

Conversation Contents

Spreadsheet for EO 13783 Report

Attachments:

/33. Spreadsheet for EO 13783 Report/1.1 BLM Report Under E.O. 13783 (1).xlsx

"Bartholomew, Thomas" <tbarthol@blm.gov>

From: "Bartholomew, Thomas" <tbarthol@blm.gov>
Sent: Thu Jul 20 2017 12:33:32 GMT-0600 (MDT)
To: Kristin Bail <kbail@blm.gov>, Karen Kelleher <kkelleh@blm.gov>, Steve Tryon <stryon@blm.gov>
Subject: Spreadsheet for EO 13783 Report
Attachments: BLM Report Under E.O. 13783 (1).xlsx

Hi All,

Please let me know if you're good with our submissions in the [spreadsheet](#).

Best,

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Bureau of Land Management
Resources and Planning Directorate
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Agency	Sub-agency	RIN/Agency Identifier (if applicable)	Referenced Recommendation Number	Agency Action Title	Type of Agency Action	Preliminary Summary	Timeframe		Energy Industry Affected	Identified in EO 13771 and/or EO 13777	Costs or Cost Savings (Present Value Monetized in millions/year in 2016 dollars)					Length of Time that Cost Savings Occur (in years)	How Implementation will be Tracked	Mandated by Law	Necessary for the Public Interest	Consistent with the Policy Set Forth in Section 1 of EO 13783	Required to be Reviewed		
							Expected Start Date (XX/20XX)	Expected Finalization (XX/20XX)			Primary Estimate		Range, if available										
											7 percent	3 percent	Low Estimate 7 percent	3 percent	High Estimate 7 percent							3 percent	
BLM				Permanent Instruction Memorandum (Permanent IM) 2017-003 (Jan. 12, 2017) – The Council on Environmental Quality Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews		This Permanent IM transmits the CEQ guidance on consideration of greenhouse gas (GHG) emissions and the effects of climate change in NEPA reviews. This Memorandum will be reviewed pursuant to Section 3 of Executive Order 13783, the BLM Permanent IM will be reviewed. A revised IM would clarify that downstream or indirect effects may be difficult to quantify, especially when production or modeling information is not available (such as with a lease sale in an exploratory area). Clarified guidance would reduce or eliminate speculative NEPA analysis in such situations. It would also relieve BLM offices of attempting to quantify downstream emissions that are completely outside of the BLM's jurisdictional authority (e.g., refineries that process gas from a wide range of sources, including non-Federal sources).	TBD																
BLM				Mitigation Manual Section (MS-1794) and BLM Manual 6220 – National Monuments, National Conservation Areas, and Similar Designations	Policy	The Mitigation Manual Section and Handbook provide direction on the use of mitigation, including compensatory mitigation. 08/2017	TBD		Multiple Industries	No	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	Implementation will be tracked by the BLM. The agency point of contact will be Steve Toye.	No	Yes	Yes	Unknown
BLM				BLM Manual 6220 – National Monuments, National Conservation Areas, and Similar Designations		Manual 6220 provides guidance for managing BLM National Conservation Lands designated by Congress or the President as National Monuments, National Conservation Areas, and similar designations (NCA/NCAs) in order to comply with the designating Acts of Congress and Presidential Proclamations, Federal Land Policy and Management Act of 1976 (FLPMA), and the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202). Manual 6220 requires that when processing a new ROW application, to the greatest extent possible, through the NEPA process the BLM will determine the consistency of the ROW with the Monument or NCA's objects and values, consider creating or strengthening the ROW outside of the Monument or NCA, and consider mitigation of the impacts from the ROW. Land use plans must identify management actions, allowable uses, restrictions, management actions regarding any valid existing rights, and mitigation measures to ensure that the objects and values are protected. The manual requires that a land use plan for a Monument or NCA should consider closure of the area to mineral leasing, mineral material sales, and vegetative sales, subject to valid existing rights, where that component's designating authority does not already do so. A review of Manual 6220 to identify where clarity could be provided for mitigation, notification standards, and compatible uses, may potentially reduce or eliminate burdens. The BLM will follow the proposed revisions to the BLM Mitigation Manual Section (MS-1794) and Handbook (H-1794-1) to ensure that Manual 6220 conforms to the BLM's revised mitigation guidance.	07/2017	Dependent upon mitigation guidance completion	Multiple Industries	No	TBD	TBD	TBD	TBD	TBD	TBD	TBD	Implementation will be tracked internally by the Bureau of Land Management. The point of contact will be Nikki Moore.	No	Yes. This manual was put in place to improve management of Federally or Congressionally designated areas. It provides uniform guidance and streamlines management.	N/A	Unknown	
BLM				BLM Manual 6400 – Wild and Scenic Rivers, Policy and Program Direction for Identification, Evaluation, Planning, and Management	Policy	Manual 6400 provides guidance for management of eligible and suitable wild and scenic rivers and designated wild and scenic rivers in order to fulfill obligations from the Wild and Scenic Rivers Act. Subject to valid existing rights, the manual states that materials in any Federal lands that constitute the bed or bank or are situated within 1/4 mile of the bank of any river listed under Section 5(a) are withdrawn from all forms of appropriation under the mining laws for the time periods specified in Section 7(b) of the WRSA (not a study river). The manual allows for new leases, licenses, and permits under mineral leasing laws to be made, but requires that consideration be given to applying conditions necessary to protect the values of the river corridor. For wild river segments, the manual requires that new disposal of suitable mineral material or the extension or renewal of existing contracts should be avoided to the greatest extent possible to protect river values. Manual 6400 will be reviewed following the proposed revisions to the BLM Mitigation Manual Section and Handbook to ensure it conforms to the BLM revised mitigation guidance. Although the requirements for mineral leasing are legally mandated under the mining and mineral leasing laws in Sections 5(a) and 15(2) of the Wild and Scenic River Act, Manual 6400 will be reviewed for opportunities to clarify discretionary decision-space.	07/2017	Dependent upon mitigation guidance completion	Multiple Industries	No	TBD	TBD	TBD	TBD	TBD	TBD	Implementation will be tracked internally by the Bureau of Land Management. The point of contact will be Nikki Moore.	No	Yes. This manual was put in place to improve management of Congressionally designated areas. It provides uniform guidance and streamlines management.	N/A	Unknown		
BLM				BLM Manual 6280 – Management of National Scenic and Historic Trails and Trails under Study or Recommended as Suitable for Congressional Designation	Policy	Manual 6280 provides guidance for managing trails under study, trails recommended as suitable, and congressionally designated National Scenic and Historic Trails to fulfill the requirements of the National Trails System Act (NTSA) and the Federal Land Policy and Management Act. Manual 6280 identifies mitigation as one way to address substantial interference with the nature and purposes for which a National Trail is designated. Manual 6280 will be reviewed following the proposed revisions to the BLM Mitigation Manual Section and Handbook to ensure it conforms to the BLM revised mitigation guidance. Although many of the requirements are legally mandated under the National Trails System Act, Manual 6280 will be reviewed for opportunities to clarify any discretionary decision-space to reduce or eliminate burdens.	07/2017	Dependent upon mitigation guidance completion	Multiple Industries	No	TBD	TBD	TBD	TBD	TBD	TBD	Implementation will be tracked internally by the Bureau of Land Management. The point of contact will be Nikki Moore.	No	Yes. This manual was put in place to improve management of Congressionally designated areas. It provides uniform guidance and streamlines management.	N/A	Unknown		
BLM				IM 2014-156, Supplemental Guidance on Processing Royalty Rate Reduction Applications	Policy	This IM informs BLM State Directors that they must provide the BLM Washington Office (WO) with a justification when seeking a royalty rate reduction (RRR). A copy of the State's draft decision must accompany the justification when requesting WO concurrence. Further, this IM augments and reiterates the existing policy for processing RRR applications. This policy has resulted in a delay to the processing of RRR applications as it has imposed an additional level of review of the BLM State Director's decisions. However, the BLM should ensure that all RRRs meet the necessary regulatory standards, considering the public and Congressional scrutiny surrounding these actions. Sec 6 of EO 13783 and Secretarial Order 3348 ended the pause on coal leasing, ended the coal Fragmentation EIS, and called for the resumption of coal leasing under an improved coal leasing program. Policy IM 2014-156 is under review as a portion of the BLM response to E.O. 13783, Sec. 2 and Secretarial Order 3349. Issues around this policy, and possible changes to the policy, are also addressed in the Report to the Secretary on Recommendations for Streamlining the Federal Coal Leasing and Permitting Process. The Coal Report is being prepared to identify potential improvements and efficiencies to the coal leasing program.	07/2017	09/2017	Multiple Industries	No	TBD	TBD	TBD	TBD	TBD	TBD	TBD	Implementation will be tracked internally by the Bureau of Land Management. The point of contact will be Nikki Moore.	No	Yes. This manual was put in place to improve management of Congressionally designated areas. It provides uniform guidance and streamlines management.	N/A	Unknown	
BLM				IM 2017-015, Publicly Accessible Bureau of Land Management Websites for Information Regarding Federal Coal Program Leasing, Exploration Licensing, and Royalty Rate Reductions	Policy	As a part of the BLM's response to Executive Order 13783, and Secretarial Orders 3348 and 3349, the BLM is reviewing both IM 2017-015 and IM 2014-019 for revision and replacement with the goal of responsibly reporting coal leasing information while reducing or eliminating coal leasing program burdens that the prior policies may have created. Policy IM 2014-019, "Publicly Accessible Bureau of Land Management Websites for Coal Leasing Information," was responsive to recommendations identified in a GAO report 4-4-10. Policy IM 2017-015 replaced IM 2014-019, and was a product of public input during coal program listening sessions held during calendar year 2015. Policy IM 2017-015 directs BLM efforts to post and update specified Federal coal program information on BLM publicly accessible websites, including: (1) information about Federal coal lease applications and leases, lease modification applications, and lease modifications; (2) information about exploration licensing applications and exploration licenses; (3) information about RRR applications; and (4) summary information on the Federal coal program. The goal of IM 2017-015 was to lift the burden of responding to public and other requests for coal information, including Freedom of Information Act (FOIA) requests. The IM created new burdens from the reporting requirements, impacting BLM's staff responsible for responding to coal-related applications. Changes made in a new policy will minimize and largely prevent the coal application impacts while also addressing the need to publically post coal leasing information. The BLM expects to complete implementation of the policy in the first quarter of Fiscal Year (FY) 2018. Use of mining revenues for research and development for voluntary activities by operators to capture waste mine methane from underground coal or other solid mineral mines. The policy would allow waste mine methane to be put to	07/2017	First quarter of FY 2018	Coal	No	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	No	Yes	No	Yes	
BLM				IM 2017-017, Waste Mine Methane Policy	Policy	The review of the Hydraulic Fracturing by the BLM is in response to Executive Order 13783. The BLM final rule on hydraulic fracturing serves as a complement to update existing regulations designed to ensure the environmentally responsible development of oil and gas resources and protection of other downhole zones on Federal and Indian lands. The BLM updated the rule in response to the increasing use and complexity of hydraulic fracturing coupled with advanced horizontal drilling technology. This technology has opened large portions of Federal and Indian lands to oil and gas development. Some provisions of the rule and regulatory burden on energy production, constrain economic growth, and prevent job creation. Portions of the rule also overlap with current Environmental Protection Agency provisions. Due to ongoing litigation and a court-ordered stay, this regulation has never gone into effect and therefore has not become a burden on energy producers. This regulation will be rescinded.	07/2017	First quarter of FY 2018	Coal	No	TBD	TBD	TBD	TBD	TBD	TBD	TBD	Implementation will be tracked internally by the Bureau of Land Management. The point of contact will be Timothy Spisak.	No	Yes	No	Yes	
BLM				Regulation Oil and Gas Hydraulic Fracturing on Federal and Indian Lands 80 Fed. Reg. 16128	Policy	The review of the Hydraulic Fracturing by the BLM is in response to Executive Order 13783. The BLM final rule on hydraulic fracturing serves as a complement to update existing regulations designed to ensure the environmentally responsible development of oil and gas resources and protection of other downhole zones on Federal and Indian lands. The BLM updated the rule in response to the increasing use and complexity of hydraulic fracturing coupled with advanced horizontal drilling technology. This technology has opened large portions of Federal and Indian lands to oil and gas development. Some provisions of the rule and regulatory burden on energy production, constrain economic growth, and prevent job creation. Portions of the rule also overlap with current Environmental Protection Agency provisions. Due to ongoing litigation and a court-ordered stay, this regulation has never gone into effect and therefore has not become a burden on energy producers. This regulation will be rescinded.	03/2017	Second quarter of FY 2018	Coal	No	TBD	TBD	TBD	TBD	TBD	TBD	Implementation will be tracked internally by the Bureau of Land Management. The point of contact will be Timothy Spisak.	No	Yes	No	Yes		
BLM				Waste Prevention, Production Subject to Royalties, and Resource Conservation, 81 Fed. Reg. 81008	Regulation	The "Venting & Flaring Rule," formally known as the "Waste Prevention, Production Subject to Royalties, and Resource Conservation" rule, replaced the requirements related to venting, flaring, and royalty-free use of gas contained in the 1979 "Notice to Lessees and Operators of Certain Federal and Indian Oil and Gas Leases, Royalty or Compensation for Oil and Gas Lost" (NTL-4A). The BLM codified the new rule at new 43 CFR subparts 3178 and 3179. In response to Executive Order 13783, the BLM is reviewing this rule for greater efficiencies and potential burdens to industry. This recent rulemaking includes provisions to make regulatory and statutory authority consistent with respect to royalty rates that may be levied on completely offset oil and gas leases on Federal lands. Some provisions of the rule add regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. Portions of the rule also overlap with current Environmental Protection Agency (EPA) provisions. To reduce the regulatory burden on the energy industry, the BLM is revising the regulation to delay the phase-in implementation date. This will provide industry additional time to plan for and engineer responsive infrastructure modifications that will comply with the regulation. The BLM expects to complete the revision of the regulation in the fourth quarter of FY 2018. Further, the BLM plans to modify the existing rule to eliminate overlap with EPA provisions and accelerate the capture of associated gas production from oil wells and other fugitive gas sources from Federal and Indian production.	06/2017	Fourth quarter of FY 2018	Oil	No	\$20	\$24	\$12	\$14	\$27	\$32	10	Implementation will be tracked internally by the Bureau of Land Management. The point of contact will be Timothy Spisak.	No	Yes	No	Yes	
BLM				IM 2010-117, Oil and Gas Leasing Reforms – Land Use Planning and Lease Parcel Reviews	Regulation	The BLM has identified Policy IM 2010-117 for review under the directives provided by Executive Order 13783. This policy will be replaced with revised guidance for the purpose of establishing greater efficiencies in the oil and gas leasing process. Policy IM 2010-117 established a process for leasing of oil and gas resources on Federal lands. The BLM intended the IM to reduce the backlog of unleased leases. The IM has resulted in longer time frames to provide analysis and response to request and appeals, as well as longer lead times for the BLM to clear parcels for sale. It has also increased in increased workload and staffing needs to conduct additional upfront environmental analysis. The BLM has undertaken an effort to revise the leasing reform policy and to streamline the process, thus reviewing an Expressions of Interest to competitively offering the accumulated acreage in a lease sale. Under leasing reform, the process can last up to 16 months and sometimes longer from acre nominated through offered at a lease sale. The BLM is examining ways to significantly reduce this time by as much as 8-10 months. The BLM plans to have completed revising the leasing process in the first quarter of FY 2018.	06/2017	First quarter of FY 2018	Oil	No	N/A	N/A	-\$69	-\$101	-\$79	-\$115	10	Implementation will be tracked internally by the Bureau of Land Management. The point of contact will be Timothy Spisak.	No	Yes	No	Yes	
BLM				IM 2013-101, Oil and Gas Leasing Reforms – Master Leasing Plans (MLPs)	Policy	This IM is under review by the BLM as directed by Executive Order 13783. The policy announced the incorporation of Master Leasing Plans (MLP) in the oil and gas leasing process, further explained in Chapter V of the BLM Handbook H-1624-1, titled "Planning for Fluid Mineral Resources." The IM establishes a process for integrating an MLP into the land use planning process. The BLM has extended this IM several times while the BLM completes the public scoping and analysis for MLPs. An unintended consequence of this policy has been that many areas open to oil and gas leasing have been deferred from leasing as they await the completion of the MLP process. The BLM has undertaken an effort to revise the leasing reform and MLP policy and to re-establish the BLM Resource Management Plans (RMP) as the source of lands available for fluid mineral leasing. The BLM is currently evaluating existing MLP efforts with the goal of ending this approach. The BLM expects to rescind this IM and complete the revision of the above BLM Handbook, as well as any other relevant BLM handbooks, in the first quarter of FY 2018.	06/2017	First quarter of FY 2018	Oil	No	TBD	TBD	TBD	TBD	TBD	TBD	TBD	Implementation will be tracked internally by the Bureau of Land Management. The point of contact will be Timothy Spisak.	No	Yes	No	Yes	

BLM	IM 2013-177, National Environmental Policy Act (NEPA) Compliance for Oil and Gas Lease Reinstatement Petitions	Policy	06/2017	First quarter of FY 2018	Oil	No	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	No	Yes	No	Yes	
BLM	Culberson Orders Nos. 1, 4 and 5	Policy	TBD	Fourth quarter of FY 2017	Oil	No	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	No	Yes	No	Yes	
BLM	IM 2016-140, Implementation of Greater Sage-grouse Resource Management Plan Revisions or Amendments - Oil & Gas Leasing and Development Sequential Prioritization	Regulation	06/2017	Fourth quarter of FY 2017	Oil	No	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	No	Yes	No	Yes	
BLM	Land Use Planning and National Environmental Policy Act Policies and Procedures	Policy	03/2017	TBD	Oil	No	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	No	Yes	Unknown	Unknown	
BLM	Greater Sage-Grouse Conservation Policies and Plans	Policy/Guidance/Regulation	03/2017	TBD	Multiple Industries	No	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	Implementation will be tracked by the BLM. The agency point of contact will be Steve Truon.	Yes	Yes	Yes	Unknown
BLM	Greater Sage-Grouse Conservation Policies and Plans	Planning	6/2017	TBD	Multiple Industries	No	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	Implementation will be tracked by the BLM. The BLM point of contact is Karie Kelleher.	No	Yes	Yes	Unknown

The burdens placed on industry through these three new regulations are being reviewed as directed under E.O. 13783. These three concurrent rulemakings updated and replaced BLM's Culberson Orders for site security, oil measurement, and gas measurement regulations that had been in place since 1989. The recent rulemakings resulted in new site security, oil measurement, and gas measurement regulations for onshore Federal and Indian oil and gas production and are codified in the Code of Federal Regulations at 43 CFR part 3170. External and internal oversight reviews prompted these rulemakings and found that many of the BLM's production measurement and accountability policies were outdated and inconsistently applied. The new rules also address some of the Government Accountability Office concerns for high risk with regard to the Department's production accountability. Combined, the new regulations impact the BLM's ability to ensure accurate measurement, accountability, and proper reporting of oil and gas produced from Federal and Indian land, to ensure that taxpayers and Indian tribes receive their fair share of royalty due. The regulations impose new cost burdens on operators for facilities infrastructure changes. The cost estimates for each individual rule are as follows: Order 3, Site Security: \$11.2 million in one-time costs, plus an \$11.7 million increase in annual operating costs. Order 4, Oil Measurement: \$1.3 million in one-time costs, plus a \$4.6 million increase in annual operating costs. Order 5, Gas Measurement: \$21.3 million one-time cost, plus \$12.1 million increase in annual operating costs. The new regulations also provide a process for approving new technologies that meet defined performance goals. Some provisions of the rules may have added regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. These new regulations provide a much-needed update of the prior regulations and Culberson Orders. While they do establish a cost burden on industry, it is important to note that there is a significant and direct benefit to the government's collection of oil and gas royalties. The BLM is currently assessing the rule to determine if additional revision is needed beyond the already implemented phase-in period for certain provisions, the ability for industry to introduce new technologies through a defined process rather than through an exception request, and the built-in waivers or variances. The BLM expects to complete its assessment of possible changes to alleviate burdens that may have added to constraints on energy production, economic growth and job creation by the end of the fourth quarter of FY 2017.

Policy IM 2016-140 is being reviewed for the purpose of enhancing consistency and certainty for oil and gas development in areas of Sage-grouse habitat as directed by Executive Order 13783. This IM provides guidance on prioritizing implementation decisions for BLM oil and gas leasing and development, to be consistent with Approved Resource Management Plan Amendments for the Rocky Mountain and Great Basin Greater Sage-grouse Regions and the Approved Resource Management Plans in the Rocky Mountain Greater Sage-grouse Region (collectively referred to as the Greater Sage-grouse Plan). The IM applies to activities in the areas covered by both the Rocky Mountain and Great Basin Regions Records of Decision, issued by the BLM in September 2015, and also contains reporting requirements for communications between BLM State Offices and the WO. The IM may have added administrative burdens since it requires additional analysis and staff time to screen parcels and weigh potential impacts to the Greater Sage-grouse before the parcels are offered for leasing. It also requires additional analysis and staff time to process drilling permit approvals near Greater Sage-grouse areas.

The BLM's land use planning regulations and policies are outlined in 43 CFR subpart 1610, Resource Management Planning; BLM Manual Section 1601; and BLM Handbook 1601-1. The BLM's policies for complying with NEPA are outlined in BLM Handbook 1790-1. Taken together, these regulations, manuals, and handbooks establish the policies and procedures the BLM follows when conducting land use planning and complying with NEPA, including with respect to energy and mineral development. Pursuant to the Secretarial Memorandum of March 27, 2017, entitled "Improving the Bureau of Land Management's Planning and National Environmental Policy Act Processes," the BLM is identifying potential actions it could take to streamline its planning and NEPA review procedures. As part of this identification process, the BLM is working with state and local elected officials and groups, including the Western Governors' Association and the National Association of Counties, to engage and gather input. The BLM also has invited Tribes and the public to provide input on how the agency can make its planning and NEPA review procedures timelier, less costly, and more responsive to local needs. Pursuant to the Secretarial Memorandum, in September 2017, the BLM will submit a report to the Secretary outlining recommended actions.

In September 2015, the BLM incorporated Greater Sage-Grouse (GRSG) conservation measures into its land use plans within range of the GRSG. In September 2016, the BLM issued a number of IMs to help guide the implementation of the GRSG plan. These GRSG plans and policies will affect where, when, and how energy and minerals are developed within the range of the GRSG. Pursuant to Secretarial Order 3351, "Greater Sage-Grouse Conservation and Cooperation with Western States," a Department of the Interior Sage-Grouse Review Team (Review Team) is working with the State-Federal Sage-Grouse Task Force to identify opportunities for greater collaboration, better align federal and state plans for the GRSG, support local economies and jobs, and consider new and innovative ways to conserve sage-grouse in the long-term. Pursuant to the Secretarial Order, in August 2017, the Review Team will submit a report to the Secretary summarizing their review and providing recommendations regarding next steps.