

United States Senate

WASHINGTON, DC 20510

July 11, 2011

The Honorable Ken Salazar
Secretary
Department of the Interior
Office of the Secretary
1849 C Street, N.W.
Washington DC 20240

Dear Secretary Salazar:

There is growing evidence that the Master Leasing Plan (MLP) process adopted by the Bureau of Land Management (BLM) to reform oil and gas leasing is being used to obstruct responsible exploration for oil and gas in the West. The existing land planning process allows public input and provides a framework for analyzing and reviewing activities on federal land. This Administration's MLP process has cut out public input and created a duplicative review targeting only oil and natural gas. American onshore oil and natural gas exploration is essential to our economic future and any additional delay in the leasing process is unacceptable and contrary to the national interest.

With the establishment of the MLP process, the BLM added an unnecessary obstacle to an already thorough and public process. Other than the change in administrations, BLM has not documented facts supporting changed circumstances, updated policies or new information. We understand that the BLM professionals have defended the land use plans written pursuant to the established Resource Management Plan (RMP) process and so it remains unclear why the land use plans were deemed to be insufficient to address any new issues. Through the proper execution of the RMP process, the Bureau would have adequately assessed future leasing's potential impact on air quality, natural and cultural resources, the values of BLM units, and other specially designated areas without the preparation of an MLP. Each RMP includes a mineral potential report and a reasonable and foreseeable development analysis that combined existing energy development with possible future development. The MLP process imposes an unnecessary burden that only serves to, as the BLM itself states, "enable field offices to . . . consider a range of new restraints, including prohibiting surface occupancy or closing the areas to leasing."

We are also concerned that the MLP policy will further restrict our nation's ability to develop its natural resources at a time when oil sits near \$100 per barrel and energy prices continue to weigh down our fragile economic recovery. The policy specifically targets oil and gas development through the MLP prerequisite that "the oil and gas industry has expressed a specific interest in leasing [the area], and there

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is a moderate or high potential for oil and gas confirmed by the discovery of oil and gas in the general area." Other land uses are exempt from a similar level of analysis and put the oil and gas developers at a disadvantage. This Administration has provided no legitimate explanation for singling out oil and natural gas exploration for duplicative reviews and red-tape at a time when jobs and energy security should be a priority.

Other aspects of the MLP process are troubling. We have received documentation that the identification of areas subject to the MLP process occurred without public input or coordination with state and local governments, while favored special interest groups were consulted and given the opportunity to nominate areas for this additional level of analysis. A significant number of the MLP areas now identified by BLM correspond directly to the areas nominated by these groups. The text of the nominations submitted in August and September of 2010 also shows that many, if not most, of the areas correspond to citizen-proposed wilderness areas.

The MLP Instructional Memorandum (IM) states that "State and field offices will provide for public participation as part of the review of parcels . . ." and that interested parties would be "kept informed" of field office activities. If the Administration is determined to pursue this misguided policy, the applicable public participation and state and local government coordination directives should be the BLM's highest priority and all interested parties should receive continuous consultation.

In addition, the IM vests limitless discretion in BLM Field Managers, District Managers, and State Directors to order an MLP under "other circumstances" that do not trigger the automatic initiation of the process. No constraint or guideline is set forth. This broad authority could be used to single out land development methods, local governments, companies or other interested parties adverse to the Administration's priorities. This discretion should be limited by specific guidelines and reporting requirements that would add accountability to the process.

In order to clarify the intent of the MLP policy, we request a written response to the following questions:

- 1) What does a MLP do differently than an RMP?
- 2) Which specific inadequacies in the Resource Management Plan procedure and the related National Environmental Policy Act (NEPA) process supported the adoption of the MLP policy?
- 3) Why was the Resource Management Plan procedure or the NEPA process insufficient to address these inadequacies?
- 4) Why is oil and gas development the only category of land use that is subject to the MLP policy?

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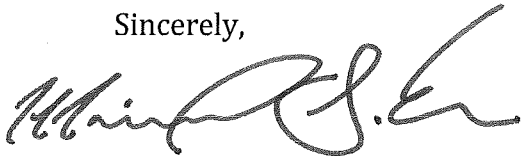
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- 5) Since oil and gas development was singled out by the policy, what in particular about oil and gas development made the current RMPs inadequate?
- 6) What specific actions have the local BLM offices taken to insure that interested parties have been given an opportunity to participate in the MLP process?
- 7) Which individuals or entities have local and national BLM offices coordinated with in the identification of areas or lands to be subject to the MLP process?
- 8) If the MLP procedure is intended to reform oil and gas leasing on public lands, why did the BLM not follow the rulemaking procedures in accordance with the Administrative Procedure Act and the Federal Land Policy and Management Act?
- 9) Has the Bureau issued any guidelines (informal or formal) to direct local BLM officials when and why their discretion to order an MLP should be exercised? If so, what are the guidelines and why have the guidelines or handbook not been posted on the BLM eFOIA web site?
- 10) Have MLPs been identified in any instance when one of the four triggering criteria mandated by the IM has not been met? If so, why were these MLPs ordered?
- 11) To date, BLM has not requested additional funding for the MLP process, how will this affect the timely completion of MLPs and the availability of the affected public lands for oil and gas leasing?
- 12) How much will the MLP process cost and how much will it add to the BLM budgets or which programs will be sacrificed to process the MLPs?

We hope to work with you to develop a federal land policy that will strengthen our economy, promote responsible oil and gas exploration, and help achieve the President's goal to cut oil imports by one-third by 2025. We look forward to your response.

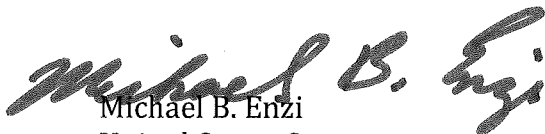
Sincerely,



Michael S. Lee
United States Senate




John Barrasso
United States Senate



Michael B. Enzi
United States Senate



Orrin G. Hatch
United States Senate



John Hoeven
United States Senate



Rob Bishop
Member of Congress