



AMERICAN
SUSTAINABLE
BUSINESS
COUNCIL

EXECUTIVE ORDER RECOMMENDATIONS FOR THE DEPARTMENT OF THE INTERIOR

The American Sustainable Business Council is offering the following actionable recommendations for executive and administrative orders, which can take place in the first ninety days of the Biden-Harris administration.

ASBC believes these proposals align well with the priorities of the incoming Biden-Harris Administration to increase overall economic health and inclusivity, creating a stronger and more equitable economic landscape.

ASBC's recommendations are organized by addressing what needs to be done, why it must be done and how it can be done. We have also indicated where actions could or should be shared with another agency's jurisdiction.

This document was prepared with contributions made by the following individuals, businesses and organizations:

Patagonia, Marstel Day, Wizipan Little Elk/Rosebud Sioux Economic Development Corporation, Outdoor Policy Outfit, Bristol Bay Defense Fund

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1. Consultation with **Native Nations**
 2. Suspend the **Arctic Refuge Leasing Process**
 3. Review Pending Nominations and Review Improperly issued **Oil and Gas Leases on Public Land**
 4. Ensure that a Clean Water Act 404c action is put back in place for the **Pebble Mine** in Alaska that protects Bristol Bay.
 5. Expand **Broadband** EO 13821 for greater social and geographic inclusivity
 6. Greater protections for the Antiquities Act, our National Monuments and **roll-back Proclamation 9681 immediately**
 7. Reversing **recent state veto power** over the use of LWCF funds
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Consultation with Indigenous Communities

All of the recommendations put forth in this document require a prioritization of the Native Nations, and so includes below a recommendation regarding updating the language of the Tribal Consultation Policy

Reissue and amend the Department of Interior's tribal consultation policy to be renamed a Native Nation consultation policy. The new consultation policy should include provisions stating adherence to the doctrine of Free and Prior Informed Consent for activities impacting Native lands held in trust by the federal government, lands held in fee simple by Native Nations, lands under jurisdiction of Native Nations, and lands that may not be owned by a Native Nation but are within the territorial boundary of a Native Nation as defined in a treaty or other agreement.

Suspend the Arctic Refuge Leasing Process, Review Pending Nominations and Review Improperly Issued Oil and Gas Leases

In cooperation with the Secretary of Agriculture

The ASBC recommends an **Executive Order to Suspend all Oil & Gas Leasing in the Arctic Refuge and Review all Oil & Gas Leasing Requirements**. The goals of this order will be:

1. To ensure the Arctic Refuge is fully protected and recognized as paramount in the Refuge and Wilderness System
2. To ensure all current and pending leases are properly reviewed according to their compatibility with meeting the US goal of limiting climate change to 1.5° Celsius, their overall GHG emissions impact related to overall emissions of current onshore and offshore oil and gas activities and alongside assessments of other sources of renewables which are able to meet current US energy needs

ASBC recommends the following offices are considered to administer this order, according to these two goals outlined above:

To ensure the Arctic Refuge is fully protected and recognized as paramount in the Refuge and Wilderness System
Bureau of Land Management
<ul style="list-style-type: none">• Halt leasing and any accompanying seismic activity within the Arctic Refuge pending proper environmental impact assessment. Ensure data and information flows freely between the US Geological Survey and the BLM

To ensure all current and pending leases are properly reviewed

Office of Surface Mining Reclamation and Enforcement

- Adopt congruent programmatic review across governmental agencies and offices, prioritizing the determination that any activity under its jurisdiction would also be consistent with reducing greenhouse gas emissions and with limiting climate warming to 1.5 degrees Celsius

Bureau of Ocean Energy Management

- The [Environmental Assessments](#) and [Environmental Studies](#) components of decision making include considerations of limiting climate warming to 1.5° Celsius, and include assessments of reducing greenhouse gas emissions

U.S. Forest Service

- In congruence with this executive order, the US Forest Service will amend regulations in [CFR Part 228](#) to be in compliance with updated guidance listed above

Ensure that a Clean Water Act 404c action is put back in place for the Pebble Mine in Alaska that protects Bristol Bay

In cooperation with the Environmental Protection Agency

ASBC supports a Clean Water Act 404c action for Bristol Bay. While the EPA will be the lead agency in such an action, we ask that the federal family of natural resource agencies offer their full support.

The goals of such an order would be:

1. To ensure the long-term protection of Bristol Bay from Pebble Mine by prioritizing the permanent protection of the nation's largest wild salmon fishery worth \$1.5 billion annually
2. To ensure the Department of the Interior's trust responsibilities to the federally recognized Native communities of Bristol Bay - who oppose Pebble mine nearly unanimously - be taken seriously and that government-to-government consultation receive the time and attention it deserves.
3. To make sure the EPA works seriously and diligently with Native Nations across all matters, as they would with any foreign government, as the tribes are legally afforded

The ASBC recommends that the Dept. Of Interior work directly with the EPA to ensure a Clean Water Act 404c action is initiated in the first 100 days of the Biden/Harris administration.

To ensure the Arctic Refuge is fully protected and recognized as paramount in the Refuge and Wilderness System

Fish and Wildlife Service and Park Service

- Reengage in the science and policy decisions that impact Bristol Bay

To ensure the Department of the Interior's trust responsibilities to the federally recognized tribes in Bristol Bay - who oppose Pebble mine nearly unanimously -

DOI / Bureau of Indian Affairs

- That all tribes and Indian country leaders and communities be taken seriously and that government-to-government consultation receive the time and attention it deserves. To make sure the EPA works seriously and diligently with Tribe States across all matters, as they would with any foreign government, as the tribes are legally afforded. DOI should document the consultation. Appropriately enforces its responsibility and the executive branch fulfill its agreements of tribal treaty agreements and other agreements. Gov't to gov't comes from a treaty

Expand **Broadband** Executive Order 13821 for Greater Social and Geographic Inclusivity

In coordination with the Department of Labor

In 2017, the Trump Executive Order 13821 to research the expansion of broadband connectivity throughout rural communities left out many Americans without access to broadband who reside in urban areas. We would suggest expanding the executive order to include research on broadband connectivity on public lands through urban communities throughout the U.S. The goal of such an order would be to ensure all Americans have access to broadband connectivity.

Greater protections for the Antiquities Act and to **roll-back Proclamation 9681**

The ASBC recommends the immediate rollback of **Proclamation 9681**, which among other issues, called for planned development which cuts back land from the monuments of Bears Ears and the Grand Staircase Escalante and opened that land for extractive industry.

Reversing recent **state veto power** over the use of Land and Water Conservation Funds

ASBC recommends an immediate reverse of an [order from Secretary Bernhardt](#) that grants states veto power over the use of LWCF funds within their borders and also redirects control of LWCF funds away from Congress and grants them to the president. Not only is this order in direct conflict with the Great American Outdoors Act, by gutting its most critical elements.

Who We Are and What We Do

American Sustainable Business Institute (501 C 3) & American The American Sustainable Business Council (501 C 4) is a coalition of business organizations and businesses advancing market solutions and public policies at the national, state and local level that support a vibrant, just and sustainable economy. ASBC and its members represent over 250,000 businesses and understand that sustainable business is good business, and a sustainable economy is a prosperous, resilient one ASBI informs and engages business leaders, while educating decision makers and the media about opportunities and public policies that can lead to an equitable and sustainable economy. www.asbcouncil.org

For further information on the work presented, please contact cpincus@asbcouncil.org