



U.S. Department of the Interior
Bureau of Land Management

August 2021

Tribal Consultation - Revision of Existing Regulations Pertaining to Fossil Fuel Leases and Leasing Process 43 CFR Parts 3100 and 3400





Agenda:

- Welcome and Introductions
- Rulemaking Process Overview
- Purpose of Proposed Rule
- Need for Proposed Rule
- Timeline and Feedback



Government-to-Government Consultation:

- The BLM takes its consultation responsibilities seriously and we believe it is vital that Native American governments be afforded opportunities for ongoing, meaningful dialogue on the proposed rule changes as required by law.
- We recognize that rule changes may have potential impacts and opportunities to sovereign tribes, and as such, your input on this proposed rule is valuable.
- BLM welcomes Tribal input and comment on the proposed rule throughout the process.



BLM Rulemaking Process

1. Initiate process
2. Stakeholder engagement
3. Draft a Proposed Rule
4. Office of Management and Budget (OMB) review
5. Publication of Proposed Rule
6. Receive, analyze, and respond to stakeholder comments
7. Draft Final Rule – *explains the provisions and reasoning, discuss and respond to public comments, update analyses, and set effective date*
8. OMB review
9. Final Rule Federal Register publication



Purpose of Revision of Existing Regulations Pertaining to Fossil Fuel Leases and Leasing Process 43 CFR Parts 3100 and 3400 Rule:

- Update the fees, rents, royalties, and bonding requirements related to development and production on Federal lands.
- Update the BLM's process for leasing to ensure the protection and proper stewardship of the public lands, including potential climate and other impacts associated with fossil fuel activities.
- Streamline administrative processes and ensure regulations align with the law and case law.
- The proposed rule would not change the Bureau of Indian Affairs regulations governing the leasing of Indian minerals.
- The proposed rule may affect lessees and operators of Federal fossil fuel leases and States where Federal fossil fuel leasing and development occurs.



Need for Revision of Existing Regulations Pertaining to Fossil Fuel Leases and Leasing Process 43 CFR Parts 3100 and 3400 Rule:

- Address priorities associated with Executive Order 14008 (E.O.) to address tackling the climate crisis, which relates to national security.
- The BLM plans to complete a comprehensive review and reconsideration of Federal fossil fuel leasing practices considering BLM's broad stewardship responsibilities over public lands.
- Account for the costs associated with climate change during fossil fuel leasing and development on public lands.
- Address administrative issues within the current regulations and align regulations with the law and case law
- Ensure an appropriate return to taxpayers.



Timeline and Feedback:

- The BLM is targeting publication of the proposed rule in the Federal Register during the summer of 2023; however, the exact date is dependent upon final review and approval from the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA)
- Opportunities for Feedback:
 - Ongoing Government-to-Government consultation will be coordinated upon request



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