



16 March 2023

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington DC 20240

The Honorable Tracy Stone-Manning
Director
Bureau of Land Management
1849 C Street, N.W.
Washington DC 20240

Laura Daniel-Davis
Principal Deputy Assistant Secretary
Lands and Minerals Management
1849 C Street, N.W.
Washington DC 20240

**Re: 30-day Notice of Intent to Sue for Unreasonable Delay in Responding to January 19, 2022
“Petition to Reduce the Rate of Oil and Gas Production On Public Lands and Waters to Near
Zero by 2035”**

Dear Secretary Haaland, Assistant Secretary Daniel-Davis, and Director Stone-Manning,

The Center for Biological Diversity, WildEarth Guardians, and Friends of the Earth (Conservation Groups”) hereby provide notice of our intent to sue the Department of the Interior (Interior) for failure to respond within a reasonable time to the “Petition to Reduce the Rate of Oil and Gas Production On Public Lands and Waters to Near Zero by 2035” (“Petition”), dated 19 January 2022. We intend to sue the Interior for unreasonable delay, pursuant to the Administrative Procedure Act, 5 U.S.C. §§ 551, *et seq.*, if after 30 days of receipt of this letter Interior has still not initiated rulemaking or provided a substantive response to the Petition.

The window to phase out fossil fuel extraction is small and quickly closing. Accordingly, Interior’s failure to respond to our petition and its lack of urgency in addressing the existential threat of climate change is not tenable. To stay within a carbon budget required for even just a 50 percent chance of limiting planetary warming to 1.5°C compared to pre-industrial levels - the internationally agreed upon target set in the Paris Agreement – *there can be no new global fossil fuel production and infrastructure globally.*¹ And yet, the Department of Interior continues to worsen this process by continuing to approve ever more production and infrastructure.

¹ Calverley, D. and Anderson, K. (2022), Phaseout pathways for fossil fuel production within Paris-compliant carbon budgets. Tyndall Centre, University of Manchester. Available at: <https://www.iisd.org/publications/report/phaseout-pathways-fossil-fuel-production-within-paris-compliant-carbon-budgets>

Not only must new investment and development be immediately halted, but production from already developed reserves must be phased out. As the world's largest cumulative emitter and the world's richest country, the United States should be leading the way in this phase-down, together with a rapid transition to clean renewable energy. The leading analysis of equity-based phase-down pathways concludes that U.S. oil and gas production should be cut by 74% by 2030 and completely phased out by 2034.²

President Biden recognized the need for action, stating that the “United States and the world face a profound climate crisis. We have a narrow moment to pursue action . . . in order to avoid the most catastrophic impacts of that crisis.”³ Secretary Haaland affirmed the need to address climate change when making management decisions on federal lands, stating that “the realities of climate change require us to change how we manage the land, water, fish and wildlife, and cultural heritage and tribal lands and resources we oversee” and that the Department is “responsible for helping protect the nation from the impacts of climate change.”⁴

Unfortunately, two years into the Biden administration, and over a year after receipt of our Petition, Interior has undertaken no substantive policy action to align federal fossil fuel production with climate goals. The disconnect between the Biden administration's commitment to address climate change and its ongoing fossil fuel expansion on public lands is shown, for example, by the approval of the massive Willow project, the Bureau of Land Management's ongoing expansion of oil and gas leasing, and by its approval of 6,430 permits for oil and gas drilling on public lands in its first two years, outpacing the Trump administration's first two years of permitting under “energy dominance” policies.

The climate crisis is urgent. The window of time in which the world must phase out oil, gas, and coal production is small and closing quickly. The natural place for that to begin is on U.S. public lands that the Department of the Interior control. Our Petition provides a viable framework for doing so. Given the urgent context of climate timelines and given Interior's failure otherwise to enact climate-coherent policy to begin federal fossil fuel phase out, Interior's failure to respond to our Petition is unreasonably and unlawfully delayed.

Please feel free to contact us with any questions.

Sincerely,

Center for Biological Diversity
Friends of the Earth
WildEarth Guardians

² *Id.*

³ Exec. Order No. 14008, Tackling the Climate Crisis at Home and Abroad, 86 Fed. Reg. 7,619 (Jan. 27, 2021)

⁴ Interior Secretarial Order 3289, Addressing the Impacts of Climate Change on America's Water, Land, and Other Natural and Cultural Resources (Sept. 14, 2009)