

# Congress of the United States

Washington, DC 20515

December 16, 2015

The Honorable Janice Schneider  
Assistant Secretary  
U.S. Department of the Interior  
1849 C Street NW  
Washington, DC 20240

Dear Assistant Secretary Schneider:

We write to express concerns with the U.S. Bureau of Land Management's (BLM) December 7, 2015 announcement to postpone an oil and gas lease sale of 507 acres in Arkansas and Michigan until March 17, 2016. This notice followed a similar announcement less than one month ago by the BLM to postpone a lease sale of over 37,500 acres in Utah. Both postponements appear to be precipitated by attempts of environmental groups to disrupt and burden the lawful activities of the BLM. These latest postponements are troubling; particularly since the total number of new leases issued each year has fallen by 57% since 2008.<sup>1</sup>

The Mineral Leasing Act (MLA) requires the BLM to hold "[l]ease sales . . . for each State where eligible lands are available **at least quarterly** and more frequently if the Secretary of the Interior determines such sales are necessary."<sup>2</sup> After these postponements, however, the BLM will have held only two lease sales in Utah, and just three in all of the Eastern States. In fact, only the Wyoming field office has held the requisite quarterly lease sales over the past two years.<sup>3</sup> This is a nearly universal failure by the BLM to uphold its statutory duties.

These postponements raise serious doubts about the BLM's ability to conduct its statutory mandate. Furthermore, your recent statement to the media about the BLM's legal obligations regarding mineral leasing as "something we're sorting through" raises questions as to whether the BLM is committed to its straight-forward obligations under federal law.

Thus, we ask you to clarify your statement and demonstrate the BLM's commitment to its multiple-use mandate by agreeing with the following requests.

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<sup>1</sup> See U.S. Bureau of Land Management, *Number of New Leases Issued During the Fiscal Year*, Oct. 29, 2014.

<sup>2</sup> 30 U.S.C. § 226(b)(1)(A).

<sup>3</sup> See U.S. Bureau of Land Management, *Recent Oil & Gas Lease Sales*, [http://www.blm.gov/wo/st/en/prog/energy/oil\\_and\\_gas/recent\\_lease\\_sales.html](http://www.blm.gov/wo/st/en/prog/energy/oil_and_gas/recent_lease_sales.html).

First, we request the BLM to clearly define the number of permitted attendees per auction with preference given to bidders, and to utilize the online bidding process as necessary to prevent future disruptions. The only statutory requirements imposed upon these lease sales are that they “be conducted by oral bidding” and “quarterly.”<sup>4</sup> There are no statutory requirements to allow observers or the general public to attend these types of sales. Hence, we question the validity of the excuse – that the BLM needed a larger venue to accommodate increased interest – offered by the BLM regarding the postponement of the Utah sale. Taken in context of the National Defense Authorization Act for Fiscal Year 2015, which authorized the BLM to “conduct onshore lease sales through Internet-based bidding methods,” the postponement is unjustifiable.<sup>5</sup>

Second, we urge the BLM to reiterate its commitment to enforce the provisions of the MLA and, if necessary, seek judicial relief against those who would violate the statute. The MLA explicitly permits the Department of the Interior the authority to seek penalties, including imprisonment of up to five years and/or fines of up to \$500,000, against any person who “organize[s] or participate[s] in any scheme, arrangement, plan, or agreement to circumvent or defeat the provisions of this chapter or its implementing regulations.”<sup>6</sup> Litigious groups have now disrupted the sale of leases for nearly 40,000 acres of land at substantial cost to the American taxpayer.<sup>7</sup> Having committed to protesting future lease sales as well, these individuals are “schem[ing]” to “defeat the provisions of the [MLA].”

Third, the BLM should follow the law and return to offering quarterly lease sales in each state to help ensure the future of our country’s energy security. As the MLA requires, the BLM must reinstate quarterly sales for “each State where eligible lands are available.”<sup>8</sup> Production of our nation’s mineral resources on federal lands has provided security and stability – an increasing priority in these troubled times. However, the current leasing trend calls into question whether future generations will be able to meet their needs of energy security. Indeed, since 2008, the total amount of leased acreage has fallen by 12.6 million.

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<sup>4</sup> 30 U.S.C. § 226(b)(1)(A).

<sup>5</sup> Carl Levin and Howard P. “Buck McKeon National Defense Authorization Act for Fiscal Year 2015, Pub. L. No. 113-291, § 3022, 128 Stat. 3292, 3762 (2015).

<sup>6</sup> 30 U.S.C. § 195.

<sup>7</sup> Each acre bid on saw an average price of \$229.50. See U.S. Bureau of Land Management, *Oil and Gas Lease Sales, Fiscal Year 2014*.

<sup>8</sup> 30 U.S.C. § 226(b)(1)(A).

Hopefully you will accede to these justifiable and statutorily sound requests. Because the Congress has strong interest in ensuring BLM follows clear statutory leasing requirements, we will continue oversight of these actions, including potential hearings in coming weeks, and thus, we request a written response to these concerns no later than January 5, 2016.

Sincerely,



Rob Bishop, Chairman  
Committee on Natural Resources



Doug Lamborn, Chairman  
Subcommittee on Energy and Mineral Resources



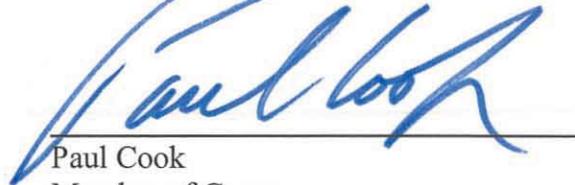
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Member of Congress



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Bruce Westerman  
Member of Congress



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Ryan Zinke  
Member of Congress

cc: The Honorable Raul Grijalva, Ranking Member  
Committee on Natural Resources