



## **Interior Revokes Orders Supporting Federal Oil and Gas Development and Issues Order Prioritizing Climate Change and Renewable Energy Projects**

By: [Nicole Blevins](#)

Secretary of the Interior Deb Haaland recently issued two Secretarial Orders effectively revoking several pro-federal oil and gas development orders issued by the Trump Administration while also prioritizing action on climate change and renewable energy projects. These orders are significant to industry because they lay the foundation for new policies that will slow the pace of oil and gas development on federal lands and increase development and operation costs.

### Secretarial Order 3398

[Secretarial Order 3398](#), “Revocation of Secretary’s Orders Inconsistent with Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis” (S.O. 3398) revokes several pro-energy development Trump Administration orders as inconsistent with Biden Administration policy as set forth in [Executive Order 13990](#) regarding protecting public health as related to climate.

In addition, S.O. 3398 requires the Department of the Interior to review all policies and instructions that implemented the revoked orders or that are otherwise inconsistent with the policies set forth in E.O. 13990 and to provide a list of such policies that warrant further action, within 60 days. This is similar to policy reviews undertaken by the Trump Administration, but is designed to remove any permitting streamlining enacted by the Trump Administration and to instead add additional reviews and hurdles to oil and gas development under the Biden Administration.

### Secretarial Order 3399

[Secretarial Order 3399](#), “Department-Wide Approach to the Climate Crisis and Restoring Transparency and Integrity to the Decision-Making Process” (S.O. 3399) establishes a Departmental Climate Task Force to develop a strategy to reduce climate pollution and counsel the Secretary, a member of the National Climate Task Force (NCTF). S.O. 3399 defines the NCTF’s mission to include:

- Development of new policies to prioritize climate change in policymaking and budget processes;
- Review and reconsideration of Federal oil and gas leasing and permitting practices;

- Prioritizing permitting and environmental review of renewable energy projects;
- Identifying policies and actions to foster economic revitalization of, and investment in communities; and
- Identifying actions to address current and historic environmental injustice to address the cumulative impacts on disadvantaged communities.

### National Environmental Policy Act

S.O. 3399 also states that Bureaus/Offices within the Department of the Interior will not apply the Trump Administration's September 14, 2020 National Environmental Policy Act (NEPA) rule, which included substantive changes to streamline NEPA reviews, in a manner that would change the application or level of NEPA that would have been applied to a proposed action before the 2020 Rule went into effect. Thus, the S.O. 3399 essentially directs the Department to disregard the 2020 Rule's substantive changes, such as the 2020 Rule's new definition of "effects" or "impacts" and elimination of the cumulative impacts concept, if they will result in less NEPA analysis.

### Greenhouse Gases

S.O. 3399 further directs Bureaus/Offices to quantify greenhouse gas (GHG) emissions and compare quantities across alternatives. If quantification is not possible, the Bureaus/Offices must provide a qualitative analysis and rationale for determining that a quantitative analysis is not warranted. S.O. 3399 identifies the social cost of GHG as a useful measure to assess climate impacts of GHG emission changes for Federal proposed actions, in addition to rulemakings.

### Tribal Consultation

Finally, S.O. 3399 directs Bureaus/Offices to proactively initiate consultation with potentially impacted Tribes and engage with potentially impacted environmental justice communities early in the project planning process.

Please contact [Nicole Blevins](#), [Theresa Sauer](#), or [Bret Sumner](#) for more information.