

**Congress of the United States**  
**Washington, DC 20515**

October 22, 2018

Mr. Brian Steed  
Deputy Director, Policy and Programs  
Bureau of Land Management  
1849 C St. NW  
Washington, DC 20240

Dear Deputy Director Steed:

We are writing in light of a recent court ruling to urge you to rescind the anti-transparency and anti-environmental Instruction Memorandum (IM) 2018-034 issued earlier this year that reversed important oil and gas leasing reforms that ensured the public had a meaningful say in decisions about energy development on public lands. On September 21, 2018, a U.S. District Court judge issued a preliminary injunction blocking the use of IM 2018-034 to expedite oil and gas lease sales in greater sage-grouse habitat, which spans 67 million acres in 11 Western states.<sup>1</sup> The IM in question replaced policies designed to maximize public involvement in oil and gas leasing decisions with new directives to issue leases at breakneck speed after a curtailed environmental review process and shortened public comment periods.<sup>2</sup> While the court's ruling was only applied to sage-grouse planning areas or habitat management areas, the rationale in the ruling highlighted the inappropriateness of using IM 2018-034 anywhere in the country, and clearly demonstrated the need for that IM to be repealed. We also ask you to delay the oil and gas lease sales scheduled for December 2018 so that the Bureau of Land Management (BLM) has time to fully involve the public in those sales, as required by the court.

The preliminary injunction directs the BLM to make three significant changes that we believe should apply across all agency land managed for oil and gas development. First, it restores the policy concerning public participation in the lease nomination process by replacing the IM 2018-034 language that states BLM staff "may" provide for public participation, with language from IM 2010-117 stating BLM staff "will" provide for public participation.<sup>3</sup> Second, it reinstates a 30-day public review and comment period for environmental reviews preceding a leasing decision made by a BLM State Director, which was eliminated under IM 2018-034. Third, the preliminary injunction reverses the decision to shorten the protest period for oil and gas lease sales from 30 days to 10 days.

The judge issuing the ruling was conclusive when it came to the impacts of BLM's new procedures. He states, "the record contains significant evidence indicating that BLM made an intentional decision to limit the opportunity for (and even in some circumstances to preclude entirely) any contemporaneous public involvement in decisions concerning whether to grant oil

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<sup>1</sup>Western Watersheds Project v. Zinke, 2018 U.S. Dist. LEXIS 162279

<sup>2</sup> <https://www.blm.gov/policy/im-2018-034>


<sup>3</sup> Ref 1.

and gas leases on federal lands,” and in referring to public involvement requirements under the National Environmental Policy Act (NEPA) and Federal Land Policy and Management Act (FLPMA) that, “it strains common sense to see how these requirements are fulfilled” under IM 2018-034.<sup>4</sup> The judge concluded with a definitive statement: “the public involvement requirements of FLPMA and NEPA cannot be set aside in the name of expediting oil and gas lease sales.”

Moreover, the court’s conclusions on the necessity and importance of public involvement in the oil and gas leasing process are applicable nationwide, not simply in some habitats. The public needs to have confidence that government officials will hear their concerns relating to energy development on public lands, and citizens across the country should be guaranteed the opportunity to participate in BLM’s decision-making process. All Americans deserve to have their voices heard about critical oil and gas development proposals that could impact their health, their homes, their communities, and the public lands and special natural places they care about.

The only fair resolution to this issue is to rescind IM 2018-034 and return to the oil and gas leasing practices that were in place prior to its issuance. Since the oil and gas lease sales scheduled for December 2018 have already reached a point such that the planning for those sales has violated the terms of the September 21 ruling, those lease sales should be delayed to allow the public to fully participate.

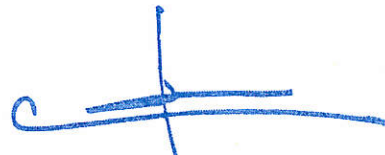
Sincerely,




Raúl M. Grijalva  
Ranking Member  
Committee on Natural Resources



Alan Lowenthal  
Ranking Member  
Subcommittee on Energy and  
Mineral Resources



Colleen Hanabusa  
Ranking Member  
Subcommittee on Federal Lands



Jared Huffman  
Ranking Member  
Subcommittee on Water, Power and  
Oceans

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<sup>4</sup> Id.

A. Donald McEachin

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Ranking Member  
Subcommittee on Oversight and  
Investigations

Salud O. Carbajal

Salud O. Carbajal  
Member of Congress

Frank Pallone, Jr.

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Earl Blumenauer

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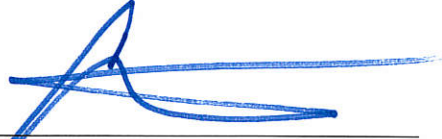
Mark Pocan  
Member of Congress



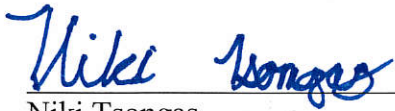
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Grace F. Napolitano  
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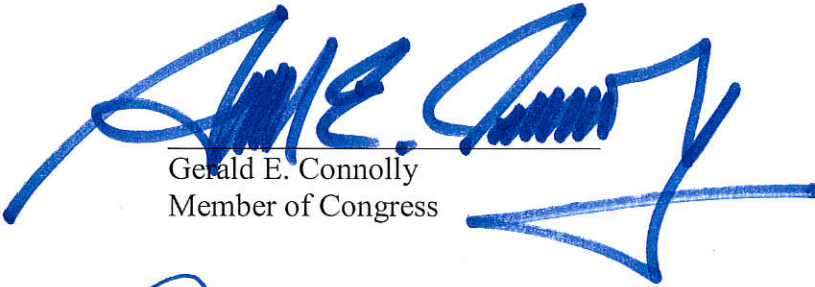
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Gregory W. Meeks  
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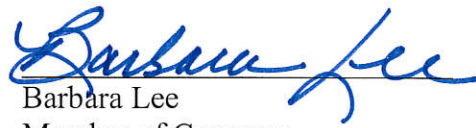
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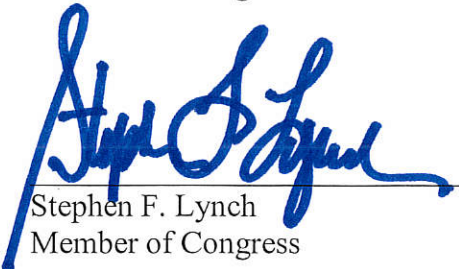
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Jerry McNerney  
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Barbara Lee  
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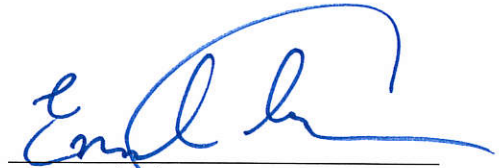
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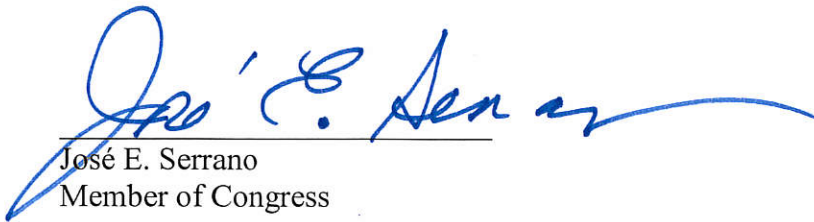
Nydia Velázquez  
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Peter Welch  
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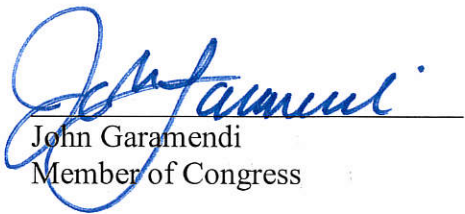
Emanuel Cleaver, II  
Member of Congress



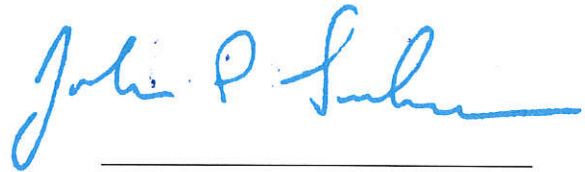
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John Garamendi  
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Dina Titus  
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Bennie Thompson  
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David E. Price  
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Frederica S. Wilson  
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John Yarmuth  
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Steve Cohen  
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