

**FACT SHEET**  
**Report to Congress on Policies and Practices**  
**for Managing Oil and Natural Gas Leasing in Split Estate Situations**

This report was ordered by Congress in Section 1835 of the Energy Policy Act of 2005.

For purposes of this report, *split estate* refers to situations where the surface is owned by a private party while the Federal government owns the subsurface minerals and so holds the rights to lease the minerals for oil and gas development.

The BLM manages 700 million acres of subsurface mineral estate nationwide, including approximately 58 million acres where the surface is in non-Federal ownership.

In many cases, surface rights and mineral rights were severed under the terms of the Nation's homesteading laws, including the Coal Lands Acts (1909 & 1910), the Agricultural Entry Act (1914), and the Stock Raising Homestead Act (1916).

In split estate situations the BLM must comply with the provisions of the statute under which the surface was patented.

The Mineral Leasing Act (1920) and various regulations also guide the land use planning, leasing, bonding, operations and reclamation associated with all development of Federal oil and natural gas resources.

More than 3,000 people provided comments during a broad public outreach effort conducted through a project webpage and nine public Listening Sessions.

Comments revolved around three major themes:

- notification of surface owners during leasing and development
- adequacy of current compensation to surface owners in the context of “the New West”
- State statutes that provide broader protections to surface owners than Federal law

The recommendations reflect issues – and in some cases solutions – identified in comments submitted during consultation and determined by the BLM to be suitable for implementation.

The report contains 13 recommendations for outreach, policy and regulatory action. All are under the BLM's authority to implement, and the agency fully intends and expects to exercise that authority.

The report does not recommend any legislative action. The numerous administrative changes recommended will achieve the goal of addressing surface owner concerns and minimizing impacts to privately owned surface without the need for legislative action.