



BLM Issues New Federal Oil and Gas Leasing Policies; Reinstates Obama Era Policies

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Late on Friday, April 30, 2021, the Bureau of Land Management issued new oil and gas leasing policies in the form of BLM Instruction Memorandum (IM) 2021-027. The full document can be accessed at <https://www.blm.gov/policy/im-2021-027> and is also available [here](#).

In a nutshell, these “new” BLM oil and gas leasing policies and procedures largely reinstate 2010 policies from President Obama’s administration, BLM IM 2010-117. This is significant to industry because the new policies will likely result in substantial delays in BLM offering nominated lease parcels for competitive sale, longer timeframes for NEPA reviews, and more deferrals of nominated parcels that are protested by interest groups.

In the preamble for the new IM, BLM expressly states this new policy guidance is being issued in accordance with President Biden’s Executive Order 13990, titled “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.”

These new and reinstated policies and procedures extend the review periods for parcels nominated for competitive sale, require more site-specific environmental review and analysis before parcels can be offered for sale, and encourage BLM to “coordinate and/or consult on the parcel review and NEPA analysis with interested parties potentially affected by the BLM’s leasing decisions.” BLM IM 2021-027, Section III.B.4.

As with the 2010 policies, BLM is again encouraging a procedure where BLM State and Field Offices develop a lease sale schedule that emphasizes “rotating lease parcel review responsibilities among field offices throughout the year.” BLM IM 2021-027, Section III.A.

In terms of NEPA compliance, the policies largely reinstate the prior 2010 timeframes regarding public participation and protest periods. The new policy also allows for the creation of discretionary “Regional Teams” comprised of several State Offices to “help meet the goals of having reasonable and consistent stipulations; expediting adjudication of nominations; resolving protests; issuing leases; ensuring consistency among offices in their approach to preparing protest responses and providing notification of protest status; and supporting other leasing processes.” BLM IM 2021-027, Section IV.D. These Regional Teams will likely focus on macro-land management issues for leasing, such as range-wide species like the greater sage grouse.

While the Biden Administration asserts that these new policies will bring more certainty and fewer legal challenges to lease sales, based upon the track record of the Obama era policies, it is doubtful that the new policies will provide meaningful benefits to industry.

Please contact [Bret Sumner](#) for more information.