I will be out of the office until June 11th. I will have limited access to email during this time. If you need immediate assistance please contact Roslyn Sellars or Thomas Irwin at 202-208-4545.
Good Afternoon, Gisella –

Thank you for this note, and we understand.

Noon on Wednesday would not work for us. However, 4:00 pm on Wednesday would. Alternatively, a time between 1:30 and 3:00 pm Thursday (the 8th) would also work for us. Please let us know whether any of those times work for Mr. DeVito. Thank you.

Kind regards,

Richard Ranger

API
1220 L Street NW
Washington DC 20005
202.682.8057

From: Google Calendar [mailto:calendar-notification@google.com] On Behalf Of gisella_ojeda-dodds@ios.doi.gov
Sent: Tuesday, June 06, 2017 12:46 PM
To: gisella_ojeda-dodds@ios.doi.gov; Richard Ranger; vincent_devito@ios.doi.gov
Subject: [Update] Meeting with API

Good Afternoon,

I apologize for the last minute change. Mr. DeVito has a conflict for the 1PM time tomorrow. Hoping we can move the meeting to 12PM tomorrow instead?

Gisella Ojeda-Dodds
Meeting with API

With DOI:
- Vincent DeVito, Counselor to the Secretary for Energy Policy

With API:
- Richard Ranger, Senior Policy Advisor
- Carrie Domnitch, Director of Federal Relations, Federal Relations Department
- Matthew Haynie, Senior Counsel, Law Department

When

Wed Jun 7, 2017 1pm – 1:30pm Eastern Time

Where


Video call

[redacted]

Who

- vincent_devito@ios.doi.gov - organizer

- gisella_ojeda-dodds@ios.doi.gov - creator

- rangerr@api.org
I will be out of the office until June 11th. I will have limited access to email during this time. If you need immediate assistance please contact Roslyn Sellars or Thomas Irwin at 202-208-4545.
Hi Tim,

My name is Carrie Hackenberger and I work for the Colorado Petroleum Council (API). Our Executive Director, Tracee Bentley, will be in Washington DC next week and I wanted to reach out and see if I could schedule a meeting between the two of you while she is in town. She has some availability on 6/20 and 6/21. Please let me know if there is a time you are available to meet with her! Thank you in advance for your help!

Best regards,

Carrie Hackenberger

Operations Manager

Colorado Petroleum Council

A Division of API | 1660 Lincoln Street | Suite 2320 | Denver, CO 80264 | O: 720.214.7176 | C: 720.839.8774 | hackenbergerc@api.org | Follow us on Twitter & Facebook: @COPetroCouncil

This transmission contains information that is privileged and confidential and is intended solely for use of the individual(s) listed above. If you received the communication in error, please notify me immediately. Any dissemination or copying of this communication by anyone other than the individual(s) listed above is prohibited.
I am including Valerie who handles my schedule. Valerie would you work on getting this on my calendar.

Tim

Timothy Williams
External and Intergovernmental Affairs
Department of the Interior
Cell: (202) 706-4982

On Jun 12, 2017, at 2:42 PM, Carrie A. Hackenberger <HackenbergerC@api.org> wrote:

Hi Tim,

My name is Carrie Hackenberger and I work for the Colorado Petroleum Council (API). Our Executive Director, Tracee Bentley, will be in Washington DC next week and I wanted to reach out and see if I could schedule a meeting between the two of you while she is in town. She has some availability on 6/20 and 6/21. Please let me know if there is a time you are available to meet with her! Thank you in advance for your help!

Best regards,

Carrie Hackenberger
Operations Manager
Colorado Petroleum Council

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Tim,

Could you help direct me to the scheduler for the Acting FWS Director Sheehan? We’d like to setup an introductory meeting.

Thanks in advance for the help!

Sam

Samantha McDonald

Director of Government Relations

Independent Petroleum Association of America

Hi Jim, hope all is well. Could you please give me a call when you get a chance, I have a quick question. I’m in my office 202-682-8439 until 3:00, then on my cell [redacted].

Thanks,

Holly A. Hopkins
Sr. Policy Advisor, Upstream
American Petroleum Institute
1220 L Street, NW
Washington, DC 20005
202-682-8439 Tel
hopkinsh@api.org <mailto:hopkinsh@api.org>
<http://www.api.org/>

This transmission contains information that is privileged and confidential and is intended solely for use of the individual(s) listed above. If you received the communication in error, please notify me immediately. Any dissemination or copying of this communication by anyone other than the individual(s) listed above is prohibited.
Sorry for the late reply. Have you been able to arrange a meeting?

Tim Williams

On Wed, Jun 14, 2017 at 11:22 AM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Tim,

Could you help direct me to the scheduler for the Acting FWS Director Sheehan? We’d like to setup an introductory meeting.

Thanks in advance for the help!

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
Not yet. Admittedly, I have been swamped and not very aggressive at hunting down an email. Do you have a contact?

---

From: Williams, Timothy [mailto:timothy_williams@ios.doi.gov]
Sent: Monday, June 19, 2017 8:18 AM
To: Samantha McDonald <SMcDonald@ipaa.org>
Subject: Re: Contact Help?

Sorry for the late reply. HAve you been able to arrange a meeting?

Tim Williams

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    Tim,

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    Thanks in advance for the help!

    Sam

Samantha McDonald

Director of Government Relations

Independent Petroleum Association of America

Will get one for you today.

Tim Williams

On Mon, Jun 19, 2017 at 8:19 AM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Not yet. Admittedly, I have been swamped and not very aggressive at hunting down an email. Do you have a contact?

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Samantha McDonald  
Director of Government Relations  
Independent Petroleum Association of America
Department Of The Interior
External and Intergovernmental Affairs
Timothy Williams
timothy_williams@ios.doi.gov
Office: (202) 208-6015
Cell: (202) 706-4982

--

Department Of The Interior
External and Intergovernmental Affairs
Timothy Williams
timothy_williams@ios.doi.gov
Office: (202) 208-6015
Cell: (202) 706-4982
Thomas Irwin
202-208-4545
thomas_irwin@fws.gov

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Thanks in advance for the help!

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
Thank you!

From: Williams, Timothy [mailto:timothy_williams@ios.doi.gov]
Sent: Monday, June 19, 2017 9:29 AM
To: Samantha McDonald <SMcDonald@ipaa.org>
Subject: Re: Contact Help?

Thomas Irwin
202-208-4545
thomas_irwin@fws.gov

On Mon, Jun 19, 2017 at 8:19 AM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Not yet. Admittedly, I have been swamped and not very aggressive at hunting down an email. Do you have a contact?

From: Williams, Timothy [mailto:timothy_williams@ios.doi.gov]
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Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

--

Department Of The Interior
External and Intergovernmental Affairs
Timothy Williams
timothy_williams@ios.doi.gov <mailto:timothy_williams@ios.doi.gov>
Office: (202) 208-6015
Cell: (202) 706-4982

--

Department Of The Interior
External and Intergovernmental Affairs
Timothy Williams
timothy_williams@ios.doi.gov <mailto:timothy_williams@ios.doi.gov>
Office: (202) 208-6015

Cell: (202) 706-4982
Timothy,

The Colorado Oil & Gas Association is pleased to invite you to attend as our guest at the **29th Annual Energy Summit**. After over two and a half decades, this conference maintains a reputation for delivering thought-provoking and progressive content and offering the best industry networking opportunity in the Rockies. This year’s conference, expo, and events span August 21-24th in Denver, Colorado.

The conference and expo theme is **Cleaner, Better, Further, Safer**.

The technological advances and strategic thinking that led to a surge in U.S. production and ultimately lower commodity prices are now ushering in a new period of innovation and development. The industry emerging from the recent downturn is better equipped to face the challenges of a new price environment and global market era. Over three days, our speakers will explore the industry’s commitment to a **cleaner** energy future, strategies employed to position companies for **better** success, technological advances that take us **further** to energy security, and continuing implementation of practices that keep our industry **safer** than ever before.

Currently, some of our confirmed speakers include:

- Tamara Bray, Group Vice President and Chief Human Resources Officer, DCP Midstream
- Bart Brookman, President & CEO, PDC Energy
- Dawn Constantine, SVP Marketing & Regulatory Affairs, BP
- Trisha Curtis, President & Co-founder, PetroNerds
- Dr. Jim Duncan, Director, Commodity Market Research, ConocoPhillips
- Gale Norton, President, Norton Regulatory Strategies and Former Secretary of the Interior
- Dr. Mehrzad Mahdavi, Vice President, Digital Solutions, Weatherford
- Dr. Donald Paul, Executive Director of the USC Energy Institute, Professor of Engineering, and the William M. Keck Chair of Energy Resources
- Tom Petrie, Chairman, Petrie Partners
- Dave Stover, President & CEO Noble Energy
- Gregory Vesey, CEO & Managing Director, LNG Limited

For a full list of speakers and content, visit [www.theenergysummit.org](http://www.theenergysummit.org). Additional speakers will be announced soon, so please check back for updates. In addition to these presentations, our exhibit hall and related events will provide an unparalleled opportunity to connect and network with industry peers and leading service providers.

Over 1,300 registrants are expected to attend, including key executives from oil and gas companies, investment and commercial bankers, geologists, geophysicists, landmen, producers, procurement managers, pipeline professionals, policy makers, academic institutions, and members of the media.
The complimentary registration includes access to all Energy Summit speaker sessions, exhibits, refreshment breaks, and the Exhibit Hall receptions.

In an effort to minimize empty seats, registration does not automatically include the luncheons, however we highly encourage your attendance at each of these events. Should you wish to attend, please RSVP directly to Christina.delpone@coga.org by July 15, 2017 and you will receive complimentary tickets when you pick up your name badge at conference.

This registration does not include the Golf Tournament (on August 21), or Opening Night Party. You may add these additional items on at a cost during registration. To register for your complimentary pass and any additional items, please follow the below steps.

- **Step 1:** Visit [www.TheEnergySummit.org](http://www.TheEnergySummit.org) to complete your registration
- **Step 2:** After entering your personal contact information, select “The Energy Summit – Registration Only” as your admission item.
- **Step 4:** Enter the code 2017COMP in the “SUMMARY & PAYMENT” section at the end of the registration process.
- **Step 5:** Email Christina.delpone@coga.org to sign up for your complimentary luncheon tickets.

**Please note that the code is non-transferable and case-sensitive.** Should you need assistance with your registration, please call 303-861-0362 and ask for Christina Delpone.

- Thank you and we hope to see you at The Energy Summit!

Sincerely,

Sarah Sandberg

Sarah Sandberg  
Chief Operating Officer  
The Energy Summit Conference Director  
Colorado Oil & Gas Association  
p: 303-861-0362  c: 303-907-5568  
[Twitter](https://twitter.com) | [LinkedIn](https://www.linkedin.com) | [Contact Card](#)

[Click for more information on the Program, Registration, and opportunities for Sponsorships & Exhibit Booths](#)

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Two more questions:

1. Who is the Secretary’s scheduler?
2. Did the members of the Sage Grouse Review Team get named?

Thank you!

Thomas Irwin
202-208-4545
thomas_irwin@fws.gov

On Mon, Jun 19, 2017 at 8:19 AM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

> Not yet. Admittedly, I have been swamped and not very aggressive at hunting down an email. Do you have a contact?
On Wed, Jun 14, 2017 at 11:22 AM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

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Thanks in advance for the help!

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
Is there a good time for me to call you today/tomorrow? Thanks.
Yes. Anytime after 9:30 today. Mostly free tomorrow before 11:00.

Andy Radford
API
W: 202.682.8584
C: 703.447.2297
Sent from my iPhone

> On Jun 28, 2017, at 7:47 AM, Devito, Vincent <vincent_devito@ios.doi.gov> wrote:
> Is there a good time for me to call you today/tomorrow? Thanks.
Yes. Anytime after 9:30 today. Mostly free tomorrow before 11:00.

Andy Radford
API
W: 202.682.8584
C: 703.447.2297
Sent from my iPhone

> On Jun 28, 2017, at 7:47 AM, Devito, Vincent <vincent_devito@ios.doi.gov> wrote:
> 
> Is there a good time for me to call you today/tomorrow? Thanks.
>
left you a vm. I am at 2022082884. Thanks.

On Wed, Jun 28, 2017 at 8:03 AM, Andy Radford <Radforda@api.org> wrote:
> Yes. Anytime after 9:30 today. Mostly free tomorrow before 11:00.
> 
> Andy Radford
> API
> W: 202.682.8584
> C: 703.447.2297
> Sent from my iPhone
>
>> On Jun 28, 2017, at 7:47 AM, Devito, Vincent <vincent_devito@ios.doi.gov> wrote:
>>
>> Is there a good time for me to call you today/tomorrow? Thanks.
>>
>>
I am out of the office Friday 30 June and the American Petroleum Institute is closed 3, 4 July in observance of Independence Day reopening 5 July.

Have a happy and safe Fourth of July weekend!

Khary Cauthen
Senior Director, Federal Relations
Hi Esther. My name is Tim Williams I am with the Department of the Interior and we have a invitation for you to participate on a conference call with Secretary Zinke. My number is 202-706-4982.

Tim Williams

--

Department Of The Interior
External and Intergovernmental Affairs
Timothy Williams
timothy_williams@ios.doi.gov <mailto:timothy_williams@ios.doi.gov>
Office: (202) 208-1923
Thank you for your email. I am out of the office until Thursday, July 5, 2017. I will respond to emails upon my return.

Esther
Conference Call with Secretary Zinke regarding upcoming Secretarial Order dealing with onshore energy and BLM permitting backlog.

Location: Conference Call
Time: 12:00 pm Eastern

We will be sending you the call in information tomorrow morning.

All the best, Tim Williams

--

Department Of The Interior
External and Intergovernmental Affairs
Timothy Williams
timothy_williams@ios.doi.gov <mailto:timothy_williams@ios.doi.gov>
Office: (202) 208-1923
Thank you for your email. I am currently out of the office on vacation until Monday, July 10th. If this needs to be addressed before then, please reach out to Khary Cauthen (cauthenk@api.org), Senior Director of Federal Relations, while I am out.
Conference Call with Secretary Zinke regarding upcoming Secretarial Order dealing with onshore energy and BLM permitting backlog.

Date: Thursday July, 6, 2017
Location: Conference Call
Time: 12:00 pm Eastern

We will be sending you the call in information tomorrow morning.

All the best, Tim Williams

--

Department Of The Interior
External and Intergovernmental Affairs
Timothy Williams
timothy_williams@ios.doi.gov <mailto:timothy_williams@ios.doi.gov>
Office: (202) 208-1923
Conference Call with Secretary Zinke regarding upcoming Secretarial Order dealing with onshore energy and BLM permitting backlog.

Date: Thursday July, 6, 2017
Location: Conference Call
Time: 12:00 pm Eastern Time
Call in number: [b] (5) [b]
Passcode: [b] (5) [b]

All the best, Tim Williams

--

Department Of The Interior
External and Intergovernmental Affairs
Timothy Williams
timothy_williams@ios.doi.gov <mailto:timothy_williams@ios.doi.gov>
Office: (202) 208-1923
Hi Timothy,
Are you familiar with today’s secretarial order? How can our office get more information on the announcement ahead of today’s media call? My direct line is 202-857-4701.

Neal Kirby
Director, Public Affairs and Communications
Independent Petroleum Association of America
www.ipaa.org | (202) 857-4722 | @NealKirby

IPAA represents America’s independent oil and natural gas producers, which support over 2.1 million American jobs.

Secretary Zinke to Host Press Call Announcing New Secretarial Order

WASHINGTON - Today at 12:30 PM EDT, U.S. Secretary of the Interior Ryan Zinke will host a news media telephone briefing to announce a new secretarial order aimed at improving America's onshore energy program. Credentialed members of the news media may RSVP for the call by emailing Alex at Interior_Press@ios.doi.gov to obtain the dial-in information.

WHAT: Telephone press briefing
WHO: U.S. Secretary of the Interior Ryan Zinke
WHEN: Thursday, July 6, 2017 at 12:30 PM EDT
WHERE: RSVP to obtain dial-in information
RSVP: This call is only for members of the news media. Email Alex at Interior_Press@ios.doi.gov to obtain the dial-in information

###
I have sent an email to your leadership with the call in details for the stake holder call.

Tim

Timothy Williams
External and Intergovernmental Affairs
Department of the Interior
Cell: (202) 706-4982

On Jul 6, 2017, at 10:16 AM, Neal Kirby <nkirby@ipaa.org> wrote:

Hi Timothy,

Are you familiar with today’s secretarial order? How can our office get more information on the announcement ahead of today’s media call? My direct line is 202-857-4701.

Neal Kirby
Director, Public Affairs and Communications
Independent Petroleum Association of America
www.ipaa.org | (202) 857-4722 | @NealKirby

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RSVP: This call is only for members of the news media. Email Alex at Interior_Press@ios.doi.gov to obtain the dial-in information

###
From: Timothy Williams
To: Neal Kirby
Subject: Rec: Secretary Zinke to Host Press Call Announcing New Secretarial Order
Date: Thursday, July 6, 2017 10:34:21 AM

Date: Thursday, July 6, 2017
Location: Conference Call
Time: 12:00 pm Eastern Time
Call in number: [b] (5) [b]
Passcode: [b] (5) [b]

Timothy Williams
External and Intergovernmental Affairs
Department of the Interior
Cell: (202) 706-4982

On Jul 6, 2017, at 10:16 AM, Neal Kirby <nkirby@ipaa.org> wrote:

Hi Timothy,
Are you familiar with today's secretarial order? How can our office get more information on the announcement ahead of today's media call? My direct line is 202-857-4701.

Neal Kirby
Director, Public Affairs and Communications
Independent Petroleum Association of America
www.ipaa.org | (202) 857-4722 | @NealKirby

IPAA represents America's independent oil and natural gas producers, which support over 2.1 million American jobs.

From: U.S. Department of the Interior [mailto:interior_news@updates.interior.gov]
Sent: Thursday, July 6, 2017 9:33 AM
To: Neal Kirby <nkirby@ipaa.org>
Subject: Secretary Zinke to Host Press Call Announcing New Secretarial Order

https://admin.govdelivery.com/system/images/24665/original/Media-Advisory_edited-8.jpg

Date: July 6, 2017
Contact: Interior_Press@ios.doi.gov

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WHEN: Thursday, July 6, 2017 at 12:30 PM EDT
WHERE: RSVP to obtain dial-in information
RSVP: This call is only for members of the news media. Email Alex at Interior_Press@ios.doi.gov to obtain the dial-in information

###

This email was sent to nkirby@ipaa.org by: U.S. Department of the Interior  1849 C Street, N.W.  Washington DC 20240
202-208-3100

2 2 2 2
Thank you. We’ll likely want to issue a statement in response and echo the Secretary’s announcement, so this additional information ahead of time will be helpful.

From: Timothy Williams [mailto:timothy_williams@ios.doi.gov]
Sent: Thursday, July 6, 2017 10:23 AM
To: Neal Kirby <nkirby@ipaa.org>
Subject: Re: Secretary Zinke to Host Press Call Announcing New Secretarial Order

I have sent an email to your leadership with the call in details for the stake holder call.

Tim

Timothy Williams
External and Intergovernmental Affairs
Department of the Interior
Cell: (202) 706-4982

On Jul 6, 2017, at 10:16 AM, Neal Kirby <nkirby@ipaa.org> wrote:

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Neal Kirby
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Sent: Thursday, July 6, 2017 9:33 AM
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https://admin.govdelivery.com/system/images/24665/original/Media-Advisory_edited-8.jpg
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WHERE: RSVP to obtain dial-in information
RSVP: This call is only for members of the news media. Email Alex at Interior_Press@ios.doi.gov to obtain the dial-in information

###
Good morning,

Thank you so much for accepting our invitation to speak.

The only thing I need at this time please is a headshot and a short bio. The conference is at the Park Hyatt in Beaver Creek Colorado, roughly two hours from Denver. Please let me know if Mr. DeVito will need lodging for either the evening of the 2\textsuperscript{nd} or the 3\textsuperscript{rd}, transportation, etc. Finally, if I could get a rough time that would be convenient for Mr. DeVito to speak, I can incorporate that into our agenda.

If there’s anything you need from me, please don’t hesitate to ask.

Thank you again,

Brian Fakharzadeh

Vice President of Development and Operations
Western Energy Alliance
1775 Sherman Street, Ste. 2700
Denver, CO 80203
303-501-1063 Direct
303-623-0987 Main

bfakharzadeh@westernenergyalliance.org

*******************************************************************
This email and any files transmitted with it are confidential and intended solely for the viewing use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

---

From: leila_getto@ios.doi.gov [mailto:leila_getto@ios.doi.gov] On Behalf Of SIO, Scheduling
Sent: Wednesday, July 05, 2017 2:08 PM
To: Brian Fakharzadeh <bfakharzadeh@westernenergyalliance.org>
Cc: Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>; Vincent Devito <vincent_devito@ios.doi.gov>
Subject: Re: Follow up

Dear Brian,
Mr. DeVito appreciates your kind invitation and would be delighted to speak at your annual meeting on August 3rd. Do you need anything else from me to confirm his role in your program? I'm cc'ing his assistant, Gisella Ojeda-dodds, who can coordinate with you directly the final details. Thank you again for the opportunity to be part of your program.

Best regards,
Leila Getto

Leila Sepehri Getto
U.S. Department of Interior
Immediate Office of the Secretary
Deputy Director, Scheduling and Advance
Direct: (202) 208-5359
Cell: (202) 706-9435

On Wed, Jul 5, 2017 at 3:15 PM, Brian Fakharzadeh <bfakharzadeh@westernenergyalliance.org> wrote:

Thank you for the prompt response. Below are general guidelines or speaking points. We'd like to have a q&a after he speaks, if that's possible.

General plans on energy policy, progress with nominations, more certainty on leasing/NEPA/permitting, impacts of ESA issues on energy, reorganization plans, basically anything he wants to talk about with respect to the Interior Department and energy.

Thanks so much!

Brian Fakharzadeh
VP, Development and Operations
Western Energy Alliance

303 623 0987 | office main
303 931 2135 | cell

bfakharzadeh@westernenergyalliance.org

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Dear Brian,

Thank you again for your understanding on the Secretary's schedule.

We're in the process of moving some items on Mr. DeVitto's schedule to accommodate his travel to your event. Thank you for your patience. Did you want him to deliver 20 minutes of straight remarks the morning of the 3rd? Is there anything specific you wanted him to address?

Thank you!
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Thanks for the quick response. I’m disappointed, but knew it would be a challenge.

The event begins the evening of August 2nd, with an opening reception and dinner. EPA Administrator Pruitt is slated to be the keynote speaker during that dinner.

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Sorry I don’t have anything more concrete, but this year with our dignitary invitees, I’ve been challenged in getting an actual schedule built.

If you could let me know asap on Mr. DeVito’s availability, I’d appreciate it.

Best,

Brian Fakharzadeh

Vice President of Development and Operations
Western Energy Alliance
1775 Sherman Street, Ste. 2700
Denver, CO 80203
303-501-1063 Direct
303-623-0987 Main

bfakharzadeh@westernenergyalliance.org

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From: leila_getto@ios.doi.gov [mailto:leila_getto@ios.doi.gov] On Behalf Of SIO, Scheduling  
Sent: Wednesday, July 05, 2017 9:35 AM  
To: Brian Fakharzadeh <bfakharzadeh@westernenergyalliance.org>  
Subject: Re: Follow up  

Dear Brian,

Thank you for your the kind invitation to the Secretary and I apologize for the delay. Unfortunately, due to the demands on the Secretary’s schedule I’m not able to get him to Beaver Creek on August 3rd to speak at your annual meeting. I will check on Mr. DeVito's schedule and follow up with you. In the meantime, do you mind sharing with me your latest agenda?

Thank you,
Leila Getto

Leila Sepehri Getto  
U.S. Department of Interior  
Immediate Office of the Secretary  
Deputy Director, Scheduling and Advance  
Direct: (202) 208-5359  
Cell: (202) 706-9435

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Thank you for your help with this. I look forward to hearing back from you.

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Western Energy Alliance  
1775 Sherman Street, Ste. 2700  
Denver, CO 80203
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Tim Nigborowicz
Office of Scheduling and Advance
U.S. Department of the Interior
202-208-7551

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Conference Call with Secretary Zinke regarding upcoming Secretarial Order dealing with onshore energy and BLM permitting backlog.

Date: Thursday July, 6, 2017

Location: Conference Call

Time: 12:00 pm Eastern Time

Call in number: [b] (5) [b]

Passcode: [b] (5) [b]
Thanks Tim, I forwarded to our sister association, Western Energy Alliance as well. Hope that was ok. Tripp Parks should be on for WEA.

From: Williams, Timothy [mailto:timothy_williams@ios.doi.gov]
Sent: Wednesday, July 5, 2017 4:48 PM
Subject: Department of the Interior - Conference Call - On Shore Energy

Conference Call with Secretary Zinke regarding upcoming Secretarial Order dealing with onshore energy and BLM permitting backlog.

Date: Thursday July, 6, 2017
Location: Conference Call
Time: 12:00 pm Eastern

We will be sending you the call in information tomorrow morning.

All the best, Tim Williams

--

Department Of The Interior
External and Intergovernmental Affairs
Timothy Williams
timothy_williams@ios.doi.gov <mailto:timothy_williams@ios.doi.gov>
Office: (202) 208-1923
Department Of The Interior

External and Intergovernmental Affairs

Timothy Williams

timothy_williams@ios.doi.gov

Office: (202) 208-1923
Thank you!

---------- Forwarded message ----------
From: Williams, Timothy <timothy_williams@ios.doi.gov>
Date: Thu, Jul 6, 2017 at 8:08 AM
Subject: Conference Call - With Secretary Zinke
To:

Conference Call with Secretary Zinke regarding upcoming Secretarial Order dealing with onshore energy and BLM permitting backlog.

Date: Thursday July, 6, 2017
Location: Conference Call
Time: 12:00 pm Eastern Time
Call in number: [b] (5) [b]
Passcode: [b] (5) [b]

All the best, Tim Williams

--

Department Of The Interior
External and Intergovernmental Affairs
We would be honored if he would make the opening keynote remarks on the 3\textsuperscript{rd}. That time slot would be at 10am, if that would work.

Thank you,

Brian Fakharzadeh

Vice President of Development and Operations
Western Energy Alliance
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Hi Brian! Can we have him deliver the opening keynote remarks on the 3rd? Thank you! Leila
DeVito will need lodging for either the evening of the 2 or the 3, transportation, etc. Finally, if I could get a rough time that would be convenient for Mr. DeVito to speak, I can incorporate that into our agenda.

If there’s anything you need from me, please don’t hesitate to ask.

Thank you again,

Brian Fakharzadeh

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Sent: Wednesday, July 05, 2017 2:08 PM
To: Brian Fakharzadeh <bfakharzadeh@westernenergyalliance.org>
Cc: Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>; Vincent Devito <vincent_devito@ios.doi.gov>
Subject: Re: Follow up

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Best regards,

Leila Getto

Leila Sepehri Getto
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Immediate Office of the Secretary
Deputy Director, Scheduling and Advance
Direct: (202) 208-5359
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General plans on energy policy, progress with nominations, more certainty on leasing/NEPA/permitting, impacts of ESA issues on energy, reorganization plans, basically anything he wants to talk about with respect to the Interior Department and energy.

Thanks so much!

Brian Fakharzadeh
VP, Development and Operations
Western Energy Alliance

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Sorry I don’t have anything more concrete, but this year with our dignitary invitees, I’ve been challenged in getting an actual schedule built.

If you could let me know asap on Mr. DeVito’s availability, I’d appreciate it.

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U.S. Department of the Interior
202-208-7551

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Hi Timothy,

Quick questions on the call right now – is there media on the call and will there be a release going out today? We’d love to share this news around New Mexico.

Thanks!

Robert McEntyre
Director of Communications
New Mexico Oil & Gas Association
P. O. Box 1864
Santa Fe, NM 87504
Office (505) 982-2568
Cell (770) 548-5571
www.nmoga.org
robert@nmoga.org <mailto:robert@nmoga.org>
Here are our meal prices which trust me, are ridiculously inflated. These numbers get heavy because it’s the way the hotel makes its money after comping us the event room rental. If you need me to contact the hotel to find out what a more realistic (non-inflated) price would be, just let me know.

Dinner buffet, $85
Breakfast buffet, $42
Lunch buffet, $48

Brian Fakharzadeh
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Thank you. Also, if there is a reception the night before or any breakfast or lunch offered for this event please let me know what the items are and their value so I can clear through our ethics office. Thanks so much!

Gisella

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Hi Brian! Can we have him deliver the opening keynote remarks on the 3rd? Thank you!
Leila

On Thu, Jun 6, 2017 at 10:41 AM, Brian Fakharzadeh <bfakharzadeh@westernenergyalliance.org> wrote:

Good morning,

Thank you so much for accepting our invitation to speak.

The only thing I need at this time please is a headshot and a short bio. The conference is at the Park Hyatt in Beaver Creek Colorado, roughly two hours from Denver. Please let me know if Mr. DeVito will need lodging for either the evening of the 2nd or the 3rd, transportation, etc. Finally, if I could get a rough time that would be convenient for Mr. DeVito to speak, I can incorporate that into our agenda.

If there’s anything you need from me, please don’t hesitate to ask.
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To: Brian Fakharzadeh <bfa@hotmail.com>
Cc: Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>; Vincent DeVito <vincent_devito@ios.doi.gov>
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Leila Getto

Leila Sepehri Getto
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On Behalf Of SIO, Scheduling

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bfakharzadeh@westernenergyalliance.org
******************************************************************************
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Gisella Ojeda-Dodds
Executive Assistant to Douglas Domenech, Senior Advisor
Downey Magallanes, Acting Deputy Chief of Staff
Vincent DeVito, Counselor to the Secretary for Energy Policy

Immediate Office of the Secretary
U.S. Department of the Interior
1849 "C" Street, NW, MS: 6136-MIB
Washington, D.C. 20240
Telephone: (202) 208-4123/4105
Facsimile: (202) 208-4561
E-mail: Gisella_Ojeda-Dodds@ios.doi.gov
There was no media on the call. They are doing a press call as we speak. I will be sending over the press release later today which you can share. It should have a link to the Secretarial order as well.

Tim Williams

On Thu, Jul 6, 2017 at 12:10 PM, Robert McEntyre <robert@nmoga.org> wrote:

Hi Timothy,

Quick questions on the call right now – is there media on the call and will there be a release going out today? We’d love to share this news around New Mexico.

Thanks!

Robert McEntyre
Director of Communications
New Mexico Oil & Gas Association
P. O. Box 1864
Santa Fe, NM 87504
Office (505) 982-2568
Cell (770) 548-5571
www.nmoga.org
robert@nmoga.org <mailto:robert@nmoga.org>

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Department Of The Interior
External and Intergovernmental Affairs
Timothy Williams
timothy_williams@ios.doi.gov <mailto:timothy_williams@ios.doi.gov>
Office: (202) 208-1923
Thank you, Tim, and if I could be added to your distribution list for press releases, calls, etc, that would be great.

Thanks!

From: "Williams, Timothy" <timothy_williams@ios.doi.gov>
Date: Thursday, July 6, 2017 at 10:39 AM
To: Robert McEntyre <robert@nmoga.org>
Subject: Re: Secretary Zinke Call

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Robert McEntyre

Director of Communications

New Mexico Oil & Gas Association

P. O. Box 1864

Santa Fe, NM 87504
On Thu, Jul 6, 2017 at 12:50 PM, Robert McEntyre <robert@nmoga.org> wrote:

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Department Of The Interior
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Done

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Department Of The Interior

External and Intergovernmental Affairs

Timothy Williams

timothy_williams@ios.doi.gov <mailto:timothy_williams@ios.doi.gov>

Office: (202) 208-1923
I will be out of the office through July 11th. I will have limited access to email during this time. If you need immediate assistance please contact Roslyn Sellars or Thomas Irwin at 202-208-4545.
I'm out of the office until Wednesday, July 19th. Please call (303) 623-0987 if you need immediate assistance. For media inquiries, please contact Aaron Johnson, ajohnson@westernenergyalliance.org.
Dear Mr. Sheehan,

Thank you so much for meeting with Dan and me on June 30th. We appreciated you hearing our concerns and asking so many great questions about the oil and gas industry.

Following up on our meeting, you requested letters outlining issues we were facing from the Service in the field. Attached is our first letter on the Texas Hornshell. We are more than happy to answer any questions you may have.

We appreciate your willingness to help and look forward to continued correspondence.

Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

July 11, 2017

Gregory Sheehan
Acting Director
U.S. Fish and Wildlife Service
U.S. Department of Interior
1849 C Street NW
Room 3358
Washington, D.C. 20240

Dear Mr. Sheehan,

I am writing today regarding a proposed listing decision for the Texas Hornshell which is expected by August of 2017. IPAA members are concerned that the FWS is pre-disposed to listing the species as endangered under the Endangered Species Act (ESA) without sound data. This action would drastically and unnecessarily propel FWS involvement in existing regulatory programs. We strongly oppose the listing of this species under the ESA as endangered, or threatened and we want to draw your attention to information in the Texas Hornshell SSA report and several statements made by FWS officials at recent public hearings must be corrected or addressed.

By way of background, the Texas Hornshell was proposed for an endangered listing by FWS in August of 2016. On May 30, 2017, the agency reopened the comment period and announced two public hearings, one of which was held in Laredo, TX on June 13, 2017. Some of our members attended this hearing. The three threats to the species that were discussed included: over-sedimentation, loss of water flow, and diminished water quality. Related to the threat of low water flow, FWS staff stated that significant issues related to low water flow are due to oil and gas activities but there was no data given to validate this statement. FWS staff further stated their concern regarding droughts that could remain longer, with rain storms coming less frequent with larger impact, and the current trajectory for the Texas Hornshell is extinction. Oil and gas drilling and production water use is dwarfed by other water uses. For example, the New Mexico office of the State Engineer “Water Use by Categories 2010” summarized that all surface by the mining sector (including oil and gas) accounted for only 1.09% of the total water withdraws by all users. In the Pecos River basin, where the Texas Hornshell occurs, the NM Office of State Engineer reported that there were no surface water withdraws by the mining sector. In other words, the water use by oil and gas operations is so small as to have no appreciable effect on the Texas Hornshell and its habitat. FWS staff predicted that 30 days after listing, all other State or Federal agencies that regulate any activities that could impact the Texas Hornshell have to go through the FWS.

Recent information, including maps posted at the Laredo hearing from the FWS’ Species Status Assessment report (July 2016), and the August 2016 proposed listing in the Federal Register, appear to rely heavily from data used to complete the Texas A&M report to the Texas State Comptroller’s Office (Freshwater Mussels: Unionidae, Central and West Texas, Final Report; April 2017). Regarding population information, FWS stated that information shared from Mexico was collected in the 1980’s, and reflective of qualitative vs. quantitative data. Despite the absence of more recent data the SSA
Report reaches an entirely supported conclusion stating that the species is believed to be extirpated from much of Mexico. Moreover, significant limitations have been recognized by the Intergovernmental Panel on Climate Change in its most recent evaluation of the state of climate change modeling. We do not believe this information represents the best scientific or commercial data available, a foundational standard for listing a species under the ESA, and the reliance on such data in this listing decision would be a mistake with vast ramifications the local landowners, communities and the industries that operate in those areas. As such, FWS should not proceed with this listing determination without the availability of a more recent qualitative data set for the species.

Having reviewed the SSA Report, IPAA believes our members exploring for or producing crude oil, natural gas and condensate in the region where the Texas Hornshell is found do not conduct operations in the species habitat as described in the report. FWS must correct this misinformation in the SSA report and revise its conclusions accordingly. While drilling and production operations and associated activities are conducted near areas where the Texas Hornshell is found, any such operations are carried out in compliance with permits issued by the States of New Mexico and Texas. Industry practices and the terms and conditions of these permits for drilling, production, gathering and transportation activities set requirements and provide guidelines to prevent impacts on the species. Additionally, operators design and construct pipelines and other infrastructure following best management practices for stormwater management and comply with putting in place Spill Prevention, Control and Countermeasure plans. Oil and gas producers and local landowners with farming and ranching activities on their lands are concerned that a listing will result in FWS involvement in existing regulatory programs, particularly water-use permitting with the States, which could negative impact and potentially curtail exploration and production activities, agriculture and ranching and other economically beneficial activities.

IPAA and its members believe development and conservation can and does coexist and that a listing of the Texas Hornshell would be ill-advised at this time. As you know, Section 4 of the ESA requires the Service to make a final listing determination within one year of its proposed rule to list a species, but the Service may extend this deadline by six months if “there is substantial disagreement regarding the sufficiency or accuracy of the available data.” We believe that a six-month extension is warranted.

Nonetheless, should the FWS proceed with listing, we would urge the FWS to recognize in any final listing rule that oil and gas activities within the Texas Hornshell habitat are minimal. All associated impacts to the species are prevented through existing State permitting requirements and therefore are not expected to rise to the level of “take” under the Endangered Species Act.

Thank you for your interest on this subject and please let us know how IPAA can assist with this matter.

Sincerely,

Dan Naatz, Senior Vice President of Government Relations and Political Affairs
Vincent,

Great meeting you a couple weeks ago. Given your interest in help with energy matters, I wanted to flag for you a wildlife letter we sent to the Acting Director at FWS yesterday we have about a potential listing of the Texas Hornshell mussel in New Mexico and Texas. It appears our energy is being blamed as a deterrent to the species, despite facts on water science and lack of sound science. We’re really hoping that you can intervene before this species gets listed next month.

Thanks for all you do and I look forward to continuing to work with you!

Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
July 11, 2017

Gregory Sheehan
Acting Director
U.S. Fish and Wildlife Service
U.S. Department of Interior
1849 C Street NW
Room 3358
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Thank you for your interest on this subject and please let us know how IPAA can assist with this matter.

Sincerely,

Dan Naatz, Senior Vice President of Government Relations and Political Affairs
Casey,

Great seeing you earlier this week. I wanted to touch base with you in your capacity on the sage grouse review team. One of my members, Diemer True (based in Wyoming) is actively involved with the captive raising of sage grouse and he would like to see a reference to the merits of the program in the final report. Would you have some time to speak with Diemer (cc’d)? He may even come to D.C. for the meeting if you feel that is best or maybe you two could coordinate the next time you are out west.

Thanks in advance for your consideration of this request!

Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
I will be out of the office and have limited internet access until July 16, 2017. Please feel free to email or call my Secretary Valerie Smith at (202) 208-1923 Valerie_V_Smith@ios.doi.gov

Thank you, Tim Williams

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Department Of The Interior
External and Intergovernmental Affairs
Tim Williams
Work: 202-208-1923
e-mail:timothy_williams@ios.doi.gov
Tim,

I hope this note finds you well. I wanted to touch base with you in your capacity on the sage grouse review team. One of my members, Diemer True (based in Wyoming) is actively involved with the captive raising of sage grouse and he would like to see a reference to the merits of the program in the final report. Would you have some time to speak with Diemer (cc’d)? He may even come to D.C. for the meeting if you feel that is best or maybe you two could coordinate the next time you are out west.

Thanks in advance for your consideration of this request!

Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

Happy to talk. Let's set up a time for a call.

On Jul 14, 2017, at 11:16 AM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

    Casey,

    Great seeing you earlier this week. I wanted to touch base with you in your capacity on the sage grouse review team. One of my members, Diemer True (based in Wyoming) is actively involved with the captive raising of sage grouse and he would like to see a reference to the merits of the program in the final report. Would you have some time to speak with Diemer (cc’d)? He may even come to D.C. for the meeting if you feel that is best or maybe you two could coordinate the next time you are out west.

    Thanks in advance for your consideration of this request!

    Best,

    Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
I would like to speak with him. I can meet him either in DC or at our next meeting. I believe our next meeting will be out west.

Tim Williams

On Fri, Jul 14, 2017 at 11:18 AM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Tim,

I hope this note finds you well. I wanted to touch base with you in your capacity on the sage grouse review team. One of my members, Diemer True (based in Wyoming) is actively involved with the captive raising of sage grouse and he would like to see a reference to the merits of the program in the final report. Would you have some time to speak with Diemer (cc’d)? He may even come to D.C. for the meeting if you feel that is best or maybe you two could coordinate the next time you are out west.

Thanks in advance for your consideration of this request!

Best,

Sam

Samantha McDonald

Director of Government Relations

Independent Petroleum Association of America

Department Of The Interior
External and Intergovernmental Affairs
Tim Williams
Work: 202-208-1923
email: timothy_williams@ios.doi.gov
Hi Greg!

I hope this note finds you well. I’m having a call with my ESA Task Force at 3PM today. Have you been able to review our letter? Let me know if I can help provide for info. Our members are really concerned about the trajectory of this listing decision.

Kind regards,

Sam

---

From: Samantha McDonald  
Sent: Tuesday, July 11, 2017 4:10 PM  
To: 'gregory_sheehan@fws.gov' <gregory_sheehan@fws.gov>  
Cc: Dan Naatz <dnaatz@ipaa.org>; casey_hammond@ios.doi.gov  
Subject: TX Hornshell

Dear Mr. Sheehan,

Thank you so much for meeting with Dan and me on June 30th. We appreciated you hearing our concerns and asking so many great questions about the oil and gas industry.

Following up on our meeting, you requested letters outlining issues we were facing from the Service in the field. Attached is our first letter on the Texas Hornshell. We are more than happy to answer any questions you may have.

We appreciate your willingness to help and look forward to continued correspondence.

Best,

Sam
Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
Please find attached letter from PAW regarding – PAW support of Wyoming Sage-Grouse Executive Order - Revisions needed to Sage-grouse Management Plans to Advance Oil and Gas Development in Wyoming. If you have further questions please feel free to contact PAW.

Best regards,

Rachel Sanborn
Office Manager
Petroleum Association of Wyoming
951 Werner Ct, Ste 100
Casper, WY 82601-1351

Office Hours: Mon-Friday 8 am – 4 pm MST
Office: (307) 234-5333
Fax: (307) 266-2189

Web: www.pawyo.org <https://urldefense.proofpoint.com/v2/url?u=http-3A__www.pawyo.org&r=gDxzx4WXbP9S9YzvF0D5nNzehiPA-A969nwvIq5aZjUxမ3VlNhA7sGqUw1Tm9XuUnbASPB3BKb3s4W71DA&d=CwMFAg&c=QYgffNzgehjPA-El6wokxg&b=nWxM9A7sGqUw1Tm9XuUnbASPB3BKb3s4W71DA&m=c0fo0DTotrSGQg2pO2hvFXiamhASPB3BKb3s4W71DA&e=>

General Email Box: paw@pawyo.org

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July 17, 2017

Secretary Ryan Zinke
U.S. Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

RE: PAW Support of Wyoming Sage-Grouse Executive Order
Revisions Needed to Sage-grouse Management Plans to Advance Oil and Gas Development in Wyoming

Dear Secretary Zinke:

PAW is Wyoming’s largest and oldest oil and gas organization dedicated to the betterment of the state’s oil and gas industry and public welfare. PAW members, ranging from independent operators to integrated companies, account for approximately ninety percent of the natural gas and eighty percent of the crude oil produced in Wyoming.

PAW supports Wyoming Sage-Grouse Executive Order 2015-4 (EO) which protects 23% of Wyoming (15 million acres) as Priority Habitat Management Area (PHMA) and supports 85% of all sage-grouse in the state. Provisions of the EO include disturbance limitations in PHMAs of 1 disturbance per 640 acres (1/640) and a total 5% disturbance threshold in PHMA. Also, compensatory mitigation is required if EO PHMA thresholds are exceeded. PAW strongly supports consistent application of compensatory mitigation as outlined in the EO Compensatory Mitigation Framework on fee, state and federal lands.

Oil and gas development is being impeded in the state partly as a result of inconsistencies between the BLM Sage-grouse RMP amendments, specifically the 9-Plan and the Buffalo and Bighorn Basin RMP revisions released in 2015 (RMP Amendments and Revisions). Due to these inconsistencies, projects and APDs are being deferred or delayed by BLM. Following are the actions that will need to occur in order to achieve consistency with the EO and help advance energy development in Wyoming:

- **Revise identified PHMA boundaries** – In 2015, Wyoming revised its PHMA boundaries. Federal agencies, including BLM, USFS and USFWS, State Agencies, the Governor’s Office, industry, and NGOs all participated in this public process. While the revision resulted in a net increase to lands identified as PHMA, lands were also taken out of PHMA and identified as General Habitat Management Areas (GHMAs). The RMP Amendments and Revisions include the previously mapped PHMA boundaries (Version
3). In order to resolve these issues, BLM needs to adopt Wyoming’s revised PHMA boundaries (Version 4).

- **Eliminate compensatory mitigation requirements on federal lands in GHMAs** – The RMP Amendments and Revisions include provisions interpreted by some BLM staff to require compensatory mitigation in GHMA in order to meet a “no net loss” mitigation requirement. This is not a requirement under the EO. The RMP Amendments and Revisions must be changed to eliminate this requirement.

- **Eliminate compensatory mitigation requirements on federal lands in PHMAs when thresholds are not exceeded** – The RMP Amendments and Revisions require in PHMA a “net conservation gain” standard and compensatory mitigation for any development that takes place. The EO requires compensatory mitigation only when PHMA thresholds are exceeded. The RMP Amendments and Revisions need to be changed to eliminate compensatory mitigation requirements in PHMAs when thresholds are not exceeded.

- **Grant timing stipulation relief in GHMA lek buffers on federal lands consistent with the EO Compensatory Mitigation Framework** – The EO Compensatory Mitigation Framework allows for consistent and programmatic timing stipulation relief in GHMA lek buffers to incentivize development outside of PHMA. There is a compensatory mitigation cost for this timing stipulation relief. BLM has advised they are unable to grant timing stipulation relief in GHMA lek buffers without going through a burdensome exception, modification and waiver process following APD approval. The RMP Amendments and Revisions need to be revised to allow BLM to grant timing stipulation relief in GHMA lek buffers at the point of APD approval in a programmatic fashion consistent with the EO Compensatory Mitigation Framework.

- **Eliminate project-by-project compensatory mitigation calculation determinations and instead utilize the EO Compensatory Mitigation Framework** – BLM has deferred projects in order to determine compensatory mitigation amounts rather than utilizing the established mitigation ratios in the EO Compensatory Mitigation Framework. BLM has indicated they need to do this as part of the NEPA requirements under the RMP Amendments and Revisions. Changes need to be made to allow BLM to rely on the landscape level NEPA completed as part of the RMP Amendments and Revisions, eliminating the need to justify through project level NEPA analysis the use of the EO Compensatory Mitigation Framework to calculate mitigation amounts.

- **Ensure 2017 draft EISs are consistent with EO approach to mitigation** – After a seven year process, the NPL DEIS was released in July, 2017. The compensatory mitigation requirements contained in the DEIS are not consistent with the EO approach to mitigation. We have further concern that the compensatory mitigation requirements in the upcoming Converse County and Crossbow draft EISs scheduled to be released later this year will also be inconsistent with the EO approach to mitigation as well federal
mitigation policy. The mitigation requirements in these EISs need to be made consistent with the EO and revised federal mitigation policy when they are released in final form.

Please feel free to contact me if you have any questions or would like to further discuss our position with relation to sage-grouse management in Wyoming.

Sincerely,

Bruce Hinchey
President

cc: Kathleen Benedetto, Department of the Interior
    John Ruhs, BLM Acting Deputy Director
    Mary Jo Rugwell, BLM Wyoming State Director
    Larry Claypool, BLM Wyoming Associate State Director
    Duane Spencer, BLM Deputy State Director, Minerals and Lands
    Buddy Green, BLM Deputy State Director, Resource Policy and Management
    Matthew H. Mead, Wyoming Governor
Tim,

Could I request one more call with you in your sage grouse review capacity? We have three companies (Chesapeake, Conoco Phillips and EOG Resources and the fellow trade association Western Energy Alliance) cc’d that would like to chat with you on a pretty specific sage grouse issue they’d like to have addressed in the final report. While the companies can provide more background in addition to what I have pasted below, essentially we need the Department to issue guidance to BLM concerning an expedited approach to accept Version 4 Core Area Maps within their planning purposes. To ignore the problem could potential jeopardize several dozen projects in Wyoming. Thanks for your consideration of this request.

Kind regards,

Sam

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**Background:** On July 29, 2015, the State of Wyoming issued Executive Order 2015-4 which replaced Executive Orders 2011-5 and 2013-3 concerning Greater Sage-grouse (GrSG) management and mitigation practices within Wyoming. EO 2015-4 utilized Version 4 of the State’s GrSG Core Area Maps, which were attached to the referenced EO. BLM WY had previously issued Resource Management Plans (RMPs) providing direction on conservation goals, objectives, allocations and management actions in GrSG habitat including core areas and that those RMPs are based upon Version 3 of the State’s Core Area Map. BLM recognizes that EO 2015-4 utilizes a newer version of the State’s Core Area Map (Version 4) which does not align completely with the areas identified in the Version 3 maps that served as the basis for BLM’s Priority Habitat Management Areas (PHMAs) identified in the RMPs.

**Issue:** The BLM has determined that based on its Planning Regulations (43 CFR 1610) a Land Use Plan Amendment process is required for the BLM WY to consider incorporation of Version 4 of the Core Area Maps into the applicable RMPs. Within their IM No. WY-2016-024, the WY State Director’s office has directed all Field Offices (FOS) for those lands no longer identified as Core Areas (Version 4) by the State of Wyoming’s Core Area Protection Strategy (EO 2015-4) but which were initially identified as Priority Habitat Management Areas (PHMA) in the GrSG Amended RMPs as Core Areas subject to all applicable requirements until a subsequent planning process is completed. Further, the IM noted, that until a subsequent plan amendment is completed, the BLM will evaluate all proposed activities in these areas to determine the appropriate restrictions to be applied through the action-specific NEPA analysis and that all FO’s will initiate a DDCT analysis in accordance with the procedures outlined on the WGFD website and will have a technical review completed.
Context: WY BLM State Director, Mary Jo Rugwell, recognizes that changes are needed to address this problem but says she needs guidance from BLM HQ. Operators working to obtain APDs in areas which were initially identified as core within V3 but no longer are in core per V4, have been instructed to include core area Required Design Features (RDFs) in their applications or they won’t be approved. We have also been told to adhere to the 5% disturbance thresholds or our permits will likely be deferred. Once the projects are approved, we will need to go in on a well by well basis to apply for exceptions. Planning is difficult since we can’t assume the exceptions will be granted. The costs associated with in-core (PHMA) RDFs and non-core (GHMA) RDFs significantly differ. We have also been instructed to complete Density Disturbance Calculations (DDCTs) on the areas. When we do this, WY Game and Fish Department (WGFD) is stating that this is an unnecessary practice as our proposed projects are not in core areas (as they are using the V4 maps and BLM is using the V3 maps). We have also been asked, via BLM, to consult with WGFD on projects and then have subsequently been informed by the WGFD that their consultation is unwarranted as they projects do not fall within the V4 core boundaries. This issue is creating uncertainty for the business which results in confusion and delays.

Specific Ask: The WY State BLM and associated FO’s need guidance from HQ concerning an expedited approach to accept the V4 Core Area Maps within their planning processes. Now is the time to address this issue while Sec. Zinke has constituted a GrSG Review Team looking to make recommendations by 8/7.

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
(202)857-4722 / Visit IPAA / Visit ESA Watch
Amanda,

Hope all is going great for you in DC.

I have a request from one of our members who is having an issue getting a BLM oil and gas lease re-instated needing to connect with someone at Interior who could possibly help him out. This is a really good oil and gas operator, not a fly by night type so that is why I’m asking.

Let me know if you can point me in the right direction.

Thanks,

Alan

Alan Olson, Executive Director
Montana Petroleum Association
PO Box 1186
Helena, Montana 59624

Telephone;
Office 406.442.7582
Cell 406.320.1385

Email alan@montanapetroleum.org
Website www.montanapetroleum.org <http://www.montanapetroleum.org/>
Thank you. Please let me know what you may be hearing as this unfolds.

On Wed, Jul 12, 2017 at 8:26 AM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Vincent,

Great meeting you a couple weeks ago. Given your interest in help with energy matters, I wanted to flag for you a wildlife letter we sent to the Acting Director at FWS yesterday we have about a potential listing of the Texas Hornshell mussel in New Mexico and Texas. It appears our energy is being blamed as a deterrent to the species, despite facts on water science and lack of sound science. We’re really hoping that you can intervene before this species gets listed next month.

Thanks for all you do and I look forward to continuing to work with you!

Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
Thank you for talking with me. Here is a brief summary of the Wyoming initiative to attempt to raise a captive breeding program for Greater Sage-grouse.

Please let me know if I can be of further assistance.

Best regards

Diemer
The Wyoming Initiative to Establish a Captive Breeding Population of Greater Sage-grouse

The Wyoming legislature adopted legislation permitting certified private game bird farms to collect eggs, incubate, raise and release native Greater Sage-Grouse. This legislation puts in place the authority and regulatory safeguards to insure the safety and integrity of the Sage Grouse raised on private farms. The legislation received strong political support with a vote of 52 ay, 6 no and 2 excused in the House and 22 ay votes and 8 no votes in the senate. To our knowledge no other state has authorized such a program.

The Department of Interior has expended immense time, energy and resources to develop the gold standard for Sage Grouse conservation. The Department has spent or committed $760 Million on Sage Grouse initiatives since 2010. This Wyoming legislation would complement the Sage Grouse Management Plans that are currently in place. This legislation puts in place one more potentially viable practice that would help safeguard the Sage-grouse population and prevent the bird from being listed as endangered.

Reasons for the legislation:

- Allows for the raising of Wyoming bred and raised Sage Grouse on certified bird farms to be used for a variety of purposes
  - Research into the species biology and habitat
  - Supplement natural Grouse numbers to insure healthy and robust populations
  - Use as potential mitigation for NEPA and related considerations for energy and other development.
  - Use on private property to enhance and expand Sage Grouse populations in suitable occupied and unoccupied habitat.
  - Reduces the likely hood that the Greater Sage-Grouse will be listed as endangered

The legislation provides for:

- Local Sage Grouse eggs to be harvested by a certified game bird farm under the supervision of a wildlife biologist and Wyoming Game & Fish Department
- Specific qualifications for facilities to engage in Sage-Grouse production
- Biologically sound disease prevention and bio-security practices
- A four year window to allow certified game bird farms to attempt to raise a captive breeding population of Greater Sage-grouse.

Our requests to the Department of the Interior:

1. Based upon the Secretary of Interiors Order No. 3353 reference in Section 4, paragraph (b) subsection (v) the, Interior department endorse Wyoming’s efforts to
establish a captive breeding population of Greater Sage-grouse in its upcoming review.

2. Offer financial support to certified Game Bird Farms in Wyoming in their efforts to establish a captive breeding population of Greater Sage-grouse. We estimate it will cost approximately $500,000 for each of the four years authorized to adequately test the plan to raise a breeding flock of Greater Sage-Grouse. If the Department would support the effort for 50% or more that would assure the success in fund raising.

About Diamond Wings Upland Game Birds LLC

Diamond Wings and its predecessor has raised or sold over 700,000 upland game birds since 1995. It has a record of success with each of the species it has raised including Chinese pheasants, Ringneck pheasants, Chukar partridge, French red-legged partridge, Hungarian partridges, Bobwhite Quail, Red quail and California Valley quail.

Diamond Wings believes it will qualify as a certified private game bird farm to attempt to raise the sage grouse. Diamond Wings is NPIP qualified and tests annually for Avian Influenza. Diamond Wings currently raises Ringneck Pheasants and Chukar Partridges.

Author: Diemer True
Managing Member
Diamond Wings Upland Game Birds LLC
Diemer@Wyodiamond.com
Good evening,

Attached please find a letter from Western Energy Alliance to the Sage Grouse Review Team regarding the economic impacts of the Greater Sage-Grouse land use plans. We appreciate your review of these plans and would be happy to provide any additional information you may need. Please don’t hesitate to contact us with any questions.

Sincerely,

Tripp Parks
Manager of Government Affairs
Western Energy Alliance
Main: 303-623-0987
Direct: 303-501-1061
tparks@westernenergyalliance.org
July 19, 2017

Via Electronic Mail and Overnight Delivery

Greater Sage Grouse Review Team
U.S. Department of the Interior
1849 C Street, NW
Washington D.C. 20240

Re: Economic Impacts of Greater Sage Grouse Federal Land Use Plans

Dear Review Team:

Western Energy Alliance (the Alliance) submits this letter and information for your consideration during your review of the greater sage-grouse (GrSG) federal land use plans pursuant to Secretarial Order 3349.

The Alliance represents over 300 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas across the West. Alliance members are independents, the majority of which are small businesses with an average of fifteen employees. Our industry plays an important role in the economic wellbeing of the western States, and our production is a strong contributor toward American energy security.

The oil and natural gas industry generates approximately 173,860 jobs in the 13 western states, and approximately 62% of these jobs (107,700) are located in four states where greater sage grouse are found: Montana, Colorado, Wyoming, and Utah.

The economic benefits of oil and gas production in the West are significant. Western producers are proud to provide 21% of the nation’s oil and 25% of natural gas production while impacting less than 0.07 percent of public lands. Our industry generates $84.3 billion in annual economic impact nationwide, and in 2016 the industry contributed $13.3 billion in taxes to local, state and federal governments. Onshore producers return $54.12 in royalties and lease revenues for each dollar spent by the government administering the federal onshore program.

**Economic Impact.** The 2015 GrSG federal land use plans are severely restrictive and have tremendous detrimental economic and job impacts to the oil and gas industry. An economic analysis by John Dunham & Associates (JDA) reports that these restrictions will result in:

- loss of approximately 9,276 oil and gas jobs;
- reduced annual economic growth of approximately $2.4 billion; and,
loss of annual federal and state tax revenues of approximately $351 million.¹

This analysis utilized the IMPLAN model. A copy of this economic analysis is attached.

In the West, states and counties rely on a healthy and robust oil and natural gas industry to balance state budgets and fund education, public safety, and infrastructure projects. Most states require companies to pay severance, property, and other types of taxes as well as royalties on the energy they produce. Western states also have school trust funds funded by productive activities like oil and natural gas development on state lands.

**Targeted Oil and Gas Restrictions from GrSG Plans.** The oil and gas specific restrictions in the GrSG plans result in increased costs due to limitations on activities, and reduce new oil and gas development. The primary restrictions of concern to the Alliance are:

- Overly expansive and burdensome lek buffers (e.g., 3.1 miles) and noise buffers;
- Inconsistent and overly burdensome density and disturbance caps;
- Failure to define, recognize and respect Valid Existing Rights;
- Inconsistent and overly burdensome No Surface Occupancy (NSO), Controlled Surface Use (CSU), and Timing Limitations (TL) lease stipulations;
- BLM’s unlawful ceding of authority to U.S. Fish and Wildlife Service for approval of exception, waiver or modification of NSO, CSU, and TL stipulations;
- Imposition of unlawful and overly broad compensatory mitigation and net conservation gain requirements;
- Undue leasing prohibitions and restrictions;
- Arbitrary and unduly burdensome “Required Design Features;”
- Unsupported and overly broad designations of priority habitat management areas; and,
- Arbitrary exemptions for renewable transmission projects (e.g., surface disturbance cap exemption counted against oil and gas development cap).

These provisions are contrary to the President’s Executive Order, titled “Promoting Energy Independence and Economic Growth,” and Secretary Zinke’s Order 3349, “American Energy Independence.” The above provisions should be removed and the land use plans revised so that a proper balance is struck between recognizing and utilizing state conservation plans for the species and continued economic development and growth to ensure American energy independence and dominance.

**Revision of the Land Use Plans is a Necessity.** Given the expansive and unduly burdensome restrictions in these plans, it is critical that Interior revise the land use plans rather than simply seeking to make limited changes. Moreover, the States should have

¹ These numbers are based upon analysis of Scenario Two in the attached economic analysis, which tracks with the restrictions contained in the final federal land use plans issued in 2015.
primary management authority over the conservation of the GrSG because it is not a listed species, and the States have more local expertise.

State efforts, such as in Montana, Utah, and Wyoming, provide a more sensible and adaptive approach to GrSG management while balancing future economic growth that is entirely lacking in the current plans which utilize a federal, command and control, one-size-fits-all approach.

Additional Considerations. The Alliance also provides the following additional considerations for review of the GrSG federal land use plans:

1. **Rescission of 2016 Instruction Memoranda**

   The instruction memoranda issued in 2016 should each be rescinded in their entirety, as these guidelines further exacerbate the unduly burdensome restrictions of the GrSG plans.

2. **Issuance of Instruction Memoranda on Valid Existing Rights**

   While the GrSG Records of Decision and land use plans liberally utilize the phrase “valid existing rights”—it is not defined anywhere in the plans, and is imposed and implemented in a manner that disregards these rights. “Valid Existing Rights” should be explicitly defined as any lease, permit or authorization issued or granted prior to the date of issuance of the GrSG Records of Decision.

3. **Review of Alliance’s Data Quality Act challenges**

   In 2015, the Alliance submitted a series of Data Quality Act challenges to Interior on: (1) BLM’s National Technical Team Report; (2) the USFWS’s Conservation Objectives Team Report; (3) the USGS GrSG Monograph; and, (4) the USGS “Conservation Buffer Distance Estimates for Greater Sage-Grouse—A Review”1 (the Buffer Report). These reports contain significant data quality flaws, omissions, and fundamental scientific errors, yet were still utilized as foundational elements for formulation of the GrSG plans.

   The Interior GrSG Review Team should review the Alliance’s Data Quality Act submissions to identify key scientific and data flaws that need to be addressed and corrected in the revised GrSG plans.

4. **Revisions to Habitat Mapping and Habitat Designations**

   The habitat designations reflected in the current land use plans are based on computer mapping exercises built around overly burdensome and far reaching leks and buffers that are not supported by science, resulting in inaccurate and overbroad habitat designations.
The plans should be revised to provide States with primacy in designating habitat and expressly allow for adaptation of designation habitat based upon local conditions and data from State recommendations. The revised plans and RODs should also include an express provision that affords site-specific ground-truthing of habitat areas on a project-specific basis.


As Interior and BLM move forward to revise the GrSG plans and RODs, the following guiding principles should be in the forefront:

- Viable management strategies in the RMPAs and RODs must be: (1) based on science; (2) designed to promote certainty, affordability, flexibility, simplicity, and accessibility; and, (3) operationally and legally viable.

- RMPAs must provide a platform that allows for transparency and regulatory certainty at the project level.

- Conserve high-quality habitat where it makes the greatest ecological difference, while balancing economic activity and recognizing valid existing rights.

- Provide adaptability to improve the effectiveness and efficiency of BLM management.

Thank you for your time and consideration. The Alliance looks forward to continued dialog regarding these important issues on a going forward basis.

Please do not hesitate to contact us if you have any questions or would like additional information.

Sincerely,

Kathleen M. Sgamma
President

WESTERN ENERGY ALLIANCE
Correct email.

Begin forwarded message:

From: Tripp Parks <tparks@westernenergyalliance.org>
Date: July 19, 2017 at 7:25:46 PM EDT
To: "Williams, Timothy" <timothy_williams@ios.doi.gov>, "vincent_devito@ios.doi.gov"
"kathy_benedetto@ios.doi.gov", "casey_hammond@ios.doi.gov", "katharine_macgregor@ios.doi.gov"
"katharine_macgregor@ios.doi.gov", "daniel_jorjani@ios.doi.gov" <daniel_jorjani@ios.doi.gov>,
"scott_cameron@ios.doi.gov" <scott_cameron@ios.doi.gov>
Cc: Kathleen Sgamma <ksgamma@westernenergyalliance.org>, "Sumner, Bret"<bsumner@bwenergylaw.com>, "Sauer, Theresa" <tsauer@bwenergylaw.com>
Subject: Western Energy Alliance Letter on the Economic Impact of the Sage Grouse Land Use Plans

Good evening,

Attached please find a letter from Western Energy Alliance to the Sage Grouse Review Team regarding the economic impacts of the Greater Sage-Grouse land use plans. We appreciate your review of these plans and would be happy to provide any additional information you may need. Please don’t hesitate to contact us with any questions.

Sincerely,

Tripp Parks
Manager of Government Affairs
Western Energy Alliance
Main: 303-623-0987
Direct: 303-501-1061
tparks@westernenergyalliance.org
July 19, 2017

Via Electronic Mail and Overnight Delivery

Greater Sage Grouse Review Team
U.S. Department of the Interior
1849 C Street, NW
Washington D.C. 20240

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State efforts, such as in Montana, Utah, and Wyoming, provide a more sensible and adaptive approach to GrSG management while balancing future economic growth that is entirely lacking in the current plans which utilize a federal, command and control, one-size-fits-all approach.

Additional Considerations. The Alliance also provides the following additional considerations for review of the GrSG federal land use plans:

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3. Review of Alliance’s Data Quality Act challenges

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   The Interior GrSG Review Team should review the Alliance’s Data Quality Act submissions to identify key scientific and data flaws that need to be addressed and corrected in the revised GrSG plans.

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   The habitat designations reflected in the current land use plans are based on computer mapping exercises built around overly burdensome and far reaching leks and buffers that are not supported by science, resulting in inaccurate and overbroad habitat designations.
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As Interior and BLM move forward to revise the GrSG plans and RODs, the following guiding principles should be in the forefront:

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- Conserve high-quality habitat where it makes the greatest ecological difference, while balancing economic activity and recognizing valid existing rights.

- Provide adaptability to improve the effectiveness and efficiency of BLM management.

Thank you for your time and consideration. The Alliance looks forward to continued dialog regarding these important issues on a going forward basis.

Please do not hesitate to contact us if you have any questions or would like additional information.

Sincerely,

Kathleen M. Sgamma
President

WESTERN ENERGY ALLIANCE
Thank you.

On Jul 19, 2017, at 7:27 PM, Tripp Parks <tparks@westernenergyalliance.org> wrote:

Good evening,

Attached please find a letter from Western Energy Alliance to the Sage Grouse Review Team regarding the economic impacts of the Greater Sage-Grouse land use plans. We appreciate your review of these plans and would be happy to provide any additional information you may need. Please don’t hesitate to contact us with any questions.

Sincerely,

Tripp Parks
Manager of Government Affairs
Western Energy Alliance
Main: 303-623-0987
Direct: 303-501-1061
tparks@westernenergyalliance.org

<Western Energy Alliance Letter to Interior re GrSG Economic Impact.pdf>
Hello from windy Wyoming,

I welcome the opportunity to talk with you in person or on the phone. When is the next meeting out west?

Thanks

Diemer true

From: Williams, Timothy [mailto:timothy_williams@ios.doi.gov]
Sent: Friday, July 14, 2017 3:01 PM
To: Samantha McDonald <SMcDonald@ipaa.org>; Diemer True <Diemer@WyoDiamond.com>
Subject: Re: sage grouse

I would like to speak with him. I can meet him either in DC or at our next meeting. I believe our next meeting will be out west.

Tim Williams

On Fri, Jul 14, 2017 at 11:18 AM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Tim,

I hope this note finds you well. I wanted to touch base with you in your capacity on the sage grouse review team. One of my members, Diemer True (based in Wyoming) is actively involved with the captive raising of sage grouse and he would like to see a reference to the merits of the program in the final report. Would you have some time to speak with Diemer (cc’d)? He may even come to D.C. for the meeting if you feel that is best or maybe you two could coordinate the next time you are out west.

Thanks in advance for your consideration of this request!

Best,

Sam
Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

--

Department Of The Interior
External and Intergovernmental Affairs
Tim Williams
Work: 202-208-1923
email: timothy_williams@ios.doi.gov
I am out of the office with limited access to email until Monday, July 24th. Please call 303-623-0987 for immediate assistance.
diemer@wyodiamond.com has accepted this invitation.
Phone call re: Greater Sage-grouse (Casey Hammond & IPAA) - - Dial: 866-747-1718, Code: 2084545
When Wed Jul 19, 2017 3pm – 3:30pm Eastern Time
Video call (5)

Calendar casey_hammond@ios.doi.gov
Who • casey_hammond@ios.doi.gov - organizer
• roslyn_sellars@fws.gov - creator
• diemer@wyodiamond.com
• mrodonald@ipaa.org

Invitation from Google Calendar <https://www.google.com/calendar/>
You are receiving this email at the account casey_hammond@ios.doi.gov because you are subscribed for invitation replies on calendar casey_hammond@ios.doi.gov.
To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.
Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More<https://support.google.com/calendar/answer/37135#forwarding/>.
From: Diemer True
To: "vincent_devito@ios.doi.gov"
Subject: FW: Captive raising of Greater Sage-grouse
Date: Friday, July 21, 2017 9:49:58 PM
Attachments: enrolled act 91.pdf
Talking Points for Vince DeVito.docx

From: Diemer True
Sent: Friday, July 21, 2017 2:59 PM
To: 'vincent_divito@ios.doi.gov' <vincent_divito@ios.doi.gov>
Subject: Captive raising of Greater Sage-grouse

Good afternoon Mr. DeVito,

Here is the briefing paper on Wyoming’s captive breeding initiative and the enabling legislation.

If the Interior Department review could give encouragement to the Wyoming initiative, I think it would give us a boost and momentum.

Please let me know if I can be of additional help or answer any question.

Best regards

Diemer Turue
AN ACT relating to game and fish; modifying game bird farm license provisions relating to release of game birds; providing a limitation on game and fish commission regulation of the release of game birds by licensees; providing for certification of game bird farms to allow breeding, propagation, handling, taking, rearing and release of greater sage grouse; authorizing gathering of greater sage grouse eggs by certified game bird farms as specified; specifying requirements for certification; requiring rulemaking; providing a time limitation on certification and for disposition of greater sage grouse held at the expiration or revocation of certification; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 23-5-111 is created to read:

23-5-111. Game bird farm-certification to raise greater sage grouse; authorization; requirements; limitations.

(a) No person shall possess live greater sage grouse or propagate, breed, sell, raise or release greater sage grouse unless licensed as a game bird farm and certified to be in compliance with the requirements of this section.

(b) The commission shall promulgate rules and regulations for the administration of this section. The rules and regulations shall establish a system to certify game bird farm licensees to possess, propagate, breed, raise, sell, gather eggs of and release greater sage grouse and to take greater sage grouse within the boundaries of the game bird farm. A licensee shall be issued an annual
certificate of compliance under this section by providing evidence to the department that:

   (i) The licensee has successfully raised from eggs or chicks at least two (2) other species of game bird in accordance with this act for not less than three (3) consecutive years;

   (ii) An adequate enclosure exists at the game bird farm to confine and handle greater sage grouse physically separated from other game birds;

   (iii) The enclosures for greater sage grouse include vegetation consistent with the needs of the grouse;

   (iv) The facility is disease free; and

   (v) The licensee demonstrates the capacity to meet requirements specified in this section and commission rule for continuing operation as a certified greater sage grouse facility.

(c) To maintain certification under this section the licensee shall:

   (i) Submit an annual national poultry improvement plan certificate and annual avian influenza free certification by a licensed Wyoming veterinarian to the department;

   (ii) Report within the time period established by rule the detection of any disease at the game bird farm to the department and undertake and report to the department remedial acts taken to mitigate the effects of any disease.
(d) Before release, greater sage grouse shall be banded for identification in accordance with rules and regulations of the commission and held in a holding pen separate from any sage grouse not being released and separate from any other game bird species for at least thirty (30) consecutive days immediately prior to release. Any greater sage grouse that dies within the release holding pen during this period shall be reported to the department within the time period and in accordance with the procedures established by rule shall be sent to the Wyoming state veterinary laboratory for necropsy at the expense of the licensee. Any release of greater sage grouse within the state and not within the boundaries of the game bird farm shall be in coordination with the department. Commission rules may restrict areas of release as necessary to protect existing wild populations of greater sage grouse.

(e) A game bird farm licensee holding a current certification under this section may collect greater sage grouse eggs for the purpose of establishing a captive breeding population, subject to the following restrictions:

(i) All collections shall be conducted by the licensee or his agent under the supervision of a professional wildlife biologist and in coordination with the department;

(ii) No more than two hundred fifty (250) eggs may be collected by any game bird farm licensee in any calendar year;

(iii) No more than forty (40) nest sites in a single collection area may be disturbed by the game bird farm licensee in any calendar year; and
(iv) Eggs may only be collected in April and May;

(v) Rules shall establish:

(A) Time of day and restrictions on methods of collection of eggs;

(B) The number of licensees authorized to collect eggs;

(C) The areas approved for collection of eggs; and

(D) Other limitations on egg collections, including the complete suspension of egg collections as determined by the commission to be beneficial to prevent the listing of or facilitate the removal of greater sage grouse as a candidate species under the Endangered Species Act.

(f) The department may suspend, revoke or not renew any certification issued to a licensee under this section if, after notice and opportunity for a hearing, the department finds:

(i) The licensee has violated any provision of this act or any rule promulgated under this act which relates to the licensee's game bird farm operations;

(ii) The licensee's facilities no longer provide secure holding facilities to contain and separate game bird species as required under this section;

(iii) The licensee's facility has not remained disease free and the department reasonably believes the
native greater sage grouse population of this state may be harmed thereby.

(g) The requirements of this section for game bird farm certification for greater sage grouse are in addition to all other licensing requirements of this article.

(h) A licensee whose certification under this section has been revoked may not reapply for a new certification within eighteen (18) months of the date of revocation.

(j) Commission rules may provide for the forfeiture to the state or for other disposition of greater sage grouse at any facility whose certification under this section has been revoked. Certifications under this section shall expire as of December 31, 2022. Commission rules shall provide for disposition of all greater sage grouse held by a licensee pursuant to this section as of that date. No licensee shall be entitled to any reimbursement from or other claim against the state for any greater sage grouse owned by the licensee at the expiration or revocation of a certification and all certifications issued pursuant to this section shall so provide.

Section 2. W.S. 23-3-108(a), 23-3-116, 23-5-102, 23-5-104(c) and 23-5-106 are amended to read:

23-3-108. Destruction of bird nests or eggs.

(a) No person shall take or intentionally destroy the nest or eggs of any nonpredacious bird, except as authorized under W.S. 23-5-111. The nest or eggs of any predacious bird may be taken or destroyed.

23-3-116. Ownership of game bird; taking of privately owned game birds.
Any person who wishes to acquire game birds from any private source shall apply for and receive a permit from the department prior to acquiring, possessing or transporting the game birds. Upon receipt of the game birds, the permittee shall notify the department to establish proof of ownership and to allow the game birds to be marked with a leg or wing band. Whenever game birds are purchased outside the state, the permittee shall furnish adequate evidence that the game birds are disease free. Upon compliance with this section, the permittee is entitled to take his privately owned game birds without a game bird or turkey license. Live greater sage grouse or the eggs thereof shall only be acquired, possessed, bred, propagated, raised, sold, transported, taken and released by a game bird farm licensee holding a current certification under W.S. 23-5-111.

23-5-102. Department to issue licenses.

The department shall issue licenses for game bird farms, and for the propagation, breeding, possession, use, releasing, killing, hunting, and sale of licensed birds therefrom. No license shall authorize any of the acts specified in this section for greater sage grouse unless the licensee has been certified under W.S. 23-5-111.

23-5-104. Investigation of applicant; issuance of license; purchase or replacement of birds; marking of birds.

(c) When a license has been granted, the licensee becomes the owner of all offspring of the game birds actually produced and remaining thereon. No person shall entice game birds into the licensed premises by baiting, artificial feeding or by any other means. All adult game
birds released on the licensed premises shall be marked by identifying leg or wing bands. After three (3) years of continuous operation and licensure for the same location, the licensee shall not be required to mark adult game birds with identifying leg or wing bands. To be qualified as a licensee under this act, each licensee shall release a minimum of one hundred (100) game birds each year on the licensed premises, which number may be a combination of any species of game birds. Failure to release the minimum number of birds is cause for revocation of the license. The commission shall not limit by rule and regulation or policy the number or species of game birds a licensee may raise, possess, confine, transport or dispose of in accordance with the provisions of this chapter.

23-5-106. Rights of licensee generally.

The game bird farm license is prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his or its successor or assigns, for the term of license, to establish and operate a game bird farm upon the premises, and entitles the licensee therein named or his successors or assigns, to the exclusive right for and during the term to breed, propagate, hunt, kill, and sell the licensed game birds thereon. For game bird species other than greater sage grouse, the licensee shall not shoot or kill over ninety-six percent (96%) of the birds reared or released on his premises. No licensee shall undertake any of the acts specified in this section for greater sage grouse unless the licensee holds a current certification under W.S. 23-5-111, and the acts are taken in accordance with W.S. 23-5-111 and rules adopted pursuant thereto.
Section 3. Rules required by this act shall be adopted as final rules by the game and fish commission not later than September 1, 2017.

Section 4. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: __________

DATE APPROVED: __________

I hereby certify that this act originated in the House.

Chief Clerk
The Wyoming Initiative to Establish a Captive Breeding Population of Greater Sage-grouse

The Wyoming legislature adopted legislation permitting certified private game bird farms to collect eggs, incubate, raise and release native Greater Sage-Grouse. This legislation puts in place the authority and regulatory safeguards to insure the safety and integrity of the Sage Grouse raised on private farms. The legislation received strong political support with a vote of 52 ay, 6 no and 2 excused in the House and 22 ay votes and 8 no votes in the senate. To our knowledge no other state has authorized such a program.

The Department of Interior has expended immense time, energy and resources to develop the gold standard for Sage Grouse conservation. The Department has spent or committed $760 Million on Sage Grouse initiatives since 2010. This Wyoming legislation would complement the Sage Grouse Management Plans that are currently in place. This legislation puts in place one more potentially viable practice that would help safeguard the Sage-grouse population and prevent the bird from being listed as endangered.

Reasons for the legislation:

- Allows for the raising of Wyoming bred and raised Sage Grouse on certified bird farms to be used for a variety of purposes
  - Research into the species biology and habitat
  - Supplement natural Grouse numbers to insure healthy and robust populations
  - Use as potential mitigation for NEPA and related considerations for energy and other development.
  - Use on private property to enhance and expand Sage Grouse populations in suitable occupied and unoccupied habitat.
  - Reduces the likely hood that the Greater Sage-Grouse will be listed as endangered

The legislation provides for:

- Local Sage Grouse eggs to be harvested by a certified game bird farm under the supervision of a wildlife biologist and Wyoming Game & Fish Department
- Specific qualifications for facilities to engage in Sage-Grouse production
- Biologically sound disease prevention and bio-security practices
- A four year window to allow certified game bird farms to attempt to raise a captive breeding population of Greater Sage-grouse.

Our requests to the Department of the Interior:

1. Based upon the Secretary of Interiors Order No. 3353 reference in Section 4, paragraph (b) subsection (v) the, Interior department endorse Wyoming’s efforts to
establish a captive breeding population of Greater Sage-grouse in its upcoming review.

2. Offer financial support to certified Game Bird Farms in Wyoming in their efforts to establish a captive breeding population of Greater Sage-grouse. We estimate it will cost approximately $500,000 for each of the four years authorized to adequately test the plan to raise a breeding flock of Greater Sage-Grouse. If the Department would support the effort for 50% or more that would assure the success in fund raising.

About Diamond Wings Upland Game Birds LLC

Diamond Wings and its predecessor has raised or sold over 700,000 upland game birds since 1995. It has a record of success with each of the species it has raised including Chinese pheasants, Ringneck pheasants, Chukar partridge, French red-legged partridge, Hungarian partridges, Bobwhite Quail, Red quail and California Valley quail.

Diamond Wings believes it will qualify as a certified private game bird farm to attempt to raise the sage grouse. Diamond Wings is NPIP qualified and tests annually for Avian Influenza. Diamond Wings currently raises Ringneck Pheasants and Chukar Partridges.

Author: Diemer True
Managing Member
Diamond Wings Upland Game Birds LLC
Diemer@Wyodiamond.com
Thank you.

On Jul 21, 2017, at 9:51 PM, Diemer True <Diemer@wyodiamond.com> wrote:

From: Diemer True  
Sent: Friday, July 21, 2017 2:59 PM  
To: 'vincent_divito@ios.doi.gov' <vincent_divito@ios.doi.gov>  
Subject: Captive raising of Greater Sage-grouse

Good afternoon Mr. DeVito,

Here is the briefing paper on Wyoming’s captive breeding initiative and the enabling legislation.

If the Interior Department review could give encouragement to the Wyoming initiative, I think it would give us a boost and momentum.

Please let me know if I can be of additional help or answer any question.

Best regards

Diemer Turue

<enrolled act 91.pdf>

<Talking Points for Vince DeVito.docx>
Hi Sam

I have been running a bit and I apologize for not getting back to you sooner. I am learning more about this issue internally. I have not seen any listing documents so I don't know that anything is formally being finalized yet. Will get back to you.

Thanks
Greg

On Tue, Jul 11, 2017 at 4:10 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Dear Mr. Sheehan,

Thank you so much for meeting with Dan and me on June 30th. We appreciated you hearing our concerns and asking so many great questions about the oil and gas industry.

Following up on our meeting, you requested letters outlining issues we were facing from the Service in the field. Attached is our first letter on the Texas Hornshell. We are more than happy to answer any questions you may have.

We appreciate your willingness to help and look forward to continued correspondence.

Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

Alan, so sorry for the delay, last week was crazy. Will give you a call.

Sent from my iPhone

On Jul 18, 2017, at 1:05 PM, Alan Olson <Alan@montanapetroleum.org> wrote:

   Amanda,

   Hope all is going great for you in DC.

   I have a request from one of our members who is having an issue getting a BLM oil and gas lease re-instated needing to connect with someone at Interior who could possibly help him out. This is a really good oil and gas operator, not a fly by night type so that is why I’m asking.

   Let me know if you can point me in the right direction.

   Thanks,

   Alan

   Alan Olson, Executive Director
   Montana Petroleum Association
   PO Box 1186
   Helena, Montana 59624

   Telephone;
   Office 406.442.7582
   Cell 406.320.1385
Email alan@montanapetroleum.org

Website www.montanapetroleum.org <http://www.montanapetroleum.org/>
Thank you! I noticed that the Texas Hornshell was slated for a listing determination in the Unified Agenda <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201704&RIN=1018-BB34> next month. The clock is ticking on this one and my companies will need to sign their intent letters to participate in the CCAA and CCA by August 7. Again, thank you for your interest and I appreciate your willingness to look into this for us. What is being stated in the field as fact is misconstrued and could lead to a listing decision that could adversely affect future operations in the region.

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Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

--

Greg Sheehan, Acting Director
Principle Deputy Director
US Fish and Wildlife Service
1849 C Street NW, Room 3358
Washington, DC  20240
202-208-4545
FYI. As a courtesy, I wanted you looped in on my correspondence with Greg.

From: Samantha McDonald
Sent: Monday, July 24, 2017 3:31 PM
To: 'Sheehan, Gregory' <greg_j_sheehan@fws.gov>
Subject: RE: TX Hornshell

Thank you! I noticed that the Texas Hornshell was slated for a listing determination in the Unified Agenda <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201704&RIN=1018-BB34> next month. The clock is ticking on this one and my companies will need to sign their intent letters to participate in the CCAA and CCA by August 7. Again, thank you for your interest and I appreciate your willingness to look into this for us. What is being stated in the field as fact is misconstrued and could lead to a listing decision that could adversely affect future operations in the region.

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Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

--

Greg Sheehan, Acting Director
Principle Deputy Director
US Fish and Wildlife Service
1849 C Street NW, Room 3358
Washington, DC 20240
202-208-4545
I will be out of the office through July 25th. I will have limited access to email during this time. If you need immediate assistance please contact Roslyn Sellars or Thomas Irwin at 202-208-4545.
Thanks Amanda.

Alan

From: Amanda Kaster [mailto:amanda.kaster@ios.doi.gov]
Sent: Monday, July 24, 2017 12:45 PM
To: Alan Olson <Alan@montanapetroleum.org>
Subject: Re: BLM contact

Alan, so sorry for the delay, last week was crazy. Will give you a call.

Sent from my iPhone

On Jul 18, 2017, at 1:05 PM, Alan Olson <Alan@montanapetroleum.org> wrote:

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    Let me know if you can point me in the right direction.

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    Alan

    Alan Olson, Executive Director
    Montana Petroleum Association
PO Box 1186
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Telephone;
Office 406.442.7582
Cell 406.320.1385

Email alan@montanapetroleum.org
Website www.montanapetroleum.org <http://www.montanapetroleum.org/>
Dear Mr. DeVito and Mr. Nedd –

On behalf of API, I am forwarding to each of you the accompanying letter by which API expresses its support for the objectives of Secretarial Order 3354, dated July 7, 2017, and the invitation from the BLM to the public to provide input into the agency’s land use planning and National Environmental Policy Act (NEPA) processes. Because we see the Secretarial order and the BLM notice and invitation as closely related, we are providing API comments to each action via this letter.

We are also submitting a copy of this letter via the Regulations.gov website to the docket DOI-2017-0003-0003.

Thank you for considering these comments.

Very truly yours,

Richard Ranger

API

1220 L Street NW

Washington DC 20005

202.682.8057
July 24, 2017

Honorable Ryan Zinke  
Secretary of the U.S. Department of the Interior  
U.S. Department of the Interior  
1849 C Street NW  
Washington, DC 20240

Re: Secretarial Order 3354 and BLM Future Planning Efforts and Project/Environmental Reviews

Dear Secretary Zinke:

The American Petroleum Institute (“API”) is pleased to see the Department of the Interior describe a specific plan to promote the exploration and development of oil and natural gas resources on Federal lands. The oil and natural gas industry is committed to assisting the nation in realizing the benefits of the energy and mineral resource endowment with which we have been blessed in a manner that achieves safety and environmental performance, and that generates jobs and strengthens America’s energy security.

API is a national trade association representing over 625 member companies involved in all aspects of the oil and natural gas industry. API’s members include producers, refiners, suppliers, pipeline operators, and marine transporters, as well as service and supply companies that support all segments of the industry. API member companies are leaders of a technology-driven industry that supplies most of America’s energy, supports more than 9.8 million jobs and 8 percent of the U.S. economy, and, since 2000, has invested nearly $2 trillion in U.S. capital projects to advance all forms of energy, including alternatives.

To secure the tremendous benefits of domestic energy production for our nation and to achieve the goal of “energy dominance” that the Administration has described as a policy objective, it is imperative that we increase access to our nation’s abundant federal onshore and offshore resources. From this perspective, we commend the citation of the Mineral Leasing Act of 1920 in Secretarial Order 3354, and its requirement that oil and gas lease sales “be held for each State where eligible lands are available at least quarterly and more frequently if the Secretary of Interior determines such sales are necessary,” 30 U.S.C. §226, and we support the Order’s call for improvements in the implementation of the requirement for quarterly lease sales directed by the Mineral Leasing Act.

To further the Administration’s energy policy goals, it is equally important for government to assure a stable and predictable regulatory environment, and to align management of America’s public lands with the direction provided by law. Thus, we also support the Secretarial order’s call for identification of options to improve the Federal onshore leasing program, including the identification of additional steps to
enhance exploration and development of Federal onshore oil and natural gas resources, and the development of strategies to improve the permit processes for oil and gas operations on Federal lands.

Toward that end, we offer the following recommendations for the Department, for the Bureau of Land Management, and for the coordination of actions by Federal agencies to achieve these statutory and policy objectives. Too often, oil and gas projects experience months and even years of delay due to regulatory, administrative, and litigation obstacles that sideline projects on Federal lands while projects on non-Federal lands proceed under more efficient and predictable regimes of permitting, regulation and judicial review. Given the enormous investments and extensive planning necessary to locate and produce oil and gas resources, these delays and the resulting uncertainty deter investment in Federal leases in this critical energy sector, and adversely impact the broader economy as well.

First, BLM may not prioritize timely processing of oil and gas lease and permit applications, and there are seldom, if ever, negative consequences for the agency as a result of such delays. API recommends that through Executive or Secretarial Order or equivalent measure, the BLM be directed to prioritize timely completion of oil and gas leasing and permitting decisions, and reorganize BLM staff and other resources accordingly, consistent with the availability of appropriations. We further recommend that the Department and the BLM incorporate this priority into performance standards for agency staff at all levels.

In order to expedite environmental review required for issuance of permits, we support action by the Secretary to encourage the BLM to accept submittal of environmental information prepared by third parties at the request of an applicant where this meets the requirements of 40 C.F.R. § 1506.5). We note that there are numerous examples on Federal lands where oil production on Federal leases is shut-in because producers cannot obtain flaring approvals, and pipelines are not being timely approved on Federal lands to gather and transport the gas. Gas production can be similarly contingent on the advance construction of pipeline infrastructure to deliver the production to market. Thus, consistent with the foregoing recommendations, API urges that the BLM must similarly prioritize and redirect staff resources to facilitate timely decisions on oil and gas pipelines and other supporting infrastructure necessary for oil and gas production.

In order to achieve these outcomes, the Department and the BLM must commit to approvals within required timeframes. This includes lease issuance within 60 days of an accepted high bid per the Mineral Leasing Act, and issuance of Applications for Permits to Drill (“APD”) within 30 days of submission of a complete permit application per Energy Policy Act of 2005 (“EPAct”) Section 366. There are also situations where to avoid “starting the clock” for an APD decision, some BLM field offices deem APDs as not “complete” for lengthy periods of time and for reasons outside the lessee’s control. See 43 C.F.R. § 3162.3-1(d). API recommends that the Department and the BLM promulgate guidance to District Offices that APDs should be deemed submitted within 10 days unless BLM provides clear written reasons to the lessee, also as provided in EPAct Section 366. Once those issues are resolved, BLM cannot raise new completeness issues. Some field offices have also imposed ad hoc requirements for APDs that have no basis in regulation or law, asking companies to perform extra cultural, wildlife, flood plain, or other surveys, among other measures. Such arbitrary requirements lengthen the APD processing time, and may vary greatly from field office to field office. As part of the review described in the Secretarial Order, we strongly encourage a review of all local orders or instructional memoranda published by district offices to determine the consistency of these with the Secretarial Order, and the withdrawal or termination of those orders or equivalent documents found not to be consistent.

Some reports indicate that it can take an average of over 300 days for a BLM District Office to process an APD. This is a substantially longer time period than was the case in the previous decade. It can sometimes take years for approvals for more complex projects. Prior Council on Environmental Quality (“CEQ”) guidance addresses “Clear Time Lines for NEPA Reviews,” but does not clearly direct any action on this issue. See CEQ, “Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act.” API requests that the Secretary or Director must
clearly prescribe that time limits will be determined at the commencement of the NEPA process, and recommends that time limits adhere to the 3-month EA and 12-month EIS expected timelines described in CEQ guidelines; we would also encourage a rulemaking to achieve this outcome. See CEQ, Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations, #35 (“Time Required for the NEPA Process”). Also, because non-lead cooperating agencies may delay or change their comments on BLM NEPA documents, the Secretary should direct that agencies submit timely comments that cannot be amended or supplemented without cause. We also believe it is important that the level of NEPA analysis undertaken be appropriate to the scale of the project or action being analyzed. For example, consistent with U.S. Supreme Court precedent, agency regulations, and CEQ regulation 40 CFR 1508.7, NEPA analysis for oil and gas projects should only examine a project’s reasonably foreseeable, quantifiable impacts, not purely speculative impacts that are unlikely or uncertain to occur. Finally, in regard to the role and participation of cooperating agencies in review of permit applications to the BLM for oil and gas projects we strongly urge that the Department and BLM continue the practice of collocating personnel from different agencies in BLM offices implemented under the EPAct Sec.365 to assure efficiency and thoroughness of such review. We note that the Pilot Office Program was reauthorized in 2014, as part of the FY 2015 National Defense Authorization Act. Included in that reauthorization was an increase in APD fees which Congress intended to provide additional funds focused exclusively on permit processing and to ensure those offices with the most activity are receiving a commensurate amount of funding for permit processing.

Among the factors that have led to increasingly lengthy BLM approval processes has been the experience of some operators that certain BLM offices or personnel are reluctant to invoke existing categorical exclusions (“CXs”) applicable to the leasing or permitting decision at issue. The CX is a valid and useful tool under NEPA, allowable under 40 C.F.R. § 1508.4 (and BLM’s NEPA Handbook, H1790-1, Appendices 2, 3, 4 & 5). Indeed, Congress explicitly established a number of CXs for oil and gas development, including one for disturbances less than five acres, which includes most drilling pads. See EPAct § 390; BLM NEPA Handbook at Appx. 2. API believes that the Secretary or Director should reaffirm the use of existing CXs and direct staff to use an existing CX unless an Environmental Assessment is clearly shown to be necessary. We believe that CXs can be applicable to a broad range of permit requests for oil and gas projects, particularly where these are consistent with the Resource Management Plan (“RMP”) developed for the BLM district in question, plans that are customarily subject to NEPA review and an Environmental Impact Statement prior to adoption. We also recommend that the BLM should affirmatively solicit industry and public proposals for new types of CXs. Lessees and operators often conduct multi-phase projects involving a sequence of similar activities in close geographical proximity. For example, onshore oil and gas drilling may consist of multiple wells on a single lease, well pad, or field. Each requisite Federal approval may trigger a new NEPA review, even though the relevant activity’s local impacts may previously have been assessed in a NEPA document. API recommends that the BLM’s NEPA process should tier from recent reviews of similar, nearby projects where circumstances have not materially changed. BLM should be instructed to utilize a Determination of NEPA Adequacy (“DNA”) where appropriate, and not undertake unnecessary NEPA review.

From time to time, the BLM has issued guidance documents attempting to impose different or additional requirements beyond existing law and regulations, such as the commingling Instruction Memorandum 2013-152 (“IM”), which the industry showed to be problematic. In line with the direction being provided by Secretarial Order 3354, API recommends that the Secretary request a review of existing guidance documents published by the BLM for their consistency with the objectives of the Secretarial Order and take action to curb the issuance of agency guidance documents to promulgate new, material substantive or procedural requirements for project review and approval without public notice and comment under the Administrative Procedure Act.

In closing, as it relates to Land Use Planning and the development of RMPs, BLM must adhere to its statutory charge to manage the public lands “on the basis of multiple use and sustained yield,” and “in a
manner which recognizes the Nation’s need for domestic sources of minerals . . . from the public lands.” The appropriate approach to Land Use Planning must embrace BLM’s long-standing policy expressed in FLPMA to maximize resource values for the public. Also, in connection with regional land use planning, BLM should end the practice the practice of imposing requirements on projects for which BLM approval is sought that are based on provisions of RMPs that have not been finalized. Given the overly complicated, burdensome and delay-ridden system in place for the permitting and development of oil and natural gas projects, BLM should rework the system to be user-friendly and efficient for all users, and for oil and gas project developers in particular. Many positive changes can be made based upon the collection of comments above, and BLM should continue using a public notice and comment process prior to the finalization of a new or modified framework for the agency’s land use decisions.

Again, we applaud the effort that is being called for by Secretarial Order 3354, and hope that the recommendations in this letter can be implemented to assure that the objectives set forth in the Secretarial Order are matched by the actions of the BLM nationally and at the district office level.

Should you have any questions, please contact Richard Ranger at 202.682.8057, or via e-mail at rangerr@api.org.

Thank you for considering the recommendations in this letter.

Very truly yours,

Director
Upstream and Industry Operations
American Petroleum Institute

Cc: Acting Director, BLM, Michael D. Nedd
Counselor to the Secretary for Energy Policy, Vincent DeVito
Thank you.

On Mon, Jul 24, 2017 at 5:18 PM, Richard Ranger <rangerr@api.org> wrote:

Dear Mr. DeVito and Mr. Nedd –

On behalf of API, I am forwarding to each of you the accompanying letter by which API expresses its support for the objectives of Secretarial Order 3354, dated July 7, 2017, and the invitation from the BLM to the public to provide input into the agency’s land use planning and National Environmental Policy Act (NEPA) processes. Because we see the Secretarial order and the BLM notice and invitation as closely related, we are providing API comments to each action via this letter.

We are also submitting a copy of this letter via the Regulations.gov website to the docket DOI-2017-0003-0003.

Thank you for considering these comments.

Very truly yours,

Richard Ranger

API

1220 L Street NW

Washington DC 20005

202.682.8057
Vincent DeVito, Esq.
Counselor to the Secretary of Interior for Energy Policy
Immediate Office of the Secretary
+1.202.208.2884
vincent_devito@ios.doi.gov
Thank you for your email. I am out of the office on paternity leave, returning on July 31. Please contact Christina Delpone at (303) 861-0362 if you need assistance during my absence. I look forward to returning your message at my earliest opportunity. Thanks! Andrew
Dear Mr. DeVito, Ms. MacGregor, and Ms. Benedetto,

As part of Secretary Zinke’s Secretarial Order 3349, “Promoting Energy Independence and Economic Growth,” the Department was instructed to review the BLM final rule titled, “Waste Prevention, Production Subject to Royalties, and Resource Conservation.” In API’s letter in response to the Order, we reiterated our concerns that the final rule exceeded BLM’s authority under the Mineral Leasing Act (MLA) and that the prevention of waste and conservation of resources can be accomplished using BLM’s proper authority under the MLA. As such, API is requesting a meeting to discuss these issues further. Included in the meeting from API will be Upstream Group Director Erik Milito, Upstream Senior Policy Advisor Richard Ranger, Senior Counsel Matt Haynie and myself.

We are available to meet with you all at your earliest convenience and look forward to discussing these important issues.

Thank you,
Carrie

_________________________
Carrie M. Domnitch
Director, Federal Relations
American Petroleum Institute
202-682-8424
Hi. Thanks. Asking Gisella to coordinate.

On Jul 25, 2017, at 9:32 AM, Carrie Domnitch <domnitchc@api.org> wrote:

Dear Mr. DeVito, Ms. MacGregor, and Ms. Benedetto,

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Director, Federal Relations
American Petroleum Institute
202-682-8424
Hi Tim!

Hope you had a great week out west and have safely returned to D.C. Were you able to find a time to chat with some of us on a sage grouse map issue?

Sam

From: Samantha McDonald
Sent: Tuesday, July 18, 2017 2:39 PM
To: timothy_williams@ios.doi.gov
Cc: 'Tripp Parks' <tparks@westernenergyalliance.org>; 'Brian Woodard' <brian.woodard2@chk.com>; Spencer_Kimball@eogresources.com; 'Kari Smith' <Kari.Smith@conocophillips.com>
Subject: Sage Grouse Call Request

Tim,

Could I request one more call with you in your sage grouse review capacity? We have three companies (Chesapeake, Conoco Phillips and EOG Resources and the fellow trade association Western Energy Alliance) cc’d that would like to chat with you on a pretty specific sage grouse issue they’d like to have addressed in the final report. While the companies can provide more background in addition to what I have pasted below, essentially we need the Department to issue guidance to BLM concerning an expedited approach to accept Version 4 Core Area Maps within their planning purposes. To ignore the problem could potential jeopardize several dozen projects in Wyoming. Thanks for your consideration of this request.

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**Issue:** The BLM has determined that based on its Planning Regulations (43 CFR 1610) a Land Use Plan Amendment process is required for the BLM WY to consider incorporation of Version 4 of the Core Area Maps into the applicable RMPs. Within their IM No. WY-2016-024, the WY State Director’s office has directed all Field Offices (FOs) for those lands no longer identified as Core Areas (Version 4) by the State of Wyoming’s Core Area Protection Strategy (EO 2015-4) but which were initially identified as Priority Habitat Management Areas (PHMA) in the GrSG Amended RMPs as Core Areas subject to all applicable requirements until a subsequent planning process is completed. Further, the IM noted, that until a subsequent plan amendment is completed, the BLM will evaluate all proposed activities in these areas to determine the appropriate restrictions to be applied through the action-specific NEPA analysis and that all FO’s will initiate a DDCT analysis in accordance with the procedures outlined on the WGFD website and will have a technical review completed.

**Context:** WY BLM State Director, Mary Jo Rugwell, recognizes that changes are needed to address this problem but says she needs guidance from BLM HQ. Operators working to obtain APDs in areas which were initially identified as core within V3 but no longer are in core per V4, have been instructed to include core area Required Design Features (RDFs) in their applications or they won’t be approved. We have also been told to adhere to the 5% disturbance thresholds or our permits will likely be deferred. Once the projects are approved, we will need to go in on a well by well basis to apply for exceptions. Planning is difficult since we can’t assume the exceptions will be granted. The costs associated with in-core (PHMA) RDFs and non-core (GHMA) RDFs significantly differ. We have also been instructed to complete Density Disturbance Calculations (DDCTs) on the areas. When we do this, WY Game and Fish Department (WGFD) is stating that this is an unnecessary practice as our proposed projects are not in core areas (as they are using the V4 maps and BLM is using the V3 maps). We have also been asked, via BLM, to consult with WGFD on projects and then have subsequently been informed by the WGFD that their consultation is unwarranted as they projects do not fall within the V4 core boundaries. This issue is creating uncertainty for the business which results in confusion and delays.

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**Samantha McDonald**  
Director of Government Relations  
Independent Petroleum Association of America  
(202)857-4722 / Visit IPAA / Visit ESA Watch
I am back. What time works for you?

Tim Williams

On Tue, Jul 25, 2017 at 9:54 AM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

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**Department Of The Interior**
External and Intergovernmental Affairs
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Work: 202-208-1923
email: timothy_williams@ios.doi.gov
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Tim Williams
Work: 202-208-1923
e-mail: timothy_williams@ios.doi.gov
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Thursday 12:30 - 5:30 I am open.

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Department Of The Interior

External and Intergovernmental Affairs

Tim Williams

Work: 202-208-1923

email: timothy_williams@ios.doi.gov
Alan, are you free around 5pm/EST on Thursday, July 27 to do a call with our Acting Assistant Secretary for Lands and Minerals about this?

On Mon, Jul 24, 2017 at 3:26 PM, Alan Olson <Alan@montanapetroleum.org> wrote:

Thanks Amanda.

Alan

Alan, so sorry for the delay, last week was crazy. Will give you a call.

Sent from my iPhone

On Jul 18, 2017, at 1:05 PM, Alan Olson <Alan@montanapetroleum.org> wrote:

Amanda,

Hope all is going great for you in DC.

I have a request from one of our members who is having an issue getting a BLM oil and gas lease re-instated needing to connect with someone at Interior who could possibly help him out. This is a really good oil and gas operator, not a fly by night type so that is why I’m asking.

Let me know if you can point me in the right direction.

Thanks,

Alan
Alan Olson, Executive Director
Montana Petroleum Association
PO Box 1186
Helena, Montana 59624

Telephone;
Office 406.442.7582
Cell 406.320.1385

Email alan@montanapetroleum.org
Website www.montanapetroleum.org <http://www.montanapetroleum.org/>

Amanda Kaster-Averill
Advisor to the Secretary
Office of Congressional and Legislative Affairs
U.S. Department of the Interior

(202) 208-3337
amanda_kaster@ios.doi.gov
Hi Sam

I am scheduled to go over this with Gary tomorrow so that we can properly respond.

Thanks
Greg

On Mon, Jul 24, 2017 at 3:31 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Thank you! I noticed that the Texas Hornshell was slated for a listing determination in the Unified Agenda <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201704&RIN=1018-BB34> next month. The clock is ticking on this one and my companies will need to sign their intent letters to participate in the CCAA and CCA by August 7. Again, thank you for your interest and I appreciate your willingness to look into this for us. What is being stated in the field as fact is misconstrued and could lead to a listing decision that could adversely affect future operations in the region.

From: Sheehan, Gregory [mailto:greg_j_sheehan@fws.gov]
Sent: Monday, July 24, 2017 1:04 AM
To: Samantha McDonald <SMcDonald@ipaa.org>
Subject: Re: TX Hornshell

Hi Sam

I have been running a bit and I apologize for not getting back to you sooner. I am learning more about this issue internally. I have not seen any listing documents so I don't know that anything is formally being finalized yet. Will get back to you.

Thanks
Greg

On Tue, Jul 11, 2017 at 4:10 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Dear Mr. Sheehan,

Thank you so much for meeting with Dan and me on June 30th. We appreciated you hearing our concerns and asking so many great questions about the oil and gas industry.
Following up on our meeting, you requested letters outlining issues we were facing from the Service in the field. Attached is our first letter on the Texas Hornshell. We are more than happy to answer any questions you may have.

We appreciate your willingness to help and look forward to continued correspondence.

Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

--

Greg Sheehan, Acting Director
Principle Deputy Director
US Fish and Wildlife Service
1849 C Street NW, Room 3358
Washington, DC 20240
202-208-4545
You bet. I’ll be here. Use my cell number 406-320-1385

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From: Jeff Herman [mailto:Jherman@petrohunt.com]
Sent: Monday, July 24, 2017 9:26 AM
To: Alan Olson <Alan@montanapetroleum.org>
Subject: BLM Lease Reinstatements

These are for the Emerald leases that we took over out of bankruptcy. Due to their mismanagement the leases lapsed and we took all the necessary steps with the BLM Dickenson and Billings offices to get them reinstated so all that is left is to get the notice in the Federal Register but can’t seem to get them in there. Is there anything your office could do to get them in the Federal Register quicker so the 30 days period gets started? There are wells shut-in waiting for the reinstatement for us to put them back on production again. The lease numbers are as follows:

NDM 94704
NDM 94705
NDM 94706
NDM 94112

Jeff Herman
Region Manager
Petro-Hunt, LLC
P.O. Box 935
Bismarck, ND 58502
Jherman@petrohunt.com
701-255-5666 Direct Line
701-258-1562 Fax
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U.S. Department of the Interior
(202) 208-3337
amanda_kaster@ios.doi.gov
I’ve got most folks available at 1:30PM on Thursday. Do you want to use my call in? Please advise.

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To: Samantha McDonald <SMcDonald@ipaa.org>
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**Samantha McDonald**
Director of Government Relations
Independent Petroleum Association of America
(202)857-4722 / Visit IPAA / Visit ESA Watch

---

**Department Of The Interior**
External and Intergovernmental Affairs
Tim Williams
Work: 202-208-1923
e-mail: timothy_williams@ios.doi.gov
Department Of The Interior
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From: Williams, Timothy [mailto:timothy_williams@ios.doi.gov]
Sent: Tuesday, July 25, 2017 10:12 AM
To: Samantha McDonald <SMcDonald@ipaa.org>
Subject: Re: Sage Grouse Call Request

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Sent: Tuesday, July 18, 2017 2:39 PM  
To: timothy_williams@ios.doi.gov  
Cc: 'Tripp Parks' <tparks@westernenergyalliance.org>; 'Brian Woodard' <brian.woodard2@chk.com>; Spencer_Kimball@eogresources.com; 'Kari Smith' <Kari.Smith@conocophillips.com>  
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Department Of The Interior
External and Intergovernmental Affairs
Tim Williams
Work: 202-208-1923
email: timothy_williams@ios.doi.gov
Let’s just use my call in if that’s ok. I don’t know if I can make it over to DOI in time.

Dial in: (866) 906-0123
Passcode: 8162862#

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To: Samantha McDonald <SMcDonald@ipaa.org>
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Department Of The Interior
External and Intergovernmental Affairs
Tim Williams
Work: 202-208-6015
email: timothy_williams@ios.doi.gov
That works. It's on my calendar.

Tim

Timothy Williams
External and Intergovernmental Affairs
Department of the Interior
Cell: (202) 706-4982

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<image001.jpg>
Work: 202-208-1923
e-mail: timothy_williams@ios.doi.gov

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Department Of The Interior
External and Intergovernmental Affairs
Tim Williams
Work: 202-208-6015
e-mail: timothy_williams@ios.doi.gov
I'm out of the office the week of July 31st. For media inquiries, please contact Aaron Johnson, ajohnson@westernenergyalliance.org.
Good morning Mr. Williams,

We are happy you are able to attend MPA’s upcoming Annual Meeting August 29-30. Would it be possible to email us a brief bio and a headshot for the program?

Thank you for your help, and we are looking forward to meeting you soon,

Bobbie Gardner, office manager
Montana Petroleum Association
PO Box 1186
Helena, MT 59624
406-442-7582
www.montanapetroleum.org <http://www.montanapetroleum.org/>

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Alan and Bobbie,

Timothy Williams, our Deputy Director for External/Intergovernmental Affairs, is able to attend and he's cc'ed.

Tim,

They mentioned that it would be nice to hear about how things are going with land and minerals as well as sage grouse issues. If you need more details, you can call Alan at 406-320-1385 or email.
Good morning Aurelia,

I have attached a complimentary registration to the Barbeque (Tuesday, August 29th) and Annual Meeting (Wednesday, August 30th). We also have a golf tournament on Tuesday starting at 12:15pm, and a fishing tournament on Tuesday if you are interested.

Thank you, and please don’t hesitate to contact us with any questions,

Bobbie Gardner, office manager
Montana Petroleum Association
PO Box 1186
Helena, MT 59624
406-442-7582

www.montanapetroleum.org
Hi Alan,

It was a pleasure to meet you as well. Please provide me with an agenda and the dates of your annual meeting. Thank you.

Aurelia Skipwith
Deputy Assistant Secretary
for Fish and Wildlife and Parks

U.S. Department of Interior
1849 C Street NW, Room 3148
Washington, DC 20240
202-208-5837

On Jun 29, 2017, at 10:33 AM, Alan Olson <Alan@montanapetroleum.org> wrote:

Aurelia,

It was a pleasure meeting you last Tuesday. Thank you for taking time to come to Montana and visit with us about the issues.

As I mentioned Tuesday, if you could find time to get away we would like to invite you to participate at our annual meeting in Billings, Montana on Wednesday, August 30th to discuss federal issues that affect our industry, primarily sage grouse for this particular discussion.

Thank you,

Alan

Ps. tell Leo hi for me.

From: Skipwith, Aurelia [mailto:aurelia_skipwith@ios.doi.gov]
Sent: Wednesday, June 28, 2017 7:55 PM
To: Alan Olson <Alan@montanapetroleum.org>
Subject: Nice to Meet You
Hi Alan,

It was a pleasure to meet you. Please let me know if I can be of assistance.

Regards,

Aurelia Skipwith
Deputy Assistant Secretary
for Fish and Wildlife and Parks

U.S. Department of Interior
1849 C Street, NW, Room 3148
Washington, DC 20240
(202) 208-5837

<MPA Annual Meeting Registration - Complimentary.pdf>
<MPA Petroleum Industry Appreciation Day Luncheon Flyer.pdf>
<MPA Golf Registration.pdf>
<MPA Fishing Derby Registration.pdf>
Greg,

Thanks for looking into the Texas Hornshell issue for us. Our members are very concerned about the listing implications of this species.

On another species of concern, attached you will find a letter on our legal efforts to delist the American Burying Beetle, which has significant impacts on our Oklahoma producers. As a courtesy, we wanted to share our intentions to challenge and the steps that necessitate a challenge.

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
August 1, 2017

Gregory Sheehan
Acting Director
U.S. Fish and Wildlife Service
U.S. Department of Interior
1849 C Street NW, Room 3358
Washington, D.C. 20240

Dear Mr. Sheehan,

I appreciate your efforts to address Endangered Species Act issues being brought to your attention. I am writing today regarding the American Burying Beetle (ABB) in an effort to get your help with it as well. Prior to your appointment at the U.S. Fish and Wildlife Service (Service), on February 22, 2017, IPAA filed a noticed of intent to sue the Service for failure to issue a 12-month finding on our petition to delist the federally endangered ABB. To date, the Service has not met this statutory deadline. IPAA now needs to formally submit our complaint and we wanted to inform you as a courtesy and provide some background information to you before we filed.

The ABB is the largest of the carrion beetles found in North America and was listed by the Service in 1989. At the time of the original listing, USFWS was unable to identify any actual threats to populations of the ABB and more recent analyses of threats are based largely on speculation and assumption rather than actual evidence. More recently, population and habitat viability modeling conducted by USFWS indicates that all naturally occurring wild populations of the ABB are of sufficient size to be demographically viable for the foreseeable future. This was the reason that on August 8, 2015, IPAA, along with the American Stewards of Liberty, and the Texas Policy Foundation filed a petition to delist the species. On March 16, 2016, the Service published a positive 90-day finding in the Federal Register based on its determination that the petitioned-for action may be warranted and initiated a status review. The Service’s status review, which was due on August 8, 2016, is presumably ongoing. Correspondence from the Service received on April 24, 2017, indicated that the review of the Species Status Assessment (SSA) is under way. We further understand that a draft SSA is currently being reviewed and is heavily predicated on the presumed negative impacts of climate change.

Many land development, agriculture, transportation and utility operations have been delayed or restricted due the presence of the ABB at a cost of many millions of dollars, including $1.3 million that the Oklahoma Department of Transportation alone spent on conservation actions during a six-year period. Furthermore, economic threats to the affected communities continue to cost private landowners, businesses, and local governments many millions.

Thank you for your interest and engagement on this subject and please let us know if we can provide further information.

Sincerely,

Dan Naatz, Senior Vice President of Government Relations and Political Affairs
Vince,

Within the next few weeks, IPAA intends to file a lawsuit for failure of the Service to issue a 12-month finding on our petition to delist the American Burying Beetle. Attached is a letter we sent to Acting Director Sheehan this afternoon. Due to the impacts to our Oklahoma producers, I wanted to flag for you in your energy role. Let me know if you need any of the documents referenced in the attached letter.

Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

August 1, 2017

Gregory Sheehan
Acting Director
U.S. Fish and Wildlife Service
U.S. Department of Interior
1849 C Street NW, Room 3358
Washington, D.C. 20240

Dear Mr. Sheehan,

I appreciate your efforts to address Endangered Species Act issues being brought to your attention. I am writing today regarding the American Burying Beetle (ABB) in an effort to get your help with it as well. Prior to your appointment at the U.S. Fish and Wildlife Service (Service), on February 22, 2017, IPAA filed a noticed of intent to sue the Service for failure to issue a 12-month finding on our petition to delist the federally endangered ABB. To date, the Service has not met this statutory deadline. IPAA now needs to formally submit our complaint and we wanted to inform you as a courtesy and provide some background information to you before we filed.

The ABB is the largest of the carrion beetles found in North America and was listed by the Service in 1989. At the time of the original listing, USFWS was unable to identify any actual threats to populations of the ABB and more recent analyses of threats are based largely on speculation and assumption rather than actual evidence. More recently, population and habitat viability modeling conducted by USFWS indicates that all naturally occurring wild populations of the ABB are of sufficient size to be demographically viable for the foreseeable future. This was the reason that on August 8, 2015, IPAA, along with the American Stewards of Liberty, and the Texas Policy Foundation filed a petition to delist the species. On March 16, 2016, the Service published a positive 90-day finding in the Federal Register based on its determination that the petitioned-for action may be warranted and initiated a status review. The Service’s status review, which was due on August 8, 2016, is presumably ongoing. Correspondence from the Service received on April 24, 2017, indicated that the review of the Species Status Assessment (SSA) is under way. We further understand that a draft SSA is currently being reviewed and is heavily predicated on the presumed negative impacts of climate change.

Many land development, agriculture, transportation and utility operations have been delayed or restricted due the presence of the ABB at a cost of many millions of dollars, including $1.3 million that the Oklahoma Department of Transportation alone spent on conservation actions during a six-year period. Furthermore, economic threats to the affected communities continue to cost private landowners, businesses, and local governments many millions.

Thank you for your interest and engagement on this subject and please let us know if we can provide further information.

Sincerely,

[Signature]

Dan Naatz, Senior Vice President of Government Relations and Political Affairs
Tim,

Looping you in our impending lawsuit as well. Let me know if you have any questions or want to discuss over the phone.

Sam

From: Samantha McDonald
Sent: Tuesday, August 1, 2017 2:49 PM
To: ‘vincent_devito@ios.doi.gov’ <vincent_devito@ios.doi.gov>
Subject: American Burying Beetle

Vince,

Within in the next few weeks, IPAA intends to file a lawsuit for failure of the Service to issue a 12-month finding on our petition to delist the American Burying Beetle. Attached is a letter we sent to Acting Director Sheehan this afternoon. Due to the impacts to our Oklahoma producers, I wanted to flag for you in your energy role. Let me know if you need any of the documents referenced in the attached letter.

Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

August 1, 2017

Gregory Sheehan  
Acting Director  
U.S. Fish and Wildlife Service  
U.S. Department of Interior  
1849 C Street NW, Room 3358  
Washington, D.C. 20240

Dear Mr. Sheehan,

I appreciate your efforts to address Endangered Species Act issues being brought to your attention. I am writing today regarding the American Burying Beetle (ABB) in an effort to get your help with it as well. Prior to your appointment at the U.S. Fish and Wildlife Service (Service), on February 22, 2017, IPAA filed a noticed of intent to sue the Service for failure to issue a 12-month finding on our petition to delist the federally endangered ABB. To date, the Service has not met this statutory deadline. IPAA now needs to formally submit our complaint and we wanted to inform you as a courtesy and provide some background information to you before we filed.

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Thank you for your interest and engagement on this subject and please let us know if we can provide further information.

Sincerely,

Dan Naatz, Senior Vice President of Government Relations and Political Affairs
Thank you. Will do.

On Tue, Aug 1, 2017 at 2:49 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Vince,

Within the next few weeks, IPAA intends to file a lawsuit for failure of the Service to issue a 12-month finding on our petition to delist the American Burying Beetle. Attached is a letter we sent to Acting Director Sheehan this afternoon. Due to the impacts to our Oklahoma producers, I wanted to flag for you in your energy role. Let me know if you need any of the documents referenced in the attached letter.

Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

--

Vincent DeVito, Esq.
Counselor to the Secretary of Interior for Energy Policy
Immediate Office of the Secretary
+1.202.208.2884
vincent_devito@ios.doi.gov
I will be out of the office until August 16th. I will have occasional access to email during this time. If you need immediate assistance please contact Roslyn Sellars or Thomas Irwin at 202-208-4545.
Thank you. I look forward to reviewing.

On Aug 3, 2017, at 12:31 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Vince,

Thank for your call this morning. Here is the link to our original delist petition for the ABB from 2015. In it, you will find our best arguments and an article referencing problems the listing has caused. Specifically, on page 2 you will find the paragraph that says:

- In the state of Oklahoma, the listing has cost $6.5 million in protection efforts over the last 20 years, including $1.3 million that the Oklahoma Department of Transportation spent on Conservation actions in a 6- year time span (Palmer 2015).
- The erroneous listing of the ABB has caused delays of essential road and bridge projects and costs Oklahoma taxpayers (Smoot 2015).
- The ABB listing has also caused issues with the development of the Keystone XL Pipeline, a $5.3 billion project, related to permitting and protection for the ABB as well as related lawsuits (Laskow 2012; Snyder 2013).

Additionally, one of our members agreed to share what they have spent to date on the ABB. The company is Markwest. They asked that you please not share with others outside DOI without permission because they quickly assembled this figures for me this morning.

<table>
<thead>
<tr>
<th>Consultation Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABB consultant #1</td>
<td>$345,000.00</td>
</tr>
<tr>
<td>ABB consultant #2</td>
<td>$159,000.00</td>
</tr>
<tr>
<td>Outside legal fees</td>
<td>$316,325.80</td>
</tr>
<tr>
<td>In-house legal fees and other specific ABB internal costs</td>
<td>$250,000.00</td>
</tr>
<tr>
<td>ABB survey consultant #1</td>
<td>$553,622.94</td>
</tr>
<tr>
<td>ABB survey consultant #2</td>
<td>$90,212.00</td>
</tr>
<tr>
<td>Additional Construction costs to implement the ABB Protocol</td>
<td>$810,000.00</td>
</tr>
<tr>
<td>Travel costs for USFWS ABB meetings (OK &amp; NM)</td>
<td>$14,137.48</td>
</tr>
<tr>
<td>ABB Conservation Bank #1</td>
<td>$6,280,900.00</td>
</tr>
<tr>
<td>ABB Conservation Bank #2</td>
<td>$167,200.00</td>
</tr>
</tbody>
</table>

More recently, I also had an email today from a Producer in Osage Co, Oklahoma
who said he lost 5 of 10 drill sites due to updated beetle surveys. These are
"Osage Mineral Estate" wells that he's trying to drill. The Osage Indian mineral
estate owns 100% of the minerals, so this is their minerals/money that's being
interfered with. With time, I can ask him to speculate the lost revenue from these
projects. Just give me the word. They did not have the staff available to make
the calculations that Markwest did this morning.

I’m hunting down an exact figure, but I heard from a reliable source that the
Oklahoma Department of Transportation has budgeted close to a million for ABB
mitigation for a single project. Will report back when I get a figure you can use.

Aside from the costs, we have concerns about the modeling used in the draft Species
Status Assessment, which is used as guidance to make the listing determination. This
document is very heavy on climate change impacts. All modeling is done using the Fifth
Assessment Report of the Intergovernmental Panel on Climate Change. While I am not
too familiar with this organization or their work, I did some searching and found this
Forbes article discrediting the IPCC, citing irresponsible science practices (intentionally
manipulating data, suppressing legitimate opposing arguments, etc.). This may be
something to look into and push back on, since most of the climate changes threat
analysis in the SSA is based on this work. It should also be noted that this kind of
modeling makes a lot of assumptions, so overall outcomes could be way off.

Thank you for interest and attention to this species. Please let me know what
additional items I can provide.

Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
(202)857-4722 / Visit IPAA / Visit ESA Watch
Vince,

Relating to the American Burying Beetle, it has come to my attention that some small oil and gas companies are experiencing great hardship due to changing survey requirements in eastern Oklahoma. In this case, its tribal minerals that are jeopardized from being accessed. I wanted to share the attached letter that paints a picture of the ongoing shenanigans.

There could be huge losses for companies who can't meet their drilling obligations mandated under their Concession Agreements with the Mineral Council. Those damages might be able to be figured, the real incalculable damage is to the Osage Mineral Estate itself with the loss of producers willing to invest dollars in the Osage who have since moved their operations into neighboring counties who don't have a beetle problem.

I believe this attached letter was electronically transmitted to FWS Director Sheehan this morning but given your interest, wanted to share.

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
August 3, 2017

U.S. Fish and Wildlife Service
U.S. Department of the Interior
1849 C Street NW, Room 3358
Washington, D.C. 20240
Attn: Mr. Gregory Sheehan, Acting Director

Re: Osage County, Oklahoma
   American Bearing Beatle Infringements

Gentlemen:

I am writing today to seek your assistance in providing relief from an Endangered Species Act issue related to the American Burying Beetle. By way of background Performance Operating Company, LLC is one of the more active oil and gas development companies in Osage County. Within the past three years, we’ve experienced adversarial changes which have nearly stopped our abilities to economically explore and develop oil and gas reserves in the Osage Nation.

In early 2014, Ms. Anita Barstow, with the U.S. Fish and Wildlife Service in Oklahoma, arbitrarily (without scientific justification or reason) decided to remove the previous 1.2 Acre threshold in her guidance on the ABB survey protocol. This had previously provided for 1.2 Acres to be disturbed without having to consider the impact on the ABB. The ABB protocol continues to expand and generate more difficulties in even accomplishing a survey. Even in the most prime ABB habitat in Osage county a disturbance of 1.2 Acres or less, based on the average activity level, will produce less than a 1% probability of an ABB take. Also, Kansas and Arkansas continued to apply a minimum threshold of 1.2 and 3 Acres respectively.

We are in the process of applying for and drilling 43 wells in Osage county in 2017. In May, we surveyed for the ABB on 14 of those which yielded negative findings. Due to an additional, arbitrary re-evaluation requirement promulgated by Ms. Barstow to retest after July 28, we have begun additional surveys. Thus far, we have encountered positive tests for ABB's in 5 of the 14 wells, thus preventing us from the drilling on those sites already established in the spring. The development of Oil & Gas reserves within the Osage Nation mineral estate will now be brought to a virtual standstill, depriving them of their rightful royalties, while the American Bearing Beatle has only a 1% chance of a take event. Certainly, not a significant impact.

Despite our best efforts, we have been deprived the ability to access hydrocarbons due to what we believe to be an unfair FWS bureaucracy. There are other regulatory issues which are impeding the development of Oil & Gas reserves in Osage County, and we would be happy to discuss at length the various issues involved. Please feel free to contact us at your convenience. While we support all efforts to delist the ABB, immediate relief is needed now. At a minimum, we ask that you simply re-establish the 1.2 Acre threshold.

Sincerely,

J. Scott DuCharme
President, Performance Operating Co.
Vincent,

Thanks again for meeting with us earlier this week on BLM issues. That was a good discussion and we’ll follow-up with Kathy and BLM staff on next steps.

We were pleased to see BOEM moving forward with the process with the issuance of the Programmatic EIS today on Gulf of Mexico seismic. However, we do not believe Alternative C was the right choice based on the historical record and based on our track record on seismic, we believe Alternative A would have provided as much protection to marine life without being overly burdensome on industry operations. This will be reflected in our public statement. We would like to discuss with you further in the coming weeks before the Record of Decision (ROD) is issued. Let us know your availability.

Take care,

Carrie

___________________
Carrie M. Domnitch
Director, Federal Relations
American Petroleum Institute
202-682-8424
David, Vincent, Kate & Scott,

Please find attached the Oil and Natural Gas Industry’s principles for application of the Jones Act to the Outer Continental Shelf (OCS) through OCSLA in support of the purposes of both the Jones Act and OCSLA. API’s proposal focuses on the core matter at hand: Jones Act application to the offshore oil and natural gas industry, including application of the specific objective of CBP’s January 2017 proposal. We have shared these principles with OMSA, CBP and the White House and would be happy to discuss further with you. Please feel free to contact me anytime with questions, concerns or to discuss further. Have a great weekend.

Thanks,

Holly A. Hopkins
Sr. Policy Advisor, Upstream
American Petroleum Institute
1220 L Street, NW
Washington, DC 20005
202-682-8439 Tel
hopkinsh@api.org

This transmission contains information that is privileged and confidential and is intended solely for use of the individual(s) listed above. If you received the communication in error, please notify me immediately. Any dissemination or copying of this communication by anyone other than the individual(s) listed above is prohibited.
Industry Principles for Application of the Jones Act to the Outer Continental Shelf (OCS) through OCSLA in support of the purposes of both the Jones Act and OCSLA

This summary of proposed changes and clarifications is specific to activities involved with Construction Activities (as defined below) on the OCS in connection with the exploration for, development, or production of natural resources. It provides for the Industry’s guiding principles of being safe and environmentally mindful, efficient and cost competitive and providing predictability for long term planning.

- **Merchandise**
  - Clarify that “Merchandise” would include articles permanently installed on the seabed in connection with “Construction Activities” (which are defined as activities or operations within a Field associated with installation, inspection, repair, maintenance, modification, construction, decommissioning, drilling, completion, workover, intervention, abandonment or other similar activities or operations of wells, seafloor or subsea infrastructure, flowlines, or surface production facilities), such as jumpers, flying lead, mattresses, pipeline crossing structures, Christmas trees, manifolds, suction piles, decommissioning debris, and similar items.
  - Provide that “Merchandise” does not include “Vessel Equipment” which would be defined as “items used to aid in Construction Activities that may be consumed or returned to the vessel or that are necessary and appropriate for the navigation, operation or maintenance of the vessel or for the comfort and safety of the persons on board.”
    - Clarify that Vessel Equipment would include items such as temporary installation aids, tools, remotely operated vehicles, survey equipment, transponders, diving equipment, and lifting/rigging/deployment equipment.
    - With respect to Mobile Offshore Drilling Units (MODUs) – Vessel Equipment shall include all systems, equipment, items, materials and consumables necessary or useful for the MODUs to provide services, including, but not limited to: (i) blowout preventers; (ii) drilling risers; (iii) drill pipe, drill collars, downhole drilling equipment, and drill bits; (iv) all well tangibles, such as casing and tubing, packers, and well flow control equipment; (v) mudlogging, electrical line, cementing units and related equipment; (vi) running tools; (vii) consumables such as drilling mud, cement materials and additives; (viii) well stimulation chemicals; and (ix) various required operational support equipment.

- **Point in the United States**
  - Provide that on the OCS, a single “point in the United States” would include a “Field”, which would mean an area set forth by the designated operator of a lease or unit, or its designee, in a notice to the Bureau of Ocean Energy Management, unless superseded by an area designated by the Bureau of Ocean Energy Management, that is associated with, or designated for, the establishment of an offshore installation and all supporting surface and subsea infrastructure, to include the route for any offtake pipelines.

- **Transportation**
  - Provide that “transportation” on the OCS would not include movement of merchandise for “Construction Activities” within a Field.
  - Exclude any movements necessary for the safety of human life or protection of the environment (including marine life) or property in connection with the exploration for, development, or production of natural resources on the Outer Continental Shelf
  - Excludes movements required by regulation or direction of any Federal authority.
Clarify that pipe, cable, umbilical, deepwater permanent mooring systems and similar pay-out or laying operations, including the movement from port to the point of installation, installation of end and intermediate structures such as inline sleds, pipeline end manifolds, and subsea termination assemblies; shall not be considered as transportation of merchandise.
Hi,

I look forward to further discussion. I am adding Gisella to coordinate my end. Thanks, again.

On Fri, Aug 4, 2017 at 3:29 PM, Carrie Domnitch <domnitchc@api.org> wrote:

    Vincent,

    Thanks again for meeting with us earlier this week on BLM issues. That was a good discussion and we’ll follow-up with Kathy and BLM staff on next steps.

    We were pleased to see BOEM moving forward with the process with the issuance of the Programmatic EIS today on Gulf of Mexico seismic. However, we do not believe Alternative C was the right choice based on the historical record and based on our track record on seismic, we believe Alternative A would have provided as much protection to marine life without being overly burdensome on industry operations. This will be reflected in our public statement. We would like to discuss with you further in the coming weeks before the Record of Decision (ROD) is issued. Let us know your availability.

    Take care,

    Carrie

__________________
Carrie M. Domnitch
Director, Federal Relations
American Petroleum Institute
202-682-8424

--

Vincent DeVito, Esq.
Counselor to the Secretary of Interior for Energy Policy
Immediate Office of the Secretary
+1.202.208.2884
vincent_devito@ios.doi.gov
Hi! I will be out of the office this week. If you need immediate assistance while I'm away, please call (202)857-4722 to speak to another member of the GR team.
Good afternoon Amanda,

Please see the email chain below with information about the oil and gas leases we discussed.

I am hoping you could get this information to someone that can “make things happen”

Thanks,
Alan

FYI – still not movement,

Jeff

Currently we are about 6-7 months out on processing assignments; therefore, we have not
even gotten to your assignments yet to even review them. So it will still be a while. Please let me know if there is anything else I can do for you. Thank you.

Terra Gusler  
Land Law Examiner  
Bureau of Land Management – Fluids  
5001 Southgate Drive  
Billings MT 59101  
(w) 406-896-5062  
(f) 406-896-5292  
tgusler@blm.gov

We have reached out to Interior again and are awaiting their response. I’ll let you know when we do.

-Shawn

Thanks

Jeff,  
We’ve been working on it. I’ve cc’d Shawn who has been leading the effort.

Shawn,  
Can you give Jeff an update where we are?  
Ryan
Ryan Bernstein  
U.S. Senator John Hoeven  
202-224-2551

From: Jeff Herman  
Sent: Tuesday, August 8, 2017 10:04 AM  
To: Bernstein, Ryan (Hoeven) <Ryan_Bernstein@hoeven.senate.gov>  
Subject: RE: Emerald Class II reinstatements

Ryan,

Any luck? We still aren’t seeing any movement.

Jeff

From: Jeff Herman  
Sent: Monday, July 24, 2017 10:09 AM  
To: ‘Bernstein, Ryan (Hoeven)’ <Ryan_Bernstein@hoeven.senate.gov>  
Subject: RE: Emerald Class II reinstatements

OK thanks

From: Bernstein, Ryan (Hoeven)  
Sent: Monday, July 24, 2017 10:07 AM  
To: Jeff Herman <Jherman@petrohunt.com>  
Subject: RE: Emerald Class II reinstatements

Jeff, finding someone over there that knows what is going at this level is difficult. We are still pinging people.

Ryan Bernstein  
U.S. Senator John Hoeven  
202-224-2551

From: Jeff Herman  
Sent: Monday, July 24, 2017 10:13 AM  
To: Bernstein, Ryan (Hoeven) <Ryan_Bernstein@hoeven.senate.gov>  
Subject: RE: Emerald Class II reinstatements

Ryan,

Have you been able to get any info on this?
Jeff

Jeff Herman
Region Manager
Petro-Hunt, LLC
P.O. Box 935
Bismarck, ND 58502
Jherman@petrohunt.com
701-255-5666 Direct Line
701-258-1562 Fax
To: McQuilliams, Jully <jmcquilliams@blm.gov>
Subject: RE: Emerald Class II reinstatements

Jully,

Thanks for the response, that is good to hear. Hope you have a good weekend.

Derek

Derek Enderud
Regulatory, Environmental & Safety Director
Petro-Hunt, L.L.C.
Little Knife Office
390 119th Ave SW
Killdeer, ND 58640
701-863-1309 (office)
701-690-2439 (cell)
denderud@petrohunt.com

From: McQuilliams, Jully [mailto:jmcquilliams@blm.gov]
Sent: Friday, July 07, 2017 1:37 PM
To: Derek Enderud <denderud@petrohunt.com>
Subject: Re: Emerald Class II reinstatements

Derek,

I checked on the status of the Class II Reinstatements and they are undergoing bureau and departmental review at this time. There are no outstanding issues that I’m aware of and they have cleared the oil and gas offices. I would estimate that these documents publish in the Federal Register near the end of this month.

Jully

Jully McQuilliams
Senior Minerals Leasing Specialist
BLM, Division of Fluid Minerals
20 M Street, SE, Washington DC 20003
Office-202-912-7156
Cell-703-967-0463
Fax-202-912-7199
On Wed, Jul 5, 2017 at 4:56 PM, Derek Enderud <denderud@petrohunt.com> wrote:

Jully,

Hope your 4\textsuperscript{th} was enjoyable. I am following up on the Class II reinstatements we talked about a couple weeks ago. I am hoping they made it into the federal register as when we talked they were under review. Please advise on the current status. Thank you.

Derek

Derek Enderud
Regulatory, Environmental
& Safety Director
Petro-Hunt, L.L.C.
Little Knife Office
390 119\textsuperscript{th} Ave SW
Killdeer, ND 58640
701-863-1309 (office)
701-690-2439 (cell)
denderud@petrohunt.com
Thanks, Alan. Let's chat tomorrow if you're available.

On Tue, Aug 8, 2017 at 3:29 PM, Alan Olson <Alan@montanapetroleum.org> wrote:

Good afternoon Amanda,

Please see the email chain below with information about the oil and gas leases we discussed.

I am hoping you could get this information to someone that can “make things happen”

Thanks,

Alan

FYI – still not movement,
Below is the last response we got out of the BLM office in Billings. It appears the Federal government is at a near standstill on everything!!

Jeff

From: Gusler, Terra [mailto:tgusler@blm.gov]
Sent: Wednesday, August 2, 2017 10:55 AM
To: Jan Warren <jwarren@petrohunt.com>
Subject: Re: FW: Emerald reinstatement leases NDM 94704, 94705, 94706 & 94112 - rentals need paid

Jan,

The reinstatements are still pending in the Washington DC office. Once they approve the information, then the reinstatement will be posted in the Federal Register for 30 days. After the 30 days are up we have to complete the paperwork to grant the reinstatements. Finally we will review the assignments after this.

Currently we are about 6-7 months out on processing assignments; therefore, we have not even gotten to your assignments yet to even review them. So it will still be a while. Please let me know if there is anything else I can do for you. Thank you.

Terra Gusler
Land Law Examiner
Bureau of Land Management – Fluids
5001 Southgate Drive
Billings MT 59101
(w) 406-896-5062
(f) 406-896-5292
tgusler@blm.gov
We have reached out to Interior again and are awaiting their response. I’ll let you know when we do.

-Shawn

---

Thanks

---

Jeff,

We’ve been working on it. I’ve cc’d Shawn who has been leading the effort.

Shawn,

Can you give Jeff on update where we are?

Ryan
Ryan,

Any luck? We still aren’t seeing any movement.

Jeff

From: Jeff Herman [mailto:Jherman@petrohunt.com]
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Ryan,

Have you been able to get any info on this?

Jeff

---

From: Bernstein, Ryan (Hoeven) [mailto:Ryan_Bernstein@hoeven.senate.gov]
Sent: Wednesday, July 12, 2017 1:20 PM
To: Jeff Herman <Jherman@petrohunt.com>
Subject: RE: Emerald Class II reinstatements

Jeff,

Let me see what I can find out.
Ryan
Ryan,

These are for the Emerald leases that we took over that we talked about before. Is there anything your office could do to get them in the Federal Register quicker so the 30 days period gets started? The lease numbers are as follows:

- NDM 94704
- NDM 94705
- NDM 94706
- NDM 94112

Thanks,

Jeff Herman
Region Manager
Petro-Hunt, LLC
P.O. Box 935
Bismarck, ND 58502

Jherman@petrohunt.com
From: Derek Enderud
Sent: Friday, July 7, 2017 2:38 PM
To: McQuilliams, Jully <jmcquilliams@blm.gov>
Subject: RE: Emerald Class II reinstatements

Jully,

Thanks for the response, that is good to hear. Hope you have a good weekend.

Derek

Derek Enderud
Regulatory, Environmental & Safety Director
Petro-Hunt, L.L.C.
Little Knife Office
390 119th Ave SW
Killdeer, ND 58640
701-863-1309 (office)
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20 M Street, SE, Washington DC 20003
Office-202-912-7156
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Derek Enderud
Regulatory, Environmental & Safety Director
Petro-Hunt, L.L.C.
Little Knife Office
390 119th Ave SW
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701-863-1309 (office)
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denderud@petrohunt.com

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Amanda Kaster-Averill
Advisor to the Secretary
Office of Congressional and Legislative Affairs
U.S. Department of the Interior
(202) 208-3337
amanda_kaster@ios.doi.gov
I can be from 8:00 am until noon Mountain Time. My cell number is 406-320-1385

Thanks Amanda,
Alan

From: Kaster, Amanda [mailto:amanda_kaster@ios.doi.gov]
Sent: Tuesday, August 08, 2017 1:43 PM
To: Alan Olson <Alan@montanapetroleum.org>
Subject: Re: FW: Emerald Class II reinstatements

Thanks, Alan. Let's chat tomorrow if you're available.

On Tue, Aug 8, 2017 at 3:29 PM, Alan Olson <Alan@montanapetroleum.org> wrote:

Good afternoon Amanda,

Please see the email chain below with information about the oil and gas leases we discussed.

I am hoping you could get this information to someone that can “make things happen”

Thanks,
Alan

From: Jeff Herman [mailto:Jherman@petrohunt.com]
Sent: Tuesday, August 08, 2017 12:15 PM
To: Alan Olson <Alan@montanapetroleum.org>
Subject: FW: Emerald Class II reinstatements

FYI – still not movement,

From: Jeff Herman
Sent: Tuesday, August 8, 2017 10:30 AM
To: 'Affolter, Shawn (Hoeven)' <Shawn_Affolter@hoeven.senate.gov>; Bernstein, Ryan (Hoeven) <Ryan_Bernstein@hoeven.senate.gov>
Subject: RE: Emerald Class II reinstatements

Below is the last response we got out of the BLM office in Billings. It appears the Federal government is at a near standstill on everything!!

Jeff
From: Gusler, Terra [mailto:tgusler@blm.gov]
Sent: Wednesday, August 2, 2017 10:55 AM
To: Jan Warren <jwarren@petrohunt.com>
Subject: Re: FW: Emerald reinstatement leases NDM 94704, 94705, 94706 & 94112 - rentals need paid

Jan,

The reinstatements are still pending in the Washington DC office. Once they approve the information, then the reinstatement will be posted in the Federal Register for 30 days. After the 30 days are up we have to complete the paperwork to grant the reinstatements. Finally we will review the assignments after this.

Currently we are about 6-7 months out on processing assignments; therefore, we have not even gotten to your assignments yet to even review them. So it will still be a while. Please let me know if there is anything else I can do for you. Thank you.

Terra Gusler
Land Law Examiner
Bureau of Land Management – Fluids
5001 Southgate Drive
Billings MT 59101
(w) 406-896-5062
(f) 406-896-5292
tgusler@blm.gov

From: Affolter, Shawn (Hoeven) [mailto:Shawn_Affolter@hoeven.senate.gov]
Sent: Tuesday, August 8, 2017 9:46 AM
To: Jeff Herman <jherman@petrohunt.com>; Bernstein, Ryan (Hoeven) <Ryan_Bernstein@hoeven.senate.gov>
Subject: RE: Emerald Class II reinstatements

We have reached out to Interior again and are awaiting their response. I'll let you know when we do.

-Shawn

From: Jeff Herman [mailto:jherman@petrohunt.com]
Sent: Tuesday, August 8, 2017 10:41 AM
To: Bernstein, Ryan (Hoeven) <Ryan_Bernstein@hoeven.senate.gov>
Cc: Affolter, Shawn (Hoeven) <Shawn_Affolter@hoeven.senate.gov>
Subject: RE: Emerald Class II reinstatements

Thanks
Jeff,
We’ve been working on it. I’ve cc’d Shawn who has been leading the effort.

Shawn,
Can you give Jeff an update where we are?
Ryan

Ryan Bernstein
U.S. Senator John Hoeven
202-224-2551

Any luck? We still aren’t seeing any movement.

Jeff

OK thanks

Jeff, finding someone over there that knows what is going at this level is difficult. We are still pinging people.

Ryan Bernstein
Ryan,

Have you been able to get any info on this?

Jeff

Ryan Bernstein
U.S. Senator John Hoeven
202-224-2551

Ryan,  

Let me see what I can find out.  
Ryan

These are for the Emerald leases that we took over that we talked about before. Is there anything your office could do to get them in the Federal Register quicker so the 30 days period gets started? The lease numbers are as follows:

NDM 94704
NDM 94705
NDM 94706
NDM 94112
Thanks,
Jeff Herman
Region Manager
Petro-Hunt, LLC
P.O. Box 935
Bismarck, ND 58502
Jherman@petrohunt.com
701-255-5666 Direct Line
701-258-1562 Fax

From: Derek Enderud
Sent: Friday, July 7, 2017 2:38 PM
To: McQuilliams, Jully <jmcquilliams@blm.gov>
Subject: RE: Emerald Class II reinstatements

Jully,

Thanks for the response, that is good to hear. Hope you have a good weekend.

Derek

Derek Enderud
Regulatory, Environmental & Safety Director
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Little Knife Office
390 119th Ave SW
Killdeer, ND 58640
701-863-1309 (office)
701-690-2439 (cell)
denderud@petrohunt.com

From: McQuilliams, Jully [mailto:jmcquilliams@blm.gov]
Sent: Friday, July 07, 2017 1:37 PM
To: Derek Enderud <denderud@petrohunt.com>
Subject: Re: Emerald Class II reinstatements

Derek,
I checked on the status of the Class II Reinstatements and they are undergoing bureau and departmental review at this time. There are no outstanding issues that I'm aware of and they have cleared the oil and gas offices. I would estimate that these documents publish in the Federal Register near the end of this month.

Jully

Jully McQuilliams
Senior Minerals Leasing Specialist
BLM, Division of Fluid Minerals
20 M Street, SE, Washington DC 20003
Office-202-912-7156
Cell-703-967-0463
Fax-202-912-7199

On Wed, Jul 5, 2017 at 4:56 PM, Derek Enderud <denderud@petrohunt.com> wrote:

Jully,

Hope your 4th was enjoyable. I am following up on the Class II reinstatements we talked about a couple weeks ago. I am hoping they made it into the federal register as when we talked they were under review. Please advise on the current status. Thank you.

Derek

Derek Enderud
Regulatory, Environmental & Safety Director
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denderud@petrohunt.com
Can I have a call with Mr. DuCharme? Thanks.

On Fri, Aug 4, 2017 at 9:19 AM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Vince,

Relating to the American Burying Beetle, it has come to my attention that some small oil and gas companies are experiencing great hardship due to changing survey requirements in eastern Oklahoma. In this case, its tribal minerals that are jeopardized from being accessed. I wanted to share the attached letter that paints a picture of the ongoing shenanigans.

There could be huge losses for companies who can't meet their drilling obligations mandated under their Concession Agreements with the Mineral Council. Those damages might be able to be figured, the real incalculable damage is to the Osage Mineral Estate itself with the loss of producers willing to invest dollars in the Osage who have since moved their operations into neighboring counties who don't have a beetle problem.

I believe this attached letter was electronically transmitted to FWS Director Sheehan this morning but given your interest, wanted to share.

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

--

Vincent DeVito, Esq.
Counselor to the Secretary of Interior for Energy Policy
Immediate Office of the Secretary
+1.202.208.2884
vincent_devito@ios.doi.gov
Hi! I will be out of the office this week. If you need immediate assistance while I'm away, please call (202)857-4722 to speak to another member of the GR team.
Good evening everyone,

I just submitted the attached comments from Western Energy Alliance regarding DOI’s reform initiative on regulations.gov, and wanted to make sure you all got a copy as well. These comments are specific to BLM, and we plan to submit further comments for other DOI agencies in the near future. Kathleen and I would be more than happy to answer questions on these comments, and we look forward to working with you on any reform initiatives you undertake in the future. Thank you all for your hard work in DC!

Sincerely,

Tripp Parks
Manager of Government Affairs
Western Energy Alliance
Main: 303-623-0987
Direct: 303-501-1061
tparks@westernenergyalliance.org
August 10, 2017

Submitted via www.regulations.gov

The Honorable Ryan Zinke
Secretary
U.S. Department of the Interior
1859 C Street, NW
Mail Stop 7328
Washington D.C. 20240

Re: Bureau of Land Management Regulatory Reform, DOI-2017-0003-0003

Dear Secretary Zinke:

Western Energy Alliance appreciates the opportunity to provide public input on how the Department of the Interior (DOI) can improve implementation of regulatory reform initiatives and policies and identify regulations for repeal, replacement, or modification. The comments contained in this document specifically address regulatory reform at the Bureau of Land Management (BLM).

Western Energy Alliance represents over 300 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas across the West. The Alliance represents independent, the majority of which are small businesses with an average of fifteen employees. Our members operate on public lands in the West, and therefore have a particular interest in BLM’s management of these lands.

We appreciate that you have made American energy dominance a priority at DOI, and BLM plays a key role in ensuring that outcome is possible. The recommendations contained in these comments are the product of a comprehensive examination of federal onshore oil and gas processes, and are intended to provide an overview of current problems and possible solutions in BLM’s management of federal lands for energy development. Alliance staff and members developed these recommendations through numerous meetings where we proceeded step-by-step through the onshore process as it is now conducted, identifying specific issues with and recommendations for the process from the time a parcel is nominated for lease to the point at which a drilling permit is issued.

In this letter we present two ideas for long-term reform regarding delegation to the states and reducing the federal nexus, which could get BLM reoriented back to its core mission of managing federal lands and away from redundant overlap with states. The subsequent sections are organized around the main processes of the federal onshore program and provide recommendations for reform over the short-, medium- and long-terms.

Our suggestions would provide regulatory certainty for oil and natural gas companies evaluating whether to operate on federal lands, which will in turn increase domestic
energy development and contribute to the goal of American energy dominance. The recommendations will also help address the problems of shrinking budgets and a lack of personnel resources at BLM by reducing unnecessary layers of red tape, while increasing royalties returned by oil and natural gas companies to federal and state governments.

Delegation to the States

While oil and natural gas production in the United States has increased dramatically over the last several years, the growth has occurred predominantly on private and state lands while federal lands have lagged far behind. States in the West with large amounts of public land are at a decided disadvantage compared to other parts of the country. Slow processing times and federal obstacles to production limit job creation and economic growth, particularly in rural communities.

BLM should work with Congress to delegate primary regulatory authority for well permitting and operations to the states where it is appropriate, and devote the resources it currently employs back to its core mission of managing federal lands. States have robust oil and natural gas regulatory frameworks that have been in place for decades. They have demonstrated an exemplary safety record, while also ensuring energy development can occur in a timely fashion. This delegation would allow BLM to focus on National Environmental Policy Act (NEPA) compliance.

The Interstate Oil & Gas Compact Commission (IOGCC), a multi-state government agency representing oil and natural gas producing states, has issued a resolution urging delegation to the states for the regulation of operations on federal public land. The IOGCC resolution sends a clear signal that states are prepared to take on the added responsibility for approving drilling and completion permits, rights-of-way, and inspections on federal lands.

The federal government is much less efficient than states in managing oil and natural gas development, taking more than 250 days to issue drilling permits compared to about 30 days on average for state agencies. Delegating primary authority to the states would ensure environmentally-responsible development is possible without the lengthy delays associated with the federal onshore process.

Federal Nexus

BLM’s approach to the federal nexus is a prime example of regulatory overreach that results in development on state and private land being subject to the discretion of federal agencies. BLM is tasked with managing the public lands, but in practice its actions far too often burden private landowners simply because their land is located near federal lands or federal minerals.

BLM currently triggers the NEPA process for wells on private or state lands if any of the oil and natural gas resources being drilled are federal owned, even when it has a small mineral interest. Once BLM determines a private action has a federal nexus, the full gamut of federal reviews and processes apply, resulting in long delays to the development of private and state minerals, denying individuals and states their private property rights.
Using the federal nexus as a way for BLM to become involved in wells in which it has only a minority of the mineral interest is inappropriate, and the practice should be curtailed.

Once the federal nexus is triggered, other agencies such as the Environmental Protection Agency and the Fish and Wildlife Service become involved in the process. These agencies then attempt to inspect private land and impose restrictions on the landowners through laws such as the Endangered Species Act and the National Historic Preservation Act. When private landowners wisely refuse federal officials or tribal members access to their lands, BLM prevents the process from moving forward and companies are forced to delay or reconsider the plans for the project. That this can occur when only a minimal amount of federal minerals and no federal lands are involved in the project is clearly overreach for an agency tasked with managing public lands.

BLM should work with Congress on a bill to define a federal nexus as situations only where federal surface and/or a majority of federal minerals are being developed. The federal government would then receive royalties as any other minority mineral owner through a normal communitization or unitization agreement. Limiting BLM’s regulatory authority to situations where there is a true federal nexus, i.e. when it has a majority mineral interest or surface ownership, will allow it to return to its mission of managing federal lands, rather than imposing onerous restrictions on mineral development underneath private and state lands.

Detailed Recommendations

The following sections are organized around the main processes of the federal onshore oil and gas program, i.e., leasing, environmental analysis under NEPA, and permitting. Each section highlights several challenges with BLM’s current practices, and provides brief recommendations for improvements BLM could make. Some of these recommendations are simple and could be accomplished quickly, while others are more complex and require a longer timeframe, including legislation.

These sections are intended to provide an overview of the issues, rather than being a comprehensive examination of the minutiae of BLM’s onshore oil and natural gas program. We are more than willing to provide further details or background on any and all of these issues if and when DOI and BLM wish to proceed with the suggested reforms. Since this docket is remaining open, we will also submit more detailed recommendations and analysis for several of our proposals as we develop them.

Thank you for the opportunity to submit these comments. Please do not hesitate to contact us with any questions.

Sincerely,

Kathleen M. Sgamma
President

WESTERN ENERGY ALLIANCE
Introduction: The leasing process starts when a company nominates a parcel in an area designated as open for oil and gas leasing by an existing Resources Management Plan (RMP). BLM reviews this expression of interest (EOI) to determine whether the parcel is available for leasing and conducts an Environmental Assessment (EA) pursuant to the National Environmental Protection Act to evaluate parcels it plans to lease.

Challenges:

1. Instruction Memorandum (IM) 2010-117 directed BLM to use a rotational lease sale schedule in each State Office, so that each field office has only one sale per year. As a result, nominated parcels are only available for leasing every twelve months at best, assuming parcels are not deferred for some reason, and two years or more may elapse between nomination and sale. The rotational schedule limits development in high interest areas such as the Carlsbad and Casper Field Offices because parcels are not offered for sale every quarter, even though EOIs are submitted and approved throughout the year, and wastes effort on lease sales for low-interest areas only where no leases may be sold at all. For multi-state State Offices like New Mexico and Montana/Dakotas, the rotational schedule means that fewer than four lease sales are held in those states, in violation of the Mineral Leasing Act which requires quarterly lease sales in every state where there is interest.

2. BLM frequently defers parcels in an entire planning area while updating the RMP, despite the existence of a previously-approved RMP that identifies acreage as open for leasing with applicable stipulations. Because RMPs regularly take five years or more to update, parcels are deferred for many years.

3. There is no transparency regarding why nominated parcels are not being offered for sale, i.e., deferred.

4. In reaction to a Colorado District Court ruling that applies only in Colorado, BLM instituted a nationwide policy to reveal the names of companies/individuals that nominate parcels, unless they withhold their identity. Because analysis and expense goes into nominations, that information is normally considered protected, confidential commercial information. Nominating entities have no choice but to withhold their identities, which creates a situation whereby BLM cannot coordinate with them, adding inefficiencies into the nominations process. BLM may bring parcels to sale for which there is no longer any interest simply because coordination is not possible.
Recommendations:

1. Rescind IM 2010-117 and conduct quarterly lease sales in each state with parcels from every field office where there is interest. Issue a memorandum to strike all references to IM 2010-117 in internal guidance documents. Each lease sale should offer parcels that have been approved throughout the state or from all states within the State Office region, rather than being limited those from specific field offices or states.

2. Follow the plain language of FLPMA, which states that RMPs are to be used for management decisions until such time as they are updated. Direct state offices to proceed with leasing under all existing RMPs and discontinue practice of deferring all parcels during RMP updates.

3. BLM should track lease nominations and deferrals in a standard manner and make the data publicly available and transparent. All deferrals should present a legitimate reason for deferral. An ongoing RMP amendment process cannot be identified as a legitimate reason.

4. Rescind IM 2014-004, Oil and Gas Informal Expressions of Interest and reinstate IM 2013-026, Confidential Handling of Oil and Gas Informal Expressions of Interest.
Introduction: BLM develops Resource Management Plans (RMP) by planning area, typically associated with a single field office, as the guiding documents for managing land as required by the Federal Land Policy and Management Act (FLPMA). An RMP contemplates several resource uses in the area, including energy development, grazing, timber harvesting, and recreation, and designates certain areas as off limits to resource development.

Challenges:

1. RMPs take years to develop, in most cases five or more, and are updated via amendment every fifteen to twenty years. During an RMP amendment process, BLM frequently delays leasing decisions, rights of way, and applications for permit to drill based solely on the fact that the RMP is being updated. Parcels that would otherwise be available under the existing RMP are thus placed off limits to leasing and drilling for many years, despite the requirement in the Federal Land Policy and Management Act (FLPMA) that existing RMP be utilized for all land management decision making until such time as a new RMP is in place.

2. When BLM does lease parcels while an RMP is being updated, stipulations are often attached to leases which are not specified under the existing RMP. This occurs because BLM attempts to foretell the outcome of the amendment process and apply restrictions that may be applied under an amended RMP, whether or not those stipulations are eventually adopted. BLM also applies stipulations from newly updated RMPs to leases sold under previous RMPs in the form of Conditions of Approval (COA) attached to drilling permits, a clear violation of valid existing lease rights.

3. While BLM allows for substantial public input during the RMP development process, stakeholder concerns, particularly those from state and local governments and other entities that support development, are frequently ignored in final plans. BLM frequently exceeds statutory authority by imposing land use restrictions in RMPs in spite of significant public comment opposed to those restrictions. Further, public comments asking BLM to severely limit oil and natural gas leasing and development have been used by BLM as an excuse for ignoring FLPMA, which dedicated the public lands to multiple use and sustained yield, and identified mineral exploration and development as one of the principle uses. Due to the proliferation of these restrictions, resulting RMPs may violate FLPMA’s multiple-use and sustained yield mandate.

4. BLM has established expansive wilderness areas in RMPs in violation of its multiple-use mandate and Congressional disapproval. Wilderness designations such as “lands with wilderness characteristics” end up being de facto wilderness designations that place large amounts of land completely off-limits to resource development, violating the Wilderness Act which requires an
act of Congress. These designations are frequently used for the specific purpose of foreclosing development rather than protecting areas that could truly be considered wilderness.

Recommendations:

1. Issue an IM specifying that State Directors and Field Office Managers must move forward with processing nominations in accordance with existing RMPs until amended RMP Records of Decision are signed, and end the practice of deferring lease parcels while RMPs are being amended. The IM should clearly state that ongoing RMP updates, amendments, supplements, or Master Leasing Plans are not legitimate reasons for lease deferral.

2. In an overall leasing IM or further guidance resulting from Secretarial Order 3354, specify that lease stipulations applied to any new leases must be based on existing RMPs only, rather than anticipating new stipulations that may be adopted in a future RMP amendment that has yet to be finalized. Also specify that COAs that likewise anticipate new stipulations contemplated for ongoing RMP amendments, supplements, or MLPs may not be applied to permits for existing leases.

3. When finalizing RMP amendments, ensure that public comments are sufficiently incorporated into the final plan, and only impose resource development restrictions that accord with FLPMA, the Mineral Leasing Act (MLA) and other statutory authority.

   BLM should adhere to the principles established in the 2005 Desk Guide to Cooperating Agency Relationships and Coordination with Intergovernmental Partners. Many counties across the West have planning processes that are not given full consideration by BLM. BLM should improve the recognition and incorporation of state and local government land use plans, data, and policies in RMP amendments.

4. The Department of the Interior should rescind Secretarial Order 3310 on Protecting Wilderness Characteristics on Lands Managed by the Bureau of Land Management. Congress has explicitly denied funding for the implementation of this order because the designation of “Wild Lands” is a violation of FLPMA’s multiple-use mandate, yet BLM still treats “lands with wilderness characteristics” as de facto wilderness. BLM should also rescind IM 2011-154, Requirements to Conduct and Maintain Inventory for Wilderness Characteristics and to Consider Lands with Wilderness Characteristics in Land Use Plans, and IM 2011-147, Identification of Areas with Broad Public Support for Possible Congressional Designation as Wilderness.
Introduction: Interior Secretary Salazar created a new, redundant layer of NEPA analysis by establishing the Master Leasing Plan (MLP) policy in 2010. BLM has decided to develop MLPs for certain areas that supposedly require yet more NEPA analysis.

Challenges:

1. MLPs are duplicative and unnecessary. Resource Management Plans (RMP) already designate which areas are open to leasing and which are closed, and outline conditions for leasing where it is available. RMPs incorporate extensive public input and take many years to develop.

2. BLM defers parcels from leasing because an MLP is being developed for a certain area, despite the fact that those parcels are open to leasing under the existing RMP. The MLP development process takes several years, further delaying leasing and preventing the deployment of new or additional investment by oil and natural gas companies in those areas and reducing the associated jobs and economic benefits.

3. Instruction Memorandum 2010-117, which created the MLP process, established four criteria which must be met in order to proceed with an MLP: 1) the area must be substantially unleased; 2) there must be a majority of federal mineral interest; 3) the industry must have expressed interest in leasing; and 4) there are likely conflicts with air quality, cultural, or other natural resource values or proximity with national parks, wilderness areas, or other special designations. However, the IM also allowed for MLPs to proceed completely at the discretion of the State Director or Field/District Manager. That additional discretion has resulted in the development of MLPs that don’t even meet these basic criteria, rendering the policy even more redundant and arbitrary than originally envisioned.

4. BLM uses the MLP process to attach conditions of approval (COA) for permits on existing leases, increasing costs, delays oil and natural gas development, and violating valid existing rights granted pursuant to the Federal Land Policy and Management Act.

Recommendations:

1. Rescind Instruction Memorandum (IM) 2010-117 and replace it with an IM that explicitly ends the MLP process and authorizes leasing pursuant to existing Resource Management Plans. Review of parcels for leasing eligibility would then continue to occur via the normal leasing process, which includes NEPA analysis for each lease sale, and BLM resources would not be wasted on a redundant layer of NEPA analysis.
2. Abandon all ongoing MLP efforts and respect all current RMPs. Proceed forward to sale with lease nominations that have been deferred while awaiting MLP completion. The IM rescinding the MLP process should also explicitly halt existing efforts by name, such as the San Rafael Desert and South Park MLPs.

3. If the MLP policy is sustained, remove the provision allowing for State Director discretion and require all four criteria to be met in order to proceed with an MLP. Further, require leasing to continue in an area where an MLP is being developed pursuant to the existing RMP and applicable stipulations and limitations.

4. If the MLP policy is sustained, issue an IM that requires BLM to recognize valid existing rights and not impose COAs in violation of those existing lease rights, and instructs state and field offices to discontinue the practice of attaching COAs to permits for existing leases in any future MLP.
Leasing Process: Protests

August 2017

**Introduction:** The public has the ability to comment on leasing both at the leasing EA stage and again following the release of a Notice of Competitive Lease Sale. The 30-day protest period enables the public to formally protest the inclusion of specific parcels in the sale. BLM must respond to legitimate concerns raised in protests, and often attaches additional stipulations to the parcels, or determines that the issues raised are already addressed in existing stipulations, and so informs the protesting entity. When BLM cannot resolve the issues raised, it often defers leases for further additional analysis or proceeds to sale and clears up the protests afterwards before issuing the leases to the winning bidder.

**Challenges:**

1. Environmental groups routinely challenge parcels offered for lease not because they have legitimate concerns with them, but because they are opposed to all oil and natural gas production. Protests cause extensive delays to leasing and often result in large numbers of parcels and acreage being deferred. They also give the protester standing to file lawsuits after lease issuance. The original intent of the protest process was to give the public the opportunity to identify environmental impacts of leases and express concerns. Instead, the protest process has morphed into a tool for obstructionist groups to oppose BLM’s multiple-use mandate and stop leasing, while straining BLM resources.

2. Environmental groups frequently submit large protests that challenge all or a significant portion of the parcels BLM makes available in a lease sale. These protests frequently rely on broad arguments such as the impacts of oil and natural gas development on climate change, rather than specific, local issues with the parcels at question. Protests that rely on universal arguments, rather than parcel-specific issues, can be extremely lengthy documents that include hundreds of pages. Because BLM must respond to all issues addressed in the protests, the resolution period can last months, and sometimes results in the deferral of those parcels. The long-term deferral and failure to lease these parcels can prevent companies from assembling the necessary leasehold to proceed further with development.

3. In some instances, BLM proceeds to sale with parcels before protests are resolved. As a result, winning bidders, who are required to immediately pay the bonus amount and first-year rental, have capital tied up for months or even years waiting for BLM to clear the protests and issue the leases. When protests are upheld, leases are canceled and bidders reimbursed, but not until after needlessly tying up capital and delaying jobs and economic opportunity. Furthermore, states are also denied their leasing revenue. Leases that were purchased at a September 2016 sale in New Mexico were not issued until April 2017 because two environmental groups filed protests that totaled 1,281 pages, and BLM took months to respond to the protests. The seven-
month delay in issuing the leases resulted in New Mexico’s share of the proceeds, $69.9 million, being withheld during a budget crisis. The Mineral Leasing Act requires that leases be issued within 60 days after receipt of lease payment.

4. In 2010, BLM reformed the leasing process, adding three additional layers of analysis onto the leasing process. The justification given by the Obama Administration was that the reforms would reduce the number of protests, making leasing more efficient and predictable. However, the policies did the opposite, lengthening the leasing process and creating further uncertainty while the percentage of protests actually rose from 41% in 2010 to 46% in 2015.

Recommendations:

1. Western Energy Alliance appreciates Secretarial Order 3354, which emphasizes the critical importance of American energy security and directs BLM to improve the federal onshore oil and natural gas leasing program. That demonstration of the political will to move forward with American energy dominance is a step in the right direction for countering obstructionist groups opposed to all oil and natural gas development on federal lands.

2. BLM should quickly dismiss protests that only address vague, general issues that do not actually pertain to the individual parcels. Since groups such as WildEarth Guardians repeatedly protest virtually every lease sale using the same boilerplate arguments, BLM should develop standard language to respond in kind, rather than spending months issuing a detailed response. Western Energy Alliance provided BLM with legal justification for every lease sale protested in the West in 2010 until it was clear BLM was not receptive. We are happy to provide that standard language to help BLM develop templates.

3. In an overall leasing IM or further guidance resulting from Secretarial Order 3354, BLM should clarify that it has a statutory duty under the Mineral Leasing Act to adjudicate lease protests and issue leases within sixty days after the sale is completed. When BLM offers parcels for sale that have unresolved protests, it must dedicate sufficient resources to resolving the protest in the statutory timeframe. Timely protest responses will give companies assurance that their capital will not be tied up indefinitely if they bid on BLM parcels, and it will ensure that states can set their budgets accordingly without fear of payments being held up for months at a time.

4. Rescind Instruction Memorandum (IM) 2010-117 and issue a memorandum that explicitly ends the MLP process. The politically-motivated IM has failed to reduce protests, so the additional layers implemented in the IM only serve to further delay leasing.
**Introduction:** National Environmental Policy Act (NEPA) analysis is required for all oil and natural gas projects that may impact the environment. BLM begins the NEPA process by determining what level of environmental analysis is necessary for a project, either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS), depending on the size and scope of the project and whether it will have a significant impact on the environment or not.

**Challenges:**

1. The NEPA process is initiated for wells on private or state lands even when only a minority of the oil and natural gas resources being accessed are federal, using the “federal nexus” as a way for BLM to become involved in wells in which it has only a minority of interest and/or when the well is not on federal or tribal surface. As a result, BLM delays the development of private and state minerals, denying individuals and states their private property rights.

2. BLM uses the federal nexus to require tribal consultation for cultural artifacts on private land, even when there’s no federal public or tribal lands in the area and only a minority of federal minerals interests. When private landowners wisely refuse federal or tribal members to access their lands, it puts operators in a bind because BLM won’t let the process move forward. The assertion of tribal rights on private lands around the DAPL protest site is an example of why private landowners do not want cultural artifacts asserted as existing on their private lands. In the Powder River Basin in particular, BLM is conducting far-reaching tribal consultations for 23 tribes who do not have tribal lands in the area. These consultations can hold up project NEPA and APDs indefinitely.

3. BLM is not granting Categorical Exclusions (CX) when companies meet the requirements under Section 390 of the Energy Policy Act of 2005, particularly related to having an existing Environmental Impact Statement (EIS) or Environmental Assessment (EA) that analyzed drilling and is less than five years old. Because CXs are rarely granted, BLM is conducting redundant NEPA analysis that is unnecessary. In many situations BLM automatically requires another EA, rather than even considering a CX.

4. Even after determining that a CX applies for a project, BLM often determines that “extraordinary circumstances” apply and requires an EA or EIS. These decisions are arbitrary. If BLM decides an EIS or EA is necessary, there is no process for the project proponent to challenge the decision.

5. BLM does not provide consistent guidance to companies on how to best develop and describe their proposal in order to facilitate a timely and efficient NEPA analysis.
Recommendations:

1. BLM should work with Congress on a bill to limit the federal nexus to situations only where federal lands are involved and/or there is a majority of federal minerals. The federal government would then receive royalties as any other minority mineral owner through a normal pooling/unitization agreement.

2. BLM should issue an IM or other policy guidance to prevent field offices from requiring tribal consultation on private and state lands. The guidance should specify that a Class III Cultural Inventory approved by BLM provides the information necessary for NEPA clearance. The inventories must be conducted by appropriately credentialed archeological experts, which may be contractors.

3. BLM should follow existing law and utilize Resource Management Plans and their associated EISs, programmatic EAs/EISs, and project EAs/EISs that are all less than five years old, and grant CXs in all cases that meet the Energy Policy Act of 2005 criteria, rather than requiring redundant NEPA analysis. BLM’s NEPA handbook already specifies that this is allowed, so simple direction to the state and field offices is all that is required.

4. BLM should establish clear criteria for what constitutes extraordinary circumstances and implement these criteria through an Instructional Memorandum and the NEPA handbook. BLM should also implement an appeal process to enable project proponents to challenge decisions regarding the level of environmental analysis required for a project.

5. BLM should provide proactive initial guidance to proponents when they announce projects that are likely to require an EA or EIS. A checklist should be provided by BLM that outlines the content needed to support BLM’s review, and BLM should provide informal feedback on the checklist so the project description can be efficiently converted to the Proposed Action in the NEPA document. Early correspondence would serve as an initial test for potential significant impacts and would set the stage for the environmental analysis. Proactive coordination between BLM and the proponent would increase efficiencies and save time once the environmental analysis begins.
Introduction: An Environmental Assessment (EA) is developed in accordance with the National Environmental Policy Act (NEPA) for projects of a size and scope that are not anticipated to have a significant impact on the environment. As such, EAs often result in a Finding of No Significant Impact. However, should the EA lead to BLM’s determination that the proposed project’s impact is greater than originally anticipated, NEPA compliance may require the project be analyzed in an Environmental Impact Statement (EIS). EISs are often lengthy, detailed documents that typically take years to develop and specify the impacts of a project, and they may attach additional stipulations to project approval.

Challenges:

1. EAs are frequently required by BLM for projects already covered by existing NEPA documents or that meet the criteria for being granted Categorical Exclusions (CX) under Section 390 of Energy Policy Act of 2005 (EPAct). In contravention of EPAct, BLM is requiring duplicative NEPA for: 1) wells involving less than five acres of disturbance with total lease disturbance of less than 150 acres that already have site-specific NEPA; 2) new wells on pads drilled within the last five years; and 3) areas covered by an existing NEPA document that is five years old or less. As a result, oil and natural gas projects are delayed months and years while redundant NEPA analysis is conducted, in direct violation of statute.

2. BLM often needlessly lengthens the NEPA process by incorporating elements that are unnecessary and beyond the impacts and scope of a project. In some cases, BLM identifies potential impacts for which it has no data, and then significantly delays the project while it waits on studies to be completed and released. BLM frequently requests information that is not required for project-specific NEPA analysis just because it is beneficial for BLM to have. This information is collected at the company’s expense, even when it is unrelated to the project.

3. Council on Environmental Quality (CEQ) guidelines regarding NEPA timeframes are frequently exceeded by many years. CEQ guidelines state EAs should be completed in about six months and EISs should be completed in about eighteen months.

4. Even though companies often pay for contractors to develop project NEPA, in many cases to the tune of millions of dollars incurred over many years, these documents frequently go into a black hole without visibility on where they are in the development process or why there are substantial delays.

5. Many field offices lack experience developing oil and natural gas NEPA documents. Personnel turnover of NEPA coordinators often leads to sudden changes in the quality of NEPA documents or the requirements levied on operators. Inefficiencies result when new personnel must “recreate the wheel” rather than following an established template.
6. Due to the need to ensure the integrity of the NEPA analysis, a separation is maintained between BLM and/or the contractor conducting the analysis and the project proponent. This separation can still be maintained while involving the project proponent at key times, yet often BLM releases draft documents for public comment before the project proponent has seen them. Public comments will often identify issues which could have been addressed more quickly and efficiently beforehand by the proponent, enabling a more polished, complete draft to be prepared for public review and comment.

7. Federal courts have construed the requirements of NEPA to require more procedure and delay than Congress ever envisioned when enacting the statute. Because of the myriad requirements contained in regulations, policies and other guidance documents, it is very easy for environmental groups to find deficiencies in documents to exploit in court. When the documents are several thousands of pages with several thousands more pages of supporting studies, it is very easy to flyspeck BLM’s analysis to find a supposed deficiency.

8. Since the release of a Presidential Memorandum regarding Mitigating Impacts on Natural Resources in November 2015, BLM has been imposing onerous compensatory mitigation requirements that significantly increase the cost of projects and exceed BLM’s statutory authority. Orders from President Trump and Secretary Zinke in March 2017 overturned the previous administration’s overarching mitigation framework, but field offices continue to implement an Instruction Memorandum from December 2016 that directs BLM to incorporate these mitigation measures into NEPA documents that are beyond BLM’s authority and in violation of the Executive and Secretarial Orders.

Recommendations:

1. Field offices should use existing EISs or EAs rather than requiring redundant NEPA for projects. CXs should be used for all wells that meet EPAct 2005 Section 390 criteria so that wells are not held up awaiting lengthy and redundant EAs to be completed. Any existing NEPA document, including EISs associated with RMPs and RMP Amendments, supplemental EISs, programmatic EAs/EISs, and project specific EAs/EIS, for which BLM analyzed drilling as a reasonably foreseeable activity should be used to meet the existing NEPA requirement. BLM should establish a process whereby operators can turn to the BLM state offices or the appropriate leadership in Washington when field offices arbitrarily deny the use of CXs.

2. NEPA documents should only identify known anticipated impacts from proposed projects, and should not incorporate or require information based on purely speculative impacts. Stipulations and restrictions attached to EISs should be developed in coordination with the project proponent and be based on operator-committed measures. BLM should also finalize EISs based on currently identifiable impacts, and should not postpone completion while it awaits new information to surface.

The scope of NEPA documents should be limited to information that is truly required for NEPA
compliance. Field offices should be directed to stop requesting ad hoc information not required by regulation, statute or official BLM policy.

3. When EAs exceed six months and EISs exceed eighteen months, BLM should assign strike teams to complete them. These strike teams should be composed of planning specialists, perhaps at the state office level, who have the expertise to move forward expeditiously with NEPA documents, as sometimes staff at the field office level are not as skilled in the NEPA process and focused on many different tasks.

4. BLM should inform project proponents at least every four to six weeks on where NEPA documents are in the process, the cause of delays, and what BLM is doing to move forward.

5. BLM should issue an Instruction Memorandum (IM) directing state and field offices to develop NEPA templates for both EAs and EISs, including questions related to on-the-ground factors in the states and planning areas that can be answered simply. The IM could also include a template for common aspects nationwide as a starting point.

6. BLM should provide project proponents with draft documents before the public. BLM should accept clarifications from companies and make any adjustments before they are published in the Federal Register for official public comment. Doing so would reduce the amount of work BLM must spend responding to public comments and allow for additional collaboration and problem solving between the project proponent and BLM, saving resources and time.

7. It will remain difficult to create legally defensible documents as long as they are so long and complex. Several policies enacted without Congressional mandate or a rulemaking process during the Obama Administration should be overturned, as they created more complexity and made planning documents even longer and more indefensible. The sage grouse plans and their associated IMs are a case in point, as is the mitigation IM, and policies or practices enacted for the now overturned Planning 2.0 rule. Many IMs Western Energy Alliance is recommending to overturn will help simplify and make NEPA documents more defensible. Reducing the complexity of policies will help reduce the length and complexity of NEPA documents and make them more legally defensible.

BLM should not be afraid to complete NEPA documents, and just prepare to robustly defend itself from the inevitable court challenges. Too often in the past, BLM simply held up NEPA documents to await further analysis, rather than asserting analysis meets the best-available-information standards in FLPMA.

BLM should also work with Congress on ways to limit opportunities for unaccountable groups to sue to stop energy projects that create jobs and economic opportunities. Supporting legislation to prevent the use of the Equal Access to Justice Act as a means of using taxpayer dollars to fund litigation from large environmental groups is one way. Another is reducing the statute of limitations for legal challenges to energy projects from six years to ninety days, the same timeline that energy developers and lessees must meet to challenge federal decisions.
8. Withdraw IM 2017-021. New IMs and policies regarding a workable mitigation framework that is reasonable and does not arbitrarily delay and deny energy projects must be carefully constructed and implemented. In the meantime, perhaps a limited scope IM could be issued instruct field offices to only require mitigation measures in NEPA documents that are consistent with Secretarial Order 3349. The IM and any mitigation policies developed should require field offices to recognize and credit a proponent’s committed avoidance and minimization of impacts in determining the amount of mitigation required.
Introduction: BLM must approve an Application for Permit to Drill (APD) before a company can begin drilling operations. The APD must include extremely detailed information, including the type, location, and plan for drilling the well.

Challenges:

1. BLM requires an APD for wells on private or state lands even when only a minority of the oil and natural gas resources being accessed are federal, using the “federal nexus” as a way for BLM to become involved in wells in which it has only a minority of mineral interest. Once the federal nexus is invoked, the full gamut of BLM processes apply, resulting in long delays to the development of private and state minerals, denying individuals and states their private property rights.

2. BLM uses the federal nexus to require tribal consultation for cultural artifacts on private land, even when there’s no federal public or tribal lands in the area and only a minority of federal minerals interests. When private landowners wisely refuse federal or tribal members to access their lands, it puts operators in a bind because BLM won’t let the process move forward. This leads to BLM deferring APDs until the consultation is complete, causing further delays. The assertion of tribal rights on private lands around the DAPL protest site is an example of why private landowners do not want cultural artifacts asserted as existing on their private lands.

Furthermore, BLM arbitrarily defines the Area of Potential Effects (APE) to incorporate a broad area of land so that the need to consult is triggered even when the actual cultural site is avoided. In the Powder River Basin in particular, BLM is conducting far-reaching tribal consultations for 23 tribes who do not have tribal lands in the area. These consultations can hold up project NEPA and APDs indefinitely.

3. BLM field offices arbitrarily add new requirements to APDs and require producers to conduct new and redundant analysis without a basis in law or regulation. Companies have been asked to perform extra cultural, wildlife, flood plain or other surveys, even after complying with existing regulations. Arbitrary requirements lengthen the APD processing time both for the operator and for BLM. Requirements vary greatly from field office to field office, further frustrating operators.

4. BLM frequently fails to meet the 30-day statutory deadline for permit approval set forth in the Energy Policy Act of 2005 (EPAct). The federal government is much less efficient than states in managing energy development, taking an average of more than 250 days to issue drilling permits in 2016 compared to about 30 days on average for state agencies. Furthermore, federal permitting requirements are redundant with state requirements, as companies must also obtain
both federal and state permits for federal wells.

5. Lengthy APD timeframes often occur because BLM is conducting redundant NEPA analysis. BLM is not granting Categorical Exclusions (CX) when companies meet the criteria under Section 390 of the Energy Policy Act of 2005 and in many situations automatically requires another Environmental Assessment, rather than even considering a CX. In contravention of EPAct, BLM is requiring duplicative NEPA for: 1) wells involving less than five acres of disturbance with total lease disturbance of less than 150 acres that already have site-specific NEPA; 2) new wells on pads drilled within the last five years; and 3) areas covered by an existing NEPA document that is five years old or less. As a result, APDs are delayed months and years awaiting redundant NEPA analysis, in direct violation of statute.

6. BLM moved to an online system known as the Automated Fluid Minerals Support System (AFMSS II) in 2016. The system has numerous flaws which slow down the ability to submit an APD, and the process flow for review and approval is inefficient. Entering the data is tedious, requiring detailed data entry for many unnecessary and inapplicable fields before the program allows a company to submit its APD. These additional requirements further delay the application process and in many cases are beyond the scope of Onshore Order 1 and the Resource Management Plan (RMP) stipulations for that lease. Glitches with the operating system also cause information to be lost and have to be re-entered, adding to the time it takes to complete the submission. Finally, BLM staff cannot work on multiple APDs simultaneously, so they must finish one before moving to the next.

7. There is a lack of transparency in the APD process, and companies cannot tell which APDs BLM is actively evaluating and which are held up in the queue. Because of long lead times, companies don’t know if their permits will take two months or two years and they must request permits well in advance of when they actually plan to drill in order to stay ahead of their rigs. BLM does not have the reporting capability to create statistical timelines of the 24 different review steps in the database.

8. BLM’s aggregate data about the onshore oil and gas program regarding APD timelines, and APDs spud but not drilled are collected inconsistently and released publicly just once a year, which does not give visibility to the ebb and flow as permits are approved and then get drilled. BLM’s annually released chart on APD processing times is of dubious quality, as field offices track processing time very differently, and do not start and stop the clock in any consistent manner. Without consistent data, it is impossible for BLM to draw conclusions about the average amount of time spent by operators versus BLM, or even to have any confidence that the overall average processing time is valid. Poor data misleads the public.

Recommendations

1. BLM should work with Congress on a bill to limit the federal nexus to situations only where federal lands are involved and/or there is a majority of federal minerals. The federal
government would then receive royalties as any other minority mineral owner through a normal pooling/unitization agreement. The Interstate Oil & Gas Compact Commission (IOGCC), a multi-state government agency representing oil and natural gas producing states, has issued a resolution urging delegation to the states for approval of drilling permits on federal public land.

2. BLM should issue an IM or other policy guidance to prevent field offices from requiring tribal consultation on private and state lands. The guidance should specify that a Class III Cultural Inventory approved by BLM provides the information necessary to approve the APD. The inventories must be conducted by appropriately credentialed archeological experts, which may be contractors.

3. In an overall permitting IM or further guidance resulting from Secretarial Order 3354, BLM should direct field offices to follow established regulations and onshore orders when requesting information from operators for their APDs, and prohibit them from requiring extraneous analysis and surveys.

4. Congress and the Administration should work on legislation to delegate authority to state agencies for approving drilling and completion permits, leaving BLM free to focus on its core mission of managing federal lands and surface use. Short of legislation, BLM could enter into memoranda of understanding (MOU) with the states to delegate many downhole permitting aspects to the states, short of final official approval by BLM.

5. In an overall permitting IM or further guidance resulting from Secretarial Order 3354, BLM should direct all field offices to issue CXs when any of the Section 390 criteria are met. BLM’s NEPA handbook already provides that direction, so a rewrite to it is not required. Environmental analyses for surface impacts should rely on the RMP and not require redundant analysis; permit applications should only need to restate the RMP’s requirements.

6. AFMSS II should be simplified to only record basic information such as well location and company information, while allowing for attachments that provide the more detailed drilling and surface use plans. BLM should limit the amount of information required in an APD to what is set forth in federal regulations, specifically Onshore Order 1, and what is necessary to abide by lease stipulations. These documentation requirements should be consistent across field offices. Finally, BLM should accept applications through the old Well Information System or via paper copy until AFMSS II’s glitches have been resolved.

7. If AFMSS II continues to be the sole system for processing APDs, companies should be able to query each of their APDs in the system and see where they are in the process. BLM should also provide a description of each of the 24 steps in the review process to help operators better understand what each step entails and provide a better sense of general timelines. Equipping operators with this knowledge of the system would allow them to identify when there may be a problem with the APD that could be resolved by operator outreach to BLM.
8. AFMSS II should be updated to enable BLM to track data regarding APD processing times in a consistent manner across all states, and make these data available in a consistent manner at the field office, state, and national level. Short of that system upgrade, BLM should release the raw data for APD processing times, and wells spud but not drilled, as it does for the basic leasing data and raw APD numbers. Doing so would make the data released annually on the Oil & Gas Statistics page consistent and better inform the public.
Thank you.

On Thu, Aug 10, 2017 at 6:17 PM, Tripp Parks <tparks@westernenergyalliance.org> wrote:

Good evening everyone,

I just submitted the attached comments from Western Energy Alliance regarding DOI’s reform initiative on regulations.gov, and wanted to make sure you all got a copy as well. These comments are specific to BLM, and we plan to submit further comments for other DOI agencies in the near future. Kathleen and I would be more than happy to answer questions on these comments, and we look forward to working with you on any reform initiatives you undertake in the future. Thank you all for your hard work in DC!

Sincerely,

Tripp Parks
Manager of Government Affairs
Western Energy Alliance
Main: 303-623-0987
Direct: 303-501-1061
tparks@westernenergyalliance.org <mailto:tparks@westernenergyalliance.org>

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Vincent DeVito, Esq.
Counselor to the Secretary of Interior for Energy Policy
Immediate Office of the Secretary
+1.202.208.2884
vincent_devito@ios.doi.gov
Vince and Greg,

On behalf of my members, I wanted to thank you for the 6-month delay on the Texas Hornshell. They are most grateful for the extra time to allow their significant conservation efforts to come to fruition. It was a good call.

Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
For Release: August 9, 2017

Contacts: Lesli Gray, (TX), 972-439-4542, lesli_gray@fws.gov
          Jeff Humphrey, (NM), 602-889-5946, jeff_humphrey@fws.gov

Service Announces Six-Month Deadline Extension for the Final Listing
Determination for the Texas Hornshell

Agency seeks additional information from public and scientific community

The U. S. Fish and Wildlife Service today announced a six-month extension to its deadline for
making a final determination on whether to list the Texas hornshell under the Endangered Species
Act (ESA). The Service is taking this action on its 2016 proposal to list this freshwater mussel in
order to solicit additional scientific information on the status of the species in Mexico. Accordingly,
the Service is reopening the public comment period on the proposed rule for 30 days. We will make
a final listing determination no later than February 10, 2018.

On July 7, 2017, the Service announced the availability of a draft Candidate Conservation
Agreement (CCA), draft Candidate Conservation Agreement with Assurances (CCAA) and draft
environmental assessment for the Texas hornshell and four other aquatic species that are found in
west Texas and southeastern New Mexico. If the Service finalizes the CCA and CCAA, landowners
and industry could sign up under these agreements during the six month deadline extension to the
listing determination.

Once abundant throughout rivers in the Rio Grande basin in southern New Mexico, Texas, and
Mexico and in rivers on the Mexican Gulf Coast, the Texas hornshell has experienced a dramatic
decline. Today, it is the only native mussel remaining in New Mexico and is scarce in Texas,
occupying only 15% of its historical U.S. range. River fragmentation and loss as a result of
impoundments and reduced water quality and quantity are negatively impacting the Texas hornshell
and other freshwater mussels across the Southwest. After thoroughly reviewing the best available
science, on August 10, 2016, the Service proposed protecting the mussel as endangered under the
ESA.

The Service encourages the public to review and provide comments on the listing proposal during
the 30-day public comment period. Written comments must be received by close of business on
September 11, 2017. Written comments may be submitted by one of the following methods:

the Search box, enter FWS–R2–ES–2016–0077. You may submit a comment by clicking on
“Comment Now!”

The Service asks that the public not resubmit previously submitted comments or information on the proposed rule. The Service has already incorporated them into the public record, and will fully consider them in the preparation of the final determination. The Service will consider all additional information, comments and recommendations received from all interested parties with the intention that any final action resulting from this proposal be as accurate as possible and based on the best available scientific and commercial data.

America’s fish, wildlife, and plant resources belong to all of us, and ensuring the health of imperiled species is a shared responsibility. We’re working to actively engage conservation partners and the public in the search for improved and innovative ways to conserve and recover imperiled species.

The U.S. Fish and Wildlife Service works with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. For more information on our work and the people who make it happen, visit http://www.fws.gov/. Connect with our Facebook page, follow our tweets, watch our YouTube Channel and download photos from our Flickr page.

-FWS-

http://www.fws.gov/southwest
No problem. Also, just of the phone with Scott at Performance.

On Thu, Aug 17, 2017 at 2:57 PM, Samantha McDonald <SMcDonald/ipaa.org> wrote:

Vince and Greg,

On behalf of my members, I wanted to thank you for the 6-month delay on the Texas Hornshell. They are most grateful for the extra time to allow their significant conservation efforts to come to fruition. It was a good call.

Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
Tim, Has BLM been able to resolve this map discrepancy in Wyoming yet? I appreciate any update you may have.

Sam

From: Samantha McDonald  
Sent: Tuesday, July 18, 2017 2:39 PM  
To: timothy.williams@ios.doi.gov  
Cc: 'Tripp Parks' <tparks@westernenergyalliance.org>; 'Brian Woodard' <brian.woodard2@chk.com>; Spencer Kimball@eogresources.com; 'Kari Smith' <Kari.Smith@conocophillips.com>  
Subject: Sage Grouse Call Request

Tim,

Could I request one more call with you in your sage grouse review capacity? We have three companies (Chesapeake, Conoco Phillips and EOG Resources and the fellow trade association Western Energy Alliance) cc’d that would like to chat with you on a pretty specific sage grouse issue they’d like to have addressed in the final report. While the companies can provide more background in addition to what I have pasted below, essentially we need the Department to issue guidance to BLM concerning an expedited approach to accept Version 4 Core Area Maps within their planning purposes. To ignore the problem could potential jeopardize several dozen projects in Wyoming. Thanks for your consideration of this request.

Kind regards,

Sam

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**Background:** On July 29, 2015, the State of Wyoming issued Executive Order 2015-4 which replaced Executive Orders 2011-5 and 2013-3 concerning Greater Sage-grouse (GrSG) management and mitigation practices within Wyoming. EO 2015-4 utilized Version 4 of the State’s GrSG Core Area Maps, which were attached to the referenced EO. BLM WY had previously issued Resource Management Plans (RMPs) providing direction on conservation goals, objectives, allocations and management actions in GrSG habitat including core areas and that those RMPs are based upon Version 3 of the State’s Core Area Map. BLM recognizes that EO 2015-4 utilizes a newer version of the State’s Core Area Map (Version 4) which does not align completely with the areas identified in the Version 3 maps that served as the basis for BLM’s Priority Habitat Management Areas (PHMAs) identified in the RMPs.

**Issue:** The BLM has determined that based on its Planning Regulations (43 CFR 1610) a Land
Use Plan Amendment process is required for the BLM WY to consider incorporation of Version 4 of the Core Area. Maps into the applicable RMPs. Within their IM No. WY-2016-024, the WY State Director’s office has directed all Field Offices (FOs) for those lands no longer identified as Core Areas (Version 4) by the State of Wyoming’s Core Area Protection Strategy (EO 2015-4) but which were initially identified as Priority Habitat Management Areas (PHMA) in the GrSG Amended RMPs as Core Areas subject to all applicable requirements until a subsequent planning process is completed. Further, the IM noted, that until a subsequent plan amendment is completed, the BLM will evaluate all proposed activities in these areas to determine the appropriate restrictions to be applied through the action-specific NEPA analysis and that all FO’s will initiate a DDCT analysis in accordance with the procedures outlined on the WGFD website and will have a technical review completed.

**Context:** WY BLM State Director, Mary Jo Rugwell, recognizes that changes are needed to address this problem but says she needs guidance from BLM HQ. Operators working to obtain APDs in areas which were initially identified as core within V3 but no longer are in core per V4, have been instructed to include core area Required Design Features (RDFs) in their applications or they won’t be approved. We have also been told to adhere to the 5% disturbance thresholds or our permits will likely be deferred. Once the projects are approved, we will need to go in on a well by well basis to apply for exceptions. Planning is difficult since we can’t assume the exceptions will be granted. The costs associated with in-core (PHMA) RDFs and non-core (GHMA) RDFs significantly differ. We have also been instructed to complete Density Disturbance Calculations (DDCTs) on the areas. When we do this, WY Game and Fish Department (WGFD) is stating that this is an unnecessary practice as our proposed projects are not in core areas (as they are using the V4 maps and BLM is using the V3 maps). We have also been asked, via BLM, to consult with WGFD on projects and then have subsequently been informed by the WGFD that their consultation is unwarranted as they projects do not fall within the V4 core boundaries. This issue is creating uncertainty for the business which results in confusion and delays.

**Specific Ask:** The WY State BLM and associated FO’s need guidance from HQ concerning an expedited approach to accept the V4 Core Area Maps within their planning processes. Now is the time to address this issue while Sec. Zinke has constituted a GrSG Review Team looking to make recommendations by 8/7.

**Samantha McDonald**
Director of Government Relations
Independent Petroleum Association of America
(202)857-4722 / Visit IPAA / Visit ESA Watch
Department Of The Interior
External and Intergovernmental Affairs
Tim Williams
Work: 202-208-1923
email: timothy_williams@ios.doi.gov
We are working on it. I have let the Secretary know as well.

Tim

On Thu, Aug 17, 2017 at 4:02 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Tim, Has BLM been able to resolve this map discrepancy in Wyoming yet? I appreciate any update you may have.

Sam

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From: Samantha McDonald  
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Cc: 'Tripp Parks' <tparks@westernenergyalliance.org>; 'Brian Woodard' <brian.woodard2@chk.com>; Spencer_Kimball@eogresources.com; 'Kari Smith' <Kari.Smith@conocophillips.com>  
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Issue: The BLM has determined that based on its Planning Regulations (43 CFR 1610) a Land Use Plan Amendment process is required for the BLM WY to consider incorporation of Version 4 of the Core Area

Maps into the applicable RMPs. Within their IM No. WY-2016-024, the WY State Director’s office has directed all Field Offices (FOs) for those lands no longer identified as Core Areas (Version 4) by the State of Wyoming’s Core Area Protection Strategy (EO 2015-4) but which were initially identified as Priority Habitat Management Areas (PHMA) in the GrSG Amended RMPs as Core Areas subject to all applicable requirements until a subsequent planning process is completed. Further, the IM noted, that until a subsequent plan amendment is completed, the BLM will evaluate all proposed activities in these areas to determine the appropriate restrictions to be applied through the action-specific NEPA analysis and that all FO’s will initiate a DDCT analysis in accordance with the procedures outlined on the WGFD website and will have a technical review completed.

Context: WY BLM State Director, Mary Jo Rugwell, recognizes that changes are needed to address this problem but says she needs guidance from BLM HQ. Operators working to obtain APDs in areas which were initially identified as core within V3 but no longer are in core per V4, have been instructed to include core area Required Design Features (RDFs) in their applications or they won’t be approved. We have also been told to adhere to the 5% disturbance thresholds or our permits will likely be deferred. Once the projects are approved, we will need to go in on a well by well basis to apply for exceptions. Planning is difficult since we can’t assume the exceptions will be granted. The costs associated with in-core (PHMA) RDFs and non-core (GHMA) RDFs significantly differ. We have also been instructed to complete Density Disturbance Calculations (DDCTs) on the areas. When we do this, WY Game and Fish Department (WGFD) is stating that this is an unnecessary practice as our proposed projects are not in core areas (as they are using the V4 maps and BLM is using the V3 maps). We have also been asked, via BLM, to consult with WGFD on projects and then have subsequently been informed by the WGFD that their consultation is unwarranted as they projects do not fall within the V4 core boundaries. This issue is
creating uncertainty for the business which results in confusion and delays.

**Specific Ask:** The WY State BLM and associated FO’s need guidance from HQ concerning an expedited approach to accept the V4 Core Area Maps within their planning processes. Now is the time to address this issue while Sec. Zinke has constituted a GrSG Review Team looking to make recommendations by 8/7.

**Samantha McDonald**
Director of Government Relations
Independent Petroleum Association of America
(202)857-4722 / Visit IPAA / Visit ESA Watch

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**Department Of The Interior**
External and Intergovernmental Affairs
Tim Williams
Work: 202-208-1923
email: timothy_williams@ios.doi.gov
Department Of The Interior

External and Intergovernmental Affairs

Tim Williams

Work: 202-208-1923

email: timothy_williams@ios.doi.gov

--

Tim Williams
Deputy Director External Affairs
Office of the Secretary
U.S. Department of the Interior
Desk: (202) 208-6015
Cell: (202) 706-4982

NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.
Did you get the information you needed?

No problem. Also, just of the phone with Scott at Performance.

On Thu, Aug 17, 2017 at 2:57 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

    Vince and Greg,

    On behalf of my members, I wanted to thank you for the 6-month delay on the Texas Hornshell. They are most grateful for the extra time to allow their significant conservation efforts to come to fruition. It was a good call.

    Best,

    Sam

Samantha McDonald

Director of Government Relations

Independent Petroleum Association of America

Vincent DeVito, Esq.
Counselor to the Secretary of Interior for Energy Policy
Immediate Office of the Secretary
+1.202.208.2884
vincent_devito@ios.doi.gov
Great! Thank you!

Sent from my iPhone

On Aug 17, 2017, at 4:12 PM, Williams, Timothy <timothy_williams@ios.doi.gov> wrote:

We are working on it. I have let the Secretary know as well.

Tim

On Thu, Aug 17, 2017 at 4:02 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Tim, Has BLM been able to resolve this map discrepancy in Wyoming yet? I appreciate any update you may have.

Sam

From: Samantha McDonald
Sent: Tuesday, July 18, 2017 2:39 PM
To: timothy_williams@ios.doi.gov
Cc: 'Tripp Parks' <tparks@westernenergyalliance.org>; 'Brian Woodard' <brian.woodard2@chk.com>; Spencer_Kimball@eogresources.com; 'Kari Smith' <Kari.Smith@conocophillips.com>
Subject: Sage Grouse Call Request

Tim,

Could I request one more call with you in your sage grouse review capacity? We have three companies (Chesapeake, Conoco Phillips and EOG Resources and the fellow trade association Western Energy Alliance) cc’d that would like to chat with you on a pretty specific sage grouse issue they’d like to have addressed in the final report. While the companies can provide more background in addition to what I have pasted below, essentially we need the Department to issue guidance to BLM concerning an expedited approach to accept Version 4 Core Area Maps within their planning purposes. To ignore the problem could potential jeopardize several dozen projects in Wyoming. Thanks for your consideration of this
Background: On July 29, 2015, the State of Wyoming issued Executive Order 2015-4 which replaced Executive Orders 2011-5 and 2013-3 concerning Greater Sage-grouse (GrSG) management and mitigation practices within Wyoming. EO 2015-4 utilized Version 4 of the State’s GrSG Core Area Maps, which were attached to the referenced EO. BLM WY had previously issued Resource Management Plans (RMPs) providing direction on conservation goals, objectives, allocations and management actions in GrSG habitat including core areas and that those RMPs are based upon Version 3 of the State’s Core Area Map. BLM recognizes that EO 2015-4 utilizes a newer version of the State’s Core Area Map (Version 4) which does not align completely with the areas identified in the Version 3 maps that served as the basis for BLM’s Priority Habitat Management Areas (PHMAs) identified in the RMPs.

Issue: The BLM has determined that based on its Planning Regulations (43 CFR 1610) a Land Use Plan Amendment process is required for the BLM WY to consider incorporation of Version 4 of the Core Area Maps into the applicable RMPs. Within their IM No. WY-2016-024, the WY State Director’s office has directed all Field Offices (FOs) for those lands no longer identified as Core Areas (Version 4) by the State of Wyoming’s Core Area Protection Strategy (EO 2015-4) but which were initially identified as Priority Habitat Management Areas (PHMA) in the GrSG Amended RMPs as Core Areas subject to all applicable requirements until a subsequent planning process is completed. Further, the IM noted, that until a subsequent plan amendment is completed, the BLM will evaluate all proposed activities in these areas to determine the appropriate restrictions to be applied through the action-specific NEPA analysis and that all FO’s will initiate a DDCT analysis in accordance with the procedures outlined on the WGFD website and will have a technical review completed.

Context: WY BLM State Director, Mary Jo Rugwell, recognizes that changes are needed to address this problem but says she needs guidance
from BLM HQ. Operators working to obtain APDs in areas which were initially identified as core within V3 but no longer are in core per V4, have been instructed to include core area Required Design Features (RDFs) in their applications or they won’t be approved. We have also been told to adhere to the 5% disturbance thresholds or our permits will likely be deferred. Once the projects are approved, we will need to go in on a well by well basis to apply for exceptions. Planning is difficult since we can’t assume the exceptions will be granted. The costs associated with in-core (PHMA) RDFs and non-core (GHMA) RDFs significantly differ. We have also been instructed to complete Density Disturbance Calculations (DDCTs) on the areas. When we do this, WY Game and Fish Department (WGFD) is stating that this is an unnecessary practice as our proposed projects are not in core areas (as they are using the V4 maps and BLM is using the V3 maps). We have also been asked, via BLM, to consult with WGFD on projects and then have subsequently been informed by the WGFD that their consultation is unwarranted as they projects do not fall within the V4 core boundaries. This issue is creating uncertainty for the business which results in confusion and delays.

**Specific Ask:** The WY State BLM and associated FO’s need guidance from HQ concerning an expedited approach to accept the V4 Core Area Maps within their planning processes. Now is the time to address this issue while Sec. Zinke has constituted a GrSG Review Team looking to make recommendations by 8/7.

**Samantha McDonald**

Director of Government Relations

Independent Petroleum Association of America

(202)857-4722 / Visit IPAA / Visit ESA Watch

<image001.jpg>

--

**Department Of The Interior**
yes

On Thu, Aug 17, 2017 at 4:05 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Did you get the information you needed?

From: Devito, Vincent [mailto:vincent_devito@ios.doi.gov <mailto:vincent_devito@ios.doi.gov> ]
Sent: Thursday, August 17, 2017 3:30 PM
To: Samantha McDonald <SMcDonald@ipaa.org>
Subject: Re: THANK YOU!

No problem. Also, just of the phone with Scott at Performance.

On Thu, Aug 17, 2017 at 2:57 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Vince and Greg,

On behalf of my members, I wanted to thank you for the 6-month delay on the Texas Hornshell. They are most grateful for the extra time to allow their significant conservation efforts to come to fruition. It was a good call.

Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
Vincent DeVito, Esq.
Counselor to the Secretary of Interior for Energy Policy
Immediate Office of the Secretary
+1.202.208.2884
vincent_devito@ios.doi.gov
Dear Jim,

Thank you so much for participating in our 29th Annual Energy Summit as a speaker. Your expertise will help bring our vision for our theme, “Cleaner, Better, Further, Safer” together, and I am looking forward to assisting you in any way as the speaker liaison for the event. Attached you will find the final agenda for your session and a comprehensive agenda for the full conference. Please review this email and attached documents for important deadlines along with other useful information. As significant and relevant updates are made, I will send out updates. We hope you will participate in as much of the event as your schedule permits.

YOUR SESSION INFO:
Date: Wednesday, August 23rd
Time: 11:30AM – 1:00PM
Session Title: Spotlight Luncheon: An Interior Dialogue
Session Format: Moderated Discussion
Stage Format: 2 club chairs, 2 small tables

Conference Location
Colorado Convention Center
700 14th Street
Denver, Colorado 80202
303-228-8000
Sessions will take place in the Mile High Ballroom

Lodging
If you still need to make lodging arrangements, please let me know as quickly as possible. The room block has ended and we need to work with the hotel directly to book additional rooms.

For hotel information, visit the travel page of our website:
http://theenergysummit.org/location/

Attire
Dress for the conference will be business attire. Please ensure you wear attire that a lapel microphone can attach to securely.

Speaker Check-In, Speaker Liaison, & VIP/Speaker Ready Room
Throughout the entirety of The Energy Summit, you will have access to the VIP Room located upstairs in room 401 (see attached map for detailed location). This room will be restricted to all speakers and a very small group of VIPs and staff. The area will include beverages, comfortable seating, and areas to
quietly work.

I will meet you at this location **30 minutes** prior to your speaking engagement to ensure all participants are present and ready. Checking in at the VIP/speaker-ready room is the **single most important** action you will take to guarantee your presentation is a success.

There you will meet with your fellow panelists, and myself, your **Speaker Liaison**.

If you plan to attend any portion of The Energy Summit prior to your session, your speaker packet and registration badge will be available on Monday, August 21st between 2pm-5pm or any time after 7:00am on Tuesday, August 22nd in the Speaker/VIP Room. As a reminder, all speakers have been registered for the conference by our staff in advance.

**Presentations**

If your panel plans to use PowerPoint, please see the attached memo from our audio visual team at JSAV with step by step instructions on uploading your slides. Please upload your final presentation by **Thursday, August 17th**.

**E-Copy of Speaker Presentations**

After the conference, we will compile electronic copies of presentations, which are available to registrants for download free of charge. Our attendees very much appreciate having the information from as many speakers as possible. **Your presentation (video footage of your session and PowerPoint presentations, where applicable) will be included in the electronic copy that is made available to registrants**, unless you **opt-out** by email at rachel.mcnerney@coga.org no later than **August 18, 2017**.

**COGA’s Booth**

COGA’s booth on the expo floor will feature COGA’s public outreach efforts, Speaker Meet & Greets, and an extensive library. We are happy to display, distribute, or sell any publications you have for our attendees. This can include annual reports, books, informational pamphlets, sustainability reports, economic studies, or anything that you deem relevant to our conference and expo attendees. Any publications should be shipped to and received at the address below by **August 18, 2017 to be included in the Library**. We hope you will take advantage of this opportunity!

COGA / Booth # 501  
THE ENERGY SUMMIT 2017  
C/O FREEMAN  
COLORADO CONVENTION CENTER  
700 14TH ST, WELTON STREET DOCKS  
DENVER, CO 80202-3221

**VIP Speaker Meet & Greet**

In an effort to create additional engagement and interaction between our expert speakers and our attendees, COGA will be facilitating a VIP Meet & Greet at our COGA Booth. **We would be delighted if you would be willing to commit 30 minutes of your time to casually chat with current participants of our emerging leaders program, EnGen (www.cogaengen.org), and other Energy Summit participants**.
attendees. We strongly encourage you to participate and are happy to accommodate any time during the conference on Tuesday, Wednesday, or Thursday that works for your schedule. If you are interested in this additional level of engagement, please let me know at your earliest convenience. We are happy to schedule individual Meet & Greets or joint sessions with your fellow panelists.

Pre-Conference Blog
Too much information to cover in just one session? We welcome any speaker to provide a guest post to COGA’s blog leading up to The Energy Summit. If you have a topic in mind, or an existing article that could be modified into blog format, please let me know and I will coordinate the details.

Special Events
As one of our featured speakers, you should have already received an invitation to attend our highly anticipated ancillary events during conference week. If you have not received your invite, or to RSVP, please email Rachel.mcnerney@coga.org at your earliest convenience. You have also been registered for our full conference. Please let us know if you are able to attend the luncheons to ensure you receive a ticket. If you have already completed the speaker confirmation form online and supplied this information, you are all set.

Social Media
In today’s world, social media is an important tool used to influence and participate in the public narrative. The Energy Summit will provoke significant social media engagement using custom handles, hashtags, and promotions. We will be encouraging an online dialogue throughout the conference and during panels we will be displaying speakers’ handles when available. Please share with us your preferred handle for Twitter and we will include your information in our promotion.

SPEAKER PREP CALL NOTES
Below are notes from our discussion, your agreed upon topics, and an overview of logistics.

Logistics:
- I am your on-site contact and point person for any logistics leading up to the conference. I can be reached via cell phone at 720-212-1239 or through email rachel.mcnerney@coga.org.
- As a thank you for your participation, we are registering you with an all access VIP pass. This includes:
  - All sessions and the expo hall
  - Access to all luncheons (please RSVP if you haven’t done so already, you will not receive a ticket without an RSVP)
  - Opening Night Party (Tuesday 5-7:30p)
  - Chairman’s Reception (Wednesday 5-6:30p)

Panel Format:
- Speakers will report to the Speaker/VIP Room at 11:00am to prepare for the panel and proceed together to AV.
- Stage will be set with a podium, two armchairs, and two side tables. Everyone will use lapel mics.
- Sarah will introduce Gale. Gale will introduce the session and the special guest, and make about
5 minutes worth of remarks.

- Following the general remarks, Gale will moderate a conversation with the discussed topics/questions and leave time for questions from the audience that will be on notecards reviewed by Sarah. Total time expected to be close to an hour for this dialogue.

**Panel Topics, as Discussed on Call:** *(these are rough notes from the call, please use the email addresses provided as a method of communication with your fellow panelists moving forward)*

- **Sarah**
  - Goal is to get a perspective on where the Department of Interior has been and where it is heading in the future
  - Not expecting anything that isn’t public information, but would like for you to provide more color than what people read in the headlines and address any biases the public may have
  - Can take in whatever direction you see fit

- **Gale**
  - Wants to emphasize the need for companies to get involved in comment periods, etc.
  - What are COGA’s commenting efforts and where can individual companies be beneficial?

- **Sarah**
  - Most commenting at state level since we are the trade for Colorado
  - Only engage on federal level when there are significant developments that affect our members and they ask for us to get involved
  - WEA handles federal comments most of the time
  - There is a grey line and it’s more of a case by case basis
  - COGA does not take lead on BLM because of WEA

- **Gale**
  - Will note that comments are submitted through WEA COGA, but individual companies should be involved as well

- **Will need to figure out preference for lunch from both speakers – just let Rachel know if a boxed lunch is needed**

Best,

Rachel Mc Nerney
Programs & Administrative Coordinator
Colorado Oil & Gas Association
p: 303-861-0362 | Rachel.McNerney@coga.org | Contact Card

Click for more information on the Program, Registration, and opportunities for Sponsorships & Exhibit Booths.

COGA Confidentiality Notice - This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any
WEDNESDAY | AUGUST 23
11:30 AM – 1:00 PM
Keynote Luncheon

[STAGE SET NOTES: Stage will have podium for introductions; 2 club chairs with 2 small tables in between for water and papers; 2 new, full water glasses; question cards and pens on audience tables; COGA Call to Action cards on tables]

11:00 AM  MEETING IN SPEAKER READY ROOM
- Speakers meet Speaker Liaison, Rachel McNerney, in VIP/Speaker Room located upstairs in Room 401
- Play “Slide Set 10”

11:10 AM  FINAL SPEAKER/PRESENTATION PREP
- Speakers transition to Mile High Ballroom with Rachel
  - Award recipient, Craig McMillin, to meet in the ballroom to be seated at VIP table
  - Gale Norton and Jim Cason to get mic’ed at A/V booth with Rachel and take seat at VIP table
- Staff dim Expo lights - Expo announcement that session is beginning

11:15 AM  DOORS OPEN

11:30 AM  PLAY VIDEO: “CRAIG”

11:35 AM  SARAH SANDBERG
- No PPT, all screens show i-mag
- Award remarks and presentation of award
- Remain on stage
- Introduce Chairman John Mummery

11:45 AM  JOHN MUMMERY
- Brief remarks as COGA chairman
- Introduce Gale Norton & Jim Cason

11:45 AM  GALE NORTON: MODERATED DISCUSSION WITH JIM CASON
- No PPT. All screens show i-mag
- Introduce dialogue concept and give general framing remarks
- Remarks from seats
- Audience Q&A woven in as appropriate. Sarah will deliver notecards to Moderator.
- When you notice 5 minutes remaining, invite closing remarks.
DAN HALEY

- Resume “Slide Set 10”
- Closing remarks
  - Thank Gale Norton & Jim Cason
  - Thank Mummery
  - During this break, the Pipeliners Local Union 798 will speak at the Exploratory on the topic “Coalition Building: How Pipeliners Lay the Groundwork”
  - Announce Speaker Meet & Greet:
    - Trisha Curtis – 1:00pm
  - And lots to enjoy in the expo hall for the rest of the day including an open bar happy hour with our exhibitors at 4:45pm sponsored by the EnGen Alumni.
  - Our next session, “Energy and Geopolitics”, begins in this room at 1:30PM.

SPEAKER BIOGRAPHIES

Gale Norton

As Secretary of the Interior, 2001-2006, Gale Norton played a key role in shaping national energy policies. In the face of crises including the September 11th attacks and the War on Terror, increasing domestic energy production became a major focus for Norton’s term. She oversaw lands and offshore areas that produced a third of America’s domestic oil, natural gas, and coal. She was actively involved in consideration of the Energy Policy Act of 2005, offshore and onshore oil and gas production, coal mine leasing and reclamation, hydroelectric generation, as well as biomass, wind and geothermal development.

Norton was General Counsel for Royal Dutch Shell Unconventional Oil, 2007-2010, and Attorney General of Colorado, 1991-1999. She is currently President of Norton Regulatory Strategies and serves on the Board of Directors of American Transmission Company, which operates electric transmission facilities across the US.
THE ENERGY SUMMIT 2017 – WORKING DESCRIPTIVE AGENDA

Last Updated: 8/10/2017

Conference Theme: Cleaner, Better, Further, Safer

The technological advances and strategic thinking that led to a surge in U.S. production and ultimately lower commodity prices are now ushering in a new period of innovation and development. The industry emerging from the recent downturn is better equipped to face the challenges of a new price environment and global market era. To highlight these developments, the Energy Summit proudly enters its 29th year with a focus on “Cleaner, Better, Further, Safer”. Over three days, our speakers will explore the industry’s commitment to a cleaner energy future, strategies employed to position companies for better success, technological advances that take us further to energy security, and continuing implementation of practices that keep our industry safer than ever before. Highlights include:

- An examination and comparison of industry’s hottest plays in the Permian and DJ Basins;
- An overview of innovation in finding financial fuel for a new round of industry growth;
- Analyses of oil and gas markets from industry’s top analysts, including considerations of pricing, basin economics, transportation and export for oil, gas, NGLs, and LNG;
- Dialogue from industry executives on managing new workplace dynamics from mergers to millennials;
- An assessment of how industry is using analytics to optimize operations;
- An examination of how industry’s constant drive to innovate has resulted in pioneering technology that helps the environment, reduces industry’s footprint, and improves the value chain from the upstream sector to the consumer;
- A review of industry’s relentless focus on improving safety and the role of both process and culture in creating a safer work and community environment;
- A discussion on America’s energy plan from our country’s top leaders; and
- Keynote speeches from top thought leaders.

In addition to these presentations, our exhibit hall and related events will provide as always an unparalleled opportunity to connect and network with industry peers and leading service providers. Join us to learn how the industry is evolving “Cleaner, Better, Further, Safer”.

MONDAY, AUGUST 21, 2017

ALL DAY - Golf Tournament – Bear Dance Golf Course

12:00 PM – 6:00 PM – Expo Hall Load-In

2:00 PM – 5:00 PM – Early Badge Pick Up and Registration Open

TUESDAY, AUGUST 22, 2017

7:15 AM – 5:00 PM – Registration Open

7:15 AM – 5:00 PM – Expo Hall Open
7:15 AM – 9:00 AM – Breakfast in Expo Hall

8:15 AM - 9:45 AM – Improving Success Through Lessons Learned in Premier Plays: The Permian and DJ Basin Dominance
Description: As companies rebound from the downturn, strategies to align operations within the Permian and Denver Julesburg basins are being utilized for success. What are the lessons learned from each basin that can benefit the other and can be applied to other basins? From activism and economics, to operational and technical advancements, how do the two areas compare and what do they tell us about driving the industry further than before?

- **Confirmed Participants:**
  - Dave Stover, Chairman, President & CEO, Noble Energy
  - Bart Brookman, President and CEO, PDC Energy
  - Alan Thomson, Senior Partner & Managing Director, Global Leader Energy Practice, The Boston Consulting Group (moderator)
  - Honorable Michael Hancock, Mayor, City & County of Denver - Welcome Remarks

- **Program Notes:**
  - 15 minutes to allow for:
    - Mayor Hancock Welcome
    - Opening video
      - NBL video
    - Dan Haley Welcome
    - Sarah Sandberg Welcome
  - Close and transition by co-chair Chip Rimer

Description: From new IPOs to crowdfunding, how is raising capital in a tech world evolving to meet the times? How has private equity adapted to the rapid pace of change in political, regulatory, and operational developments? How are conventional financing strategies best deployed in the current price environment?

- **Confirmed Participants:**
  - Joe Jaggers, Chairman of the Board, Chief Executive Officer and President, Jagged Peak Energy
  - Roger Biemans, CEO, Vantage Energy Acquisition Corp
  - Tom Petrie, Chairman, Petrie Partners (moderator)

- **Program Notes:**
  - Close by co-chair Ward Polzin

10:45-11:45 AM – Networking Break in Expo Hall

11:00-11:30 AM – Colorado State Legislator Q&A Forum

11:30 AM – Doors Open to Mile High Ballroom
11:45 AM - 1:15 PM – Keynote Luncheon – Globalization’s Tilted Axis
Description: Join Dr. Barnett for a tour d'horizon of the world's regions, analyzing their current conflict dynamics. He will present regional issues within the larger context of globalization's shift from east-west integration to north-south tensions, identifying a number of global trends that are accelerating this unprecedented tilting of the world's primary vectors of economic change.
- **Confirmed Participants:**
  - Tom Barnett, Partner, Barnett Consulting LLC
- **Program Notes:**
  - Industry Advocate of the Year Video
  - Industry Advocate of the Year presentation of award & photo by Sarah Sandberg
  - Co-Chair Recognition, by Sarah Sandberg
  - Emcee of lunch The Energy Summit co-chair Chip Rimer

1:15 PM – 1:45 PM – Networking Break in Expo Hall

1:45 PM – 3:00 PM – Crunch Time: How Data and Predictive Analytics are Taking the Industry Further
Description: With so much data, from well logs and production reports to 3-D seismic and drilling data, how are companies utilizing advanced analytics to optimize their operations?
- **Confirmed Participants:**
  - Donald Paul, Executive Director, USC Energy Institute, William M. Keck Chair of Energy Resources, Research Professor of Engineering
  - Brian Pugh, Chief Operating Officer Production, BPL48
  - Binu Mathew, Global Head of Digital Products, GE Oil & Gas
  - Dr. Mehrzad Mahdavi, Vice President, Digital Solutions, Weatherford (moderator)
- **Program Notes:**
  - Opening Video
  - Welcome and Intros by Kevin Lanan, BP
  - Close by Dan Haley

3:00 PM – 3:30 PM – Networking Break in Expo Hall

3:30 PM - 4:45 PM – Markets Overview: Better Positioning of Natural Gas
Description: From supply, demand and transportation dynamics, what are the marketplace trends and fundamental basin economics around the world for natural gas?
- **Confirmed Participants:**
  - Jim Duncan, Director, Commodity Market Research, ConocoPhillips
  - Scott Moore, Anadarko Petroleum Corporation (moderator)
- **Program Notes:**
  - Opening Video
  - Welcome and Intros by David Posner
  - Close by Dan Haley

5:00 PM – 7:30 PM – Opening Night Party
Chambers Grant Salon at the Ellie Caulkins Opera House
WEDNESDAY, AUGUST 23, 2017

7:30 AM – 5:45 PM – Registration Open

7:30 AM – 5:45 PM – Expo Hall Open

7:30 AM – 9:00 AM – Breakfast in Expo Hall

8:30 AM - 9:45 AM – Maximizing Millennials: How to Manage the Generational Shifts in the Workplace
Description: Whether it’s a generation, or a mindset, the workplace is rapidly changing. From cultural shifts to evolving expectations, how are future leaders preparing to take industry to the next level and how are companies maximizing their development of this great new resource?
• Confirmed Participants:
  o Tony Buchanon, President & CEO, Crestone Peak Resources
  o Audrey Carlson, MarCom Manager, Liberty Oilfield Services
  o Tamara Bray, GVP & Chief Human Resource Officer, DCP Midstream
  o Sarah Sandberg, Chief Operating Officer & Conference Director, COGA (moderator)
  o Kelly Brough, President & CEO, Denver Metro Chamber of Commerce (special remarks)
• Program Notes:
  o Opening Video
  o Welcome by Dan Haley
  o Close and transition by Peter Mueller

9:45 AM – 10:30 AM – The Progression of Safety: From Process to Culture
Description: How are industry leaders using best practices and cultural shifts to elevate safety in the workplace and address stakeholder concerns?
• Confirmed Participants:
  o Britt Howard, Vice President, Enterprise Director of Health, Safety, Security, Environment and Quality, CH2M
  o Marc McGill, Director EHSR, Global Offshore, Noble Energy, Inc.
  o Christina Henderson, Director, Operations & Maintenance, U.S. Pipelines, Suncor Energy USA
  o Dr. Jade Strong, Managing Director and Founder, Mergentis (moderator)
• Program Notes:
  o Open by Peter Mueller
  o Close by Bill Aimone

10:30 AM – 11:30 AM – Networking Break in Expo Hall

11:15 AM – Doors Open to Mile High Ballroom
11:30 AM - 1:00 PM – Spotlight Luncheon: An Interior Dialogue
Description:
• Confirmed Participants:
  o Gale Norton, President, Norton Regulatory Strategies and Former Secretary of the Interior
• Considered Participants:
  o TBD
• Program Notes:
  o Opening Video
  o Welcome and Emcee by Sarah Sandberg
  o 5 – 7 minute introduction to include COGA’s Emerging Leader Award video, presentation of award & photo

1:00 PM – 1:30 PM – Networking Break in Expo Hall

1:30 PM - 2:45 PM – Keynote: How to be Wrong about the Energy Future in Nine Words
• Description: Significant government control. Limited data quality. Long infrastructure life.
• Confirmed Participants:
  o Mr. Kevin Book, Managing Director, ClearView Energy Partners
• Program Notes:
  o Opening Video
  o Welcome and Intro by Shane Schulz
  o Close by Chip Rimer

2:45 PM – 3:15 PM – Networking Break in Expo Hall

2:45 PM – 3:15 PM – 1st Time Attendee Networking Event (run by COGA Connect Committee)

3:15 PM - 4:35 PM – Oil Markets: Out of the Woods?
Description: What are the latest trends in global market balances and the role of US and Rockies supply? How have transportation, refining and infrastructure challenges and opportunities evolved?
• Confirmed Participants:
  o Rusty Braziel, RBN Energy
  o Trisha Curtis, President and Co-founder, PetroNerds
• Program Notes:
  o Opening Video
  o Welcome and Intros by Charles Laudeman
  o Close by Dan Haley

4:30 PM – 5:45 PM – Networking Happy Hour in Expo Hall

5:00 PM – 6:30 PM – Chairman’s Reception – INVITATION ONLY
Location: Directors Room at the Helen Bonfils Building, Denver Center for the Performing Arts
THURSDAY, AUGUST 24, 2017

7:00 AM – 12:45 PM – Registration Open

7:00 AM – 12:45 PM – Expo Hall Open

7:00 AM – 8:30 AM – Breakfast in Expo Hall

8:00 AM - 9:15 AM – LNG: Enduring Projects and Expanding Markets
Description: How can American LNG compete in a world market? What strategies ensure current LNG projects will be taken to maturity? How can gas from the West Slope of the Rockies supply Asian markets?
• Confirmed Participants:
  - Greg Vesey, Managing Director & CEO, LNG Limited
  - Dawn Constantin, SVP, Marketing & Regulatory Affairs, BP Energy Company
  - Bob Braddock, Senior Project Advisor, Jordan Cove Energy project L.P.
  - John Harpole, President, Mercator Energy LLC (moderator)
• Program Notes:
  - Opening Video
  - Welcome and Intro by Dan Haley
  - Close by Chris Briggs

9:15 AM – 10:30 AM – Open Panel: Technical Advancements in Environmental Stewardship
Description: An examination of how industry’s constant drive to innovate has resulted in pioneering technology that helps the environment, reduces industry’s footprint, and improves the value chain from the upstream sector to the consumer
• Confirmed Participants:
  - Bryan Willson, Executive Director, Colorado State University Energy Institute (moderator)
  - Joe Lima, Director, Environmental Sustainability, Schlumberger (community)
  - Erik Anglund, Water Resource Engineer, Anadarko (water)
  - Jeremy Boak, Director, Oklahoma Geologic Survey (seismic)
• Program Notes:
  - Opening Video
  - Welcome and Moderator Intro by Chris Briggs
  - Close by David Posner

10:30 AM – 11:30 AM – Networking Break in Expo Hall

10:35 AM – Balloon Drop in Expo Hall

11:15 AM – Doors Open to Mile High Ballroom
Description:
- Confirmed Participants:
  - Honorable Michael Bennet, U.S. Senator, State of Colorado
  - Honorable Cory Gardner, U.S. Senator, State of Colorado
  - Scott Desmarais, Partner, McKinsey & Company Inc. (moderator)
  - Donna Lynne, Lt. Governor of Colorado (special remarks)
- Program Notes:
  - Opening Video
  - Welcome by Sarah Sandberg
  - 5 – 7 minute introduction to include COGA’s Lifetime Achievement Award video, presentation of award & photo – presentation by Howard Boigon
  - Emcee and close out conference by Dan Haley

12:45 PM – 4:00 PM – Expo Hall Tear Down
From: Colorado Oil & Gas Association
To: Jim Cason
Subject: How to Get in For Free at The Energy Summit
Date: Monday, August 21, 2017 3:03:04 PM

TES-V3-slices_03 <http://theenergysummit.org/cogaconference/>
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Today's COGA Summit Award Winner - Chris Wright, Industry Advocate

Congratulations to Chris Wright, CEO, Liberty Oilfield Services, for winning the 2017 Industry Advocate COGA Summit Award. This award recognizes Chris' outstanding personal dedication and commitment to proactive advocacy on behalf of the oil and gas industry. Going above and beyond all expectations, Chris is engaged in public education, community engagement, and meaningful dialogue about responsible energy development in Colorado. Chris' award will be presented at 11:45am during the Keynote Luncheon.

Congratulations, Golfers!!

Congratulations to the winners of the morning and afternoon flights at the 31st Annual COGA Golf Tournament. Our morning flight winners are Anadarko Petroleum Corporation and our afternoon winners are H-2 Enterprises/Duraroot Environmental Consulting. Thank you to everyone who came out and joined us yesterday!

Speaker Meet & Greets in the COGA Booth

As an added value to our conference attendees, we are proud to offer meet and greet opportunities with select conference speakers. All meet and greets are hosted in the COGA Booth and are open to anyone who would like to visit with our conference speakers. Today's schedule includes:

Scott Desmarais – 10:45am | Tom Petrie – 11:00am | Bart Brookman – 11:15am | Erik Anglund – 1:15pm | Brian Pugh – 3:00pm

Don't Miss the Opening Night Party!

Bring your best conference week cocktail wear as we journey into this annual kickoff party! Opening Night Party will be steps away from the conference at the beautiful Chambers Grant Salon at the Ellie Caulkins Opera House at the Denver Center for the Performing Arts. The Opening Night Party promises old-school cocktails, and nostalgic mingling. The fun starts at 5pm, make sure to purchase your ticket in advance if you have not done so already!

Today's Agenda
This message was sent to James_cason@ios.doi.gov from communications@coga.org

COGA Communications
Colorado Oil and Gas Association
1800 Glenarm Place Suite 1100
Denver, CO 80202

Unsubscribe <http://app.icontact.com/icp/mmail-mprofile.pl?r=60618499&l=33991&c=Y7KU&m=1010235&c=1052701>
Congratulations to Craig McMillin with Eagle Automation for winning the 2017 COGA Emerging Leader Summit Award. In honor of Mr. McMillin's outstanding achievement as an emerging leader within industry, COGA is proud to recognize him as a high impact performer leading the energy industry into the future. Mr. McMillin's award will be presented today during the 1:30pm Keynote Luncheon.

As an added value to our conference attendees, we are proud to offer meet and greet opportunities with select conference speakers. All meet and greets are hosted in the COGA Booth and are open to anyone who would like to visit with our conference speakers. Today’s schedule includes:

Britt Howard – 10:30am | Tamara Bray – 10:30am | Trisha Curtis – 1:00pm Audrey Carlson – 2:45pm Dawn Constantin – 4:30pm

First Time Attendee Networking Event

First time conference attendee? Join other first time attendees in the Expo Hall from 2:45-3:15pm today for a networking event. Hosted by the COGA Connect Committee, this is a great way to meet new people and make connections. Also make sure to participate in the COGA Connect Scavenger Hunt for a chance to win a Yeti Cooler. More details available at the COGA booth.

Happy Hour in the Expo Hall

Stop by the expo hall for happy hour from 4:45-5:45pm and grab a drink! This is a great opportunity to network with other conference attendees and meet our dynamic exhibitors.

Make sure to swing by the COGA Booth and say hello to our team and find out more about our upcoming programs and events! Thank you to the EnGen Alumni Network for sponsoring the Happy Hour!

Today's Agenda

From: COGA Communications
To: James_cason@ios.doi.gov
Subject: The Energy Summit Daily Digest- Wednesday, August 23
Date: Wednesday, August, 23, 2017 9:46:04 AM
This message was sent to James_cason@ios.do.gov from communications@coga.org

COGA Communications
Colorado Oil and Gas Association
1800 Glenarm Place Suite 1100
Denver, CO 80202


Unsubscribe <http://app.icontact.com/icp/mmail-mprofile.pl?r=60618499&l=33991&s=Y7KU&m=1010693&c=1052701>
Congratulations to Ken Wonstolen of Bill Barrett Corporation for winning the 2017 Lifetime Achievement COGA Summit Award. This award honors Mr. Wonstolen's outstanding service and noteworthy accomplishments over the course of his career in Colorado’s oil and gas industry. His exceptional devotion of time, effort, thought, and action serves as an inspiration throughout the industry. COGA is delighted to recognize Mr. Wonstolen's remarkable achievements and dedication. Ken's Award will be presented during the Business Power Luncheon.

Speaker Meet & Greet in the COGA Booth

As an added value to our conference attendees, we are proud to offer meet and greet opportunities with select conference speakers. All meet and greets are hosted in the COGA Booth and are open to anyone who would like to visit with our conference speakers. Today’s schedule includes:

Scott Desmarais - 10:30am | Bob Braddock – 10:45am
Joe Lima – 10:45am | U.S. Senator Michael Bennet (D) Colorado - 10:45am

End of the Expo Ballon Drop

An Energy Summit favorite, the end-of-expo balloon drop is a conference tradition you just can’t miss! Make sure to find your spot in the expo hall by 10:30 am for a chance to snag some great prizes.

Today's Agenda

This message was sent to James_cason@ios.doi.gov from communications@coga.org
Thank you for your email. You have reached me while COGA has relocated to the Colorado Convention Center for the 29th Annual Energy Summit Conference. I will have very limited access to email, and will return to the office Friday, Aug. 25th. I look forward to returning your message at my earliest opportunity. Thanks! Andrew
I am currently out of the office returning 5 September.

For immediate assistance please contact Hilary Moffett moffetth@api.org or 202-682-8040

Khary Cauthen
Senior Director, Federal Relations
Casey,

What’s the latest timeline on the listing decision for the LPC? I thought it was to come out in September, but now I’m hearing chatter that FWS is shooting for November. Just trying to get some valuable intel.

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

Good afternoon,

I just submitted the attached comments on the Fish and Wildlife Service’s reform initiative via regulations.gov, and wanted to provide you all an electronic copy. Please let me know if you have any questions. Thank you, and have a good Labor Day weekend!

Tripp Parks
Manager of Government Affairs
Western Energy Alliance
Main: 303-623-0987
Direct: 303-501-1061
tparks@westernenergyalliance.org
August 31, 2017

Submitted via www.regulations.gov

The Honorable Ryan Zinke
Secretary
U.S. Department of the Interior
1859 C Street, NW
Mail Stop 7328
Washington D.C. 20240

Re:  U.S. Fish and Wildlife Service Regulatory Reform, DOI-2017-0003-0009

Dear Secretary Zinke:

Western Energy Alliance appreciates the opportunity to provide comment on how the Department of the Interior (DOI) can improve implementation of regulatory reform initiatives and policies and identify regulations, policies, and guidance documents for repeal, replacement, or modification. The comments contained in this document specifically address regulatory reform at the U.S. Fish and Wildlife Service (FWS), as well as suggesting statutory changes to the Migratory Bird Treaty Act (MBTA) and the Endangered Species Act (ESA), both of which are implemented by FWS.

Western Energy Alliance represents over 300 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas across the West. The Alliance represents independents, the majority of which are small businesses with an average of fifteen employees.

The comments in this letter focus on three main areas for reform at FWS: the ESA and conservation agreements, mitigation and climate change policies, and MBTA implementation. While specific concerns in these three areas vary, the overarching issues are consistent. Previous administrations have interpreted various laws to push onerous regulatory burdens on resource development, including oil and natural gas, timber, mining, and grazing, often in excess of statutory authority or inconsistent with the agency’s mission.

FWS can and should take specific steps to rein in regulatory overreach and balance species protection with economic development and job creation. Each section below identifies specific actions FWS can take to achieve regulatory reform. These recommendations will also help address the problems of shrinking budgets and a lack of personnel resources at FWS by reducing unnecessary layers of red tape.
Endangered Species Act

Carrying out the intent of the ESA has become an overly cumbersome process where more resources are spent by FWS in paperwork and responding to litigation than providing on-the-ground conservation actions that benefit the species and its habitat. The lack of effectiveness of the ESA is clear in that only about 2% of listed species have actually been recovered. Furthermore, the ESA has far too often been used as a means to prevent or delay responsible economic activity rather than for species protection. When applied too broadly or for species that do not truly warrant a listing, the ESA can have very negative economic and job impacts on states, local communities, and the nation without commensurate benefits to species or their habitat.

When making ESA listing decisions, FWS has a statutory duty to cooperate with states regarding agreements to manage the conservation of threatened or endangered species. In addition, the Policy for Evaluation of Conservation Efforts (PECE) requires FWS to evaluate voluntary conservation agreements and their effect on a species. However, FWS has not properly followed its statutory mandate or the PECE policy in several important listing decisions, such as the Lesser Prairie Chicken listing which was subsequently overturned by a federal court. When FWS makes listing decisions that ignore state, local and private plans or ongoing voluntary conservation efforts, it seems to be using the ESA as a tool to restrict resource development rather than a true effort to protect threatened and endangered species.

Federal ESA listings often thwart existing state, local and private efforts to protect species, and can even be a disincentive to successful voluntary conservation efforts. Rather than imposing one-size-fits-all species listings that harm communities and obstruct on-the-ground conservation, FWS should support and defer to state protection plans, voluntary conservation agreements, and common-sense management policies. Allowing these efforts time to be implemented will benefit the species and in many cases may preclude a listing.

Furthermore, FWS should work to streamline conservation agreements such as Habitat Conservation Plans (HCP) and Candidate Conservation Agreements with Assurances (CCAA). Currently, the process is burdensome, time consuming, and costly. The HCP Handbook and the CCAA rule and policy, all of which were finalized last year, should be revoked and replaced to encourage, rather than inhibit, voluntary conservation efforts. The National Environmental Policy Act analysis associated with these types of conservation agreements should also be streamlined to reduce the time frames for finalizing conservation agreements that will benefit the species and its habitat.

One other obstacle to state, local, and private conservation efforts is the rigid ESA timeframes that were enacted in the statute. As such, we support legislative modification of the ESA so that FWS can defer a 12-month finding or determination on a petition while a conservation plan is being developed or finalized. FWS could conduct a periodic review
of the conservation efforts to determine if there is progress towards finalization or if conservation agreements in place are beneficial. Meanwhile, FWS would retain the ability to list the species in emergency situations.

A statutory change of ESA deadlines is supported by the Western Governors’ Association (WGA), which produced a number of recommendations for ESA reform at the conclusion of a multi-year, broad stakeholder effort. Their recommendations are detailed here, and we wish to express our full support for the WGA effort and encourage FWS to coordinate with WGA staff as it continues its broad reform initiative.

In addition to considering conservation efforts under development or already in place, socioeconomic impacts should be taken into account. FWS should balance species protection with sustaining economic activities and the needs of states and local communities. Specifically, the Secretary should have the authority to preclude a listing due to significant adverse economic impacts. This change is proposed under H.R. 717, the “Listing Reform Act,” which we strongly support.

Finally, the ESA is frequently used by obstructionist groups as a means to hinder or prevent human activities ranging from recreation to mineral extraction. Environmental groups often submit large petitions covering numerous species which make it impossible for FWS to adhere to the rigid timelines required in the statute. The bulk petition tactic sets the agencies up for failure and diverts resources away from real species protection and recovery into unending status reviews and associated litigation. The legal defense required when FWS unsurprisingly fails to meet the deadline is costly, time-consuming, and most importantly undermines the intent of the ESA.

It is time to modernize the Act so that it is refocused back on protecting and recovering species, and away from serving special-interest groups and rewarding lawyers at the expense of important economic activities across the West and the nation. FWS should work with Congress to pass legislation to update the ESA with sensible, targeted changes to improve the consistency and effectiveness of the law, increase transparency and regulatory certainty, and update the scientific standards by which decisions are made. Reforms should include:

- Ensuring a greater focus is placed on species recovery and listing only truly at-risk species

- Recognizing, incentivizing, and relying on the efforts of states, tribes, local governments, industry, landowners, and others for on-the-ground species and habitat conservation, and granting flexibility in statutory deadlines to allow these conservation efforts time to develop before a listing decision is made
Reducing litigation and the practice of sue-and-settle. The Equal Access to Justice Act (EAJA) should be amended to prevent taxpayer dollars from funding large environmental groups. A firm cap should also be placed on attorneys’ fees.

Standards should be set for attorney fee reimbursement to ensure that real public good results from litigation rather than reimbursing for simply prevailing on minor issues. We support H.R. 3131, “the Endangered Species Litigation Reasonableness Act,” and H.R. 1033/S. 378, the “Open Book on Equal Access to Justice Act,” which would help achieve this goal.

Ensuring counties, states, landowners, industry, and other entities directly affected by listing decisions are given a seat at the table for ESA lawsuits and settlements. We support S. 375, “A bill to amend the Endangered Species Act of 1973 to establish a procedure for approval of certain settlements.”

Requiring more transparency and accountability of data and science used in ESA decisions. FWS often relies on unpublished work from just one scientist or self-referential team of scientists, which introduces extreme bias into the system. FWS should be required to base listing decisions on at least two credible scientific studies published in peer-reviewed journals from at least two scientists or groups of scientists working independently. Preliminary data, findings, or reports that have not gone through a rigorous peer review and do not meet the standard should not be considered.

Petitions should not be considered by FWS for the full twelve-month ESA status review if they are not based on at least two scientific studies, and there should be limitations on petitions to prevent abuse of the process. In June 2015, FWS released a draft revision to the process that would eliminate multi-species petitions and require petitioners to show actual scientific justification for a listing. After a significant delay, FWS released a final rule that weakened the provisions in the draft rule. FWS should rescind the final rule, issued in September 2016, and adopt the June 2015 draft.

Publish notice of petitions received by FWS in the Federal Register and make the best scientific and commercial data it plans to use in a listing determination available to the public, other scientists, and state and local governments affected by a petition so that it can be independently reviewed and verified. We support H.R. 1273/S. 376, the “21st Century Endangered Species Transparency Act” and H.R. 1274/S. 735, the “State, Tribal, and Local Species Transparency and Recovery Act.”

Mitigation and Climate Change

The March 28, 2017 Secretarial Order for a review of all mitigation and climate change policies created under the previous administration set a timeline for carrying out the Executive Order’s directive to the agency. We appreciate the recognition that the previous
administration went too far with its mitigation and climate change policies, and eagerly await the final review pursuant to the Secretarial Order.

While DOI works to determine which policies and guidance to review and possibly rescind, field offices are continuing to operate under the previous administration’s policies, resulting in increased regulatory burden on projects, higher costs, and project delays. We urge FWS to expeditiously complete its review and move, as soon as possible, to establish reasonable mitigation and climate change policies that follow the core principles described below.

Mitigation

FWS should rescind and replace the following policies, most of which were developed in response to a November 2015 Presidential Memorandum on mitigation that has now been rescinded:

- **Endangered and Threatened Wildlife and Plants; Endangered Species Act Compensatory Mitigation Policy**, December 27, 2016
- **Candidate Conservation Agreements With Assurances Policy and Endangered and Threatened Wildlife and Plants; Revisions to the Regulations for Candidate Conservation Agreements With Assurances**, December 27, 2016
- **Critical Habitat Designation Procedures, Listing Endangered and Threatened Species and Designating Critical Habitat; Implementing Changes to the Regulations for Designating Critical Habitat**, February 11, 2016
- **Adverse Modification of Critical Habitat, Interagency Cooperation-Endangered Species Act of 1973, as Amended; Definition of Destruction or Adverse Modification of Critical Habitat**, February 11, 2016
FWS should institute new mitigation policies that follow a few basic principles. An emphasis should be placed on use of the widely-accepted mitigation hierarchy—avoid, minimize, and rectify—and compensatory mitigation should not be an automatic requirement. Mitigation, when needed, should be commensurate with project impacts. Developers should be able to use a variety of mitigation options, rather than being required to use conservation banks, and if mitigation ratios are used, they should be reasonable and appropriate. Following these principles would create a mitigation framework that accords with statutory intent and balances responsible resource development with species protections.

Climate Change

Climate change is woven throughout FWS policies and procedures and is considered in listing decisions. As a result, FWS is engaging in significant speculation in order to consider climate change when assessing impacts to species and their habitats. Specifically, it is inappropriate to rely on speculative climate change projections over a lengthy time period without documented cause-and-effect relationships linking observable or reliably predictable data on climate change to demonstrable effects in specific areas. The science and modeling of climate change impacts do not provide reliable predictions of species’ response to climate change.

These significant limitations have been recognized by the Intergovernmental Panel on Climate Change (IPCC) in its most recent evaluation of the state of climate modeling science.1 Climate models are “the primary tools available for investigating the response of the climate system to various forcings, for making climate predictions on seasonal to decadal time scales and for making projections of future climate over the coming century and beyond.”2 However, even the most complex models have limitations and no model accurately simulates all climate-related processes.

The IPCC report describes in detail the many limitations and uncertainties that characterize current models. As a result of these limitations, models cannot at this time accurately replicate climate over the observable past, and even if models could replicate past climate, “there is no direct means of translating quantitative measures of past performance into confident statements about fidelity of future climate projections.”3

Given the inherent uncertainties associated with attempting to predict the alleged impacts of climate change on species, FWS should not attempt to speculate on the impacts of

2 Id. at 746.
3 Id. at 745.
climate change on species. Listing decisions must be based on the best available science, and climate modeling should not be considered adequate scientific justification for a listing.

Pursuant to the March 2017 Secretarial Order, we recommend the following documents should be rescinded and replaced:

- Secretarial Order No. 3289: Addressing the Impacts of Climate Change on America’s Water, Land, and Other Natural and Cultural Resources, September 14, 2009
- Secretarial Order No. 3289A1: Addressing the Impacts of Climate Change on America’s Water, Land, and Other Natural and Cultural Resources, February 22, 2010
- Department of the Interior Climate Change Adaptation Plan, January 2014
- National Fish, Wildlife and Plants Climate Adaptation Strategy, April 1, 2013.

Migratory Bird Treaty Act

The MBTA was enacted by Congress in 1918 as a criminal statute in order to address hunting and poaching of migratory birds. According to MBTA, it is unlawful “at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, . . . [or transport] any migratory bird, any part, nest, or egg of any such bird.” This language clearly applies to actions that are intended to harm a migratory bird. In 2001, however, Executive Order (EO) 13186 from President Clinton declared that that the MBTA applies to take that occurs incidentally during an otherwise lawful activity.

Whether the MBTA grants FWS authority to regulate incidental take has been a question for the courts on numerous occasions since 2001. The statute fails to provide a mens rea requirement, leaving it to the courts to determine statutory intent, and this has resulted in split decisions amongst the Circuit Courts. The Tenth Circuit Court of Appeals has upheld FWS’s interpretation of the Act, finding that the “take” and “kill” prohibitions apply to any activity that results in harm to migratory birds, regardless of intent. However, the Eighth and Ninth Circuits have strongly disagreed with this interpretation. The split among Circuits demonstrates that FWS does not have clear statutory authority to regulate incidental take under MBTA.
A DOI Solicitor’s Opinion (SO) issued in the final month of the Obama Administration pronounced that incidental take was prohibited under MBTA, but the SO was suspended almost immediately by the Trump Administration. Nevertheless, the threat of criminal enforcement for incidental take by FWS is unjustifiably causing delays or preventing permitting of projects on federal lands. FWS often prohibits companies from accessing existing wells or drilling new wells on federally-managed lands when a raptor nest is present. In some cases, this prevents necessary upkeep on wells that in turn causes safety issues.

Even worse, field offices are not consistently enforcing the incidental take measures, causing uncertainty for companies as to when, exactly, they must comply with MBTA. Ultimately, the inconsistent implementation and enforcement of incidental take of migratory birds (including nests and their habitat) in accordance with EO 13186 is inhibiting oil and natural gas development. FWS should work with the administration to overturn the EO and replace the now-rescinded SO with guidance that MBTA does not give FWS the authority to regulate incidental take for migratory birds.

Thank you for the opportunity to submit these comments. Please do not hesitate to contact us with any questions.

Sincerely,

[Signature]

Tripp Parks
Manager of Government Affairs
Thank you.

On Aug 31, 2017, at 5:39 PM, Tripp Parks <tparks@westernenergyalliance.org> wrote:

Good afternoon,

I just submitted the attached comments on the Fish and Wildlife Service’s reform initiative via regulations.gov, and wanted to provide you all an electronic copy. Please let me know if you have any questions. Thank you, and have a good Labor Day weekend!

Tripp Parks
Manager of Government Affairs
Western Energy Alliance
Main: 303-623-0987
Direct: 303-501-1061
tparks@westernenergyalliance.org

<Western Energy Alliance Comments on FWS Regulatory Reform.pdf>
Thank you for your email. I am currently out of the office on vacation until Tuesday, September 5th. If this needs to be addressed before then, please reach out to my colleague Hilary Moffett (moffetth@api.org), while I am out. Otherwise, I will catch up with you when I return.
Thank you Tim. Have the members of the RPC been announced?

Kathleen Sgamma
President
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FYI

--
Tim Williams
Deputy Director External Affairs
Office of the Secretary
U.S. Department of the Interior
Desk: (202) 208-6015
Cell: (202) 706-4982

NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.
Thank you for following up, Gary. Your message has been received and I am working on getting back to you.

On Tue, Sep 5, 2017 at 12:08 PM, Gary McDermott <garym@3rivers.net> wrote:

Amanda: I am forwarding an email that I sent to you on August 16, 2017. I received a reply stating you were out of the office August 14 thru August 18 and that you would get back to me shortly thereafter. To date, I haven’t received a reply. I would appreciate you passing my concerns onto to Secretary Zinke as we are not the only oil and gas producer facing these issues. Thank you!

Gary McDermott
the gas as it passes from the well into the gas gathering system. ONRR has asserted that for royalty valuation purposes the price that MCR Transmission, LLC pays MCR, LLC for gas at the mouth of the well where title to the natural gas passes, that ONRR should be paid for the value of the gas when it is first sold to a non-related party. ONRR has raised two issues to support their claim for a higher gas price than what is paid at the wellhead. ONRR’s first argument is that the natural gas in the MCR, LLC owned well is not in “Marketable Condition” at the mouth of the well. Therefore, ONRR contends that any costs that’s MCR Transmission, LLC incurs to deliver the gas from the mouth of the well to the compressor station and any costs to compress the natural gas should be disallowed for purposes of valuing the natural gas at the well to compute the federal royalty due. ONRR has aggressively tried to enforce this position during the tenure of the Obama administration. Please read the attached Latham & Watkins client alert white paper dated February 13, 2014. In our particular case, it should be noted that the MCR, LLC owned and operated natural gas wells were not drilled by MCR, LLC but were purchased from Fulton Fuel Company in 2005. Most of these well were drilled by Fulton Fuel Company and other independent producers between the years 1950 thru the mid 1980’s. The natural gas from these wells after they were initially drilled were contracted to the Montana Power Company and the gas sold pursuant to a natural gas wellhead contract. The gas was sold at the mouth of the well and title passed at the mouth of the well from the then current wellhead owners to the Montana Power Company. The wellhead natural gas contracts had very specific provisions related to the quality of the natural gas at the wellhead and the contract provided that the natural gas had to be merchantable gas and usable by the ultimate utility consumer without further treatment. These wellhead contracts are still in existence with MCR, LLC and MCR Transmissions, LLC because the wellhead contracts were assigned along with title to the wells each time the wells were sold. The quality of the gas at the well has not changed over the course of time. The only change that has occurred over time is the wells have been depleted by production and the wellhead pressure has declined due to depletion. The second argument by ONRR, if they lose on the “marketable condition” assertion is that the sale of natural gas between affiliates doesn’t represent fair value so that the wellhead price for royalty purposes has to be valued at the first sale to a non-affiliated party. However, ONRR has very specific rules addressing sales between affiliates which state the following: 1) “the gross proceeds accruing to the lessee pursuant to a sale under its non-arms-length contract (or other disposition other than by an arms-length contract), provided that those gross proceeds are equivalent to the gross proceeds derived from, or paid under, comparable arms-length contracts for purchases, sales, or other dispositions of like-quality gas in the same field (or, if necessary to obtain a reasonable sample, from the same area). In evaluating the comparability of arms-length contracts for the purposes of these regulations, the following factors shall be considered: Price, time of execution, duration, market or markets served, terms, quality of gas, volume, and such other factors as may be appropriate to reflect the value of the gas”. Applying this regulation to the natural gas sales between MCR, LLC and MCR Transmission, LLC we have demonstrated to ONRR that the sales price between our affiliates over the years has equaled or exceeded similar contracts within our area of contracts between non-affiliated companies. Therefore, the royalties paid by MCR, LLC to ONRR have been fair and equitable to the U.S. government. Our audit issue with ONRR is very similar to the coal industry sale of coal between affiliates and how to value the coal for federal royalty purposes. In conclusion, we are asking the Secretary of Interior to roll back the over aggressive and far reaching use of the “marketable condition” rule. The oil and gas industry looks for a consistent application and enforcement of the rules and regulations that can be relied upon no matter which political party controls the White House. Lastly, once natural gas has been determined to be marketable at the wellhead, that
status should remain over the life of the well unless the quality of the gas changes from outside factors.

Gary Mc Dermott

--

Amanda Kaster-Averill
Advisor to the Secretary
Office of Congressional and Legislative Affairs
U.S. Department of the Interior
(202) 208-3337
amanda_kaster@ios.doi.gov
Good Afternoon Vince—

I am writing to request a meeting with you on October 11th sometime between 8:30AM and 12:30PM. Leadership from IPAA’s Land and Royalty Committee will be flying in that week in an effort to meet with DOI officials. Our goal for this meeting would be to gain better understanding of DOI/BLM priorities. We would like to discuss with you ways that IPAA and our member companies can help provide BLM with information to make the permitting process more streamlined as well as a few other topics. Below is a list of confirmed attendees. With myself and my boss, Dan Naatz (Senior VP, Government Relations and Political Affairs for IPAA), that would bring our total attendees to 7.

Shane Schultz – Director, Government Affairs – QEP Resources

Eric Dille – Vice President, Government Relations – EOG Resources

Brian Woodard – Director, Regulatory Affairs – Chesapeake Energy Corp.

Jesse Sandlin – Senior Supervisor, Public and Government Affairs – Devon Energy

Kristen Lingley – Senior Government Relations Advisor – Encana

We are seeking no more than a half hour of your time and would be very grateful for any time you can afford. Thank you for your consideration.

Sincerely,

Mallori

Mallori Miller

Director of Government Relations

Independent Petroleum Association of America

202.857.4722 / mmiller@ipaa.org / www.ipaa.org <http://www.ipaa.org/>
Hi,

I would be pleased to meet. If the 11th, does not work, I am happy to final another day. Gisella is copied to facilitate. Thanks, again.

Best,
Vincent.

On Sep 11, 2017, at 2:52 PM, Mallori Miller <MMiller@ipaa.org> wrote:

Good Afternoon Vince—

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Mallori
Mallori Miller
Director of Government Relations
Independent Petroleum Association of America
202.857.4722 / mmiller@ipaa.org / www.ipaa.org <http://www.ipaa.org/>
Vincent—

Thank you very much! The 11th will be our day at DOI so that should work great for our group. Thank you for your quick reply.

Gisella, please let me know what time would work best.

Mallori

Hi,

I would be pleased to meet. If the 11th, does not work, I am happy to final another day. Gisella is copied to facilitate. Thanks, again.

Best,

Vincent.

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202.857.4722 / mmiller@ipaa.org / www.ipaa.org <http://www.ipaa.org/>
Vincent,

I hope you are well. API’s Subcommittee on Exploration and Production Law will be in town next month for a meeting and I am writing to see if you are available to brief the group, which is made up of our member companies’ Assistant General Counsels and others focused on exploration and production law. The group is very interested in hearing from you about the major DOI issues, and discuss how industry can be most helpful to the Department and how you all achieve your goals.

We have flexibility in our schedule to accommodate your busy schedule and would prefer your in-person attendance at API’s HQ which is located at 1220 L. Street NW, but participation by phone could be arranged. The meeting is October 19th 1-4:30pm and October 20th 8:30am-12:30pm and we’re hoping you could address the group for a total of 30-45 minutes. Again, we will accommodate your time and when is convenient for you.

I’ve cc’d my colleague Ben Norris, who is in our Office of General Counsel and staffs the Subcommittee on Exploration and Production Law, and will be the best person to work with on scheduling this appearance.

Thank you for your consideration and I hope to see you soon.

Carrie

___________________
Carrie M. Domnitch
Director, Federal Relations
American Petroleum Institute
202-682-8424
Hi: I am happy to participate. Please work with Gisella to be sure scheduling can be aligned.

Thanks,
Vincent

On Sep 13, 2017, at 11:48 AM, Carrie Domnitch <domnitchc@api.org> wrote:

Vincent,

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Carrie

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Carrie M. Domnitch
Director, Federal Relations
American Petroleum Institute
202-682-8424
Vincent,

Thanks very much. We will be in touch on scheduling. Please let me know if you need anything from me in the meantime.

Thanks,

Ben

Ben Norris
API
(202) 682-8251

Hi: I am happy to participate. Please work with Gisella to be sure scheduling can be aligned.

Thanks,

Vincent

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Carrie M. Domnitch
Director, Federal Relations
American Petroleum Institute
202-682-8424
Good Morning Kathy—

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Sincerely,

Mallori

Mallori Miller
Director of Government Relations
Independent Petroleum Association of America

202.857.4722 / mmiller@ipaa.org / www.ipaa.org <http://www.ipaa.org>
Hello Vincent,

Thank you for your time on Tuesday We really appreciate the direction the Department is headed in, and are available to assist in any way we can. Our BLM reform [https://cdn.westernenergyalliance.org/system/files/Western%20Energy%20Alliance%20Comments%20on%20the%20BLM%20Reform%20Initiative.pdf](https://cdn.westernenergyalliance.org/system/files/Western%20Energy%20Alliance%20Comments%20on%20the%20BLM%20Reform%20Initiative.pdf) and Fish & Wildlife reform [https://cdn.westernenergyalliance.org/sites/default/files/Western%20Energy%20Alliance%20Comments%20on%20FWS%20Regulatory%20Reform.pdf](https://cdn.westernenergyalliance.org/sites/default/files/Western%20Energy%20Alliance%20Comments%20on%20FWS%20Regulatory%20Reform.pdf) comments are available on the links. There’s a fair degree of specificity in both, but we are happy to expound on any topic, as well as provide specific language on others, as would be helpful to you. We’ll work up a comprehensive briefing paper on the federal nexus and delegation of primacy ideas that we discussed and get that to you as soon as they’re ready.

Please do not hesitate to use the Alliance as a resource.

Regards,

Kathleen Sgamma
President
Western Energy Alliance
1775 Sherman St, Suite 2700
Denver, CO 80203
(303) 501-1059 direct
(303) 623-0987 main
ksgamma@westernenergyalliance.org
westernenergyalliance.org [http://westernenergyalliance.org/](http://westernenergyalliance.org/)
@KathleenSgamma [https://twitter.com/KathleenSgamma](https://twitter.com/KathleenSgamma)

******************************************
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From: Devito, Vincent
To: Kathleen Sgamma
Subject: Re: Thank You and Follow Up
Date: Thursday, September 14, 2017 10:50:28 PM

Thank you

On Thu, Sep 14, 2017 at 5:53 PM, Kathleen Sgamma <ksgamma@westernenergyalliance.org> wrote:

Hello Vincent,

Thank you for your time on Tuesday. We really appreciate the direction the Department is headed in, and are available to assist in any way we can. Our BLM reform and Fish & Wildlife reform comments are available on the links. There’s a fair degree of specificity in both, but we are happy to expound on any topic, as well as provide specific language on others, as would be helpful to you. We’ll work up a comprehensive briefing paper on the federal nexus and delegation of primacy ideas that we discussed and get that to you as soon as they’re ready.

Please do not hesitate to use the Alliance as a resource.

 Regards,
Kathleen Sgamma
President
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(303) 501-1059 direct
(303) 623-0987 main
ksgamma@westernenergyalliance.org <mailto:ksgamma@westernenergyalliance.org>
westerenergyalliance.org <http://westernenergyalliance.org/>
@KathleenSgamma <https://twitter.com/KathleenSgamma>

************************************
This email and any files transmitted with it are confidential and intended solely for the viewing use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

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Vincent DeVito, Esq
Counselor to the Secretary of Interior for Energy Policy
Immediate Office of the Secretary
+1 202 208 2884
vincent_devito@ios.doi.gov
Jim:

I hope you are doing well during this busy time in Washington. I wanted to invite you to participate in the “IPAA Regulator’s Forum” which we are hosting at our office in Washington D.C. (1201 15th Street, NW) on October 17th. This is a one-day, in-person meeting that will feature presentations from key regulatory policymakers on current issues that impact independent oil and natural gas producers. The conference is sponsored by IPAA’s Land & Royalty Committee and the Environment & Safety Committee and we hope to include question and answers from policy staff at EPA, PHMSA and the Department of the Interior.

The Forum runs from 9:00 AM until 3:00 PM. We would love for you to join us and provide a 30 minute presentation on DOI’s views on energy matters and other activities on federal lands. I know your time is tight, so we would be happy to accommodate your schedule in any manner that is convenient for you.

Thanks and I hope you can join us for the Forum. Please let me know if you have any questions.

Dan Naatz
Vice President, Government Relations
IPAA
(202) 857-4722
Hi Tim,

I plan to send a letter to Secretary Zinke today outlining issues with tribal consultation requirements on private surface in Wyoming. I’d like to send it via email and I plan to copy you. Is there a separate email where I should send the letter to Secretary Zinke or do I just use your email address?

Thanks,

Esther

Esther Wagner
Vice President – Public Lands
Petroleum Association of Wyoming

Office (307) 234-5333
Cell (307) 262-4690
Fax (307) 266-9928
Good afternoon,

Attached is the Petroleum Association of Wyoming’s letter to Secretary Zinke regarding issues resulting from tribal consultation requirements in split estate situations.

Please let me know if you have any questions.

Sincerely,

Esther Wagner

Esther Wagner
Vice President – Public Lands
Petroleum Association of Wyoming
Office (307) 234-5333
Cell (307) 262-4690
Fax (307) 266-9928

This communication is the property of the Petroleum Association of Wyoming and may contain confidential and privileged information. Unauthorized use of this communication and its contents is strictly prohibited and may be unlawful. You should not disseminate, distribute or copy this e-mail without express authorization from the Petroleum Association of Wyoming. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in the reliance on the contents of this information is strictly prohibited.
September 20, 2017

The Honorable Ryan Zinke  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

RE: Tribal Consultation Requirements in Split Estate Situations

Dear Secretary Zinke:

The Petroleum Association of Wyoming (PAW) is Wyoming’s largest and oldest oil and gas organization dedicated to the betterment of the state’s oil and gas industry and public welfare. PAW members, ranging from independent operators to integrated companies, account for approximately ninety percent of the natural gas and eighty percent of the crude oil produced in Wyoming.

Oil and gas development in Wyoming is increasingly facing impediments due to the ambiguous nature and inconsistent application of the National Historic Preservation Act (NHPA) and the Section 106 process for tribal consultation. Industry takes its obligations for tribal consultation seriously and respects tribal sovereignty and rights; however, NHPA’s Section 106 process leaves a great deal open to interpretation regarding what actions, procedures and timeframes are sufficient for BLM to meet its tribal consultation responsibilities. The lack of clear guidance has led to confusion, delays and unjustified denials of oil and gas permit approvals. This has been ongoing for years, particularly for drilling permits on private surface with federal minerals, and it appears that the number of issues resulting from expanded tribal consultation for sites located on private surface has been increasing. This is partially due to the increased use of horizontal drilling which frequently triggers a federal nexus. To address this issue and more properly balance private property rights, tribal consultation needs and oil and gas development, PAW believes guidance to BLM field offices in the form of an Instruction Memorandum (IM) in the near term and clarification in the regulations in the long-term is warranted. Such guidance will allow for BLM to complete its Section 106 obligations while providing for the efficient processing of APDs.

A recent example of the above-stated issue occurred when more than 150 Applications for Permit to Drill (APDs) were deferred in the BLM Casper Field Office (CFO) for approximately two years. The lands were inventoried for cultural resources through Class III surveys. Although operators reconfigured their plans to avoid direct impact to the sites, they were informed that tribal consultation was still necessary based on the sites being located within the indirect area
of potential effects (APE). The landowners, however, denied access for physical consultation to take place. BLM has not provided operators with a clear understanding of the indirect APE size or how it was determined. BLM further informed operators if the tribes could not gain access to the sites on private surface, the APDs would be denied. It is important to note that notices of staking (NOSs) and onsite inspections, including cultural surveys, took place prior to operators submitting APD packages. Yet, BLM did not mention during the onsite inspections or at any time prior to the filing of the APD packages that the cultural sites would require tribal consultation prior to APD approval. No justification was provided to the operators for when or why the decision was made for this requirement. BLM also did not explain why it could not fulfill its obligation to consult with tribes by relying on existing cultural resource information, such as Class III inventories, rather than physical access.

The CFO has been working to resolve these issues and through discussions with the Solicitor’s Office discovered there are alternative ways to consult with tribes for sites on private surface where access is unobtainable and physical consultation is not necessary. PAW believes the CFO is working to offer solutions; however, it is imperative that more definitive guidance be provided through an IM that clearly outlines tribal consultation requirements on private surface in the hopes that these issues do not continue to occur. This IM will not only help provide increased regulatory certainty for industry, but it will also provide protection for landowners from unjustified BLM overreach on their private surface. It is critical to recognize that cultural resource sites and artifacts located on private surface belong to the landowner. As such, landowners who want mineral development to take place on their property but do not want to grant access for consultation should not be subject to significant delays or threats of project denial. Further, operators in these situations should not be subject to unreasonable delays in obtaining approvals for their oil and gas development activities.

Another example of seeming BLM overreach with regard to tribal consultation requirements on private surface is occurring in the BLM Buffalo Field Office (BFO). The BFO has been working with several tribes to draft a Programmatic Agreement regarding tribal consultation requirements for undertakings on and near the Pumpkin Buttes Traditional Cultural Property in Wyoming1 (PA). While BLM has informed us they have postponed finalization of the PA, we believe it is worthy of discussion as many similarities exist between the process outlined in the PA and the above-described situation at the CFO.

The vast majority of the surface in the Pumpkin Buttes Traditional Cultural Property (TCP) and surrounding 3-mile area of concern is private (BLM owns approximately only 10% of the surface in the area) while most of the minerals in the area are administered by BLM (BLM administers approximately 85% of the minerals in the area). The 3-mile buffer around the TCP is an

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1 Programmatic Agreement Among The Bureau of Land Management, Buffalo Field Office and the Cheyenne River Sioux Tribe; Crow Nation: Northern Arapaho Tribe; Northern Cheyenne Tribe; Rosebud Sioux Tribe and Spirit Lake Tribe Regarding Implementation of Tribal Consultation Requirements of the National Historic Preservation Act for Undertakings on and near the Pumpkin Buttes Traditional Cultural Property in Wyoming, July 31, 2017 draft version.
arbitrary area that was designated in the recently completed Buffalo Resource Management Plan (RMP) to cover the indirect APE which includes viewshed.

While the BFO may have good intentions for entering into a PA with the tribes in order to establish mutual expectations and improve the currently unwieldy consultation process, we strongly believe the possible adverse effects inherent to the PA in terms of delays and potential project denials outweigh those intentions. BLM has stated they were pursuing the PA in response to the increased number of projects being submitted and that without the PA they will have to consult on individual projects. BLM has further explained that they believe the PA will give them the ability to work with the tribes and complete the consultation process more efficiently.

While this reasoning is certainly positive and represents a good faith step in correcting problems with the process, PAW’s concern lies with the ambiguity of the PA which states it will help BLM and the Tribes “develop a comprehensive and efficient tribal consultation process for all Section 106 undertakings near the Pumpkin Buttes TCP”\textsuperscript{2} and “involve the Tribes cultural resource personnel to a greater extent and at an earlier point in the planning process”\textsuperscript{3} (emphasis added). These objectives are significant and could have considerable effects on landowners and leaseholders in the area. This highlights a substantial flaw with the PA wherein it outlines the onsite consultation process without any mention or consideration to landowners. Further, the PA does not outline any alternative process for tribal consultation if a landowner denies access for onsite tribal consultation. If BLM and the Tribes decide to move forward with the PA, PAW strongly recommends it be revised to provide opportunities for input and guidance to landowners throughout the process.

As previously stated, PAW strongly recommends guidance be provided to BLM field offices detailing the process that needs to take place in order to properly conduct tribal consultation on private surface. The IM should outline a reasonable process that honors private property rights and seeks efficient approvals of oil and gas activities during BLM’s implementation of the Section 106 process. While we understand BLM is mandated under Section 106 of the NHPA to take into account the effect of any federal undertaking on properties included in, or eligible for inclusion in, the National Register of Historic Places (NRHP) and to provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on those undertakings, we also understand the standard to which BLM is held to identify properties is a reasonable and good faith effort. There is significant ambiguity in the rules outlining what actions constitute a reasonable and good faith effort and this is oftentimes what causes delays and denials in project and APD approvals. This and other necessary clarifications regarding tribal consultation on private surface can be accomplished through guidance in an IM and, in the future, clarification in the regulations. Clear direction is necessary specifically related to the following:

\textsuperscript{2} Id. at 2.
\textsuperscript{3} Id. at 3.
• Tribal consultation timeframes
• Class III inventory data requirements
• Notification to operator at time of onsite or receipt of the Class III Inventory that tribal consultation will be required
• Definitions and parameters of the direct and indirect APE on private surface
• Tribal consultation process if landowner access is denied
• Situations where project approval can be granted without the need for consultation

Thank you for your time and consideration to our request. We will send additional recommendations of elements for possible inclusion in an IM in the near future.

Please let me know if you have any questions.

Sincerely,

Esther Wagner
Vice President – Public Lands

cc: Mary Jo Rugwell, BLM Wyoming State Director
    Stephanie Connolly, BLM High Plains District Manager
    Tim Wilson, BLM CFO Field Manager
    Lonny Bagley, BLM BFO Field Manager
    Kathleen Benedetto, U.S. Department of the Interior
    Katharine MacGregor, U.S. Department of the Interior
    Mike McGrady, Policy Advisor, Office of Wyoming Governor Matt Mead
    Mary Hopkins, Wyoming State Historic Preservation Office
    Jim Magagna, Wyoming Stock Growers Association
    Wyoming State Senator Brian Boner
    Wyoming State Senator Larry Hicks
    Wyoming Senator Michael Von Flatern
    Wyoming Senator R. Ray Peterson
    Wyoming Representative Lloyd Larsen
    Wyoming Representative Tyler Lindholm
    Wyoming Representative Stan Blake
    U.S. Representative Liz Cheney
    U.S. Senator John Barrasso
    U.S. Senator Mike Enzi
Hi Thu

I know exactly who can help put here. The now Assistant Secretary of agricultural was in Utah last summer and Don and I spent two days with him. Don has a very strong relationship there. Let's get him engaged. This plan to eliminate cabins would effect thousand of hunters, anglers, and campers each year. I have stayed at and hunted out of one of these cabins while bear hunting.

I have CC'd Don on the email and will talk with him this week in DC.

Thanks
Greg

Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service
202-208-4545 office
202-676-7675 cell

> On Sep 21, 2017, at 1:35 PM, Thu Vo-Wood <tvo-wood@utah.gov> wrote:
> Hi Greg,
> I hope all is well with you since last we spoke. I have attached the documents I briefly discussed with you at AFWA about the Alaska cabin.
> I did get a chance to talk to Brian Ferebee. He suggested I forward him the documents so he can send it to Lisa Murkowski and others in Alaska to address; however, Murkowski and the Department of Agriculture have already been made aware of the issue through Alaska's state senator and congressman as you will discover in the attachments.
> To date no one has responded to the matter. Mike Schwartz asked me to help him escalate it to someone higher up with influence and an interest within the administration - as it stands, the USFS will likely condemn and destroy all special use cabins currently on the Tongass within a generation.
> At this point USFS decision makers in Alaska seem less than interested in reexamining the termination of special use permits.
> In this one example, two long serving military veterans will be affected, but there are many other Alaskan families facing a similar fate.
> When you have a moment, take a listen to this commentary:
> https://www.kfsk.org/2016/05/05/commentary-by-mike-schwartz-a-paradise-lost/
> Thank you in advance for your help. Much appreciated.
>
Thu Vo-Wood  
Administrative Assistant  
Utah Division of Wildlife Resources  
1594 W North Temple, Ste 2110  
Salt Lake City, UT 84116  
(801) 538-4705  
<Hammer Cabin Letters and petition.pdf>  
<KFSK Radio Story - Hammer Cabin Southeast Alaska.pdf>
Hi Tim,

I hope you had a good weekend. I wanted to touch base on the White House “Cut the Red Tape” invite I received for Monday. Do you have any more details on what this will entail? My boss, Barry Russell also got an invite and suggested I ask you if you could shed more light on this. Thanks in advance for your time!

Best,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
Thu
I'll talk with Don tomorrow on this.
Thanks
Greg

Sent from my iPad

On Sep 25, 2017, at 11:24 AM, Thu Vo-Wood <tvo-wood@utah.gov> wrote:

Thank you Greg for looking into this.

I need to clarify that the cabins under threat are not the public use cabins (though many of those have been shuttered and the USFS has discussed ending the program as budgets have been tightened).

The cabins we're discussing are the privately held cabins located upon USFS lands under special use permits. Many of these cabins are quite old and have been held by Alaskan families for many years. They are integral to the lifestyle of many local Alaskans.

The permits allow an individual to transfer a cabin one time. Typically this happens with the passing of one generation to the next. When the second permittee passes away, the USFS is not considering a new special use permit, but is simply knocking down the existing cabins.

The situation that brought this issue to light involves a cabin that has been transferred when the original permittee passed away. The next permitte (a son), recently passed away and now the adult grandchildren (long serving military veterans) of the original permittee are being forced to watch from the sideline while the USFS prepares to remove the structure.

It's difficult to properly summarize this issue in an email, but if someone with a sympathetic ear would be willing to talk to a friend of ours up there, he could pass along all the necessary information. He's taken a very active role in this issue and his thoughts are compelling.

If you need more information, please contact Mike Schwartz at 907-772-3279 (home) or 907-518-0101 (cell).

Thank you.

On Sunday, September 24, 2017, Greg Sheehan <gj_sheehan@fws.gov> wrote:

Hi Thu
I know exactly who can help put here. The now Assistant Secretary of agricultural was in Utah last summer and Don and I spent two days with him. Don has a very strong relationship there. Let's get him engaged. This plan to eliminate cabins would effect thousand of hunters, anglers, and campers each year. I have stayed at and hunted out of one of these cabins while bear hunting.

I have CC'd Don on the email and will talk with him this week in DC.

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Greg Sheehan
Principal Deputy Director
US Fish and Wildlife Service
202-208-4545 office
202-676-7675 cell

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> I did get a chance to talk to Brian Ferebee. He suggested I forward him the documents so he can send it to Lisa Murkowski and others in Alaska to address; however, Murkowski and the Department of Agriculture have already been made aware of the issue through Alaska's state senator and congressman as you will discover in the attachments.
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> In this one example, two long serving military veterans will be affected, but there are many other Alaskan families facing a similar fate.
> When you have a moment, take a listen to this commentary:
> https://www.kfsk.org/2016/05/05/commentary-by-mike-schwartz-a-paradise-lost/
> Thank you in advance for your help. Much appreciated.
Thu Vo-Wood
Administrative Assistant
Utah Division of Wildlife Resources
1594 W North Temple, Ste 2110
Salt Lake City, UT 84116
(801) 538-4705
<Hammer Cabin Letters and petition.pdf>
<KFSK Radio Story - Hammer Cabin Southeast Alaska.pdf>
I returned your call. Your message was delayed in getting to me. Returning from Grand Forks this evening.
I am currently out of the office on business travel until Thursday, September 28, 2017. I will respond to your message as soon as possible. Thanks. Have a great day!
From: Colorado Oil & Gas Association
To: Jim Cason
Subject: Seeking Industry's Best and Brightest
Date: Friday, September 29, 2017 10:20:08 AM

EnGen-Application-eBurst
<http://www.cogaengen.org>

If you do not want to receive future emails from the Colorado Oil & Gas Association, go to: Opt-Out
<http://www.event.com/d/1Vwn2KXXiUSmP2EynKZ6Kg/qnbr/E1/8D>.

Cvent - Web-based Software Solutions <http://www.event.com>
<http://www.event.com/Events/images/qnbr/d8275cd5-f1a5-4489-a63f-61329ea67a2a.gifx>
Dear Mr. Lawyer,

Please accept the attached comments from Western Energy Alliance as part of the Regulatory Reform Initiative, Docket No. DOI-2017-0003-00011, regarding the Office of Natural Resources Revenue. Thank you.

Kathleen Sgamma
President
Western Energy Alliance
1775 Sherman St., Suite 2700
Denver, CO 80203
(303) 501-1059 direct
(303) 623-0987 main
ksgamma@westernenergyalliance.org
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October 2, 2017

Mr. Mark Lawyer
Office of the Executive Secretariat
ATTN: Reg. Reform
U.S. Department of the Interior
1859 C. Street NW.
Mail Stop 7328
Washington, D.C. 20240


Dear Mr. Lawyer,

On June 22, 2017, the Office of the Secretary of the Interior published a request for comments on how the Department of the Interior can improve implementation of regulatory reform initiatives and policies, and to identify regulations appropriate for repeal, replacement, or modification. This submission constitutes the comments of the Western Energy Alliance (Alliance) regarding its recommended regulatory reform initiatives. The Alliance is grateful for the opportunity to present these comments in the spirit of helping relieve unnecessary burdens on the American people, the goal of President Trump’s Executive Order 13777, “Enforcing the Regulatory Reform Agenda.”

Western Energy Alliance represents over 300 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in the West. Alliance members are independents, the majority of which are small businesses with an average of fifteen employees.

We respectfully request the department carefully consider the concerns we address in detail below. Specifically, we suggest the department significantly modify its oil and gas royalty value rules for federal lands. We offer below some detailed illustrations of the problems in federal royalty policy.

I. Executive Summary

The Department’s royalty valuation program is ineffective. It has two chief problems. First, the regulations are vaguely worded, providing government auditors far too much discretion to second-guess a lessee’s arm’s-length contract prices and allowances and more broadly leading to inconsistent interpretations. Second, many of the regulations require producers to value royalties using information to which producers cannot have access. Without trying to provide an exhaustive list of the changes that are needed, we offer key illustrative examples of regulations gone awry.
The most obvious example today of both of the chief problems is the so-called “marketable condition rule.” As that rule is now interpreted by the Office of Natural Resources Revenue (ONRR), it requires a producer to know the internal “actual” cost information of counter-parties to its contracts, such as gathering system operators and owners of natural gas processing plants. ONRR has known since 1995 that producers typically cannot obtain such data, because the counterparties consider it legally protected confidential business information. Similarly, the government’s required methodology for valuing production under a “keepwhole contract” is ineffective because it also requires lessees to use inaccessible information. ONRR’s required methodology imposes costs that outweigh the benefits to the taxpayers. This approach is inconsistent with the way producers pay every other private or state royalty interest owner with whom they contract.

When regulations are vague and require unavailable information, producers tend to pay less than what government auditors later believe to be correct, often years later. For example, today there are unresolved audits going back to production in 2002. To the extent producers did owe more money, those are funds that have gone uncollected for fifteen years. To the extent the producers did not owe more, they incurred excessive costs in audit responses and tied up capital unnecessarily in accounting reserve funds.

Beyond revising the substance of the regulations, the Department must also review the current royalty regulatory enforcement regime. Audits take years for no defensible reason. The agency often fails to tell lessees the facts on which the agency bases its demands for additional royalties, further prolonging the audit and appeal process.

The vaguely worded regulations create conflicting interpretations among auditors. There is much turnover within ONRR, as well as within its state delegate agencies. For example, member producers have often seen situations in which a lessee worked with a lead auditor for an audit of a certain set of properties for certain years, and as a result of that audit, the lessee made changes to its reporting, both manual accounting and software. By the next audit for the same set of properties for later years, however, the lessee has a new lead auditor. The regulations have not changed, but the auditors disagree with one another on their application, leaving lessees to change their reporting over and over with no real sense of which way is correct. This creates business uncertainty and further acts as a disincentive to produce on federal lands.

Not only do audits needlessly take years, but member producers have witnessed instances in which state delegated auditors commence an audit before receiving training. This results in the lessee spending time and money providing “on the job training” to auditors. In one instance, a member producer worked with a State of New Mexico auditor who prepared an issue letter and preliminary determination prior to receiving training, and the determinations were so contrary to the regulations that the lessee had no choice but to request representatives from the ONRR explain to the auditor how gas should be properly valued. In that instance, the auditor preliminarily determined the lessee had
improperly under claimed processing allowances on unprocessed gas (which by regulation is not subject to processing allowances). The auditor also preliminarily determined the lessee had failed to “unbundle” third-party costs, yet the lessee incurred its own costs under a no-contract situation and claimed allowances by performing “cost of service” calculations.

The program is ready for an overhaul and should follow three principles. First, ONRR should continue to follow the longstanding principle that the value of production for royalty purposes is determined at the wellhead. Second, ONRR should continue to follow its other longstanding principle that arm’s-length contracts are the best indicator of value. Third, to the fullest extent possible consistent with the first two principles, royalty value should be determined using information to which the producer has access.

II. Recent History Shows that Regulatory Reform, Not Legislation, Is Necessary

Twice in the last 21 years, Congress has given the Department direction and authority to improve the cumbersome federal royalty program. It enacted the 1996 amendments to the Federal Oil and Gas Royalty Management Act (FOGRMA) because of inequities in the royalty collection process. In that amendment, named the Federal Oil and Gas Royalty Simplification and Fairness Act (FOGRSFA), Congress found, “[t]he existing mineral leasing laws, regulations, policies and procedures related to obligations arising from leases administered by the Secretary of the Interior are lacking in clarity, consistency, and reciprocity, and contain inequities which impose unnecessary and unreasonable costs and burdens on lessees and the Federal Government alike.” H.R. Rep. No. 104-667, at 13 (1996); see S. Rep. No. 104-260, at 13-14 (1996).

Congress believed the federal royalty program was so burdensome that it was driving oil and gas producers off federal lands. Specifically, “[b]ecause the Federal royalty program is overly complex, burdensome and unfair for oil and gas exploration and development companies who seek to do business with the Department of the Interior, competition for both onshore and offshore leases is diminished.” H.R. Rep. No. 104-667, at 13. Despite this positive action, the FOGRSFA was poorly implemented and by the next decade Congress tried a different tack. In the 2005 Energy Policy Act it empowered the Department to take its share of royalty “in kind” instead of “in value” and to sell the production on its own. After four successful years, the Department abruptly cancelled the “take-in-kind” program in 2009.

Then, by 2010, the difficulties with the royalty program were combined with several other Departmental policies to discourage the development of federal oil and gas leases. The result was a steep decline in federal production, in stark contrast to the increased production seen on private lands. The data on natural gas are illustrative.
Table 2. U.S. Natural Gas Production: Federal and Nonfederal Areas FY2006-FY2015
(billion cubic feet)

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>U.S. Total</th>
<th>Nonfederal</th>
<th>Total Federal (% of U.S. Total)</th>
<th>Federal Offshore</th>
<th>Federal Onshore</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>28,737</td>
<td>24,143</td>
<td>4,594 (16.0)</td>
<td>1,356</td>
<td>3,238</td>
</tr>
<tr>
<td>2014</td>
<td>26,679</td>
<td>21,929</td>
<td>4,750 (17.8)</td>
<td>1,336</td>
<td>3,414</td>
</tr>
<tr>
<td>2013</td>
<td>25,551</td>
<td>20,637</td>
<td>4,914 (19.2)</td>
<td>1,449</td>
<td>3,465</td>
</tr>
<tr>
<td>2012</td>
<td>25,190</td>
<td>20,944</td>
<td>5,420 (21.5)</td>
<td>1,632</td>
<td>3,788</td>
</tr>
<tr>
<td>2011</td>
<td>23,540</td>
<td>17,723</td>
<td>5,817 (19.5)</td>
<td>2,005</td>
<td>3,812</td>
</tr>
<tr>
<td>2010</td>
<td>21,924</td>
<td>15,601</td>
<td>6,323 (28.8)</td>
<td>2,395</td>
<td>3,928</td>
</tr>
<tr>
<td>2009</td>
<td>21,612</td>
<td>15,248</td>
<td>6,364 (29.4)</td>
<td>2,390</td>
<td>3,974</td>
</tr>
<tr>
<td>2008</td>
<td>20,594</td>
<td>14,523</td>
<td>6,471 (31.0)</td>
<td>2,663</td>
<td>3,808</td>
</tr>
<tr>
<td>2007</td>
<td>19,951</td>
<td>13,471</td>
<td>6,480 (32.5)</td>
<td>2,886</td>
<td>3,594</td>
</tr>
<tr>
<td>2006</td>
<td>19,016</td>
<td>12,775</td>
<td>6,241 (32.8)</td>
<td>2,837</td>
<td>3,404</td>
</tr>
</tbody>
</table>


A major distinction between private and federal land development is ONRR’s onerous and unwieldy royalty structure, which has made federal lands comparatively unappealing to developers. In a prior ONRR press release, the Deputy Assistant Secretary “encouraged” all companies to increase their staff to handle federal reporting requirements, a particular burden on small producers. Federal policy, including federal royalty policy, has driven producers off federal lands.

III. The Marketable Condition Rule and ONRR’s Keepwhole Contract Methodology Represent Ineffective and Harmful Regulations Which Should Be Repealed.

As part of a package of reforms, sensible valuation policies will help restore the competitiveness of federal lands in the American energy marketplace. To that end, we are pleased to offer the following recommendations.

A. Marketable Condition Rule

Currently, the single greatest disincentive the royalty program “offers” to the production of natural gas is the marketable condition rule. As that rule is currently interpreted, it takes a federal royalty rate of 12.5% on natural gas and converts it into an effective rate of

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1 Marc Humphries, U.S. Crude Oil and Natural Gas Production in Federal and Nonfederal Areas, Cong. Res. Serv. Report, Figure 2 (June 22, 2016), https://fas.org/sgp/crs/misc/R42432.pdf.

WESTERN ENERGY ALLIANCE
15% or more of a producer’s net proceeds (i.e. 15% of “you get what I get”) because of the disallowance of costs to put gas into marketable condition.

1. The “marketable condition rule” is vague and fails to explain the financial measure a lessee can utilize to determine what it owes

The marketable condition rule requires the lessee to pay, without deduction from what it owes the government, for the costs needed to provide oil or gas “sufficient free from impurities and otherwise in a condition a purchaser will accept under a sales contract typical for the field or area.” 30 C.F.R. §§ 1206.101 & 1206.151 (2015). There are significant problems with this rule.

The definitions of “field” and “area” are unbounded, needing tighter focus and clarification. Since 1942, the Department has often used prices for sales of oil or gas “in the field or area” to help determine whether sales to affiliated parties were at prices comparable to arm’s-length sales. At its origination, the regulation contained a geographical limitation, referring to prices for oil or gas “sold from the field or area where the leased lands are situated....” See 30 C.F.R. § 221.47; 7 Fed. Reg. 4132, 4137 (1942). The clear purpose of the rule was to capture values at the relevant market near the lease. Member producers don’t have access to other party’s contracts. Often when a producer only has one contract in a particular field it presumes it is typical because it was the best contract it could negotiate, assuming arm’s-length contracts. This assumption puts the producer in a disadvantaged position. ONRR has access to multiple contracts for a “field” or “area”, but insists on making a judgment-call based on its “experience” of whether or not the producer’s contract is “typical.”

Unfortunately, today, the Department has rendered irrelevant what producers are getting for sales near the lease under review. “A ‘sales contract typical for the field or area’ therefore reasonably refers to the contracts that are typical in the field or area into which the gas is actually sold, which may or may not be the field or area where the gas is produced.” Encana Oil & Gas (USA), Inc., 185 IBLA 133, 142 (2014). Under the rule’s current approach, prices of oil and gas produced in the mountains of central Colorado are to be compared with prices of oil or gas sold in San Francisco, California, or Miami, Florida. This is an implausible way for the Department to interpret “area” for the purpose of royalty valuation. Prices are dependent on the area, method of transport, volumes the producer controls in the area, access to transmission lines, overall infrastructure gathering capacity and numerous other factors that are beyond the producer’s control.

These changes have also created new administrative burdens. Historically, this rule was not difficult to administer because ONRR’s predecessors, during audits, looked to see whether the sales contract deducted amounts from the sales price to remove impurities or, in the case of gas, to require the gas to meet a specified pressure. See The Texas Company, 64 Interior Dec. 76, 77 (1957); California Co. v. Udall, 296 F.2d 384, 386 (D.C. Cir. 1961).
In contrast, ONRR now does not stop with the sales contract, stating “[i]f you use gross proceeds under an arm’s-length contract in determining value, you must increase those gross proceeds to the extent that the purchaser, or any other person, provides services that the seller normally would be responsible to perform to place the oil in marketable condition.” 30 C.F.R. § 1206.106; see also 30 C.F.R. §§ 1206.152(i) & 1206.153(i) (for gas). Yet, the contract does not place a price on those services, so a lessee has no metric by which to value this purported “increase.” ONRR says that the lessee should use its counter-party’s “reasonable, actual costs,” even though it is aware the lessee does not have access to those costs.

Nor is the problem of access to information alleviated where the producer has some degree of affiliation with the gatherer or processor. This is so because the definitions of “arm’s-length contract” and “affiliate” are impracticable. See 30 C.F.R. § 1206.151 (2010). These terms are tied to the concept of “control” of an entity, and the Department has not been able to apply its current rule on what “control” means. Relying on mere percentages of ownership as ONRR does can lead to arbitrary results, especially in the era of Dodd-Frank, because many companies with at least some public ownership have independent directors who review contracts with related entities to assure a fair deal. Also, the sales and midstream markets are competitive enough that initial sales may follow a bid-out process in which potential buyers or midstream companies, whether affiliated or not, compete on prices and terms. However, ONRR auditors often label a transaction “non-arm’s-length” without analysis, undoing years of reporting and payment.

Industry players offered the following examples regarding the unworkable marketable condition rule:


- The requirement of having an arms-length contract at the time of contracting and at the time of production creates odd results. Member producers face many situations where the contract is at arm’s-length at the time of negotiating but, later, one of the parties becomes affiliated with the other party. Even though there has been no change to the contract, ONRR treats this situation as a non-arm’s length contract. ONRR should allow non-arm’s length agreements to
become arm’s-length after operator spin-offs (divestitures). After divesting assets, operators lose the opportunity to obtain actual operation and maintenance costs for unbundling calculations. As such, operators are forced to estimate costs with little-to-no guidance or miss out on potential deductions.

2. The Department’s “dominant end-use” analysis for marketable condition is irrational

In the Department’s view, whether gas is marketable depends on the requirements of the dominant end-users, and not those of intermediate purchasers. Burlington Res. Oil & Gas Co. LP v. U.S. Dept’ of the Interior, No. 13-CV-0678-CVE-TLW, 2014 WL 3721210, at *4 (N.D. Okla. July 24, 2014). The Department’s interpretation treats selling gas to a processing intermediary as a “mere sale” and not “marketing,” unless the gas would be acceptable to the dominant end-users. Id. The Department believes determining marketability based on dominant end-use of produced gas in the “field or area” is consistent with the basic principle that the Mineral Leasing Act anticipates a meaningful distinction between marketing and merely selling gas. See Amoco Prod. Co. v. Watson, 410 F.3d 722, 729 (D.C. Cir. 2005), aff’d sub nom. BP Am. Prod. Co. v. Burton, 549 U.S. 84, 127 S. Ct. 638 (2006).

However, such interpretation is contrary to industry practices and the implementation of the marketable condition rule’s preamble, which states:

The MMS believes that the definition [of marketable condition] is clear, concise, and equitable. The definition is not subject to manipulation, as one commenter stated. Furthermore, the suggestion that a uniform standard be developed for what is “marketable” is unrealistic because the gas marketplace is dynamic. The definition, as written, allows MMS the latitude to apply the concept of “marketable” in a fair and correct manner, now and in future gas markets. Also, MMS adheres to its long standing policy that costs incurred to place production in a marketable condition are to be borne solely by the lessee.


In practice, gas leaving the lease separator near the wellhead often is already in marketable condition. Producers routinely sell a fair amount of it in that form, and it is used without treatment, so there is no reason to augment a producer’s gross proceeds for royalty calculation purposes. See Xeno, Inc., 134 IBLA 172, 180-185 (1995) (holding gas was marketable because it was suitable for pipeline access even at the wellhead). The Department’s “dominant end-use” theory ignores commercial realities and the dynamic qualities of different markets.
Additionally, the “marketable condition rule” can be reached in segments, without requiring a lessee to first fully and completely compress and/or dehydrate the gas to meet the requirements of the pipelines that serve its purchasers before any supplemental compression or dehydration is allowed. In the 2003 Devon Valuation Determination, which was upheld in *Devon Energy Corp. v. Kempthorne*, 551 F.3d 1030 (D.C. Cir. 2008), the Minerals Management Service (MMS), ONRR’s predecessor, stated: “Where—and in how many phases or steps a lessee chooses to compress the gas to the necessary pressure is up to the lessee.”

From the earliest precedents in *The Texas Co.* and *The California Co.*, continuing through the 1988 rules and the discussion in the preamble, and through the most recent decisions, the principle that the lessee must compress the gas to a pressure sufficient to enter the relevant pipeline has been uniformly upheld in both Departmental and judicial decisions. Where—and in how many phases or steps Devon chooses to compress the gas to the necessary pressure is up to Devon. But regardless of the physical processes or particular engineering scheme it finds to be most suitable, the costs of compression to the relevant pipeline pressure are not deductible.

Under the “dominant end user” theory, treating compression as something other than a deductible cost of transportation is indefensible. The compressor simply moves the gas to the end user, just as an oil pump moves the oil to a buyer. Both are for transportation.

The dominant end-user of gas in the U.S. is the residential consumer. Generally speaking, the closer natural gas gets to a customer, the end user, the smaller the pipe diameter is and the lower the pressure is. Gas flows into a home or business at a pressure range of over 60 pounds per square inch (“psi”) to as low as ¼ psi. “This is the normal pressure for natural gas within a household piping system, and is less than the pressure created by a child blowing bubbles through a straw in a glass of milk.”2 If one’s house takes gas at higher than ¼ psi, that house will explode. Requiring lessees to pay to boost pressure to 1100 psi in the name of the end user is irrational.

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3. The regulatory guidance, such as “unbundling” requirements, expect producers to use unavailable information to comply with the rules.

Royalty value should be determined using only information to which the producer has access. Under the interpretation of the marketable condition rule announced in the Devon Decision, gas is not in “marketable condition” until it is of the quality and at the pressure acceptable to the primary market into which the gas from a field or area is sold.\(^3\) Additionally, gas destined for the interstate market must meet interstate pipeline quality and pressure requirements, such that the point of where gas is in marketable condition may be downstream of the point of sale.\(^4\) Thus, ONRR requires federal lessees to

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“unbundle” their transportation and processing costs into allowed and disallowed costs.

Even though ONRR’s predecessor, MMS, was fully aware of the array of issues associated with transportation and processing allowances claimed by lessees, the agency missed opportunities to fix the problem. ONRR attempted to address the issue by publishing what it calls Unbundling Cost Allocations (UCA). However, the UCAs are not binding and not supported by “actual cost” information that the agency can share with the lessees.

From as early as Fiscal Year (FY) 1986, MMS was aware of problems and inconsistencies in transportation and processing allowances claimed by payors. In a first attempt to fix the reporting inconsistencies, MMS began preparing product value regulatory guidelines and transportation and processing deductions. MMS hoped that new valuation regulations would permit standardized deductions, but recognized that “personnel will have to review on a continuing basis data provided by gas plant owners to maintain appropriate standard costs for these deductions.”

Once MMS issued its natural gas royalty regulations in 1988, the agency began studying the feasibility of aggregating data to develop “allowance data bases [to] perform automated comparisons to values contained in the data bases to values reported by royalty payors on form MMS 2014.” MMS continued its database aggregation study to facilitate its monitoring and review of payor allowances until FY 1992, when it announced the near completion of its automated allowance tracking system and prototypes of product value monitoring systems. But the automated allowance databases were not enough. In FY 1994, MMS began specifically auditing gas processing plants, the source of gas processing costs claimed as allowances, an activity the agency specifically highlighted.

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6 Id. at 84.
and requested congressional funds from for FY 1994 to FY 1998.9

In FY 1997, MMS undertook a joint review with the Bureau of Land Management to investigate operations “at selected gas plants to determine the risk for substantial royalty underpayment.”10 Then in FY 1999, MMS contracted “with the Oil and Gas Journal to gather information on 125 gas plants throughout the country and received 100 survey responses.”11 MMS planned to use this survey data throughout FY 1998 and FY 1999 to “[d]esign a database, using gas plant survey data, to assist in evaluating extraordinary cost allowance requests and estimated plant processing costs.”12

Thus, since at least 1986, MMS has taken it upon itself to build databases suited to comparing and verifying transportation and processing allowance deductions claimed by payors. MMS with contracted help collected data from and audited gas plants to build its internal knowledge base. MMS or ONRR included such allowance verification activities in many of its prior congressional budget requests. The large amounts of federal money spent on unbundling shows ONRR knew the difficulties the industry faced if it were to attempt to unbundle costs.

Current regulations13 require lessees to obtain confidential and proprietary information that the owners of gathering and processing facilities are not willing to provide to lessees, as the producer has no contractual rights to such information. Even so, producers have attempted to collect confidential and proprietary information necessary to comply with current regulations from third-party service providers and ONRR, to no avail. Particularly, producers have attempted to gather cost information through the use of Unbundling Letters, Data Requests, and Freedom of Information Act Requests. On the other hand, ONRR can force and has forced third parties to provide internal cost information to ONRR under compulsion of a subpoena. Third parties, as a rule, however, invoke 18 U.S.C. § 1905 to bar ONRR from providing that same information to lessees. Lessees remain at a severe informational disadvantage.

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11 Id. at 154.
12 Id. at 154.
The regulations permit federal lessees to deduct only the “reasonable, actual costs” they incur for transportation as an allowance. Third-party service providers are averse to disclosing the “actual costs” of services because if they did, producers would hold a competitive advantage in future contract negotiations with those parties by knowing which portion of the charges producers incur is “actual costs” and which portion is profit. To add insult to injury, producers also have no legal mechanism to compel these companies to do so. Thus, it is impossible for producers to provide “actual costs” of transportation to comply with ONRR’s rules.

ONRR regularly provides presentations, workshops, and training to industry participants outlining the proper payment of royalty revenues. Throughout many of these presentations, ONRR has recognized the difficulties royalty payors face in unbundling third-party fees, particularly that lessees lack the information needed to unbundle. ONRR has also used these presentations as a platform to explain its “unbundling strategy” in order to enable the agency itself to perform these calculations, which include obtaining data on transportation and processing systems and publishing unbundled rates on its website.14

To that end, ONRR has “unbundled” some transportation systems and processing plants and created the previously mentioned UCAs. ONRR’s UCAs represent generalized determinations of the percentage of transportation and processing costs that may be deducted as allowances and the percentage of costs disallowed as “marketable condition” costs. ONRR disclaims that the UCAs do not apply to situations where a lessee transports and processes gas under non-arm’s-length agreements.

ONRR has since re-characterized its UCAs as “Specific Transportation System/Gas Plant UCAs” and has begun preparing so-called “Standardized UCAs” based on “the applicable technology and geographical location of [a] processing plant” in the event a plant-specific UCA is unavailable.15 ONRR has developed these UCAs on a region-by-region basis and has a priority queue for the regions the agency plans to calculate UCAs for next.16 Since ONRR’s original publication of UCAs in 2010 for four transportation systems (Carlsbad, Manzanares, San Juan Conventional, and Torre Alta) and five processing plants (Carlsbad Dew Point, Ignacio, Kutz, Lybrook, San Juan (Blanco) in New Mexico, ONRR has since revised and republished those initial 2010 UCAs and additionally published, revised, and

15 A current list of Standardized UCAs and Specific Transportation System/Gas Plant UCAs is available at https://onrr.gov/unbundling/index.htm.
republished UCAs for other natural gas systems and plants in Alabama, Colorado, New Mexico, Wyoming, Louisiana, Mississippi, and offshore.\(^{17}\) As of today, ONRR has published UCAs for 22 gas plants but only 9 transportation systems.\(^{18}\) For regions without UCAs, ONRR has directed lessees to calculate their own unbundling costs.\(^{19}\) ONRR requires lessees to use available cost data to calculate such costs.\(^{20}\) For situations where data is not available, ONRR is developing a method that uses engineering estimates.\(^{21}\) In 2015, ONRR began doing compliance reviews to determine whether lessees were in compliance with the marketable condition requirements of the gas valuation regulations.

On February 1, 2017, ONRR updated its third-party “unbundling” methodologies in publications titled “How to Calculate a Transportation UCA” and “How to Calculate a Processing UCA” (collectively, the “ONRR UCA Methodologies”).\(^{22}\) These provide “an example of how to calculate a [transportation and processing] Unbundling Cost Allocation (UCA).” According to ONRR, lessees should “[a]ssign everything upstream of the [Central Delivery Point] as ‘Gathering’ and everything downstream of the CDP and before the plant as ‘Transportation.’” “All transportation pipes (downstream of CDP) are allowed,” and [a]ll costs relating to pipe maintenance are allowed.” Meters are allowed as processing costs but not as transportation costs. And “residue boosting compressors” are categorically non-allowed. Curiously, these ONRR UCA Methodologies are examples for lessees who incur arms-length costs, yet the methodologies refer to and apply the non-arm’s-length regulations, see, e.g., 30 C.F.R. § 1206.157(b) (2016) (federal gas), and equations:


\(^{19}\) See Inderbitzin III, at 10.

\(^{20}\) See id. at 25.

\(^{21}\) Id. at 29-31.

14) Calculate UCA's using the following equations:

\[
\text{UCA for allowed Transportation (using Depreciation and RUC method)} = \frac{\text{Total Yearly Depreciation and RUC of Allowed Units + Allowable Operating and Maintenance}}{\text{Total Yearly Depreciation and RUC of all Units + Total Operating and Maintenance}}
\]

\[
\text{UCA for allowed Transportation (using Initial Capital Investment method)} = \frac{(\text{Total Initial Capital Investment of Allowed Units}) \times \text{BBB Rate} \times 1.3 + \text{Allowable Operating and Maintenance}}{(\text{Total Initial Capital Investment of all Units}) \times \text{BBB Rate} \times 1.3 + \text{Total Operating and Maintenance}}
\]

There are also several issues with ONRR’s UCAs. For arm’s-length agreements, ONRR alerts visitors that when a lessee pays a bundled rate, the lessee must unbundle that rate in order to comply with regulations. ONRR further alerts visitors that “[a] lessee may use the [UCAs] posted on this website as a means of unbundling.”23 ONRR provides the UCAs on its website based on the best information available to it at the time of publication. Therefore, if ONRR receives more accurate information, it updates and modifies these UCAs. ONRR states that royalty payors “may use these UCAs as estimates or later time periods until such time as ONRR provides updated information.”24

Although ONRR acknowledges the possibility that producers might calculate their own unbundling cost allocations, ONRR does not provide lessees with any background data, accounting information, or methodology used when calculating the agency’s UCAs, so producers cannot review the data for errors or use it for their own calculations. Additionally, ONRR frequently revises its UCAs, compelling natural gas producers to review and revise previously-filed royalty reports to account for the changes in the agency’s figures.25

Thus, ONRR has created a process that elevates the convenience of using standard “cookie cutter” UCAs over the application of a regulatory framework designed to ensure royalty payments are fair to both the federal treasury and the private companies extracting the resources. By controlling not only the data necessary to determine proper allowances and marketable condition costs but also the penalties levied on lessees that do not comply, ONRR has created a scenario in which lessees may choose to take fewer allowances per the published UCA and therefore pay higher royalties than the operator actually owes the

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24 Id.
25 Industry commentators have noted the “sizable financial burden royalty reporters incur to keep in compliance with the federal government’s extremely complex keep-whole unbundling and marketable condition rules,” advising that “the complexity of federal reporting requirements requires operators to incur substantial legal and consulting fees to maintain compliance with reporting regulations.” Letter from Barry Russell & Tim Wigley to Neil Kornze at 3 n.6 (June 19, 2015), http://www.regulations.gov/#!documentDetail;D=BLM-2015-0002-0048.
federal government, or continue taking previously determined allowances and face civil penalties and legal fees.

Unfortunately, this system invites the potential for abuse. For example, one producer went through an ONRR audit, requiring it to provide “unbundled” data, which took some time to get from the third-party gas processor. The total value of the product was approximately $25 million, and ONRR found around a $4,000 underpayment. The producer paid the underpayment and soon afterwards received a nearly \textit{$1\text{ million fine}$} for its supposedly untimely response to the “unbundling” request. ONRR ultimately issued a civil penalty for the producer’s continued failure to provide requested documents during an audit.

Thus, ONRR now corners natural gas producers into three options when calculating royalties on natural gas produced on federal land: (1) bear the significant expense of calculating their own UCAs using a method ONRR later may not agree with; (2) use ONRR UCAs, if available; or (3) refrain from deducting any transportation or processing allowances at all. Otherwise, the producer must face steep civil penalties from ONRR of up to $5,000 per day for each violation of the agency’s royalty reporting and collection regulations, and up to $58,871 per day if the agency determines the violation to be “knowing and willful.”

Further, if a lessee chooses to deduct transportation and/or processing allowances differently than the published UCAs, ONRR uniformly \textit{presumes} the deductions to be unauthorized, pushing lessees to expend legal costs explaining, re-explaining and ultimately defending their deductions through federal audit, administrative hearing, or court process. For instance, a lessee may attempt on its own to estimate what its “reasonable, actual costs” would be if it were to “unbundle” its contract. If that effort produces a cost allocation that differs from a published UCA, then ONRR almost uniformly presumes the lessee’s methodology is incorrect.

In some cases, lessees have also proactively proposed to ONRR an unbundling methodology. But ONRR uniformly refuses to “approve” any methodologies. It will issue lessees form documentation notifying them the methodology appears “reasonable” but remains “subject to audit,” thus permitting ONRR the ability to change its mind at a later date. In many cases, ONRR also notifies the lessee the provided documentation may also be used for civil penalty purposes should the methodology no longer be suitable. Therefore, even the unbundled cost exercise is driving up costs for certain producers, while delaying costs for others.


\footnote{See 30 C.F.R. §§ 1241.53, 1241.60, 1241.61.}
Producers are unclear what the public benefit is to incurring these costs. If a lessee does not attempt to determine nondeductible marketable condition costs, ONRR may refer the case to the Office of Inspector General and Department of Justice as a “false claim” under the False Claims Act, but the lessee may also be subject to later enforcement if it does propose a methodology. Further, members are concerned with ONRR’s use of the False Claims Act to pursue potential royalty valuation violations. To this point, ONRR’s failure to exhaust administrative remedies before filing a “false claim” with DOJ is a significant matter requiring immediate reform. Accordingly, this unbundling mechanism is untenable for producers and needs repair.

The following examples help to outline additional problems with UCAs:

- **ONRR-published “UCAs” inappropriately assume “marketable condition”** can only be reached at the tailgate of a processing plant, which forces smaller lessees to value their gas in accordance with generalized methodologies not prepared specific to their gas or sales contract or, in the alternative, face substantial legal costs creating their own methodology that ONRR is never bound by.

- **ONRR does not allow universal application of the UCAs among producers.** ONRR has sometimes allowed a producer to apply the UCA for a certain processing plant to a nearby, similar processing plant, while disallowing other producers the same application.

- **UCAs, published by ONRR, are vastly different than UCAs obtained through actual unbundling.** ONRR often focuses on a specific gas stream flowing through a plant that may have impurities and low pressure (resulting in a lower UCA) than gas streams which have low impurities and higher pressure (often resulting in higher UCAs).

**B. The Department Should also Repeal its “Keepwhole Contracts” Interpretation**

In 2001, MMS released the Oil and Gas Payor Handbook, Volume III—Product Valuation (the “Handbook”), which defined a keepwhole contract as an “agreement for the processing of the lessee’s gas under which the lessee normally receives 100 percent of its attributable residue gas and consideration from the processor for its attributable PVR [Plant Volume Reduction]. The consideration for the lessee’s PVR consists of either an amount of residue gas in Btus equivalent to the amount of Btus contained in the PVR or a cash payment for the PVR.” *Id.* The Handbook also explained how to calculate royalties and a processing allowance under such agreement, turning on the concept of an arm’s

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length agreement. Under it, the processor retains natural gas liquids (NGL) and returns the processed natural gas to the producer.29

Unfortunately, ONRR's methodology is futile, as it requires the use of inaccessible information, imposing more costs of compliance on producers, at no additional benefit to the government.

For example, in the above illustration from the Handbook, “Swivel Production” processes gas under an arm's-length processing agreement with “Kelly Processors.” The agreement specifies that all of Swivel’s attributable residue gas be delivered to Swivel at the plant tailgate and title to all NGLs recovered from Swivel’s gas pass to Kelly. Kelly pays Swivel for its attributable PVR. The payment for PVR is an amount of residue gas containing an equivalent amount of MMBTus as contained in the PVR. 8,000 MMBtu of residue gas are attributable to Swivel. Therefore, Kelly delivers an additional 2,000 MMBtu of residue gas to Swivel. Swivel sells 10,000 MMBtu of residue gas to Valley Pipeline under an arm's-length contract at a price of $1.50/MMBtu. Kelly sells the NGLs to “Desert Distributors” under an arm's-length contract at a price of $0.23/gal.

29 For royalty purposes, the gas is valued as processed gas because the lessee has not sold the gas under an arm's-length contract prior to processing. The value for royalty purposes is 100 percent of the values of residue gas and NGLs attributable to processing the gas, less applicable transportation and processing allowances. The volume of NGLs attributable to the gas is determined under the provisions of 30 CFR 206.154 and 30 CFR 206.174[…]. The value of NGLs is determined based on their market value (the plant owner's arm's-length sales price, for example). The value of the residue gas is based on whether the sale is arm's-length or non-arm's-length. The lessee's processing costs for the purpose of calculating a processing allowance are calculated as the difference between the value of the compensation received for the PVR and the value of the attributable NGLs at the tailgate, plus any other fees incurred for processing.
Residue gas value: \(8,000 \text{ MMBtu} \times $1.50/\text{MMBtu} = $12,000.00\)

NGLs volume: \(\frac{2.2 \text{ GPM} \times 10,000 \text{ MMBtu} \times 90\%}{1.1 \text{ MMBtu/Mcf}} = 18,000 \text{ gal}\)

NGLs value: \(18,000 \text{ gal} \times $0.23/\text{gal} = $4,140.00\)

Processing allowance:

\[
$4,140.00 - (2,000 \text{ MMBtu} \times $1.50/\text{MMBtu} ) = $1,140.00
\]

**Figure 4-45.** Valuation of gas processed under a keep-whole agreement

In real life, of course, Swivel has no information on how much Kelly sold to Desert Distributors or at what prices. So, on November 21, 2012, ONRR issued a Dear Reporter Letter to active payors and reporters on “Keepwhole Gas Processing Contracts” (the “Dear Reporter Letter”) to “provide[] guidance on valuing and reporting gas sold under keepwhole processing contracts.” ONRR also defined keepwhole contract\(^{30}\) and explained how to calculate royalties and a processing allowance under such agreement.

Attempting to address the real life problem that the producer does not know what the processor does with the liquids, ONRR explained how to calculate royalties under a keepwhole contract, including instances where a gas plant does not provide a producer with the volume of NGLs and residue gas attributable to the producer’s delivered gas.\(^{31}\) It

\(^{30}\) “[A]s a processing agreement whereby the processor delivers to the lessee a quantity of gas after processing equivalent to the quantity of gas the processor received from the lessee prior to processing, normally based on heat content, less gas used as plant fuel and gas unaccounted for and/or lost. This definition includes, but is not limited to, agreements under which the processor retains all NGLs it recovers from the lessee’s gas.”

\(^{31}\) “When the gas is processed prior to sale or disposition, you must report and pay royalties on the full volume and value of the residue gas and NGLs recovered from processing, less any applicable transportation or processing allowance. . . . If the gas plant will not provide you with the volume of NGLs and residue gas attributable to your delivered gas, you may use theoretical volumes[]

ONRR provided a methodology to determine the theoretical volume and value of NGLs in such an instance:

When the plant will not provide the NGL volumes attributable to your gas, you should calculate the NGL volumes using the gallons per Mcf (GPM) factors from the gas analysis. Multiply the Mcf volumes of the gas by the GPM factor for each component of that gas (ethane, propane, iso- and normal butanes, etc.) to obtain the theoretical NGL volumes, by component. Then, multiply the resulting
requires the producer to calculate "theoretical NGL volumes, by [each NGL] component." If that is what ONRR wants the lessee to do, then it should amend its regulations, for the regulations require actual, not theoretical, volumes. In the same vein, because the lessee is not selling the liquids, it does not know the price the processor received from the sale. ONRR's solution is to have the lessee go hunt for a published index price for each of the components liquids (such as butane and propane) to use in royalty calculation. Whether the index prices accurately state was the liquids were worth at the tailgate of the plant is anyone's guess.

And what is the benefit of this pair of theoretical calculations? Nothing. Because ONRR requires the lessee to value its dry gas as if part of it were liquids, the lessee is entitled to a deduction from the theoretical proceeds for the costs of processing the gas. Here again is how ONRR calculates that deduction, using Swivel and Kelly as the example:

\[
\text{Residue gas value: } \frac{8,000 \text{ MMBtu} \times 1.50/\text{MMBtu}}{} = \$12,000.00
\]

\[
\text{NGLs volume: } \frac{2.2 \text{ GPM} \times 10,000 \text{ MMBtu} \times 90\%}{1.1 \text{ MMBtu/Mcf}} = 18,000 \text{ gal}
\]

\[
\text{NGLs value: } 18,000 \text{ gal} \times 0.23/\text{gal} = \$4,140.00
\]

\[
\text{Processing allowance: } \$4,140.00 - (2,000 \text{ MMBtu} \times 1.50/\text{MMBtu}) = \$1,140.00
\]

\[\text{FIGURE 4-45. Valuation of gas processed under a keep-whole agreement}\]

ONRR first imputes a theoretical total value of Swivel's gas at $16,140, the sum of the $12,000 for the dry residue gas and the $4,140 theoretical value of the liquids. But the

component volumes by the corresponding gas plant product recovery factors, which provides a more reasonable estimate of the NGLs recovered from your gas. You may be able to obtain the recovery factors from the gas plant. If the gas plant will not provide them, use a reasonable method to approximate them. After determining the theoretical volume of each NGL component, sum the volumes to determine the total NGL volume[]. . . . Because the NGLs the processor retains under a keep-whole contract are not sold by the lessee under an arm's-length contract, the lessee must calculate a theoretical value under the first applicable non-arm's-length benchmark at 30 CFR § 1206.153(c). Usually, lessees can determine value under the second benchmark using an arm's-length NGL sales price from a nearby plant or publicly available prices.
processing allowance is the difference between the theoretical liquids value of $4,140 and the actual value of the 2,000 MMBtu Kelly gave Swivel to compensate for the liquids Kelly removed. That value is $3,000 (2,000 MMBtu times $1.50 per MMBtu). The resulting allowance is $1,140. When that allowance is deducted from the theoretical total value of $16,140, the result is a value of $15,000.

Consider, however, that the lessee actually sold 10,000 MMBtu of gas for $1.50 per MMBtu. The lessee actually received $15,000, the same amount as when ONRR requires the theoretical calculations. There is no benefit to the public from the additional calculations ONRR requires, just unnecessary cost to the lessee. It is as if, on a cold winter night, a person took his six-foot blanket, cut off a one-foot swath from the right side, and then sewed that swath back onto the left side. The result is still a six-foot blanket, and the person is no warmer.

IV. The Department Must Revise the Current Royalty Regulatory Enforcement Regime, Because the Agency Consistently Fails to Provide the Required Factual Basis to Support Its Orders and Abuses the Audit Process.

ONRR continually fails to officially close audits. One of the major reforms of the FOGRSFA was to bring closure to royalty accounts. ONRR has to serve its “demands” for additional royalty within specified periods of time, and lessees are free to dispose of old documents when the given audit is concluded. But no audit determination is binding on the government “until the audit period is formally closed.” 30 C.F.R. §§ 1206.152(k) & 1206.153(k). The problem is that ONRR does not close audits formally or informally. Like General Douglas McArthur’s old soldier, ONRR audits never die, they just fade away, and the lessee’s finances fade with them.

Additionally, 21 years after Congress spelled out what “Restructured Accounting Orders” must contain through the enactment of FOGRSFA, they remain unstructured. 30 U.S.C. § 1724(d)(4). The Secretary is authorized to order a lessee to “perform a restructured accounting...when the Secretary...determines during an audit of a lessee” that the lessee “has made identified underpayments” which are “demonstrated by the Secretary...to be based upon repeated, systemic reporting errors....” Id. at § 1724(d)(4)(B)(i). For the errors to be “repeated” and “systemic,” they must be shown to have occurred “for a significant number of reporting months with the same type of error which constitutes a pattern of violations and which are likely to result in . . . significant underpayments....” Id. Among other things, an “order to perform a restructured accounting shall—(I) be issued within a reasonable period of time from when the audit identifies the systemic, reporting errors; (II) specify the reasons and factual bases for such order; [and] (III) be specifically identified as an ‘order to perform a restructured accounting’[].” (Id. § 1724(d)(4)(B)(ii) (emphasis added).)

However, many of ONRR’s restructured accounting orders lack the structure the statute imposes, providing no reasons, no factual bases, and no showing of significant
underpayments. Restructured Accounting Orders and Orders to Pay (Orders) continually fail to:

- Provide reasons and factual bases for the disallowance of costs incurred to transport oil and gas production
- Explain the specific reasons and bases for many of its conclusions
- Provide payor with reasonable bases and reasons for its conclusions regarding alleged processed gas volume and price misreporting.

Finally, ONRR’s re-valuation of royalties based on a lessee’s alleged “misconduct” is prone to abuse. Royalty value regulations for both oil and gas empower ONRR to reject values received under arm’s-length contracts. The regulations identify four kinds of misbehavior that would authorize ONRR to pick something other than the arm’s-length value: (1) “misconduct,” (2) “breach of your duty to market the oil [or gas] for the mutual benefit of yourself and the lessor,” (3) acting “unreasonably,” and (4) acting “in bad faith.”

This approach is nothing but an invitation to mischief. Under it, ONRR could find that a lessee, although acting in good faith without misconduct and in keeping with the duty to act for the mutual benefit of the parties, had still acted “unreasonably.” The regulation clarifies that ONRR is not trying to second guess an arm’s-length price simply because it seems too low, see, e.g., 30 C.F.R. § 1206.102(c)(1)(ii)(B), but does not clarify about what conduct ONRR is actually concerned.

Next, we provide a series of examples that involve a genesis of regulatory enforcement issues which leads to internal ONRR training failures and unhinged audit practices:

- **ONRR and the Bureau of Indian Affairs (BIA) do not regularly update their records.** Consider a producer who holds several Indian oil and gas leases. Indian royalty interests regularly go through probate. During probate, those interests may be converted from Indian, and subject to the supervision of BIA, to private and not so subject. ONRR and BIA have no mechanism for updating ONRR’s files when Indian royalty interests pass out of BIA jurisdiction. As a result, member producers have often found that ONRR imposes on lessees the burden of working directly with the BIA for sometimes several months to not only ensure BIA’s records are properly updated, but also ONRR’s.

- **Auditors are permitted to issue unsupported Orders when faced with a looming statute of limitations.** Audits take time, but sometimes auditors “bite off more than they can chew.” And if lessees are unwilling to continue entering tolling agreements, auditors have rushed to issue Orders claiming millions of unpaid royalties. Because the auditors were rushed, however, these Orders lack required detail and specificity, and auditors have denied lessees access to the very spreadsheets the auditors used to arrive at the resulting dollar amounts. Lessees are thus forced to appeal and incur significant legal costs merely to understand the
issues. In essence, ONRR has shifted its auditing burdens to lessee. ONRR should not be permitted to issue Orders claiming underpaid royalties on issues for which the auditor failed to gather sufficient evidence. If an issue was not sufficiently audited, that issue should not be thrown into an Order “at the last minute” to preserve the ability of an auditor to continue “auditing” during the appeals process. ONRR, like lessees, are subject to statutes of limitation, and ONRR should not be permitted to escape those limitations through inappropriate loopholes. Further, long appeals processes required to first understand the issues do not benefit either party.

- **Orders can be issued without providing the lessee an opportunity to respond to preliminary determinations.** It is not uncommon for a lessee to see an issue for the first time upon review of an Order subject to appeal. This creates unnecessary backlogs during the appeals process on issues that should first be presented to the lessee with sufficient time to respond. Some issues could even be corrected in this way without requiring appeal.

- **The 33-month calculation under the regulations conflicts with federal law, and IBLA unnecessarily delays issuing orders dismissing appeals upon expiration of the 33-month period.** ONRR and the Interior Board of Land Appeals (IBLA), by regulation, calculate the beginning of the 33-month period as the date upon which a lessee’s notice of appeal is received. Federal law, however, calculates the beginning of the 33-month period as the date upon which the underlying appealed Order was issued. This unnecessary ambiguity creates unnecessary briefing and uncertainty during the appeals process. A lessee has six months after notice that the period has expired to petition in federal court. Member producers have at times waited almost five months after the period has expired to receive an official dismissal from IBLA. An easy solution could be to mirror the regulation with federal law and explicitly permit lessees to seek judicial review if IBLA fails to act promptly to dismiss an expired appeal.

- **ONRR lacks guidance for its own settlement process.** 30 U.S.C. 1724(i) provides authority for ONRR to adopt more comprehensive regulations to encourage and implement settlements, particularly while matters are on appeal. Situations where ONRR goes straight to Order without a complete underlying audit is a prime example of when this could be beneficial. Another situation is where ONRR agrees with the payor and disagrees with the delegated state auditor. Far too often, issues in which there is no legitimate basis to dispute by ONRR remain unresolved and part of an appeal. This is in part because ONRR does not have clear guidance for settlement in its own regulations. A proposed new regulation as follows would resolve this settlement process concern:
30 C.F.R. §1290.111. What are the options for resolving all or part of my appeal by mutual agreement?

(a) You and ONRR are encouraged to resolve by mutual agreement any and all issues, disputes, audits, orders, decisions, and appeals, in whole or in part, at any time whether during the audit, after an order is issued, during an appeal, or after the order becomes final.

(b) The ONRR Director is authorized to conduct compromise and settlement communications, offer and accept compromise and settlement proposals, memorialize and sign compromise and settlement agreements or writings, withdraw orders, waive or reduce amounts in the order, waive or reduce interest, and take such other actions consistent with the compromise and settlement of matters by mutual agreement.

(c) During the appeal of an order or after an order becomes final, the ONRR Director is authorized to amend and revise the order or decision by mutual agreement with the party who appealed the order. The amendment or revision of an order or decision during appeal by mutual agreement with the appellant does not result in a new or separate appealable order or decision or necessitate a new or revised notice of appeal; provided, however, ONRR and appellant may by agreement submit new or amended statement of reasons and other briefing to conform to the new or amended order.

(d) The ONRR Director may delegate its authority to compromise and settle set forth in subparts (a) and (c) of this section either generally or for a specific matter.

(e) Nothing in this section shall alter, amend, or postpone the appeal deadlines set forth in any statute, the appeal procedures in 30 C.F.R., Part 1290, or otherwise.

- **ONRR sometimes conducts conflicting audits simultaneously.** It appears ONRR does not maintain a centralized system indicating which properties are currently being audited by whom. It is not uncommon for a lessee to receive an audit engagement letter for a property already under audit by another auditor. This creates unnecessary confusion.

- **The ONRR does not always provide lessees with sufficient time to respond to voluminous Data Requests.** The regulations permitting ONRR to seek information and data from lessees should also explicitly provide for, at minimum, 14 days in
which to respond. Although auditors often provide lessees with a standard 30
days in which to respond, some data requests have been issued for information
required within as little as 48 hours. Large lessees and small lessees alike are often
unable to respond to a data request within that timeframe, much less to ensure
the data request is being seen and reviewed by proper personnel within that
timeframe.

V. ONRR’s Revaluation of Production Using Load Oil is Erroneous

After decades of interpretation regarding valuation of oil brought to the surface using
“load oil,” ONRR changed its interpretation and began requiring valuation at an enhanced
quality rating. Load oil, such as diesel or other refined product, is injected into certain
heavy oil formations of low API gravity to increase the API value of these high viscosity oils
that otherwise cannot flow to the surface of the well. Operators have been producing
these heavy oils with the aid of load oil, and have valued the production for royalty
purposes based on gross proceeds received pursuant to an arm’s-length sales agreement
with the refinery on the actual value of the oil produced, not at the enhanced API gravity
of the oil with the refined product added. For example, lower-value oil of high viscosity at
an API gravity of 10º - 11º is injected with diesel oil to raise its API to between 16.6º and
22.5º in order to flow to the surface. This is done to enable production, not for quality
enhancement or marketing purposes. Through arm’s-length agreements with the refinery,
the operator is paid for the lower-quality oil stream and not for the load oil which is
supplied by and ultimately recovered by the refiner.

Nonetheless, in 2016, ONRR issued an order that changed decades-old interpretation,
including guidance issued in the early 1990s, and required that oil produced from leases
where load oil is used should be valued at a price equal to the price paid for the enhanced-
quality oil, even though the price received from the refinery at arm’s-length is the price for
the lower-quality oil. Under this order, ONRR has been requiring operators to, disregard
gross proceeds received from the sale, and to re-value their production from 2008 until
the present at the higher price of the enhanced oil.

The Mineral Leasing Act provides that a lessee pay royalties which equal a percentage of
the “amount or value of the production removed or sold from the lease.” 30 C.F.R. §
226(b), (c), (i) Act of August 28, 1946, 68 Stat. 583, amending the Mineral Leasing Act of
1920. MMS historically recognized that it was not entitled to assess royalties on anything
other than the value of the native oil produced from federal or Indian leases.
Consequently, MMS/ONRR have not previously assessed royalties on off-lease oil that was
brought onto the lease to facilitate operations, whether from a different federal lease
after royalties were paid in the first instance or from non-federal leases for which no
federal royalties are due. Thus, the government can only assess royalties on actual
production from the lease and not on load oil or refined product brought onto the lease to
stimulate or enhance production. For example, in Davis Exploration, 112 IBLA 254 (1989),
MMS looked at an analogous issue and concluded that it lacked statutory authority to
assess royalties on the value of the oil produced on another lease that was used at the surface for blending purposes. In that case, MMS determined that it would be erroneous for it to assess royalties on the value of 40% oil that was blended into the native production from the wells because the oil was brought in from outside the lease. This conclusion is driven by the fact that the federal government is only authorized to assess royalties on the value of production from the lease itself. Case law also supports this conclusion, including Pacific Gas & Electric Co. v. Zuckerman, 189 Cal. App. 3d 1113, 93 O.&G.R. 9 (1987), and Humble Oil & Refining Co. v. West, 508 S.W.2d 812, 48 O.&G.R. 516 (Tex. 1974), and Exxon Mobile Corp. v. Alabama Department of Conservation & Natural Resources, 986 So. 2d 1093, 1112 (Ala. 2007).

ONRR's own guidance supports valuation of the oil produced from the lease not including the load oil. The Payor Handbook, Section 3.4.2 states plainly that, "[l]oad oil is not considered oil used for quality enhancement." Yet since 2016, ONRR acted contrary to its own guidance by seeking to assess royalties, not based on gross proceeds, but instead on the enhanced value of the load oil/heavy oil mixture. Western Energy Alliance requests that ONRR rescind all 2016 orders requiring the new interpretation and return to the well-established interpretation that recognizes the actual gross proceeds that operators receive.

VI. Conclusion

Western Energy Alliance believes the Department should take this opportunity to review the flawed royalty valuation program and overhaul the entire system. We look forward to working with the Department to develop a royalty program that is fair and provides clarity for America's independent oil and gas producers in the West, while providing the federal government with the royalties on production that are due to taxpayers.

Thank you for your consideration of these comments,

Sincerely,

Kathleen M. Sgamma
President
Thank you for your email. I am currently out of the office on work travel on the West Coast until Friday, October 6th. If this needs to be addressed before then, please reach out to my colleague Khary Cauthen, Senior Director of Federal Relations (cauthenk@api.org), while I am out. Otherwise, I will catch up with you when I return.
Thanks for your email. I will be out of the office Thursday, October 5th, and Friday, October 6th. I'll get back to you as soon as possible.
Tim Williams
Deputy Director External Affairs
Office of the Secretary
U.S. Department of the Interior
Desk: (202) 208-6015
Cell: (202) 706-4982

NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.
News Release

Washington, D.C. For immediate release
Contact: Interior_Press@ios.doi.gov
Date: October 5, 2017

BLM cancels 10 million acre Sagebrush Focal Area Withdrawal Proposal

WASHINGTON, D.C. – Based on a recent analysis and review of data available that showed that future mining is not a significant threat to sage grouse habitat, the Bureau of Land Management has canceled its Sagebrush Focal Area withdrawal application and the Department’s proposed withdrawal of 10 million acres of federal lands from location and entry under the mining law in Greater Sage-grouse habitat in six Western States. The BLM also terminated the associated environmental analysis process. The notice of cancellation can be found on the BLM website here: https://on.doi.gov/2hOpRxn.

The BLM determined the proposal to withdraw 10 million acres was unreasonable in light of the data that showed that mining affected less than .1 percent of sage-grouse-occupied range.

“The proposal to withdraw 10 million acres to prevent 10,000 from potential mineral development was a complete overreach,” said Acting BLM Director Mike Nedd. “Secretary Zinke has said from the beginning that by working closely with the states, who are on the front lines and a valued partner in protecting the health of these lands, we can be successful in conserving greater sage grouse habitat without stifling economic development and job growth. And that’s what we intend to do—protect important habitat while also being a good neighbor to states and local communities.”

The recommendation to withdraw nearly 10 million acres from location and entry under the mining law was one of many land use restrictions proposed for a new management area designated as the Sagebrush Focal Area (SFA). However, that recommendation was unreasonable in light of the data available. In particular, the U.S. Fish and Wildlife Service’s 2005 “Not Warranted” decision, the 2010 “Warranted But Precluded” Decision
and the 2015 “Not Warranted” decision all showed that mining—including locatable mining—was not a significant threat to sage-grouse.

The lands will continue to be managed in accordance with existing plans, programs, policies and regulations in Idaho, Montana, Nevada, Oregon, Utah and Wyoming. They had been temporarily segregated, or closed to new mining claims for 2 years when the Department originally proposed the lands for withdrawal in 2015, while the agency studied whether locatable mineral exploration and mining projects would adversely affect habitat important to the greater sage grouse. That temporary segregation period expired September 24, 2017.

-BLM-
WASHINGTON – Given a finding by the U.S. District Court for the District of Nevada that the Bureau of Land Management’s designation of Sagebrush Focal Areas in its 2015 greater sage-grouse plan amendment for Nevada was illegal, the Bureau today offered the public an opportunity to comment and share issues for its consideration as it explores potential amendments to greater sage-grouse land use plans, to help improve sage-grouse conservation, and to strengthen communication and collaboration between states and the federal government. The plans, which were adopted in 2014 and 2015, provide guidance and direction about the management of public lands in 10 Western states: California, Colorado, Idaho, Nevada, Oregon, Wyoming, North Dakota, South Dakota, Utah and Montana.

“The BLM is committed to being a good neighbor and cooperating with its partners at all levels of government, including states, as well as tribal leaders, industry and conservation groups, ranchers, and other stakeholders throughout the amendment process,” said BLM Acting Director Mike Nedd. “During this process, we are particularly interested in hearing from the many governors whose states put hard work and time into collaborative efforts to develop the existing plans. We welcome their input.”

The U.S. District Court for the District of Nevada ruled in March 2017 that the BLM failed to adequately evaluate the designation of Sagebrush Focal Areas in its 2015 greater sage-grouse plan amendment for Nevada. In order to comply with the court’s order and to address issues raised by various interested parties, and to consider recommendations in the August 4, 2017 report prepared by the Department of the Interior’s Greater Sage-Grouse Review Team in Response to Secretary’s Order 3353 (SO 3353), the BLM intends to consider amending these plans.

The BLM will soon publish a Notice of Intent in the Federal Register to announce the beginning of a scoping process to solicit public comments on greater sage-grouse land management issues that could warrant land use plan amendments. The BLM also wants to receive input on whether that planning effort should occur through state-by-state amendment processes, and in particular looks forward to receiving comments from the Governors of each state. The notice has been sent to the Federal Register and is awaiting publication. Publication of the notice initiates a process that could eventually result in some changes, significant changes or no changes at all. The notice can be read on the BLM website: https://on.doi.gov/2fNuFPt.

“The federal agencies and states involved in developing the Report in Response to Secretarial Order 3353 remain committed to an approach that balances durable, long-term conservation of the Greater Sage-Grouse without adversely affecting economic development in local communities across the West,”
The Notice of Intent is posted on the BLM website here and is awaiting publication. The public can provide comments for 45 days from the date the notice appears in the Federal Register using this webpage: http://bit.ly/GRSGplanning. The BLM will announce any public meetings it plans to hold through local media in each state.

- BLM -

The BLM manages more than 245 million acres of public land, the most of any federal agency. This land is primarily located in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM’s mission is to manage and conserve the public lands for the use and enjoyment of present and future generations under our mandate of multiple-use and sustained yield.
Thanks, Tim!

I guess I should have included the attachments. Let me know if you have any questions.

Tim Williams

--

Tim Williams
Deputy Director External Affairs
Office of the Secretary
U.S. Department of the Interior
Desk: (202) 208-6015
Cell: (202) 706-4982

NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.

If you do not want to receive future emails from Colorado Oil & Gas Association, go to: Opt-Out <http://www.cvent.com/d/8koQcUJL0tiT5_uSWuJsRg/qnbr/E1/8D>

Cvent - Web-based Software Solutions <http://www.cvent.com>
<http://www.cvent.com/Events/images/qnbr/71104af2-4b42-4b2f-93e7-fb925ae26c46.gifx>
Please give me a call when you have a moment. 208-4070

Casey
Tim and Casey,

Thanks again for agreeing to speak at 2017 IPAA’s Regulators’ Forum. We are looking forward to having you join us. Attached is the list of attendees as well as the final agenda.

We have Tim scheduled from 11:45-12:15PM
And Casey scheduled from 1:00-1:30PM.

Between your presentation, we’re having a networking lunch from 12:15-1PM. You are more than welcomed to attend this as well.

From my records, neither of you planned to bring a powerpoint, if that has changed, please let me know ASAP. I will be introducing you. The chairs will be setup in a horseshoe-setup with a podium at the opening for you like this:

My cell is should you have any last minute questions. I look forward to having you join us!

Kind regards,
Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

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<thead>
<tr>
<th>Registration</th>
<th>Last Name</th>
<th>First Name</th>
<th>Badge</th>
<th>Company Name</th>
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<td>Washington</td>
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<td>Sarah</td>
<td>SARAH</td>
<td>Chesapeake Energy Corp.</td>
<td>Oklahoma City</td>
<td>OK</td>
<td><a href="mailto:sarah.gainer@chek.com">sarah.gainer@chek.com</a></td>
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<td><a href="mailto:megan.ganvey@qepres.com">megan.ganvey@qepres.com</a></td>
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<td>Jennifer</td>
<td>JENNIFER</td>
<td>Huntley &amp; Huntley Inc.</td>
<td>Monroeville</td>
<td>PA</td>
<td><a href="mailto:jennifer.hoffman@hhenergyco.com">jennifer.hoffman@hhenergyco.com</a></td>
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<td>KRISTA</td>
<td>Cimarex Energy Co.</td>
<td>Denver</td>
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<td><a href="mailto:kjohnson@cimarex.com">kjohnson@cimarex.com</a></td>
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<td><a href="mailto:shaoloper@encana.com">shaoloper@encana.com</a></td>
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<td><a href="mailto:emcdonald@mochipco.org">emcdonald@mochipco.org</a></td>
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<td>ROBERT</td>
<td>Concho Resources, Inc.</td>
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<td>Ulman</td>
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<td>RYAN</td>
<td>American Exploration &amp; Production Council</td>
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<td>9:00 AM</td>
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<td>9:30 AM - 10:30 AM</td>
<td>Mandy Gunasekara, Senior Policy Advisor, Office of the Administrator EPA</td>
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<td>10:45 AM - 11:30 AM</td>
<td>Aurelia Skipwith, Deputy Assistant Secretary Fish, Wildlife and Parks U.S. Department of the Interior</td>
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<td>Timothy Williams, Deputy Director External Affairs U.S. Department of the Interior</td>
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<td>Casey Hammond, Office of the Deputy Assistant Secretary for Land and Minerals Management U.S. Department of the Interior</td>
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<td>Nancy White, Director of Policy and Programs</td>
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Thanks

On Oct 16, 2017, at 2:50 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Tim and Casey,

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From my records, neither of you planned to bring a powerpoint, if that has changed, please let me know ASAP. I will be introducing you. The chairs will be setup in a horseshoe-setup with a podium at the opening for you like this:
My cell is (6) should you have any last minute questions. I look forward to having you join us!

Kind regards,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

<image001.jpg>

<17RF10_10.16 AM.XLS>

<172017RegulatorsForum_Agenda.pdf>
Change of plans. We just heard from Tom Garcia in Aurelia’s office and he said “DOI Comms” wants you guys to present in ascending order, per normal protocol.

As such, we were encouraged to update our schedule as follows:

10:45-11:15 Tim
11:15-11:30 Break
11:30-Noon Casey
Noon-12:45 Lunch
Aurelia 12:45-1:30PM

Does this work for you guys?

Please let me know ASAP!

From: Casey Hammond [mailto:casey_hammond@ios.doi.gov]
Sent: Monday, October 16, 2017 2:58 PM
To: Samantha McDonald <SMcDonald@ipaa.org>
Subject: Re: Final Agenda IPAA Regulators’ Forum Tomorrow

Thanks

On Oct 16, 2017, at 2:50 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

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My cell is 570-244-5113 should you have any last minute questions. I look forward to having you join us!

Kind regards,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
<17RF10_10.16 AM.XLS>

<172017RegulatorsForum_Agenda.pdf>
Actually the original is fine. The comms shop didn’t mean to insinuate a change in order. I’m still at 1245.

On Oct 16, 2017, at 4:02 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Change of plans. We just heard from Tom Garcia in Aurelia’s office and he said “DOI Comms” wants you guys to present in ascending order, per normal protocol.

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11:30-Noon Casey
Noon-12:45 Lunch
Aurelia 12:45-1:30PM

Does this work for you guys?

Please let me know ASAP!

From: Casey Hammond [mailto:casey_hammond@ios.doi.gov]
Sent: Monday, October 16, 2017 2:58 PM
To: Samantha McDonald <SMcDonald@ipaa.org>
Subject: Re: Final Agenda IPAA Regulators’ Forum Tomorrow

Thanks

On Oct 16, 2017, at 2:50 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Tim and Casey,
Thanks again for agreeing to speak at 2017 IPAA’s Regulators’ Forum. We are looking forward to having you join us. Attached is the list of attendees as well as the final agenda.

We have Tim scheduled from 11:45-12:15PM
And Casey scheduled from 1:00-1:30PM.

Between your presentation, we’re having a networking lunch from 12:15-1PM. You are more than welcomed to attend this as well.

From my records, neither of you planned to bring a powerpoint, if that has changed, please let me know ASAP. I will be introducing you. The chairs will be setup in a horseshoe-setup with a podium at the opening for you like this:

My cell is 570-244-5113 should you have any last minute questions. I look forward to having you join us!

Kind regards,

Sam

Samantha McDonald
Director of Government Relations
So is Aurelia now free in the morning? Tom told me she was now unable to stop by in the morning.

Actually the original is fine. The comms shop didn't mean to insinuate a change in order. I'm still at 1245.

On Oct 16, 2017, at 4:02 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Change of plans. We just heard from Tom Garcia in Aurelia’s office and he said “DOI Comms” wants you guys to present in ascending order, per normal protocol.

As such, we were encouraged to update our schedule as follows:

10:45-11:15 Tim
11:15-11:30 Break
11:30-Noon Casey
Noon-12:45 Lunch
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Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

<image001.jpg>

<17RF10_10.16 AM.XLS>
<172017RegulatorsForum_Agenda.pdf>
Thanks for everyone's patience. We've confirmed the original schedule will work (Aurelia, Tim then Casey after lunch). Sorry for the fire drill! See you all tomorrow.

Sam

Sent from my iPhone

On Oct 16, 2017, at 4:05 PM, Casey Hammond <casey_hammond@ios.doi.gov> wrote:

Actually the original is fine. The comms shop didn't mean to insinuate a change in order. I'm still at 12:45.

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Director of Government Relations
Independent Petroleum Association of America

<image001.jpg>

<17RF10_10.16 AM.XLS>

<172017RegulatorsForum_Agenda.pdf>
From: Colorado Oil & Gas Association
To: Jim Cason
Subject: You're Invited!
Date: Tuesday, October 17, 2017 3:34:00 PM

Eburst <mailto:annualmeeting@coga.org>
If you do not want to receive future emails from Colorado Oil & Gas Association, go to: Opt-Out
<http://www.event.com/d/n2OFGj86p06ZFEF3WC53rg/qnbr/E1/8D>

Cvent - Web-based Software Solutions <http://www.event.com>
<http://www.event.com/Events/images/qnbr/1a85639f-3a3f-4ea7-9914-4177582e77ae.gifx>
I will be out of the office until Monday, October 30th. I will have occasional access to email during this time. If you need immediate assistance please contact Tracie Lassiter at 202-208-6734.
Hello,

Just wanted to give you all a heads up that we publicly released all our sage grouse emails to the Department today, as per the WVP FOIA lawsuit. The reason should be obvious from the press release below.

Kathleen Sgamma
President
Western Energy Alliance
1775 Sherman St., Suite 2700
Denver, CO 80203
(303) 501-1059 direct
(303) 623-0987 main
ksgamma@westernenergyalliance.org
westernenergyalliance.org
@KathleenSgamma

From: Aaron Johnson  
Sent: Wednesday, October 25, 2017 11:37 AM  
To: Kathleen Sgamma  
Subject: Alliance Releases Sage Grouse Emails, Calls on Environmental Lobbyists to Do the Same

Release is out and posted.
The Alliance understands WVP’s frustrations. The government is big and bureaucratic, and FOIAs routinely take much longer than they’re supposed to by law. Western Energy Alliance made several FOIA requests during the Obama Administration that took years to resolve.

“To help WVP out, we’re releasing all our communications with Interior’s Sage Grouse Review Team, as requested in WVP’s lawsuit,” said Sgamma. “Our emails all can be found on our Source Rock blog. I know WVP will be disappointed because there’s nothing juicy in the emails—just submissions to the public docket that are already publicly available, routine press announcements from Interior, and a letter to the sage grouse review team summarizing our public comments on sage grouse. We’re one of many stakeholders communicating appropriately with the federal government and we have nothing to hide.”

“In this spirit of transparency and openness, Western Energy Alliance calls on WVP and all environmental groups engaged on sage grouse issues such as the Center for Biological Diversity, WildEarth Guardians and Defenders of Wildlife, to name just a few, to follow our lead and release all their communications with the Interior Department between August 2011, when BLM embarked on its sage grouse planning strategy, and September 22, 2015 when the final sage grouse plans were announced by Secretary Jewell. Then it will become obvious which groups really colluded improperly with the government.”

###

Western Energy Alliance represents over 300 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in the West. Alliance members are independents, the majority of which are small businesses with an average of fifteen employees. Learn more at [www.WesternEnergyAlliance.org](http://www.WesternEnergyAlliance.org).

---------------------------------------------

This email and any files transmitted with it are confidential and intended solely for the viewing use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.
Thank you for your email. I am currently out of the office on vacation until Monday, October 30th. If this needs to be addressed before then, please reach out to my colleague Khary Cauthen, Senior Director of Federal Relations (cauthenk@api.org), while I am out. Otherwise, I will catch up with you when I return.
Greg,

I hope this note finds you well. One of my wildlife experts, Nick Owens with Anadarko, will be in town in two weeks for the IAIA Biodiversity Symposium where he’ll be presenting. Is there any chance you’d be available the morning of Nov 16th where I could introduce to you so you could hear about some of the innovative things he’s involved with in the field?

Thanks in advance for the consideration!

Kind regards,

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
I'm out of the office on vacation until Monday, November 6th. For media inquiries, please contact Aaron Johnson, ajohnson@westernenergyalliance.org.
EnGen-Graduation-and-Capstone-eBurstV3

<mailto:paige.olivier@coga.org>

If you do not want to receive future emails from Rachel McNerney, go to: Opt-Out <http://www.event.com/d/DPWuFODDRkKhJuJ94W1miO/qnbr/E1/8D>.

Cvent - Web-based Software Solutions <http://www.event.com>
<http://www.event.com/Events/images/qnbr/14aef50c-c3e0-4246-a126-e27de1622689.gifx>
Any word on the solicitor’s opinion yet?

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
Good morning, Greg.

I’m headed out on some work travel, but wanted to check-in to see if you may have ten minutes to spare next Thursday morning, Nov 16. In addition to Nick from Anadarko, another one of my biologists, Megan Maxwell with QEP will also be in attendance.

Thanks in advance!

Sam McDonald
IPAA
Director of Government Relations

Independent Petroleum Association of America

I'm traveling and back in the office on Thursday, November 16th. For media inquiries, please contact Aaron Johnson, ajohnson@westernenergyalliance.org.
Dear Jim,

On the recommendation of Gale Norton, it is a genuine pleasure to invite you to be a speaker at the 29th Annual Energy Summit on August 23rd in Denver, Colorado. I know Gale has already contacted you about this opportunity and we would be thrilled to have you participate! Attached you will find a formal invitation detailing our conference, this year’s theme, and our expected programming related to your talk. The thought is that he will have a fireside chat with Gale, who is already a confirmed speaker.

I am eager to speak with you soon to further discuss this opportunity and answer any questions you may have. We are looking forward to your potential participation, and creating an excellent dialogue and experience for our speakers and attendees. Thank you for your consideration.

Can you please let me know ASAP if this is a possibility so we can finalize our programming?

Sincerely,

Rachel McNerney
Programs & Administrative Coordinator
Colorado Oil & Gas Association <http://www.coga.org/>


COGA Confidentiality Notice - This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information
contained in or attached to this transmission is Strictly Prohibited. If you have received this transmission in error, please contact the sender and delete the communication and its attachments immediately. Thank you.
August 14, 2017

Jim Cason
United States Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Re: Invitation to be a Keynote Speaker at COGA’s 2017 Annual Conference

Dear Secretary Zinke,

It is a genuine pleasure to formally invite you to be a keynote speaker at the Colorado Oil & Gas Association’s 2017 Annual Conference at the Colorado Convention Center in downtown Denver, August 22 to 24, 2017. We plan to once again address the most pressing issues facing energy development regionally and around the world at this nationally-recognized event for industry stakeholders. Our audience of approximately 1,500 attendees includes those in the oil and gas industry, academia, regulators, business leaders, environmentalists, and members of the media. An addendum including some of our 2016 speakers can be found at the end of this letter for your reference.

COGA’s Annual Conference has evolved since its inception in 1989 to be a nationally-recognized event for industry stakeholders, as such we will be expanding our scope beyond the Rocky Mountains in 2017. The conference is the longest running conference of its kind and distinguishes itself by inspiring positive engagement and innovation in our industry. After 28 years, this conference maintains a reputation for delivering thought provoking content and exceptional industry networking opportunities.

This year’s conference theme is “Cleaner, Better, Further, Safer”. As the oil and gas industry begins its recovery, the technological advances and strategic thinking that led to lower commodity prices, are now ushering in a new period of innovation, expertise, and development. The industry emerging from the recent downturn is better equipped to face the challenges and dynamics of a new modern era. Subjects will include:

- Analyses of markets from industry’s top analysts, including considerations of pricing, basin economics, transportation and export for oil, gas, NGLs, and LNG;
- Dialogue from industry executives on strategic positioning for better success and managing new workplace dynamics from mergers to millennials;
- A survey on how big data and advanced predictive analytics are being utilized to optimize industry operations;
- An overview of the evolution of various channels to capital;
- An examination of how industry’s constant drive to innovate has resulted in pioneering technology that improves the value chain from the upstream sector to the consumer;
- Focus on how safety awareness in oil and gas has evolved to its most effective culture yet; and
- A robust discussion on America’s energy plan from our country’s top federal leaders.
Our conference certainly aims to cover much ground, and keynote remarks from you would be especially compelling. We hope to feature your remarks during the keynote luncheon on Wednesday, August 23rd, 2017. This is one of our most well-attended luncheons and we want to ensure that we highlight your participation. We want to facilitate a fireside chat on the topic of “Federal Energy Policy: The Strategy and Future of America’s Energy Plan” with you and former Secretary of the Interior Gale Norton (confirmed). We think our audience and the timing of our conference make this an ideal forum for a thoughtful dialogue on America’s strategic energy future.

We hope you will accept our invitation, and I look forward to working with you to finalize your engagement. If you or your assistant have questions regarding scheduling, travel or other logistics, please contact our Speaker Liaison, Rachel McNerney, at 303-861-0362 or via email at rachel.mcnerney@coga.org.

We look forward to hearing back from you and to having your insights shared at our conference. I will be following up with you shortly to discuss this opportunity.

Sincerely,

Sarah Sandberg
Chief Operating Officer
Colorado Oil & Gas Association
Conference Director

David Posner
President
EnVent Energy, LLC
Conference Co-Chair

Chip Rimer
Senior Vice President, US Onshore
Noble Energy, Inc.
Conference Co-Chair
Addendum – Selection of 2016 Energy Summit Speakers

- Doug Arent—Executive Director, Joint Institute for Strategic Energy Analysis (JISEA), National Renewable Energy Laboratory (NREL)
- Honorable Michael Bennet, United States Senator, State of Colorado
- Bart Brookman, President & CEO, PDC Energy
- Kelly Brough, President & CEO, Denver Metro Chamber of Commerce
- Joe Ellis, President, Chairman and CEO, Denver Broncos
- Hans-Christian Freitag, Vice President Integrated Technology, Baker Hughes
- Honorable Cory Gardner, United States Senator, State of Colorado
- Ramona Graves, Professor and Dean, College of Earth Resource Sciences & Engineering, CSM
- Harold Hamm, Chairman & CEO, Continental Resources
- Karen Harbert, President & CEO, Institute for 21st Century Energy, U.S. Chamber of Commerce
- Honorable John Hickenlooper, Governor of Colorado
- Brad Holly, Senior Vice President Operations Rockies, Anadarko Petroleum Corporation
- Jamie Jost, Managing Shareholder, Jost Energy Law, PC
- Phil Mason, President, Pressure Control, GE Oil & Gas
- Mike Ming, General Manager, GE Global Research Oil & Gas Technology Center
- Lynn Peterson, Chairman & CEO, Synergy Resources
- Chip Rimer, Senior Vice President US Onshore, Noble Energy
- Honorable Bill Ritter, Director, Center for the New Energy Economy, CSU
- Gary Sernovitz, Managing Director, Lime Rock Partners, Bestselling Author, The Green and the Black
- Dave Stover, Chairman, President & CEO, Noble Energy
- Wouter van Kempen, Chairman, President & CEO, DCP Midstream
- Jim Volker, Chairman, President & CEO, Whiting Petroleum Corporation
- Al Walker, Chairman, President & CEO, Anadarko Petroleum Corporation
- Jamie Webster, Fellow at Columbia Center for Global Energy Policy
- Chris Wright, CEO, Liberty Oilfield Services and Liberty Resources
Good morning, Jim,

I just wanted to send a quick follow up email in regards to this potential speaking engagement next week. Do you have any updates on whether or not you will be able to make it?

I look forward to hearing back from you.

Thanks!

Rachel McNerney, CAP

On the recommendation of Gale Norton, it is a genuine pleasure to invite you to be a speaker at the 29th Annual Energy Summit on August 23rd in Denver, Colorado. I know Gale has already contacted you about this opportunity and we would be thrilled to have you participate! Attached you will find a formal invitation detailing our conference, this year’s theme, and our expected programming related to your talk. The thought is that he will have a fireside chat with Gale, who is already a confirmed speaker.

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Programs & Administrative Coordinator

Colorado Oil & Gas Association <http://www.coga.org/>


<http://www.theenergysummit.org/>


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Hi Tim,

I hope this note finds you well. I have a favor to ask. IPAA is having an IPAA Regulators’ Forum on Tuesday, October 17 at our building in NW DC where we fill a day with speakers from various agencies. Would you be able to speak to our group on your job, and how you bridge coalitions and secretarial priorities? Ideally, we’d like for you to present for about 20 minutes and take 10 minutes for questions and answers. We’re somewhat flexible on time, and could work around your busy schedule. This meeting is off the record. Power point will be available, if you so choose.

In the interest of full disclosure, we have also invited a few other folks from DOI, Bernhardt (who may have recusal issues), and Aurelia Skipwith. We have also confirmed Patrick Traylor and Mandy Guneskara from EPA.

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

Hi Samantha. I should be able to make it. I am including Valeri who handles my schedule.

Tim Williams

On Fri, Sep 8, 2017 at 9:49 AM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Hi Tim,

I hope this note finds you well. I have a favor to ask. IPAA is having an IPAA Regulators’ Forum on Tuesday, October 17 at our building in NW DC where we fill a day with speakers from various agencies. Would you be able to speak to our group on your job, and how you bridge coalitions and secretarial priorities? Ideally, we’d like for you to present for about 20 minutes and take 10 minutes for questions and answers. We’re somewhat flexible on time, and could work around your busy schedule. This meeting is off the record. Power point will be available, if you so choose.

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Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
Office of the Secretary

U.S. Department of the Interior

Desk: (202) 208-6015

Cell: (202) 706-4982

NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.
Mr. Williams –

Thank you for inviting Jack Gerard to attend the DOI roundtable discussion below on October 2nd. Unfortunately he will be out of town but has asked Erik Milito, our Group Director for Upstream and Industry Operations, to attend on his behalf. Please let me know if you need any additional information.

Kind regards,

Susan

Susan A. Tackish
EA to the President & CEO

API | 1220 L Street, NW | Washington, DC 20005
202.682.8502 P | 202.682.8110 F | tackishs@api.org
strategies.

We understand that on such short notice you may not be able to attend, yet we are excited to have an executive from your organization here at DOI to make this as a productive conversation as possible.

This roundtable will have long lasting effects on how this administration deals with rolling back over burdensome regulations, especially since we will have 20+ other organization's leadership in attendance.

Also I wanted to mention how much we appreciate Jay Copan expertise and his leadership regarding the 2018 WGC. This department's senior leadership and myself are extremely excited to work with him and others on next year's event!

More information will be released later in the week about the roundtable, yet feel free to contact myself or Tim Williams if you have any other questions.

MAGA,

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541
Jack Gerard
President & CEO of American Gas Association

You are cordially invited to attend

Cut the Red Tape
Liberating America from Bureaucracy

A Summit hosted by Secretary Ryan Zinke

Monday, the second of October two thousand and seventeen
from 2:00pm-3:00pm

U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Details and logistical information to follow

Please RSVP by Wednesday, September 27th to Timothy Williams@ios.doi.gov

This invitation is non-transferable
Hi Susan We would be happy to have Mr Milito. If you could send us his contact information?

All the best, Tim Williams

On Tue, Sep 26, 2017 at 1:42 PM, Susan Tackish <tackishs@api.org> wrote:

Mr. Williams –

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API | 1220 L Street, NW | Washington, DC 20005
202.682.8502 P | 202.682.8110 F | tackishs@api.org <mailto:tackishs@api.org>
Greetings Mr. Gerard,

The Secretary and Deputy Secretary of DOI will be hosting a round table event from 2-3pm on Monday October 2nd here at the main Interior building in conjunction with an earlier event at the WH. The topic is deregulation strategies.

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Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

--

Tim Williams
Deputy Director External Affairs
Office of the Secretary

U.S. Department of the Interior

Desk: (202) 208-6015

Cell: (202) 706-4982

NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.
I will be out of the office for Sept. 26-27. For immediate assistance, please contact Francis Weaver, weaverf@api.org, 202-682-8259, or Stephanie Meadows, meadows@api.org, 202-682-8758.

Thank you.

Best regards,

Erik
From: Susan Tackish
To: Williams, Timothy
Cc: jason_funes@ios.doi.gov; Erik Milito; Carrie Domnitch
Subject: RE: FW: Invitation to Attend a Roundtable Event Hosted By Secretary Zinke - 10/2/17
Date: Tuesday, September 26, 2017 1:48:19 PM

Thanks. He may be reached at militoe@api.org or 202-682-8273. Best, Susan

From: Williams, Timothy [mailto:timothy_williams@ios.doi.gov]
Sent: Tuesday, September 26, 2017 1:45 PM
To: Susan Tackish
Cc: jason_funes@ios.doi.gov; Erik Milito; Carrie Domnitch
Subject: Re: FW: Invitation to Attend a Roundtable Event Hosted By Secretary Zinke - 10/2/17

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Kind regards,

Susan

Susan A. Tackish

EA to the President & CEO
From: Funes, Jason [mailto:jason_funes@ios.doi.gov]
Sent: Monday, September 25, 2017 1:49 PM
To: Jack Gerard; Susan Tackish
Cc: Carrie Domnitch
Subject: Invitation to Attend a Roundtable Event Hosted By Secretary Zinke - 10/2/17

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Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary

Department of the Interior

Office: (202) 208-5541

--

Tim Williams

Deputy Director External Affairs

Office of the Secretary

U.S. Department of the Interior

Desk: (202) 208-6015

Cell: (202) 706-4982

NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.
Jason,

Thank you for the invite and it will be a privilege for me to attend. You can confirm me for the event.

Best regards,

Erik

On Sep 26, 2017, at 12:39 PM, Jason Funes <jason_funes@ios.doi.gov> wrote:

Greetings Erik,

I will send you a formal invite before the end of the day, but it would be wonderful having you as part of a roundtable discussion regarding deregulation strategies with Secretary Zinke and Deputy Secretary Bernhardt.

This will be held at DOI building on October 2nd between 2-3pm.

We look forward to having you join us!

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
(202) 208-5541

On Sep 26, 2017, at 1:54 PM, Susan Tackish <tackishs@api.org> wrote:

Thanks. He may be reached at militoe@api.org or 202-682-8273. Best, Susan

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API | 1220 L Street, NW | Washington, DC 20005
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We understand that on such short notice you may not be able to attend, yet we are excited to have an executive from your organization here at DOI to make this as a productive conversation as possible.

This roundtable will have long lasting effects on how this administration deals with rolling back over burdensome regulations, especially since we will have 20+ other organization's leadership in attendance.

Also I wanted to mention how much we appreciate Jay Copan expertise and his leadership regarding the 2018 WGC. This department's senior leadership and myself are extremely excited to work with him and others on next year's event!

More information will be released later in the week about the roundtable, yet feel free to contact myself or Tim Williams if you have any other questions.

MAGA,

Jason Funes
Special Assistant
Intergovernmental and External Affairs
Office of the Secretary
Department of the Interior
Office: (202) 208-5541

--

Tim Williams
Deputy Director External Affairs
Office of the Secretary
U.S. Department of the Interior
Desk: (202) 208-6015
Cell: (202) 706-4982

NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.
Casey,

IPAA is hosting a Regulators' Forum for our members in D.C. on Tuesday, October 17. Would you be able to join us as a speaker to touch on BLM issues?

Ideally, we'd ask for you to present for about 20 minutes and take 10 minutes of Q&A. PowerPoint will be available. We've already confirmed speakers from PHMSA and EPA. From DOI, we have Tim Williams and tentative yes from Aurelia Skipwith.

Let me know your availability. I'm happy to answer any questions you may have.

Best,

Sam McDonald
IPAA

Sent from my iPhone
Casey,

IPAA is hosting a Regulators' Forum for our members in D.C. on Tuesday, October 17. Would you be able to join us as a speaker to touch on BLM issues?

Ideally, we'd ask for you to present for about 20 minutes and take 10 minutes of Q&A. PowerPoint will be available. We've already confirmed speakers from PHMSA and EPA. From DOI, we have Tim Williams and tentative yes from Aurelia Skipwith.

Let me know your availability. I'm happy to answer any questions you may have.

Best,

Sam McDonald
IPAA

Sent from my iPhone
Any thoughts to this request?

Sent from my iPad

> On Oct 4, 2017, at 11:19 AM, Samantha McDonald <SMcDonald@ipaa.org> wrote:
> > Casey,
> > > IPAA is hosting a Regulators' Forum for our members in D.C. on Tuesday, October 17. Would you be able to join us as a speaker to touch on BLM issues?
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> > >
> > > Sent from my iPhone
Any thoughts to this request?

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> 
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> Let me know your availability. I'm happy to answer any questions you may have.
> 
> Best,
> 
> Sam McDonald
> 
> IPAA
> 
> Sent from my iPhone
On Fri, Oct 6, 2017 at 2:16 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

   Any thoughts to this request?

   Sent from my iPad

> On Oct 4, 2017, at 11:19 AM, Samantha McDonald <SMcDonald@ipaa.org> wrote:
>    > Casey,
>    > IPAA is hosting a Regulators' Forum for our members in D.C. on Tuesday, October 17. Would you be able to join us as a speaker to touch on BLM issues?
>    > Ideally, we'd ask for you to present for about 20 minutes and take 10 minutes of Q&A. PowerPoint will be available. We've already confirmed speakers from PHMSA and EPA. From DOI, we have Tim Williams and tentative yes from Aurelia Skipwith.
>    > Let me know your availability. I'm happy to answer any questions you may have.
>    >
>    > Sam McDonald
>    > IPAA
>    > Sent from my iPhone
Hello. What is the location?

On Fri, Oct 6, 2017 at 2:16 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Any thoughts to this request?

Sent from my iPad

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> > 
> > > Best,
> > > 
> > > Sam McDonald
> > > IPAA
> > > 
> > > 
> > > Sent from my iPhone
1201 15th St NW, Wash, DC (NAHB building, ground floor)

Sent from my iPad

On Oct 10, 2017, at 7:17 PM, Hammond, Casey <casey_hammond@ios.doi.gov> wrote:

Hello. What is the location?

On Fri, Oct 6, 2017 at 2:16 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

Any thoughts to this request?

Sent from my iPad

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Valerie,

We are excited to have Tim join us next week. Would the 11:45AM-12:15PM timeslot next Tuesday work for him? We have confirmed about 30 attendees, plus IPAA staff. The meeting will be held on the first floor of the NAHB Building, 1201 15th St NW. The topic is open, but we’d like for him to touch on what he’s working on at DOI, challenges to coalitions and outreach, and recommendations for independent producers to become more engaged.

Could you send us:

* Tim’s headshot
* Tim’s Bio
* Let us know whether or not Tim will be using powerpoint

We have also confirmed two other DOI employees, Casey Hammond and a tentative yes from Aurelia Skipwith. They required us to relay information for ethics approval. If you also require this, the answers to the form are as follows:

* Are there any costs associated with attending this event? Event is free for all in attendance.
* Are there any gifts, food, or materials that have any monetary value that will be given to attendees of the event? (if so, can that cost workup be provided) Lunch, light refreshments, and snacks will be available
* How many guests were invited to this event? We expect a total of about 8 speakers and 40-50 attendees. Invites went out to roughly 250 IPAA members
* Is Tim a panel/guest speaker? Casey will participate as a speaker with a slot of 30 minutes total. Format is for a brief presentation with a conversational Q&A session to follow

Kind regards,

Sam
Hi Tim,

I hope this note finds you well. I have a favor to ask. IPAA is having an IPAA Regulators’ Forum on Tuesday, October 17 at our building in NW DC where we fill a day with speakers from various agencies. Would you be able to speak to our group on your job, and how you bridge coalitions and secretarial priorities? Ideally, we’d like for you to present for about 20 minutes and take 10 minutes for questions and answers. We’re somewhat flexible on time, and could work around your busy schedule. This meeting is off the record. Power point will be available, if you so choose.

In the interest of full disclosure, we have also invited a few other folks from DOI, Bernhardt (who may have recusal issues), and Aurelia Skipwith. We have also confirmed Patrick Traylor and Mandy Guneskara from EPA.

Sam

Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America
Desk: (202) 208-6015

Cell: (202) 706-4982

NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.
Valerie,

A couple of quick questions:

1. Could you please let us know by COB is Tim is available for the 11:45-12:15 times slot? We need to finalize the agenda for our members.
2. Could you please send me Tim’s Bio and Headshot?
3. Let us know if Tim will be using PowerPoint.

Thanks so much for your help!

Sam

Valerie,

We are excited to have Tim join us next week. Would the 11:45AM-12:15PM timeslot next Tuesday work for him? We have confirmed about 30 attendees, plus IPAA staff. The meeting will be held on the first floor of the NAHB Building, 1201 15th St NW. The topic is open, but we’d like for him to touch on what he’s working on at DOI, challenges to coalitions and outreach, and recommendations for independent producers to become more engaged.

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Kind regards,

Sam

---

From: Williams, Timothy [mailto:timothy_williams@ios.doi.gov]
Sent: Friday, September 8, 2017 12:42 PM
To: Samantha McDonald <SMcDonald@ipaa.org>; Valerie Smith <Valerie_V_Smith@ios.doi.gov>
Subject: Re: Speaking in Invitation 10.17.17

Hi Samantha. I should be able to make it. I am including Valeri who handles my schedule.

Tim Williams

On Fri, Sep 8, 2017 at 9:49 AM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

  Hi Tim,

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Samantha McDonald
Director of Government Relations
Independent Petroleum Association of America

--

Tim Williams
Deputy Director External Affairs
Office of the Secretary
U.S. Department of the Interior
Desk: (202) 208-6015
Cell: (202) 706-4982

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Thanks! Its next Tuesday, Oct 17. Attached is our agenda.

———
From: Samantha McDonald
To: Smith, Valerie
Cc: Williams, Timothy
Subject: RE: Speaking in Invitation 10.17.17
Date: Thursday, October 12, 2017 4:05:36 PM
Attachments: 172017RegulatorsForum_Agenda.pdf

———

Good Afternoon Samantha,

Can you provide me with the date of the meeting, I will check Timothy calendar.

Also, I will send you Timothy head shot and Bio.

Please advise if you any questions.

Thanks

Valerie V. Smith
Program Assistant, Office of Intergovernmental and External Affairs
Office of the Secretary - Department of the Interior - Room 6213
(202) 208-1923 (office)
valerie_v_smith@ios.doi.gov

On Thu, Oct 12, 2017 at 2:19 PM, Samantha McDonald <SMcDonald@ipaa.org> wrote:

———
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A couple of quick questions:

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Sam

Samantha McDonald  
Director of Government Relations  
Independent Petroleum Association of America  
(202)857-4722 / Visit IPAA / Visit ESA Watch

--

Tim Williams  
Deputy Director External Affairs  
Office of the Secretary  
U.S. Department of the Interior  
Desk: (202) 208-6015  
Cell: (202) 706-4982

NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.
<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:00 AM</td>
<td>Coffee &amp; Pastries</td>
</tr>
<tr>
<td>9:15 AM</td>
<td>IPAA Opening Remarks</td>
</tr>
<tr>
<td>9:30 AM - 10:30 AM</td>
<td>Mandy Gunasekara, Senior Policy Advisor, Office of the Administrator EPA</td>
</tr>
<tr>
<td>10:30 AM - 10:45 AM</td>
<td>Break</td>
</tr>
<tr>
<td>10:45 AM - 11:30 AM</td>
<td>Aurelia Skipwith, Deputy Assistant Secretary Fish, Wildlife and Parks U.S. Department of the Interior</td>
</tr>
<tr>
<td>11:45 AM - 12:15 PM</td>
<td>Timothy Williams, Deputy Director External Affairs U.S. Department of the Interior</td>
</tr>
<tr>
<td>12:15 PM - 1:00 PM</td>
<td>Networking Lunch</td>
</tr>
<tr>
<td>1:00 PM - 1:30 PM</td>
<td>Casey Hammond, Office of the Deputy Assistant Secretary for Land and Minerals Management U.S. Department of the Interior</td>
</tr>
<tr>
<td>1:30 PM - 2:30 PM</td>
<td>PHMSA</td>
</tr>
<tr>
<td></td>
<td>John Gale, Director of Standards and Rulemaking</td>
</tr>
<tr>
<td></td>
<td>Alan Mayberry, Associate Administrator for Pipeline Safety</td>
</tr>
<tr>
<td></td>
<td>Nancy White, Director of Policy and Programs</td>
</tr>
<tr>
<td>2:30 PM</td>
<td>Group Discussion/Closing Remarks</td>
</tr>
<tr>
<td>3:00 PM</td>
<td>Adjourn</td>
</tr>
</tbody>
</table>
Meeting with API

- Vincent DeVito, Counselor to the Secretary for Energy Policy
- Richard Ranger, Senior Policy Advisor
- Carrie Domnitch, Director of Federal Relations, Federal Relations Department
- Matthew Haynie, Senior Counsel, Law Department

When

Wed Jun 7, 2017 1pm – 1:30pm Eastern Time

Where

Room 6136, U.S. Department of the Interior, 1849 C Street, NW, Washington, D.C. (map)

Video call

Calendar

rangerr@api.org

Who

• vincent_devito@ios.doi.gov - organizer
• gisella_ojeda-dodds@ios.doi.gov - creator
• rangerr@api.org

Going?

Yes

Maybe

No

more options

Invitation from Google Calendar

You are receiving this courtesy email at the account rangerr@api.org because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively, you can sign up for a Google account at https://www.google.com/calendar and control your notification settings for your entire calendar.

Forwarding this email could allow any recipient to modify your RSVP response. Learn More.
This event has been changed.

more details » https://www.google.com/calendar/event?action=VIEW&eid=ZGYwcG1uOTNjNWNwMzk5YjJmdWFub3ZzZ3MgcmFuZ2VyckBhcGkub3Jn&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3ZmYzRlM2Q1YTYxMmQ4YThlM2IwMzVkZjAwMzQyMGZhNGNmYWIyOWM2&ctz=America/New_York&hl=en

Meeting with API

- Vincent DeVito, Counselor to the Secretary for Energy Policy

- Richard Ranger, Senior Policy Advisor

- Carrie Domnitch, Director of Federal Relations, Federal Relations Department

- Matthew Haynie, Senior Counsel, Law Department

When Changed:
Wed Jun 7, 2017 12:30pm

Where
Room 6136, U.S. Department of the Interior, 1849 C Street, NW, Washington, D.C. (map)

Video call

rangerr@api.org

Who
- vincent_devito@ios.doi.gov - organizer
- gisella_ojeda-dodds@ios.doi.gov - creator
- rangerr@api.org

Going?
- Yes

- Maybe

- No

more options » https://www.google.com/calendar/event?action=VIEW&eid=ZGYwcG1uOTNjNWNwMzk5YjJmdWFub3ZzZ3MgcmFuZ2VyckBhcGkub3Jn&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3ZmYzRlM2Q1YTYxMmQ4YThlM2IwMzVkZjAwMzQyMGZhNGNmYWIyOWM2&ctz=America/New_York&hl=en
From: Richard Ranger
To: vincent.devito@ios.doi.gov
Subject: Accepted: Updated Invitation: Meeting with API @ Wed Jun 7, 2017 12:30pm - 1pm (EDT) (rangerr@api.org)
From: vincent.devito@os.doi.gov
To: hopkinsh@api.org
Subject: Updated Invitation: Meeting with Holly Hopkins @ Tue Jun 27, 2017 11am - 11:30am (EDT) (hopkinsh@api.org)

This event has been changed. More details: https://www.google.com/calendar/event?action=VIEW&eid=c2QwZ2FmdXFudG1maGUxODlzYzJncms2ZG8gaG9wa2luc2hAYXBpLm9yZw&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3YyMWM1ODIzYWJiZGJiOGJhM2E2M2MwM2M0NWY2Y2ExYTZjMzQ2MDMz&ctz=America/New_York&hl=en

Meeting with Holly Hopkins

When: Changed: Tue Jun 27, 2017 11am – 11:30am Eastern Time

Video Calendar

Who
• vincent_devito@ios.doi.gov - organizer
• gisella_ojeda-dodds@ios.doi.gov - creator
• hopkinsh@api.org

Going?
Yes - Maybe - No

Invitation from Google Calendar

You are receiving this courtesy email at the account hopkinsh@api.org because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively, you can sign up for a Google account at https://www.google.com/calendar and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More - https://support.google.com/calendar/bin/answer.py?answer=771318&hl=en
Meeting with Timothy Williams

On Jun 12, 2017, at 2:42 PM, Carrie A. Hackenberger wrote:

Hi Tim,

My name is Carrie Hackenberger and I work for the Colorado Petroleum Council (API). Our Executive Director, Tracee bicycles, will be in Washington this week and she was able to work out a meeting between the two of you while she is in town. She has some availability on 6/20 and 6/21. Please let me know if either of these dates are available. I will be happy to help in advance to schedule a meeting!

Best regards,

Carrie Hackenberger
Operations Manager
Colorado Petroleum Council
A Division of API | 1660 Lincoln Street | Suite 2320 | Denver, CO 80264 | O: 720.214.7176 | C: 720.839.8774 | hackenbergerc@api.org | Follow us on Twitter & Facebook: @COPetroCouncil

The transmission contains information that is privileged and confidential and is intended solely for use of the individual(s) listed above. If you receive this transmission in error, please notify me immediately. Any dissemination or copying of this communication by anyone other than the individual(s) listed above is prohibited.
Updated Invitation: Meeting with Timothy Williams to discuss the Energy Industry in Colorado @ Tue Jun 20, 2017 11am - 12pm (EDT) (hackenbergerc@api.org)

Attachments:

* invite.cs

This event has been changed.

More details: https://www.google.com/calendar/event?action=VIEW&eid=ZGhrMWwzdmJqY2dxdWExbW5sdmdlNm5tMGMgaGFja2VuYmVyZ2VyY0BhcGkub3Jn&tok=MjgjdGltb3RoeV93aWxsaWFtc0Bpb3MuZG9pLmdvdmZiZTdlZjY5YzBhYmZkMWE4ODgwYjBkNGMzYjE1NWEwYjdjNjVjMzE&ctz=America/New_York&uc=1

Changed: Meeting with Timothy Williams to discuss the Energy Industry in Colorado

On Jun 12, 2017, at 2:42 PM, Carrie A. Hackenberger wrote:

Hi Tim,

My name is Carrie Hackenberger and I work for the Colorado Petroleum Council (API). Our Executive Director, Tracee Beals, will be in Washington DC next week and I wanted to reach out and see if I could schedule a meeting between the two of you while she is in town. She has some availability on 6/20 and 6/21. Please let me know if there is a time you are available to meet with her! Thank you in advance for your help!

Best regards,

Carrie Hackenberger
Operations Manager
Colorado Petroleum Council
A Division of API | 1660 Lincoln Street | Suite 2320 | Denver, CO 80264 | O: 720.214.7176 | C: 720.839.8774 | hackenbergerc@api.org | Follow us on Twitter & Facebook: @COPetroCouncil

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When: Tue Jun 20, 2017 11am – 12pm Eastern Time

Where: Changed: Room 6023 - 1849 C Street NW, Washington, DC 20240 - 202-208-1923 (map)

Video call: hackenbergerc@api.org

Who: timothy_williams@ios.doi.gov - organizer
valerie_v_smith@ios.doi.gov - creator
hackenbergerc@api.org

Going: Yes - Maybe - No more options

Invitation from Google Calendar https://www.google.com/calendar

You are receiving this courtesy email at the account hackenbergerc@api.org because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at https://www.google.com/calendar and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More.
From: Carrie A. Hackenberger
To: timothy_williams@ios.doi.gov
Subject: Accepted: Updated Invitation: Meeting with Timothy Williams to discuss the Energy Indus... @ Tue Jun 20, 2017 11am - 12pm (EDT) (hackenbergerc@api.org)
Meeting with American Petroleum Institute

Attendees:

Andy Radford, Sr. Policy Advisor – Offshore
Carrie Domnitch, API

Subject (from Andy Radford):
I enjoyed our meeting with Mr. Devito a few weeks ago, and he indicated a willingness to have a follow-up meeting to discuss issues in more detail. My area of interest is BOEM issues, particularly the following:

- 5 Year Program
- BOEM Air Rule
- Financial Assurance
- Seismic Permits and Regulations
- Coordination with NMFS/NOAA

POC:
Andy Radford
202-682-8584
radforda@api.org

When
Tue Jun 20, 2017 1pm – 1:30pm Eastern Time

Where
Room 6136 (map)

Who
• vincent_devito@ios.doi.gov - organizer
• timothy_nigborowicz@ios.doi.gov - creator
• radforda@api.org

Going?
Yes

You are receiving this courtesy email at the account radforda@api.org because you are an attendee of this event. To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at https://www.google.com/calendar and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More at https://support.google.com/calendar/answer/37135#forwarding.
From: vincent_devito@ios.doi.gov
To: radforda@api.org
Subject: Updated Invitation: Meeting with America Petroleum Institute @ Tue Jun 20, 2017 1pm - 1:30pm (EDT) (radforda@api.org)
Attachments: invite.ics

This event has been changed.
more details » <https://www.google.com/calendar/event?action=VIEW&eid=dTMxc3ZvNnF0aTZnbHQ4NTRvZ2dtNDdnaHMgcmFkZm9yZGFAYXBpLm9yZw&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3Y3ZGUzZmJmOGNlMzViZTc4Zjc3ODRmZmEyNTgwMDhjMjAyNjBkMDJh&ctz=America/New_York&srctz=America/New_York&hl=en>

Meeting with American Petroleum Institute

Attendees:
Andy Radford, Sr. Policy Advisor – Offshore
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Subject (from Andy Radford):
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- BOEM Air Rule
- Financial Assurance
- Seismic Permits and Regulations
- Coordination with NMFS/NOAA

POC:
Andy Radford
202-682-8584
radforda@api.org

When
Tue Jun 20, 2017 1pm – 1:30pm Eastern Time

Where

Who
• vincent_devito@ios.doi.gov - organizer
• timothy_nigborowicz@ios.doi.gov - creator
• radforda@api.org

Going?
Yes <https://www.google.com/calendar/event?action=RESPOND&eid=dTMxc3ZvNnF0aTZnbHQ4NTRvZ2dtNDdnaHMgcmFkZm9yZGFAYXBpLm9yZw&rst=1&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3Y3ZGUzZmJmOGNlMzViZTc4Zjc3ODRmZmEyNTgwMDhjMjAyNjBkMDJh&ctz=America/New_York&hl=en>
- Maybe <https://www.google.com/calendar/event?action=RESPOND&eid=dTMxc3ZvNnF0aTZnbHQ4NTRvZ2dtNDdnaHMgcmFkZm9yZGFAYXBpLm9yZw&rst=3&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3Y3ZGUzZmJmOGNlMzViZTc4Zjc3ODRmZmEyNTgwMDhjMjAyNjBkMDJh&ctz=America/New_York&hl=en>
- No <https://www.google.com/calendar/event?action=RESPOND&eid=dTMxc3ZvNnF0aTZnbHQ4NTRvZ2dtNDdnaHMgcmFkZm9yZGFAYXBpLm9yZw&rst=2&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3Y3ZGUzZmJmOGNlMzViZTc4Zjc3ODRmZmEyNTgwMDhjMjAyNjBkMDJh&ctz=America/New_York&hl=en>

Invitation from Google Calendar <https://www.google.com/calendar/>.
You are receiving this courtesy email at the account radforda@api.org because you are an attendee of this event.
Forwarding this invitation could allow any recipient to modify your RSVP response. Learn more <https://support.google.com/calendar/answer/37135#forwarding>.

radforda@api.org

Invitation Expiration Calendar <https://www.google.com/calendar/preview#0:EXPIRES=20171231T000000-0500>.
This event has been added to your Google Calendar because you are an attendee of this event.
From: Andy Radford
To: vincent_devito@ios.doi.gov
Subject: Accepted: Updated Invitation: Meeting with American Petroleum Institute @ Tue Jun 20, 2017 1pm - 1:30pm (EDT) (radforda@api.org)
Accepted: FW: Updated Invitation: Meeting with Holly Hopkins @ Tue Jun 27, 2017 11am - 11:30am (EDT) (hopkinsh@api.org)
Phone call re: Greater Sage-grouse (Casey Hammond & IPAA) - - Dial: 866-747-1718, Code: 420845

When
Wed Jul 19, 2017 3pm – 3:30pm Eastern Time

Video call

smcdonald@ipaa.org

Who
• casey_hammond@ios.doi.gov - organizer
• roslyn_sellars@fws.gov - creator
• diemer@wyodiamond.com
• smcdonald@ipaa.org

Going?
Yes <https://www.google.com/calendar/event?action=RESPOND&eid=NGZwbHFvZmdxbGk1cWowdmZnNmoxNzJtZGMgc21jZG9uYWxkQGlwYWEub3Jn&rst=1&tok=MjUjY2FzZXlfaGFtbW9uZEBpb3MuZG9pLmdvdjVhNWVlMGY1OGM1ZGVlZDQ2NWRkZTQ1YjljODE3ZmNkYmNmNDQ0NmU&ctz=America/New_York&hl=en>
- Maybe <https://www.google.com/calendar/event?action=RESPOND&eid=NGZwbHFvZmdxbGk1cWowdmZnNmoxNzJtZGMgc21jZG9uYWxkQGlwYWEub3Jn&rst=3&tok=MjUjY2FzZXlfaGFtbW9uZEBpb3MuZG9pLmdvdjVhNWVlMGY1OGM1ZGVlZDQ2NWRkZTQ1YjljODE3ZmNkYmNmNDQ0NmU&ctz=America/New_York&hl=en>
- No <https://www.google.com/calendar/event?action=RESPOND&eid=NGZwbHFvZmdxbGk1cWowdmZnNmoxNzJtZGMgc21jZG9uYWxkQGlwYWEub3Jn&rst=2&tok=MjUjY2FzZXlfaGFtbW9uZEBpb3MuZG9pLmdvdjVhNWVlMGY1OGM1ZGVlZDQ2NWRkZTQ1YjljODE3ZmNkYmNmNDQ0NmU&ctz=America/New_York&hl=en>

more options » <https://www.google.com/calendar/event?action=VIEW&eid=NGZwbHFvZmdxbGk1cWowdmZnNmoxNzJtZGMgc21jZG9uYWxkQGlwYWEub3Jn&tok=MjUjY2FzZXlfaGFtbW9uZEBpb3MuZG9pLmdvdjVhNWVlMGY1OGM1ZGVlZDQ2NWRkZTQ1YjljODE3ZmNkYmNmNDQ0NmU&ctz=America/New_York&hl=en>

Invitation from Google Calendar <https://www.google.com/calendar/>

You are receiving this courtesy email at the account smcdonald@ipaa.org because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively, you can sign up for a Google account at https://www.google.com/calendar and control your notification settings for your entire calendar.

Furnishing this invitation could allow any recipient to modify your RSVP response. Learn More <https://support.google.com/calendar/answer/37135#forwarding>.
From: casey.hammond@ios.doi.gov
To: smcdonald@ipaa.org; diemer@wyodiamond.com
Subject: Updated Invitation: Phone call re: Greater Sage-grouse (Casey Hammond & IPAA) @ Wed Jul 19, 2017 1pm – 1:30pm (diemer@wyodiamond.com)
Attachments: nvite ics

This event has been changed.

more details » https://www.google.com/calendar/event?action VIEW&eid NGZwbHFvZmdxbGk1cWowdmZnNmoxNzJtZGMgZGllbWVyQHd5b2RpYW1vbmQuY29t&tok MjUjY2FzZXlfaGFtbW9uZEBpb3MuZG9pLmdvdjAzNWE5YjM3MThkZTUwMDJlOTc4ZWU2YzcyNDM3MDYwMWRkNDg3NTI&ctz America/Denver&hl en>

Changed: Phone call re: Greater Sage-grouse (Casey Hammond & IPAA)
When
Wed Jul 19, 2017 1pm – 1:30pm Mountain Time
Where
Video call
https://plus.google.com/hangouts/_/doi.gov/casey-hammond
Calendar
diemer@wyodiamond.com
Who
• casey_hammond@ios.doi.gov - organizer
• roslyn_sellars@fws.gov - creator
• smcdonald@ipaa.org
• diemer@wyodiamond.com
Going?
Yes https://www.google.com/calendar/event?action RESPOND&eid NGZwbHFvZmdxbGk1cWowdmZnNmoxNzJtZGMgZGllbWVyQHd5b2RpYW1vbmQuY29t&rst 1&tok MjUjY2FzZXlfaGFtbW9uZEBpb3MuZG9pLmdvdjAzNWE5YjM3MThkZTUwMDJlOTc4ZWU2YzcyNDM3MDYwMWRkNDg3NTI&ctz America/Denver&hl en>
• Maybe https://www.google.com/calendar/event?action RESPOND&eid NGZwbHFvZmdxbGk1cWowdmZnNmoxNzJtZGMgZGllbWVyQHd5b2RpYW1vbmQuY29t&rst 3&tok MjUjY2FzZXlfaGFtbW9uZEBpb3MuZG9pLmdvdjAzNWE5YjM3MThkZTUwMDJlOTc4ZWU2YzcyNDM3MDYwMWRkNDg3NTI&ctz America/Denver&hl en>
• No https://www.google.com/calendar/event?action RESPOND&eid NGZwbHFvZmdxbGk1cWowdmZnNmoxNzJtZGMgZGllbWVyQHd5b2RpYW1vbmQuY29t&rst 2&tok MjUjY2FzZXlfaGFtbW9uZEBpb3MuZG9pLmdvdjAzNWE5YjM3MThkZTUwMDJlOTc4ZWU2YzcyNDM3MDYwMWRkNDg3NTI&ctz America/Denver&hl en>
more options » https://www.google.com/calendar/event?action VIEW&eid NGZwbHFvZmdxbGk1cWowdmZnNmoxNzJtZGMgZGllbWVyQHd5b2RpYW1vbmQuY29t&tok MjUjY2FzZXlfaGFtbW9uZEBpb3MuZG9pLmdvdjAzNWE5YjM3MThkZTUwMDJlOTc4ZWU2YzcyNDM3MDYwMWRkNDg3NTI&ctz America/Denver&hl en>

Invitation from Google Calendar https://www.google.com/calendar

You are receiving this email at the account diemer@wyodiamond.com because you are subscribed for updated invitations on calendar diemer@wyodiamond.com.
To stop receiving these emails, please log in to https://www.google.com/calendar and change your notification settings for this calendar.
Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More https://support.google.com/calendar/answer/37135#forwarding.
From: casey_hammond@ios.doi.gov
To: diemer@wyodiamond.com; smcdonald@ipaa.org
Subject: Invitation: Phone call re: Greater Sage-grouse (Casey Hammond & IPAA)... @ Wed Jul 19, 2017 1pm - 1:30pm (diemer@wyodiamond.com)
Attachments: nvite ics

Phone call re: Greater Sage-grouse (Casey Hammond & IPAA) - - Dial: 866-747-1718, Code: 20845

When Wed Jul 19, 2017 1pm – 1:30pm Mountain Time

Who
• casey_hammond@ios.doi.gov - organizer
• roslay_sellars@fws.gov - creator
• diemer@wyodiamond.com
• smcdonald@ipaa.org

Invitation from Google Calendar <https://www.google.com/calendar/>

You are receiving this email at the account diemer@wyodiamond.com because you are subscribed for invitations on calendar diemer@wyodiamond.com.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More <https://support.google.com/calendar/answer/37135#forwarding>.
This event has been changed.

more details » https://www.google.com/calendar/event?action=VIEW&eid=NGZwbHFvZmdxbGk1cWowdmZnNmoxNzJtZGMgc21jZG9uYWxkQGlwYWEub3Jn&tok=MjUjY2FzZXlfaGFtbW9uZEBpb3MuZG9pLmdvdjVhNWVlMGY1OGM1ZGVlZDQ2NWRkZTQ1YjljODE3ZmNkYmNmNDQ0NmU&ctz=America/New_York&hl=en

Changed: Phone call re: Greater Sage-grouse (Casey Hammond & IPAA)

When
Wed Jul 19, 2017 3pm – 3:30pm Eastern Time

Where

Calendar
https://www.google.com/calendar/rd?id=smcdonald@ipaa.org

Who
• casey_hammond@ios.doi.gov - organizer
• roslyn_sellars@fws.gov - creator
• diemer@wyodiamond.com
• smcdonald@ipaa.org

Going?
Yes - Maybe - No

more options » https://www.google.com/calendar/event?action=VIEW&eid=NGZwbHFvZmdxbGk1cWowdmZnNmoxNzJtZGMgc21jZG9uYWxkQGlwYWEub3Jn&tok=MjUjY2FzZXlfaGFtbW9uZEBpb3MuZG9pLmdvdjVhNWVlMGY1OGM1ZGVlZDQ2NWRkZTQ1YjljODE3ZmNkYmNmNDQ0NmU&ctz=America/New_York&hl=en

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More https://support.google.com/calendar/answer/37135#forwarding.
Subject: Invitation: Meeting with API @ Mon Jul 31, 2017 11:30am - 12pm (EDT) (domnitchc@api.org)

Meeting with API
When Mon Jul 31, 2017 11:30am – 12pm Eastern Time
Where Room 6136, U.S. Department of the Interior, 1849 C Street, NW, Washington, D.C. (map)

Who
• vincent_devito@ios.doi.gov - organizer
• gisella_ojeda-dodds@ios.doi.gov - creator
• katharine_macgregor@ios.doi.gov
• kathleen_benedetto@ios.doi.gov
• domnitchc@api.org

Going?
Yes
Maybe
No

You are receiving this courtesy email at the account domnitchc@api.org because you are an attendee of this event.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More.
Meeting with API

When
Mon Jul 31, 2017 11:30am – 12pm Eastern Time

Where
Roo

Meeting video call

kathleen_benedetto@ios.doi.gov

Who

- vincent_devito@ios.doi.gov - organizer
- gisella_ojeda-dodds@ios.doi.gov - creator
- domnitchc@api.org
- kathleen_benedetto@ios.doi.gov
- katharine_macgregor@ios.doi.gov

Going?

- Yes
- Maybe
- No

More options

https://www.google.com/calendar/event?action=VIEW&eid=NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGxlZW5fYmVuZWRldHRvQGlvcy5kb2kuZ292&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3YxMWRmMzdlMDhhNTM1YmVmYmJhODk5MDY2OTRhZTBjNTFmYmViOTAw&ctz=America/New_York&hl=en

Invitation from Google Calendar

You are receiving this email at the account kathleen_benedetto@ios.doi.gov because you are subscribed for invitations on calendar kathleen_benedetto@ios.doi.gov.

To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More https://support.google.com/calendar/answer/37135#forwarding.

(b) (5)
This event has been changed.

Meeting with API

When: Changed: Mon Jul 31, 2017 11:30am – 11:45am Eastern Time

Where: Room 6136  U.S. Department of the Interior  1849 C Street  NW  Washington  D.C. (map)

Video call

Calendar

Who

• vincent_devito@ios.doi.gov - organizer
• gisella_ojeda-dodds@ios.doi.gov - creator
• katharine_macgregor@ios.doi.gov
• kathleen_benedetto@ios.doi.gov
• domnitchc@api.org

Going?

Yes

Maybe

No

more options

Invitation from Google Calendar

You are receiving this courtesy email at the account domnitchc@api.org because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at https://www.google.com/calendar and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More

(b) (5)

(b) (5)
From: vincent_devito@ios.doi.gov
To: katharine_macgregor@ios.doi.gov; domnitchc@api.org; kathleen_benedetto@ios.doi.gov
Subject: Updated Invitation: Meet ng with API @ Mon Jul 31, 2017 11:30am - 11:45am (katharine_macgregor@ios.doi.gov)
Attachments: nvite.ics

This event has been changed.
more details »

Meeting with API
When
Changed: Mon Jul 31, 2017 11:30am – 11:45am Eastern Time
Where
Room 6136, U.S. Department of the Interior, 1849 C Street, NW, Washington, D.C. (map)
Video Calendar

Who
• vincent_devito@ios.doi.gov - organizer
• gisella_ojeda-dodds@ios.doi.gov - creator
• katharine_macgregor@ios.doi.gov
• domnitchc@api.org
• kathleen_benedetto@ios.doi.gov

Going?
Yes
Maybe
No
more options »

Invitation from Google Calendar
You are receiving this email at the account katharine_macgregor@ios.doi.gov because you are subscribed for updated invitations on calendar katharine_macgregor@ios.doi.gov.
Forwarding this invitation could allow any recipient to modify your RSVP response.
Learn More »
This event has been changed.

more details » https://www.google.com/calendar/event?action=VIEW&eid=NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGxlZW5fYmVuZWRldHRvQGlvcy5kb2kuZ292&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3YxMWRmMzdlMDhhNTM1YmVmYmJhODk5MDY2OTRhZTBjNTFmYmViOTAw&ctz=America/New_York&hl=en

Meeting with API

When

Changed: Mon Jul 31, 2017 11:30am – 11:45am Eastern Time

Where

Room 6136, U.S. Department of the Interior, 1849 C Street, NW, Washington, D.C. (map)

Video call

Who

• vincent_devito@ios.doi.gov - organizer
• gisella_ojeda-dodds@ios.doi.gov - creator
• domnitchc@api.org
• katharine_macgregor@ios.doi.gov
• kathleen_benedetto@ios.doi.gov

Going?

Yes

- Maybe

- No

more options » https://www.google.com/calendar/event?action=VIEW&eid=NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGxlZW5fYmVuZWRldHRvQGlvcy5kb2kuZ292&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3YxMWRmMzdlMDhhNTM1YmVmYmJhODk5MDY2OTRhZTBjNTFmYmViOTAw&ctz=America/New_York&hl=en

Invitation from Google Calendar

You are receiving this email at the account kathleen_benedetto@ios.doi.gov because you are subscribed for updated invitations on calendar kathleen_benedetto@ios.doi.gov.

To stop receiving these emails, please log in to https://www.google.com/calendar and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More. https://support.google.com/calendar/answer/37135#forwarding .
From: vincent.devito@ios.doi.gov
To: domnitchc@api.org; kathar.ne.macgregor@ios.doi.gov; kathleen.benedetto@ios.doi.gov
Subject: Updated Inv tat on: Meeting w th API @ Mon Jul 31, 2017 11:30am - 12pm (kathleen.benedetto@ios.doi.gov)

This event has been changed.

More details: https://www.google.com/calendar/event?action=VIEW&eid=NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGxlZW5fYmVuZWRldHRvQGlvcy5kb2kuZ292&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3YxMWRmMzdlMDhhNTM1YmVmYmJhODk5MDY2OTRhZTBjNTFmYmViOTAw&ctz=America/New_York&hl=en

Meeting with API

When: Changed: Mon Jul 31, 2017 11:30am – 12pm Eastern Time


Video call

Calendar: kathleen.benedetto@ios.doi.gov

Who:

• vincent.devito@ios.doi.gov - organizer
• gisella.ojeda-dodds@ios.doi.gov - creator
• domnitchc@api.org
• katharine.macgregor@ios.doi.gov
• kathleen.benedetto@ios.doi.gov

Going?:

Yes: https://www.google.com/calendar/event?action=RESPOND&eid=NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGxlZW5fYmVuZWRldHRvQGlvcy5kb2kuZ292&rst=1&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3YxMWRmMzdlMDhhNTM1YmVmYmJhODk5MDY2OTRhZTBjNTFmYmViOTAw&ctz=America/New_York&hl=en

• Maybe: https://www.google.com/calendar/event?action=RESPOND&eid=NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGxlZW5fYmVuZWRldHRvQGlvcy5kb2kuZ292&rst=3&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3YxMWRmMzdlMDhhNTM1YmVmYmJhODk5MDY2OTRhZTBjNTFmYmViOTAw&ctz=America/New_York&hl=en

• No: https://www.google.com/calendar/event?action=RESPOND&eid=NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGxlZW5fYmVuZWRldHRvQGlvcy5kb2kuZ292&rst=2&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3YxMWRmMzdlMDhhNTM1YmVmYmJhODk5MDY2OTRhZTBjNTFmYmViOTAw&ctz=America/New_York&hl=en

More options: https://www.google.com/calendar/event?action=VIEW&eid=NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGxlZW5fYmVuZWRldHRvQGlvcy5kb2kuZ292&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3YxMWRmMzdlMDhhNTM1YmVmYmJhODk5MDY2OTRhZTBjNTFmYmViOTAw&ctz=America/New_York&hl=en

Invitation from Google Calendar: https://www.google.com/calendar

You are receiving this email at the account kathleen.benedetto@ios.doi.gov because you are subscribed for updated invitations on calendar kathleen.benedetto@ios.doi.gov.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More: https://support.google.com/calendar/answer/37135#forwarding
This event has been changed.

more details » https://www.google.com/calendar/event?action=VIEW&eid=NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGFyaW5lX21hY2dyZWdvckBpb3MuZG9pLmdvdg&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3Y5ZjQ5MWQ1YTNkMTBlOWZlNmU1ZTJiYTExNjQzNDFmMTBlN2UzODk2&ctz=America/New_York&hl=en

Meeting with API

When

Changed: Mon Jul 31, 2017 11:30am – 12pm Eastern Time

Where


Video call

katharine_macgregor@ios.doi.gov

Who

• vincent_devito@ios.doi.gov - organizer
• gisella_ojeda-dodds@ios.doi.gov - creator
• kathleen_benedetto@ios.doi.gov
• katharine_macgregor@ios.doi.gov
• domnitchc@api.org

Going?

Yes

Maybe

No

more options » https://www.google.com/calendar/event?action=VIEW&eid=NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGFyaW5lX21hY2dyZWdvckBpb3MuZG9pLmdvdg&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3Y5ZjQ5MWQ1YTNkMTBlOWZlNmU1ZTJiYTExNjQzNDFmMTBlN2UzODk2&ctz=America/New_York&hl=en

Invitation from Google Calendar

You are receiving this email at the account katharine_macgregor@ios.doi.gov because you are subscribed for updated invitations on calendar katharine_macgregor@ios.doi.gov.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More: https://support.google.com/calendar/answer/37135#forwarding.

You are receiving this email because you have opted in to calendar and change your calendar settings for this calendar.

Invitation from Google Calendar

You are receiving this email because you have opted in to calendar and change your calendar settings for this calendar.

Invitation from Google Calendar

You are receiving this email because you have opted in to calendar and change your calendar settings for this calendar.

Invitation from Google Calendar

You are receiving this email because you have opted in to calendar and change your calendar settings for this calendar.

Invitation from Google Calendar

You are receiving this email because you have opted in to calendar and change your calendar settings for this calendar.

Invitation from Google Calendar

You are receiving this email because you have opted in to calendar and change your calendar settings for this calendar.
From: vincent_devito@ios.doi.gov
To: katharine_macgregor@ios.doi.gov; kathleen_benedetto@ios.doi.gov; domnitchc@api.org
Subject: Updated Invitation: Meeting with API @ Mon Jul 31, 2017 11:30am - 12pm (EDT) (domnitchc@api.org)

This event has been changed.
more details » https://www.google.com/calendar/event?action VIEW&eid NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMgZG9tbml0Y2hjQGFwaS5vcmc&tok MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3Y4OTc5YzhlN2NhNDY3ZDdkMGQ5MDhlMTUxZmU5OGUyYjI2YTdmZGNm&ctz America/New_York&hl en

Meeting with API

When: Monday, May 30, 2017 11:30am – 12pm Eastern Time
Where: Room 6136, U.S. Department of the Interior 1849 C Street NW Washington, D.C. (map)

Video Call Calendar: domnitchc@api.org

Who
• vincent_devito@ios.doi.gov - organizer
• gisella_ojeda-dodds@ios.doi.gov - creator
• katharine_macgregor@ios.doi.gov
• kathleen_benedetto@ios.doi.gov
• domnitchc@api.org

Going?
Yes - Maybe - No
more options » https://www.google.com/calendar/event?action VIEW&eid NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMgZG9tbml0Y2hjQGFwaS5vcmc&tok MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3Y4OTc5YzhlN2NhNDY3ZDdkMGQ5MDhlMTUxZmU5OGUyYjI2YTdmZGNm&ctz America/New_York&hl en

Invitation from Google Calendar: https://www.google.com/calendar/
You are receiving this courtesy email at the account domnitchc@api.org because you are an attendee of this event.
Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More: https://support.google.com/calendar/answer/37135#forwarding
From: vincent.devito@ios.doi.gov
To: katharine.macgregor@ios.doi.gov; kathleen.benedetto@ios.doi.gov; domnitchc@api.org
Cc: ymackthompson@blm.gov; tracie.lassiter@ios.doi.gov; lthurn@blm.gov
Subject: Updated Invitation: Meeting w th API @ Mon Jul 31, 2017 11:30am - 12pm (kathleen_benedetto@ios.doi.gov)
Attachments: invite.ics

This event has been changed.

more details » https://www.google.com/calendar/event?action VIEW&eid NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGxlZW5fYmVuZWRldHRvQGlvcy5kb2kuZ292&tok MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3YxMWRmMzdlMDhhNTM1YmVmYmJhODk5MDY2OTRhZTBjNTFmYmViOTAw&ctz America/New_York&hl en>

Meeting with API

changed: Attendees with DOI:
- Vincent Devito, Counselor to the Secretary for Energy Policy
- Katherine MacGregor, Acting Assistant Secretary – LMM
- Kathleen Benedetto, Senior Advisor – BLM

changed: Attendees with API
- Carrie M. Domnitch
- Richard Ranger
- Matt Haynie

When
Mon Jul 31  2017  11:30am – 12pm Eastern Time
Where
Video call
Calendar

Who
• vincent.devito@ios.doi.gov - organizer
• gisella.ojeda-dodds@ios.doi.gov - creator
• katharine.macgregor@ios.doi.gov
• kathleen.benedetto@ios.doi.gov
• domnitchc@api.org
• ymackthompson@blm.gov - optional
• tracie.lassiter@ios.doi.gov - optional
• lthurn@blm.gov - optional

Going?
Yes » https://www.google.com/calendar/event?action RESPOND&eid NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGxlZW5fYmVuZWRldHRvQGlvcy5kb2kuZ292&rst 1&tok MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3YxMWRmMzdlMDhhNTM1YmVmYmJhODk5MDY2OTRhZTBjNTFmYmViOTAw&ctz America/New_York&hl en>
- Maybe » https://www.google.com/calendar/event?action RESPOND&eid NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGxlZW5fYmVuZWRldHRvQGlvcy5kb2kuZ292&rst 3&tok MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3YxMWRmMzdlMDhhNTM1YmVmYmJhODk5MDY2OTRhZTBjNTFmYmViOTAw&ctz America/New_York&hl en>
- No » https://www.google.com/calendar/event?action RESPOND&eid NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGxlZW5fYmVuZWRldHRvQGlvcy5kb2kuZ292&rst 2&tok MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3YxMWRmMzdlMDhhNTM1YmVmYmJhODk5MDY2OTRhZTBjNTFmYmViOTAw&ctz America/New_York&hl en>

more options » https://www.google.com/calendar/event?action VIEW&eid NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGxlZW5fYmVuZWRldHRvQGlvcy5kb2kuZ292&tok MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3YxMWRmMzdlMDhhNTM1YmVmYmJhODk5MDY2OTRhZTBjNTFmYmViOTAw&ctz America/New_York&hl en>

Invitation from Google Calendar https://www.google.com/calendar/

You are receiving this email at the account kathleen_benedetto@ios.doi.gov because you are subscribed for updated invitations on calendar kathleen_benedetto@ios.doi.gov.

To stop receiving these emails please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More. https://support.google.com/calendar/answer/37135#forwarding

(b) (5)
(b) (5)
Meeting with API

- Vincent DeVito, Counselor to the Secretary for Energy Policy
- Kathleen MacGregor, Acting Assistant Secretary – LMM
- Carrie M. Domnitch
- Richard Ranger
- Matt Haynie

When
Mon Jul 31, 2017 11:30am – 12pm Eastern Time

Where
Room 6136, U.S. Department of the Interior, 1849 C Street, NW, Washington, D.C.

Video call

Calendar

Your attendance is optional.

Going?
- Yes
- Maybe
- No

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More.
From: vincent.devito@ios.doi.gov
To: kathleen.benedetto@ios.doi.gov; katharine.macgregor@ios.doi.gov; domnitchc@api.org
Cc: ymackthompson@blm.gov; lthurn@blm.gov; tracie_lassiter@ios.doi.gov
Subject: Invitation: Meeting with API @ Mon Jul 31, 2017 11:30am - 12pm (tracie_lassiter@ios.doi.gov)
Attachments: invite.cs

Meeting with API
- Vincent DeVito, Counselor to the Secretary for Energy Policy
- Katherine MacGregor, Acting Assistant Secretary – LMM
- Kathleen Benedetto, Senior Advisor – BLM

Attendees with API
- Carrie M. Domnitch
- Richard Ranger
- Matt Haynie

When: Mon Jul 31, 2017 11:30am – 12pm Eastern Time

Your attendance is optional.

Going?
- Yes
- Maybe
- No

Invitation from Google Calendar
You are receiving this email at the account tracie_lassiter@ios.doi.gov because you are subscribed for invitations on calendar tracie_lassiter@ios.doi.gov.
To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.
Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More at https://support.google.com/calendar/answer/37135#forwarding.

Invitation
Meeting with API
Attendees with DOI:
- Vincent DeVito, Counselor to the Secretary for Energy Policy
- Katherine MacGregor, Acting Assistant Secretary – LMM
- Kathleen Benedetto, Senior Advisor – BLM

Attendees with API
- Carrie M. Domnitch
- Richard Ranger
- Matt Haynie

When: Mon Jul 31, 2017 11:30am – 12pm Eastern Time

Your attendance is optional.

Going?
- Yes
- Maybe
- No

Invitation from Google Calendar
You are receiving this email at the account tracie_lassiter@ios.doi.gov because you are subscribed for invitations on calendar tracie_lassiter@ios.doi.gov.
To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.
Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More at https://support.google.com/calendar/answer/37135#forwarding.

Invitation
Meeting with API
Attendees with DOI:
- Vincent DeVito, Counselor to the Secretary for Energy Policy
- Katherine MacGregor, Acting Assistant Secretary – LMM
- Kathleen Benedetto, Senior Advisor – BLM

Attendees with API
- Carrie M. Domnitch
- Richard Ranger
- Matt Haynie

When: Mon Jul 31, 2017 11:30am – 12pm Eastern Time

Your attendance is optional.

Going?
- Yes
- Maybe
- No

Invitation from Google Calendar
You are receiving this email at the account tracie_lassiter@ios.doi.gov because you are subscribed for invitations on calendar tracie_lassiter@ios.doi.gov.
To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.
Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More at https://support.google.com/calendar/answer/37135#forwarding.

Invitation
Meeting with API
Attendees with DOI:
- Vincent DeVito, Counselor to the Secretary for Energy Policy
- Katherine MacGregor, Acting Assistant Secretary – LMM
- Kathleen Benedetto, Senior Advisor – BLM

Attendees with API
- Carrie M. Domnitch
- Richard Ranger
- Matt Haynie

When: Mon Jul 31, 2017 11:30am – 12pm Eastern Time

Your attendance is optional.

Going?
- Yes
- Maybe
- No

Invitation from Google Calendar
You are receiving this email at the account tracie_lassiter@ios.doi.gov because you are subscribed for invitations on calendar tracie_lassiter@ios.doi.gov.
To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.
Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More at https://support.google.com/calendar/answer/37135#forwarding.
This event has been changed.
more details » <https://www.google.com/calendar/event?action VIEW&eid NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMgZG9tbml0Y2hjQGFwaS5vcmc&tok MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3Y4OTc5YzhlN2NhNDY3ZDdkMGQ5MDhlMTUxZmU5OGUyYjI2YTdmZGNm&ctz America/New_York&hl en>

Meeting with API

- Attendees with DOI:
  - Vincent DeVito, Counselor to the Secretary for Energy Policy
  - Katherine MacGregor, Acting Assistant Secretary – LMM
  - Kathleen Benedetto, Senior Advisor – BLM

- Attendees with API
  - Carrie M. Domnitch
  - Richard Ranger
  - Matt Haynie

When
Mon Jul 31, 2017 11:30am – 12pm Eastern Time

Where

Video call
<https://www.google.com/calendar/event?action VIEW&eid NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMgZG9tbml0Y2hjQGFwaS5vcmc&tok MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3Y4OTc5YzhlN2NhNDY3ZDdkMGQ5MDhlMTUxZmU5OGUyYjI2YTdmZGNm&ctz America/New_York&hl en>

Who
• vincent_devito@ios.doi.gov - organizer
• gisella_ojeda-dodds@ios.doi.gov - creator
• katharine_macgregor@ios.doi.gov
• kathleen_benedetto@ios.doi.gov
• domnitchc@api.org
• lthurn@blm.gov - optional
• tracie_lassiter@ios.doi.gov - optional
• ymackthompson@blm.gov - optional

Going?
- Yes <https://www.google.com/calendar/event?action RSVP&eid NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMgZG9tbml0Y2hjQGFwaS5vcmc&tok MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3Y4OTc5YzhlN2NhNDY3ZDdkMGQ5MDhlMTUxZmU5OGUyYjI2YTdmZGNm&ctz America/New_York&hl en>
- Maybe <https://www.google.com/calendar/event?action RSVP&eid NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMgZG9tbml0Y2hjQGFwaS5vcmc&tok MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3Y4OTc5YzhlN2NhNDY3ZDdkMGQ5MDhlMTUxZmU5OGUyYjI2YTdmZGNm&ctz America/New_York&hl en>
- No <https://www.google.com/calendar/event?action RSVP&eid NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMgZG9tbml0Y2hjQGFwaS5vcmc&tok MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3Y4OTc5YzhlN2NhNDY3ZDdkMGQ5MDhlMTUxZmU5OGUyYjI2YTdmZGNm&ctz America/New_York&hl en>

You are receiving this courtesy email at the account domnitchc@api.org because you are an attendee of this event.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More <https://support.google.com/calendar/answer/37135#forwarding>.

(b) (5)
This event has been changed.

more details » http://www.google.com/calendar/event?action=VIEW&eid=NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGFyaW5lX21hY2dyZWdvckBpb3MuZG9pLmdvdg&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3Y5ZjQ5MWQ1YTNkMTBlOWZlNmU1ZTJiYTExNjQzNDFmMTBlN2UzODk2&ctz=America/New_York&hl=en

Meeting with API

- Vincent DeVito, Counselor to the Secretary for Energy Policy
- Katherine MacGregor, Acting Assistant Secretary – LMM
- Kathleen Benedetto, Senior Advisor – BLM

Attendees with API

- Carrie M. Domnitch
- Richard Ranger
- Matt Haynie

When
Mon Jul 31, 2017 11:30am – 12pm Eastern Time

Where
Room 6136, U.S. Department of the Interior, 1849 C Street, NW, Washington, D.C. (map

Video call

Calendar

katharine_macgregor@ios.doi.gov

Who

• vincent_devito@ios.doi.gov - organizer
• gisella_ojeda-dodds@ios.doi.gov - creator
• domnitchc@api.org
• kathleen_benedetto@ios.doi.gov
• katharine_macgregor@ios.doi.gov
• tracie_lassiter@ios.doi.gov - optional
• lthurn@blm.gov - optional
• ymackthompson@blm.gov - optional

Going?

Yes

Maybe

No

more options » http://www.google.com/calendar/event?action=VIEW&eid=NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMga2F0aGFyaW5lX21hY2dyZWdvckBpb3MuZG9pLmdvdg&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3Y5ZjQ5MWQ1YTNkMTBlOWZlNmU1ZTJiYTExNjQzNDFmMTBlN2UzODk2&ctz=America/New_York&hl=en

Invitation from Google Calendar

You are receiving this email at the account katharine_macgregor@ios.doi.gov because you are subscribed for updated invitations on calendar katharine_macgregor@ios.doi.gov.

To stop receiving these emails, please log in to https://www.google.com/calendar and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More - https://support.google.com/calendar/answer/37135#forwarding.
Meeting with API

- Vincent DeVito, Counselor to the Secretary for Energy Policy
- Katherine MacGregor, Acting Assistant Secretary – LMM
- Kathleen Benedetto, Senior Advisor – BLM
- Carrie M. Domnitch, API (Attendee)
- Richard Ranger, API (Attendee)
- Matt Haynie, API (Attendee)

When: Mon Jul 31, 2017 11:30am – 12pm Eastern Time

Your attendance is optional.

Going?
- [Yes](https://www.google.com/calendar/event?action=RESPOND&eid=NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMgeW1hY2t0aG9tcHNvbkBibG0uZ292&rst=1&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3ZlYmI4MmM3NzUwMGVjZWExNWFhMGFiNjMwOTcwZGQ0YjhmMzQyYzA4&ctz=America/New_York&hl=en)
- [Maybe](https://www.google.com/calendar/event?action=RESPOND&eid=NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMgeW1hY2t0aG9tcHNvbkBibG0uZ292&rst=3&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3ZlYmI4MmM3NzUwMGVjZWExNWFhMGFiNjMwOTcwZGQ0YjhmMzQyYzA4&ctz=America/New_York&hl=en)
- [No](https://www.google.com/calendar/event?action=RESPOND&eid=NmsyZWVpc2M0ZnFoaWo1aTNoMHBsYWJkOTMgeW1hY2t0aG9tcHNvbkBibG0uZ292&rst=2&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3ZlYmI4MmM3NzUwMGVjZWExNWFhMGFiNjMwOTcwZGQ0YjhmMzQyYzA4&ctz=America/New_York&hl=en)

more options » [Learn More](https://support.google.com/calendar/answer/37135#forwarding).

* TinyUrl is optional.
From: vincent_devito@ios.doi.gov
To: radforda@api.org; james.schindler@boem.gov; domnitchc@api.org; hayniem@api.org
Subject: Invitation: Meeting with API @ Fri Aug 18, 2017 11am - 11:30am (EDT) (hayniem@api.org)

Attachments: invite.ics

more details » https://www.google.com/calendar/event?action=VIEW&eid=MmtkcWoyaHEzaTE3dDBzaG80a25qa2pudTUgaGF5bmllbUBhcGkub3Jn&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3ZiM2E2YTAxN2JlNjRkYjUwMTUxMDgyOTM4MjBjZmY0MWY4ODZmYzQx&ctz=America/New_York&hl=en

Meeting with API
When Fri Aug 18, 2017 11am – 11:30am Eastern Time
Where Room 6136 (map <https://maps.google.com/maps?q=Room+6136&hl=en>)

When Friday, August 18, 2017
5:00 AM – 11:30 AM (EDT)

Meeting with API
When Fri Aug 18, 2017 11am – 11:30am Eastern Time
Where Room 6136 (map <https://maps.google.com/maps?q=Room+6136&hl=en>)

Video 

Who • vincent_devito@ios.doi.gov - organizer
• gisella_ojeda-dodds@ios.doi.gov - creator
• radforda@api.org
• james.schindler@boem.gov
• domnitchc@api.org
• hayniem@api.org

With DOI:
- Vincent DeVito, Counselor to the Secretary for Energy Policy
- James Schindler, Special Assistant, BOEM

With API:
- Carrie Domnitch
- Matt Haynie
- Andy Radford

Going?
Yes <https://www.google.com/calendar/event?action=RESPOND&eid=MmtkcWoyaHEzaTE3dDBzaG80a25qa2pudTUgaGF5bmllbUBhcGkub3Jn&rst=1&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3ZiM2E2YTAxN2JlNjRkYjUwMTUxMDgyOTM4MjBjZmY0MWY4ODZmYzQx&ctz=America/New_York&hl=en>
- Maybe <https://www.google.com/calendar/event?action=RESPOND&eid=MmtkcWoyaHEzaTE3dDBzaG80a25qa2pudTUgaGF5bmllbUBhcGkub3Jn&rst=3&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3ZiM2E2YTAxN2JlNjRkYjUwMTUxMDgyOTM4MjBjZmY0MWY4ODZmYzQx&ctz=America/New_York&hl=en>
- No <https://www.google.com/calendar/event?action=RESPOND&eid=MmtkcWoyaHEzaTE3dDBzaG80a25qa2pudTUgaGF5bmllbUBhcGkub3Jn&rst=2&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3ZiM2E2YTAxN2JlNjRkYjUwMTUxMDgyOTM4MjBjZmY0MWY4ODZmYzQx&ctz=America/New_York&hl=en>

Invitation from Google Calendar <https://www.google.com/calendar/>
You are receiving this courtesy email at the account hayniem@api.org because you are an attendee of this event.
To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at https://www.google.com/calendar/ and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More <https://support.google.com/calendar/answer/37135#forwarding>.

(b) (5)
From: vincent_devito@ios.doi.gov
To: radforda@api.org; james.schindler@boem.gov; domnitchc@api.org; hayniem@api.org
Subject: Invitation: Meeting with API @ Fri Aug 18, 2017 11am - 11:30am (EDT) (domnitchc@api.org)

Attachments:

Meeting with API
When Fri Aug 18, 2017 11am – 11:30am (EDT)
Where Room 6136 (map)
Who vincent_devito@ios.doi.gov - organizer
gisella_ojeda-dodds@ios.doi.gov - creator
radforda@api.org
james.schindler@boem.gov
domnitchc@api.org
hayniem@api.org

With DOI:
- Vincent DeVito, Counselor to the Secretary for Energy Policy
- James Schindler, Special Assistant, BOEM

With API:
- Carrie Domnitch
- Matt Haynie
- Andy Radford

Going?
- Yes
- Maybe
- No

more details »

Invitation from Google Calendar
You are receiving this courtesy email at the account domnitchc@api.org because you are an attendee of this event.
To stop receiving future updates for this event, decline this event.
Alternatively you can sign up for a Google account at https://www.google.com/calendar/ and control your notification settings for your entire calendar.
Forwarding this invitation could alter any response you might get. RSVP responses. Learn More: https://support.google.com/calendar/answer/37135#forwarding
From: Andy Radford
To: vincent_devito@ios.doi.gov
Subject: Accepted: Invitation: Meeting with API @ Fri Aug 18, 2017 11am - 11:30am (EDT) (radforda@api.org)
From: vincent.devito@ios.doi.gov
To: mmi.ler@ipaa.org
Subject: Updated invitation: Meeting with IPAA @ Tue Oct 10, 2017 4pm - 5pm (EDT) (mmiller@ipaa.org)
Attachments: invite.ics

This event has been changed.

Meeting with IPAA
When: Tue Oct 10, 2017 4pm – 5pm Eastern Time
Video call
Calendar
Who: • vincent_devito@ios.doi.gov - organizer
• gisella_ojeda-dodds@ios.doi.gov - creator
• mmi.ler@ipaa.org

Going? Yes - Maybe - No

Invitation from Google Calendar https://www.google.com/calendar/
You are receiving this courtesy email at the account mmi.ler@ipaa.org because you are an attendee of this event.
To stop receiving future updates for this event, decline the event. Alternatively, you can sign up for a Google account at https://www.google.com/calendar/ and control your notification settings for your entire calendar.
Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More https://support.google.com/calendar/answer/37135#forwarding.
From: vincent.devito@ios.doi.gov
To: mmiller@ipaa.org
Subject: Invitation: Meeting with IPAA @ Tue Oct 10, 2017 4pm - 5pm (EDT) (mmiller@ipaa.org)

Attachments: 

Meeting with IPAA
When: Tue Oct 10, 2017 4pm – 5pm Eastern Time
Where: Room 6136  U.S. Department of the Interior  1849 C Street  NW  Washington  D.C. (map)
Who: • vincent.devito@ios.doi.gov - organizer
• gisella_ojeda-dodds@ios.doi.gov - creator
• mmiller@ipaa.org

Meeting with IPAA
When: Tue Oct 10, 2017 4pm – 5pm Eastern Time
Where: Room 6136  U.S. Department of the Interior  1849 C Street  NW  Washington  D.C. (map)
Who: • vincent.devito@ios.doi.gov - organizer
• gisella_ojeda-dodds@ios.doi.gov - creator
• mmiller@ipaa.org

Going? Yes - Maybe - No

Invitation from Google Calendar - https://www.google.com/calendar/
You are receiving this courtesy email at the account mmiller@ipaa.org because you are an attendee of this event.
Forwarding this invitation would allow any recipient to modify your RSVP response. Learn More - https://support.google.com/calendar/answer/37135#forwarding.
From: Mallori Miller
To: "vincent_devito@ios.doi.gov"
Subject: Accepted: Updated invitation: Meeting with IPAA @ Tue Oct 10, 2017 4pm - 5pm (EDT) (mmiller@ipaa.org)
From: vincent.devito@ios.doi.gov
To: mmiller@ipaa.org
Subject: Updated invitation: Meeting with IPAA @ Tue Oct 10, 2017 4pm - 5pm (EDT) (mmiller@paa.org)
Attachments: invite.ics

This event has been changed.

more details » https://www.google.com/calendar/event?action=VIEW&eid=NDVoaTQxcGhwdGgzNjVuMjlhMmprajZsZG4gbW1pbGxlckBpcGFhLm9yZw&tok=MjYjdmluY2VudF9kZXZpdG9AaW9zLmRvaS5nb3YyMDlmNGYyZmNkODAzMDIzZmZkZGIwOWQ5MzJmNzBhNjE0Y2ViYjJk&ctz=America/New_York&hl=en

Meeting with IPAA

When: Tue Oct 10, 2017 4pm – 5pm Eastern Time
Where: Room 6151, U.S. Department of the Interior, 1849 C Street, NW, Washington, D.C. (map)

Video call Calendar

Who: vincent.devito@ios.doi.gov - organizer
- gisella_ojeda-dodds@ios.doi.gov - creator
- mmiller@ipaa.org

Who: snmiller@paa.org, dneid@paa.org,อังก(228,191),(992,209)
tate@paa.org, pessner@paa.org, rizzio@paa.org, schulze@paa.org

Changed: With IPAA:
- Shane Schultz – Director, Government Affairs – QEP Resources
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- Brian Woodard – Director, Regulatory Affairs – Chesapeake Energy Corp.
- Jesse Sandlin – Senior Supervisor, Public and Government Affairs – Devon Energy
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To: mmiller@ipaa.org; christopher_stolte@ios.doi.gov
Subject: invitation: meeting with IPAA @ Tue Oct 10, 2017 4pm - 5pm (christopher_stolte@ios.doi.gov)
Attachments: invite.ics

Meeting with IPAA

With IPAA:
- Shane Schultz – Director, Government Affairs – QEP Resources
- Eric Dille – Vice President, Government Relations – EOG Resources
- Brian Woodard – Director, Regulatory Affairs – Chesapeake Energy Corp.
- Jesse Sandlin – Senior Supervisor, Public and Government Affairs – Devon Energy
- Kristen Lingley – Senior Government Relations Advisor – Encana
- Dan Naatz – Senior Vice President, Government Relations and Political Affairs - IPAA
- Mallori Miller, Director, Government Relations – IPAA

When
Tue Oct 10, 2017 4pm – 5pm Eastern Time

Where
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Video call

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- Dan Naatz – Senior Vice President, Government Relations and Political Affairs - IPAA
- Mallori Miller, Director, Government Relations – IPAA

When: Changed: Tue Oct 10, 2017 3pm – 4pm Eastern Time


Video call: <video_call>christopher_stolte@ios.doi.gov</video_call>

Who:
• vincent_devito@ios.doi.gov - organizer
• gisella_ojeda-dodds@ios.doi.gov - creator
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Attachments: invite.ics

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Meeting with IPAA
When Changed: Tue Oct 10, 2017 3pm – 4pm Eastern Time
When: Tue Oct 10, 2017 3pm – 4pm Eastern Time
Where: Room 6151, U.S. Department of the Interior, 1849 C Street, NW, Washington, D.C. (map)
Video call
Calendar
Who
• vincent_devito@ios.doi.gov - organizer
• gisella_ojeda-dodds@ios.doi.gov - creator
• mmiller@ipaa.org
• christopher_stolte@ios.doi.gov
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Subject: Invitation: Meeting with IPAA @ Tue Oct 10, 2017 3pm - 4pm (william_dove@ios.doi.gov)
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When
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Video Call

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- No

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Secretary Zinke Signs Order to Jump-Start Alaskan Energy

Alaska Natives & Elected Officials Applaud Bold Action

High-resolution, media-use photos available here

ANCHORAGE - Flanked by members of Alaska’s energy sector and elected officials at the Alaska Oil and Gas Association annual conference, U.S. Secretary of the Interior Ryan Zinke today signed a secretarial order to jump-start Alaskan energy production in the National Petroleum Reserve – Alaska (NPR-A) and update resource assessments for areas of the North Slope, including the "1002 area" of the Arctic National Wildlife Refuge (ANWR).

The order calls for the lawful review and development of a revised Integrated Activity Plan for the NPR-A that strikes an appropriate statutory balance of promoting development while protecting surface resources; and, an evaluation, under the existing Integrated Activity Plan, on efficiently and effectively maximizing the tracts offered for sale during the next NPR-A lease sale. The order also directs the Assistant Secretaries of Land and Minerals Management and Water and Science to submit a joint plan to the Counselor to the Secretary for Energy Policy for updating assessments of undiscovered, technically recoverable oil and natural gas resources of Alaska’s North Slope, focusing on Federal lands including the NPR-A and the Section 1002 Area of the ANWR. The joint plan shall include consideration of new geological and geophysical data, as well as potential for reprocessing existing geological and geophysical data. The Secretarial Order does not reduce, eliminate, or modify any environmental or regulatory requirements for energy development.

"The National Petroleum Reserve serves a critical role in both our energy and national security," said Secretary Zinke. "This is land that was set up with the sole intention of oil and gas production, however years of politics over policy put roughly half of the NPR-A off-limits. Using this land for its original intent will create good paying jobs and revenue for our
Northern-most city and strengthen our energy and national security. Working with the Alaska Native community, Interior will identify areas in the NPR-A where responsible energy development makes the most sense and devise a plan to extract resources. We will do it in a way that both respects the environment and traditional uses of the land as well as maintains subsistence hunting and fishing access.”

Prior to making the announcement, the Secretary met with North Slope Borough Mayor Harry Brower Jr., an Inupiat whaling captain, whose borough encompasses the NPR-A and ANWR.

“I welcome Secretary Zinke’s new Secretarial Order. In my meeting with Secretary Zinke earlier today, the Secretary committed that the Interior Department will engage in meaningful consultation with our communities, tribes, AEWC, and Native corporations during the Department’s review of the NPR-A IAP,” said Mayor Brower. “North Slope Borough residents recognize the importance of oil and gas to our local economy and the ability of our Borough and city governments to provide public services. We look forward to working with the Secretary to continue to permit responsible development on the North Slope while, at the same time, protecting our wildlife and our subsistence way of life.”

“This Secretarial Order is exactly the type of announcement that so many Alaskans have been asking for: a smart, timely step to restore access to our lands, throughput to our Trans-Alaska Pipeline, and growth to our economy under reasonable regulations that do not sacrifice environmental protections,” Senate Energy and Natural Resources Chairman Lisa Murkowski said. “I thank Secretary Zinke for traveling to Alaska this week, for meeting with stakeholders to understand the unique needs and opportunities of our state, and for moving quickly to ensure we are finally allowed to realize more of our tremendous resource potential.”

“Today’s announcement marks a bright, new chapter in Alaska’s history,” Governor Bill Walker said. “Thanks to Secretary Zinke’s leadership, we are ushering in an era of unprecedented federal-state partnership to develop Alaska’s resources. This order allows for greater state input as Alaskans continue our strong record of safe and responsible oil and gas development. I applaud Secretary Zinke for removing the obstacles so that Alaska can play a greater role in securing the nation’s energy dominance.”

Regarding the ANWR, Secretary Zinke said, "I'm a geologist. Science is a wonderful thing: it helps us understand what is going on deep below the surface of the earth. We need to use science to update our understanding of the 1002 area of the Arctic National Wildlife Refuge as Congress considers important legislation to responsibly develop there one day. This order takes the important first step in a smart and measured approach to energy development in ANWR."

"Secretary Zinke's order, coupled with a very clear commitment to serve as Alaska's partner, represents exactly what our state and people have demanded from the Department of Interior for years," said Congressman Don Young. "The message couldn't be clearer, this administration understands the importance of responsible resource development in Alaska and the Arctic and is focused on addressing the many bureaucratic roadblocks that have stood in our way for far too long. As we work to refill the Trans-Alaska Pipeline System and unleash Alaska's full energy potential, I can think of no better time to double our efforts to strengthen opportunities within the NPR-A, to create a stable and reliable regulatory environment, and move forward on accessing and developing our nation’s rich deposits of oil and gas, particularly in the 1002 Area of ANWR. Under Secretary Zinke's leadership, I believe Alaska no longer has an adversary in the Interior Department, but a willing partner."
"I applaud Secretary Zinke’s order to responsibly evaluate how best to realize the development potential of Alaska’s vast energy resources in the NPR-A and 1002 area," said Senator Dan Sullivan. "With this order, the Administration will allow the country to finally deliver on the promised energy security and abundance we had in mind when Congress set these lands aside for future exploration and development. To grow our economy and maintain U.S. leadership in the world, America must remain an energy superpower. Robust Alaskan energy development will make this a reality."

Within 31 days, the Counselor to the Secretary for Energy Policy is to deliver a plan to the Secretary for reviewing and effectuating the Department’s actions under the order.

Interior Counselor to the Secretary for Energy Policy, Vincent Devito, said, "we will develop a responsible plan for responsible development."

The National Petroleum Reserve – Alaska is the largest block of federally managed land in the United States. In 2010, the U.S. Geological Survey estimated the NPR-A contained approximately 895 million barrels of economically recoverable oil and 52.8 trillion cubic feet of natural gas. On February 21, 2013, the Secretary of the Interior signed a Record of Decision approving the Integrated Activity Plan for the NPR-A, which sets forth the Bureau of Land Management’s plan for future management of the area. That plan made approximately 11 million of the NPR-A’s 22.8 million acres unavailable for leasing, potentially precluding development of up to 350 million barrels of oil and 45 trillion cubic feet of natural gas.

The 1.5 million-acre coastal plain of the 19 million-acre ANWR is the largest unexplored, potentially productive geologic onshore basin in the United States. The primary area of potential oil and gas exploration is on the Section 1002 Area of ANWR, which was specifically set aside by Congress and the President in 1980 because of its potential for oil and natural gas development.

#
Secretary Zinke Applauds President Trump's Action to Restore America's Energy Destiny

WASHINGTON - U.S. Secretary of the Interior Ryan Zinke today applauded President Donald J. Trump's decision to eject the United States from the Obama-era, multi-national Paris Accord. The Department of the Interior is in charge of most energy development on federal lands, including oil, gas, coal, wind, geothermal, and other sources, as well as oil, gas and wind on the Outer Continental Shelf.

The following statement is from Secretary Ryan Zinke:

"America's energy and economic destiny should be up to the United States, not the United Nations. Today the President took bold and decisive action to pull the U.S. out of the poorly-negotiated Paris Accord that would kill American jobs and manufacturing while doing little to protect the environment.

"We all agree that clean air and clean water are top priorities, but this deal was an example of another give-away to foreign interests and locks America into a permanent competitive disadvantage. America has the resources and expertise to lead the world in responsible energy development and technology. To not use our resources to our advantage is simply wrong. The world is safer when America is strong. I was just in Alaska where Native Alaskan leaders expressed to me their long-held desire to increase oil and gas exploration in the Arctic so they can fund their schools, hospitals, and infrastructure.

"In order to meet the benchmarks in the Paris Accord, it’s estimated the U.S. would lose $3 trillion in output, over six million industrial jobs, three million manufacturing jobs, and will absolutely decimate the coal industry. No more. No longer will the federal government sign agreements that punish American workers.

"I am confident that advancements in technology and smart regulations will allow the United States to continue responsible energy development and production and continue to lower emissions."

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Department Of The Interior
External and Intergovernmental Affairs
Timothy Williams
timothy_williams@ios.doi.gov <mailto:timothy_williams@ios.doi.gov>
Office: (202) 208-6015
Cell: (202) 706-4982
WASHINGTON – U.S. Secretary of the Interior Ryan Zinke, late yesterday, signed a Secretarial Order 3353 to improve sage-grouse conservation and strengthen communication and collaboration between state and federal governments. Together, the Federal government and states will work to conserve and protect sage-grouse and its habitat while also ensuring conservation efforts do not impede local economic opportunities.

In signing Secretarial Order 3353, Secretary Zinke established an internal review team that will evaluate both Federal sage-grouse plans and state plans and programs to ensure they are complementary. As the team explores possible plan modifications, it will also consider local economic growth and job creation.

“While the federal government has a responsibility under the Endangered Species Act to responsibly manage wildlife, but destroying local communities and levying onerous regulations on the public lands that they rely on is no way to be a good neighbor,” said Secretary Zinke. “State agencies are at the forefront of efforts to maintain healthy fish and wildlife populations, and we need to make sure they are being heard on this issue. As we move forward with implementation of our strategy for sage-grouse conservation, we want to make sure that we do so first and foremost in consultation with state and local governments, and in a manner that allows both wildlife and local economies to thrive. There are a lot of innovative ideas out there. I don't want to take anything off the table when we talk about a plan.”

In September 2015, the Departments of the Interior and Agriculture finalized the greater sage-grouse plans, which included amendments and revisions to 98 Bureau of Land Management (BLM) and U.S. Forest Service land use plans in 11 Western states. The plans were cited by the U.S. Fish and Wildlife Service (FWS) as a key reason for its decision that the greater sage-grouse did not merit protection under the Endangered Species Act. Protection under the act could potentially stifle economic development across large areas of the American West where more than half of sage-grouse habitat is on public lands managed by the BLM and the Forest Service.

The Secretary has asked this interagency team of experts from the BLM, FWS, and U.S. Geological Survey to focus on addressing the principal threats to rangeland health and sage-grouse habitat—invasive grasses and wildland fire. The team will also consider creative approaches and ideas, including a captive breeding program, setting population targets by state, and opportunities to improve state involvement.

The team will examine the plans in light of policies set forth in Secretarial Order 3349, American Energy Independence. To this end, the team will be asked to identify plan provisions that may need to be adjusted or rescinded based on the potential for energy and other development on public lands.

This Secretarial Order follows through on statements Secretary Zinke made during his confirmation hearing, when he stated that he understands each state has different needs and issues and committed to working with
them and local communities. He concluded that together the Federal government, states and western communities will get this job done.

**Department Of The Interior**

External and Intergovernmental Affairs
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WASHINGTON - U.S. Secretary of the Interior Ryan Zinke submitted a 45-day interim report on Bears Ears National Monument to President Donald J. Trump on Saturday, June 10, 2017, in accordance with the April 26, 2017, Executive Order (EO). The order directs the Secretary to review monuments designated under the Antiquities Act between January 1, 1996, and the present date that are 100,000 acres or more in size, or any monument the Secretary deems to have been created without appropriate public input. The EO also directs the Secretary to submit an interim report regarding Bears Ears specifically to the President no more than 45 days from the date of the EO.

The EO states: "Within 45 days of the date of this order, the Secretary shall provide an interim report to the President... The interim report shall include recommendations for such Presidential actions, legislative proposals, or other actions consistent with law as the Secretary may consider appropriate to carry out the policy set forth in section 1 of this order."

“I spent a lot of time on the ground in Utah, talking with people and understanding the natural and cultural significance of the area. There is no doubt that it is drop-dead gorgeous country and that it merits some degree of protection, but designating a monument that - including state land - encompasses almost 1.5 million-acres where multiple-use management is hindered or prohibited is not the best use of the land and is not in accordance with the intention of the Antiquities Act,” said Secretary Zinke. “I’ve submitted my 45-day interim report to President Trump expressing my belief that the monument needs to be right-sized and that it is absolutely critical that an appropriate part be co-managed by the Tribal nations. I also recommend that Congress take action to protect some areas.”

Regarding ongoing management and consultation with Tribal interests, Secretary Zinke said:
“Co-management will be absolutely key going forward and I recommend that the monument, and especially the areas of significant cultural interest, be co-managed by the Tribal nations. I am grateful representatives from the Tribal governments met with me in Utah and am optimistic for our future.”

In May, Secretary Zinke traveled to Utah and held a four-day listening tour across the state to learn more about Bears Ears National Monument and the neighboring Grand Staircase-Escalante National Monument. When accounting for state and private land, the perimeter of Bears Ears encompasses almost 1.5 million acres. Grand Staircase is 1.7 million acres.

The Secretary met with state, local, and Tribal stakeholders and toured the monument by air, car, foot, and horseback. He met with elected officials from Tribal, federal, state, and local communities. He also met with representatives from agriculture, conservation, historic preservation, and tourism sectors, as well as private citizens. The Secretary also held daily press briefings during the trip.

The Secretary met with the Bears Ears InterTribal Coalition while visiting Bears Ears National Monument on May 7, and the Acting Deputy Secretary held a four-hour follow-up meeting with the Bears Ears Commission and the InterTribal Coalition on May 25.

Prior to the trip to Utah in early May, Secretary Zinke opened up a formal public comment period where members of the public could submit their statements regarding all monuments to the Secretary. The was the first time ever that a formal public comment period was set up for monuments designated under the Antiquities Act.

“Local input is absolutely critical when it comes to federal land management decisions and as such, I’m extending the public comment period for Bears Ears. I want every advocate to have their voice heard,” said Secretary Zinke.

Due to the 120-day final review period for Bears Ears National Monument, the formal public comment period for Bears Ears will be extended through July 10th and will close with the overall comment period. Comments may be submitted on regulations.gov or by traditional mail. If an individual submitted a comment on Bears Ears during the initial comment period, they do not need to resubmit.

Executive Order 13792:

Executive Order 13792 of April 26, 2017 (82 FR 20429, May 1, 2017), directs the Secretary of the Interior to review certain National Monuments designated or expanded under the Antiquities Act of 1906, 54 U.S.C. 320301-320303 (Act). Specifically, Section 2 of the Executive Order directs the Secretary to conduct a review of all Presidential designations or expansions of designations under the Antiquities Act made since January 1, 1996, where the designation covers more than 100,000 acres, where the designation after expansion covers more than 100,000 acres, or where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders, to determine whether each designation or expansion conforms to the policy set forth in section 1 of the order. Among other provisions, Section 1 states that designations should reflect the Act’s “requirements and original objectives” and “appropriately balance the protection of landmarks, structures, and objects against the appropriate use of Federal lands and the effects on surrounding lands and communities.” 82 FR 20429 (May 1, 2017).
In making the requisite determinations, the Secretary is directed to consider:

(i) the requirements and original objectives of the Act, including the Act’s requirement that reservations of land not exceed “the smallest area compatible with the proper care and management of the objects to be protected”;
(ii) whether designated lands are appropriately classified under the Act as “historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest”;
(iii) the effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land Policy and Management Act (43 U.S.C. 1701(a)(7)), as well as the effects on the available uses of Federal lands beyond the monument boundaries;
(iv) the effects of a designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries;
(v) concerns of State, tribal, and local governments affected by a designation, including the economic development and fiscal condition of affected States, tribes, and localities;
(vi) the availability of Federal resources to properly manage designated areas; and
(vii) such other factors as the Secretary deems appropriate.

82 FR 20429-20430 (May 1, 2017)
FYI: Please see attached.

Tim Williams

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Department Of The Interior
External and Intergovernmental Affairs
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Notice of Crude Helium Auction and Sale for Fiscal Year 2018 Delivery

A Notice by the Land Management Bureau on 06/20/2017

AGENCY:
Bureau of Land Management, Interior.

ACTION:
Notice.

SUMMARY:
The Secretary of the Interior (Secretary), through the Bureau of Land Management (BLM) New Mexico State Office, is issuing this Notice to conduct an auction and sale from the Federal Helium Program, administered by the BLM New Mexico, Amarillo Field Office. The Helium Stewardship Act of 2013 (HSA) requires the
BLM to conduct an annual auction and sale of crude helium. Accordingly, the BLM will once again use the auction and sale process established in the Federal Register dated August 24, 2015, for a previous sale.

DATES:

This Notice is effective on June 20, 2017. The schedule for the auction and sale process is:

1. July 19, 2017—FY 2018 helium auction held in Amarillo, Texas
2. July 24, 2017—FY 2018 helium auction results published on the BLM Web site
3. July 28, 2017—Invoices for auction sent on or before this date; payments due 30 days from invoice
4. August 2, 2017—Invitation for offers (IFO) posted for helium sale
5. August 17, 2017—Bids due from IFO
6. August 21, 2017—Award announcements published on the BLM Web site
7. August 25, 2017—Invoices for sale sent on or before; payments due 30 days from invoice
8. September 30, 2017—Helium transferred to buyers’ storage accounts

ADDRESSES:

The July 19, 2017, helium auction will be held in the main conference room of the Amarillo Field Office, 801 South Fillmore, Suite 500, Amarillo, TX 79101.

FOR FURTHER INFORMATION CONTACT:

Samuel R.M. Burton, Amarillo Field Manager, at 806-356-1000. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339. The FRS is available 24 hours a day, 7 days a week, to leave a message. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION

A. Purpose and Background:

In October 2013, Congress passed the HSA. The HSA requires the Department of the Interior, through the BLM Director, to offer for auction and sale annually a portion of the helium reserves owned by the United States and stored underground at the Cliffside Gas Field, near Amarillo, Texas.


On August 24, 2015, the BLM published a "Notice of Final Action: Crude Helium Sale and Auction for Fiscal Year 2016 Delivery" in the Federal Register (80 FR 51304 (/citation/80-FR-51304)) (2015 Final Notice). The 2015 Final Notice refined the process the BLM used in 2014 for conducting the auction and sale of crude
The BLM will use the process set forth in the 2015 Final Notice for the auction and sale of crude helium to occur in FY 2017 for FY 2018 delivery.

Both the 2014 and 2015 Final Notices are available from the Helium Stewardship, HSA Implementation page of the BLM helium Web site at www.blm.gov/programs/energy-and-minerals/helium

B. Volumes Offered in the FY 2018 Helium Auction and Sale

Table 1 identifies the volumes to be offered for auction and sale in FY 2017 for FY 2018 delivery.

Table 1—Projected Volumes for Auction and Sales for FY 2018 Delivery

<table>
<thead>
<tr>
<th>Fiscal year (FY)</th>
<th>Forecasted production capability (NITEC study)</th>
<th>In-kind sales (sales to federal users)</th>
<th>Total remaining production available for sale/auction or delivery</th>
<th>Volume available for auction</th>
<th>Volume available for non-allocated sale</th>
<th>Volume available for sale</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2018</td>
<td>1,059</td>
<td>159</td>
<td>900</td>
<td>500 **</td>
<td>40</td>
<td>360</td>
</tr>
</tbody>
</table>

* MMcf means one million cubic feet of gas measured at standard conditions of 14.65 per square inch atmosphere (psia) and 60 degrees Fahrenheit.

** 55% of total production capacity after deducting in-kind (rounded).

C. FY 2018 Helium Auction

1.01 What is the minimum FY 2018 auction price and the FY 2018 sales price?  
The minimum FY 2018 auction price is $100 per Mcf (one thousand cubic feet of gas measured at standard conditions of 14.65 psia and 60 degrees Fahrenheit). The BLM will announce the FY 2018 sale price after the auction has concluded, and the BLM completes its analysis of the auction information. The BLM will use this information to publish the crude helium price for FY 2018. The BLM publishes this crude helium price, effective October 1, 2017, in order to provide a consistent index to the world-wide helium market.

1.02 What will happen to the helium offered but not sold in the helium auction?  
Any volume of helium offered, but not sold in the FY 2018 auction, will be added to the helium available for sale and will be offered in the FY 2019 sale.

1.03 When will the auction and sale take place?  
The BLM will offer helium for FY 2018 according to the following schedule:

July 19, 2017  FY 2018 helium auction held in Amarillo, Texas

July 24, 2017  FY 2018 helium auction results published on the BLM Web site

July 28, 2017  Invoices for auction sent on or before this date; payments due 30 days from invoice

August 2, 2017  Invitation for offers (IFO) posted for helium sale
August 17, 2017  Bids due from IFO

August 21, 2017  Award announcements published on the BLM Web site

August 25, 2017  Invoices for sale sent on or before; payments due 30 days from invoice

September 30, 2017  Helium transferred to buyers’ storage accounts (in accordance with Section 1.08)

1.04  What is the auction format?

The auction will be a live auction, held in the main conference room of the Amarillo Field Office at 1:00 p.m. Central Time, on July 19, 2017. The address is 801 South Fillmore, Suite 500, Amarillo, TX 79101. Anyone meeting the HSA definition of a qualified bidder may participate in the auction. The logistics for the auction and the pre-bid qualification form is included in a document entitled, “FY 2018 Helium Auction Notice and Guide” on the Helium Stewardship page of the BLM Helium Program Web site at www.blm.gov/programs/energy-and-minerals/helium (http://www.blm.gov/programs/energy-and-minerals/helium). Questions related to the auction can be submitted by phone to the BLM at 806-356-1001.

1.05  Who is qualified to purchase helium at the auction?

Only qualified bidders, as defined in 50 U.S.C. 167 (https://api.fdsys.gov/link?collection=uscode&title=50&year=mostrecent&section=167&type=usc&link-type=html)(9), may participate in and purchase helium at the auction. The BLM will make the final determination of who is a qualified bidder using the HSA’s definition of a qualified bidder, regardless of whether or not that person was previously determined to be a qualified bidder.

1.06  How many helium lots does the BLM anticipate offering at the FY 2018 auction?

The BLM anticipates auctioning 500 MMcf in a total of 30 lots for delivery in FY 2018. The lots would be divided as follows:

13 lots of 25 MMcf each;

9 lots of 15 MMcf each; and

8 lots of 5 MMcf each.

1.07  What must I do to bid at auction?


1.08  When will helium that is purchased at sale or won at auction be available in the purchaser’s storage account?

The BLM will transfer the volumes purchased in the FY 2018 auction and sale to the buyer’s storage accounts beginning on the first day of the month following receipt of payment.

D. FY 2018 Helium Sale
2.01 Who will be allowed to purchase helium in the FY 2018 sale?

The crude helium sale will be separated into two distinct portions, a non-allocated portion and an allocated portion. The non-allocated portion will be ten percent of the total amount offered for sale for FY 2018, and will be available to those storage contract holders who do not have ability to accept delivery of crude helium from the Federal Helium Pipeline (as defined in 50 U.S.C. 167 (https://api.fdsys.gov/link?collection=uscode&title=50&year=mostrecent&section=167&type=usc&link-type=html)(2)) as of May 30, 2017. The allocated portion will be ninety percent of the total amount offered for sale for FY 2018, and will be available to any person (including individuals, corporations, partnerships, or other entities) with the ability to accept delivery of crude helium from the Federal Helium Pipeline (as defined in 50 U.S.C. 167 (https://api.fdsys.gov/link?collection=uscode&title=50&year=mostrecent&section=167&type=usc&link-type=html)(2)).

2.02 How will helium sold in the FY 2018 sale be allocated among those participating in the non-allocated sale?

The non-allocated sale will be made available to all qualified offerors not eligible to participate in the allocated sales. The minimum volume that can be requested is 1 MMcf. The total volume available for the non-allocated portion of the sale is 40 MMcf. Any volumes not sold at auction will be distributed between the non-allocated (10 percent) and the allocated sale (90 percent). Any volumes not purchased at the non-allocated sale will be sold in the allocated portion.

2.03 How will the helium sold in the FY 2018 sale be allocated among the persons to accept delivery of crude helium from the Federal Helium Pipeline?

Any person wishing to participate in the allocated portion of the FY 2018 sale needs to report its excess refining capacity and operational capacity a minimum of 14 calendar days prior to the sale, using the Excess Refining Capacity form. The form can be downloaded at www.blm.gov/programs/energy-and-minerals/helium (http://www.blm.gov/programs/energy-and-minerals/helium). The form is located in the Helium Stewardship, HSA Implementation page of the Web site. Each person participating in the sale will then be allocated a proportional share based upon that person’s operational capacity.

2.04 How does a person apply for access to the Federal Helium Pipeline for the purpose of taking crude helium?

The steps for taking crude helium are provided in the BLM’s Helium Operations Web site at www.blm.gov/programs/energy-and-minerals/helium (http://www.blm.gov/programs/energy-and-minerals/helium). The steps are contained in a document entitled, “How to Establish a Storage Contract and Pipeline Connection Point” located in the Federal Helium Operations/Helium Storage page of the Web site. Reporting forms can be downloaded at the same Web site address. Reporting forms are located in the Helium Stewardship, HSA Implementation page of the BLM Federal Helium Program Web site, and show the requirements and due dates for each report. The length of time required to apply for and obtain access to the Federal Helium Pipeline can vary based on the person’s plans for plant construction, pipeline metering installation, and other variables. The BLM is available to provide technical assistance, including contact information for applying for access and meeting any applicable National Environmental Policy Act requirements.

E. Delivery of Helium in FY 2018

3.01 When will I receive the helium that I purchase in a sale or win based on a successful auction bid?
Helium purchased at the FY 2018 sale or won at the FY 2018 auction will be delivered starting September 30, 2017, in accordance with the crude helium storage contract. The intent is to ensure delivery of all helium purchased at sale or auction up to the BLM’s production capability for the year.

3.02 How will the BLM prioritize delivery?

The HSA gives priority to Federal in-kind helium (i.e., helium sold to Federal users) (50 U.S.C. 167 (https://api.fdsys.gov/link?collection=uscode&title=50&year=mostrecent&section=167&type=usc&link-type=html)(d)(1)(D)) and (b)(3)). After meeting that priority, the BLM will make delivery on a reasonable basis, as described in the crude helium storage contract, to ensure storage contract holders who have purchased or won helium at auction have the opportunity during the year to have that helium produced or refined in monthly increments.

F. Background Documents

Supplementary documents referenced in this Notice are available at the BLM helium operations Web site at: www.blm.gov/programs/energy-and-minerals/helium (http://www.blm.gov/programs/energy-and-minerals/helium). They are located in the Helium Stewardship, HSA Implementation page of the Web site, and include the following documents:

a. This Federal Record Notice for Fiscal year 2018 Delivery;


c. FY 2018 Helium Auction Notice and Guide;

d. 2016 Storage Contract (template for information only);

e. Determination of Fair Market Value Pricing of Crude Helium;

f. Storage Fees;

g. Required Forms for Helium Reporting; and


Amy Lueders,
State Director.

[FR Doc. 2017-12813 (/a/2017-12813) Filed 6-19-17; 8:45 am]

BILLING CODE 4310-FB-P
WASHINGTON – Yesterday, Interior Secretary Ryan Zinke praised President Donald Trump’s intent to nominate veteran Bureau of Reclamation official Brenda W. Burman as the Commissioner of the Bureau, which is the largest wholesale water supplier in the United States and the nation’s second largest producer of hydroelectric power. If confirmed, Burman would be first ever female to lead the Bureau. From 2006 to 2008, she served as Reclamation’s Deputy Commissioner for External and Intergovernmental Affairs and the Deputy Assistant Secretary.

“Brenda’s depth of knowledge of Western water issues is impressive,” said Secretary Zinke. “Her background includes working with large Western water agencies, non-governmental organizations and Congress. She will be a valuable addition to the Interior team.”

"I welcome this opportunity and am thankful for the chance to serve again on the Bureau of Reclamation team," said Brenda Burman."The men and woman of Reclamation have helped the West work through our most difficult water issues for over a hundred years. If confirmed, I look forward to working with Secretary Zinke and the administration to solve our most pressing water issues."
As Commissioner, Burman would lead an agency of more than 5,000 employees who help maintain 475 dams and 337 reservoirs that provide more than 30 million acre-feet (10 trillion gallons) of water for 31 million people in the 17 Western states. The Commissioner is also responsible for Reclamation’s maintenance of 53 hydroelectric power plants that generate 40 billion kilowatt hours annually – about 15 percent of the nation’s hydropower – and provides one out of five Western farmers with irrigation water for farmland that is the source of much of the nation's produce.

“Brenda Burman’s deep background in thorny western water issues will serve her well in leading the Bureau of Reclamation,” said Senator Jeff Flake, the Chairman of the Senate Energy and Natural Resources Water and Power Subcommittee. “I look forward to her quick confirmation so she can continue the Bureau’s critical work including protecting Lake Mead.”

“Brenda Burman is highly qualified to be the Commissioner of the Bureau of Reclamation and I am proud to support her nomination,” said U.S. Senator John McCain. "Brenda brings a wealth of knowledge on federal water policy and drought conditions in the West forged through years of service at the Department of Interior and as legislative counsel to former U.S. Senator Jon Kyl, one of the nation’s foremost experts on federal and tribal water law. I encourage my colleagues in the Senate to swiftly confirm her nomination.”

"I applaud President Trump’s outstanding selection of Brenda Burman as Commissioner of the U.S. Bureau of Reclamation,” said Arizona Governor Doug Ducey. “Ms. Burman is an experienced water professional. Her two decades of experience and tremendous service to the country – including as deputy commissioner for the Bureau and as Deputy Assistant Secretary for Water and Science, as well as her work with the U.S. Senate on water and energy legislation – affirm the wisdom of this appointment.”

“Brenda Burman is an excellent choice for Commissioner of the Bureau of Reclamation. She has the utmost respect and unwavering confidence of those who have worked with her side-by-side for years and has proven time and again her ability to expertly maneuver complex issues day in and day out,” said Congressman Paul A. Gosar D.D.S. “Brenda is no stranger to the Department of the Interior, water issues or the West. She is eminently qualified for this position and I look forward to continue working closely with her following her confirmation.”

“It is difficult to imagine someone more qualified or well-suited to lead the Bureau of Reclamation,” said Southern Nevada Water Authority General Manager John Entsminger. “Having served the water community for many years in a variety of roles, Brenda’s ability to navigate the sometimes turbulent and always complex issues we face in the Western United States is unsurpassed. She will be an asset to the federal government and a resource for the myriad stakeholders who rely upon the Bureau’s leadership and guidance.”

"As someone who has over 10 years experience as a Regional Director with Bureau of Reclamation in two separate Regions, I have seen what it takes to succeed as Commissioner,” said Roger K. Patterson, Assistant General Manager for the Metropolitan Water District of California. “Without a doubt, Brenda has the experience, skills, energy and vision to be a successful. I'm excited about the work she will do and I wish her the best.”

“Brenda's knowledge and experience in water development and management along with her personal characteristics of honesty and integrity make her an outstanding nominee to be Commissioner of Reclamation,” said former Bureau of Reclamation Commissioner Bob


Johnson. “She will provide the leadership needed to help address the complex water management issues of the 21st-century.”

"It is vital to have experienced, committed and knowledgeable leaders who can work cooperatively to solve complicated water issues,” said National Water Resources Association Executive Vice President Ian Lyle. “Ms. Burman has made a career of working collaboratively with diverse interests to resolve complex water issues, both in government and in the private sector. Her character and experience make her an ideal candidate to be Commissioner of the Bureau of Reclamation. The National Water Resources Association is honored to offer Ms. Burman our strongest endorsement."

Burman currently serves as the Director of Water Policy for Arizona’s Salt River Project. Prior to that, she worked for the Metropolitan Water District of Southern California, The Nature Conservancy, and U.S. Senator Jon Kyl. She earned her Juris Doctor degree from the University of Arizona College of Law and a Bachelor of Arts from Kenyon College.

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**Department Of The Interior**
External and Intergovernmental Affairs
Timothy Williams
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Office: (202) 208-1923
Endangered and Threatened Wildlife and Plants:

5-Year Status Reviews of 23 Southeastern Species

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-RR-ES-2017-N046; FXES111308000000-178-F0BEVEN00]

Receipt of Application for Incidental Take Permit; Low-Effect Habitat Conservation Plan for the Curletti Farm Employee Housing Project, Santa Barbara County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit application; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, have received an application from Betteravia Farms, LLC, for an incidental take permit under the Endangered Species Act of 1973, as amended. The permit would authorize take of the federally endangered California tiger salamander (Ambystoma californiense) incidental to otherwise lawful activities associated with the Curletti Farm Employee Housing Project Habitat Conservation Plan (HCP). We invite public comment on the application, the draft habitat conservation plan, draft low-effect screening form, and environmental action statement.

Background

The Santa Barbara distinct population segment of the California tiger salamander was listed by the Service as endangered on January 19, 2000 (65 FR 3096). Section 9 of the Act (16 U.S.C. 1531 et seq.) and its implementing regulations prohibit the “take” of fish or wildlife species listed as endangered or threatened. “Take” is defined under the Act to include the following activities: “f) To harass, harm, pursue, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 U.S.C. 1532). However, under Section 10(a)(1)(B) of the Act, we may issue permits to authorize incidental take of listed species.

“Incidental take” is defined by the Act as take that is incidental to, and not the purpose of, carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are in the Code of Federal Regulations at 50 CFR 17.32 and 17.22, respectively. Under the Act, protections for federally listed plants differ from the protections afforded to federally listed animals. Issuance of an incidental take permit also must not jeopardize the existence of federally listed fish, wildlife, or plant species. All species included in the incidental take permit would receive assurances under our “No Surprises” regulations (50 CFR 17.22(b)(6) and 17.32(b)(5)).

The applicants have applied for a permit for incidental take of the California tiger salamander. The potential taking would occur as a result of activities associated with the construction of the farm labor camp in suitable habitat for the covered species.

Our Preliminary Determination

The Service has made a preliminary determination that issuance of the permit is neither a major Federal action that will significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4321 et seq.; NEPA), nor will it individually or cumulatively have more than a negligible effect on the species covered in the HCP. Therefore, the permit qualifies for a categorical exclusion under NEPA.

Public Comments

If you wish to comment on the permit application, plan, and associated documents, you may submit comments by any one of the methods in ADDRESSES.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While we can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 et seq.) and NEPA regulations (40 CFR 1506.6).

Dated: June 28, 2017.

Stephen P. Henry,
Field Supervisor, Ventura Field and Wildlife Office, Ventura, California.

[FR Doc. 2017-13770 Filed 6-29-17; 8:45 am]

BILLING CODE 4335-15-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-RR-ES-2017-N024; FXES111309000000C2-178-FF9E32000]

Endangered and Threatened Wildlife and Plants; 5-Year Status Reviews of 23 Southeastern Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of initiation of reviews; request for information.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are initiating 5-year status reviews of 23 species under the Endangered Species Act of 1973, as amended (Act). We conduct these reviews to ensure that the classification of species as threatened or endangered on the Lists of Endangered and Threatened Wildlife and Plants is accurate. A 5-year review is an assessment of the best scientific and commercial data available at the time of the review. Therefore, we are requesting submission of information that has become available since the last review of each of these species.

DATES: To allow us adequate time to conduct these reviews, we must receive your comments or information on or before August 29, 2017. However, we
will continue to accept new information about any listed species at any time.

**ADDRESSES:** For instructions on how to submit information and review information we receive on these species, see “Request for New Information.”

**FOR FURTHER INFORMATION CONTACT:** For species-specific information, see “Request for New Information.”

**SUPPLEMENTARY INFORMATION:**

**Why do we conduct a 5-year review?**

Under the Act (16 U.S.C. 1531 et seq.), we maintain lists of endangered and threatened wildlife and plant species in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for wildlife) and 17.12 (for plants). Section 4(c)(2)(A) of the Act requires us to review each listed species’ status at least once every 5 years. Our regulations at 50 CFR 424.21 require that we publish a notice in the Federal Register announcing those species under active review. For additional information about 5-year reviews, go to http://www.fws.gov/endangered/what-we-do/recovery-reviews, or by email at david_shindle@fws.gov.

**What information do we consider in our review?**

A 5-year review considers the best scientific and commercial data that have become available since the current listing determination or most recent status review of each species, such as:

A. Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;
B. Habitat conditions, including but not limited to amount, distribution, and suitability;
C. Conservation measures that have been implemented to benefit the species;
D. Threat status and trends (see five factors under heading “How Do We Determine Whether a Species Is Endangered or Threatened?”); and
E. Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

New information will be considered in the 5-year review and ongoing recovery programs for the species.

**Definitions**

A. **Species** includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate which interbreeds when mature.
B. **Endangered** means any species that is in danger of extinction throughout all or a significant portion of its range.
C. **Threatened** means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

**How do we determine whether a species is endangered or threatened?**

Section 4(a)(1) of the Act establishes that we determine whether a species is endangered or threatened based on one or more of the following five factors:
A. The present or threatened destruction, modification, or curtailment of its habitat or range;
B. Overutilization for commercial, recreational, scientific, or educational purposes;
C. Disease or predation;
D. The inadequacy of existing regulatory mechanisms; or
E. Other natural or manmade factors affecting its continued existence.

**Request for New Information**

To do any of the following, contact the person associated with the species you are interested in below:
A. To get more information on a species;
B. To submit information on a species; or
C. To review information we receive, which will be available for public inspection by appointment, during normal business hours, at the listed addresses.

**Mammals**

- **Florida panther:** South Florida Ecological Services Field Office, U.S. Fish and Wildlife Service, 12005 State Road 29 S, Immokalee, FL 34142; fax 772–562–4288. For information on these species, contact Dr. Michael Floyd at the ES Field Office (by phone at 239–657–8013, or by email at mike_floyd@fws.gov).

**Birds**

- **Puerto Rican broad-winged hawk and Puerto Rican nightjar:** Caribbean Ecological Services Field Office, U.S. Fish and Wildlife Service, Road 301, Km. 5.1, P.O. Box 491, Boqueron, PR 00622; fax 787–851–7440. For information on these species, contact Jose Cruz-Burgos at the ES Field Office (by phone at 787–851–7297, ext.218 or by email at jose_cruz-burgos@fws.gov).

**Fishes**

- **Ozark Cavefish:** Arkansas Ecological Services Field Office, U.S. Fish and Wildlife Service, 110 South Amity Road, Suite 300, Conway, Arkansas 72032; fax 501–513–4480. For information on these species, contact Tommy Inebnit at the ES Field Office (by phone at 501–513–4483 or by email at thomas_inebnit@fws.gov).

- **Cumberland darter:** Kentucky Ecological Services Field Office, U.S. Fish and Wildlife Service, 330 West Broadway, Frankfort, Kentucky 40601 fax 502–695–1024. For information on these species, contact Dr. Michael Floyd at the ES Field Office (by phone at 502–695–0468 ext. 102 or by email at mike_floyd@fws.gov).

- **Rush darter and Vermilion darter:** Mississippi Ecological Services Field Office, U.S. Fish and Wildlife Service, U.S. Fish and Wildlife Service, 6376 Dogwood View Parkway, Jackson, MS 39213; fax 601–965–4540. For information on these species, contact Daniel Drennen at the ES Field Office.
(by phone at 601–321–1127 or by email at daniel_drennen@fws.gov).

- Pygmy madtom: Tennessee Ecological Services Field Office, U.S. Fish and Wildlife Service, 246 Neal Street, Cookeville, TN 38501; fax 931–528–7075. For information on these species, contact Warren Stiles at the ES Field Office (by phone at 931–525–4977 or by email at warren_stiles@fws.gov).

- Sarracenia rubra ssp. alabamensis (Alabama canebrake pitcher plant): Mississippi Ecological Services Field Office (see contact information above).

- Clams: Cumberland bean and Ring pink: Kentucky Ecological Services Field Office (see contact information above). For information on these species, contact Leroy Koch at the ES Field Office (by phone at 502–695–0468 ext. 106 or by email at leroy_koch@fws.gov).

- Snails: Anthony’s riversnail: Tennessee Ecological Services Field Office (see contact information above). For information on these species, contact Dr. Michael Floyd (see contact information above).

- Plants: Arabis perstellata (Braun’s rockcress): Kentucky Ecological Services Field Office. For information on these species, contact Dr. Michael Floyd (see contact information above).

- Sarracenia rubra ssp. alabamensis (Alabama canebrake pitcher plant): Mississippi Ecological Services Field Office (see contact information above).

For information on these species, contact Scott Wiggers at the ES Field Office (by phone at 228–475–0765 or by email at marion_wiggers@fws.gov).

- Schwalbea americana (American chaffseed): South Carolina Ecological Services Field Office, U.S. Fish and Wildlife Service, 176 Croghan Spur Road, Suite 200, Charleston, SC 29412; fax 843–727–4218. For information on these species, contact April Punsalan at the ES Field Office (by phone at 843–727–4707 ext. 218 or by email at april_punsalan@fws.gov).

- We request any new information concerning the status of any of these 23 species. See “What Information Do We Consider In Our Review?” heading for specific criteria. Information submitted should be supported by documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that we may review and comment on the draft recovery plan. Written comments on the draft recovery plan may be submitted at these meetings (oral comments will not be recorded). The dates and times of these information meetings are as follows:

1. July 18, 2017 (6:00 p.m. to 9:00 p.m.): Flagstaff, Arizona.
2. July 19, 2017 (6:00 p.m. to 9:00 p.m.): Pinetop, Arizona.
3. July 20, 2017 (6:00 p.m. to 9:00 p.m.): Truth or Consequences, New Mexico.
4. July 22, 2017 (2:00 p.m. to 5:00 p.m.): Albuquerque, New Mexico.

Addresses: Document availability: If you wish to review the draft recovery plan and related documents, you may obtain copies by any of the following methods:

- U.S. mail: U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna Road NE, Albuquerque, NM 87113; or Telephone: (505) 346–2525.

Comment submission: If you wish to comment on the draft recovery plan, you may submit your comments in writing by either of the following methods:

Don't remember if I already sent this.

Tim

President Trump and Secretary Zinke Open up Comment Period for New 5-Year National Offshore Oil and Gas Leasing Program

Request for Information (RFI) Begins Multi-Year Evaluation Process to Engage Public, States, & Tribes

WASHINGTON – Today, at an Energy Week event hosted by Energy Secretary Rick Perry, President Donald J. Trump announced that Secretary of the Interior Ryan Zinke has taken action to open up the public comment period for a new 5-year National Offshore Oil and Gas Leasing Program on the Outer Continental Shelf (OCS). President Trump announced on stage that the comment period is the first step in executing the new 5-year plan which was put in action by the April 28 executive order on American Energy. The 2017-2022 Five Year Program, which is set to begin this summer, will continue to be executed until the new National OCS Program is complete.

Monday's publication of the RFI begins a 45-day public comment period. Substantial public involvement and extensive analysis will accompany all stages of the planning process, which generally takes two to three years to complete. The notice will be on display in the Federal Register public reading room Friday, June 30, 2017, and published in the Federal Register Monday, July 3. Comments will be accepted until 45 days after the publication date which will be July 3.

“Developing a new National Offshore Oil and Gas Leasing Program that respects environmental and economic sensitivities but still allows us to responsibly develop our resources is critical to reaching President Trump’s goal of American energy dominance,” said Secretary Zinke. “Offering more areas for energy exploration and responsible development
was a cornerstone of the President’s campaign and this action is the first step in making good on that promise for offshore oil and gas.”

“Under the last administration, 94% of the OCS was off-limits to responsible development, despite interest from state and local governments and industry leaders. The Trump Administration is dedicated to energy dominance, growing the economy and giving the public a say in how our natural resources are used, and that’s exactly what we are doing by opening up the Request For Information and a new 5-year plan,” said Acting Assistant Secretary Kate MacGregor.

The Secretary's Order calls for enhancing opportunities for energy exploration, leasing, and development of the OCS, establishing regulatory certainty for OCS activities, and enhancing conservation stewardship, thereby providing jobs, energy security, and revenue for the American people.

“Our country has a massive energy economy and we should absolutely wear it on our sleeves, rather than keep energy resources in the ground,” said Vincent DeVito, Counselor to the Secretary of Interior for Energy Policy. “This work will encourage responsible energy exploration and production, in order to advance the United States' position as a global energy force and foster security for the benefit of the American citizenry.”

Publication in the Federal Register of a Request for Information and Comments (RFI) on the Preparation of the 2019-2024 Outer Continental Shelf (OCS) Oil and Gas Leasing Program is the initial step. Per statute and consistent with previous efforts, BOEM will evaluate all 26 of the OCS planning areas during this first stage and is, therefore, requesting comments on all areas.

The initiation of a new National OCS Program development process, managed by the Bureau of Ocean Energy Management (BOEM), is a key aspect of the implementation of President Donald Trump’s America First Offshore Energy Strategy, as outlined in the President’s Executive Order (E.O.) 13795 on April 28, 2017, which was amplified by Secretary Zinke’s DOI Order 3350 on May 1, 2017.

The Outer Continental Shelf Lands Act requires the Secretary of the Interior, through BOEM, to prepare and maintain a schedule of proposed oil and gas lease sales in federal waters, indicating the size, timing, and location of auctions that would best meet national energy needs for the five-year period following its approval. In developing the National OCS Program, which has also been known as a Five Year Program, the Secretary is required to achieve an appropriate balance among the potential for environmental impacts, for discovery of oil and gas, and for adverse effects on the coastal zone. As required by the President’s Executive Order, DOI will cooperate with the Departments of Defense and Commerce on issues pertaining to this National OCS Program development process.

“This first step does not propose to schedule sales in particular areas, or make any preliminary decisions on what areas will be included in the schedule,” said BOEM Acting Director Walter Cruickshank. “The RFI considers all areas of the Outer Continental Shelf and provides an opportunity for interested parties to submit comments and suggestions about the potential for leasing and to identify environmental and other concerns and uses that may be affected by offshore leasing.”

BOEM seeks a wide array of input, including information on the economic, social, and
environmental values of all OCS resources, as well as the potential impact of oil and gas exploration and development on other resource values of the OCS and the marine, coastal, and human environments.

Using the information received, BOEM will prepare a Draft Proposed Program, followed by a Proposed Program and a Proposed Final Program. Throughout the planning process, BOEM will consult with all interested parties and will seek additional public comment.

The current National OCS Program for 2017–2022 schedules 11 potential lease sales; 10 in the Gulf of Mexico and one in the Cook Inlet of Alaska.

BOEM currently manages more than 3,000 active OCS leases, covering more than 16 million acres – the vast majority in the Gulf of Mexico. Of those, approximately 885 are producing leases, covering 4.4 million acres. In 2016, OCS oil and gas leases accounted for about 18 percent of domestic oil production and 4 percent of domestic natural gas production. This production generates billions of dollars in revenue for state and local governments and the U.S. taxpayer, while supporting hundreds of thousands of jobs.

Under the RFI announced today, comments will be accepted until August 17, 2017, in either of the following ways:

- Electronically (preferred method): [https://www.boem.gov/Public-Engagement-Opportunities/](https://www.boem.gov/Public-Engagement-Opportunities/) Open the "Open Comment Document" link and follow instructions to view relevant documents and submit comments.

- In written form, deliver to: Ms. Kelly Hammerle, National Program Manager, Bureau of Ocean Energy Management; 45600 Woodland Road-VAM-LD; Sterling, Virginia 20166.

Additional information on the process of developing the next National OCS Program as well as on the current National OCS Program can be found [here](#).

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**Department Of The Interior**

External and Intergovernmental Affairs

Timothy Williams

timothy_williams@ios.doi.gov

Office: (202) 208-1923
From: Williams, Timothy
Subject: Fwd: Interior Secretary Zinke Applauds Nomination of Susan Combs
Date: Tuesday, July 11, 2017 2:32:10 PM

WASHINGTON – Yesterday, President Donald Trump announced the nomination of Texas native Susan Combs to serve as the Department of the Interior’s Assistant Secretary for Policy, Management, and Budget. A rancher from Big Bend, Ms. Combs previously served in two Texas statewide offices as the state’s first female Agriculture Commissioner and then as the Texas Comptroller of Public Accounts/Treasurer and chief financial officer.

"I am excited to announce that the President has nominated Susan Combs to be an Assistant Secretary at Interior,” said Secretary Zinke. “Susan is highly qualified and will be a huge asset as we work to make government more efficient and more accountable to the people. Her experience in both elected office and in the private sector, will bring a great perspective to our team here at the Department. I look forward to her speedy confirmation by the Senate.”

“I am deeply honored to be asked to serve in the Trump Administration and to work with Secretary Zinke. The Department of the Interior is an extraordinarily important federal department and I look forward to getting to work,” said Susan Combs.

As Assistant Secretary for Policy, Management, and Budget, Ms. Combs will play an important role in policy development, management reforms to align efforts among the bureaus, and stewardship of Interior's fiscal resources. The Assistant Secretary for Policy, Management, and Budget leads the office and serves as the Department’s Chief Financial Officer, Chief Acquisition Officer, and Chief Performance Officer.

“Susan Combs is an outstanding choice for Assistant Secretary for Policy Management and Budget at the Department of the Interior. As a fourth-generation rancher in the Big Bend, she is also well versed in natural resource management,” said Secretary of Energy Rick Perry. “I have known Susan for over twenty-five years and have always admired her intellect and problem solving skills. She will bring a unique perspective as to how the public and private sector can work together, and she will be an extraordinary asset for Secretary Zinke.”

“Having served at multiple levels of state government, Texans have long benefited from the
leadership and tireless work ethic of Susan Combs,” said Senator Cornyn. “As Agriculture Commissioner and then Comptroller of one of the nation’s largest economies, she has a clear record of promoting pro-growth policies and efficiently managing large organizations. Always a fierce advocate for rural Texans, Susan will be a tremendous asset to the Department, and I look forward to supporting her nomination.”

"I applaud the Administration for nominating Susan Combs to serve as Assistant Secretary for Policy, Budget and Management at the Department of Interior. Susan is a committed public servant who understands, like most Texans, that the federal government isn’t the answer to every challenge," said Senator Cruz. "She also understands the power of freedom, and the benefit of collaboration and working with state and local interests. Americans want jobs, and Susan understands that Interior can safeguard our resources while also encouraging beneficial economic growth. Her knowledge and experience both in the public and private sector will be an invaluable asset to this Administration and the Department of Interior."

“Our Combs has been an exemplary public servant. Her intellect, drive, and focus on details as Comptroller will serve her well in her new role at Interior. She has an intuitive grasp of complexities, both legal and financial, and her ability to achieve consensus in thorny situations has enabled her to achieve successes across a broad range of areas,” said Chairman Lamar Smith. “She is widely respected for her objectivity and fairness. In addition, during her terms as Commissioner of Agriculture and Comptroller of Public Accounts, she immersed herself in natural resource and rural issues. I have known Susan Combs as a personal friend for more than 30 years. I recommend her without reservation and congratulate the Trump administration on her selection.”

Ms. Combs has an extensive career in both elected public office and the private sector. She is a small business owner and operates a ranch in the Big Bend-area of Texas. She previously served in the Texas Legislature, writing and passing the state’s private property legislation, and working to ensure greater transparency in government spending. In her 16 years as a statewide elected official, she provided strategic and innovative management, efficient fiscal and operational oversight, successful implementation of practical public-private partnerships, and delivered efficient and effective services to the public, which earned her numerous awards.

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**Department Of The Interior**

External and Intergovernmental Affairs

Timothy Williams
timothy_williams@ios.doi.gov
Office: (202) 208-1923
WASHINGTON – U.S. Secretary of the Interior Ryan Zinke today signed a secretarial order to tackle permitting backlogs and delays, identify solutions to improve the permitting process on federal lands, and to identify solutions to improve access to additional parcels of federal land that are appropriate for mineral development. As of January 31, 2017, the Bureau of Land Management (BLM) had 2,802 Applications for Permit to Drill (APD) pending.

Despite the fact that statute requires that the Department and the BLM process APD review within 30 days, the average time to process an APD in FY16 was 257 days. The directive will improve the Federal Onshore Oil and Gas Leasing Program and the Federal Solid Mineral Leasing Program, which is a major source of income for the federal government and a critical component of American Energy Dominance.

“Oil and gas production on federal lands is an important source of revenue and job growth in rural America but it is hard to envision increased investment on federal lands when a federal permit can take the better part of a year or more in some cases. This is why I'm directing the BLM to conduct quarterly lease sales and address these permitting issues. We are also looking at opportunities to bring support to our front line offices who are facing the brunt of this workload.” said Secretary Zinke. “This is just good government and will further support the President's goal of American energy dominance.”

As of January 31, 2017, the BLM had 2,802 APDs pending. The five BLM field offices with the highest number of pending APDs are listed below which account for 2,060 or approximately 74 percent of the total pending APDs.

- Casper, Wyoming: APDs pending: 526
Vernal, Utah: APDs pending: 506  
Dickinson, North Dakota: APDs pending: 488  
Carlsbad/Hobbs, New Mexico: APDs pending: 388  
Farmington, New Mexico: APDs pending: 152

Last year the Department canceled or postponed eleven lease sales. By contrast, the Trump Administration has already held more lease sales in the first six months than in the previous year, offered more acreage in those sales, and raised more revenue than in the same time period last year.

“The Department of the Interior will be a better neighbor in the new Trump Administration,” Zinke added. “As is outlined in this order, we will look at ways to improve the process and make sure regulations serve their intended purpose rather than create a mountain of useless paperwork. By streamlining approvals of responsible energy development on federal land, and actually holding lease sales, we will generate revenue for local communities and the Treasury to fund the things we all value like National Parks, infrastructure and education.”

Secretarial Order 3354 directs the BLM to make both federal oil and gas resources and solid mineral resources on the public lands available for the benefit of the citizens of the United States. The Order is in compliance with the Mineral Leasing Act (30 U.S.C. § 226), which requires oil and gas lease sales “be held for each State where eligible lands are available at least quarterly and more frequently if the Secretary of the Interior determines such sales are necessary.”

The order also directs the BLM to address permitting backlogs and identify areas where improvements can be made in the permitting process to ensure the safe and timely exploration and development of our nation's federal energy resources.

Currently, an applicant pays a non-refundable $9,610 processing fee to the BLM per APD filed. Approved APDs are valid for two years from the date of approval as long as the lease does not expire during that time. For FY18, the President's budget proposal includes a $16 million increase in the Oil and Gas Management program to support permitting and rights-of-way processing.

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Department Of The Interior
External and Intergovernmental Affairs
Timothy Williams
timothy_williams@ios.doi.gov
Office: (202) 208-1923
Federal Register Notice: Oil & Gas; Hydraulic Fracturing on Federal and Indian Lands; Rescission of a 2015 Rule.

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Department Of The Interior
External and Intergovernmental Affairs
Tim Williams
Work: 202-208-1923
email:timothy_williams@ios.doi.gov
Oil and Gas; **Hydraulic Fracturing** on Federal and Indian Lands; **Rescission of a 2015 Rule**

A Proposed Rule by the Land Management Bureau on 07/25/2017

This document has a comment period that ends in 62 days. (09/25/2017)

**DOCUMENT DETAILS**

Printed version:

Publication Date:
07/25/2017 (/documents/2017/07/25)

Agencies:
Bureau of Land Management (https://www.federalregister.gov/agencies/land-management-bureau)

Dates:
The BLM must receive your comments on this proposed rule or on the supporting Regulatory Impact Analysis or Environmental Assessment on or before September 25, 2017.

Comments Close:
09/25/2017

Document Type:
Proposed Rule

Document Citation:
82 FR 34464

Page:
34464-34471 (8 pages)

CFR:
43 CFR 3160

Agency/Docket Number:
LLWO300000 L13106000 PP0000 17X

RIN:
1004-AE52

Document Number:
2017-15696

**ENHANCED CONTENT**

regulations.gov

Docket Number:
BLM_FRDOC_0001 (https://www.regulations.gov/docket?D=BLM_FRDOC_0001)

Public Comments:
0 comments (https://www.regulations.gov/docketBrowser?rpp=50&so=DESC&sb=postedDate&po=0&dct=PS&D=BLM_FRDOC_0001)
AGENCY:
Bureau of Land Management, Interior.

ACTION:
Proposed rule.

SUMMARY:
On March 26, 2015, the Bureau of Land Management (BLM) published in the Federal Register a final rule entitled, “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands” (2015 final rule). The BLM is now proposing to rescind the 2015 final rule because we believe it is unnecessarily duplicative of state and some tribal regulations and imposes burdensome reporting requirements and other unjustified costs on the oil and gas industry. This proposed rule would return the affected sections of the Code of Federal Regulations (CFR) to the language that existed immediately before the published effective date of the 2015 final rule.

DATES:
The BLM must receive your comments on this proposed rule or on the supporting Regulatory Impact Analysis or Environmental Assessment on or before September 25, 2017.

ADDRESSES:


FOR FURTHER INFORMATION CONTACT:
Steven Wells, Division Chief, Fluid Minerals Division, 202-912-7143, for information regarding the substance of this proposed rule or information about the BLM’s Fluid Minerals program. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339, 24 hours a day, 7 days a week, to leave a message or question with the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

II. Public Comment Procedures
III. Background

IV. Discussion of Proposed Rule

V. Procedural Matters

I. Executive Summary

The process known as “hydraulic fracturing” has been used by the oil and gas industry since the 1950s to stimulate production from oil and gas wells. In recent years, public awareness of the use of hydraulic fracturing practices has grown. New horizontal drilling technology has allowed increased access to oil and gas resources in tight shale formations across the country, sometimes in areas that have not previously experienced significant oil and gas development. As hydraulic fracturing has become more common, public concern has increased about whether hydraulic fracturing contributes to or causes the contamination of underground water sources, whether the chemicals used in hydraulic fracturing should be disclosed to the public, and whether there is adequate management of well integrity and the “flowback” fluids that return to the surface during and after hydraulic fracturing operations.

In light of the public concern for and widespread use of hydraulic fracturing practices, in November 2010, the BLM prepared a rule that was intended to regulate the use of hydraulic fracturing in developing Federal and Indian oil and gas resources. Since that time, the BLM has published two proposed rules (77 FR 27691 [/citation/77-FR-27691] and 78 FR 31636 [/citation/78-FR-31636]), held numerous meetings with the public and state officials, and conducted many tribal consultations and meetings. The final rule entitled, “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands,” was published in the Federal Register on March 26, 2015 (80 FR 16128 [/citation/80-FR-16128]). The 2015 final rule was intended to: Ensure that wells are properly constructed to protect water supplies, make certain that the fluids that flow back to the surface as a result of hydraulic fracturing operations are managed in an environmentally responsible way, and provide public disclosure of the chemicals used in hydraulic fracturing fluids.

On March 28, 2017, President Trump issued Executive Order 13783, [/executive-order/13783] entitled, “Promoting Energy Independence and Economic Growth” (82 FR 16093 [/citation/82-FR-16093], Mar. 31, 2017), which directed the Secretary of the Interior to review four specific rules, including the 2015 final rule, for consistency with the order’s objective “to promote clean and safe development of our Nation’s vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth and prevent job creation” and, as appropriate, take action to lawfully suspend, revise, or rescind those rules that are inconsistent with the policy set forth in Executive Order 13783 (/executive-order/13783). To implement Executive Order 13783, [/executive-order/13783] Secretary of the Interior Ryan K. Zinke issued Secretarial Order No. 3349 entitled, “American Energy Independence” on March 29, 2017, which, among other things, directed the BLM to proceed expeditiously in proposing to rescind the 2015 final rule. Upon further review of the 2015 final rule, as directed by Executive Order 13783, and Secretarial Order No. 3349, the BLM believes that the 2015 final rule unnecessarily burdens industry with compliance costs and information requirements that are duplicative of regulatory programs of many states and some tribes. As a result, we are proposing to rescind, in its entirety, the 2015 final rule.

II. Public Comment Procedures

If you wish to comment on the proposed rule or the supporting analyses (namely, the Environmental Assessment (EA) or the Regulatory Impact Analysis (RIA) prepared for this proposed rule), you may submit your comments by any of the methods described in the ADDRESSES section.
Please make your comments on the proposed rule as specific as possible, confine them to issues pertinent to the proposed rule, and explain the reason for any changes you recommend. Where possible, your comments should reference the specific section or paragraph of the proposed rule that you are addressing. The BLM is not obligated to consider or include in the Administrative Record for the final rule comments that we receive after the close of the comment period (see "DATES") or comments delivered to an address other than those listed above (see ADDRESSES).

Comments, including names and street addresses of respondents, will be available for public review at the address listed under “ADDRESSES: Personal or messenger delivery” during regular hours (7:45 a.m. to 4:15 p.m.), Monday through Friday, except holidays.

Before including your address, telephone number, email address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

III. Background

Well stimulation techniques, such as hydraulic fracturing, are commonly used by oil and natural gas producers to increase the volume of oil and natural gas that can be extracted from oil and gas formations. Hydraulic fracturing techniques are particularly effective in enhancing oil and gas production from shale gas or oil formations. Hydraulic fracturing involves the injection of fluid under high pressure to create or enlarge fractures in the reservoir rocks. The fluid that is used in hydraulic fracturing is usually accompanied by proppants, such as particles of sand, which are carried into the newly fractured rock and help keep the fractures open once the fracturing operation is completed. The proppant-filled fractures become conduits for fluid migration from the reservoir rock to the wellbore and the fluid is subsequently brought to the surface.

In addition to the water and sand (which together typically make up about 99 percent of the materials pumped into a well during a fracturing operation), chemical additives are also frequently used. These chemicals can serve many functions in hydraulic fracturing, including limiting the growth of bacteria and preventing corrosion of the well casing. The exact formulation of the chemicals used varies depending on the rock formations, the well, and the requirements of the operator.

In 2013, the BLM estimated that about 90 percent of the approximately 2,800 new wells on Federal and Indian lands were stimulated using hydraulic fracturing techniques. Over the past 15 years, there have been significant technological advances in horizontal drilling, which is now frequently combined with hydraulic fracturing. This combination, together with the discovery that these techniques can release significant quantities of oil and gas from large shale deposits, has led to production from geologic formations in parts of the country that previously did not produce significant amounts of oil or gas.

On May 11, 2012, the BLM published in the Federal Register the initial proposed rule entitled, “Oil and Gas; Well Stimulation, Including Hydraulic Fracturing, on Federal and Indian Lands” (77 FR 27691 (/citation/77-FR-27691)). The BLM received over 177,000 comments on the initial proposed rule from individuals, Federal and state governments and agencies, interest groups, and industry representatives.

After reviewing the comments on the proposed rule, the BLM published a supplemental notice of proposed rulemaking entitled, “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands,” on May 24, 2013 (78 FR 31636 (/citation/78-FR-31636)). The BLM received over 1.35 million comments on the supplemental proposed rule.
On March 26, 2015, the BLM published the final rule entitled, "Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands" in the Federal Register (80 FR 16128 ([citation]/80-FR-16128), codified as amendments to 43 CFR 3160.0 ([select-citation]/2017/07/25/43-CFR-3160.0-3, 3160.0-5, 3162.3-2, 3162.3-3, and 3162.5-2 (2015)). Although the 2015 final rule never went into effect, it nevertheless amended certain provisions in part 3160 of the 2015 edition of Title 43 of the Code of Federal Regulations (CFR), including the list of statutory authorities, the definitions section, and a provision requiring operators to isolate and protect certain waters. In addition, the 2015 final rule amended other provisions in part 3160 of the 2015 edition of Title 43 of the CFR, which, had they gone into effect, would have required an operator to:

- Obtain the BLM's approval before conducting hydraulic fracturing operations by submitting an application with information and a plan for the fracturing (43 CFR 3162.3 ([select-citation]/2017/07/25/43-CFR-3162.3-3(d)(4))).
- Include a hydraulic fracturing application in applications for permits to drill (APDs), or in a subsequent "sundry notice" (43 CFR 3162.3 ([select-citation]/2017/07/25/43-CFR-3162.3-3(c))).
- Include information about the proposed source of water in each hydraulic fracturing application so that the BLM can complete analyses required by the National Environmental Policy Act (NEPA) (43 CFR 3162.3 ([select-citation]/2017/07/25/43-CFR-3162.3-3(d)(3))).
- Include available information about the location of nearby wells to help prevent "fracture hits" (i.e., unplanned surges of pressurized fluids into other wells that can damage the wells and equipment and cause surface spills) (43 CFR 3162.3 ([select-citation]/2017/07/25/43-CFR-3162.3-3(d)(4)(ii)(C))).
- Verify that the well casing is surrounded by adequate cement, and test the well to make sure it can withstand the pressures of hydraulic fracturing (43 CFR 3162.3 ([select-citation]/2017/07/25/43-CFR-3162.3-3(e)(1) and (2) and (f))).
- Isolate and protect usable water, while redefining "usable water" to expressly defer to classifications of groundwater by states and tribes, and the Environmental Protection Agency, 43 CFR 3160.0 ([select-citation]/2017/07/25/43-CFR-3160.0-7; and require demonstrations of only 200 feet of adequate cementing between the fractured formation and the bottom of the closest usable water aquifer, or cementing to the surface (43 CFR 3162.3 ([select-citation]/2017/07/25/43-CFR-3162.3-3(e)(2)(i) and (ii))).
- Monitor and record the annulus pressure during hydraulic fracturing operations, and report significant increases of pressure (43 CFR 3162.3 ([select-citation]/2017/07/25/43-CFR-3162.3-3(g))).
- File post-fracturing reports containing information about how the hydraulic fracturing operation actually occurred (43 CFR 3162.3 ([select-citation]/2017/07/25/43-CFR-3162.3-3(i))).
- Submit lists of the chemicals used (non-trade-secrets) to the BLM by sundry notice (Form 3160-5), to FracFocus (a public Web site operated by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission), or to another BLM-designated database (43 CFR 3162.3 ([select-citation]/2017/07/25/43-CFR-3162.3-3(i)(1))).

Withhold trade secret chemical identities only if the operator or the owner of the trade secret submits an affidavit verifying that the information qualifies for trade secret protection (43 CFR 3162.3 ([select-citation]/2017/07/25/43-CFR-3162.3-3(j)));
- Obtain and provide withheld information to the BLM, if the BLM requests the withheld information (43 CFR 3162.3 ([select-citation]/2017/07/25/43-CFR-3162.3-3(j)(3)));
- Store recovered fluids in above-ground rigid tanks of no more than 500-barrel capacity, with few exceptions, until the operator has an approved plan for permanent disposal of produced water (as required by Onshore Oil and Gas Order No. 7) (43 CFR 3162.3 ([select-citation]/2017/07/25/43-CFR-3162.3-3(h))).

The 2015 final rule would have also authorized two types of variances:

- Individual operation variances to account for local conditions or new or different technology (43 CFR 3162.3 ([select-citation]/2017/07/25/43-CFR-3162.3-3(k)(i))).
State or tribal variances to account for regional conditions or to align the BLM requirements with state or tribal regulations (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(k)(2)).

Per the 2015 final rule, the standard for approval of either type of variance is that the variance would meet or exceed the purposes of a specific provision in the rule (43 CFR 3162.3 (/select-citation/2017/07/25/43-CFR-3162.3)-3(k)(3)).

Two industry associations filed suit opposing the 2015 final rule in the U.S. District Court for the District of Wyoming in March 2015. Four states and a tribe also challenged the rule in the same court.[1] The Court consolidated the cases. Six environmental groups intervened in the case in support of the rule.


The District Court did not address a number of additional arguments that Petitioners raised against the 2015 final rule. Those unaddressed arguments focused primarily on allegations that the rule was not supported by sufficient facts or was otherwise arbitrary and capricious. The District Court also did not expressly address the argument of a Tribal petitioner that the BLM is precluded from regulating oil and gas operations on Indian lands.

The Department of the Interior (“the Department”) and environmental group intervenors appealed the District Court’s decision. Wyoming v. Zinke, No. 16-8068 (10th Cir.). The appeal concerns only the statutory authority issues that the District Court decided. Briefing was completed in October 2016. Before oral argument, however, the Court of Appeals in a March 2017 order required the BLM to report whether it had changed its position in the appeal following the Presidential Inauguration.

Following the March 2017 order from the Court of Appeals, the Department accelerated its review of the 2015 final rule. As previously noted, pursuant to Executive Order 13783, (/executive-order/13783) the Department commenced a review of existing energy-related regulations, which included the 2015 final rule, to determine whether changes would be appropriate to support domestic energy production. Based upon this review, the Department identified the 2015 final rule as being duplicative and burdensome and, therefore, appropriate for rescission. On March 15, 2017, the Department informed the Court of Appeals that it was preparing a notice of proposed rulemaking to rescind the rule, which it intended to publish in the Federal Register. Shortly thereafter, the Court of Appeals postponed oral argument, and required further briefing on several issues regarding the effect of the present rulemaking effort on the appeal.

If the Court of Appeals were to reverse the District Court’s order on statutory authority, the case would be remanded to the District Court to decide the remaining issues, primarily whether the BLM complied with the Administrative Procedure Act in the rulemaking that resulted in the 2015 final rule.

In sum, the 2015 final rule has never gone into effect, and was set aside by the District Court on June 21, 2016. The 2015 final rule would not go into effect unless and until the courts decide that the rule was properly promulgated.
In the Regulatory Impact Analysis (RIA) for the 2015 final rule, the BLM estimated that the requirements of the 2015 final rule would result in compliance costs to the industry of approximately $32 million per year (and potentially up to $45 million per year). The BLM had concluded that many of the requirements were consistent with industry practice and similar to the requirements found in existing state regulations, and therefore would not pose a significant new compliance burden to the industry. However, comments received by many oil and gas companies and trade associations representing members of the oil and gas industry suggested that the BLM’s proposed and final rules were unnecessary and would cause substantial harm to the industry. The BLM recognizes that the 2015 final rule would pose a financial burden to industry if implemented.

As noted earlier, since January 2017, the President has issued Executive Orders that necessitate the review of the BLM’s 2015 final rule. Section 7(b) of Executive Order 13783 (/executive-order/13783) directs the Secretary of the Interior to review four specific rules, including the 2015 final rule, for consistency with the policy set forth in section 1 of [the] Order and, if appropriate, to publish for notice and comment proposed rules to suspend, revise, or rescind those rules.

Section 1 of Executive Order 13783 (/executive-order/13783) states that it is in the national interest to promote clean and safe development of United States energy resources, while avoiding “regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation.” Section 1 describes the prudent development of these natural resources as “essential to ensuring the Nation’s geopolitical security.” Section 1 finds it in the national interest to ensure that electricity is affordable, reliable, safe, secure, and clean, and that coal, natural gas, nuclear material, flowing water, and other domestic sources, including renewable sources, can be used to produce it.

Accordingly, Section 1 of Executive Order 13783 (/executive-order/13783) declares it the policy of the United States that: (1) Executive departments and agencies immediately review regulations that potentially burden the development or use of domestically produced energy resources and, as appropriate, suspend, revise, or rescind those that unduly burden domestic energy resources development “beyond the degree necessary to protect the public interest or otherwise comply with the law”; and (2) to the extent permitted by law, agencies should promote clean air and clean water, while respecting the proper roles of the Congress and the States concerning these matters; and (3) necessary and appropriate environmental regulations comply with the law, reflect greater benefit than cost, when permissible, achieve environmental improvements, and are developed through transparent processes using the best available peer-reviewed science and economics.

As directed by the aforementioned Executive Order, and by Secretarial Order No. 3349, the BLM conducted a review of the 2015 final rule. As a result of this review, the BLM believes that the compliance costs associated with the 2015 final rule are not justified and it now proposes to rescind the rule.

In the RIA for the 2015 final rule, while noting that many of the requirements of the 2015 final rule were consistent with industry practice and that some were duplicative of state requirements or were generally addressed by existing BLM requirements, the BLM asserted that the rule would provide additional assurance that operators are conducting hydraulic fracturing operations in an environmentally sound and safe manner, and increase the public’s awareness and understanding of these operations.

It follows that the rescission of the 2015 final rule could potentially reduce those assurances or potentially reduce public awareness and understanding about hydraulic fracturing operations on Federal and Indian lands. However, considering state regulatory programs, the sovereignty of tribes to regulate operations on
their lands, and the pre-existing authorities in other Federal regulations, the proposed rescission of the 2015 final rule would not leave hydraulic fracturing operations entirely unregulated.

The BLM’s review of the 2015 final rule included a review of state laws and regulations which indicated that most states are either currently regulating or are in the process of regulating hydraulic fracturing. When the 2015 final rule was issued, 20 of the 32 states with currently existing Federal oil and gas leases had regulations addressing hydraulic fracturing. In the time since the promulgation of the 2015 final rule, an additional 12 states have introduced laws or regulations addressing hydraulic fracturing. As a result, all 32 states with Federal oil and gas leases currently have laws or regulations that address hydraulic fracturing operations.[2] In addition, some tribes with oil and gas resources have also taken steps to regulate oil and gas operations, including hydraulic fracturing, on their lands.

The BLM also now believes that disclosures of the chemical content of hydraulic fracturing fluids to state regulatory agencies and/or databases such as FracFocus is more prevalent than it was in 2015 and that there is no need for a Federal chemical disclosure requirement, since companies are already making those disclosures on most of the operations, either to comply with state law or voluntarily. There are 23 states that currently use FracFocus for chemical disclosures. These include six states where the BLM has major oil and gas operations, including Colorado, Montana, North Dakota, Oklahoma, Texas, and Utah.

In addition to state and tribal regulation of hydraulic fracturing, the BLM has several pre-existing authorities that it will continue to rely on if the 2015 final rule is rescinded, some of which are set out at 43 CFR subpart 3162 and in Onshore Oil and Gas Orders 1, 2, and 7. These authorities reduce the risks associated with hydraulic fracturing by providing specific requirements for well permitting; construction, casing, and cementing; and disposal of produced water.[3] By reverting to 43 CFR subpart 3162 as it existed prior to the 2015 final rule, the BLM would continue to require prior approval for “nonroutine fracturing jobs”; however, “nonroutine fracturing jobs” would not be defined in 43 CFR subpart 3162 since the term was not defined before the 2015 final rule. The BLM also possesses discretionary authority allowing it to impose site-specific protective measures reducing the risks associated with hydraulic fracturing.

The BLM’s review of the 2015 final rule also included a review of incident reports from Federal and Indian wells since December 2014. This review indicated that resource damage is unlikely to increase by rescinding the 2015 final rule because of the rarity of adverse environmental impacts that occurred from hydraulic fracturing operations before the 2015 final rule, and after its promulgation while the 2015 final rule was not in effect. The BLM now believes that the appropriate framework for mitigating these impacts exists through state regulations, through tribal exercise of sovereignty, and through BLM’s own pre-existing regulations and authorities (pre-2015 final rule 43 CFR subpart 3162 and Onshore Orders 1, 2, and 7).

The BLM is seeking comments on the specific regulatory changes that would be made by this proposed rule and is interested particularly in information that would improve BLM’s understanding of state and tribal regulatory capacity in this area. Further, the BLM is seeking specific comments on approaches that could be used under existing Federal authorities, including what additional information could be collected during the APD process or through sundry notices, to further minimize the risks from hydraulic fracturing operations, particularly in states or on tribal lands where the corresponding regulations or enforcement mechanisms may be less comprehensive.

IV. Discussion of Proposed Rule
As previously discussed in this preamble, the BLM proposes to revise 43 CFR part 3160 (/select-citation/2017/07/25/43-CFR-3160) to rescind the 2015 final rule. Although the 2015 final rule never went into effect, this proposed rule would restore the regulations in part 3160 of the CFR to exactly as they were before the 2015 final rule, except for any changes to those regulations that were made by other rules published between March 26, 2015 (the date of publication of the 2015 final rule) and now. This proposed rule would not result in any change from current requirements because the 2015 final rule never went into effect. The following section-by-section analysis reviews the specific changes that would be required to return to the pre-2015 final rule regulations.

Section 3160.0-3 Authority

The BLM proposes to amend §3160.0-3 by removing the reference to the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 (https://api.fdsys.gov/link?collection=uscode&title=43&year=mostrecent&section=1701&type=usc&link-type=html)). The 2015 final rule added this reference as an administrative matter. This proposed rule would return this section to the language it contained before the 2015 final rule and would not have any substantive impact.

Section 3160.0-5 Definitions

The BLM proposes to amend this section by removing several terms that were added by the 2015 final rule and by restoring the definition of “fresh water” that the 2015 final rule had removed. The proposed rule would remove the definitions of “annulus,” “bradenhead,” “Cement Evaluation Log (CEL),” “confining zone,” “hydraulic fracturing,” “hydraulic fracturing fluid,” “isolating or to isolate,” “master hydraulic fracturing plan,” “proppant,” and “usable water.” The 2015 final rule used those terms in the operating regulations. If those operating regulations are rescinded, as proposed, these terms would no longer be necessary in this definitions section. The BLM is proposing to restore the previous definition of “fresh water” to the regulations.

Section 3162.3-2 Subsequent Well Operations

This proposed rule would amend §3162.3-2 by making non-substantive changes to paragraph (a), which include replacing the word “must” with the word “shall”, replacing the word “combine” with the word “commingling”, replacing the word “convert” with the word “conversion”, and removing the language from the first sentence of paragraph (a) that the 2015 final rule only added to more fully describe Form 3160-5.

The proposed rule would also make non-substantive changes to paragraph (b) of §3162.3-2, which include replacing “using a Sundry Notice and Report on Well (Form 3160-5)” with “on Form 3160-5”.

The proposed rule would also restore “perform nonroutine fracturing jobs” to the list of activities that require the authorized officer’s prior approval in §3162.3-2. The 2015 final rule removed those words from the list because it amended §3162.3-3 to require all hydraulic fracturing operations to be approved by the authorized officer. This proposed rule would remove that requirement from §3163.3-3, which is discussed below.

Section 3162.3-3 Other Lease Operations

The BLM proposes to revise this section by removing language that was added by the 2015 final rule and returning this rule to the exact language it contained previously. The 2015 final rule made substantial changes to this section and revised the title to read as “Subsequent well operations; Hydraulic fracturing.”
Paragraph (a) of this section in the 2015 final rule, as reflected in the 2015 edition of the CFR, includes an implementation schedule that the BLM would have followed to phase in the requirements of the rule, had the rule gone into effect. Paragraph (b) of this section contains the performance standard referencing § 3162.5-2(d). Paragraph (c) of this section would have required prior approval of hydraulic fracturing operations. Paragraph (d) of this section lists the information that an operator would have been required to include in a request for approval of hydraulic fracturing. Paragraph (e) of this section specifies how an operator would have had to monitor and verify cementing operations prior to hydraulic fracturing. Paragraph (f) of this section would have required mechanical integrity testing of the wellbore prior to hydraulic fracturing. Paragraph (g) of this section would have required monitoring and recording of annulus pressure during hydraulic fracturing. Paragraph (h) of this section specifies the requirements that would have applied for managing recovered fluids until approval of a permanent water disposal plan. Paragraph (i) of this section specifies information that an operator would have been required to provide to the authorized officer after completion of hydraulic fracturing operations. Paragraph (j) of this section specifies how an operator could have withheld information from the BLM and the public about the chemicals used in a hydraulic fracturing operation. Paragraph (k) of this section describes how the BLM would have approved variances from the requirements of the 2015 final rule.

For the reasons discussed earlier in this preamble, the BLM believes this section of the 2015 final rule is unnecessarily duplicative and would impose costs that would not be clearly exceeded by its benefits and, therefore, proposes to remove these 2015 final rule provisions and to restore the previous language of the section.

Section 3162.5-2 Control of Wells

The BLM proposes to amend paragraph (d) of this section by restoring the term “fresh water-bearing” and the phrase “containing 5,000 ppm or less of dissolved solids.” The proposed rule would also restore other non-substantive provisions that appeared in the previous version of the regulations.

IV. Procedural Matters


Executive Order 12866 provides that the Office of Information and Regulatory Affairs within the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has determined that this proposed rule is significant because it would raise similarly novel legal or policy issues.

Executive Order 13563 (/executive-order/13563) reaffirms the principles of Executive Order 12866 while calling for improvements in the Nation’s regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The Executive Order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 (/executive-order/13563) emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.
Executive Order 13771 (/executive-order/13771) (82 FR 9339 (/citation/82-FR-9339), Feb. 3, 2017) requires Federal agencies to take proactive measures to reduce the costs associated with complying with Federal regulations. Consistent with Executive Order 13771, (/executive-order/13771) we have estimated the cost savings for this proposed rule to be $14-$34 million per year from the 2015 final rule. Therefore, this proposed rule is expected to be a deregulatory action under Executive Order 13771 (/executive-order/13771).

After reviewing the requirements of this proposed rule, we have determined that it will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities.

**Regulatory Flexibility Act**

This proposed rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 (https://api.fdsys.gov/link?collection=uscode&title=5&year=mostrecent&section=601&type=usc&link-type=html) et seq.) The RFA generally requires that Federal agencies prepare a regulatory flexibility analysis for rules subject to the notice and comment rulemaking requirements under the Administrative Procedure Act (5 U.S.C. 500 (https://api.fdsys.gov/link?collection=uscode&title=5&year=mostrecent&section=500&type=usc&link-type=html) et seq.), if the rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities (See 5 U.S.C. 601 (https://api.fdsys.gov/link?collection=uscode&title=5&year=mostrecent&section=601&type=usc&link-type=html)-612). Congress enacted the RFA to ensure that government regulations do not unnecessarily or disproportionately burden small entities. Small entities include small businesses, small governmental jurisdictions, and small not-for-profit enterprises.

The BLM reviewed the Small Business Administration (SBA) size standards for small businesses and the number of entities fitting those size standards as reported by the U.S. Census Bureau in the Economic Census. The BLM concluded that the vast majority of entities operating in the relevant sectors are small businesses as defined by the SBA. As such, the proposed rule would likely affect a substantial number of small entities.

Although the proposed rule would likely affect a substantial number of small entities, the BLM does not believe that these effects would be economically significant. The proposed rule is a deregulatory action that would remove all of the requirements placed on operators by the 2015 final rule. Operators would not have to undertake the compliance activities, either operational or administrative, that are outlined in the 2015 final rule, except to the extent the activities are required by state or tribal law, or by other pre-existing BLM regulations.

The BLM conducted an economic analysis which estimates that the average reduction in compliance costs would be a small fraction of a percent of the profit margin for small companies, which is not a large enough impact to be considered significant. For more detailed information, see section 5.3 of the Regulatory Impact Analysis (RIA) prepared for this proposed rule. The current draft RIA has been posted in the docket for the proposed rule on the Federal eRulemaking Portal: http://www.regulations.gov (http://www.regulations.gov).

**Small Business Regulatory Enforcement Fairness Act**
This rule is not a major rule under 5 U.S.C. 804 (https://api.fdsys.gov/link?collection=uscode&title=5&year=mostrecent&section=804&type=usc&link-type=html)(2), the Small Business Regulatory Enforcement Fairness Act. This rule will not have an annual effect on the economy of $100 million or more.

This rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. This rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

This rule is a deregulatory action that would remove all of the requirements placed on operators by the 2015 final rule. Operators would not have to undertake the compliance activities, either operational or administrative, that would have been required solely by the 2015 final rule. The screening analysis conducted by the BLM estimates the average reduction in compliance costs would be a small fraction of a percent of the profit margin for companies, which is not large enough to: have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises; cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have an annual effect on the economy of $100 million or more.

**Unfunded Mandates Reform Act**

This rule will not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than $100 million per year. The rule will not have a significant or unique effect on State, local, or tribal governments or the private sector. The proposed rule is a deregulatory action, which contains no requirements that would apply to State, local, or tribal governments or to the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1531 (https://api.fdsys.gov/link?collection=uscode&title=2&year=mostrecent&section=1531&type=usc&link-type=html) et seq.) is not required for the rule. This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments, because it contains no requirements that apply to such governments, nor does it impose obligations upon them.

**Takings (E.O. 12630)**

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630. A takings implication assessment is not required. This rule is a deregulatory action that would remove all of the requirements placed on operators solely by the 2015 final rule and therefore would impact some operational and administrative requirements on Federal and Indian lands. All such operations are subject to lease terms which expressly require that subsequent lease activities be conducted in compliance with subsequently adopted Federal laws and regulations. This rule conforms to the terms of those leases and applicable statutes and, as such, the rule is not a government action capable of interfering with constitutionally protected property rights. Therefore, the BLM has determined that the proposed rule would not cause a taking of private property or require further discussion of takings implications under Executive Order 12630.

**Federalism (E.O. 13132 (executive-order/13132))**

Under the criteria in section 1 of Executive Order 13132, (executive-order/13132) this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. A federalism impact statement is not required.

The proposed rule will not have a substantial direct effect on the states, on the relationship between the Federal Government and the states, or on the distribution of power and responsibilities among the levels of government. It would not apply to states or local governments or state or local governmental entities. The rule would affect the relationship between operators, lessees, and the BLM, but it does not directly impact the states. Therefore, in accordance with Executive Order 13132, (executive-order/13132) the BLM has determined that this proposed rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

**Civil Justice Reform (E.O. 12988 (executive-order/12988))**

This rule complies with the requirements of Executive Order 12988 (executive-order/12988). More specifically, this rule meets the criteria of section 3(a), which requires agencies to review all regulations to eliminate errors and ambiguity and to write all regulations to minimize litigation. This rule also meets the criteria of section 3(b)(2), which requires agencies to write all regulations in clear language with clear legal standards.

**Consultation With Indian Tribes (E.O. 13175 (executive-order/13175) and Departmental Policy)**

The Department strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department’s consultation policy and under the criteria in Executive Order 13175 (executive-order/13175) and we have found that this proposed rule includes policies that could have tribal implications.

If the proposed rule is implemented, oil and gas operations on tribal and allotted lands would not be subject to the procedures or standards in the 2015 final rule. The BLM believes that rescinding the 2015 final rule will assist in preventing Indian lands from being viewed by oil and gas operators as less attractive than non-Indian lands due to unnecessary and burdensome compliance costs, thereby preventing economic harm to Indian tribes and allottees that could have resulted from implementation of the 2015 final rule. However, other resources on those lands might have benefited from the risk reduction intended by the 2015 final rule.

Although the states with significant Federal oil and gas resources have regulatory programs addressing hydraulic fracturing operations, the oil and gas producing Indian tribes have not as uniformly promulgated regulatory programs to address hydraulic fracturing.

In light of this, the BLM is seeking comments regarding the effects of the proposed rescission of the 2015 final rule on tribes, individual allottees, and Indian resources. As discussed below, the BLM will be consulting with interested tribes on those topics, but also requests comments providing information about existing or proposed tribal regulation of hydraulic fracturing operations, the economic and environmental impacts of the proposed rescission of the 2015 final rule as it would apply to Indian lands, and whether all or any parts of the 2015 final rule should continue to apply on Indian lands.

The BLM is engaging potentially interested tribes to consult on a government-to-government basis and discuss the proposed rule. Initial tribal outreach letters for the proposed rule invite tribes to provide written comments and/or discuss, either during in-person meeting(s) or by other means, the proposed rule.
responses to the aforementioned initial tribal outreach letters will help to identify what future actions the BLM will take as part of its tribal consultation efforts for the proposed rule.

Paperwork Reduction Act

The Paperwork Reduction Act (PRA) (44 U.S.C. 3501 (https://api.fdsys.gov/link?collection=uscode&title=44&year=mostrecent&section=3501&type=usc&link-type=html)-3521) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a "collection of information," unless it displays a currently valid control number (44 U.S.C. 3512 (https://api.fdsys.gov/link?collection=uscode&title=44&year=mostrecent&section=3512&type=usc&link-type=html)). Collections of information include requests and requirements that an individual, partnership, or corporation obtain information, and report it to a Federal agency (44 U.S.C. 3502 (https://api.fdsys.gov/link?collection=uscode&title=44&year=mostrecent&section=3502&type=usc&link-type=html)(3); 5 CFR 1320.3 (/select-citation/2017/07/25/5-CFR-1320.3)(e) and (k)). If this proposed rule is promulgated and the 2015 final rule is rescinded, there will be no need to continue the information collection activities that the OMB has pre-approved under control number 1004-0203. Accordingly, if the 2015 final rule is rescinded, the BLM will request that the OMB discontinue that control number.

National Environmental Policy Act

The BLM has prepared an environmental assessment (EA) to determine whether this rule would have a significant impact on the quality of the human environment under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 (https://api.fdsys.gov/link?collection=uscode&title=42&year=mostrecent&section=4321&type=usc&link-type=html) et seq.). If the final EA supports the issuance of a Finding of No Significant Impact (FONSI) for the rule, the preparation of an environmental impact statement pursuant to the NEPA would not be required.

The current draft of the EA and a draft FONSI have been placed in the file for the BLM's Administrative Record for the proposed rule at the BLM 20 M Street address specified in the "ADDRESSES" section. The current draft EA and draft FONSI have also been posted in the docket for the proposed rule on the Federal eRulemaking Portal: http://www.regulations.gov (http://www.regulations.gov). The BLM invites the public to review these documents and suggests that anyone wishing to submit comments on the draft EA and FONSI should do so in accordance with the instructions contained in the "Public Comment Procedures" section above.

Effects on the Energy Supply (E.O. 13211 (/executive-order/13211))

This rule is not a significant energy action under the definition in Executive Order 13211 (/executive-order/13211). A statement of Energy Effects is not required. Section 4(b) of Executive Order 13211 (/executive-order/13211) defines a "significant energy action" as "any action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of rulemaking, and notices of rulemaking: (1) (i) That is a significant regulatory action under Executive Order 12866 or any successor order, and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) that is designated by the Administrator of [OIRA] as a significant energy action."

Since the proposal is a deregulatory action and would reduce compliance costs, it is likely to have a positive effect, if any, on the supply, distribution, or use of energy, and not a significant adverse effect. As such, we do not consider the proposed rule to be a "significant energy action" as defined in Executive Order 13211 (/executive-order/13211).
Clarity of This Regulation

We are required by Executive Orders 12866 (section 1(b)(12)), 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1988, to write all rules in plain language. This means that each rule must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use common, everyday words and clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the ADDRESSES section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Author

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Katharine S. MacGregor,

Acting Assistant Secretary, Land and Minerals Management.

List of Subjects in 43 CFR Part 3160 (/select-citation/2017/07/25/43-CFR-3160)

- Administrative practice and procedure
- Government contracts
- Indians-lands
- Mineral royalties
- Oil and gas exploration
- Penalties
- Public lands-mineral resources
- Reporting and recordkeeping requirements

For the reasons stated in the preamble, and under the authorities stated below, the Bureau of Land Management proposes to amend 43 CFR part 3160 (/select-citation/2017/07/25/43-CFR-3160) as follows:
PART 3160—ONSHORE OIL AND GAS OPERATIONS

1. The authority citation for part 3160 continues to read as follows:


Subpart 3160—Onshore Oil and Gas Operations: General

2. Revise § 3160.0-3 to read as follows:

§ 3160.0-3 Authority.

Number 3087, dated December 3, 1982, as amended on February 7, 1983 (48 FR 8983) under which
the Secretary consolidated and transferred the onshore minerals management functions of the
Department, except mineral revenue functions and the responsibility for leasing of restricted Indian
lands, to the Bureau of Land Management.

3. Amend §3160.0-5 by removing the definitions of “annulus,” “bradenhead,” “Cement Evaluation Log
(CEL),” “confining zone,” “hydraulic fracturing,” “hydraulic fracturing fluid,” “isolating or to isolate,”
“master hydraulic fracturing plan,” “proppant,” and “usable water,” and by adding the definition of
“fresh water” in alphabetical order to read as follows:

§ 3160.0-5 Definitions.

Fresh water means water containing not more than 1,000 ppm of total dissolved solids, provided that
such water does not contain objectionable levels of any constituent that is toxic to animal, plant or
aquatic life, unless otherwise specified in applicable notices or orders.

Subpart 3162—Requirements for Operating Rights Owners and
Operators

4. Amend §3162.3-2 by revising the first sentence of paragraph (a) and revising paragraph (b) to read as
follows:

§ 3162.3-2 Subsequent well operations.

(a) A proposal for further well operations shall be submitted by the operator on Form 3160-5 for
approval by the authorized officer prior to commencing operations to redrill, deepen, perform casing
repairs, plug-back, alter casing, perform nonroutine fracturing jobs, recomplete in a different interval,
perform water shut off, commingling production between intervals and/or conversion to injection.

(b) Unless additional surface disturbance is involved and if the operations conform to the standard of
prudent operating practice, prior approval is not required for routine fracturing or acidizing jobs, or
recompletion in the same interval; however, a subsequent report on these operations must be filed on
Form 3160-5.

5. Revise §3162.3-3 to read as follows:

§ 3162.3-3 Other lease operations.

Prior to commencing any operation on the leasehold which will result in additional surface disturbance,
other than those authorized under §3162.3-1 or §3162.3-2, the operator shall submit a proposal on
Form 3160-5 to the authorized officer for approval. The proposal shall include a surface use plan of
operations.

6. Amend §3162.5-2 by revising the heading and first sentence of paragraph (d) to read as follows:

§ 3162.5-2 Control of wells.
(d) Protection of fresh water and other minerals. The operator shall isolate freshwater-bearing and other usable water containing 5,000 ppm or less of dissolved solids and other mineral-bearing formations and protect them from contamination. * * *

Footnotes

1. A separate tribe filed a separate challenge to the rule in the U.S. District Court for the District of Colorado. That case has been settled. Back to Citation


3. Additional discussion regarding Onshore Oil and Gas Orders 1, 2, and 7, and 43 CFR subpart 3162, is provided in § 2.11 of the RIA and the EA prepared for this proposed rulemaking action. Back to Citation

[FR Doc. 2017-15696 /a/2017-15696] Filed 7-24-17; 8:45 am]
Zinke Applauds Nomination of Idaho’s Ryan Nelson to Serve as Interior Solicitor

WASHINGTON – President Donald Trump announced yesterday the nomination of Ryan Nelson of Idaho to serve as the Solicitor for the Department of the Interior.

As Solicitor, Nelson will be the chief attorney for the United States Department of the Interior, principal legal adviser to the Secretary of the Interior, and will oversee 400 employees, including 300 attorneys. He will be assisted by several Deputy Solicitors, Associate Solicitors, and eight Regional Solicitors.

“Ryan Nelson is coming to the Department of the Interior with a strong background in natural resources policy and law, stretching many years in both the public and private sector,” said U.S. Secretary of the Interior Ryan Zinke. “Having a seasoned legal expert like Ryan, who is also a son of the West, will benefit the entire Department. I look forward to his speedy confirmation by the Senate.”

“I am honored to have been chosen by Secretary Zinke and nominated by President Trump to serve, and I look forward to the next steps in the Senate confirmation process,” Ryan Nelson said.

“Ryan Nelson’s background is a strong fit for the U.S. Department of Interior as he has worked on a wide-range of policy issues important to both Idaho and to the nation,” said Senator Mike Crapo of Idaho. “Combined with his strong legal background, Ryan will bring a point of view to Interior that is critically important given the agency’s jurisdiction over significant portions of the Western United States. I congratulate Ryan on his nomination and will work with my Senate colleagues to advance his confirmation.”

“Ryan Nelson’s experience handling environmental and natural resources policy and his vast understanding of issues impacting Western states make him well-qualified for this position,”
said Senator Jim Risch of Idaho, a member of the Senate Energy and Natural Resources Committee overseeing this nomination. “I encourage my colleagues in the Senate to swiftly confirm his nomination.”

“I’ve known Ryan for over 20 years and have interacted with him at every stage of his impressive legal career,” said Senator Mike Lee of Utah, also a member of the Senate Energy and Natural Resources Committee overseeing this nomination. “He will be an extraordinary Solicitor.”

“I am pleased to see an Idahoan nominated for such an important role at the Department of the Interior,” said Idaho Congressman Mike Simpson. “I congratulate Ryan Nelson on his nomination to lead Interior’s Office of the Solicitor and I look forward to his important work advising the Secretary on decisions which impact Idaho and the Western United States.”

Nelson has the unique experience of working at high levels in all branches of government, including positions in the Executive Office of the President, the Department of Justice, and the United States Senate Judiciary Committee.

Ron Tenpas, former Assistant Attorney General for the Department of Justice's Environment and Natural Resources Division, said: “I worked with Ryan when he served as a key legal advisor at the Department of Justice in the Environment and Natural Resources Division. He is a stellar attorney and consistently took on greater management responsibilities for the Division. During his tenure, he successfully argued more than a dozen important cases and oversaw more than 500 overall, including as Division counsel for several Supreme Court cases. He has a deep litigation and regulatory background, particularly on natural resources and environmental issues. I have full confidence that the Department of the Interior will be well served by Ryan's unique legal skill set.”

Nelson has been serving as General Counsel at Melaleuca, Inc., a billion-dollar consumer goods company based in Nelson’s hometown of Idaho Falls, Idaho. As a senior corporate management team member, Nelson oversees the Legal and Policy Departments and manages all corporate compliance, litigation, and regulatory issues.

Regarding Nelson’s nomination, Melaleuca’s CEO, Frank VanderSloot said: “Ryan has been a primary member of the management team and the chief legal advisor for Melaleuca, Inc. for nearly eight years. I have personally come to trust and rely on his legal mind and deep commitment to the law, as he has effectively advised the company over the years. During his service, the company has nearly tripled in size and Ryan has built a strong legal team and worked tirelessly to successfully guide the company’s growth. President Trump and Secretary Zinke have chosen the best possible candidate to lead the Department of the Interior’s legal team. Ryan is a true patriot and I fully support his personal sacrifice in serving this country that he loves so much.”

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Interior Repeals Defective Federal Mineral Valuation Rule

Clears the way for developing clearer, more workable regulations for accurate accounting and valuation of oil, gas and coal from Federal and Indian leases

WASHINGTON – To create more workable oil, gas and mineral valuation regulations and avoid costly litigation, the Department of the Interior today announced the repeal of the Consolidated Federal Oil and Gas and Federal and Indian Coal Valuation Reform Rule (Valuation Rule) which had created confusion and uncertainty regarding how companies report and pay royalties on energy and other mineral resources from federal onshore and offshore areas and American Indian lands.

The repeal of the Valuation Rule, published today in the Federal Register and effective on September 6, 2017, will provide certainty and clarity to the regulated community by continuing to require compliance with lawful and well-known oil, gas, and coal regulations in force for more than a decade. These regulations are easy to understand and provide certainty to industry and the Office of Natural Resources Revenue (ONRR) that correct payment has been made.

“Repealing the Valuation Rule provides a clean slate to create workable valuation regulations,” said Secretary of the Interior Ryan Zinke. “We are committed to working closely with stakeholders and the newly chartered Royalty Policy Committee to explore options for future rulemakings and to avoid the structural defects that were found in the prior rule. The Department and the Office of Natural Resources Revenue remain committed to collecting every dollar due. These are taxpayer and American Indian assets, and the public and American Indians deserve an accurate accounting and valuation.”
“The United States is a safer and more sustainable nation when we rely on our own natural resource development,” Secretary Zinke emphasized. “Repealing the Valuation Rule restores our economic freedom by ensuring our energy independence. The increased costs associated with the Valuation Rule had the potential to decrease exploration and production on Federal lands, both onshore and offshore, making us rely more and more on foreign imports of oil and gas.”

“I support Interior’s decision to repeal this rule and provide greater certainty to companies seeking to produce our valuable domestic resources, from Alaska to the Atlantic,” Senator Lisa Murkowski (R-Alaska) said. “While the federal government will continue to collect its fair share of revenues from responsible development, the repeal of this rule will help prevent negative impacts to exploration and production that would put our energy dominance at stake.”

“This rescindment is another important step by the Trump administration to position Interior as a facilitator of responsible energy development,” said House Natural Resources Committee Chairman Rob Bishop (R-UT). “I look forward to working with Secretary Zinke on ONRR policies and many other areas to spur more investment in Federal and Indian lands, foster greater regulatory certainty and eliminate or address pre-existing policies that work against these goals.”

“The Obama Administration's changes to royalties for coal, oil, and natural gas was just one in a series of barriers it put up to hold back energy production on federal lands,” said Congressional Coal Caucus Chairman David McKinley, P.E. (R-WV). “Returning to the more reasonable previous standards paves the way for further investment and development of energy resources. I applaud Secretary Zinke’s commitment to supporting American energy dominance.”

“This Obama-era rule was another misguided attack on affordable energy that would have caused significant harm to tribal, rural and Western economies,” said Congressional Western Caucus Chairman Paul Gosar (AZ-04). “This burdensome new regulation would have bankrupt small businesses, discouraged responsible energy production and hit the pocketbooks of hard-working American families. Furthermore, the rule would have imposed unnecessary and costly new reporting requirements that would have siphoned important revenues from local community coffers and the U.S. Treasury, creating a problem where there wasn’t one and having the opposite effect of what the regulation intended. I applaud Secretary Zinke’s leadership and am grateful he took action to provide certainty for job creators and to protect good-paying careers that are the backbone of many of our communities.”

Developed by ONNR, the stated intent of the Valuation Rule was to offer greater simplicity, certainty, clarity and consistency in product valuation and reporting for federal and Indian mineral lessees. However, industry stakeholders and trade associations filed three lawsuits challenging the rule. The petitioners also sent a joint letter to the ONRR Director asserting that it would be impossible for them to comply with the rule’s new royalty reporting and payment requirements by the deadline, exposing non-compliant lessees to significant civil penalties. In response to these and other concerns lessees expressed in writing and workshops, ONRR identified several areas in the rule warranting reconsideration to meet policy and implementation objectives. ONRR stayed the Valuation Rule on February 27, 2017 via Federal Register Notice and published an April 4, 2017 Notice of Proposed Rulemaking to repeal the rule.
Because provisions in the Valuation Rule increased the regulatory burden on the nation’s energy production, repealing the rule will reduce costs to oil, gas, and coal companies that would otherwise be passed to the American consumer. This greater efficiency for payors will reduce industry cost of compliance and ONRR’s cost to ensure industry compliance, consistent with the Secretary’s responsibility to the public, to good governance and to trust responsibilities to American Indian mineral owners to appropriately value production.

Members of the oil, gas, and coal industries also expressed support for parts of the Valuation Rule, as have members of environmental groups and the general public. The Department intends to further evaluate changes that may be warranted to the long-established oil, gas and coal regulations through the Royalty Policy Committee and publicly-vetted rulemaking, ensuring that valuation and revenue collection for the nation’s mineral and hydrocarbon resources remain transparent and consistent, while the taxpayers receive every dollar due from resources on their public lands and offshore areas. The Royalty Policy Committee is chaired by Vincent DeVito, Counselor to the Secretary for Energy Policy, and the Executive Director is James Schindler.

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WASHINGTON – Today, U.S. Secretary of the Interior Ryan Zinke sent a draft report to the president which included his findings and recommendations on national monuments that were under review as a result of the April 26, 2017 executive order. The report summary can be read here. The extensive 120-day review included more than 60 meetings with hundreds of advocates and opponents of monument designations, tours of monuments conducted over air, foot, car, and horseback (including a virtual tour of a marine monument), and a thorough review of more than 2.4 million public comments submitted to the Department on regulations.gov. Additionally, countless more meetings and conversations between senior Interior officials and local, state, Tribal, and non-government stakeholders including multiple Tribal listening sessions.

The review was initiated by President Trump in order to restore trust in the multiple-use mission of the Department and to give rural communities a voice in federal land management decisions. In order to make the process transparent and give local residents and stakeholders a voice, the Secretary announced on May 5, 2017 the opening up of a formal comment period for the review, as the President directed. This was the first time ever that a formal comment period was open on regulations.gov for national monuments designated under the Antiquities Act.

“No President should use the authority under the Antiquities Act to restrict public access, prevent hunting and fishing, burden private land, or eliminate traditional land uses, unless such action is needed to protect the object,” said Secretary Zinke. “The recommendations I sent to the president on national monuments will maintain federal ownership of all federal land and protect the land under federal environmental regulations, and also provide a much needed change for the local communities who border and rely on these lands for hunting and fishing,
economic development, traditional uses, and recreation.”

While traveling across the country, Secretary Zinke met with hundreds of local stakeholders and heard concerns about some national monuments negatively impacting things like local revenue from federal lands, agriculture, private property rights, public access to land, traditional Tribal uses of the land, and timber harvesting.

Over the 120-day review, Secretary Zinke visited eight national monument sites in six states:

- Bears Ears (UT)
- Grand Staircase Escalante (UT)
- Katahdin Woods and Waters (ME)
- Northeast Canyons and Seamounts
- Cascade Siskiyou (OR & CA)
- Organ Mountain Desert-Peaks (NM)
- Basin and Range (NV)
- Gold Butte (NV)

The following national monuments were announced to have been removed from review prior to the August 24 deadline:

- Craters of the Moon
- Hanford Reach
- Upper Missouri River Breaks
- Grand Canyon-Parashant
- Canyons of the Ancients
- Sand to Snow

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Secretary Zinke Appoints Members to the Royalty Policy Committee, Announces First Meeting

Significant Step Toward Restoring Public Trust, Collaborative Development of Federal Lands

WASHINGTON – U.S. Secretary of the Interior Ryan Zinke today announced the appointment of 20 primary and 18 alternate members to the Department of the Interior’s Royalty Policy Committee (Committee) that will serve a critical role in advising the Secretary on policy and strategies to improve management of the multi-billion dollar, federal and American Indian mineral revenue program. The Committee’s first meeting will be held on Wednesday, October 4.

"Working closely with the Committee, we will come up with solutions for modernizing the management of public and American Indian assets, while building greater trust and transparency in how we value our nation's public mineral resources,” said Secretary Zinke. “It's important that the taxpayers and tribes get the full and fair value of traditional and renewable energy produced on public lands and offshore areas.”

The Committee may also advise the Secretary on the potential impacts of proposed policies and regulations related to revenue collection from energy and mineral development on public lands, including whether a need exists for regulatory reform. To underscore the Department’s commitment to reforming revenue management and royalty collections, the Committee, which may consist of up to 28 members, reflects the diverse perspectives of a wide-range of stakeholders, including representatives of western states and American Indian tribes that produce energy, energy stakeholders, academic groups and the general public, as well as Interior officials. Non-federal members will serve three-year terms.

The Secretary appointed Vincent DeVito, Counselor to the Secretary for Energy Policy, as Chairman of the Committee. "On behalf of the Secretary, I am committed to aligning this Committee with our continuing drive toward making the Department a better business partner and delivering better results for American taxpayers,” said Chairman DeVito.

The agenda and meeting materials will be posted on the Committee website at www.doi.gov/rpc.

The meeting is open to members of the public, who may attend in person or view the documents and presentations under discussion via WebEx at http://bit.ly/1cR9W6t and listen to the proceedings at telephone number 1-888-455-2910 or International Toll number 210-839-8953 (passcode: 7741096). The public will be invited to make statements during the meeting and file written statements with the Committee for consideration. To submit written comments, contact Kim Oliver at rpc@ios.doi.gov or mail your written comments to Royalty Policy Committee, Attn: Kim Oliver, 1849 C Street NW MS 5134, Washington, D.C. 20240.

Secretary Zinke signed a charter in March of this year establishing the Royalty Policy Committee to review revenues collected from oil and gas drilling, coal mining and renewable energy production on federal lands and
offshore areas, and provide regular advice to the Secretary on the fair market value of and collection of revenues from these Federal and Indian mineral and energy leases. Interested persons were invited in the Federal Register to submit their names under the process outlined in the Federal Advisory Committee Act.

The Secretary appointed the following non-federal members to the Committee:

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<thead>
<tr>
<th>States</th>
<th>Primary Members</th>
<th>Alternate Members</th>
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<tr>
<td>Tribes</td>
<td>Primary Members</td>
<td>Alternate Members</td>
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<tr>
<td>Russell Begaye, Navajo Nation</td>
<td>Bidtah Becker, Navajo Nation</td>
<td>Christopher Adam Red, Southern Ute Indian Tribe</td>
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<tr>
<td>Charles Robertson, Choctaw Nation of Oklahoma</td>
<td>Neil McCaleb, Chickasaw Nation</td>
<td>Everett Waller, Osage Minerals Council</td>
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<tr>
<td>Mineral/Energy Stakeholders</td>
<td>Primary Members</td>
<td>Alternate Members</td>
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<tr>
<td>Randall Luthi, National Ocean Industries Association</td>
<td>Albert Modiano, US Oil &amp; Gas Association</td>
<td>Estella Alvarado, Anadarko Petroleum Corporation</td>
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<tr>
<td>John Sweeney, VWR Corporation</td>
<td>Kathleen Sgamma, Western Energy Alliance</td>
<td>Matthew Adams, Cloud Peak Energy</td>
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<td>Marissa Mitchell, Intersect Power</td>
<td>Gabrielle Gerholt, Concho Resources</td>
<td>Roadrick Eggert, Colorado School of Mines</td>
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<tr>
<td>Academia and Public Interest Groups</td>
<td>Primary Members</td>
<td>Alternate Members</td>
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<tr>
<td>Roderick Eggert, Colorado School of Mines</td>
<td>Graham Davis, Colorado School of Mines</td>
<td>Van Romero, New Mexico Institute of Mining and Technology</td>
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<tr>
<td>Monte Mills, University of Montana School of Law</td>
<td>Daniel Rusz, Wood Mackenzie</td>
<td>Mont Mills, University of Montana School of Law</td>
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*The Federal Register* Notice announcing the first meeting of the Committee can be accessed via the web at: [https://www.federalregister.gov/](https://www.federalregister.gov/). Additional information about the Committee and meeting materials can be found on the Committee website.

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I guess I should have included the attachments. Let me know if you have any questions.

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BLM cancels 10 million acre Sagebrush Focal Area Withdrawal Proposal

WASHINGTON, D.C. – Based on a recent analysis and review of data available that showed that future mining is not a significant threat to sage grouse habitat, the Bureau of Land Management has canceled its Sagebrush Focal Area withdrawal application and the Department’s proposed withdrawal of 10 million acres of federal lands from location and entry under the mining law in Greater Sage-grouse habitat in six Western States. The BLM also terminated the associated environmental analysis process. The notice of cancellation can be found on the BLM website here: https://on.doi.gov/2hOpRxn.

The BLM determined the proposal to withdraw 10 million acres was unreasonable in light of the data that showed that mining affected less than .1 percent of sage-grouse-occupied range.

“The proposal to withdraw 10 million acres to prevent 10,000 from potential mineral development was a complete overreach,” said Acting BLM Director Mike Nedd. “Secretary Zinke has said from the beginning that by working closely with the states, who are on the front lines and a valued partner in protecting the health of these lands, we can be successful in conserving greater sage grouse habitat without stifling economic development and job growth. And that’s what we intend to do—protect important habitat while also being a good neighbor to states and local communities.”

The recommendation to withdraw nearly 10 million acres from location and entry under the mining law was one of many land use restrictions proposed for a new management area designated as the Sagebrush Focal Area (SFA). However, that recommendation was unreasonable in light of the data available. In particular, the U.S. Fish and Wildlife Service’s 2005 “Not Warranted” decision, the 2010 “Warranted But Precluded” Decision
and the 2015 “Not Warranted” decision all showed that mining—including locatable mining—was not a significant threat to sage-grouse.

The lands will continue to be managed in accordance with existing plans, programs, policies and regulations in Idaho, Montana, Nevada, Oregon, Utah and Wyoming. They had been temporarily segregated, or closed to new mining claims for 2 years when the Department originally proposed the lands for withdrawal in 2015, while the agency studied whether locatable mineral exploration and mining projects would adversely affect habitat important to the greater sage grouse. That temporary segregation period expired September 24, 2017.

-BLM-
WASHINGTON – Given a finding by the U.S. District Court for the District of Nevada that the Bureau of Land Management’s designation of Sagebrush Focal Areas in its 2015 greater sage-grouse plan amendment for Nevada was illegal, the Bureau today offered the public an opportunity to comment and share issues for its consideration as it explores potential amendments to greater sage-grouse land use plans, to help improve sage-grouse conservation, and to strengthen communication and collaboration between states and the federal government. The plans, which were adopted in 2014 and 2015, provide guidance and direction about the management of public lands in 10 Western states: California, Colorado, Idaho, Nevada, Oregon, Wyoming, North Dakota, South Dakota, Utah and Montana.

“The BLM is committed to being a good neighbor and cooperating with its partners at all levels of government, including states, as well as tribal leaders, industry and conservation groups, ranchers, and other stakeholders throughout the amendment process,” said BLM Acting Director Mike Nedd. “During this process, we are particularly interested in hearing from the many governors whose states put hard work and time into collaborative efforts to develop the existing plans. We welcome their input.”

The U.S. District Court for the District of Nevada ruled in March 2017 that the BLM failed to adequately evaluate the designation of Sagebrush Focal Areas in its 2015 greater sage-grouse plan amendment for Nevada. In order to comply with the court’s order and to address issues raised by various interested parties, and to consider recommendations in the August 4, 2017 report prepared by the Department of the Interior’s Greater Sage-Grouse Review Team in Response to Secretary’s Order 3353 (SO 3353), the BLM intends to consider amending these plans.

The BLM will soon publish a Notice of Intent in the Federal Register to announce the beginning of a scoping process to solicit public comments on greater sage-grouse land management issues that could warrant land use plan amendments. The BLM also wants to receive input on whether that planning effort should occur through state-by-state amendment processes, and in particular looks forward to receiving comments from the Governors of each state. The notice has been sent to the Federal Register and is awaiting publication. Publication of the notice initiates a process that could eventually result in some changes, significant changes or no changes at all. The notice can be read on the BLM website: https://on.doi.gov/2fNuFPt.

“The federal agencies and states involved in developing the Report in Response to Secretarial Order 3353 remain committed to an approach that balances durable, long-term conservation of the Greater Sage-Grouse without adversely affecting economic development in local communities across the West,”
The Notice of Intent is posted on the BLM website [here](http://bit.ly/GRSGplanning) and is awaiting publication. The public can provide comments for 45 days from the date the notice appears in the *Federal Register* using this webpage: [http://bit.ly/GRSGplanning](http://bit.ly/GRSGplanning). The BLM will announce any public meetings it plans to hold through local media in each state.

-BLM-

The BLM manages more than 245 million acres of public land, the most of any federal agency. This land is primarily located in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's mission is to manage and conserve the public lands for the use and enjoyment of present and future generations under our mandate of multiple-use and sustained yield.
BLM third quarter oil and gas lease sales hit combined $170.7 million

This year's sales pace is at $316.2 million, exceeding that of 2016

WASHINGTON – In keeping with the Administration’s goals of promoting America’s energy dominance, seven Bureau of Land Management state offices generated $170.7 million in bonus bids during their quarterly oil and gas lease sales. Among these sales, rights to a total of 218 parcels, covering 134,834.71 acres were sold.

"Oil and gas lease sales on federal land directly support domestic energy production and President Trump’s energy dominance goals for America," said U.S. Secretary of the Interior Ryan Zinke. "These sales provide critical revenue and job growth in rural America. We will continue to work to cut the red tape and improve processes to ensure regulations serve their intended purpose."

“These successful lease sales reflect our sound energy policy, which draws from the vast, untapped energy reserves right here in America,” said acting BLM Director Michael D. Nedd.

BLM New Mexico had the largest sale of the quarter, generating approximately $130.9 million in bonus bids on Sept. 7. Wyoming held the second-largest sale of the quarter on Sept. 21, generating $38.7 million in bonus bids.

BLM Colorado’s sale, held on Sept. 7, totaled $602,088 in bonus bids. In BLM Montana/Dakotas, bonus bids totaled $305,802 in a sale held Sept. 12. Sales that same day in Nevada and Utah brought in $33,120 and $8,204, respectively. In Eastern States, bonus bids totaled $201,018 in lease sales held on Sept. 21.
The Sept. 7 sale in New Mexico is also the largest federal onshore sale so far this year, followed by an earlier sale in Wyoming, in February, which generated nearly $129 million in bonus bids.

“The Secretary’s strategy for energy dominance is working and will continue to bear fruit,” said Counselor to the Secretary for Energy Policy, Vincent DeVito. “This pace is a reflection of our responsible energy policy and administrative changes that are making Interior a better place to do business.”

"This is a strong step towards restoring trust and partnership with our local communities who rely on our responsible energy leasing as a source of job growth and revenue to States to fund schools, fire and police services, roads and bridges and other municipal needs," said Katharine MacGregor, Acting Assistant Secretary for Land and Minerals. "Energy development on public lands is a win-win for our nation's energy future as well as economic growth in rural America."

Fifty percent of the revenue from lease sales goes to the state where the oil and gas activity is occurring, while the rest goes to the U.S. Treasury. If producing wells are produced on the lease parcel, the royalties paid on the Federal minerals are also shared with the state.

This year's pace of lease sales has exceeded that of calendar year 2016 in terms of number of sales held and bonus bids.

For example, with this quarter's sales, the BLM has held 20 of the scheduled 29 onshore oil and gas lease sales this year around the nation. Those sales combined have brought in $316.2 million in bonus bids. This contrasts with all of 2016, during which time the BLM held 20 onshore oil and gas lease sales and generated $192.5 million in bonus bids.

A bonus bid is a one-time payment in exchange for exclusive access to explore a parcel and grants an exclusive lease for a set period of time. The BLM awards oil and gas leases for a term of 10 years and as long thereafter as there is production of oil and gas in paying quantities.

The BLM’s all-of-the-above approach to energy development includes oil and gas, coal, strategic minerals and renewable sources, such as wind, solar, and geothermal, which can all be developed on public lands.

The BLM’s policy is to promote oil and gas development if it meets the guidelines and regulations set forth by the National Environmental Policy Act of 1969 and other subsequent laws and policies passed by the U.S. Congress. The sales are also in line with the Trump administration’s America First Energy Plan, which includes development of fossil fuels and coal, as well as renewable energy.

In fiscal year 2016, oil and gas development on BLM-managed lands supported 201,000 jobs nationwide and contributed more than $42 billion in output to the U.S. economy.

For more information about BLM oil and gas lease sales, please visit https://on.doi.gov/2t45Re8.

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Secretary Zinke Announces Largest Oil & Gas Lease Sale in U.S. History

March 2018 sale to offer 76.9 million acres in Gulf of Mexico

NEW ORLEANS – U.S. Secretary of the Interior Ryan Zinke today announced that the Department is proposing the largest oil and gas lease sale ever held in the United States - 76,967,935 acres in federal waters of the Gulf of Mexico, offshore Texas, Louisiana, Mississippi, Alabama, and Florida. The proposed region-wide lease sale, offering an area about the size of New Mexico, is scheduled for March 2018 and includes all available unleased areas on the Gulf’s Outer Continental Shelf, surpassing last year’s region-wide lease sale by about one million acres.

“In today’s low-price energy environment, providing the offshore industry access to the maximum amount of opportunities possible is part of our strategy to spur local and regional economic dynamism and job creation and a pillar of President Trump’s plan to make the United States energy dominant,” Secretary Zinke said. “And the economic terms proposed for this sale include a range of incentives to encourage diligent development and ensure a fair return to taxpayers.”

Proposed Lease Sale 250, which will be livestreamed from New Orleans, will be the second offshore sale under the National Outer Continental Shelf Oil and Gas Leasing Program for 2017-2022. Lease Sale 249, held in New Orleans last August, received $121 million in high bids. In addition to the high bids and rental payments, the Department will receive royalty payments on any future production from these leases. Outer Continental Shelf (OCS) lease revenues are directed to the U.S. Treasury, Gulf Coast states, the Land and Water Conservation Fund and Historic Preservation Fund.
“In order to strengthen America’s energy dominance, we must anticipate and plan for our needs for decades to come,” said Senator Lisa Murkowski, Chairman of the Senate Committee on Energy & Natural Resources. “The administration’s decision to move forward with the largest offshore lease sale in our nation’s history is a key part of that effort. Whether in Alaska or the Gulf of Mexico, we should all support responsible development because it creates high-paying jobs, strengthens national security, and keeps energy affordable for our families and businesses.”

“President Trump’s team is following through on their commitment to advancing America’s energy independence,” said Senator Roger Wicker. “Unlike the previous administration, this one understands that expanded offshore energy development benefits working families, consumers, and our national security. This is a win for Mississippi and the entire country.”

“President Trump and his administration are following through on their promise to end the war on American energy,” said Senator Bill Cassidy. “Investing in energy creates better jobs with better benefits for working families, strengthens our national security and strengthens our energy independence.”

“This is great news that our oil and gas industry in Louisiana sorely needs. This is the largest sale in U.S. history, and it will create jobs and bolster our state and national economy,” said Senator John Kennedy. “Our Louisiana workers are ready to go back to work.”

“President Donald Trump made clear his desire to ensure Americans can use our own natural resources to produce the energy vital to our economy and national security,” said Alabama Governor Kay Ivey. “As he has done time and again, President Trump has proven to the people of Alabama that he is a man of his word, and we are grateful to him and to Secretary Ryan Zinke for their determination to open a vast tract of American waters to oil and gas exploration. This decision is not only in the best interest of all Americans, it allows Gulf Coast states, like Alabama, to utilize our natural resources not only to provide energy for our nation, but increased economic opportunities for our people.”

"Mississippi welcomes Secretary Zinke’s action to carry out the president’s vision for American energy dominance," said Mississippi Governor Phil Bryant. "This will strengthen our state’s status as a leader in oil and gas exploration and create good jobs for hardworking Mississippians."

“If we’re serious about energy dominance and long-term energy affordability, we must create certainty about future access in the Outer Continental Shelf,” said Congressman Rob Bishop, Chairman of the House Committee on Natural Resources. "Secretary Zinke should be commended for his leadership to create that certainty and realign Interior as a partner for industry to advance responsible energy development. This is a welcomed announcement on that front. Congressionally, we will continue to move forward on a comprehensive overhaul of onshore and offshore federal lands energy policy to help Interior expand even greater access, streamline permitting and increase revenues to both states and the U.S. Treasury.”

“Secretary Zinke’s announcement is welcome news and I look forward to continuing to work with the administration to put consumer’s interests first while promoting job creation and modernizing our nation’s energy infrastructure,” said Congressman Greg Walden, Chairman of the House Committee on Energy & Commerce. "The president and his administration have placed energy independence and security at the top of their agenda, and
this committee has been leading the way in examining policies that seek to streamline siting and permitting of the nation’s oil and gas pipelines.”

"President Trump has stated that he wants our country to exert 'energy dominance' throughout the world, and this lease sale is another bold step in that direction," said House Majority Whip Steve Scalise. "I applaud today's announcement by Secretary Ryan Zinke to offer the largest offshore oil and gas lease sale in U.S. history. My constituents in Southeast Louisiana will be leading the way in this exploration and development that will create good jobs and kickstart more economic growth. This bold action helps us continue fighting for the responsible development of our natural resources that bring critical dollars to restore our coast."

“As a long-time advocate for opening up more of the Gulf of Mexico, it’s refreshing to work with an Administration that understands it’s true energy potential," said Congressman Pete Olson. "Oil production, when done safely and responsibly, is a win for Texas and the Gulf Coast economy, and adds to America’s energy security. I applaud Secretary Zinke for moving forward with this lease sale and hope these opportunities to tap into our energy potential continue.”

“Secretary Zinke’s announcement of the largest oil and gas lease sale in our country’s history is welcome news. The oil and gas industry provides thousands of direct and indirect jobs to the people of Mississippi,” said Congressman Gregg Harper. "This lease sale has the potential to create new opportunities for our state and nation as advances in technology continue to make the United States a world leader in natural resource production.”

“I applaud Secretary Zinke and the Department of Interior for their efforts to spur energy production and support communities along the Gulf Coast. Revenue from these leases will be a huge boost for Gulf states, like Alabama, and will help us continue conservation and preservation of our treasured coastal areas,” said Congressman Bradley Byrne. "Through developments like this, we can ensure American energy dominance and make life better for Gulf Coast families.”

The estimated amount of resources projected to be developed as a result of the proposed region-wide lease sale ranges from 0.21 to 1.12 billion barrels of oil and from 0.55 to 4.42 trillion cubic feet of gas. Most of the activity (up to 83% of future production) from the proposed lease sale is expected to occur in the Central Planning Area.

Proposed Lease Sale 250 includes 14,375 unleased blocks, located from 3 to 230 miles offshore, in the Gulf’s Western, Central and Eastern planning areas in water depths ranging from 9 to more than 11,115 feet (three to 3,400 meters). Excluded from the lease sale are blocks subject to the Congressional moratorium established by the Gulf of Mexico Energy Security Act of 2006; blocks that are adjacent to or beyond the U.S. Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap; and whole blocks and partial blocks within the current boundary of the Flower Garden Banks National Marine Sanctuary.

“American energy production can be competitive while remaining safe and environmentally sound,” said Vincent DeVito, Counselor for Energy Policy at Interior. “People need jobs, the Gulf Coast states need revenue, and Americans do not want to be dependent on foreign oil. We have heard their message loud and clear.”

The lease sale terms include stipulations to protect biologically sensitive resources, mitigate...
potential adverse effects on protected species, and avoid potential conflicts associated with oil and gas development in the region. The terms and conditions for Lease Sale 250 in the Proposed Notice of Sale are not final. Different terms and conditions may be employed in the Final Notice of Sale, which will be published at least 30 days before the sale.

The Bureau of Ocean Energy Management (BOEM) estimates that the OCS contains about 90 billion barrels of undiscovered technically recoverable oil and 327 trillion cubic feet of undiscovered technically recoverable gas. The Gulf of Mexico OCS, covering about 160 million acres, has technically recoverable resources of over 48 billion barrels of oil and 141 trillion cubic feet of gas.

All terms and conditions for Gulf of Mexico Region-wide Sale 250 are detailed in the Proposed Notice of Sale (PNOS) information package, which is available at: http://www.boem.gov/Sale-250/. Copies of the PNOS maps can be requested from BOEM’s Gulf of Mexico Region’s Public Information Unit at 1201 Elmwood Park Boulevard, New Orleans, LA 70123, or at 800-200-GULF (4853).

The Notice of Availability of the PNOS will be available for inspection in the Federal Register on October 26, 2017 at: https://www.archives.gov/federal-register/public-inspection.

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Tim Williams  
Deputy Director External Affairs  
Office of the Secretary  
U.S. Department of the Interior  
Desk: (202) 208-6015  
Cell: (202) 706-4982

NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.
WASHINGTON – Today, President Donald J. Trump announced the nomination of Steven Gardner to be the Director of the Office of Surface Mining, Reclamation & Enforcement (OSMRE) at the U.S. Department of the Interior. U.S. Secretary of the Interior Ryan Zinke hailed Gardner’s nomination.

“When confirmed, Steve will be an unbelievable asset to coal country and the entire team at the Department of the Interior,” said Secretary Ryan Zinke. “Steve is highly regarded in the mining industry for his extensive experience and insight. Steve will help Interior take the proper steps forward to ensure American Energy dominance is achieved, while also being a responsible steward of American lands. We very much look forward to a quick confirmation process.”

“I am beyond humbled and honored to be nominated by President Trump for the Director of OSMRE,” said Steven Gardner. “My whole life, I have been involved with mining on multiple levels, and I understand the importance of these issues to the communities we serve. I pledge to work every day on behalf of the men and women across this country who look to the OSMRE office as a partner in bettering life for all people on mining lands.”

Steve Gardner is currently serving as the President and CEO of ECSI, LLC, a consulting practice where he focused on natural resources, mining, reclamation, energy, environmental, health and safety issues. As a Licensed Professional Engineer, Gardner has worked on projects throughout the US and internationally. Gardner was the 2015 President of the Society for Mining, Metallurgy and Exploration (SME) and is recognized as a Distinguished Member.

“I applaud President Donald Trump for picking Steve Gardner of Kentucky to lead the Office of Surface Mining Reclamation and Enforcement (OSMRE),” said Senate Majority Leader Mitch McConnell. “Steve will be a strong leader and I look forward to the U.S. Senate considering his nomination.”
“Having Kentuckian Steve Gardner lead the Office of Surface Mining will be a welcome relief to Kentucky and the nation,” said Senator Rand Paul. “The last administration’s OSM ignored science and economics when it worked to put an end to Kentucky coal mining with an overreaching rule on waterways near coal mines. With Mr. Gardner’s background in mining, I am confident that this administration’s OSM will erase up eight years of executive overreach and finally allow Kentucky coal to compete again in our nation’s all of the above energy policy.”

“I applaud the Trump Administration for selecting J. Steven Gardner of Lexington, Kentucky as the Director of the U.S. Office of Surface Mining, Reclamation, and Enforcement,” said Congressman Andy Barr. “I have known Steve for many years and I was proud to recommend him for this important nomination. As a well-respected leader in the mining industry with vast experience and knowledge, I am confident Steve will make an outstanding Director of OSM.”

“America’s mining industry welcomes Steve Gardner’s nomination to become the next director of OSMRE,” said Hal Quinn, the CEO of the National Mining Association. “A Kentucky native, Mr. Gardner has had a distinguished career as CEO of a prominent mining engineering firm with 40 years’ experience in mining, engineering, reclamation, environmental, health and safety matters. He is held in high regard by his professional peers having been elected President of the Society for Mining, Metallurgy, and Exploration (SME), a professional society with over 13,000 members in 100 countries representing scientists, engineers and professionals serving the minerals and mining industries.”

Greg Conrad, Executive Director of the Interstate Mining Compact Commission, also expressed his personal support for Steve Gardner noting his outstanding credentials and his knowledge of the intricacies of the Surface Mining Control and Reclamation Act, in particular the importance of state primacy under the Act as well as the state/federal relationship envisioned by the Act.

Mr. Gardner has an MS in Mining Engineering with a Graduate Certification in Environmental Systems and a BS in Agricultural Engineering from the University of Kentucky. In 2011, he was inducted into the College of Engineering Hall of Distinction. He has previously served on the University of Kentucky Mining Engineering Foundation, Kentucky Geological Survey, Biosystems & Agricultural Engineering Advisory Boards, and was a member of the Kentucky Board of Licensure for Professional Engineers and Surveyors.

The Bureau of OSMRE is responsible for establishing a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations, under which OSMRE is charged with balancing the nation’s need for continued domestic coal production with protection of the environment. Although a small bureau, OSMRE has achieved big results by working closely with those closest to the problem: the States, Tribes, local groups, the coal industry and communities.

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Tim Williams  
Deputy Director External Affairs  
Office of the Secretary  
U.S. Department of the Interior  
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Cell: (202) 706-4982  

NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.
From: Williams, Timothy
Subject: Federal Notice: RAC Nominations
Date: Wednesday, November 01, 2017 8:37:25 AM
Attachments: 11.1.17NoticeofRACNoms.pdf

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Deputy Director External Affairs
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NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.
2017 Second National Call for Nominations for Resource Advisory Councils and Other BLM Land Management Advisory Committees

A Notice by the Land Management Bureau on 11/01/2017

AGENCY:

Bureau of Land Management, Interior.

ACTION:

Notice of call for nominations.

SUMMARY:

The purpose of this Notice is to request a second call for public nominations for the Bureau of Land Management (BLM) Resource Advisory Councils (RAC) that have members whose terms are scheduled to expire or have expired. RACs provide advice and recommendations to the BLM on land use planning and
management of the National System of Public Lands within their geographic areas.

DATES:
All nominations must be received no later than December 1, 2017.

ADDRESSES:
Nominations and completed applications for RACs should be sent to the appropriate BLM offices listed in the SUPPLEMENTARY INFORMATION section of this notice.

FOR FURTHER INFORMATION CONTACT:
Twinkle Thompson, BLM Communications, 1849 C Street NW., Room 5645, Washington, DC 20240, 202-208-7301.

SUPPLEMENTARY INFORMATION:
The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA (43 U.S.C. 1739 [https://api.fdsys.gov/link?collection=uscode&title=43&year=mostrecent&section=1739&type=usclink-type=html]) directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the Federal Advisory Committee Act (FACA). As required by FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR subpart 1784 and include the following three membership categories:

**Category One**—Holders of Federal grazing permits and representatives of organizations associated with energy and mineral development, the timber industry, transportation or rights-of-way, developed outdoor recreation, off-highway vehicle use, and commercial recreation;

**Category Two**—Representatives of nationally or regionally recognized environmental organizations, archaeological and historic organizations, dispersed recreation activities, and wild horse and burro organizations; and

**Category Three**—Representatives of State, county, or local elected office, employees of a State agency responsible for management of natural resources, representatives of Indian tribes within or adjacent to the area for which the council is organized, representatives of academia who are employed in natural sciences, and the public-at-large.

Individuals may nominate themselves or others. Nominees must be residents of the State in which the RAC has jurisdiction. The BLM will evaluate nominees based on their education, training, experience, and knowledge of the geographic area of the RAC. Nominees should demonstrate a commitment to collaborative resource decision-making.

The following must accompany all nominations:

- Letters of reference from represented interests or organizations;

- A completed RAC application; and
Simultaneous with this Notice, BLM State Offices will issue press releases providing additional information for submitting nominations, with specifics about the number and categories of member positions available for each RAC in the State.

Before including any address, phone number, email address, or other personal identifying information in the application, nominees should be aware this information may be made publicly available at any time. While the nominee can ask to withhold the personal identifying information from public review, BLM cannot guarantee that it will be able to do so.

Nominations and completed applications for RACs should be sent to the appropriate BLM offices listed below:

**Alaska**

**Alaska RAC**
Lesli Ellis-Wouters, BLM Alaska State Office, 222 West 7th Avenue, #13, Anchorage, AK 99513, 907-271-4418.

**California**

**California Desert District Advisory Council**
Steve Razo, BLM California Desert District, 22835 Calle San Juan De Los Lagos, Moreno Valley, CA 92553, 951-697-5217.

**Northern California RAC**
Jeff Fontana, BLM Northern California District, 2550 Riverside Drive, Susanville, CA 96130, 530-252-5332.

**Carrizo Plain National Monument Advisory Committee**

**Idaho**

**Boise District RAC**
Michael Williamson, BLM Boise District Office, 3948 South Development Avenue, Boise, ID 83705, 208-384-3393.

**Montana and Dakotas**

**Central Montana RAC**
Jonathan Moor, BLM Lewistown Field Office, 920 Northeast Main Street, Lewistown, MT 59457, 406-538-1943.

**Dakotas RAC**
Mark Jacobsen, BLM Eastern Montana/Dakotas District, 111 Garryowen Road, Miles City, MT 59301, 406-233-2800.
Eastern Montana RAC
Mark Jacobsen, BLM Eastern Montana/Dakotas District, 111 Garryowen Road, Miles City, MT 59301, 406-233-2800.

Western Montana RAC
David Abrams, BLM Butte Field Office, 106 North Parkmont, Butte, MT 59701, 406-533-7617.

New Mexico
Pecos District RAC
Glen Garnand, BLM Pecos District Office, 2909 West Second Street, Roswell, NM 88201, 575-627-0209.

Oregon/Washington
John Day-Snake RAC
Lisa Clark, BLM Prineville District Office, 3050 NE 3rd Street, Prineville, OR 97754, 541-416-6864.

Southeast Oregon RAC
Larisa Bogardus, BLM Lakeview District Office, 1301 South G Street, Lakeview, OR 97630, 541-947-6237.

Southwest Oregon RAC
Christina Breslin, BLM Medford District Office, 3040 Biddle Road, Medford, OR 97504, 541-618-2371.

Steens Mountain Advisory Council
Tara Thissell, BLM Burns District Office, 28910 Highway 20 West, Hine, OR 97738, 541-573-4519.

Utah
Utah RAC
Lola Bird, BLM Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, UT 84101, 801-539-4033.

Grand Staircase-Escalante National Monument Advisory Committee

Wyoming
Wyoming RAC
Kristen Lenhardt, BLM Wyoming State Office, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, WY 82003, 307-775-6015.


John F. Ruhs,
Acting Deputy Director.

[FR Doc. 2017-23802 (/a/2017-23802) Filed 10-31-17; 8:45 am]
FYI

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Tim Williams
Deputy Director External Affairs
Office of the Secretary
U.S. Department of the Interior
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Cell: (202) 706-4982

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2017 Second National Call for Nominations for Resource Advisory Councils and Other BLM Land Management Advisory Committees

A Notice by the Land Management Bureau on 11/01/2017

AGENCY:

Bureau of Land Management, Interior.

ACTION:

Notice of call for nominations.

SUMMARY:

The purpose of this Notice is to request a second call for public nominations for the Bureau of Land Management (BLM) Resource Advisory Councils (RAC) that have members whose terms are scheduled to expire or have expired. RACs provide advice and recommendations to the BLM on land use planning and
management of the National System of Public Lands within their geographic areas.

DATES:
All nominations must be received no later than December 1, 2017.

ADDRESSES:
Nominations and completed applications for RACs should be sent to the appropriate BLM offices listed in the SUPPLEMENTARY INFORMATION section of this notice.

FOR FURTHER INFORMATION CONTACT:
Twinkle Thompson, BLM Communications, 1849 C Street NW., Room 5645, Washington, DC 20240, 202-208-7301.

SUPPLEMENTARY INFORMATION:
The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA (43 U.S.C. 1739 (https://api.fdsys.gov/link?collection=uscode&title=43&year=mostrecent&section=1739&type=usc&link-type=html)) directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the Federal Advisory Committee Act (FACA). As required by FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR subpart 1784 and include the following three membership categories:

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Individuals may nominate themselves or others. Nominees must be residents of the State in which the RAC has jurisdiction. The BLM will evaluate nominees based on their education, training, experience, and knowledge of the geographic area of the RAC. Nominees should demonstrate a commitment to collaborative resource decision-making.

The following must accompany all nominations:

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Simultaneous with this Notice, BLM State Offices will issue press releases providing additional information for submitting nominations, with specifics about the number and categories of member positions available for each RAC in the State.

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**Northern California RAC**
Jeff Fontana, BLM Northern California District, 2550 Riverside Drive, Susanville, CA 96130, 530-252-5332.

**Carrizo Plain National Monument Advisory Committee**

**Idaho**

**Boise District RAC**
Michael Williamson, BLM Boise District Office, 3948 South Development Avenue, Boise, ID 83705, 208-384-3393.

**Montana and Dakotas**

**Central Montana RAC**
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Mark Jacobsen, BLM Eastern Montana/Dakotas District, 111 Garryowen Road, Miles City, MT 59301, 406-233-2800.
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Pecos District RAC
Glen Garnand, BLM Pecos District Office, 2909 West Second Street, Roswell, NM 88201, 575-725-0007.

Oregon/Washington

John Day-Snake RAC
Lisa Clark, BLM Prineville District Office, 3050 NE 3rd Street, Prineville, OR 97754, 541-416-6864.

Southeast Oregon RAC
Larisa Bogardus, BLM Lakeview District Office, 1301 South G Street, Lakeview, OR 97630, 541-747-6237.

Southwest Oregon RAC
Christina Breslin, BLM Medford District Office, 3040 Biddle Road, Medford, OR 97504, 541-618-2371.

Steens Mountain Advisory Council
Tara Thissell, BLM Burns District Office, 28910 Highway 20 West, Hine, OR 97738, 541-573-4519.

Utah

Utah RAC
Lola Bird, BLM Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, UT 84101, 801-539-4033.

Grand Staircase-Escalante National Monument Advisory Committee

Wyoming

Wyoming RAC
Kristen Lenhardt, BLM Wyoming State Office, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, WY 82003, 307-777-6015.

Authority: 43 CFR 1784.4 (/select-citation/2017/11/01/33-CFR-1784.4-1).

John F. Ruhs,
Acting Deputy Director.

[FR Doc. 2017-23802 (/a/2017-23802) Filed 10-31-17; 8:45 am]
FYI

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Tim Williams
Deputy Director External Affairs
Office of the Secretary
U.S. Department of the Interior
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NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.
Notice on Outer Continental Shelf Oil and Gas Lease Sales

A Notice by the Ocean Energy Management Bureau on 11/14/2017

AGENCY:


ACTION:

List of Restricted Joint Bidders.

SUMMARY:

Pursuant to the Bureau of Ocean Energy Management (BOEM) regulatory restrictions on joint bidding, the Director of the BOEM is publishing a List of Restricted Joint Bidders. Each entity within one of the following groups is restricted from bidding with any entity in any of the other following groups at Outer Continental Shelf oil and gas lease sales to be held during the bidding period November 1, 2017, through April 30, 2018.

DATES:

This List of Restricted Joint Bidders will cover the period November 1, 2017, through April 30, 2018, and replace the prior list published on April 28, 2017 (82 FR 19750 (/citation/82-FR-19750)), which covered the period of May 1, 2017, through October 31, 2017.

**Group I**

BP America Production Company

BP Exploration & Production Inc.

BP Exploration (Alaska) Inc.

**Group II**

Chevron Corporation

Chevron U.S.A. Inc.

Chevron Midcontinent, L.P.

Unocal Corporation

Union Oil Company of California

Pure Partners, L.P.

**Group III**

Eni Petroleum Co. Inc.

Eni Petroleum US LLC

Eni Oil US LLC

Eni Marketing Inc.

Eni BB Petroleum Inc.

Eni US Operating Co. Inc.

Eni BB Pipeline LLC

**Group IV**

Exxon Mobil Corporation

ExxonMobil Exploration Company

**Group V**

Petroleo Brasileiro S.A.

Petrobras America Inc.
Group VI

Shell Oil Company

Shell Offshore Inc.

SWEPI LP

Shell Frontier Oil & Gas Inc.

SOI Finance Inc.

Shell Gulf of Mexico Inc.

Group VII

Statoil ASA

Statoil Gulf of Mexico LLC

Statoil USA E&P Inc.

Statoil Gulf Properties Inc.

Group VIII

Total E&P USA, Inc.


Dated: November 8, 2017.

Walter D. Cruickshank,

Acting Director, Bureau of Ocean Energy Management.

[FR Doc. 2017-24630 (/a/2017-24630) Filed 11-13-17; 8:45 am]

BILLING CODE 4310-MR-P
FYI

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Tim Williams
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U.S. Department of the Interior
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NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.
Royalty Policy Committee; Public Meeting

A Notice by the Interior Department on 09/01/2017


document details

Printed version:

Publication Date:
09/01/2017 (/documents/2017/09/01)

Agencies:
Department of the Interior (https://www.federalregister.gov/agencies/interior-department)
Office of the Secretary

Dates:
The Committee meeting will be held on Wednesday, October 4, 2017, in Washington, DC, from 9:00 a.m. to 4:00 p.m. Eastern Time.

Document Type:
Notice

Document Citation:
82 FR 41646

Page:
41646 (1 page)

Agency/Docket Number:
Docket No. ONRR-2012-0003, DS63600000 DR20000000.PMN000 178D0102R2

Document Number:
2017-18635

Published Document

Agency:
Office of Natural Resources Revenue, Interior.

Action:
Notice.

Summary:
This notice announces the first meeting of the Royalty Policy Committee (Committee). This meeting is open to the public.

Dates:

The Committee meeting will be held on Wednesday, October 4, 2017, in Washington, DC, from 9:00 a.m. to 4:00 p.m. Eastern Time.

**ADDRESSES:**

The Committee meeting will be held in the South Penthouse of the Stewart Lee Udall Department of the Interior Building located at 1849 C Street NW, Washington, DC 20240. Members of the public may attend in person or view documents and presentations under discussion via WebEx at [http://bit.ly/1cR9W6t](http://bit.ly/1cR9W6t) and listen to the proceedings at telephone number 1-888-455-2910 or International Toll number 210-839-8953 (passcode: 7741096).

**FOR FURTHER INFORMATION CONTACT:**

Ms. Kim Oliver, Office of Natural Resources Revenue at (202) 513-0370 or email to rpc@ios.doi.gov ([https://mail.google.com/mail/?view=cm&fs=1&tfl=1&to=rpc@ios.doi.gov](https://mail.google.com/mail/?view=cm&fs=1&tfl=1&to=rpc@ios.doi.gov)).

**SUPPLEMENTARY INFORMATION:**

The U.S. Department of the Interior established the Committee on April 21, 2017, under the authority of the Secretary of the Interior and regulated by the Federal Advisory Committee Act. The purpose of the Committee is to ensure that the public receives the full value of the natural resources produced from Federal lands. The duties of the Committee are solely advisory in nature. More information about the Committee, including its charter, is available at [www.doi.gov/rpc](http://www.doi.gov/rpc).

Meeting Agenda: At the October 4, 2017 meeting, the Committee may discuss and agree on first-year priority issues and establish goals; adopt a timeline for future meetings and actions to be taken in order to achieve Committee goals; and finalize subcommittee tasks and membership. The final agenda and meeting materials will be posted on the Committee Web site at [www.doi.gov/rpc](http://www.doi.gov/rpc). All Committee meetings are open to the public.

Whenever possible, we encourage those participating by telephone to gather in conference rooms in order to share teleconference lines. Please plan to dial into the meeting and/or log into WebEx at least 10-15 minutes prior to the scheduled start time in order to avoid possible technical difficulties. We will accommodate individuals with special needs whenever possible. If you require special assistance (such as an interpreter for the hearing impaired), please notify Interior staff in advance of the meeting at 202-513-0370 or email to rpc@ios.doi.gov ([https://mail.google.com/mail/?view=cm&fs=1&tfl=1&to=rpc@ios.doi.gov](https://mail.google.com/mail/?view=cm&fs=1&tfl=1&to=rpc@ios.doi.gov)).

We will post the minutes from these proceedings on the Committee Web site at [www.doi.gov/rpc](http://www.doi.gov/rpc) and they will also be available for public inspection and copying at our office at the Stewart Lee Udall Department of the Interior Building in Washington, DC, by contacting Interior staff via email to rpc@ios.doi.gov ([https://mail.google.com/mail/?view=cm&fs=1&tfl=1&to=rpc@ios.doi.gov](https://mail.google.com/mail/?view=cm&fs=1&tfl=1&to=rpc@ios.doi.gov)) or via telephone at 202-513-0370.

Members of the public may choose to make a public comment during the designated time for public comments. Members of the public may also choose to submit written comments by mailing them to the Office of Natural Resources Revenue, Attention: RPC, 1849 C Street NW, MS 5134, Washington DC 20240. You also can email your written comments for Kim Oliver to rpc@ios.doi.gov ([https://mail.google.com/mail/?view=cm&fs=1&tfl=1&to=rpc@ios.doi.gov](https://mail.google.com/mail/?view=cm&fs=1&tfl=1&to=rpc@ios.doi.gov)). Comments that you submit in response to this notice are a matter of public record.
Public Disclosure Of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Appendix 2.


Vincent DeVito,

Counselor to the Secretary for Energy Policy.

[FR Doc. 2017-18635 (/a/2017-18635) Filed 8-31-17; 8:45 am]

BILLING CODE 4310-P
For immediate release  
Contact: Beverly Winston, (202)208-4602, bwinston@blm.gov  
Date: October 4, 2017

BLM proposes to suspend or delay parts of waste prevention rule

WASHINGTON, D.C.—As part of President Trump’s goal to reduce the burden of Federal regulations that hinder economic growth and energy development, the Bureau of Land Management (BLM) today announced in the Federal Register a proposal to temporarily suspend or delay certain requirements contained in the 2016 final Waste Prevention Rule (also known as the Venting and Flaring Rule) until January 17, 2019. The proposal includes the opportunity for public comment.

“As we strengthen America’s energy independence, we intend to evaluate regulations to determine if they unnecessarily encumber energy production, constrain economic growth, or prevent job creation,” said acting BLM Director Michael D. Ned. “Our proposal would give the BLM sufficient time to review the 2016 final rule and consider revising or rescinding its requirements.”

The BLM reviewed the 2016 final rule as part of Interior Secretary Ryan Zinke’s Secretarial Order No. 3349, American Energy Independence, issued on March 29, 2017. The BLM found that some parts of the 2016 final rule appear to be unnecessarily burdensome on industry.

In planning for additional review of the rule, the BLM determined that a temporary suspension or delay of certain requirements would avoid compliance costs on operators for requirements that may be rescinded or significantly revised in the near future. For certain requirements in the 2016 final rule that have yet to be implemented, the proposed rule would temporarily postpone the implementation dates until January 17, 2019. For certain requirements in the 2016 final rule that are currently in effect, the proposed rule would temporarily suspend their effectiveness, also until January 17, 2019. This would give the BLM sufficient time to review the 2016 final rule and consider revising or rescinding its requirements. During this time, existing Federal, state, and tribal regulations will ensure energy development is done in an environmentally sound, safe and responsible manner.
The BLM’s proposal supports the Administration’s priorities that require agencies to seek ways to reduce the costs of regulatory compliance (Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs) and that require the Secretary to review four specific rules, including the BLM’s 2016 final rule on waste prevention (Executive Order 13783, Promoting Energy Independence and Economic Growth).

Public comments on this proposed rule are due to the BLM on or before November 6, 2017. The BLM is not obligated to consider, or include in the administrative record, comments received after this date or delivered to an address other than those listed below in making its decisions on the final rule. The notice is available today on the Federal Register public inspection desk here.

ADDRESSES:


– BLM –

The BLM manages more than 245 million acres of public land, the most of any Federal agency. This land, known as the National System of Public Lands, is primarily located in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's mission is to sustain the health, diversity, and productivity of America’s public lands for the use and enjoyment of present and future generations.

–

Tim Williams
NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.
BOEM Completes Tract Evaluation

Dear Stakeholder,

The Bureau of Ocean Energy Management (BOEM) completed its required evaluation to ensure the public receives fair market value for tracts leased in Central Gulf of Mexico Oil and Gas Lease Sale 247, held on March 22, 2017. The sale offered 9,118 unleased blocks, covering 48 million acres.

During Sale 247, 28 companies participated in submitting 189 bids on 163 tracts. A total of $274,797,434 was received in high bids covering 913,542.21 acres. Of the tracts receiving bids, 22 were in water depths less than 200 meters and 141 were in water depths greater than 200 meters.

After extensive geological, geophysical, engineering, and economic analysis, BOEM awarded 153 tracts receiving bids and rejected 10 high bids. The 10 rejected high bids totaled $10,848,507 and covered 56,365.79 acres. BOEM has determined that the value of these bids was insufficient to provide the public with fair market value for the tracts and will re-offer these tracts as part of the next lease sale, Sale 249 in August.

The highest bid accepted was $24,056,719 submitted by Shell Offshore Inc. for Atwater Valley 64. The tract receiving the greatest number bids was Garden Banks 1006 with five bids.

For more information on Sale 247 go to www.boem.gov/Sale-247.

Sincerely,

John Filostrat
Office of Public Affairs
Bureau of Ocean Energy Management

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Department Of The Interior
External and Intergovernmental Affairs
Timothy Williams
timothy_williams@ios.doi.gov
Office: (202) 208-1923

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*About the Bureau of Ocean Energy Management*

The Bureau of Ocean Energy Management (BOEM) promotes economic development, energy independence, and environmental protection through responsible, science-based management of offshore conventional and renewable energy and marine mineral resources.
From: Williams, Timothy
Subject: Fwd: Secretary Zinke Announces 76 Million Acres Offered in Gulf of Mexico Region-Wide Oil and Gas Lease Sale
Date: Thursday, July 13, 2017 4:19:46 PM

SECRETARY ZINKE ANNOUNCES 76 MILLION ACRES OFFERED IN GULF OF MEXICO REGION-WIDE OIL AND GAS LEASE SALE

All Unleased Areas of Federal Waters Available, Shallow Water Leases to See Reduced Royalties

WASHINGTON – U.S. Secretary of the Interior Ryan Zinke today announced that the Department will offer 75.9 million acres offshore Texas, Louisiana, Mississippi, Alabama, and Florida for oil and gas exploration and development. The region-wide lease sale scheduled for August 16, 2017 will include all available unleased areas in federal waters of the Gulf of Mexico and provide a reduced royalty rate for shallow water leases to encourage exploration and production under current market conditions.

Lease Sale 249, scheduled to be livestreamed from New Orleans, will be the first offshore sale under the National Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2017-2022. Under this program, ten region-wide lease sales are scheduled for the Gulf, where resource potential and industry interest are high, and oil and gas infrastructure is well established. Two Gulf lease sales will be held each year and include all available blocks in the combined Western, Central, and Eastern Gulf of Mexico Planning Areas.

On June 29, President Donald J. Trump and Secretary Zinke announced the public comment period for a new Five-Year National OCS Oil and Gas Leasing Program. The comment period is the first step in executing the new program. The 2017-2022 Program, which begins with the lease sale announced today, will continue to be executed until the new National OCS Oil and Gas Leasing Program is complete.

"Our Outer Continental Shelf lands offer vast energy development opportunities and we are committed to encouraging increased energy exploration and production in these offshore areas to maintain the Nation’s global dominance in energy production," Secretary Zinke said. "As a global energy leader, we will foster energy security and resilience for the benefit of the
American people. A strong offshore energy plan that responsibly harnesses more of our resources will spur economic opportunities for industry, states, and local communities, creating jobs and revenue. That's why we also are developing a new national Outer Continental Shelf oil and gas program that will best meet our future energy needs."

Lease Sale 249 will include about 14,220 unleased blocks, located from three to 231 miles offshore, in the Gulf’s Western, Central and Eastern planning areas in water depths ranging from nine to more than 11,115 feet (three to 3,400 meters). Excluded from the lease sale are blocks subject to the Congressional moratorium established by the Gulf of Mexico Energy Security Act of 2006; blocks that are adjacent to or beyond the U.S. Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap; and whole blocks and partial blocks within the current boundary of the Flower Garden Banks National Marine Sanctuary.

"To advance commonsense domestic energy production, the terms of this sale have been developed through extensive environmental analysis, public comment, and consideration of the best available information,” said Counselor to the Secretary on Energy Policy Vincent DeVito. “This will ensure appropriate resource development and further our energy dominance strategy.”

The Gulf of Mexico OCS, covering about 160 million acres, has technically recoverable resources of 550 million barrels of oil and 1.25 trillion cubic feet of gas, accounting for nearly three-fourths of the oil and a fourth of the natural gas produced on federal lands.

The lease sale terms include stipulations to protect biologically sensitive resources, mitigate potential adverse effects on protected species, and avoid potential conflicts associated with oil and gas development in the region. Additionally, BOEM has included appropriate fiscal terms that take into account market conditions and ensure taxpayers receive a fair return for use of the OCS. These terms include a 12.5 percent royalty rate for leases in less than 200 meters of water depth, and a royalty rate of 18.75 percent for all other leases issued pursuant to the sale.

The 12.5 percent royalty rate for leases in less than 200 meters is lower than the proposed 18.75 percent royalty rate for shallow water leases that BOEM published in the Proposed Notice of Sale. The purpose of this change is to adjust the royalty rate to reflect recent market conditions, thereby encouraging competition and continuing to receive a fair and equitable return on oil and gas resources.

"The rate change reflects this Administration's willingness to swiftly respond to economic indicators,” said DeVito. “The 12.5 percent royalty rate is closer in harmony with the current market and federal onshore lease sales.”

As of July 3, 2017, 15.6 million acres on the U.S. OCS are under lease for oil and gas development (2947 active leases) and 4.1 million of those acres (842 leases) are producing oil and natural gas. More than 97 percent of these leases are in the Gulf of Mexico; about 3 percent are on the OCS off California and Alaska.

All terms and conditions for Gulf of Mexico Region-wide Sale 249 are detailed in the Final Notice of Sale (FNS) information package, which is available at: http://www.boem.gov/Sale-249/. Copies of the FNOS maps can be requested from the Gulf of Mexico Region’s Public Information Unit at 1201 Elmwood Park Boulevard, New Orleans, LA 70123, or at 800-200-GULF (4853).

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**Department Of The Interior**
External and Intergovernmental Affairs
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WASHINGTON – Today, U.S. Secretary of the Interior Ryan Zinke received a report from the Department of the Interior Sage-Grouse Program. The report, the outcome of the Bureau of Land Management Secretary’s Memo and the memo from Secretary Zinke to Deputy Secretary David Bernhardt, is available at [this link](https://www.doi.gov/80?type=ckc&end=ZWFzPTEmbXNpZD0mYXVpZD0mbWFpbGUZ2kPTIwMTcwODA3Lz02NzMyOTgxL3NhZ2VpZD1NREIUFJELU...hPSYmJg==&&&100&&&https://www.doi.gov/sites/do.gov/files/uploads/so3353_memo_covelette_report_080717.pdf).

“I am thankful to a team of DOI team members as well as the bureau staff and state partners who put in the hard work and time to get this project finished. In addition to the Interior Fish and Wildlife Bureau of Land Management, U.S. Forest Service, and representatives from 11 states that have sage-grouse habitats involved in the creation of this document, the report emphasizes conservation and co-operation between states, ensuring sage-grouse and other wildlife and potential sage-grouse and habitat and do not impede economic opportunities.

In signing Secretary Order 3353, Secretary Zinke established an interagency evaluation team that among other things evaluated both the economic growth and public health as well as the economic and potential economic opportunities.
WASHINGTON – Today, the U.S. Department of the Interior released the "Review of the Department of the Interior Actions that Potentially Burden Domestic Energy" report which was produced in response to Executive Order 13783. The report identified agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. Interior oversees America's oil, gas, coal, hydropower, and renewable energy resources produced on federal lands and waters, which account for almost one-fifth of the Nation's energy and generate on average $10 billion per year in annual revenue. Today, Secretary Zinke also signed Secretarial Order 3358, that will establish the Executive Committee for Expedited Permitting.

“Developing our energy resources to grow our economy and protecting the environment are not mutually exclusive. However, while conducting the review outlined in the Executive Order, we found that several costly and burdensome regulations from the past threaten that balance by hampering the production or transmission of our domestic energy," said U.S. Secretary of the Interior Ryan Zinke. “Our public lands are meant to be managed for the benefit of the people. That means a multiple-use approach where appropriate and making sure that multiple-use includes energy development under reasonable regulations. Following President Trump’s leadership, Interior is fostering domestic energy production by streamlining permitting and revising and repealing Obama-era job killing regulations – all while doing so in an environmentally responsible way.”

“The federal government can and must be a better business partner,” Vincent DeVito, Counselor to the Secretary for Energy Policy, said. “Secretary Zinke’s bold approach to achieving American energy dominance is making our nation freer, more secure, and more prosperous. Regulations should not unnecessarily burden energy production, but that is what occurs in many cases. The recent actions outlined in this energy report show how Interior is rolling back some of these burdensome regulations that add little or no value, while promoting
The report identified a number of burdens that specifically impede the production and transportation of energy resources, including, but not limited to:

- **Obama-Era 5-Year Program** Under the last Administration, 94% of the Outer Continental Shelf (OCS) was put off-limits from leasing, having an adverse effect on jobs and energy dominance, while drastically reducing access to future revenue.
  - Trump Administration Action: Secretarial Order 3350, America-First Offshore Energy Strategy started the process of developing a new 5-Year Program to responsibly develop the OCS and generate much-needed revenue.

- **Federal Coal Leasing Moratorium (Secretarial Order 3338, Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program)** Nearly 40% of our nation's coal comes from public lands. The 2016 coal moratorium undermines American energy security, inhibits job creation, and reduces revenues to state and local governments.
  - Action: Secretarial Order 3348, Concerning the Federal Coal Moratorium repealed the Obama-era moratorium on new federal coal leases.

- **Hydraulic Fracturing on Federal and Indian Lands Rule** The compliance costs of the existing 2015 rule on hydraulic fracturing are not justified. All 32 states with federal oil and gas leases and some tribes currently have laws or regulations that address hydraulic fracturing operations.
  - Action: Secretarial Order 3349: American Energy Independence put the rule under review. The BLM published a rulemaking to rescind the rule on July 25th.

- **Waste Prevention, Production Subject to Royalties, and Resource Conservation AKA the Venting and Flaring Rule** The rule imposes a substantial burden on industry, especially for marginal well production in energy-rich states like New Mexico, particularly the requirements that are set to become effective on January 17, 2018.
  - Action: Secretarial Order 3349: American Energy Independence put the rules under review for subsequent action by the Department. On October 5, 2017, the BLM issued a proposed rule to temporarily suspend certain requirements of the rule. The BLM is also actively reviewing the underlying regulation for potential revision.

- **Unnecessarily lengthy NEPA reviews delay projects** The NEPA process has added extra time and analysis to project completion, which adds to uncertainty for industry and higher costs for taxpayers. This is particularly true for Departmental actions that impact energy and infrastructure projects, such as resource management planning, permitting, and issuance of rights-of-way for pipeline projects and electricity transmission.
  - Actions: The Department has identified a number of rules and regulations to revise or rescind such as the Master Leasing Plans, the NEPA Compliance for Oil and Gas Lease Reinstatement Petitions, and the Sage-Grouse Resource Management Plans. In addition, the Deputy Secretary issued an August memo setting a deadline of one year and limiting EIS statements to 150 pages or 300 pages for unusually complex projects.

- **Holding energy producers hostage via Compensatory Mitigation (Secretarial Order 3330)** Current compensatory mitigation policies have reduced predictability,
created conflicts, and unnecessarily increased permitting/authorization timelines. Additionally, industry stakeholders believe the mitigation planning goal exceeds statutory authority. Currently, Interior and its bureaus lack a consistent terminology and framework for mitigation.

- Action: Secretarial Order 3349: American Energy Independence reexamined the use of mitigation policies and practices in order to better balance conservation strategies and job creation. Bureaus at the Interior will review various handbooks and manuals on the use of mitigation for energy and infrastructure projects.

- **Systematic delays in the leasing program and permitting process** The long period from when acreage is first nominated to when those acres are offered at a lease sale, as well as delays between the lease sale date and when leases are awarded reduces industry certainty and hinders states from receiving their share of lease sale revenues. These delays have rendered industry less able to plan for and execute exploration and production strategies in a timely fashion, and less able to respond effectively to changing market conditions.

  - Action: Secretarial Order 3354 Supporting and Improving the Federal Onshore Oil and Gas Leasing Program and Federal Solid Mineral Leasing Program. Secretarial Order 3358 to form a permit expediting committee. In January 2017 there were 92 vacancies in key positions related to the permitting process. Since that time this administration has filled nearly half of those positions. The BLM is also modernizing the software used to track and coordinate permitting while seeking to add regional teams that will be able to greatly streamline the permitting process. So far this year the BLM has decreased their processing time for APDs by an average of 46 days.

- **Endangered Species Act** The Endangered Species Act (ESA) is taken into consideration for both on- and offshore energy and infrastructure projects. It has far-reaching negative impacts on energy production and transmission as well as on critical infrastructure projects. ESA abuses have led to increased costs and delays on projects.

  - Action: Secretarial Order 3353: Greater Sage-Grouse Conservation and Cooperation with Western States Work with the Western Governors Association and other local partners to develop recommendations to improve the application of the ESA. Launch a review of ESA regulations and policy documents regarding outdated, unnecessary, ineffective, and inconsistently aligned with Executive and Secretarial Orders.

The report also detailed extensive action taken to advance American Energy Dominance at the Department of the Interior, including, but not limited to:

- Secretarial Order 3351: Strengthening the Department of the Interior's Energy Portfolio
- Secretarial Order 3352: National Petroleum Reserve - Alaska
- Secretarial Order 3353: Greater Sage-Grouse Conservation and Cooperation with Western States
- Reestablishing the Royalty Policy Committee to ensure the public continues to receive the full value of energy produced on federal lands.
- Review, repeal, and rewriting of the following rules: the BSEE Well Control and BOP Rules, the ONRR Valuation Rule, and the OSMRE Stream Protection Rule.

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Tim Williams
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NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.
Wanted to make sure your organization(s) saw this press release. As always we look forward to your comments.

Tim Williams

---------- Forwarded message ----------
From: Ross, Paul <paul_ross@ios.doi.gov>
Date: Mon, Nov 6, 2017 at 8:48 AM
Subject: Mitigation Release
To: "Williams, Timothy" <timothy_williams@ios.doi.gov>

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U.S. Fish and Wildlife Service Solicits Public Input on Mitigation Policies

To help ensure that its policies are consistent, effective and transparent, and provide a level of certainty to all involved parties, the U.S. Fish and Wildlife Service is soliciting public review of and comment on its Service-wide Mitigation Policy and its Endangered Species Act - Compensatory Mitigation Policy (ESA-CMP). These policies provide direction to Service employees on how to develop mitigation recommendations to offset the impacts of development activities on species or their habitats.

The review is part of a broader Service effort to re-evaluate several regulations and policies related to the Secretary of the Interior’s Order 3349 on American Energy Independence (March 29, 2017). The order directed bureaus to review policies to ensure consistency with directives in effect at the time Secretarial Order 3349 was issued.

The existing Mitigation Policy, which revised the long-standing 1981 Service Mitigation Policy, articulates general policy and principles intended to guide recommended mitigation across all Service programs. These principles were in turn stepped down into the ESA-CMP.

The Service is soliciting additional input regarding whether to retain or modify the mitigation goals or other policy direction articulated within our mitigation policies. Based on comments received, the Service will decide whether and how to revise the policies.

The notice will publish in the Federal Register on November 6, 2017. Written comments and information concerning this proposal can be submitted by one of the following methods:

- Federal eRulemaking Portal: [http://www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments to:

The Service invites comments, information and recommendations from governmental agencies, Indian Tribes, the scientific community, industry groups, environmental interest groups and any other interested parties.
Comments must be received within 60 days, on or before January 5, 2018. The Service will post all comments on http://www.regulations.gov. This generally means the agency will post any personal information provided through the process. The Service is not able to accept email or faxes.

For more information, please visit: http://www.fws.gov/ecological-services/habitat-conservation/cp.html.

-The U.S. Fish and Wildlife Service works with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. For more information, visit www.fws.gov, or connect with us through any of these social media channels: Facebook, Twitter, YouTube and Flickr.

-FWS-