

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

December 7, 2020

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C St. NW
Washington, DC 20240

Dear Secretary Bernhardt:

We have repeatedly expressed our strong opposition to offering the Coastal Plain of the Arctic National Wildlife Refuge (Arctic Refuge) for oil and gas leasing, and the needlessly rushed and reckless method by which the Department of the Interior (DOI) has developed and carried out each step of the leasing program. The Department's race to issue leases in the final days of the Trump administration has therefore been unsurprising, but nevertheless disappointing to anyone who cares about Native Alaskan input, the environment, our climate, wildlife, stewardship of our nation's natural resources, and adhering to the rule of law.

Today's Notice of Sale for the Arctic Refuge is particularly shameful and legally unsupportable, even by the already low standards of this administration. To begin with, on November 17, BLM published a Call for Nomination and Comments for the Coastal Plain Alaska Oil and Gas Lease Sale, with a 30-day comment period that does not end for another 10 days. Publishing the Notice of Sale prior to the deadline for comments makes it clear that this call for comments was purely for show, although at least that is an accurate reflection of the amount of value this administration places on public input.

In addition, under the relevant Bureau of Land Management (BLM) regulations at 43 C.F.R. 3131.4-1(a), "The publication [of the notice of sale] in the Federal Register shall be at least 30 days prior to the date of the sale." However, today's notice states that "The BLM must receive all sealed bids by 4 p.m. AKST, Thursday, December 31, 2020," which is only 23 days from the publication. BLM appears to be pretending to adhere to the regulation by waiting until January 6, 2021, to open the bids, but simply saying that is the date of "the lease sale" defies common sense and almost certainly violates the regulation.

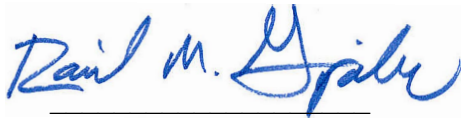
Tricks like these may allow DOI to issue its desired press release announcing lease sales in the Arctic Refuge before President-Elect Joseph Biden takes over, but it increases the chances that any issued leases will be legally indefensible and easily rescinded by the next administration or bought back by Congress, if the entire program has not already been vacated through one of the

numerous lawsuits that have been filed against it. Any company interested in bidding on these leases should understand that the chances of drilling a single well in the Arctic Refuge are exceedingly slim, in no small part due to the mismanagement, political interference, and flagrant violations of law that are the hallmark of the Trump administration.

We will continue to fight in the 117th Congress to repeal the Arctic Refuge leasing provision that was tacked onto the 2017 Republican tax bill, and we intend to work with the Biden administration to protect the Arctic Refuge and undo any illegal steps the Trump administration is taking to rush these leases out the door.

We would appreciate a legal explanation of how DOI understands the meaning of “the date of the sale,” and how requiring bids to be submitted after only 23 days is consistent with 43 CFR 3131.4-1(a). We further request an explanation of how you can justify a notice of a lease sale during an open call for nominations, during which the agency is asking for specific information to inform the lease sale. We also remind you of your obligation to preserve documents, records, and information previously requested by Congress, as highlighted by the letter you were sent by several House Committee Chairs on November 10, 2020.

Sincerely,



Raúl M. Grijalva
Chair
House Natural
Resources Committee



Jared Huffman
Chair
Subcommittee on Water,
Oceans, and Wildlife



Alan Lowenthal
Chair
Subcommittee on Energy
and Mineral Resources