

# Interior Secretary Immediately Implements President's Executive Order on Energy and Climate



Article By

[James M. Auslander](#)

[Peter J. Schaumberg](#)

[John G. Cossa](#)

[Beveridge & Diamond PC](#)

[Environmental Law Portal](#)

- [Environmental, Energy & Resources](#)
- [All Federal](#)

Thursday, March 30, 2017

New Secretary of the Interior **Ryan Zinke** wasted no time implementing the mandates of the **Trump Administration's** most recent [Executive Order](#) (EO), "*Promoting Energy Independence and Economic Growth*," which was issued on March 28. On March 29, the Secretary issued two Secretarial Orders (SO) implementing the March 28 Order, and took additional administrative action consistent with its mandates. Separately, the Secretary has reinstated a public-private advisory committee to address royalty issues.

The first Order, [SO 3348](#), overturns the Obama Administration's 2016 moratorium on federal coal leasing, and terminates the programmatic environmental impact statement process under National Environmental Policy Act (NEPA) that would have re-evaluated the environmental impacts of the Bureau of Land Management (BLM) coal leasing program. Hours after this SO was issued, a coalition of environmental groups [sued](#) the Department in the U.S. District Court for the District of Montana challenging the decision to lift the moratorium and resume federal coal leasing without first completing the NEPA process.

The second Order, [SO 3349](#), implements the agency review provisions of the March 28 EO directed to the Department of the Interior. Specifically, SO 3349:

1. revokes SO 3330, “Improving Mitigation Policies and Practices of the Department of the Interior,” which was a prior Department-wide directive to adopt more landscape-level mitigation strategies and more rigorous compensatory mitigation criteria;
2. directs each bureau to review all regulations, orders, and policies that could hamper energy development and, where permissible, rescind, revoke or suspend such regulations, orders, and policies;
3. directs review of Departmental actions impacting energy development, including re-evaluation of BLM’s “venting and flaring rule” for oil and gas leases, for consistency with the policies set forth in the March 28 EO;
4. directs BLM to “expeditiously proceed” with a proposal to rescind its 2015 hydraulic fracturing rule, which was invalidated by a federal district court and is now on appeal to the Tenth Circuit; and
5. directs each bureau and office to identify other existing actions that could potentially burden the development of domestic energy resources, particularly oil, gas, coal, and nuclear resources.

The SO affords the Interior agencies little time to accomplish this work. Deadlines fall within the next 90 days, including as soon as 14 days.

Finally, Secretary Zinke signed a [charter](#) re-establishing a Royalty Policy Committee (RPC). As it had done in prior years, the RPC will operate as a Federal Advisory Committee Act body providing regular advice to the Secretary on fair market value and collection of revenue from federal and Indian mineral and energy leases, including renewable energy leases. The group will consist of up to 28 federal, local, Tribal, state, and other stakeholders, and will also advise on royalty-related regulatory matters.

© 2019 Beveridge & Diamond PC

**Source URL:** <https://www.natlawreview.com/article/interior-secretary-immediately-implements-president-s-executive-order-energy-and>