil fuel program, and highlight additional impacts of the federal leasing program.

**Section II** will introduce key policy recommendations the Biden administration must take to rapidly phase out new federal fossil fuel leasing and limit federal existing production in line with U.S. national climate commitments. This report also proposes a suite of complementary policy recommendations to realize a just transition away from a fossil-fueled economy for communities impacted by federal fossil fuel leasing. Together, these recommendations create a policy roadmap for the Biden administration to use to align the federal leasing program with their climate and environmental justice goals.

# Section 1: Background

## 1. Climate Limits Mean Phasing Down Fossil Fuel Production

The climate crisis is already upon us. Catastrophic floods are turning streets into raging rivers in Louisiana, Australia, and Brazil. Record-breaking heat waves in the Pacific Northwest claimed hundreds of lives last year, while already disastrous wildfires blazing in California and the Southwest are projected to become 50% more common by the end of the century. And as climate-fueled disasters sweep across the country and the planet, their cost is disproportionately felt by Black, Brown, Indigenous, and low-income communities, many of whom are already overburdened by decades of disinvestment and environmental racism.

To avoid the worst impacts of climate change, scientists tell us that global warming must be stabilized at or below 1.5°C. That means the international community must achieve a 45% reduction in carbon dioxide pollution below 2010 levels by 2030 and reach net-zero emissions by mid-century. And with only eight years left until the end of the decade, time is ticking. Fortunately, President Biden has committed to a science-based national climate goal: to cut U.S. emissions in half below 2005 levels by 2030 and achieve net-zero by 2050. But much needs to be done in order to accomplish that goal.

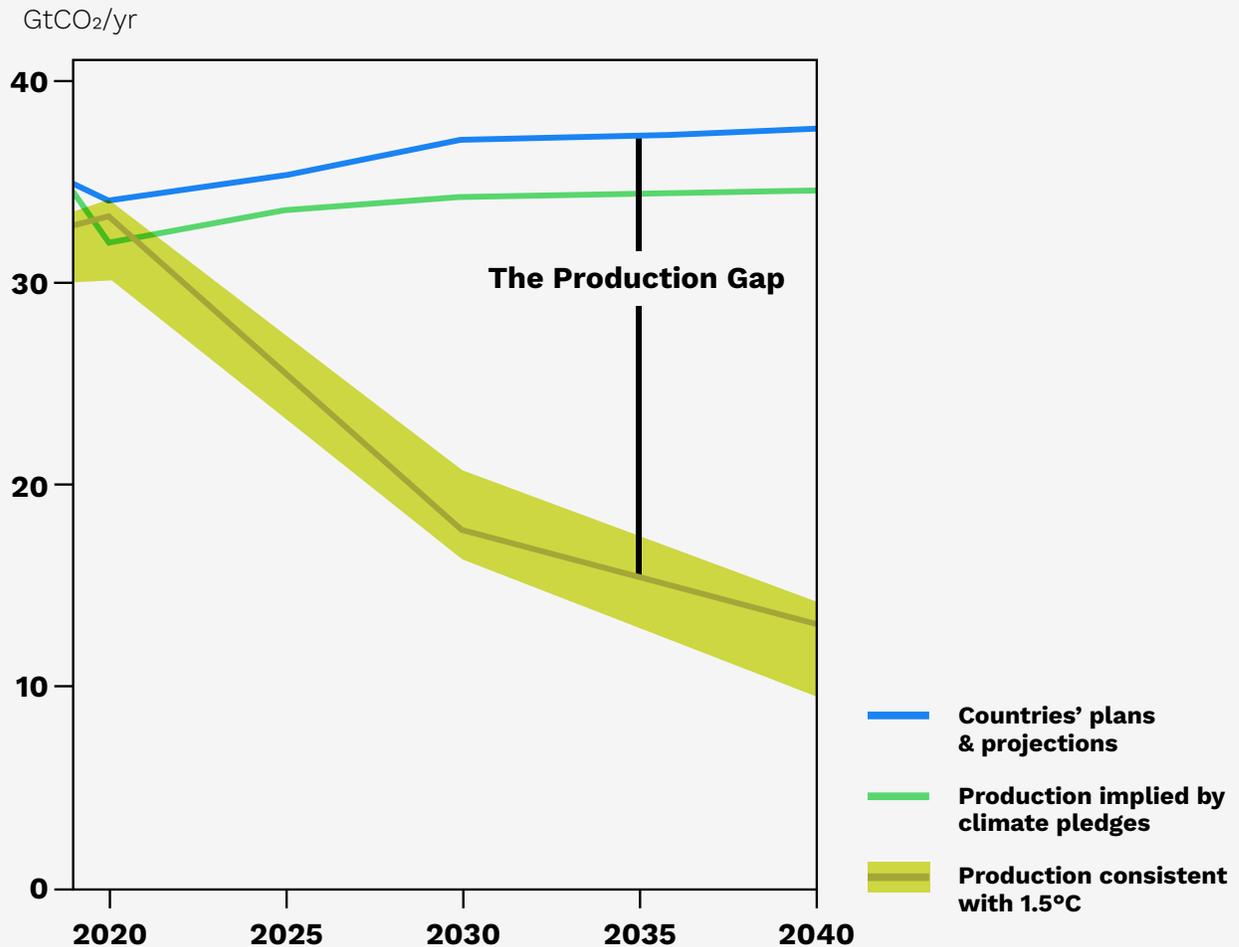
## Science-Based Climate Limits Mean Embracing a Clean Energy Economy – And Phasing Down Federal Fossil Fuel Production

To achieve necessary greenhouse gas pollution reductions, the U.S. must rapidly transition to a clean energy economy. That means making historic investments in clean energy, like the \$555 billion of climate investments contained in the U.S. House-passed reconciliation legislation (formerly known as the Build Back Better Act). These climate investments must include tax credits for clean electricity production, electric vehicles (EVs), building electrification and industrial decarbonization, and more, which together will significantly reduce domestic demand for fossil fuels. These clean energy tax credits will also save American households an average of \$500 in energy costs per year. President Biden and Congressional Democrats must ensure these investments pass. But deploying clean energy alone is not enough to follow a 1.5°C consistent pathway.

**Without exception, the world must also immediately and swiftly ramp down the production of fossil fuels, including oil, gas, and coal.**

Simply put, if we hope to limit warming below 1.5°C degrees, no new fossil fuel production facilities can be developed, while existing oil and gas production must rapidly be brought to an end. There isn't space for it in the world's atmospheric carbon budget. The 2020 Production Gap Report co-authored by the United Nations Environmental Program (UNEP), shows that governments across the world must swiftly and sharply ramp

# GLOBAL FOSSIL FUEL PRODUCTION



Source: The Production Gap Report 2021

down fossil fuel production by roughly 6% per year between 2020 and 2030 to follow a 1.5°C consistent pathway. The Tyndall Report additionally finds that wealthy, fossil fuel-producing countries like the U.S. must completely phase out existing coal production by 2030 and oil and gas production by 2034. That means governments, including the US, must halt all new fossil fuel projects and infrastructure and decommission “a significant portion” of existing production facilities and infrastructure.

But here’s the problem: current global and domestic fossil fuel production and development rates fly in the face of these calculations and broader climate science. Instead of committing to the necessary decline in production, countries around the world are projecting a near term annual increase in fossil fuel production of 2%; which, by the end of this decade, would result in more than double the production consistent with the 1.5°C limit. For its part, the U.S. is on track to reach a record high of fossil fuel production in 2023.

Because the U.S. is notably responsible for the largest share of historical greenhouse gas pollution in the world, it has a particular obligation to lead the ramping down of fossil fuel production. Instead, over the past two decades, the U.S. has emerged as the top global producer of oil and fossil gas (called “natural gas” by the fossil fuel industry). The U.S. has also become the largest exporter of liquefied “natural” gas (LNG), bolstered by the proliferation of hydraulic fracturing and horizontal drilling in the early 2000-2010s. This production boom means that America is exporting its climate pollution and fossil fuel dependence around the world.

President Biden has an opportunity and a responsibility to meet this moment. He must reinforce his climate and environmental justice leadership by using his administration’s legal authority to phase out federal fossil fuel leasing and ramp down fossil fuel production on America’s public lands and waters.

## 2. The U.S. Federal Fossil Fuel Program Is Currently Incompatible with Biden’s Climate Commitments

### What Are U.S. Federal, or Public, Lands and Waters?

The U.S. government is responsible for managing America’s federal lands and waters, including around 30% of the nation’s landmass. The federal government also oversees the U.S. Outer Continental Shelf (OCS), an offshore portion of America’s underwater lands, subsoil, and seabed that typically extends between three and 200 nautical miles off the coast. In this report, we’ll refer to terrestrial public lands as “onshore lands” and submerged lands leased by the government for offshore oil and gas production as “public waters.”

All public lands and waters are the ancestral homelands of Indigenous peoples, who still live here today and are leading the fight for self-determination and the protection of their cultural sacred sites and communities. Indigenous leaders have been at the forefront of the effort to curtail federal fossil fuel leases, elevating the issue onto the national stage in recent decades.

### What is the U.S. Federal Fossil Fuel Program?

America’s federal fossil fuel program allows private industry to lease tracts of public lands and waters from which they extract fossil fuels. The Department of the Interior (DOI) is charged with overseeing the federal fossil fuel program, which can be divided into three main types of fossil fuel production:

- **Offshore** oil and gas production
- **Onshore** oil and gas production
- **Coal** extraction

DOI primarily manages these programs through two internal sub agencies: the Bureau of Land Management (BLM) and the Bureau of Ocean Energy Management (BOEM). BLM oversees 24.9 million acres of federal onshore oil and gas leases, of which 12.6 million acres are being used to produce oil and gas. As of 2021, BLM also administered 299 federal coal leases across approximately 458,600 acres. Meanwhile, BOEM manages around 2,057 active offshore oil and gas leases across 10.9 million acres of the OCS as of May 2022. About 97% of the offshore leases that BOEM manages are located in the Gulf of Mexico.

### How Does the U.S. Federal Fossil Fuel Program Work?

The federal fossil fuel program evolved throughout the 20th century, with three key statutes making up the governance regime. The Mineral Leasing Act (MLA) authorizes BLM to issue coal, oil, and gas leases to

private companies on most federally owned public lands. The Federal Land Policy and Management Act (FLPMA) requires BLM to manage uses of the public lands, including oil and gas activities, to protect the environment and prevent degradation. Under the Outer Continental Shelf Lands Act (OCSLA), which governs offshore oil and gas production on submerged lands, the Secretary of the Interior has discretion to decide whether to issue leases in the OCS and must meet a requirement to safeguard the environment.

### **How the Federal Fossil Fuel Program Fuels Climate Pollution**

Coal, oil, and gas extracted from our federal lands and public waters are fueling the climate crisis. Lifecycle emissions from fossil fuels extracted on public lands have accounted for nearly a quarter of the country's carbon emissions on average since 2005. As noted above, leases sold under the Trump administration are now being permitted for development under the Biden administration at alarmingly high rates, moving us further from curtailing fossil fuel dependence and at odds with the administration's stated climate and environmental justice goals.

But here's the good news: the Biden administration has the authority to align our federal fossil fuel leasing program with its climate and environmental justice commitments.

### **President Biden Committed to Addressing the Federal Fossil Fuel Program's Climate Pollution – But Continues to Hold Lease Sales**

On the campaign trail, President Biden promised to halt new oil and gas leasing on public lands, saying, “[n]o more drilling on federal lands. No more drilling, including offshore. No ability for the oil industry to continue to drill, period, ends, number one.” Fulfilling his promise to end leasing on public lands and waters is central to achieving the administration's overall national climate goals to slash U.S. climate pollution by 50-52% below 2005 levels by 2030 and achieve net-zero by 2050.

President Biden started strong, with Executive Order 14008 directing a pause on new federal oil and gas leasing and a comprehensive review of the federal oil and gas program. In June 2021, however, a Trump-appointed federal judge issued, in *Louisiana v. Biden*, a preliminary injunction blocking implementation of the outright leasing pause. However, the Louisiana v. Biden order left DOI with ample flexibility to limit the size of any sales, and to postpone individual lease sales. In fact, the order itself expressly states that it didn't preclude BLM from postponing a lease sale to address environmental concerns or comply with the agency's obligations under the National Environmental Policy Act (NEPA). Nonetheless, the administration responded



Emissions from fossil fuels extracted on public lands account for **nearly a quarter** of the country's carbon pollution.

Source: Ratledge, Zachary, and Huntley (2022); Photo by Wirestock/Freepik

to the order by moving forward with a massive lease sale in the Gulf of Mexico – the largest offshore lease sale in history. In January 2022, a federal judge threw out the Gulf lease sale, citing the administration’s failure to adequately consider the sale’s impacts on climate change. Meanwhile, the administration announced in April, 2022 that it was moving forward with onshore lease sales, scheduled for June. These lease sales, as well as others, are not required by the Louisiana order, and new lease sales are not in line with our nation’s climate commitments.

### 3. The Societal Cost of Federal Fossil Fuel Leasing

Fossil fuels are key drivers of environmental injustice, disproportionately impacting Black, Brown, Indigenous, and frontline communities. By ramping down and eventually eliminating federal fossil fuel leasing, exploration, and development, the U.S. government could begin a process of restoring health and justice to these communities. Doing so would align with the President’s historic environmental justice commitments; these include a directive



Homes adjacent to the Shell refinery in Norco, Louisiana.  
(Brad Zweerink / Earthjustice)

for all federal agencies to make achieving environmental justice a part of their mission and to work to correct the disproportionate impact of pollution on communities of color.

#### A History of Injustice and Resistance

Throughout American history, moneyed interests have obtained rights to drill and mine on what are now public lands for a fraction of their worth, underpaid workers to labor under dangerous conditions, and left environmental destruction in their wake. This has resulted in a deeply unjust system that benefits wealthy individuals and corporate interests. Meanwhile, Black, Brown, Indigenous, and low-income communities that are already overburdened by the consequences of deeply racist practices such as redlining, housing discrimination, Indigenous genocide and removal, and colonization, overwhelmingly pay the price. For instance, in the Gulf of Mexico region, decades of environmental racism and exploitation by fossil fuel companies have rendered communities industrial “sacrifice zone(s),” subject to the most direct impacts of our country’s massive offshore drilling program.

At the same time, federal fossil fuel projects have had significant impacts on Indigenous communities. For example, the Northern Cheyenne Reservation in Montana is bordered by coal mines to the north and the south, and polluted runoff from the now-shuttered Decker Mine has historically discharged into the Tongue River, along the Reservation’s eastern boundary. Mining throughout the Northern Cheyenne’s ancestral homelands has destroyed important cultural sites used for Cheyenne ceremonies, as well as habitat for sensitive species, including burrowing owls, prairie dogs, prairie chicken, and sage grouse. The Tribe was promised extensive employment and contracting in reservation communities, but those opportunities never fully materialized.

In the Four Corners region of New Mexico near Chaco Canyon, Diné (Navajo), and Pueblo community leaders have worked for years against the encroachment of oil and gas operations on their communities and cultural sacred sites. Despite this fierce local opposition, 91% of the region has been leased for oil and gas development. The industrialized fracking operations that now riddle the hillsides continue to subject the local population to elevated levels of dangerous air pollutants including benzene and ozone, flares, and unprecedented levels of climate-warming methane pollution. (Methane is the primary component of fossil gas. A highly potent greenhouse gas, it is more than 80 times as effective at trapping heat than carbon dioxide over a 20 year period.) Interior Secretary Deb Haaland, who has long been a champion of protecting this region and its communities, recently announced an administrative effort to prevent new leasing within a 10-mile buffer zone around Chaco Culture National Historical Park. However, the ongoing impacts of extensive oil and gas operations throughout the area have persisted, even within the boundaries of the 10 mile buffer zone.

### **Fossil Fuel Extraction Sickens Frontline Communities**

The fossil fuel industry is quick to cite the jobs it provides to communities when defending its exploitation of public lands and waters. But they are much quieter about the adverse impacts of fossil fuel extraction on nearby communities, particularly the health impacts of prolonged exposure to extraction and processing sites.

For example, respiratory illnesses skyrocketed in the small Alaska Native community of Nuiqsut, which is surrounded by oil and gas activity in the federally managed Western

Arctic Reserve, and residents point to black carbon pollution from fossil fuel production as adding to this rise. Meanwhile, a government study looking at long-term health effects for oil cleanup workers after the catastrophic 2010 BP oil spill in the Gulf of Mexico found that individuals involved in clean-up operations “experience[d] persistent alterations or worsening of their hematological, hepatic, pulmonary, and cardiac functions,” with symptoms lasting 7+ years after exposure. And neighborhoods near oil refineries and petrochemical facilities where oil and gas from federal leases are processed, are routinely exposed to life-threatening public health impacts. Studies have shown that these facilities are far more likely to be found in communities of color. Additionally, the myriad impacts of coal mining, transport, and burning harm communities at every step of its supply chain – from decimated landscapes, to mining accidents, to the undeniable impacts of climate change and the toxic air pollution from its combustion.

### **Adverse Impacts on Wildlife**

The invasive nature of fossil fuel production (drilling, digging, and explosives) poses disastrous consequences for wildlife and habitats. For example, oil, gas, and mining projects have caused the Greater sage-grouse population, a keystone species whose protection is critical to 350 other important wildlife species, to fall by 80% since 1965, according to the Audubon Society.

Offshore, oil spills have repeatedly devastated ocean wildlife and habitat. The 2010 BP disaster, which leaked 205.8 million gallons of oil and 225,000 tons of methane into the Gulf of Mexico, harmed or killed about 82,000 birds of 102 species; 25,900 marine mammals; around 6,165 sea turtles, and millions of larval fish, in addition to many documented

# President Biden can and must use executive authority immediately to align oil, gas, and coal production on public lands and public waters with the Paris Agreement's goals and the President's own domestic climate commitments.

injuries on various fish species. The oil spill and clean-up efforts also killed more than 8 billion oysters in the Gulf. An investigative federal study confirmed that at least 770 square miles of ocean floor habitat around the wellhead were negatively affected. Chronic exposure to oil, even at sublethal levels, can impact wildlife species and ecosystems for decades.

## **Polluters Profit While Taxpayers Pay the Price**

Much of the false “affordability” of federal oil and gas leasing fails to account for the numerous externalities borne by taxpayers, communities, and landowners with subsurface federal mineral rights. The current federal leasing program requires insufficient bond amounts for reclamation and frequently sticks taxpayers with the clean up cost. Industry receives de facto subsidies and handouts from taxpayers in the form of outdated and inordinately low royalty rates, minimum bids, and rental rates that fail to account for increased production and inflation. While DOI announced that it would take a step in the right direction by increasing the onshore royalty rate above the current 12.5 % statutory minimum - for the first time ever - to 18.75% on specific proposed leases to be sold in June 2022, this rate still falls below those charged by many states and on private lands, and fails to reflect the full societal and environmental costs of leasing. In fact, oil and

gas companies remain free to vent, flare and leak methane gas and other pollutants during the extraction, transportation, and processing of oil and gas extracted from public lands. At the same time, onshore rental rates, minimum bids, and minimum bond amounts still have not been updated in decades.

The federal government is essentially subsidizing fossil fuel corporations' profits, allowing industry to create pollution that public money will need to clean up in the future. Offshore, thousands of abandoned oil and gas wells, platforms, rigs, wellheads, and pipelines continue to leak oil, methane, and other harmful gasses. They also pose navigational, safety, and environmental hazards, and may hinder future development of offshore wind or other new infrastructure. An estimated 18,000 miles of decommissioned pipelines remain on the floor of the Gulf of Mexico, and the exact location and responsible owners for many is undetermined. Climate change-fueled mega-storms like Hurricane Ida in 2021, which caused more than 50 infrastructure spills in the Gulf, make abandoned infrastructure an even greater risk.

All of these factors and more continue to make the leasing of public lands and waters a tremendously bad deal for communities, taxpayers, wildlife, and the climate.

# Section 2: Policy Recommendations

To secure a safer and more equitable climate future, the Biden administration must achieve the following **three outcomes**:

1. Swiftly and legally phase out new federal fossil fuel leasing on public lands and waters, including oil, gas, and coal.
2. Limit federal fossil fuel production from existing leases to align with the goals of the Paris Agreement and President Biden's climate and environmental justice commitments.
3. Lead a just transition away from a fossil-fueled economy for communities historically and currently impacted by federal fossil fuel leasing, while investing in a just and inclusive clean energy future.

Earthjustice and Evergreen Action support a policy roadmap of executive actions the Biden administration can take under existing authority to achieve these outcomes alongside legislative actions. These recommendations are intended to work together and collectively are necessary to prevent the most dire effects of climate change, as well as to demonstrate that the Biden administration takes its climate and environmental justice commitments seriously. (For our methodology, please see Appendix I.)

## 1. Executive Action

Working towards a federal fossil fuel phase out, President Biden can and must use executive authority immediately to align oil,

gas, and coal production on public lands and public waters with the Paris Agreement's goals and the President's own domestic climate commitments. The President can achieve these goals by taking the actions outlined in the sections below, leaning on authorities found primarily in the Outer Continental Shelf Lands Act (OCSLA), Federal Land Policy Management Act (FLPMA), Mineral Leasing Act (MLA), the Naval Petroleum Reserves Production Act (NPRPA) and the National Environmental Policy Act (NEPA).

### A. Federal Offshore Oil and Gas Production

Ending new federal offshore leasing is a pivotal step in achieving President Biden's climate commitments. Stopping new offshore leasing would help to protect coastal communities that have been used as industrial sacrifice zones, particularly in the Gulf of Mexico. Recently, the Department of the Interior

It is well within the Interior Secretary's authority to end new offshore oil and gas leasing in federal waters. And the administration should do just that.

(DOI) has taken a step in the right direction by declining to move forward with three upcoming offshore oil and gas lease sales in the Gulf of Mexico and Alaska's Cook Inlet.

Now, the Biden administration has significant latitude under existing authorities to build on this decision through the following actions:

- **No New Leasing in the Bureau of Ocean Energy Management’s (BOEM) Upcoming Five-Year Outer Continental Shelf Program.**

BOEM is in the process of preparing a new Five-Year National Outer Continental Shelf (OCS) Leasing Program (“Five-Year Program”), a document that outlines the size, timing, and location of proposed oil and gas lease sales. With the current Five-Year Program set to expire on June 30, 2022, the time is ripe to align the next Five-Year Program with the nation’s climate obligations.

Crucially, it is well within the Interior Secretary’s authority under 43 U.S.C. § 1344 of OCSLA to end new offshore oil and gas leasing in federal waters by providing for no new lease sales in BOEM’s next Five-Year Program – and the administration should do just that. This unique opportunity would end new leasing on all offshore lands in the OCS while the new five-year plan is operative, and would cover all four OCS regions – the Atlantic, Pacific, Alaska, and the Gulf of Mexico. Such a decision would have profound climate and environmental justice benefits, from reducing greenhouse gas pollution rates, to protecting vital ecosystems, along with the health of affected communities.

Under OCSLA, decisions to offer OCS leases are driven by an assessment of what would “best meet national energy needs,” and must be consistent with environmental protection, and other economic and social values. Given the industry’s significant stockpile of existing offshore leases, the urgent need to address climate change, and readily available alternatives, additional lease sales are not necessary to meet the nation’s energy needs. Moreover, interest in offshore lease sales has

waned in recent years. While the number of bids received, acreage leased, and high bids have fluctuated due to changes in oil and gas prices, royalty rates, and leases offered, among other things; the total number of lease tracts sold has decreased over time. Between 2000 and 2009, BOEM sold an average of 319 lease tracts at each of its sales in the Gulf of Mexico. Between 2010 and 2019, the average number of lease tracts sold dropped to 157. The overall picture is clear: there is a stark imbalance between the supply of offshore leases and the demand for additional offshore oil. This is true even without considering the scientific and moral imperative to rapidly reduce greenhouse gas emissions to prevent the worst harms from climate change.

Such new developments would do nothing to lower high gas prices in the near or mid term and would take close to a decade to begin producing. The truth is that gas prices are largely determined by global energy markets and geopolitical events, not domestic policies. Meanwhile, the oil and gas industry likes to cite a 2016 BOEM analysis, which found that greenhouse gas emissions would slightly increase if no OCS lease sales were held, as demand for oil would be filled by foreign sources that created more emissions than Gulf drilling. But three separate courts have determined that this 2016 analysis is flawed: the U.S. Federal Court of Appeals for the Ninth Circuit, and U.S. District Courts in the District of Alaska and D.C. BOEM is also in the process of redoing this analysis and fixing flaws. Despite industry mistruths, experts are clear that expanding offshore oil and gas development is incompatible with the fight to avert climate catastrophe.

The Biden administration must prioritize the public health of Gulf frontline communities and a safer climate for all – by taking any new OCS leasing off the table. Doing so would

not only fulfill the President's campaign commitment, but would demonstrate the bold climate and environmental justice leadership Americans elected him to provide. This is a clear opportunity for President Biden to stand strong in the face of misinformation and climate denialism and inspire a generation of young people looking to him to deliver.

- **Tackling Existing Offshore Oil and Gas Operations**

In addition to ending new offshore leasing, the Biden administration must address existing offshore oil and gas operations. As the Tyndall Report notes, countries like the U.S. must phase down oil and gas production by 74% by 2030 and completely phase it out by 2034. While the Biden administration devises a longer-term strategy to meet these goals, DOI should implement a shorter-term overhaul of its review of development activities for existing offshore leases.

First, DOI must improve its environmental analysis for exploration plans and subsequent development or production steps, including permits to drill. BOEM and Bureau of Safety and Environmental Enforcement (BSEE) often approve exploration and development plans as well as grant permits to drill without doing the thorough environmental review that NEPA requires. BOEM and BSEE should require full and robust assessments of climate impacts under NEPA for each of these stages to give regulators more information about the environmental effects and tailored conditions necessary to eliminate or reduce those effects. Such full and fair analysis will demonstrate that “business-as-usual” approvals are not in line with the responsible management of our public waters, President Biden's climate goals, or the demands of the climate crisis.

Adopting comprehensive regulations to curb methane emissions from existing offshore

operations is also urgently needed. Recent studies have shown that existing operations in the Gulf of Mexico emit more than double previous estimates, amounts twice those from onshore operations in the Bakken. There are numerous readily-available control technologies or process changes that could be immediately applied to stop or curb these emissions. This type of regulation would also likely have broad support. Developing and adopting effective regulations should be a high priority for DOI.

This is a clear opportunity for President Biden to stand strong in the face of misinformation and climate denialism and inspire a generation of young people looking to him to deliver.

BOEM and BSEE should also develop better regulations to monitor and enforce the safety of offshore pipelines to reduce the number of spills and accidents. The need to do this was most recently exemplified by the October 2021 Amplify Energy oil spill, when pipeline off Huntington Beach, California ruptured, spilling more than 126,000 gallons of oil, closing beaches, leaving dead fish and seabirds in its wake, and decimating a fragile wetlands ecosystem. Meanwhile, the Coast Guard continues to track oil leaks in the Gulf of Mexico from oil infrastructure damaged during Hurricane Ida. In 2021, the Government Accountability Office (GAO) published a report showing that DOI does not adequately conduct subsea inspections of offshore pipelines or ensure that oil companies properly decommission older

pipelines. DOI should implement regulations that increase and improve inspections, improve leak detection systems, and improve decommissioning requirements for pipelines.

## **B. Federal Onshore Oil and Gas Production**

- **Require that Any New Onshore Lease Sales Are Consistent with National Climate Goals**

For more than a decade, DOI has offered millions of acres of public lands for new onshore leasing with very little regard to the impacts on our climate. In April 2022, the Biden administration announced that it plans to offer 173 parcels across 144,000 acres for onshore leasing in Wyoming, Colorado, Montana, North Dakota, Utah, New Mexico, and Nevada – despite its pledge to end oil and gas leasing on public lands. Instead of forging ahead with new onshore lease sales, the Biden administration can take necessary steps this year to advance its climate agenda by fundamentally changing DOI’s approach to onshore oil and gas leasing, by requiring that any new leasing conforms with our national climate commitments.

As a practical matter, this means that any new leasing that does occur must be very limited and subject to strict requirements for protecting the environment. In addition, all proposed sales must be subject to rigorous analysis of their climate impacts under NEPA, which would give decisionmakers the information they need to determine whether further sales are consistent with climate imperatives. DOI must also include in these analyses an assessment of the cumulative effects of leasing decisions on frontline communities, as long required by NEPA.

The Biden administration took a step in the right direction by limiting most of the proposed June 2022 lease sales to offer a reduced number of parcels in each state, generally concentrated in areas with existing development. However, the administration still plans to hold a large lease sale in Wyoming, directly counter to the Biden administration’s goals and past promises on climate. At the current proposed scale, it represents a large carbon bomb, with its own social cost of carbon analysis noting that extensive damages will occur. Nothing in the law, or recent court decisions, requires leasing at this scale.

- **Large-Scale Secretarial Withdrawals to Benefit the Climate and Wildlife Habitat**

DOI should embark on strategic, large-scale withdrawals of lands from fossil fuel leasing. Under FLPMA, the Secretary of the Interior is authorized to withdraw lands for particular uses for up to 20 years, without statutory limitation as to the size of the area. The Secretary of the Interior must use this authority to withdraw significant lands from fossil fuel production.

For example, a withdrawal could be directed at lands where there is overlap between important wildlife habitat and potential oil and gas development. Such withdrawals, if they are large enough, could have significant benefits for both climate and land and wildlife protection and would help realize the goal of the administration’s America the Beautiful initiative of protecting 30% of lands and waters by 2030.

- **Protect the Arctic National Wildlife Refuge**

Protecting the Arctic National Wildlife Refuge (“the Refuge”) in Alaska is critical to President Biden meeting his climate and environmental justice goals. The Gwich’in Nation, whose

people have lived in and stewarded these lands for more than 20,000 years, has consistently called for the protection of the Refuge, which they refer to as “the sacred place where life begins.” The Gwich’in have long relied on the Porcupine Caribou herd to meet their subsistence needs, which annually bear their young in the coastal plain of the Arctic Refuge. Scientific research also tells us that Arctic oil and gas reserves must remain in the ground to avoid the most dangerous levels of climate change.

On June 1st, 2021, the Biden administration suspended oil and gas leases in the Refuge, following a temporary moratorium on oil and gas leasing activities on the Refuge’s coastal plain issued via executive order on President Biden’s first day in office. Republicans in Congress and former President Trump had previously used the 2017 Tax Act to open the Refuge to oil and gas drilling, including language mandating two lease sales. The first lease sale held under the mandate was an epic failure that yielded less than 1% of the \$1.8 billion in revenue promised by drilling advocates, and received no bids from any major oil company. Since then, every major bank in the U.S. has ruled out financing oil and gas exploration in the Arctic. A review of the Trump administration’s leasing program in the Refuge found multiple legal deficiencies that would make the leases unlawful, including insufficient analysis required by environmental laws and a failure to assess other alternatives.

The Biden administration’s ongoing review of the Trump-issued leases in the Refuge should be applauded, and the review should conclude that the leases are unlawful and must be rescinded. In addition to this review, the administration should work with Congress to pass a reconciliation bill repealing the drilling mandate from the 2017 Tax Act and canceling the existing leases. Congress must ultimately

pass separate legislation that permanently protects the coastal plain.

- **Limit Rate of Fossil Fuel Production on Existing Onshore Leases and Projects to Align with Climate Commitments**

As of the end of FY 2021, there were more than 35,000 existing federal onshore oil and gas leases. Given these numbers, and the amount of carbon contained in those lands, limiting production from existing leases is also essential to meet climate goals. The Biden administration has ample authority under the terms of those leases, and applicable laws, to do so.

The terms of all standard oil and gas leases give DOI authority to limit rates of production and development, and to suspend operations and production on leases. The Biden administration should use this authority to require that any new production on existing leases is consistent with meeting U.S. climate commitments, similar to the approach for new leasing. Limits on rates of production and suspensions of existing leases can be used separately or in combination depending on the circumstances of a given lease or project to ensure that development does not undercut our national climate commitments.



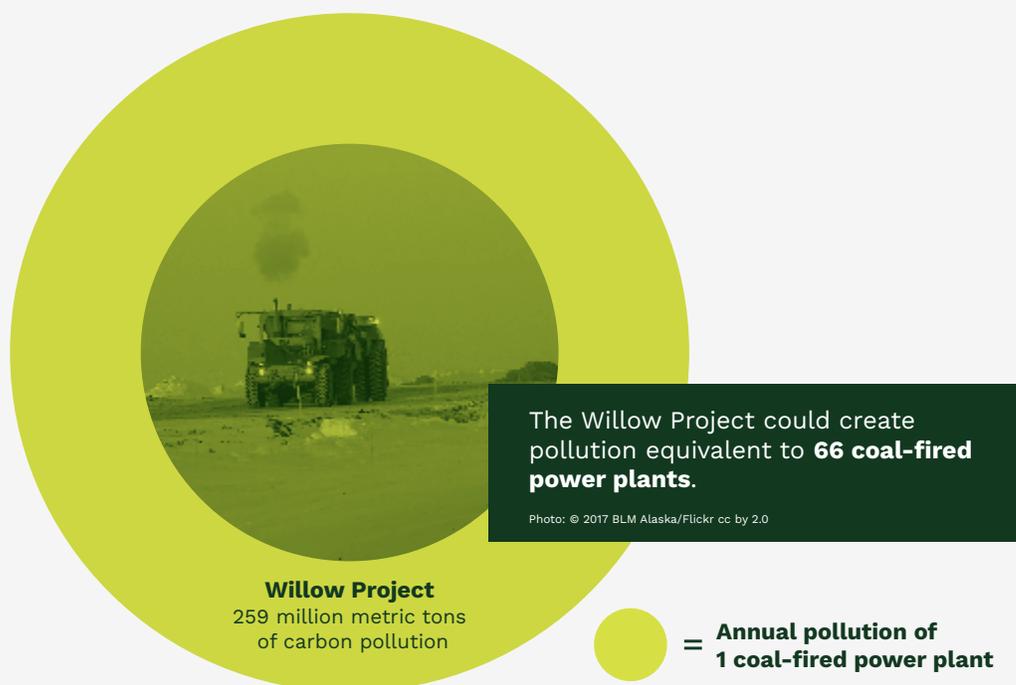
- **Prohibit Methane Venting and Flaring on Public Lands**

Methane, the primary component of fossil gas, is a highly potent global warming agent. It is around 80 times as powerful as carbon dioxide at trapping heat over two decades. Fossil fuel companies producing oil and gas from public lands regularly leak, vent, and flare massive amounts of methane into the atmosphere, exacerbating the climate crisis and undercutting the administration’s abilities to achieve its climate goals. However, the Biden administration has the opportunity to stop this harmful practice and the Bureau of Land Management (BLM) should move swiftly to prohibit the routine venting and flaring of methane gas. Doing so would also have the co-benefit of decreasing emissions of other harmful pollutants like benzene that are emitted alongside methane, and which pose a direct public health threat to the frontline communities living adjacent to these operations.

- **Stop Massive Onshore Lease Projects, Like the Willow Project**

DOI has the authority to prevent projects that would be disastrous for the environment and lock in years of oil extraction and emissions. ConocoPhillips’s Willow Project in Alaska’s Western Arctic, which DOI recently solicited public input for, is the largest single oil and gas drilling operation currently proposed on federal lands. If the Biden administration decides to move forward with the Willow Project, it would result in some 260 million metric tons of carbon emissions (or 66 coal plants) – an enormous contribution from a single project, and a dangerous precedent for other projects to get the greenlight from the government. Now, BLM must deny the permit for this project.

The Willow Project was approved by the Trump administration, but following an August 2020 federal court decision that threw out the Trump approval for its failure to assess the project’s climate impacts, President Biden is reconsidering the project. In March 2022, more than 140 organizations and businesses



urged Secretary Haaland to reject the Willow Project, calling the decision “legacy-defining,” and warning her that approving the project could commit the U.S. to at least another 30 years of fossil fuel extraction. In fact, an analysis of the Willow Project suggests that the project, if approved and implemented, would single-handedly negate the greenhouse gas emissions avoided by meeting the administration’s renewable energy goals on public lands for the year 2030. Willow would do nothing to lower gas prices in the near or mid term, either, given that it would take a minimum of 5 years of construction before any oil would flow from the facility.

BLM should fully consider the impacts to the fragile and irreplaceable Western Arctic against the backdrop of the dramatic climate changes that are predicted to occur over the next 30 years in the region. An honest assessment will make clear that the project as proposed poses unacceptable risks. Interior should deny approval for the proposal pursuant to its authority under 42 U.S.C. § 6506a(b) of the Naval Petroleum Reserves Production Act (NPRPA) to “provide for such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the National Petroleum Reserve in Alaska.” Also, BLM should fully reassess the purpose and need for this project, basing it in the agency’s obligation to protect the surface resources in the Reserve.

Denying the approval of the Willow Project would be an important step in the fulfillment of the Biden administration’s commitments to sound policy and science, and deliver on the president’s long-term climate and environmental justice promises to voters.

## C. Federal Coal Mining

### • Reissue a Coal Leasing Moratorium

In the second half of 2022, BLM can immediately get to work on ending new leasing of federal coal, one of the dirtiest sources of energy in America, that threatens our environment and public health. After all, coal production in wealthy producing countries like the U.S. needs to fall by 50% within five years and be eliminated by 2030. To end new leasing of federal coal, President Biden’s BLM must issue a full coal leasing moratorium, without exceptions, that immediately halts new leasing while the administration evaluates ways to permanently end new leases and phase out production on existing leases. A leasing moratorium, without the loopholes that reduced the effectiveness of the Obama moratorium, would put a hard limit on the industry’s expansion while allowing the administration to reset strategic planning in a way that will ultimately decrease greenhouse gas emissions and deadly pollution, and would be integral to meeting U.S. Paris Agreement obligations.

Under the Mineral Leasing Act (MLA), the Secretary of the Interior is authorized, but not required, to offer lands for leasing by competitive bidding (30 U.S.C. § 201(a) (1)). This authority permitted DOI to impose a moratorium on coal leasing under the Obama administration, as the Secretary has done historically while it has adopted program reforms.

Interior Secretary Haaland has already signaled her intent to prompt needed coal program reforms, but BLM has not yet taken action to do so. In April 2021, Secretary Haaland issued Secretarial Order 3398, which nominally revoked a Trump-era order that had rescinded the Obama-era coal-leasing moratorium. SO 3398 directed BLM to review

the Trump order, giving the agency 60 days to complete its review and submit a report with the agency’s “plan and timeline to reverse, amend or update” the coal-leasing policy embodied by it.

Unfortunately, it appears that no such review has taken place and the Biden administration continues to process applications for new leases. The Biden BLM needs to stop delaying consideration of essential reforms to the federal coal program, beginning with a leasing moratorium, without exceptions, to prevent locking in decades of new coal mining.

- **Increase Royalties for Existing Leases**

While a moratorium on new leasing is essential to prevent the coal industry from expanding its carbon footprint, immediate action is also needed to stanch the harm from existing leases. For more than 100 already existing coal leases coming up for renewal within the next four years, the Biden administration must decide whether to allow business-as-usual or adopt new and significantly higher royalty rates that reflect the full climate and other environmental costs of coal production while promising market-driven reductions of mining on these leases. The imperative facing the BLM is clear: it must end subsidies in the form of unreasonably low royalties for an industry that is killing our communities and climate.

The BLM has considerable discretion, again under the MLA, to modify royalty rates and other terms and conditions as necessary when renewing coal leases to ensure that the hefty environmental and health costs of federal coal mining are not subsidized by American taxpayers. Vital royalty increases will also lead to reduced production at mines that cannot pay their fair share, diminishing the coal industry’s dirty footprint in a way that serves public health, the growth of clean

energy, and the long-term environmental needs of the world. If the BLM is unable to follow through on this strategy, the country will be locked into at least a decade of continued extreme pollution, despite having had the chance to avoid it.

## **2. Leading a Just Transition**

This section is intended to be a non-exhaustive list of policy recommendations that supports realizing a just transition away from a fossil-fueled economy, especially for communities historically and currently impacted by federal fossil fuel leasing and or dependent on fossil fuel revenues.

- **Establish a Community Council to Center the Leadership of Indigenous and Frontline Communities Affected by the Legacy of Federal Fossil Fuel Leasing**

For decades, federal fossil fuel production has disproportionately violated the public health, wellbeing, and meaningful consent of Black, Brown, Indigenous, and frontline communities. As the Biden administration transitions away from federal fossil fuels and works to address the legacy of pollution left behind, it must do so while centering the leadership of Indigenous and environmental justice communities.

To guide the Biden administration’s work outlined above, President Biden should create a Community Council composed of Indigenous and frontline community members, housed within DOI. Modeled on and working in collaboration with the White House Environmental Justice Advisory Council, this Council would provide recommendations to the Secretary of the Interior on how to design and implement changes to the leasing program. The Council would help DOI adhere to the principles of

environmental justice, equity, free prior and informed consent (FPIC), and integration of Indigenous traditional ecological knowledge or Indigenous Knowledge Systems into these ongoing policy responses.

- **Invest in Responsibly-Sited Wind and Solar Energy Deployment on Public Lands and Waters**

As the U.S. embarks on a much-needed fossil fuel phase out, the Biden administration must also invest in the medium and long term solution of responsibly-sited clean energy deployment, specifically wind and solar projects, on public lands and waters. At the same time, as the US works to expand its clean energy technology manufacturing and supply chain, the extraction of any hardrock minerals from federal lands and waters must be done in a way that engages in meaningful Tribal and frontline consultation, and honors FPIC of Indigenous communities.



- **Lead a Just Transition for Workers and Communities**

President Biden must renew America's commitment to energy workers and communities within any phase down of federal fossil fuel production and support a

just transition to a clean energy economy. For example, the existing White House Environmental Justice Advisory Council should build out a Labor and Just Transition Working Group to provide recommendations on how to shape a just transition for communities affected by the legacy of fossil fuel production. Focus should be placed on communities and industries that have direct, indirect, and tertiary interdependence with fossil fuel economies, such as New Orleans, Louisiana; Houston, Texas; and Bighorn County, Montana. In addition, President Biden's White House Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization report, which predominantly focuses on coal communities, should extend a similar focus to oil and gas communities. This expanded group cannot rely simply on employer data – as the current working group does – but must examine the reality and impacts of lost revenue from decreased fossil fuel production and provide concrete recommendations on how to replace that financial support for communities. The group should include a consideration of resources available via the Infrastructure Investment and Jobs Act (IIJA).

- **Decouple State Budgets from Fossil Fuel Revenues**

Many states currently depend on royalties from fossil fuel extraction to fund their annual budgets. This continued dependence is unsustainable, and both legislative and administrative action is needed to support communities in transition and to train workers for new areas of employment, without putting funding for essential services and families in jeopardy. Federal resources will be critical to ensuring that workers and their families are able to maintain economic security as we shift to a clean energy economy. Decoupling state budgets must be a critical area of focus for the Biden administration.

Though in-depth policy recommendations are outside the scope of this report, this topic demands future policy research.

- **Invest Increased Revenues from Raising Coal Royalty Rates Directly Into Impacted Communities to Ensure Economic Diversification and Workforce Development Efforts**

Through BLM, Congress, or state authorities, there are various mechanisms to direct funds directly to coal-impacted communities to mitigate the financial burden of decreased coal production that more accurately reflects the true climate and environmental cost of coal mining.

BLM itself could choose to create compensatory mitigation funds to invest in economic diversification and workforce development initiatives in communities directly impacted by a reduction in coal production. This effort would not only help in efforts to reduce our reliance on the dirtiest fuel that is the primary contributor to climate change but would also transition communities that have been adversely harmed by the environmental and health impacts of coal production. By financially supporting a strong economic transition, it would ensure that communities are not left behind but are fully a part of a clean energy transition.

Congress could authorize that a portion of revenue as a result of increased coal royalty rates from coal lease renewals be directed to impacted communities. These funds would directly support job training, mine reclamation, economic diversification, and priorities set by the communities. Revenues raised by an increase in royalty rates that better account for the climate and environmental impacts should go directly to the communities who have been personally harmed by decades of coal mining.

### 3. Legislative Action

While DOI has the tools necessary to align the federal leasing program with the President's climate and environmental justice goals, legislative action is also critical. Congress can ensure that we reduce emissions and the negative impacts to human health and the environment, improve returns to taxpayers, and pay for oil and gas reclamation while new federal leasing is phased out. This specifically includes updating federal oil and gas bonding standards and minimum bids, rents, and royalty rates, ending non-competitive leasing, and ending the leasing of lands with low or no potential for oil and gas development.

Several members of the House and Senate have already introduced legislation to address some of these issues, and pieces were included in the House-passed Reconciliation bill. Congress has an important role to play by passing legislative solutions that will both establish and improve statutory floors for the administration to build upon, and continuing to hold the administration responsible, while pushing them to enact necessary leasing and management reforms. However, the Biden administration already has both the legal authority and the responsibility to bring the leasing program's priorities, regulations, and strategic vision in line with U.S. climate goals. The administration must move aggressively in the full utilization of the many tools they already have at their disposal.



# Conclusion

Climate scientists and public health experts have seen the writing on the wall: federal fossil fuel production rates are incompatible with science-based climate targets and President Biden's environmental justice and climate commitments. This is the time for transformative climate action.

Throughout the remainder of this year and his presidential term of office, the Biden administration must do everything in its power to phase out fossil fuel extraction on America's public lands and waters. The Biden administration has clear authority to enact sweeping executive action for onshore and offshore oil and gas, as well as coal leasing. The opportunities are clear. Now, it's up to President Biden to act on them and follow through on his promises.

Climate scientists and public health experts have seen the writing on the wall: federal fossil fuel production rates are incompatible with science-based climate targets and President Biden's environmental justice and climate commitments. This is the time for transformative climate action.

**The Biden administration has clear authority to enact sweeping executive action for onshore and offshore oil and gas, as well as coal leasing. The opportunities are clear. Now, it's up to President Biden to act on them and follow through on his promises.**

# Appendix I: Methodology

Prior to writing this paper, the authors conducted a landscape analysis and engaged in scoping conversations with a number of organizations. The authors thank these organizations for their thought leadership, while acknowledging that this report does not necessarily reflect their views.

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## Figure Citations:

**Figure 1.** SEI, IISD, ODI, E3G, and UNEP. (2021). *The Production Gap Report 2021*. Page 3. [Link here.](#)

**Figure 2.** Ratledge, N., Zachary, L. & Huntley, C. (2022) "Emissions from fossil fuels produced on U.S. federal lands and waters present opportunities for climate mitigation." *Climatic Change* (171) 11. [Link here.](#)