



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3338

Subject: Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program

**Sec. 1 Purpose.** The Department of the Interior (Department) is entrusted with overseeing Federal land and resources for the benefit of current and future generations. This responsibility includes advancing the safe and responsible development of our energy resources, while also promoting the conservation of our Federal lands and the protection of their scientific, historic, and environmental values for generations to come. The production of federally managed coal presently accounts for approximately 41 percent of the coal produced in the Nation. However, the existing regulatory and programmatic scheme for leasing that coal has been in place, with only relatively minor adjustments, since 1979. It was established at a time when market conditions, environmental concerns, and energy infrastructure were considerably different from today. To help determine whether and how the current system for developing Federal coal should be modernized, this Secretarial Order directs the Bureau of Land Management (BLM) to prepare a discretionary Programmatic Environmental Impact Statement (PEIS) that analyzes potential leasing and management reforms to the current Federal coal program. The PEIS will provide a vehicle for the Department to undertake a comprehensive review of the program and consider whether and how the program may be improved and modernized to foster the orderly development of BLM administered coal on Federal lands in a manner that gives proper consideration to the impact of that development on important stewardship values, while also ensuring a fair return to the American public. This Order does not apply to the coal program on Indian lands as that program is distinct from the BLM's program and is subject to the unique trust relationship between the United States and federally recognized Indian tribes and government-to-government consultation requirements, nor does it apply to any action of the Office of Surface Mining Reclamation and Enforcement (OSMRE) or the Office of Natural Resources Revenue (ONRR).

**Sec. 2 Background.**

a. Summary of the Federal Coal Program.

The BLM has responsibility for coal leasing on approximately 570 million acres where the coal mineral estate is owned by the Federal Government. The owner of the surface estate of these lands varies and may be the BLM, other Federal agencies, state and local governments, or private landowners. Under authorities, such as the Mineral Leasing Act (MLA), the Mineral Leasing Act for Acquired Lands, and the Federal Land Policy and Management Act, the BLM regulates the leasing and development of this coal. Other Department bureaus, in particular OSMRE and ONRR, also have responsibilities in administering coal mining operations. The OSMRE and those states that have regulatory primacy under the Surface Mining Control and Reclamation Act

(SMCRA) have regulatory responsibilities over surface coal mining and reclamation operations. The ONRR collects, disburses, and verifies revenues from the lease, including bonus bids, royalties, and rental payments, and distributes those funds evenly between the Federal Treasury and the states where the coal resources are located.

The BLM issued coal leasing regulations in 1979 that contemplated two separate competitive coal leasing processes: regional leasing, where the BLM selects tracts within a region for competitive sale, and leasing by application, where the public nominates a particular tract of coal for competitive sale. The regional leasing system has not been used since the 1980s, and currently all BLM coal leasing is done by application. Leasing by application begins with BLM review of an application to ensure completeness, that it conforms to existing land use plans, and that it contains sufficient geologic data to determine the fair market value of the coal. The Agency then prepares an environmental analysis in compliance with the National Environmental Policy Act (NEPA). At the same time, the BLM will also consult with tribal governments and appropriate Federal and state agencies, and will determine whether the surface owner consents to leasing in situations where the surface is not administered by the BLM.

Preparations for the actual lease sale begin with the BLM formulating, after obtaining public comment, an estimate of the fair market value of the coal. This number is kept confidential and is used to evaluate the bids received during the sale. Sealed bids are accepted prior to the date of the sale and are publicly announced during the sale. The winning bid is the highest bid that meets or exceeds the coal tract's presale estimated fair market value, assuming that the bidder meets all eligibility requirements and has paid the appropriate fees and payments.

The BLM receives revenue from coal leasing in three ways: (1) a bonus that is paid at the time BLM issues a lease; (2) rental fees; and (3) production royalties. The royalty rates are set by regulation at a fixed 8 percent for underground mines and not less than 12.5 percent for surface mines. All receipts from a lease are shared equally with the state in which the lease is located.

Over the last few years, approximately 41 percent of the Nation's annual coal production has come from Federal land. Federal coal produced from the Powder River Basin in Montana and Wyoming accounts for over 85 percent of that Federal coal production. Federal coal was used to generate about 14 percent of the Nation's electricity in 2015. Coal is also used for other critical processes, including making steel (metallurgical coal).

As of Fiscal Year 2014, the BLM administered 310 Federal coal leases, encompassing 475,692 acres in 10 states, with an estimated 7.75 billion tons of recoverable Federal coal reserves. Over the last decade, the BLM has held 39 coal lease sales and managed leases that produced approximately 4.4 billion tons of coal and \$10.3 billion in revenue. The recoverable reserves of Federal coal currently under lease are estimated to be sufficient to continue production from federal leases at current levels for 20 years, which does not take into account projections from the Energy Information Administration (EIA) showing that demand for coal is declining.

b. Open Conversation about Modernizing the Coal Program.

On March 17, 2015, I called for "an honest and open conversation about modernizing the Federal coal program." The last time the Federal coal program underwent comprehensive review was in

the mid-1980s, and market conditions, infrastructure development, and national priorities have changed considerably since that time. My call also responded to continued concerns from numerous stakeholders about the Federal coal program, including concerns raised by the Government Accountability Office (GAO), the Department's Office of Inspector General (OIG), Members of Congress, and interested stakeholders. The concerns raised by the GAO and OIG centered on whether taxpayers are receiving fair market value from the sale of coal. Other commenters raised concerns that the current Federal leasing structure lacks transparency and competition and is therefore not ensuring that the American taxpayer receives a fair return from Federal coal resources. These groups also questioned whether the leasing program results in over-supply of a commodity that has significant environmental and health impacts, including impacts on global climate change.

In response to my call for a conversation to address these concerns, the BLM held 5 listening sessions on the Federal coal program in the summer of 2015. Sessions were held in Washington, D.C.; Billings, Montana; Gillette, Wyoming; Denver, Colorado; and Farmington, New Mexico. The Department heard from 289 individuals during the sessions and received over 92,000 written comments before the comment period closed on September 17, 2015. The oral and written comments revealed several recurring themes:

- Concern about global climate change and the impact of coal production and use.
- Concern about the loss of jobs and local revenues if coal production is reduced.
- Support for increased transparency and public participation in leasing and royalty decisions and concern about whether the structure of the leasing program does not provide for adequate competition or a fair return to the taxpayer for the use of federal resources.
- Support for increasing the coal royalty rate, because: (1) the royalty rate should account for the environmental costs of coal production; (2) the royalty rate should match the rate for offshore Federal leases; and (3) taxpayers are not receiving a fair return.
- Support for maintaining or lowering royalty rates, because: (1) the coal industry already pays more than its fair share because existing Federal rates are too high given current market conditions; (2) raising rates will lower production and revenues; and (3) raising rates will cost jobs and harm communities.
- Support for streamlining the current leasing process, so that the Federal coal program is administered in a way that better promotes economic stability and jobs, especially in coal communities which are already suffering from depressed economic conditions.

Of these concerns, three aspects of the current coal program received the most attention. First, numerous stakeholders are concerned that American taxpayers are not receiving a fair return on public coal resources. Second, many stakeholders are concerned that the Federal coal program conflicts with the Administration's climate policy and our national climate goals, making it more difficult for us to achieve those goals. Third, there are numerous and varying concerns about the structure of the Federal coal program in light of current market conditions, including how implementation of the Federal leasing program affects current and future coal markets, coal-dependent communities and companies, and the reclamation of mined lands. These three main concerns are addressed in more detail below.

i. Concerns about Fair Return. In 2013, both GAO and OIG issued reports expressing concerns about the Federal coal program, particularly with respect to the leasing process and fair market value. In response, in 2014 the BLM developed new protocols and issued policy guidance, as well as a manual and handbook, to implement these changes. Nevertheless, stakeholders have expressed concerns that the BLM's response, while helpful, was insufficient to rectify fundamental weaknesses in the program with respect to fair return.

These concerns arise, at least in part, because there is currently very little competition for Federal coal leases. About 90 percent of lease sales receive bids from only one bidder, typically the operator of a mine adjacent to the new lease, given the investment required to open a new mine. While the BLM conducts a peer-reviewed analysis to determine the "fair market value" of the coal and will not sell a lease unless the bid meets or exceeds that value, commenters have questioned whether an accurate fair market value can be identified in the absence of a truly competitive marketplace.

Commenters also raised concerns about the royalty rates set in Federal leases, which are set by regulation at a fixed 8 percent for underground mines and not less than 12.5 percent for surface mines. Many stakeholders believe that these rates do not adequately compensate the public for the removal of the coal and the externalities associated with its use. Still others have suggested that the impact of Federal coal sales, which currently represent approximately 41 percent of total domestic production, artificially lowers market prices, further reducing the amount of royalties received.

Stakeholders also criticize the Federal coal program for obtaining even lower returns through certain types of leasing actions, such as lease modifications, and through royalty rate reductions, which may result in royalty rates as low as 2 percent. In addition, stakeholders have noted that the \$100 acre minimum bid requirement, which is rarely applicable due to fair market value requirements, but occasionally relevant, is outdated.

ii. Concerns about Climate Change. The second broad category of concerns about the Federal coal program relates to its impacts on climate change. The United States has pledged to the United Nations Framework Convention on Climate Change (UNFCCC) to reduce its greenhouse gas (GHG) emissions by 26-28 percent below 2005 levels by 2025. The Obama Administration has made, and is continuing to make, unprecedented efforts to reduce GHG emissions in line with this target through numerous measures. Numerous scientific studies indicate that reducing GHG emissions from coal use worldwide is critical to addressing climate change.

At the same time, as noted above, the Federal coal program is a significant component of overall United States' coal production. Federal coal represents approximately 41 percent of the coal produced in the United States, and when combusted, it contributes roughly 10 percent of the total U.S. GHG emissions.

Many stakeholders highlighted the tension between producing very large quantities of Federal coal while pursuing policies to reduce U.S. GHG emissions substantially, including from coal combustion. Critics also noted that the current leasing system does not provide a way to systematically consider the climate impacts and costs to taxpayers of Federal coal development.

iii. Concerns about Market Conditions. Stakeholders raised various concerns about the implications of current and future coal market conditions. As reported by EIA, between 2008 and 2013, United States' coal production fell by 16 percent, as declining natural gas prices and other factors made coal less competitive as a fuel for generating electricity. In 2015, United States' coal production was roughly 900 million short tons (MMst), 10 percent lower than 2014—the lowest level since 1986. Worldwide, demand for coal appears to be softening as well, with EIA projecting a 21 percent decline in total U.S. coal exports in 2015 from the previous year. As a result, a number of mines in the U.S. have idled production, several major coal companies have entered Chapter 11 bankruptcy, many coal miners have been laid off, and coal-dependent communities have suffered. The EIA and other projections of future coal production show anticipated continuing declines.

Stakeholders have urged the BLM to change the Federal coal program to take these significant market changes into account, although the recommended changes vary. Some suggest that the program should attempt to improve the economic viability of the coal industry and help coal-dependent communities by reducing royalties and streamlining the leasing and permitting processes. Others raise concerns that the program has contributed to low coal prices by incentivizing over-production through non-competitive sales that oversupply the market.

Some have focused on how current market conditions threaten reclamation of lands disturbed by coal mining and may leave state and Federal governments with billions of dollars of unfunded reclamation liabilities. Specifically, many coal companies “self-bond” to meet reclamation bonding requirements, and some stakeholders have asserted that these companies may no longer have the funds to support reclamation activities, and/or they may attempt to shed reclamation obligations in bankruptcy.

Stakeholders also expressed various views regarding exports of Federal coal. Some see export markets as a possible way to maintain or expand Federal coal production, while others view the production of coal for export as a less valuable activity than coal production for domestic use. Still others expressed concern that the export of U.S. coal will contribute to GHG emissions worldwide, which undermines our climate objectives. A number of stakeholders expressed concern that exports, or the potential for exports, were not adequately considered as part of leasing decisions or fair market value determinations.

c. Previous Comprehensive Reviews.

The Department has previously conducted two separate comprehensive reviews of the Federal coal program. In the late 1960s, there were serious concerns about speculation in the coal leasing program. A BLM study discovered a sharp increase in the total Federal acreage under lease and a consistent decline in coal production. In response, the Department undertook the development of a planning system to determine the size, timing, and location of future coal leases, and the preparation of an environmental impact statement (EIS) for the entire Federal coal leasing program. The short-term actions included a complete moratorium on the issuance of new coal prospecting permits, and a moratorium with limited exceptions on the issuance of new Federal coal leases. New leases were issued only to maintain existing mines or to supply reserves for production in the near future, where “near future” meant that development and production were to commence within 3 and 5 years, respectively. The moratorium was scaled

back over time, but was not completely lifted until 1981, after a PEIS had been completed, a new leasing system had been adopted through regulation, and litigation was resolved.

In 1982, concerns about the Federal coal program arose again, this time related to allegations that the Government did not receive fair market value from a large lease sale in the Powder River Basin under the new procedures adopted as part of the programmatic review in the 1970s. Among other reports on the issue, in May 1983, GAO issued a report concluding that the Department had received roughly \$100 million less than it should have for the leases sold, although the Department disputed this conclusion. In response, in July 1983, Congress directed the Secretary to appoint members to a commission, known as the Linowes Commission, to investigate fair market value policies for Federal coal leasing. Congress also, in the 1984 Appropriations Act, directed the Office of Technology Assessment (OTA) to study whether the Department's coal leasing program was compatible with the nationally mandated environmental protection goals.

As part of the 1984 Appropriations Bill, Congress imposed a moratorium on the sale or lease of coal on public lands, subject to certain exceptions, starting in 1983 and ending 90 days after publication of the Linowes Commission's report. The Linowes Commission published the *Report of the Commission on Fair Market Value Policy for Federal Coal Leasing* in February 1984. The OTA report, *Environmental Protection in the Federal Coal Leasing Program*, was released in May 1984. The principal thrust of these reports was that the Department should: (1) temper its pace of coal leasing; (2) improve and better document its procedures for receiving fair market value; and (3) take care to balance competing resource uses in making lease decisions.

Interior Secretary William P. Clark extended the suspension of coal leasing (with exceptions for emergency leasing and processing preference right lease applications, among other things), while the Department completed its comprehensive review of the program. This review included proposed modifications to be made by the Department in response to the Linowes Commission and OTA reports. Secretary Clark announced on August 30, 1984, that the Department would prepare an EIS supplement to the 1979 Final Environmental Statement for the Federal Coal Management Program. The Department issued the Record of Decision for the PEIS supplement in January 1986, in the form of a Secretarial Issue Document. That document recommended continuation of the leasing program with modifications. In conjunction with those modifications, Interior Secretary Donald Hodel lifted the leasing moratorium in 1987.

**Sec. 3 Authorities.** This Order is issued under statutory authority that includes, but is not limited to, the Mineral Leasing Act, 30 U.S.C. §§ 181 *et seq.*; the Mineral Leasing Act for Acquired Lands, 30 U.S.C. §§ 351 *et seq.*; the National Environmental Policy Act, 42 U.S.C. §§ 4321 *et seq.*; the Surface Mining Control and Reclamation Act, 30 U.S.C. §§ 1201 *et seq.*; and the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 *et seq.*

**Sec. 4 Discretionary Programmatic Environmental Impact Statement.** Given the broad range of issues raised over the course of the past year (and beyond) and the lack of any recent analysis of the Federal coal program as a whole, a more comprehensive, programmatic review is in order, building on the BLM's public listening sessions. Accordingly, to meaningfully address the breadth and complexity of the issues raised by commenters regarding the Federal coal

program, I hereby direct the BLM to conduct a broad, programmatic review of the Federal coal program it administers through the preparation of a PEIS under NEPA.

The Department is authorized to undertake this effort in its stewardship role as a proprietor and sovereign regulator which is charged by Congress with managing and overseeing mineral development on the public lands, not only for the purpose of ensuring safe and responsible development of mineral resources, but also to ensure conservation of the public lands, the protection of their scientific, historic, and environmental values, and compliance with applicable environmental laws. Additionally, the Department has the statutory duty to ensure a fair return to the taxpayer and broad discretionary authority to decide where, when, and under what terms and conditions, mineral development should occur, including with regard to the issuance of Federal coal leases.

Although I am not proposing any regulatory action at this time, the purpose of the PEIS is to identify, evaluate, and potentially recommend reforms to the Federal coal program. This review will enable the Department to consider how to modernize the program to allow for the continued development of Federal coal resources while addressing the substantive issues raised by the public, other stakeholders, and the Department's own review of the comments it has received.

While the precise issues to be assessed in the PEIS will be determined through the public scoping process, the PEIS should at a minimum address the following topics:

a. How, When and Where to Lease. The regional leasing program authorized in the 1979 regulations has not worked as envisioned and, instead, BLM has conducted leasing only in response to industry applications. Given concerns about the lack of competition in the lease-by-application system, as well as consideration of environmental goals, the PEIS should examine whether the current regulatory framework should be changed to provide a better mechanism or mechanisms to decide which coal resources should be made available and how the leasing process should work.

As part of this evaluation, the PEIS should explicitly examine the issue of when to lease. Some leasing programs for other Federal resources operate with an established schedule for leasing or consideration of leasing (*e.g.*, BLM holds onshore oil and gas lease sales on a quarterly basis if parcels are available; offshore oil and gas leasing occurs using a schedule established in a five-year plan). The PEIS should examine whether scheduled sales should be used for Federal coal.

The PEIS should also examine where to lease. In other contexts, the Department has identified areas to promote certain kinds of resource development. For example, the BLM's Solar PEIS (Western Solar Plan) amended land use plans across six southwestern states and established preferred locations for solar development. The PEIS should examine whether a similar approach would be useful for coal to minimize potential user conflicts and streamline leasing decisions.

b. Fair Return. The PEIS should address whether the bonus bids, rents, and royalties received under the Federal coal program are successfully securing a fair return to the American public for Federal coal, and, if not, what adjustments could be made to provide such compensation. As part of this analysis, the PEIS should examine whether the decision to lease large amounts of relatively low cost coal artificially drives down pricing in the U.S. market and, if so, how the taxpayer may best be compensated for the reduced royalties due to artificially low

prices. The PEIS should also examine whether the BLM estimates of fair market value for purposes of establishing minimum bids successfully substitute for competition in the bidding process, and if not, how to better estimate fair market value.

c. Climate Impacts. With respect to the climate impacts of the Federal coal program, the PEIS should examine how best to assess the climate impacts of continued Federal coal production and combustion and how to address those impacts in the management of the program to meet both the Nation's energy needs and its climate goals, as well as how best to protect the public lands from climate change impacts.

d. Socio-Economic Considerations. Beyond the issue of fair market value, the PEIS should assess whether the current Federal coal leasing program adequately accounts for externalities related to Federal coal production, including environmental and social impacts. It should more broadly examine how the administration, availability, and pricing of Federal coal affect regional and national economies (including job impacts), and energy markets in general, including the pricing and viability of other coal resources (both domestic and foreign) and other energy sources. The impact of possible program alternatives on the projected fuel mix and cost of electricity in the United States should also be examined.

e. Exports. The PEIS should address whether leasing decisions should consider whether the coal to be produced from a given tract would be for domestic use or export. In consultation with other applicable executive branch offices, the PEIS should examine how to estimate export potential, particularly given potential differences between the estimates of industry and independent economic experts about the prospects for exports in a given circumstance.

f. Energy Needs. Finally, the PEIS should examine the degree to which Federal coal supports, or should support, fulfilling the energy needs of the United States. The evaluation should include an assessment of how the administration, availability, and pricing of Federal coal impacts electricity generation in the United States, particularly in light of other regulatory influences, and what other sources of energy supply (including efficiency) are projected to be available.

**Sec. 5 Pause on the Issuance of New Federal Coal Leases for Thermal (Steam) Coal.** Lease sales and lease modifications result in lease terms of 20 years and for so long thereafter as coal is produced in commercial quantities. Continuing to conduct lease sales or approve lease modifications during this programmatic review risks locking in for decades the future development of large quantities of coal under current rates and terms that the PEIS may ultimately determine to be less than optimal. This risk is why, during the previous two programmatic reviews, the Department halted most lease sales with limited exceptions for small sales, emergencies and other situations involving potential economic hardship. Considering these factors and given the extensive recoverable reserves of Federal coal currently under lease, I have decided that a similar policy is warranted here. A pause on leasing, with limited exceptions, will allow future leasing decisions to benefit from the recommendations that result from the PEIS while minimizing any economic hardship during that review.



a. Pursuant to my discretionary authority under the Mineral Leasing Act (e.g., 30 U.S.C § 201) and other statutes, and based on the reasons discussed herein, I conclude that further evaluation, additional receipt of public input, and comprehensive consideration of the Federal coal program is warranted, and accordingly, I hereby direct BLM to apply the following limitations on the issuance of Federal coal leases until the completion of the PEIS:

(i) No new applications for thermal (steam) coal leases or lease modifications will be processed, subject to the enumerated exclusions in Section 6 of this Order; and

(ii) For pending applications, no lease sales will be held, leases issued, or modifications approved for thermal (steam) coal, subject to the enumerated exclusions in Section 6 of this Order. At an applicant's request, preparatory work on pending applications may continue (including the preparation of NEPA analyses), but no final decision on whether to hold a lease sale will be made unless one of the exceptions listed in Section 6 of this Order applies.

b. This pause in holding lease sales, issuing coal leases, and approving lease modifications will apply to applications for both surface and underground thermal coal, but it does not apply to metallurgical coal. Metallurgical coal is produced at far fewer mines and in much smaller quantities than thermal coal, and recoverable metallurgical coal reserves may not be sufficient to support current production levels for that resource during the pause. In addition, metallurgical coal is required for key applications, such as steelmaking, for which substitutes are not readily available. Given that the Federal mineral estate includes comparatively very small quantities of metallurgical coal, we expect potential impacts from any leasing activities for metallurgical coal during the review period to be very limited.

c. This pause does not constitute a decision on the merits of any application, but is merely a deferral of the decision to allow the PEIS to be considered in making future final decisions. The pause applies only to the Federal mineral estate administered by the BLM and does not apply to coal leases on tribal or allotted lands, which are regulated by the Bureau of Indian Affairs under a different regulatory structure. The pause applies only to lease sales and modifications. It does not apply to other BLM actions related to the Federal coal program, including the processing and issuance of coal exploration licenses, the issuance of renewal leases when required by the terms of existing leases, and the development and implementation of resource management plans. Similarly, the pause does not apply to any actions undertaken by ONRR, OSMRE, or any other agency, office, or bureau with duties related to the development, production or reclamation of Federal or non-Federal coal resources.

**Sec. 6 Exclusions.** Nothing in this Order will be deemed to prohibit or restrict:

- a. emergency leasing as defined in 43 C.F.R. § 3425.1-4;
- b. lease modifications, as defined in 43 C.F.R. § 3432.1, that do not exceed 160 acres or the number of acres in the original lease, whichever is less;
- c. lease exchanges as defined in 43 C.F.R. §§ 3435.1, 3436.1, and 3436.2;
- d. the rights of preference right lease applicants based on prospecting permits issued prior to August 4, 1976; and


- e. the sale and issuance of new thermal coal leases by application, 43 C.F.R. Subpart 3425, or the issuance of thermal coal lease modifications, 43 CFR Subpart 3432, under pending applications for which the environmental analysis under NEPA has been completed and a Record of Decision or Decision Record has been issued by the BLM or the applicable Federal surface management agency as of the date of this Order. This exception extends to previously issued Records of Decision or Decision Records that have been (or may be) vacated by judicial decision and are undergoing re-evaluation in accordance with the judicial decision. Before holding any lease sale or issuing any lease under this exception, the BLM must confirm and ensure that the applicable NEPA document for a project is adequate and includes, at a minimum, an analysis of the direct and indirect greenhouse gas emissions resulting from the proposed leasing action.

**Sec. 7 Implementation.**

- a. The Director of the BLM is responsible for implementation of this Order. This responsibility may be delegated as appropriate.
- b. The Director will expeditiously initiate the NEPA scoping process by inviting Federal, State, and local agencies, Indian tribes, and the public to help identify the environmental issues and reasonable alternatives to be examined in the PEIS. Upon completion of the scoping process, the Director will provide a scoping report to me along with a proposed schedule for the completion of the PEIS.

**Sec. 8 Effect of the Order.** This Order is intended to provide for a comprehensive review of the Federal coal program and allow for the Department to improve the program going forward. This Order and any resulting report or recommendation are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

**Sec. 9. Effective Date.** This Order is effective immediately and will remain in effect until its provisions are amended, superseded, or revoked, whichever occurs first.

  
Secretary of the Interior

Date: **JAN 15 2016**