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OF THE EARTH * LEAGUE OF CONSERVATION VOTERS * MONTANA WILDLIFE
FEDERATION * NATIONAL PARKS CONSERVATION ASSOCIATION * NATURAL
RESOURCES DEFENSE COUNCIL * PUBLIC CITIZEN * ROCKY MOUNTAIN WILD
* SIERRA CLUB * WILD MONTANA * THE WILDERNESS SOCIETY *
WILDERNESS WORKSHOP**

March 23, 2022

Tracy Stone-Manning
Director
U.S. Bureau of Land Management
1849 C Street NW
Washington, DC 20240

**RE: Request for Supplemental National Environmental Policy Act Analyses for the
Proposed Quarter One 2022 Lease Sales.**

Dear Director Stone-Manning:

Our organizations recommend that BLM reconsider its National Environmental Policy Act (NEPA) reviews of the onshore quarter one 2022 lease sales in light of two recent developments.

First, since BLM posted the draft Environmental Assessments for the lease sales, the Intergovernmental Panel on Climate Change (IPCC) released a devastating report on the climate crisis, documenting widespread, pervasive impacts to ecosystems and people. Second, the Interagency Working Group (IWG) on the Social Cost of Greenhouse Gases (SC-GHG) is scheduled to release its final update to the SC-GHG estimates in the near future. BLM should strongly consider delaying further action on the lease sales until the IWG is able to release final updated SC-GHG estimates and BLM can incorporate the estimates into the NEPA documents. After that time, we respectfully request that the agency evaluate both the new IPCC report and the updated estimates and issue draft supplemental NEPA analyses on climate impacts for each lease sale, with a subsequent 60-day comment period, to allow adequate opportunity for community groups to participate, or, at the least, a 30-day comment period. We believe robust analyses will demonstrate that moving forward with onshore sales is incompatible with BLM's legal obligations under the Federal Land Policy and Management Act (FLPMA) and NEPA, climate science, and the Administration's climate priorities and commitments.

- 1. BLM should update the NEPA analyses for all lease sales to account for significant new information from the IPCC's climate report.**

In late February, the IPCC issued a sobering report with important new findings on the impacts of climate change.¹ The report constitutes significant new information under NEPA that BLM should analyze in its environmental reviews of the lease sales.² The report's findings require BLM to update its analyses, including the environmental baseline for climate change, in the draft environmental documents.

The report includes critical information on, among other things, the damage and loss of life from climate and weather extremes, species loss, increased food and water insecurity, ocean warming and acidification, and harm to human physical and mental health.³ Extreme weather and climate have led to “irreversible impacts as natural and human systems are pushed beyond their ability to adapt,” with the “most vulnerable people . . . disproportionately affected.”⁴ The report highlights the limits on the ability of ecosystems and society to adapt, and the narrowing window to avert irreversible impacts and to enable climate resilience.⁵ In the face of this crisis, the quarter one lease sales appear incompatible with necessary efforts to quickly phase out fossil fuels in order to adequately address the climate emergency.⁶

Stark findings in the report underscore the need to consider this new information in NEPA analyses of the lease sales, which would lock in decades of greenhouse gas emissions:

Global warming, reaching 1.5°C in the near-term, would cause unavoidable increases in multiple climate hazards and present multiple risks to ecosystems and humans. . . . *Near-term actions that limit global warming to close to 1.5°C would substantially reduce projected losses and damages related to climate change in human systems and ecosystems, compared to higher warming levels . . .*⁷

¹ Intergovernmental Panel on Climate Change, *Summary for Policymakers, in Climate Change 2022: The Physical Science Basis*, Working Group II Contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change SPM (2022) [hereinafter IPCC 2022 Report], <https://www.ipcc.ch/report/ar6/wg2/>. This report is attached as an appendix. We request that BLM add the report to the administrative record for each of the quarter one 2022 lease sales.

² See *Tri-Valley CAREs v. United States DOE*, 671 F.3d 1113, 1130 (9th Cir. 2012) (explaining, in the context of new information bearing on an Environmental Assessment, that NEPA “requires supplementation of *any* NEPA analysis” in response to significant new information (emphasis added)); *Indigenous Env'tl. Network v. United States Dep't of State*, 317 F. Supp. 3d 1118, 1123 (D. Mont. 2018) (“Federal Defendants possess the obligation to analyze new information relevant to the environmental impacts of its decision.”); see also *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 372 (1989) (requiring supplementation when there is new information relevant to environmental concerns for the proposed action); 40 C.F.R. § 1502.9 (2020) (explaining that an agency “[m]ay also prepare supplements when the agency determines that the purposes of [NEPA] will be furthered by doing so”).

³ IPCC 2022 Report at SPM-7 to SPM-35.

⁴ *Id.* at SPM-7 to SPM-8.

⁵ *Id.*

⁶ See *id.* at SPM-26, SPM-29 to SPM-30, SPM-32, SPM-35.

⁷ *Id.* at SPM-13 (emphasis added).

The report demonstrates the need for “urgent” institutional action.⁸ The ability to avoid the devastating impacts of climate change is “increasingly limited if current greenhouse gas emissions do not rapidly decline, especially if 1.5°C global warming is exceeded in the near term.”⁹ This means that BLM must enact a plan to reduce emissions stemming from *existing leases*, let alone potential new leases.

We therefore strongly urge BLM to issue draft supplemental NEPA analyses on climate impacts for each lease sale with a subsequent 60-day comment period—or, at the least, 30 days—to account for the IPCC report’s significant new information.

2. BLM should incorporate the IWG’s final update to the SC-GHG estimates into the lease sale NEPA analyses.

The IWG is scheduled to release its final update to the SC-GHG estimates in the near future.¹⁰ BLM is obligated to comprehensively evaluate the climate impacts of lease sales,¹¹ including by properly quantifying the impacts of GHG emissions on climate change in its leasing decisions.¹² The SC-GHG estimates provide a widely accepted, useful metric that allows agencies to quantify, monetize, and contextualize greenhouse gas impacts consistent with climate

⁸ *Id.* at SPM-26 to SPM-27, SPM-29 to SPM-30, SPM-32.

⁹ *Id.* at SPM-35.

¹⁰ See 86 Fed. Reg. 24,669, 24,670 (May 7, 2021); Jean Chemnick, *Here Comes the Social Cost of Carbon. Will It Address EJ?*, E&E NEWS, (Feb. 10, 2022), <https://www.eenews.net/articles/here-comes-the-social-cost-of-carbon-will-it-address-ej/> (last visited, March 3, 2022).

¹¹ *E.g.*, *Sierra Club v. Fed. Energy Regulatory Comm’n*, 867 F.3d 1357, 1374 (D.C. Cir. 2017); *Ctr. for Biological Diversity v. Nat’l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1200, 1215–17, 1223 (9th Cir. 2008); 40 C.F.R. § 1500.1; *see also* Secretary of the Interior Order No. 3399, Department-Wide Approach to the Climate Crisis and Restoring Transparency and Integrity to the Decision-Making Process, Sec. 5(b) (Apr. 16, 2021) [hereinafter SO 3399] (“[W]hen a Bureau/Office determines that a monetized assessment of socioeconomic impacts is relevant, the SC-GHG protocol is an essential tool to quantify the costs and benefits associated with a proposed action’s GHG emissions and relevant to the choice among different alternatives being considered.”).

¹² *WildEarth Guardians v. Zinke*, 368 F. Supp. 3d 41, 67–77 (D.D.C. 2019); *see Vecinos Para El Bienestar De La Comunidad Costera v. Federal Energy Regulatory Commission*, No. 20-1045, 2021 WL 3354747, at *1328–29 (D.C. Cir. Aug. 3, 2021); *Ctr. for Biological Diversity*, 538 F.3d at 1215–17; *California v. Bernhardt*, 472 F. Supp. 3d 573, 612–14 (N.D. Cal. 2020) (emphasizing the importance of using social cost models based on the best available scientific data and finding BLM’s use of an interim domestic measure to be arbitrary and capricious); *High Country Conservation Advocates*, 52 F. Supp. 3d 1174, 1190–93 (D. Colo. 2014); SO 3399, Sec. 5(b).

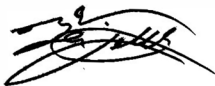
science, along with “facilitat[ing] sound decision-making.”¹³ Further, the agency is mandated to monetize the costs of GHG emissions if it considers monetized economic benefits of a project.¹⁴

BLM should strongly consider delaying further action on the lease sales until the IWG releases its final updated SC-GHG estimates. Then, the agency should incorporate these updated estimates into its climate analyses of the sales.

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Because of the significant new information presented in the recently released IPCC climate report, along with the pending release of the IWG’s final updated SC-GHG estimates, we request that BLM issue draft supplemental NEPA documents on climate impacts for each lease sale that consider the climate report and the updated estimates, with a subsequent 60-day or, at the least, 30-day comment period. We believe analysis that properly considers climate impacts will demonstrate that moving forward with onshore sales is incompatible with BLM’s legal obligations under FLPMA and NEPA, climate science, and the Administration’s climate priorities and commitments.

Respectfully,



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¹³ Exec. Order No. 13,990 § 5(a)–(b), 86 Fed. Reg. 7037 (Jan. 25, 2021).

¹⁴ *Ctr. for Biological Diversity*, 538 F.3d 1172, 1198–2000.

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APPENDIX