



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3401

Subject: Comprehensive Analysis and Temporary Halt on all Activities in the Arctic National Wildlife Refuge Relating to the Coastal Plain Oil and Gas Leasing Program

Sec. 1 **Purpose.** This Order is taken in furtherance of Section 4(a) of Executive Order (EO) 13990, entitled, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis” (January 20, 2021).

Sec. 2 **Authorities.** This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, and other applicable statutory authorities.

Sec. 3 **Background.** Section 4(a) of EO 13990, provides, in full:

In light of the alleged legal deficiencies underlying the program, including the inadequacy of the environmental review required by the National Environmental Policy Act, the Secretary of the Interior shall, as appropriate and consistent with applicable law, place a temporary moratorium on all activities of the Federal Government relating to the implementation of the Coastal Plain Oil and Gas Leasing Program, as established by the Record of Decision signed August 17, 2020, in the Arctic National Wildlife Refuge. The Secretary shall review the program and, as appropriate and consistent with applicable law, conduct a new, comprehensive analysis of the potential environmental impacts of the oil and gas program.

My review of the Coastal Plain Oil and Gas Leasing Program (Program) as directed by EO 13990 has identified multiple legal deficiencies in the underlying record supporting the leases, including, but not limited to: (1) insufficient analysis under the National Environmental Policy Act (NEPA), including failure to adequately analyze a reasonable range of alternatives in the environmental impact statement (EIS); and (2) failure in the August 17, 2020, Record of Decision (ROD) to properly interpret Section 20001 of Public Law 115-97 (Tax Act).

Sec. 4 **Directive.** Based on those identified deficiencies, the Department of the Interior (Department) will conduct a new, comprehensive analysis of the potential environmental impacts of the Program and address the identified legal deficiencies. While that analysis is pending, I direct a temporary halt on all Department activities related to the Program in the Arctic Refuge.

Sec. 5 Implementation. Consistent with EO 13990 and governing laws and regulations, I direct the following actions:

- a. Within 60 days of the issuance of this Order, the Assistant Secretary for Land and Minerals Management will, in coordination with the Assistant Secretary for Fish and Wildlife and Parks and the Solicitor's Office, publish a notice of intent in the Federal Register to initiate the process to conduct a comprehensive environmental analysis, complete necessary consultation, and correct the identified legal deficiencies.
- b. Until the analysis in Sec. 5(a) above is complete, the Directors of the Bureau of Land Management (BLM) and the U.S. Fish and Wildlife Service shall not take any action to authorize any aspect of the Program, including, but not limited to, any leasing, exploration, development, production, or transportation, and shall not process any pending or future applications for such activities.
- c. The Assistant Secretary for Land and Minerals Management and the Director of the BLM shall, as appropriate and consistent with applicable law, take appropriate action with respect to existing leases in light of the direction provided herein. To the extent not already redelegated, I hereby redelegate the authority to take such action or to exercise any authority granted to the Secretary of the Interior by Section 20001 of Pub. L. No. 115-97 (December 20, 2017) to the Assistant Secretary for Land and Minerals Management, the Principal Deputy Assistant Secretary for Land and Minerals Management, the Director of the BLM, and the Deputy Director for Policy and Programs for the BLM.
- d. The Solicitor's Office will work with the Department of Justice to seek additional stays on litigation until the analysis in Sec. 5(a) is complete.

Sec. 6 Effect of the Order. This Order is intended to improve the internal management of the Department. This Order and any resulting report or recommendations are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officer or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 7 Expiration Date. This Order is effective immediately and will remain in effect until it is amended, superseded, or revoked, whichever occurs first.



Secretary of the Interior

Date: June 1, 2021