



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Grand Junction, Colorado 81506

<https://www.blm.gov>

August 18, 2021



Dear Tribal Leader,

On behalf of the Bureau of Land Management (BLM), I would like to invite you to participate in Government-to-Government consultation(s) as the BLM undertakes five rulemakings that are included in President Biden's Spring 2021 Unified Agenda of Regulatory and Deregulatory Actions (Agenda). On June 11, 2021, the Office of Information and Regulatory Affairs released the Agenda, which reports on the near- and long-term regulatory actions that the administrative agencies plan to take and provides important public notice and transparency about proposed regulatory and deregulatory actions within the Executive Branch. I formally invite you to engage with us in Government-to-Government consultation(s) regarding any of the proposed rules summarized in Enclosure 1 so that we may be aware and take into consideration your views and possible impacts to the Tribe.

If you would like to schedule a consultation meeting on any of these proposed rules, please contact Kim Liebhauser, Acting State Director, at 307-775-6001 or [kliebhou@blm.gov](mailto:kliebhou@blm.gov), at your earliest convenience and specify which rule(s) you would like to discuss. You may also contact Kathy Boden, Tribal Consultation Coordinator/Deputy Preservation Officer, at 307-775-6017 or [kboden@blm.gov](mailto:kboden@blm.gov), at your earliest convenience and specify which rule(s) you would like to discuss. Due to the ongoing Covid-19 pandemic concerns, any meeting could likely be conducted via teleconference. However, we may be able to arrange an in-person meeting, if requested, depending on guidance from public health authorities. You may also provide to us, in writing, any comments or concerns you have relating to any or all the proposed rules.

As evidenced in Enclosure 1, the BLM intends to publish proposed rules for some of these rulemakings in a relatively short period of time. In order to maximize your opportunity to influence these rulemakings, I would recommend that you notify the BLM as soon as possible if you determine that you would like to engage in Government-to-Government consultations regarding any of these rulemakings. Of course, the opportunity for Government-to-Government consultations will remain open for the duration of each rulemaking, and the BLM will welcome your comments on these rulemakings at any time before the final rules are issued.

A top priority for the Department of the Interior and the BLM is to strengthen the Government-to-Government relationship with sovereign Tribal Nations. We understand that Tribal

sovereignty and self-governance, as well as honoring the federal trust responsibility to Tribal Nations, must be the cornerstones of federal Indian policy. We appreciate your interest and look forward to continued discussions.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas E. Douglas". The signature is fluid and cursive, with a large loop at the end.

Nicholas E. Douglas  
Assistant Director  
Energy, Minerals and Realty Management

Enclosure

1 – Summary of Bureau of Land Management Proposed Rules

cc:

Acting State Director, Kim Liebhauser, Wyoming

## Enclosure 1

### Summary of Bureau of Land Management Proposed Rules

#### Rights-of-Way, Leasing and Operations for Renewable Energy and Transmission lines; 43 Code of Federal Regulations (CFR) Parts 2800, 2880, 3200

The proposed rule would revise the Bureau of Land Management's (BLM) regulations for rights-of-way, leasing, and operations related to all activities associated with renewable energy and transmission lines. The Energy Act of 2020 (Act) and Section 207 of Executive Order 14008 (EO 14008) prioritize the Department of the Interior's need to improve all permitting activities and processes to facilitate increased renewable energy production on public lands.

- Estimated Date of Proposed Draft Rule Publishing in the Federal Register: Fall 2021
- Estimated Date of Final Rule Publishing in the Federal Register: Spring 2022

#### Waste Prevention, Production Subject to Royalties, and Resource Conservation; 43 CFR Parts 3160 and 3179

The proposed rule would update to the BLM's existing rules governing the venting and flaring of natural gas from onshore Federal and Indian oil and gas leases. Among the matters addressed in the rulemaking would be the royalties owed on vented and flared gas, as well as reductions in wasted gas from well-site equipment. The rulemaking will address the priorities associated with EO 14008 to address tackling the climate crisis which relates to national security. Per EO 13990, this rule will address reducing methane emissions in the oil and gas sector and to bolster resilience to climate change.

- Estimated Date of Proposed Draft Rule Publishing in the Federal Register: Winter 2022
- Estimated Date of Final Rule Publishing in the Federal Register: Fall 2022

#### Revision of Existing Regulations Pertaining to Fossil Fuel Leases and Leasing Process; 43 CFR Parts 3100 and 3400

The proposed rule would revise the BLM's fossil fuel regulations to update the fees, rents, royalties, and bonding requirements related to development and production. It would also 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.

- Estimated Date of Proposed Draft Rule Publishing in the Federal Register: Spring 2022
- Estimated Date of Final Rule Publishing in the Federal Register: Summer 2023

### Update of the Communications Uses Program, Cost Recovery Fee Schedules, and Section 512 of the of the Federal Land Policy and Management Act for Rights-of-Way

Many areas in the rural west are underserved by broadband, where the BLM manages significant land holdings between populated areas. As such, BLM-managed lands are crucial to facilitating wired and wireless broadband communications infrastructure. The proposed rule would make it easy to deploy better and faster internet to rural communities by improving the BLM's ability to efficiently process communications facility applications. The proposed rule would also implement section 512 (Vegetation Management, Facility Inspection, and Operation and Maintenance Relating to Electric Transmission and Distribution Facility Rights-of-Way) of the Federal Land Policy and Management Act and would update the BLM's cost recovery schedule for rights-of-way and land use permits and leases (renewable energy, transmission lines, communication sites, etc.) to more closely reflect actual costs.

- Estimated Date of Proposed Draft Rule Publishing in the Federal Register: Fall/Winter 2021
- Estimated Date of Final Rule Publishing in the Federal Register: Summer 2022

### Rights-of-Way Bonding; 43 CFR Parts 2800 and 2880

This regulatory action would update the bonding procedures for rights-of-way on BLM managed public land. The proposed rule would change the BLM's rights-of-way regulations by revising the bonding portion of the regulations to make them clearer and easier to understand, which would facilitate efficient bond calculations.

- Estimated Date of Proposed Draft Rule Publishing in the Federal Register: Spring 2022
- Estimated Date of Final Rule Publishing in the Federal Register: Winter 2022