



TIPPING THE SCALES

100 DAYS TO SECURE A REAL CLIMATE LEGACY



ENDING LEASING FOR CLIMATE STABILITY

As President Obama enters the final 100 days of his term in office, the formative question still remains: has he done enough to turn the tide on climate change? Eight years of the Obama Administration have been marked by significant steps on environmental policy negated by an unregulated, unprecedented growth in domestic oil and gas production. This Administration has embodied a tale of two presidencies — one in which President Obama has made key decisions to address and stem climate change; the other in which the president and his agencies remain committed to serving the fossil fuel industry. To truly tip the scales and make a landmark impact on America's relationship to fossil fuels, the President must end federal fossil fuel leasing.

When rejecting the Keystone XL pipeline, President Obama stated, "Ultimately, if we're going to prevent large parts of this Earth from becoming not only inhospitable but uninhabitable in our lifetimes, we're going to have to keep some fossil fuels in the ground rather than burn them and release more dangerous pollution into the sky."¹ Shortly after this momentous decision, the president pledged to cut U.S. emissions and limit global warming to 1.5 degrees Celsius as part of a historic international

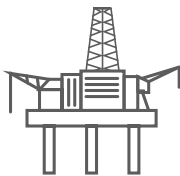
climate agreement in Paris. To help implement this goal, his Administration committed to curbing emissions from coal-fired power plants through the Clean Power Plan.

President Obama has made promising decisions related to federally managed public lands and waters. He canceled oil and gas offshore drilling leases in the Chukchi and Beaufort Seas of the Arctic, removed the Atlantic Ocean from consideration for future drilling, enacted a freeze on new federal coal leasing, and put forth the first ever regulations on methane from fracking.

However, over the last seven years, President Obama's Administration has offered hundreds of millions of acres of federally managed public lands to corporations for oil, gas, and coal extraction, with tens of millions now under lease.

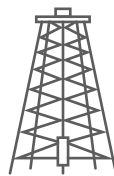
While each of President Obama's milestones on climate change are individually important, this fact alone underscores how the Administration has proceeded by and large with business as usual on public lands and waters, weighing the interests of fossil fuel corporations over communities and climate.

THE OBAMA ADMINISTRATION TALLY



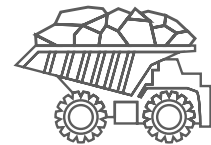
Leased for
offshore oil
and **gas** extraction

15,004,773 acres
over **2,999** leases



Leased for
onshore oil
and **gas** extraction

10,216,229 acres
over **9,967** leases



Leased for
coal extraction

46,008 acres
over **28** leases

SOURCES: BOEM, BSEE, BLM. See more detailed sourcing throughout the report

This has to change. Emerging science and carbon math consistently shows that to avoid catastrophic climate change, political leaders must stop further fossil fuel development and start scaling back. A recent report by Oil Change International states, “The potential carbon emissions from the oil, gas, and coal in the world’s currently operating fields and mines would take us beyond 2 degrees Celsius of warming.”² The biggest single measure to prevent these emissions that the U.S. president has the authority to enact would be to end coal, oil and gas leasing on public lands and waters. By taking this bold action, the United States would keep 450 billion tons of carbon in the ground, drastically cutting 25 percent of the country’s annual emissions.³

To make truly lasting change and tip the scales toward climate stability, the American people deserve bold and direct leadership that will provide more than rhetoric for a just transition away from fossil fuels. A climate leader is one that uses their full leverage in the face of this global challenge; President Obama has yet to rise to that bar.

President Obama has authority under current law to keep fossil fuels in the ground and to jump start the transition to a clean energy economy today and during the final months of

Eight years of the Obama Administration have been marked by significant steps on environmental policy negated by an unregulated, unprecedented growth in domestic oil and gas production.

the Administration. By committing to cut half of the potential emissions from all remaining U.S. fossil fuels, President Obama would send a powerful signal to corporate polluters and nations around the world that the just transition to a clean energy economy must happen at a larger and faster scale.

People around the world are looking to President Obama for unwavering leadership on this critical issue.⁴ President Obama’s climate legacy will determine the country and the earth’s collective climate future.



The movement to keep fossil fuels in the ground comprises people and communities from all over America who are standing up for a collective climate future and preservation of shared lands and waters. They are demanding that their government keep federal fossil fuels *that have not yet been leased in the ground*. These are fossil fuels that cannot be burned if we are to stay within a liveable global carbon budget and to achieve the Obama Administration’s climate goals.

Heightened awareness of climate change impacts and the urgent need to act is growing rapidly. In this past year, the “Keep It in the Ground” movement has become stronger and more determined. People impacted by fossil fuel development, communities dealing with climate disruption, and citizens concerned with the fate of public lands and waters are demanding action. Across the country, they are fighting for the survival of their families and future generations.

PHOTO: JAKE CONROY / RAN

OFFSHORE OIL AND GAS: SELLING OFF THE GULF



This is not some distant problem of the future. This is a problem that is affecting Americans right now. Whether it means increased flooding, greater vulnerability to drought, more severe wildfires — all these things are having an impact on Americans as we speak.

— U.S. PRESIDENT BARACK OBAMA, *interview with Al Roker, May 6, 2014*⁵

The duality of the Obama Administration is most stark with regards to offshore oil and gas drilling in the the Gulf of Mexico. In the past year, the Obama Administration has taken significant steps in closing off specific areas to offshore drilling: in October 2015, the Beaufort and Chukchi Sea Lease Sales were canceled in the current Outer Continental Shelf (OCS) Oil and Gas Leasing Program Five Year Plan (2012-2017).⁶

Another milestone announcement was made in March 2016, when the Obama Administration removed areas of the Mid- and South Atlantic Ocean from of the 2017-2022 Five Year Plan. It was noted by the Department of the Interior that “many factors were considered in the decision to remove this sale from the 2017-2022 program including: significant potential conflicts with other ocean uses such as the Department of Defense and commercial interests; current market dynamics; limited infrastructure; and opposition from many coastal communities.”⁷

In addition to the Chukchi and Beaufort Seas and the Atlantic Ocean, President Obama also placed Alaska’s Bristol Bay off

limits to oil and gas drilling in 2014.⁸ These decisions display that this Administration is capable of taking necessary action to address climate change.

However, from 2009-2016, the Obama Administration sold 2,999 offshore drilling leases, representing over 15 million acres.⁹ All of these leases were off the coast of the Gulf of Mexico — home to some of the most vulnerable environmental justice communities in the country.

Almost half of all the oil refining and gas processing operations in the United States are located in the Gulf Coast. This region already bears a greater burden of fossil fuel impacts compared to the rest of the country.¹⁰ Fossil fuel infrastructure and operations have resulted in a disproportionate exposure of low-income communities of color to harmful chemicals and pollution. Gulf communities are also on the front lines of sea level rise associated with climate change, where Southeastern Louisiana loses one football field’s worth of wetlands every hour.

DEEPWATER HORIZON GULF OIL SPILL. PHOTO: US COAST GUARD

Gulf coast communities experienced extreme floods in August 2016 — the worst U.S. natural disaster since Superstorm Sandy. These floods brought death, displacement, and devastation to a location that was already impacted by fossil fuel production and sea level rise. Scientists have connected these floods to global warming, noting, “Climate change has increased the likelihood of torrential downpours along the Gulf Coast like those that led to deadly floods in southern Louisiana last month.”¹¹

Floods such as these are costly in terms of both lives and dollars. “The Louisiana Flood of 2016 killed 13 people, displaced tens of thousands of others, caused an estimated \$8.7 billion in damage and destroyed some 60,000 houses. Gov. John Bel Edwards is requesting \$2.8 billion in federal recovery money, and more than 73,000 households across 20 parishes have been approved for Federal Emergency Management Agency aid,” reported the *Times-Picayune*.¹²

The \$2.8 billion amount needed for recovery dwarfs the \$200 million in revenue brought in by 2016 lease sales in the Gulf of Mexico.¹³ Meanwhile, offshore oil and gas drilling is a carbon-intensive activity directly contributing to climate change, which intensifies flooding over time.

As Gulf communities suffer, the Administration continues to sell leases to supermajor oil and gas companies. These giant well-resourced corporations are the largest lease holders in the Gulf, generating millions in profit each year at the expense of coastal communities and taxpayers. This past year only four companies won bids, including supermajors BP and ExxonMobil.

The number of acres offered for offshore drilling under President Obama, at almost 425 million acres, is comparable with the acreage offered under Presidents Bill Clinton and George W. Bush. Under President Obama, only 3.8 percent of offered acreage was purchased by energy companies, contrasted with 10 percent under previous administrations, illustrating that the Obama Administration has continued to repeatedly offer up parcels in the Gulf of Mexico for oil and gas drilling despite a lack of interest from buyers. This practice underscores the deep dysfunction in the offshore leasing program and a gross contradiction of the Administration’s climate commitment.

2016 marked the first relocation of a community, Isle de Jean Charles, off the Gulf Coast, due to climate change. The New York Times called the community’s resettlement plan “one of the first programs of its kind in the world, a test of how to respond to climate change in the most dramatic circumstances without tearing communities apart.”¹⁴ The grant from the federal government allows the community to move to land less threatened by sea level rise between now and the year 2022. The Isle de Jean Charles community relocation may be setting a precedent followed by as many as 31 villages in Alaska, according to the Arctic Institute.¹⁵



Communities are dealing with climate impacts today and need bold action now. Stopping business as usual would be critical for the tribe recently relocated from its ancestral lands and for the

families rebuilding their homes after the flood. President Obama must not allow the vulnerable communities of the Gulf Coast to be further sacrificed for energy production.

THE ISLE DE JEAN CHARLES IN TERREBONNE PARISH, LOUISIANA. PHOTO: COCO ROBICHEAUX / ALAMY STOCK PHOTO



IMMEDIATE ACTION:

CANCEL REMAINING OFFSHORE LEASE SALES AND PLACE A MORATORIUM ON THE NEXT FIVE YEAR PLAN

The Obama Administration's rhetoric has stood strong on climate change. Yet the Administration is clearly out of alignment in practice. Exactly one month after the historic Louisiana flood occurred, the Bureau of Ocean and Energy Management (BOEM), operating under President Obama, issued the notice for the final lease sale in the Gulf of Mexico for this five-year period. The "bureau will offer approximately **47 million acres** offshore Louisiana, Mississippi, and Alabama for oil and gas exploration and development in a lease sale that will include **all available unleased** areas in the Central Planning Area."¹⁶ [emphasis added]

The Obama Administration also called for public input in planning the 2017–2022 Five Year Plan for the Outer Continental Shelf Oil and Gas Leasing Program. In return, it received a record-breaking 1.4 million comments from Americans *opposing offshore drilling in all waters*.¹⁷

The Obama Administration has the power to make two immediate bold moves to stem climate change, reduce sea level rise, and prevent oil spills: cancel the remaining lease sales for the 2012–2017 Five Year Plan and place a

moratorium on the program in order to assess climate, public health, and economic impacts of the 2017–2022 Five Year Plan.

Ending leasing in the Gulf of Mexico is critical to the local communities and to the international community. According to the Center for Biological Diversity's August 2016 *Critical Gulf* report, continued offshore leasing in the 2017–2022 plan "will set the course for the next wave of new oil and gas development for up to 70 years — well past the point when we need to end our dependence on fossil fuels. Keeping in the ground the oil and gas that remains unleased in the Gulf could save our climate as much as 32.81 gigatons of carbon dioxide pollution — as much greenhouse gas pollution as 9,500 coal-fired power plants operating for a year."¹⁸

President Obama has an opportunity to end treatment of the Gulf Coast as an energy sacrifice zone by canceling all new leases in the Gulf of Mexico and jumpstarting a just transition for clean energy production.



As Gulf communities suffer, the Administration continues to sell leases to supermajor oil and gas companies. These giant well-resourced corporations are the largest lease holders in the Gulf, generating millions in profit each year at the expense of coastal communities and taxpayers.



APRIL 2016: GULF COAST RESIDENTS RISE UP AND SHUT DOWN A HUGE OIL AND GAS AUCTION IN THE SUPERDOME.
ART: FIRST SEVEN DESIGN LABS AND RADICAL ARTS & HEALING COLLECTIVE PHOTOS: PAUL CORBIT BROWN

COAL: A MUCH NEEDED PAUSE



Now we've got to accelerate the transition away from old, dirtier energy sources... That's why I'm going to push to change the way we manage our oil and coal resources, so that they better reflect the costs they impose on taxpayers and our planet.

— U.S. PRESIDENT BARACK OBAMA, *in his 2016 State of the Union address, three days before announcing a moratorium on federal coal extraction*¹⁹



The antiquated coal leasing program, which has had disastrous consequences for climate change and local communities, had been overdue for dramatic reform. In January 2016, acknowledging changing coal markets, years of citizen advocacy, the need for fairer royalty rates, and a rapidly changing climate, the Obama Administration announced a comprehensive review of the federal coal program.²⁰ The announcement essentially froze new coal leases for three years until financial and environmental assessments of the entire program can be completed. Following the moratorium announcement, the Administration also held several meetings across the country to solicit input on a Programmatic Environmental Impact Statement (PEIS) and reforms to the program. These meetings provided an opportunity for communities impacted by coal mining operations to weigh in on the federal leasing program and a pathway for sunsetting the program altogether.

While not the first moratorium in the history of the coal leasing program, this pause is momentous because the program will be reviewed for environmental, public health, and climate change

impacts. It serves as a model that could be applied to the onshore and offshore fossil fuel leasing programs, which are also in dire need of review for their impacts on nearby communities, taxpayers, and the climate.

The moratorium also paused a massive coal development plan in Wyoming and Montana's Powder River Basin that would be disastrous for our climate future. The Bureau of Land Management's (BLM) plan for the Powder River Basin could lead to 28 coal leases on more than 100,000 acres of public land and over 10 billion tons of coal mined, exported, and burned over the next two decades.²¹ Even though the land is officially "available" for leasing, the coal moratorium has paused leasing of this acreage until the PEIS is completed.²²

In spite of this significant step, there continues to be coal mined on public lands through existing coal leases that are not affected by the moratorium. **Since 2009, the Obama Administration has auctioned off 28 massive coal leases, totaling 46,008 acres, to some of the nation's largest coal companies.**²³

One third of the acres issued under President Obama are in the hands of companies that filed for bankruptcy during his tenure.

This includes three of the four largest coal companies in the United States: Peabody Energy, Arch Coal and Alpha Natural Resources, who have left behind roughly \$3.6 billion in self-bonding liabilities.²⁴ The deteriorating conditions of the coal market show a sector that will never recover to its former market strength. As the coal industry continues to collapse, and mines and assets are sold, liabilities on our public lands from contamination and environmental cleanup will persist.

Coal is a major emitter of carbon throughout the processes of mining, exporting, and burning, with major safety, health, and environmental impacts on workers and communities along the

way. The history of coal mining is one of routine violations of environmental regulations, workers being cheated out of health benefits, polluted or depleted water sources, and cleanup obligations shunted onto taxpayers. One prime example of this poor corporate behavior is Peabody Energy Corporation, noted above. Peabody has operated many of its coal mines on public lands, with 68 percent of its production in 2014 from federally mined coal.²⁵ The company has a history of battling local communities, offloading worker pensions, and funding climate change denial organizations. Yet the BLM under President Obama still allows corporations like these to mine coal on public lands at steeply discounted rates and incredibly high risk to communities and taxpayers.

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IMMEDIATE ACTION:

MAKE THE MORATORIUM PERMANENT

While the moratorium pauses new coal leasing and major development in the Powder River Basin, it is just a temporary injunction. Tracts in the Powder River Basin are technically still open for leases if/when federal coal leasing continues. Optimistic coal companies can proceed with the pre-sale step of completing a National Environmental Policy Act (NEPA) review, which is a long process. If the federal coal leasing program moratorium is lifted when the PEIS is completed, companies could be ready or further along in applying for leases on this land.

As major coal companies come out of bankruptcy, it is critical that they are held accountable for their impacts to coal communities and workers by taking responsibility for proper cleanup, providing fair compensation and benefits, and supporting a just transition toward clean energy.

President Obama must take the coal moratorium one step further and end the program in its entirety. History has shown that coal mining on public lands, which represents nearly 15 percent of U.S. fossil fuel emissions, is a harmful practice for local communities, workers, and the climate.²⁶ Coal companies have immensely exploited the federal coal leasing program through artificially low coal mining costs, regulatory loopholes to avoid royalties, and provisions for self-bonding. To protect the public from environmental, climate, and corporate harm, the best next step for the Administration is to end further coal leasing.

ONSHORE OIL AND GAS: A FRIEND TO FRACKING



There's one issue that will define the contours of this century more dramatically than any other, and that is the urgent and growing threat of a changing climate.

— U.S. PRESIDENT BARACK OBAMA, *U.N. Climate Change Summit, September 23, 2014*²⁷

The last decade has seen an unprecedented oil and gas boom in the United States, driven by technology in horizontal drilling and hydraulic fracturing, otherwise known as fracking.²⁸ The fracking process has been rife with issues. In addition to climate change impacts from methane leaks of fracked wells, fracking has created a public health crisis in rural and suburban communities throughout the country. Poisoned water in Dimock, Pennsylvania, and Pavillion, Wyoming, has forced residents to ship in water and close family farms.²⁹ Toxic air quality plagues neighbors in Weld County, Colorado, and Denton, Texas.³⁰ In western states where water is scarce during drought times, fracking dominates the use of the local water supplies and threatens contamination of regional drinking water.

To address the largely unregulated fracking industry, the Obama Administration set a goal to cut methane emissions from the oil and gas sector by 40-45 percent from 2012 levels by 2025 and proposed standards to directly reduce these emissions.³¹ In March 2015, the Administration announced stricter measures to protect groundwater from fracking operations on public lands, where companies are required to disclose chemicals used in drilling, better contain toxic wastewater to prevent spills, and ensure new wells would not result in catastrophic spills or blowouts.

These regulations have been the strictest fracking standards developed by the federal government and were scheduled to take effect in the summer of 2015. However, they have been challenged in court, leaving regulation of the industry to individual states.³²

The late timing of the regulations also largely missed the most extensive years of the fracking boom. “The irony is that President Obama – who is not viewed as a friend of the oil and gas industry – has presided over rising oil production in each of the seven years he has been in office.”³³ Through lack of regulation on greenhouse gas emissions and toxics, chemical disclosure reporting, and public health measures, President Obama facilitated unprecedented growth in fracking, even as agencies slowly began to scrutinize the environmental impact.

While the majority of the fracked oil and gas boom occurred on private lands, this has impacted public lands as well.

Over 26 million acres of public lands were offered to energy companies, with 9,967 leases issued resulting in over 10 million acres of public land leased during the Obama Administration.³⁴ Most of these lands have been leased for fracking operations.

Drilling on public lands produces 14 percent of the country’s gas and 21 percent of its oil, where the extent of fracking is significant.³⁵ On federally managed lands, there are more than 100,000 oil and gas wells; over 90 percent of wells currently being drilled on these lands are through fracking.³⁶

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IMMEDIATE ACTION:

PAUSE AND REVIEW OIL AND GAS DRILLING

To leave a responsible legacy, President Obama must place a moratorium on any new onshore oil and gas drilling and fracking on public lands. Given the lack of strong oversight on fracking over the past eight years, the Administration should immediately halt further oil and gas leasing on public land to conduct a Programmatic Environmental Impact Statement, similar to the coal program, to assess the public health, climate change, and cost impacts of leasing public lands for oil and gas extraction.

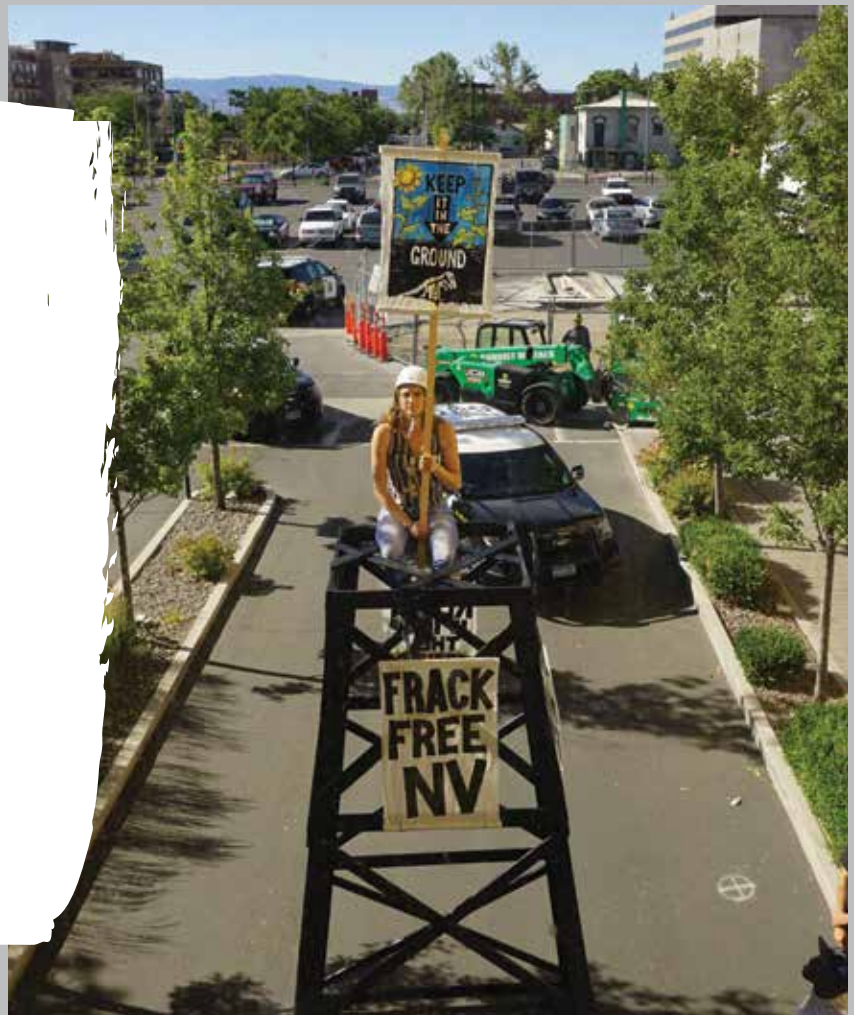
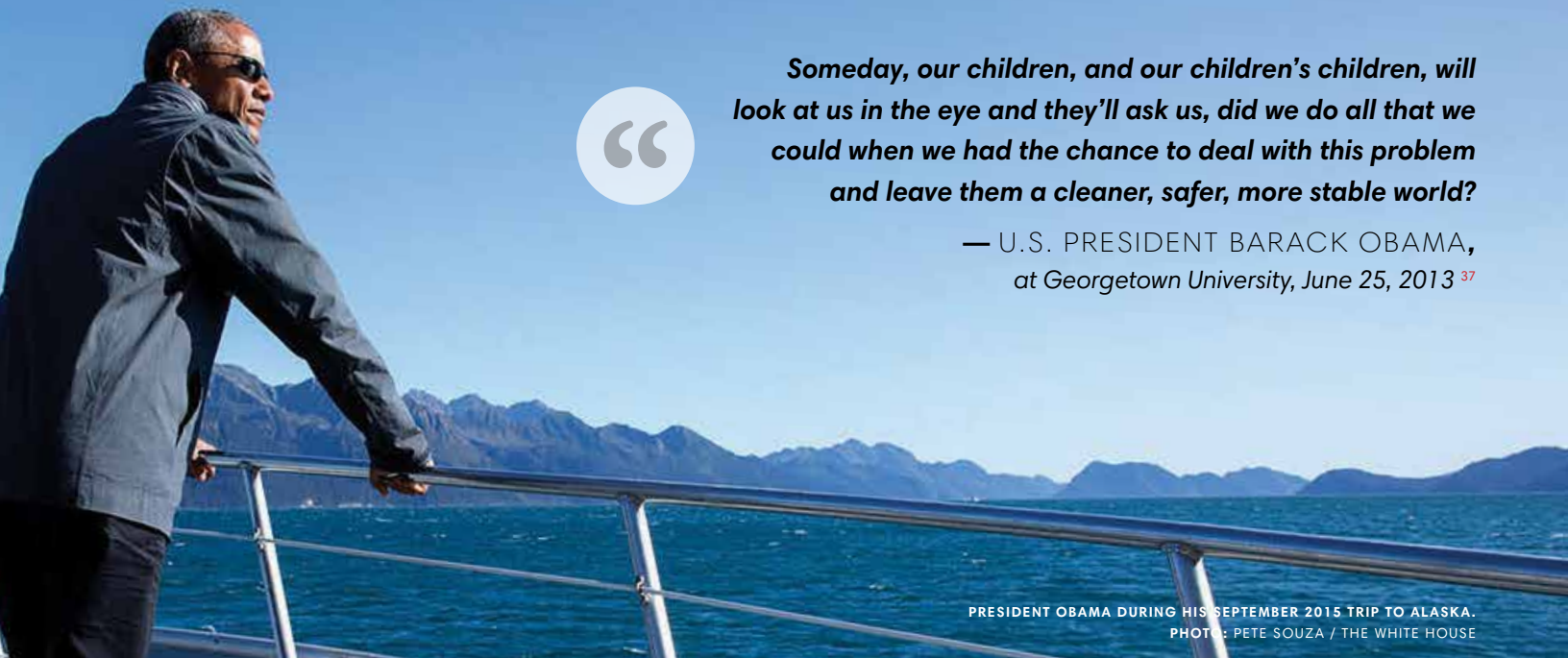


PHOTO: JAKE CONROY / RAN

THE FINAL HOURS FOR CLIMATE ACTION



Someday, our children, and our children's children, will look at us in the eye and they'll ask us, did we do all that we could when we had the chance to deal with this problem and leave them a cleaner, safer, more stable world?

— U.S. PRESIDENT BARACK OBAMA,
at Georgetown University, June 25, 2013 ³⁷

PRESIDENT OBAMA DURING HIS SEPTEMBER 2015 TRIP TO ALASKA.
PHOTO: PETE SOUZA / THE WHITE HOUSE

We, as a nation, are at a critical juncture on this path to address climate change. The reality of the issue is upon us and being felt by communities around the country and around the world. President Obama has a powerful opportunity to take bold action, tip the scales in the direction of the people and the planet, and make lasting change to move us toward climate stability.

This report outlines concrete and immediate steps for President Obama to take in the coming days. To establish a true climate legacy in the final days of this term, President Obama must:

- » Cancel the remaining two lease sales of the Offshore 2012-2017 Five Year Plan;
- » Place a moratorium on the Offshore 2017-2022 Five Year Plan, to assess climate, environmental justice and public health impacts of additional offshore drilling;
- » Make the coal moratorium permanent;
- » Enact a programmatic environmental impact statement for onshore land leasing.

Each action is vital for the future of affected communities and would significantly reduce the country's climate change pollution. **The boldest action would be to end the antiquated federal fossil fuel leasing program, saving tens of millions of acres from being leased for fossil fuel extraction in the future and cutting a full fourth of U.S. annual emissions.**

In signing the Paris Climate Agreement, President Obama agreed to protect future generations from climate chaos. Keeping federal fossil fuels in the ground would protect communities that live on the front lines of the extraction, transport, refining, and combustion of these dirty fuels and send a signal around the world that the United States is serious about fighting climate change.

Transitioning away from fossil fuels will not happen overnight. Using the best science as a guide, we are asking for what a safe climate future demands: a just transition to a clean energy economy before it's too late.

President Obama, what will you tell your grandchildren about these last 100 days, these final hours? Will you tell them you did everything possible to leave them a cleaner, safer, and more stable world?

APPENDIX:

THE 15 FILTHIEST COMPANIES DURING PRESIDENT OBAMA'S PRESIDENCY

COMPANY	ONSHORE ACRES LEASED UNDER OBAMA	OFFSHORE ACRES LEASED UNDER OBAMA	COAL ACRES LEASED UNDER OBAMA
ARGUS ENERGY			7,641.63
BOWIE RESOURCE PARTNERS, LLC			4,482.36
BP P.L.C.	28,802.50	1,388,865.67	
CHEVRON CORPORATION	2,882.53	1,598,567.67	
CLOUD PEAK ENERGY, INC.			4,746.23
CONOCOPHILLIPS COMPANY	97,235.00	1,133,806.42	
FREEMPORT-MCMORAN OIL & GAS, LLC	267,063.06	540,408.48	
KIRKWOOD COMPANIES	608,384.73		
LIGHTHOUSE RESOURCES, INC.			5,752.34
NORDAQ ENERGY, INC.	388,919.00		
PEABODY ENERGY CORPORATION			12,211.30
PETRO-HUNT, LLC	245,170.52		
R&R ROYALTY LTD.	450,605.68		
RIVERSTONE HOLDINGS, LLC ³⁸		1,016,657.15	
ROYAL DUTCH SHELL P.L.C.	56,679.82	1,109,782.43	

NOTES AND REFERENCES

Data on leases issued were collected from federal databases available to the general public. Information on federal land leased for coal and onshore oil and gas development was retrieved from the Bureau of Land Management's Legacy Rehost System, LR2000. Offshore leasing data come from the Bureau of Safety and Environmental Enforcement's Leasing Information Data Center.

RAN's research analyzes all coal leases issued between 1/20/2009 and 8/31/2016. For onshore oil and gas, we traced back company parentage for all lessees who purchased at least one lease over 2,000 acres during this time (a total of 7,019 leases). For offshore oil and gas, we traced back company parentage for all lessees who purchased at least one lease over 1,000 acres during this time (a total of 6,010 leases).

In assigning lease acreage to various owners, the data on coal and offshore oil and gas leases take into account all proprietors on each lease. Each proprietor is prorated a portion of the lease's acreage relative to its percent interest in the lease. RAN's analysis only considers the first-listed proprietor in the LR2000 output for onshore oil and gas leases, though the database does not appear to have a consistent rule for who is listed first on a given lease. The proprietor names on the leases were traced back to their parent companies using a subscription to the Bloomberg Professional Service and publicly available company information and filings to the U.S. Securities and Exchange Commission. Further sourcing can be made available upon request.

APRIL 2016: GULF COAST RESIDENTS MARCH OUTSIDE A HUGE OIL AND GAS AUCTION IN THE SUPERDOME.
ART: FIRST SEVEN DESIGN LABS AND RADICAL ARTS & HEALING COLLECTIVE
PHOTO: ERICK CRAIG



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- ³⁵ In FY 2014. ["Sales of Fossil Fuels Produced from Federal and Indian Lands, FY 2003 through FY 2014."](#) US Energy Information Administration, July 2015, page 2.
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- ³⁷ ["Obama Speaks at Georgetown, Takes Major Action on Climate Change."](#) Georgetown University, June 25 2013.
- ³⁸ Riverstone, LLC is a private investment firm that focuses on the energy and power sectors. It is difficult to clearly attribute lease ownership amongst the many entities related to Riverstone that hold leases in the Gulf of Mexico.



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