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So It Begins – Biden "Pauses" New Oil and Gas Leases on Federal Lands

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Today, President Biden issued the much awaited Executive Order on Tackling the Climate Crisis at Home and Abroad (the "Order"). Section 208 orders a "pause" on issuing new oil and gas leases on public lands or offshore waters "pending completion of a comprehensive review and reconsideration of Federal oil and gas permitting and leasing practices in light of the Secretary of the Interior's broad stewardship responsibilities over the public lands and in offshore waters, including potential climate and other impacts associated with oil and gas activities on public lands or in offshore waters." Consideration is to be given to adjusting royalties associated with coal, oil, and gas resources or to take other appropriate action to account for "corresponding" climate costs. Unlike Secretarial Order No. 3395 issued last week, it does not attempt to assert jurisdiction over Indian lands.

Section 209 directs federal agencies to eliminate fossil fuel subsidies from the budget request for Fiscal Year 2022 and thereafter "as consistent with applicable law."

In addition, Section 216 commits to the goal of conserving at least 30% of all federal land and water by 2030. Presumably, this will be accomplished, at least in part, by further executive orders creating federal monuments pursuant to the president's authority under the Antiquities Act.

What does the Order not do? It does not give a time frame for the "pause" on new leasing. It does not create a "fracking ban." It does not ban new drilling operations on existing federal leases.

Stay tuned. This is certainly only the beginning.

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