

Biden Administration Issues Drilling Permits Days After Order Suspending Federal Leasing

January 28, 2021 Chris Reagen

PRACTICES Energy Roundup, Indian Law, Energy, Power and Natural Resources, Oil and Gas, Oil and Gas Litigation

Less than one week after the Acting Secretary of the Department of the Interior, Scott de la Vega, issued Order No. 3395 temporarily suspending the issuance of new oil and natural gas leases on federal public lands¹, certain news agencies are reporting the issuance of 31 new federal drilling permits – 22 for offshore operations issued by the Bureau of Safety and Environmental Enforcement and 9 onshore operations issued by the Bureau of Land Management. The Department released a statement confirming that the issuance of these drilling permits was in compliance with Order No. 3395 because the permits were issued for “valid, existing” federal leases and the action was within the Secretary’s discretion.

The issuance of new drilling permits is being reported on the same day that the Western Energy Alliance filed suit in the United States District Court for the District of Wyoming, challenging the constitutionality of Order No. 3395. In response to fierce opposition from energy-producing tribes, earlier this week the Department expressly exempted from Order No. 3395 lands held in trust by the federal government for the benefit of tribes and individual Indians. These are likely the first of many legal challenges to the Biden Administration’s implementation of its energy and climate change initiatives.

Sources:

[Biden Issues Dozens of Oil Drilling Permits in First Few Days, Bloomberg, January 27, 2021](#)

[Western Energy Alliance Petition for Review of Government Action, January 27, 2021](#)

FACT SHEET: [President Biden to Take Action to Uphold Commitment to Restore Balance on Public Lands and Waters, Invest in Clean Energy Future, January 27, 2021](#)

[Ute Indian tribal and allotted lands exempt from Department of Interior oil and gas permitting order, Indian Country Today, January 27, 2021](#)

If you have any questions, please contact one of the lawyers listed below.

¹ [Biden-administration-day-1-energy-and-environmental-orders](#)