



ENERGY POLICY ON PUBLIC LANDS

“New” and Old Energy

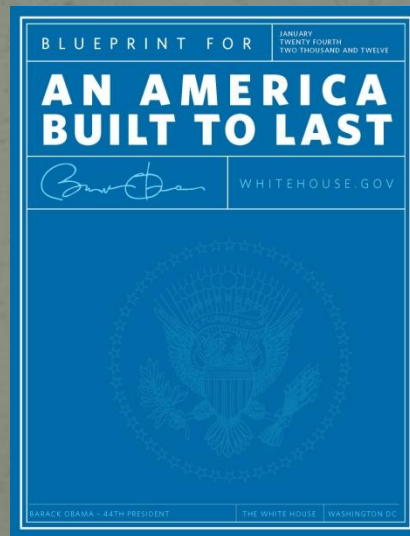


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ENERGY POLICY ON PUBLIC LANDS

Introduction

- Context for Obama Public Land Energy Policies
- Review of Obama Public Land Energy Policies
- What's Ahead?



PUBLIC LAND ENERGY: HISTORY LESSON

- Bush National Energy Policy (May 2001) – The “Cheney” Task Force

“America faces a major supply crisis over the next two decades. The failure to meet this challenge will threaten our nation’s economic prosperity, compromise our national security, and literally alter the way we lead our lives”

Secretary of Energy, Spencer Abraham

- Drivers:

- Enron Fallout / Blackouts
- Oil – economic and national security concerns/global demand
 - September 11, 2001
 - Iraq
- Natural gas – U.S. supply unable to meet demand/price spikes
 - Demand Destruction
 - Fertilizer
 - Chemicals
 - Alan Greenspan Testimony (2003)



PUBLIC LAND ENERGY: HISTORY LESSON

- Bush NEP Interior Focus:
 - Provide access to domestic oil and gas
 - Expedite oil & gas permitting
 - Complete “high priority” (energy areas) land use plans
 - “Impediments” to oil & gas development study – EPACT 2000
 - Address transmission
 - Develop renewable energy
- Energy Policy Act of 2005
 - Oil & gas energy coordination offices from rental fees
 - Permitting time lines for APDs, BMPs for BLM, tracking system
 - Categorical exclusions for oil and gas – 5CXs
 - Energy rights-of-way
 - Renewable Energy on Public Lands (10,000 mw -2015)
geothermal updates; off-shore wind; incentives

PUBLIC LAND ENERGY: HISTORY LESSON

- Hurricanes Katrina & Rita Hit Energy “Breadbasket” (8/2005)
 - Natural gas – \$14.00+ mmbtu
- Bush State of the Union (2006) – “Addicted to Oil”
 - Interior IG MMS – “short of a crime , anything goes” at Interior.
- House returns to Democrats (2006) – “Big Oil” & EPACT 2005 are targets; and GHG legislation a goal
- EPACT 2005 implementation: oil & gas permitting offices; geothermal rules, PEIS & lease sales; solar PEIS; West Wide PEIS; OCS wind
- “Shale gale” starts to blow (2007)
- Prices at pump hit \$4.00 (2008) – “Drill baby drill”
 - 27-year OCS moratorium ends

NEW ENERGY FOR AMERICA

- Obama 2008 Campaign

- Transform U.S. Energy Policy
- Cap & Trade – 80% CO₂ reduction by 2050
- \$150 billion for clean tech over 10 years
- \$50 billion VC for clean tech
- 25% federal RPS
- Double CAFE in 18 years



- Obama as Senator

- No → ANWR; off-shore oil & gas expansion
- Yes → EPACT 2005; “use it or lose it”; oil speculation and windfall profits tax

NEW ENERGY FOR AMERICA

- “So we have a choice to make. We can remain one of the world’s leading importers of foreign oil or we can make the investments that would allow us to become the world’s leading exporter of renewable energy.”

President Obama (3/13/09)

- “We can go back to the failed energy policies that profited the oil companies but weakened our country . . . Or we can go after new jobs in growing industries.”

President Obama (10/2/10)

- “I don’t want the folks who created the mess to do a lot of talking. I want them just to get out of the way so we can clean up the mess.”

President Obama (8/09)



NEW ENERGY FOR AMERICA

- “As the Secretary of the Interior, I can see the economic opportunity presented by the new energy economy. Since coming into office, we have prioritized the development of renewable energy on our public lands and off-shore waters.”

Secretary Salazar, statement to Senate EPW Committee (7/7/09)



- “I will clean up the mess at the Department of the Interior if confirmed.”

(January 2009)



NEW ENERGY FOR AMERICA

U.S. DEPARTMENT OF THE INTERIOR
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BLM > Energy

New Energy for America

The Bureau of Land Management (BLM) manages vast stretches of public lands that have the potential to make significant contributions to the Nation's renewable energy portfolio. This gives the BLM a leading role in fulfilling the Administration's goals for a new energy economy based on a rapid and responsible move to large-scale production of solar, wind, geothermal, and biomass energy. The BLM also manages Federal onshore oil, gas and coal operations that make significant contributions to the domestic energy supply as the Nation transitions to a clean energy future.

The BLM manages more Federal land than any other agency – about 245 million surface acres as well as 700 million sub-surface acres of mineral estate. As these lands are increasingly tapped to develop clean, renewable energy, the U.S. lessens its dependence on foreign oil and provides opportunities for creating new jobs to support local communities. Public lands also provide sites for new modern transmission facilities needed to deliver clean power to consumers.

Not all lands with energy potential are appropriate for development. The BLM reviews and approves permits and licenses from companies to explore, develop, and produce both renewable and non renewable energy on Federal lands. The BLM ensures that proposed projects meet all applicable environmental laws and regulations. The bureau works with local communities, the states, industry, and other federal agencies in this approval process and has set up four Renewable Energy Coordination Offices and five oil and gas Pilot Offices to facilitate reviews. In addition, The BLM participates in a Cabinet-level working group that is developing a coordinated federal permitting process for siting new transmission projects that would cross public, State and private lands.

Once projects are approved, the BLM is responsible for ensuring that developers and operators comply with use authorization requirements and regulations. Although the Bureau of Indian Affairs issues mineral leases on Indian lands, the BLM approves and supervises mineral operations on these lands.

Companies pay for development of public energy resources. Total royalty, rentals, and bonus payments vary from year to year. In fiscal year 2008, \$5.5 billion was paid to Federal and State governments for Federal onshore energy leasing and production. For oil and gas, half of this money goes to the States and half goes to the U.S. Treasury. Distribution of revenue from renewable energy varies depending on the authority used.

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| Rights-of-Way |
| Energy Policy Act of 2005 |

Most Visited Pages

- [Renewable Energy Priority Projects](#)
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BLM State Energy Pages

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NEW ENERGY FOR AMERICA: INTERIOR

- First Secretarial Order: “Renewable Energy Development by the Department of the Interior”
 - “Top Priority” (3/11/09)
- ARRA (Stimulus Bill) \$787 billion - \$90 billion for energy
 - Interior receives: \$41 million ARRA
 - Address BLM green energy permitting



NEW ENERGY FOR AMERICA: FAST TRACK STATS

- Renewable Energy Coordination Offices -105 staff
- “Détente” with NRDC, The Wilderness Society, Sierra Club
- New Policy Results: 3-4,000 acre solar EIS under 1 year
- ARRA 2010 “Fast Track” Project Results
 - 9 Solar
 - 1 Wind
 - 2 Geothermal
- 2011 Results
 - 7 Solar
 - 3 Wind
 - 5 Geothermal
- 2012 Priority Targets
 - 9 Solar
 - 6 Wind
 - 2 Geothermal
- TOTAL: 2011 = 6,200 mw; 2012 = 7,000 mw



OLD ENERGY REFORM: SETTING THE STAGE

- Turning the Page
 - Bush National Energy Policy
 - Energy Policy Act of 2005
 - Bush-era land use plan decisions
- “New Sheriff in Town” (1/30/09)
 - MMS Lakewood
 - “Anything goes era is over”
 - Withdrawal of December, 2008 Utah Leases (2/09): “Many of those decisions rushed”



OLD ENERGY REFORM: SETTING THE STAGE

- Hayes Report (6/22/09) Recommended:
 - Improved “stakeholder” communications
 - BLM leasing criteria on lease parcel basis
 - Inter-disciplinary team site-specific review
- Stiles Report (10/07/09) drilling down on the Utah 77:
 - Conducts parcel-by-parcel review of Utah 77
 - Confirms and elaborates on Hayes recommendations
- GAO Categorical Exclusions (CX) Report (9/6/09):
 - EPACT 2005 §390 CXs: “lack of clarity... in BLM’s guidance”

OLD ENERGY REFORM: SETTING THE STAGE

UTAH 77 Post-Script

- Interior I.G. Report on Utah Lease Sale
 - “No evidence of undue pressure” (12/29/09)
- De Christopher sentenced to 2 years (7/25/11)
 - Blogging at : bidder70.org
- *Impact Energy Resources, LLC v. Salazar* (on appeal)
 - In lease withdrawals, “Secretary exceeded his discretion” (9/11/10)
- Utah BLM begins to lease some Utah 77 parcels (2011/2012)

OLD ENERGY: ONSHORE LEASING REFORMS

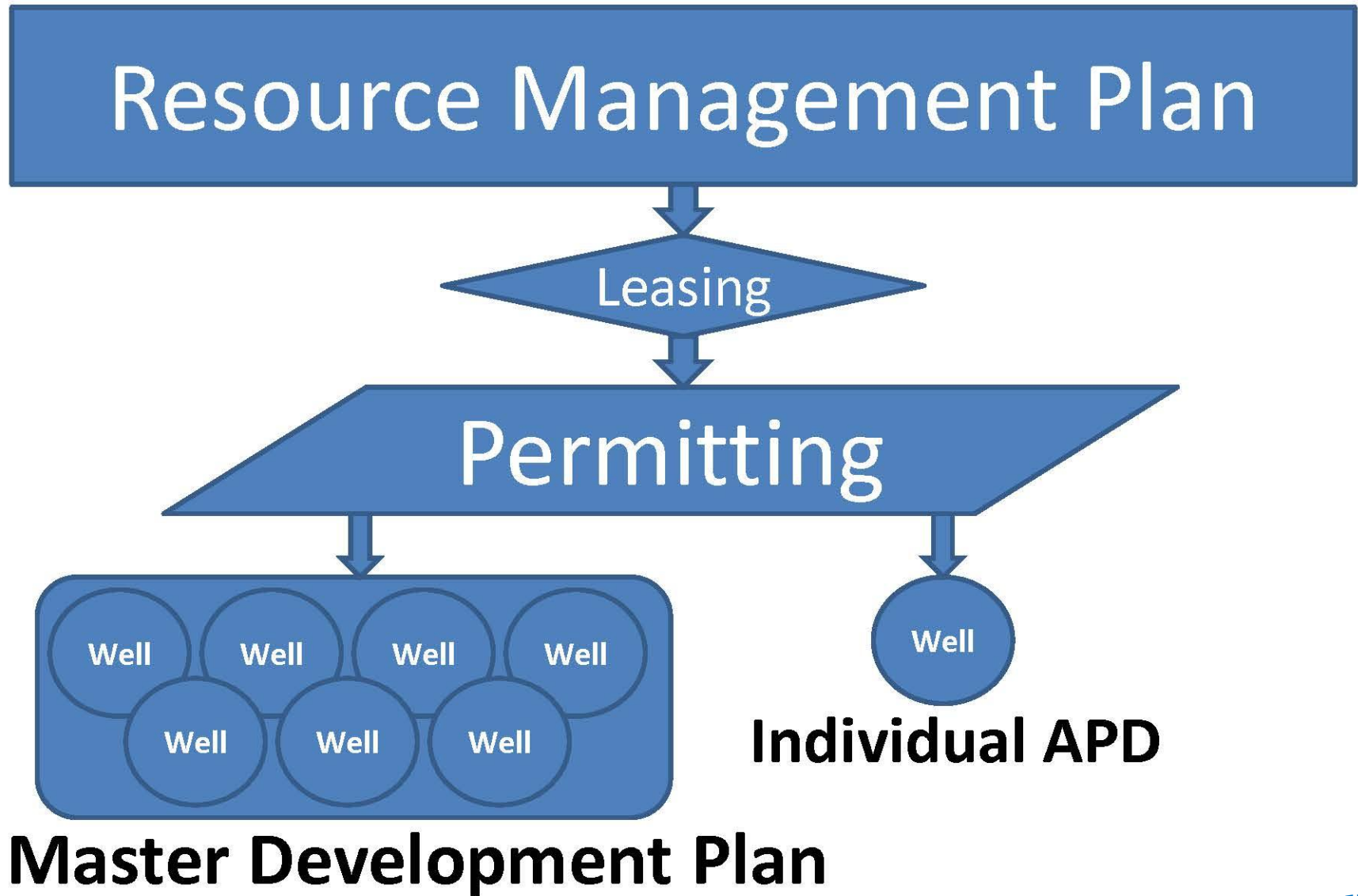
- Secretary Salazar announces leasing reform (1/6/10)
 - “Oil and gas industry...Kings of the world... public lands the candy store of the oil and gas industry”
- Purpose of leasing reforms
 - Improve protections for land, water and wildlife
 - Reduce potential conflicts and protests
 - Redefine EPCA § 390 CXs

OLD ENERGY: ONSHORE LEASING REFORMS

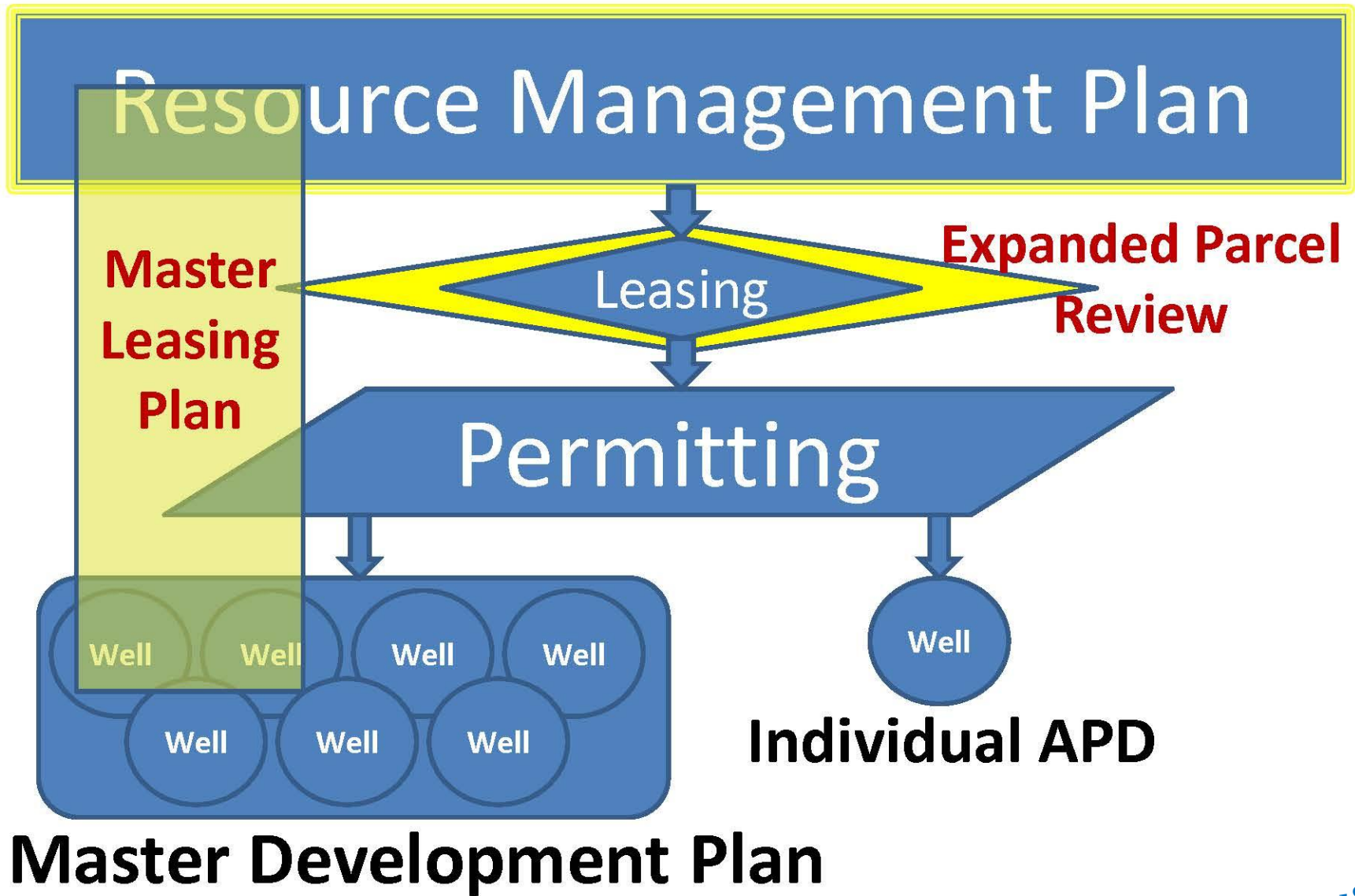
- May 17, 2010 Leasing Reforms (Deepwater context)
 - BLM IM 2010-117
 - Land use plan review
 - Master leasing plans
 - Parcel-by-parcel review



Former Process



Leasing Reform Process



PUBLIC LAND ENERGY: ONSHORE LEASING REFORMS

- Master Leasing Plans (MLP)
 - Focus: “reconsider RMP leasing decisions”
 - Analyze in detail the impacts of leasing and likely development in an area
 - Identify key resource issues
 - Identify leasing and development mitigation
- Mandatory MLP Criteria:
 - substantial portion not leased
 - majority federal mineral interest
 - interest in leasing; confirmed by discovery
 - analysis needed for resource/cumulative impacts

PUBLIC LAND ENERGY: ONSHORE LEASING REFORMS

- Discretionary MLPS – 30 recommended by NGOs
 - Colorado MLPS – 4 approved for review in on-going RMPs
 - Utah MLPS – 5 approved for analysis
 - Wyoming MLPS – 21 proposed, 6 approved for analysis in on-going RMPs. “Jack Morrow Hills” MLP Template
 - Montana MLPS - 1
- Utah litigation on “defacto” wilderness challenges MLP designation *Uintah County v. Salazar* (3/22/11)
- Implementation: RMP amendments

PUBLIC LAND ENERGY: ONSHORE LEASING REFORMS

- Lease Sale Parcel-By-Parcel Review
 - Frequency of lease sales – quarterly, but rotated
 - Nominations to lease – trigger site visit/NEPA
 - Wider public / split-estate surface notice
 - Inter-disciplinary parcel review and site visits
 - Lease NEPA: Environmental Assessment (EA)
 - Public comment on EA



PUBLIC LAND ENERGY: ONSHORE LEASING REFORMS

- Timing
 - 90 days before lease sale – Sale Notice / Draft EA
 - 30 day EA comment period
 - 30 day protest period starts at Sale Notice
 - 60 day BLM protest review
 - NEPA documents updated and parcels selected post comments/protest resolution
 - “BLM will attempt to resolve protests before the sale of the protested parcels” (MLA 60-day deadline)
 - Wyoming (2011/12) – resolving protests before sale last year – no IBLA appeals of lease sales

PUBLIC LAND ENERGY: ONSHORE LEASING REFORMS

- MLA – BLM “shall issue” leases 60 days after payment
- GAO Protest Report (7/2010)
 - 74% of leases protested – Wyoming 99% of parcels protested
 - 91% of leases issued late
- *Western Energy Alliance v. Salazar* (6/29/11)
 - Challenged BLM’s protest-related delay past 60-days
 - WY Fed. Dist. Ct. – Secretary needs “to decide” whether or not to lease (or seek lessee waiver) within 60 day deadline
 - On appeal to Tenth Circuit (Opening Brief 2/2/2012)

PUBLIC LAND ENERGY: ONSHORE LEASING REFORMS

- May 17, 2010 Categorical Exclusion Reforms: BLM “corrects” Congress
 - BLM IM-2010-118
 - EPACT 2005 § 390 CX Revision
 - Redefined CX₂ and CX₃
 - “extraordinary circumstances” review for all CXs
- *Western Energy Alliance v. Salazar* (8/12/11)
 - Secretary violated Administrative Procedure Act; Nationwide Injunction
 - Need “notice & comment” rulemaking
 - No review of substance of CX re-write
- BLM – initiate rulemaking (2013?) to modify CXs

PUBLIC LAND ENERGY: LEASING REFORM

- Wildlands Policy: Secretarial Order 3310 (12/23/10)
 - A “second bite” at Bush-era RMP “wilderness characteristics” decisions
 - Reject Secretary Norton 2003 Wilderness Settlement
 - BLM New Guidance
 - 6301, Wilderness Inventory
 - 6302, Consideration of Wilderness in Plans
 - 6303, Consideration of Wilderness in Projects
- Utah “defacto Wilderness” litigation challenge
- 2011 Appropriations Bill defunds Wildlands implementation
- Secretary backs down and begins “bi-partisan” outreach “to identify lands that have strong backing for protection as wilderness.” (6/2011)

PUBLIC LAND ENERGY: LEASING REFORM

Oil & Gas Statistics

- **Leasing Down 44%**

| | |
|-----------|--------------------------------------|
| 2007/2008 | 1874 |
| 2009/2010 | 1053 |
| 2011 | 1461 (*860 delayed/protested leases) |

- **APDS Down 39%**

| | |
|------------|------|
| 2007 /2008 | 6444 |
| 2009/2010 | 3962 |
| 2011 | 3831 |

- **Wells Down 39%**

| | |
|-----------|------|
| 2007/2008 | 4890 |
| 2009/2010 | 2173 |
| 2011 | 2783 |

- **Protests Down?**



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Chairman Hastings' Statement on the President's State of the Union Address

WASHINGTON, D.C., January 24, 2012 - House Natural Resources Committee Chairman Doc Hastings (WA-04) released the following statement regarding President Obama's State of the Union address:

"With the vast majority of Americans supporting increased oil and natural gas production, it's no surprise that President Obama chose to mention it in his election-year State of the Union address. However, the lofty rhetoric and selectively chosen statistics heard tonight come nowhere close to adequately reflecting the Obama Administration's true record on energy – a record of fewer jobs, less access, more regulations and higher taxes.

"An accurate description of President Obama's energy policies would include: reinstating an offshore drilling ban off the Atlantic and Pacific coasts, inflicting an economically disastrous de facto moratorium in the Gulf of Mexico, attempting to impose a job-destroying cap-and-trade national energy tax, withdrawing onshore oil and natural gas leases, canceling offshore oil and natural gas leases, abandoning Yucca Mountain, banning uranium mining in parts of Arizona, delaying the development of oil shale, retroactively pulling mining permits, blocking the Keystone XL pipeline, and imposing ocean zoning regulations that could limit all types of energy production – including renewable.

"President Obama can cling to statistics that show increased oil and natural gas production due to the work of past Administrations and production on private and state lands where his regulatory fist doesn't extend, but he will never be able to escape the specific list of actions that clearly illustrates his Administration's hostility towards U.S. energy production. The President's trying to take credit for work he had nothing to do with, while simultaneously trying to avoid blame for his own anti-energy policies. He can't have it both ways.

"Our country needs more American jobs and more American energy. We will not achieve either through President Obama's policies that lock-up our own natural resources. Only through a plan that embraces all types of energy – including wind, solar, hydropower, nuclear, geothermal, oil and natural gas – will we be able to strengthen our economy and improve our national security."

###

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Contact: [Jill Strait](#), [Spencer Pederson](#) or [Crystal Feldman](#) 202-226-9019

ENERGY ON PUBLIC LANDS: CHANGES ON HORIZON

Oil Shale

- 2008/09 – Two lawsuits: 1) EPACT 2005 oil shale RMPs; 2) EPACT 2005 commercial leasing rules
- 2010 – GAO Report 11-35, “Energy Water Nexus” raises oil shale water concern
- 2011 – Interior settles lawsuits
 - Exclude ACECS; lands with WC and Adobe Town
 - Exclude core/priority sage-grouse habitat
 - No commercial royalty “too early”
- 2012 – Interior issues oil shale PEIS (comments close 5/2012)
 - Reduces leasable acres from 2 million to 461,965 ac
 - Colorado goes from 360,000 – 35,300 ac.
 - “Many unanswered questions re: technology, water use, impacts of commercial scale oil development”
 - November 2012 oil shale final PEIS target
- 2012 – House Energy bill (HR 3408) directs increased oil shale leasing

ENERGY ON PUBLIC LANDS: CHANGES ON HORIZON

BLM Fracing Regulations

- 90% of wells on public lands frac'd; EPACT 2005 – no SDWA regulation of fracing
- Current – 43 CFR §3162.3-2 “subsequent well operations”
 - Approval of “non-routine” fracturing jobs
 - No prior approval, but report on “routine” fracturing jobs
- Frac regulatory pile-on: Congress FRAC Act; “Gasland”; state lawsuits and Frac regulation; EPA 2014 Study; DOE SEAB Frac panel (3/2011)
- December 2010 – BLM announces consideration of public land fracing regulation
 - April FRAC forums: Denver, N.D., Arkansas
- Fall 2011 – BLM Proposes “well stimulation approval” rulemaking
 - Disclosure
 - Remove “routine” and nonroutine”
 - Data to demonstrate wellbore integrity
 - Operator certification of compliance with state/federal/local law

ENERGY ON PUBLIC LANDS: CHANGES ON HORIZON

BLM Fracing Regulations

- State of Union (2012) President directs frac disclosure on public lands
- (2/2012) Draft Frac rules leaked:
 - Complete chemical make-up of frac jobs – matter of public record/limited trade secrets
 - Water – volume, source, access route for all water in frac jobs
 - Flow-back water management
 - Pre and post reporting on water/frac chemicals
 - Series of tests to prove well integrity and stability of casing
- Deputy Secretary Hayes – “These rules serve as a model” for states to get companies to disclose frac fluids
 - BLM “reinforcing” states
- Timing: 1Q 2012

ENERGY ON PUBLIC LANDS: CHANGES ON HORIZON

BLM Venting & Flaring Regulation

- Backdrop:
 - EPA, “Greenhouse Gas Emissions Reporting from the Petroleum & Natural Gas Industry: Technical Support Document” (May 2010)
 - Doubled estimate of GHG emissions from methane loss
 - GAO, “Federal Oil & Gas Leases: Opportunities exist to capture vented and flared gas” to increase royalty payments and reduce greenhouse gases (Oct. 2010)
 - Cornell University, natural gas emissions “worse than coal” (2010)
 - NRDC, “It is time for regulators to take a hard look at the impacts of flaring and make sure that available solutions to the flaring problem are required before there is any further widespread expansion of the practice” (Sept. 2010)

ENERGY ON PUBLIC LANDS: CHANGES ON HORIZON

BLM Venting & Flaring Regulation

- Onshore Oil & Gas Order 9: “Waste Prevention and Use of Produced Oil & Gas for Beneficial Purposes” (initiated Spring 2011)
 - See also, NTL-4A – “Royalty or Compensation for Oil & Gas Lost”
- Stated Focus:
 - Delineate “beneficial” use
 - Minimize venting/flaring
 - Standards for “avoidable” and “unavoidable” losses
- What BLM told GAO:
 - New standards to track methane released during drilling testing and production
 - New technologies to capture vented/flared methane during liquid unloading, completions, pneumatic valves, glycol dehydrators
 - New standards to require the use of venting/flaring reduction technologies in advance of production
 - Use of infrared cameras for spot checks during inspections
- Timing: Possibly 2Q 2012; behind rewrites of:
 - Onshore 3 – site security
 - Onshore 4 – measurement of oil
 - Onshore 5 – measurement of gas

ENERGY ON PUBLIC LANDS: CHANGES ON HORIZON

Onshore Royalty Reform

- 1/2010 - Proposed Onshore Royalty Rate Increase Rulemaking
- 6/2010 - Cost Benefit and economic impact analysis contracted
- Options: range of fixed rates of 12 ½% - 22 ½%; sliding scale based on price thresholds; 5 year review process

“Use It or Lose It” Incentives

- Interior Report to President on Leasing (3/2011)
 - President: find “incentives” for development

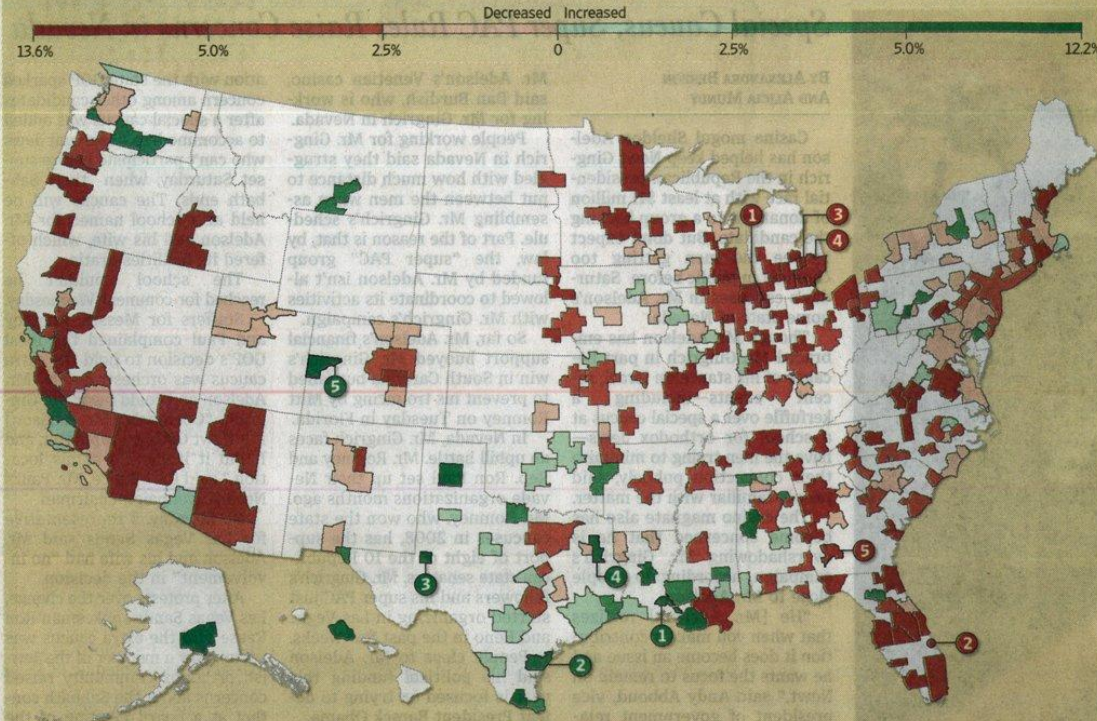
ENERGY ON PUBLIC LANDS: CHANGES ON HORIZON

Endangered Species

- Sage-grouse: 50% habitat BLM
 - Sept. 2011 – D.C. Settlement: Listing decision 2015
 - Sept 2011 – Id. Decision: Tosses BLM RMPs inadequate for sage-grouse
 - Dec. 2011 – BLM initiates process to change sage-grouse management
 - Sage-grouse RMP Amendments
 - Scoping Extended (2/14 & 3/1/2012)
 - DEIS 2Q 2013
 - FEIS/ROD Sept. 2014
 - Sage-grouse Interim Management
 - IM 2012 – 043- Interim Management
 - IM 2012 – 044 – Land Use Planning
 - Other Species: Sept. 2011 – D.C. Settlement
 - Listing decisions by 2016 on at least 100 western species
 - List
 - No list
 - “Warranted but precluded” is out
- See FWS “workplan” for state-by-state listing decisions

Shrinking Pay | Income declined in more than three-quarters of the nation's metropolitan areas

CHANGE IN MEDIAN HOUSEHOLD INCOME BY METRO AREA, 2007-2010



| DECREASED MOST | 2010 median income | Change from '07 | INCREASED MOST | 2010 median income | Change from '07 |
|-------------------------|--------------------|-----------------|-----------------------------|--------------------|-----------------|
| 1. Elkhart-Goshen, Ind. | \$45,610 | -13.6% | 1. Lafayette, La. | \$47,200 | 12.2% |
| 2. Fort Pierce, Fla. | 45,337 | -12.7 | 2. Corpus Christi, Texas | 50,621 | 9.4 |
| 3. Flint, Mich. | 31,716 | -12.7 | 3. Odessa, Texas | 51,492 | 8.6 |
| 4. Detroit | 50,000 | -11.6 | 4. Longview-Marshall, Texas | 45,133 | 8.4 |
| 5. Albany, Ga. | 38,800 | -11.5 | 5. Grand Junction, Colo. | 53,200 | 7.6 |

Source: Sentier Research analysis of U.S. Census data

The Wall Street Journal

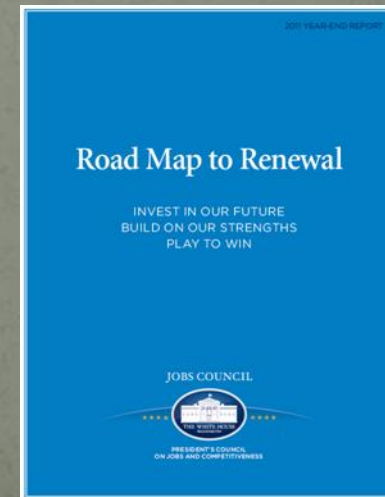
Oil Patch Bucks Income Drop

Energy-Rich Areas Weather the Downturn, but Manufacturing Pain Is Widespread

ENERGY ON PUBLIC LANDS: CHANGES ON HORIZON

“Road Map to Renewal” (1/17/2012) (White House Council on Jobs and Competitiveness)

- “As a nation, we need to take advantage of all our natural resources to spur economic growth, create jobs and reduce the country’s dependence on foreign oil”
- “First, we should allow more access to oil, natural gas and coal opportunities on federal lands”
- [We] “recognize . . . access . . . is controversial, but, given the current economic situation, we believe it’s necessary . . .”



ENERGY ON PUBLIC LANDS: CHANGES ON HORIZON

State of the Union (1/24/2012):

- “Right now – right now – American oil production is the highest that it’s been in eight years”
- “Open more than 75% of potential off-shore oil & gas”
- “We have a supply of natural gas that can last 100 years”
- “I will not cede the wind or solar or battery industry”
- Renewable energy on public lands “for 3 million homes”



ENERGY ON PUBLIC LANDS: CONCLUSION

President Obama State of the Union (1/24/2012):

“This country needs an all-out; all-of-the-above strategy that develops every available source of American energy, a strategy that’s cheaper, cleaner and full of jobs”

Actions that followed:

- OCS wind expedited NEPA
- Oil Shale PEIS restrictions
- Natural gas vehicle “shout out”
- NPS LED lights on mall



ENERGY ON PUBLIC LANDS: CALL TO ACTION

How do we connect energy development to people's lives?

- Popular and political culture: “Big Oil” the “bad guy” “The Muppets Movie”
- Industry telling its story: ANGA Ads; WEA “Blueprint”; API “Vote 4 Energy”; IPAA – “Energy in Depth”



ENERGY ON PUBLIC LANDS: CALL TO ACTION

- Get the “people to people” hook:
 - “We make the power that makes the beer”



Questions?

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