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U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

February 8, 2012

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The Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Salazar:

It is our understanding that the Bureau of Land Management (BLM) is currently drafting regulations governing the production of oil and natural gas on Federal lands, including lands managed for the benefit of Indian tribes and their members. We further understand that as part of this regulatory process, the BLM is currently undergoing formal tribal consultations on the proposed rule which would further regulate and condition the use of hydraulic fracturing on Federal and Indian lands. As Chairman and Ranking Member of the Subcommittee on Indian and Alaska Native Affairs, we are committed to ensuring that tribal stakeholders with existing or potential interest in mineral development have a meaningful opportunity to be heard and, at the same time, receive from the Department of the Interior a clearly articulated demonstration of how the proposed regulations would impact their communities.

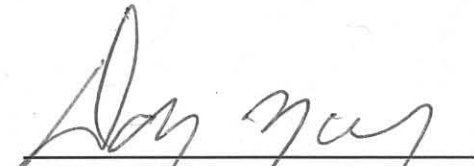
We recently received a copy of the draft regulation and our cursory review indicates that its contents could, on numerous levels, severely restrict the ability to effectively use hydraulic fracturing, a critical technology deployed at an overwhelming majority of all oil and natural gas exploration operations around the country. Furthermore, the additional data submission requirements and approval certification demanded by the rule will undoubtedly add significant delay to well operations, duplicate existing state regulations that effectively manage environmental risks, and in some cases could make it even more uneconomic for a tribe to develop a mineral resource on its own tribal lands.

We are committed to promoting tribal political sovereignty and more robust economic growth for all federally recognized tribes. No group of Americans has continually experienced more unwanted interference in their lives through layer after layer of laws, regulations, and policies than Native Americans. This is why we must give careful consideration to the unique


government-to-government relationship, and be diligent in enacting laws respecting each tribe's inherent sovereign powers over their own members and territory. We believe placing additional undue barriers and obstacles on top of the comparative disadvantages that already serve as major disincentives for tribal energy development is unwise and counterproductive.

For these and other reasons, and to ensure that each tribal stakeholder has an adequate opportunity to review and understand all aspects of the draft regulation, we respectfully request a comprehensive list of all tribes that you have approached during the current tribal consultation process as it relates to this rule, a copy of the documents you provided to them, and your proposed plan, including time frames, for moving forward in accommodating tribal concerns. We look forward to working with you to ensure that Indian tribes are being consulted in an appropriate and meaningful way.

Sincerely,



Don Young
Subcommittee Chairman
Indian and Alaska Native Affairs



Dan Boren
Subcommittee Ranking Member
Indian and Alaska Native Affairs