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January 25, 2019

Mr. David Bernhardt
Secretary of the Interior, Acting
1849 C Street NW
Washington, D.C. 20240

Dr. Walter Cruikshank
Director of the Bureau of Ocean Energy Management, Acting
1849 C Street NW
Washington, D.C. 20240

Mr. Joe Balash
Assistant Secretary for Land and Minerals Management, Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Mr. Brian Steed
Deputy Director, Policy & Programs, Bureau of Land Management
1849 C Street NW
Washington, D.C. 20240

Ms. Stephanie Rice
Project Manager
222 West 7th Avenue, Stop #13
Anchorage, Alaska 99513

Ms. Victoria Christiansen
Chief, United States Forest Service
Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Acting Secretary Bernhardt, Dr. Cruikshank, Mr. Balash, Mr. Steed, Ms. Rice, and Ms. Christiansen,

We, the undersigned organizations representing millions of members nationally and internationally, write to express our objection to the continuation of your agencies' oil and gas development and logging activities on public lands, waters, and forests during the partial federal government shutdown. We are also very concerned about the proposed revisions to the Department of the Interior's (DOI) Freedom of Information Act (FOIA) regulations, which would curtail public access to agency information on the management of federal public lands and waters.

As this shutdown drags on, some 800,000 federal employees go without pay, national parks are vandalized, forest fire prevention grinds to a halt, and Native Americans lose access to food and health care. Nonetheless, your agencies deem it necessary to focus your limited resources on opening up Bureau of Land Management (BLM) field offices to issue drilling permits; holding public meetings on oil and gas development on Alaska's North Slope; calling in staff at the Bureau of Ocean Energy Management (BOEM) to continue work on expanding offshore oil and gas development; and working on United States Forest Service (USFS) logging projects, timber sales, and proposals to repeal the Roadless Rule in Alaska, among other actions. It is untenable

for the administration to place industry interests over the protection of community health and public resources.

Because your agencies lack the necessary funds and staff to fully comply with applicable legal requirements, which include mandatory environmental reviews and public comment periods, we ask that you postpone work to prepare the five year oil and gas program, stop efforts to prepare oil and gas lease sales, cease work on all onshore and offshore oil and gas permitting and planning activities, postpone action on timber sale projects, stop all work on the Alaska-specific “Roadless Rule,” and immediately stay all public comment periods related to oil and gas and hardrock mining development, and the proposed DOI FOIA regulatory revisions.

We understand that at least one agency e-planning website was inaccessible to the public for at least the first five days of the shutdown. In order to provide a fair and meaningful public comment process, we also ask that these comment periods be extended for a period equal to the number of days the government was shutdown, plus the length of any pending extension request.

Bureau of Land Management

On January 14, 2019, BLM employees across the country were asked to return to work to resume processing applications for permits to drill (APDs) and to issue oil and gas leases on public lands.¹ In contrast, during the shutdown in 2013, the only BLM employees required to work were those responsible for safety inspections and enforcement at well sites, tanks, and pipelines. In the BLM Alaska office, rather than focusing on priority investments to ensure the stewardship of public values, previously appropriated funds are being used instead to hold public meetings on the proposal to expand oil and gas development into sensitive ecological areas in the National Petroleum Reserve-Alaska. In addition, the rush to commence the public comment period on the proposed oil and gas lease sale for the Arctic National Wildlife Refuge on December 20th, and the decision to keep it open throughout the shutdown, curtails access to federal employees who could answer questions and clarify information for the public.

Under the Federal Land Policy and Management Act (FLPMA)² and National Environmental Policy Act (NEPA)³, BLM is mandated to conduct environmental reviews and 30-day public comment and protest periods to hold upcoming oil and gas lease sales. Yet, the agency has not provided any information regarding the status of upcoming lease sales and associated comment and protest periods. As of January 24, 2019, BLM has approved 22 new drilling operations and

¹ Dlouhy, Jennifer. Trump Administration Works Overtime to Make Sure Shutdown Doesn't Stop Oil Drilling. *Bloomberg*. January 8, 2019. See <https://www.bloomberg.com/news/articles/2019-01-08/trump-is-giving-oil-industry-a-bye-in-shutdown-critics-allege>.

² 43 U.S.C. 35, §1701 *et seq.*

³ 42 U.S.C. 55, §4321 *et seq.*

15 new oil and gas leases, and accepted 224 drilling permits and 126 nominations of public land parcels to be leased for oil and gas development.⁴

Additionally, multiple comment periods regarding hardrock mines throughout the country have overlapped with the shutdown. Among others, these include phosphate and copper mines. For example, on December 20, 2018, the BLM initiated a 30-day comment period on an environmental assessment (EA) to renew two expired hardrock mineral leases held by Twin Metals Minnesota (Antofagasta) in the Superior National Forest⁵ in the headwaters of the Boundary Waters Canoe Area Wilderness and Voyageurs National Park. The EA assumes lease renewal is mandatory and fails to consider any significant impact or a true no-lease-renewal-alternative.

Bureau of Ocean Energy Management

At least 40 BOEM employees were recently asked to return to work to complete preparations for the release of the Trump administration's proposed offshore drilling program, offshore seismic exploration permits, and upcoming lease sales in the Gulf of Mexico.⁶ They were not asked to fulfill other responsibilities such as offshore wind development. The agency claimed these changes were necessary in order to "comply with the Administration's America First energy strategy" and because failure to move forward with oil and gas development decisions would "have a negative impact to the Treasury and negatively impact investment in the U.S. Offshore Gulf of Mexico."⁷ The Bureau of Safety and Environmental Enforcement's (BSEE) contingency plan also provides for "sustained exploration and development of energy resources on the Outer Continental Shelf," including the receipt and processing of applications for drilling and other permits for offshore oil and gas operations.

BOEM has not provided substantive justifications as to why it's spending limited resources to only advance oil and gas development activities rather than other beneficial public programs, such as offshore wind production. Such policy bias is irresponsible given the widespread opposition to the expansion of offshore drilling and energy exploration from the majority of Americans, tens of thousands of local businesses, over 315 municipalities, nearly every coastal Governor, and bi-partisan lawmakers at the local, state, and federal levels.⁸

⁴ See <https://reports.blm.gov/report/AFMSS/7/30-Day-Federal-Public-Posting>

⁵ <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=98730>

⁶ Bureau of Ocean Energy Management FY 19 Contingency Plan. January 2019. See <https://www.doi.gov/sites/doi.gov/files/2019-1-boem-contingency-plan.pdf>.

⁷ *Ibid.*

⁸ Grassroots Opposition to Offshore Drilling and Exploration in the Atlantic Ocean and off Florida's Gulf Coast. See <https://usa.oceana.org/climate-and-energy/grassroots-opposition-offshore-drilling-and-exploration-atlantic-ocean-and#toc-municipalities-opposing-offshore-drilling-and-or-seismic-airgun-blasting>.

U.S. Forest Service

According to USDA's December 21, 2018 press release, "[n]ew timber sales" are among those activities that "would not be continued and would be shut down in an orderly fashion during a government funding lapse." This decision makes sense, given the strong public interest in timber projects. Unfortunately, we understand that work has occurred on multiple timber projects, including the single largest commercial old-growth logging project on national forest lands in roughly 30 years—the Prince of Wales Landscape Level Analysis Project⁹, where the Forest Service proposes to log the majestic ancient forests of the Tongass rainforest. As long as the government shutdown continues, the appropriate course is to postpone all action on all new timber sale projects, including preparing sales, any analysis, and objection meetings, until a later date when the Forest Service can adequately respond to inquiries and reach a final decision in an open and transparent fashion.

It has also been reported that in many National Forests across the West, logging has continued under the supervision of federal contract administrators within the USFS and BLM, even though other personnel with expertise in wildlife biology, protection of Native American sites and cultural resources, and public safety remain furloughed and unable to ensure those values are protected.

We also are aware that Forest Service staff has been actively working on the environmental impact statement (EIS) for Roadless Area Conservation within the National Forest System Lands in Alaska¹⁰. The USFS should not be devoting critical funds in efforts to rollback protections of our natural resources and public lands, while ignoring important priorities to Alaskans and all Americans.

The Forest Service should be maintaining public services, repairing environmental damage in our forests, supporting non-extractive industries such as tourism, outdoor recreation and fishing, and preparing for the upcoming fire season instead of working on timber projects and the roadless rule.

Department of Interior FOIA Regulations

On December 28, 2018, DOI proposed troubling revisions to its Freedom of Information Act regulations.¹¹ This proposal was published during the shutdown on the Friday between Christmas and New Year's Eve, when many Americans were taking time off. It appears from the

⁹ See <https://www.fs.fed.us/shutdown>

¹⁰ See <https://www.fs.fed.us/shutdown>

¹¹ See 83 Fed. Reg. 67,175 (Dec. 28, 2018).

timing of the proposed rule and the recent reopening of the DOI FOIA¹² office that DOI staff was, and likely still is, working on these regulations during the shutdown. The proposed revisions, such as creating stricter standards for obtaining fee waivers, would impose more burdens on Americans who are seeking information from DOI. By imposing monthly limits on the amount of information received by the public and consolidating approval authorities to political appointees, these revisions would subvert the Freedom of Information Act's purpose of ensuring government transparency.

As the American people endure the painful impacts of the longest federal government shutdown in American history, and recent scientific reports highlight the urgent climate danger of expanding federal fossil fuel development, private interests that seek to profit from the development of our public lands, waters, and forests continue to receive special treatment.

We ask that your agencies postpone work on the five-year oil and gas program as well as all oil and gas lease sales, cease work on all onshore and offshore oil and gas permitting and planning activities, and discontinue planning and implementation of timber sales, as well as state-specific roadless rules. We also ask for immediate extensions of all public comment periods related to oil and gas and mining development and leases and the proposed DOI FOIA regulatory revisions for a period equal to the number of days the government was shutdown, plus the length of any pending extension request. Instead, available resources should be used to ensure the safety and health of the natural resources your federal agencies have a duty to protect.

Sincerely,

Alaska Wilderness League
American Bird Conservancy
Audubon Society of Portland
Bark
Basin and Range Watch
Braided River
California Wilderness Coalition
Center for Biological diversity
Chattooga Conservancy
Cherokee Forest Voices
Chichagof Conservation Council
Citizens For Responsible Oil & Gas - CFROG
Conservation Congress
Cook Inletkeeper

¹² Doyle, Michael and Bogardus, Kevin. More employees trickle back to work, raising questions. *E&E News PM*. January 22, 2019. See <https://www.eenews.net/eenewspm/2019/01/22/stories/1060118095>.

Defenders of Wildlife
Earthjustice
Earthworks
Edge on Science
Environment America
Environmental Action Committee of West Marin
Environmental Defense Center
Environmental Law & Policy Center
Environmental Protection Information Center
Fort Berthold POWER
Friends of Plumas Wilderness
Friends of the Bitterroot
Friends of the Earth US
Friends of the Inyo
Georgia ForestWatch
Geos Institute
Grand Canyon Trust
Greenpeace
Gwich'in Steering Committee
High Country Conservation Advocates
Idaho Conservation League
Idaho Organization of Resource Councils
Institute for Ocean Conservation Science
Klamath Forest Alliance
Klamath-Siskiyou Wildlands Center
Lesson Forest Preservation Group
Los Padres ForestWatch
Lynn Canal Conservation
MountainTrue
National Audubon Society
Native Movement
Natural Resources Defense Council
New Mexico Horse Council
New Mexico Sportsmen
New Mexico Wilderness Alliance
Northern Alaska Environmental Center
Northern Plains Resource Council
Ocean Conservation Research
Oregon Wild
Pacific Environment

Partnership for Policy Integrity
RESTORE: The North Woods
San Luis Valley Ecosystem Council
Save Our Shores
Save Our Sky Blue Waters
Save the Sound
Sequoia ForestKeeper®
Sheep Mountain Alliance
Sierra Club
Sierra Club Utah Chapter
Sierra Forest Legacy
Sitka Conservation Society
Soda Mountain Wilderness Council
Southeast Alaska Conservation Council
Southern Environmental Law Center
Southern Utah Wilderness Alliance
Surfrider Foundation
The TerraMar Project
The Wilderness Society
Umpqua Watersheds, Inc.
Ventana Wilderness Alliance
Waterkeeper Alliance
Western Colorado Alliance for Community Action
Western Environmental Law Center
Western Organization of Resource Councils
Western Values Project
Western Watersheds Project
Whale and Dolphin Conservation
WildEarth Guardians
WildWest Institute
Yaak Valley Forest Council
Yellowstone to Uintas Connection