



Streamlining, BLM_WO <blm_wo_streamlining@blm.gov>

Fwd: Stakeholder Input Requested on BLM Planning & NEPA Process

1 message

Cobbs, Molly <mcobbs@blm.gov>
To: BLM_WO Streamlining <blm_wo_streamlining@blm.gov>

Tue, Aug 22, 2017 at 10:21 AM

FYi, public input received by NMSO.

MC

----- Forwarded message -----

From: **John Kelly (b) (6)**
Date: Mon, Aug 21, 2017 at 9:09 PM
Subject: Re: Stakeholder Input Requested on BLM Planning & NEPA Process
To: "Barnes, Melanie" <mgbarnes@blm.gov>
Cc: "Cobbs, Molly" <mcobbs@blm.gov>, Donna Hummel <dhummel@blm.gov>, Aden Seidlitz <aseidlitz@blm.gov>

how about convening the RAC

JPK

On Tue, Jul 11, 2017 at 10:18 AM, Barnes, Melanie <mgbarnes@blm.gov> wrote:

Dear BLM Stakeholders,

I would like you to be aware of an opportunity to provide your feedback to the Bureau of Land Management on streamlining our land use planning and NEPA processes.

As you are aware, the Planning 2.0 Rule was rescinded in March 2017. Since then the BLM has been coordinating an effort to identify methods for streamlining our land use planning and NEPA processes.

There is currently a public input period that **ends July 24** to gather your feedback, via a Google form (goo.gl/CYxqM5), on what potential solutions the public and stakeholders would suggest in six focus areas:

- A. Focused Analysis: How can the BLM reduce duplicative and disproportionate analyses?
- B. User-friendly Planning: How can the BLM help state and local governments, tribal partners, and other stakeholders understand and participate in the planning process?
- C. Transparency: How can the BLM foster greater transparency in the NEPA process?
- D. Being Good Neighbors: How can the BLM build trust and better integrate the needs of state and local governments, tribal partners, and other stakeholders?
- E. Reducing Litigation: How can the BLM create legally defensible documents and avoid the delays associated with legal challenges?
- F. "Right-sized" Environmental Analysis: How can the BLM more closely match the level of NEPA analysis to the scale of the action being analyzed?

If you are interested in providing input, please use the link above to access the Google form and enter any suggestions you have. Should you have any questions about this effort, please feel free to contact me at the number below.

We appreciate your interest and engagement in public land management and look forward to your continued cooperation and collaboration.

Sincerely,

Melanie Barnes

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8/29/2017

DEPARTMENT OF THE INTERIOR Mail - Fwd: Stakeholder Input Requested on BLM Planning & NEPA Process

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July 10, 2017

Mr. Michael Nedd
Acting Director
Bureau of Land Management
1849 C Street NW, Room 5665
Washington, DC 20240

Re: Comments on BLM Streamlining Planning & NEPA Input Form

Dear Mr. Nedd:

Kirkwood Oil and Gas, LLC is part of a family owned Wyoming company that employs over 60 people. The Company, through its operating affiliate, Wesco Operating, Inc., operates over 500 producing oil and gas wells in the States of Wyoming, Utah, Montana, North Dakota, Colorado and Nevada. The company also owns interests in over 500,000 acres of federal oil and gas leases. The company does not act as a paid consultant for other companies. The company deals directly with BLM on leasing, drilling permits, right-of-ways and NEPA analysis for oil and gas operations on a daily basis.

Kirkwood appreciates BLM's desire to enhance and streamline its process for planning and NEPA analysis. A successful effort will result in greater activity and more efficient use of BLM staff time and budget. In addition, success will translate into economic job growth and greater income to the United States Treasury.

In answer to your inquiry, Kirkwood offers the following suggestions:

1) How can BLM reduce duplicative and disproportionate analysis?

- Each state has its own Department of Environmental Quality, Oil and Gas Commission and Game and Fish Department with oversight on operations that occur in their state. BLM should leverage the work these state agencies do instead of creating another level of bureaucracy with a separate data bank. Oil and gas leasing does not need to be analyzed until a specific proposal to disturb the federal surface estate is received. Then set a time frame for analysis such as 120 days. BLM employees and outside groups opposed to oil and gas development know they can use the NEPA process as a way to delay or prevent any action.
- Do not allow BLM Field Offices to request new studies be conducted by oil and gas operators. BLM Field Office should be directed to use the best available existing data, not seek to create new data or studies paid for by oil and gas operators. This action is viewed by many as a form of extortion.

- BLM takes 1.5 years to offer lands at an oil and gas lease auction. This time period needs to be reduced to 90 days. BLM should return to offering 6 sales per year with approximately 300 tracts per sale in the Rocky Mountain States.
- Field Offices and State Offices are not consistent with their implementation of BLM policy. Consistent implementation of BLM policy creates a predictable environment for industry.

2) How can BLM help state and local governments, tribal partners and other stakeholder understand and participate in the planning process?

- BLM should keep an interactive website for each proposed surface disturbance related activity. If state and local governments are interested, they can observe the process of the conditions of approval.
- BLM does have a website that explains the long process used by BLM. However, it has developed into a monstrosity of outside involvement, to the point many people take advantage of it. Considering the length of the process with oil and gas operations, if state and local governmental entities or private citizens complain about participation, it is **usually because they have waited to the last minute and now want to turn the process in reverse.**

3) How can BLM foster greater transparency in the NEPA process?

- Make all parties observe NEPA the same way. The oil and gas industry is held to a standard that other industries and entities are not. This action violates the law. BLM should only analyze activities that are proposed and have a surface disturbance on the federal estate. Oil and gas leasing does not need to be analyzed until a specific proposal involving a surface disturbance is received. At that point, a time frame should be set for analysis such as 120 days.
- BLM should require all employees to sign yearly affidavits, under penalty of perjury and loss of job, that all proposed activities have been treated equally under NEPA. Casual use with greater impacts than oil and gas operations have been granted expedited approval under a categorical exclusion (CX), which is virtually impossible for oil and gas activities to receive.
- Make all activities adhere to mitigation in the same manner. The Obama Administration directed BLM Field Offices to “fast track” renewable energy projects. Oil and gas operators have never been allowed to kill birds but wind projects are allowed a take birds. Oil and gas activities have to adhere to setbacks from historic trails and wildlife areas and use camouflage paint colors but white wind turbines are visible for 25 miles with no problem. State highway departments are not required to use the same expensive seed mixture and observe wildlife stipulations for their construction and reclamation operations like oil and gas operators do just across the fence line These actions are an arbitrary and capricious way of implementing federal land management policy and against the law.

4) How can BLM build trust and better integrate the needs of state and local governments, tribal partners and other stakeholders?

- As mentioned above, BLM should take advantage of state agencies expertise that already exists and not create new bureaucracy. These actions build rapport with the states where the activity occurs.

- Again, treat all activities equally under NEPA. Kirkwood feels confident if BLM analyzed casual uses such as camping, recreation, grazing, local and state road construction and renewable energy in the same manner as oil and gas, either oil and gas operators will have nothing to complain about or complaints from the other users will be a clear indication to BLM their implementation of NEPA is unfair.

- Wyoming's state government and schools receive 70% of their budget money from mineral lease bonuses, mineral royalty and mineral taxes. There is a back log of over 500 unapproved applications for permit to drill (APD) in the Casper, Wyoming BLM Field Office alone, the highest in the nation. Kirkwood has submitted EOIs on over 500,000 acres of federal land and still waits for most of it to be offered for lease. Lease sales used to be held 6 times per year with 300 tracts at each auction. Now there are only 4 auctions per year with an average of only 50 tracts. BLM's process has the change.

5) How can BLM create legally defensible documents and avoid the delays associated with legal challenges?

- Institute a "loser pays" policy with respect to NEPA documents. Environmental groups view BLM's current process as a way to delay or stop proposed actions, not offer feedback. The current process rewards an environmental group by negotiating in private with BLM and paying their legal bills. BLM needs to realize there is no activity environmental groups will accept. The process and rules promote appeals.

- BLM's NEPA analysis has grown from a two page document for a well pad 20 years ago to hundreds of pages now and they are still appealed. Environmental groups know they have an unlimited platform to delay or postpone any activity. Why do we see few appeals of oil and gas activities in Texas, Oklahoma and North Dakota? Do wildlife, viewsheds and other NEPA analyzed aspects not exist? No, it is because these states are mostly private and state land that do not afford environmental groups the luxury of standing BLM allows them on federal lands. BLM allows itself to be taken advantage of.

- The oil and gas leasing section now takes 1.5 years to offer leases when BLM receives an expression of interest (EOI). NEPA is conducted on all leases but 99% of the surface estate will never see a disturbance. This lengthen process has reduced the available lands for auction by 90% and most tracts offered for sale are still appealed. Obviously the BLM officials who thought this new analysis would avoid appeals on leasing were wrong. BLM should return the Leasing Program to its previous process, which worked.

Mr. Michael Nedd - Bureau of Land Management
Comments on BLM Streamlining Planning & NEPA Input Form
July 10, 2017

6) How can BLM more closely match the level of NEPA analysis to the scale of the action being analyzed?

- Do NEPA analysis only on those proposed activities that will result in a surface disturbance on BLM managed lands. Currently BLM does a full NEPA analysis for a horizontal well that does not impact the federal surface estate.
- Direct all BLM Field Offices to end analysis on “connected actions”. This terminology is used by BLM to conduct full NEPA analysis on private and state land surface even when the proposed activity does not occur on federal lands. This action is particularly used in the split estate region of the country.
- Until BLM can assure all parties are treated equally under NEPA, direct all BLM Field Offices to end approvals under categorical exclusions (CX) for any activity. Oil and gas operators have waited years for one drilling permit while they watch BLM/USFS grant a CX to a camping event for over 10,000 people.
- Direct BLM Field Offices to make all users of the federal surface to observe wildlife stipulations they require oil and gas operators to observe. This action will result in an outcry from other users who will be successful in obtaining Congressional support to direct BLM to change for all users.

Kirkwood Oil and Gas LLC sincerely appreciates the opportunity to submit the above comments. In the event you have any questions or require additional information regarding the statements made herein, please do not hesitate to contact me.

Very truly yours,



D. Steven Degenfelder
Land Manager