



January 28, 2021

SENT VIA U.S. MAIL AND ELECTRONIC MAIL TO:
exsec@ios.doi.gov and feedback@ios.doi.gov

Hon. Scott de la Vega
Acting Secretary of the Interior
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Acting Secretary de la Vega:

On behalf of the nearly 13,000-member American Association of Professional Landmen (AAPL) and our 43 affiliated local associations across North America, we respectfully request that you immediately suspend or rescind Order No. 3395 to allow for energy permits and approvals on federal land – and to protect the American jobs and significant sums of revenues provided to states through this production. While our membership works in all mineral and energy related industries, including renewable energy industries, we find the actions taken by the administration in issuing Order No. 3395 and other recent related actions as a direct affront to our member's ability to practice their profession.

President Biden's *Executive Order on Tackling the Climate Crisis at Home and Abroad*, signed on January 27, 2021, prescribes that "[t]o the extent consistent with applicable law, the Secretary of the Interior shall pause new oil and natural gas leases on public lands or in offshore waters pending completion of a comprehensive review and reconsideration of Federal oil and gas permitting and leasing practices in light of the Secretary of the Interior's broad stewardship responsibilities over the public lands and in offshore waters, including potential climate and other impacts associated with oil and gas activities on public lands or in offshore waters."

Pursuant to the Mineral Leasing Act (30 U.S.C. § 226) and the Federal Onshore Oil and Gas Leasing and Reform Act of 1987 (30 U.S.C. § 181), the Secretary of the Interior is provided broad discretion and may continue federal leasing and permitting programs even while conducting "a comprehensive review and reconsideration" and imposing an indeterminate pause may run afoul of both federal law and your authority as a yet unconfirmed acting officer of a federal agency pursuant to the Federal Vacancies Reform Act of 1998 (5 U.S.C. § 3345). According to a [2020 Congressional Research Service report](#), The Vacancies Act "generally provides the exclusive means by which a government employee may temporarily perform the nondelegable functions and duties of a vacant advice-and-consent position in an executive agency. Unless an acting officer is serving in compliance with the Vacancies Act, any attempt to perform the functions and duties of that office will have no force or effect." This overreach may also violate the National Environmental Policy Act (42 U.S.C. § 55) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. § 35) in the administration of federal land management.

The results of imposing a unilateral and slapdash policy harms all Americans without due consideration for protecting our nation's wellbeing and domestic interests. As of 2020, oil and gas production on federal lands and waters accounted for nearly 20 percent of all energy produced in the United States and has finally made our nation energy independent and no longer reliant on our enemies abroad for energy security. Moreover, a recent [study by the Global Energy Institute](#) found that "if energy production were banned from federal lands and waters, through a ban on future federal-lands leasing and prohibiting the current production of these resources, the result would be an increase in energy prices for consumers due to the removal of low-cost resources from the available supply stream. The ban

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would lead to the loss of hundreds of thousands of American jobs and billions of dollars in revenues to the U.S. Treasury and to many western states.”

Ensuring we have a supply of affordable, reliable energy supports our country’s economy and energy security, while also ensuring our air and water are the cleanest in a generation. Energy produced in the United States is the cleanest and safest in the world – and subject to stringent environmental standards. The potential effects of this order, as well as other actions taken recently by the administration, will result in increased imports of foreign produced oil, most all of which is produced from adversarial countries whose environmental standards and human rights records are deplorable in comparison to those of the United States. In short, these actions will most certainly have an inverse effect on the apparent efforts by the administration to protect and improve the environment while addressing security and human rights issues both here in the United States and abroad.

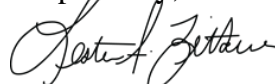
When we protect our ability to produce energy here, we are protecting our way of life and a great American industry. Our landman members operate on federal lands in Alaska, Arkansas, California, Colorado, Louisiana, Montana, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Texas, Utah, Wyoming, and West Virginia.

This is a critical time in our country as we are facing the worst economy in 60 years – plagued by over [10 million people unemployed](#) and [GDP growth, consumer confidence, and labor force participation all at lower levels now than what has been faced by most modern presidents](#). The indeterminate suspension of federal leasing and permits and approvals – if made permanent – is a direct attack on AAPL members, American oil and natural gas workers’ jobs and livelihoods, states’ ability to provide vital public services, and our country’s ability to be independent from foreign energy sources.

Not only will the President’s order have national implications, but it will cripple state economies, like in New Mexico, where oil and natural gas revenues account for about 40 percent of the state’s general revenue fund. The revenue generated from oil and natural gas is critical in the funding of the state’s educational system; so much so that Governor Michel Lujan Grisham (D-NM) has said that, “without the energy effort in this state, no one gets to make education the top priority.” Governor Mark Gordon (R-WY) said, “The President's decision to halt Federal leasing on oil and gas under the guise of a ‘pause’ is beyond misguided.” Gordon called it “disingenuous, disheartening and a crushing blow to the economies of many Western States, particularly Wyoming. No matter how it is framed, this action is still a ban on leasing.” U.S. Senator Lisa Murkowski (R-AK) said, “My state of Alaska, it’s our oil resources that have allowed us to build our schools and roads.”

AAPL and its members appreciate your consideration and look forward to supporting this administration’s Build Back Better agenda with Made in America oil and natural gas.

Respectfully,



Lester A. Zitkus, CPL
President

American Association of Professional Landmen