

August 23, 2013

U.S. Department of the Interior  
Director (630)  
Bureau of Land Management  
Mail Stop 2134 LM  
1849 C St., NW  
Washington, DC 20240  
Attention: 1004-AE26

**RE: RIN 1004-AE26, Comments on “Hydraulic Fracturing on Federal and Indian Lands”**

Dear Principal Deputy Director and Acting Director Kornze:

As the Executive Committee of the Energy Producing States Coalition (EPSC) and members of the EPSC, we write to provide comments on the Bureau of Land Management’s (BLM) revised proposed rule related to oil and gas: hydraulic fracturing on Federal and Indian lands. EPSC opposes the revised proposed rule since state regulations related to hydraulic fracturing already exist and have proven to be successful, providing strong environmental, health and safety protections as well as regulatory certainty.

EPSC is a group of state legislators working together to develop positions on matters of common interest to energy producing states and advocate for sound public policy on issues that affect domestic energy production and transmission. The group was founded in 2011 and currently includes legislators representing 14 states including Alaska, Arizona, Colorado, Idaho, Indiana, Mississippi, Nevada, North Dakota, Ohio, Oklahoma, Texas, Utah, Wisconsin and Wyoming.

EPSC believes that expanded domestic energy development is vital to economic growth and job creation. In the midst of the recent economic downturn, the energy sector led the economic recovery and job creation and will likely continue to do so. The dramatic increase in domestic natural resource development over the past few years has been largely due to the innovative process of hydraulic fracturing. States where this process occurs have established regulations that developers are familiar with to ensure that necessary precautions are taken to safely develop energy while at the same time protecting the environment. As legislators representing many of these states, as well as other elected, community, business and labor officials, we are committed to protecting our environment in addition to developing our natural resources to provide needed economic growth and job creation.

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We understand the specific needs and concerns of our communities more so than the federal government ever could. With different geologies among the states, a standard federal regulation on hydraulic fracturing would not be as effective as existing state by state regulations that take into account state specific concerns.

The revised proposed rule states, “As with the implementation of any new rule, some delays may be inevitable.” Later in the proposed rule, “the BLM understands that delays in approvals of operations can be costly to operators and the BLM intends to avoid delays whenever possible.” The potential for delaying natural resource development would have a serious negative impact on our states. Historically, states take considerably less time to approve permits for natural resource development than the federal government. Adding additional regulations will only delay federal permitting even longer and hamper continued economic growth.

The revised proposed rule has an, “estimated cost range from \$12 million to \$20 million per year.” If this estimate is similar to every other federal government cost estimate, one would readily assume that the likely costs will be considerably higher. An interesting aspect of the revised proposed rule is that it fails to provide any tangible benefits of the rule.

Secretary Jewell’s recent visit to North Dakota highlighted how much better states are in regulating natural resource development. The Empower North Dakota approach to energy development has highlighted North Dakota’s strategic approach and resulted in the state having the lowest unemployment rate and the fastest growing income in the nation.

This entire attempt to “streamline and minimize the efforts required to comply with any new requirements,” as well as, “create(s) a consistent, predictable regulatory framework” seems to be no more than words on a page. Too often the language used throughout the revised proposed rule provides the opportunity for BLM to continuously revise and revisit the rule, thereby causing additional delays to natural resource development.

“The primary goal of this rule is to ensure that hydraulic fracturing does not cause negative impacts to Federal or Indian resources, including groundwater and surface water.” The recent federal study by the National Energy Technology Laboratory, showed no evidence that chemicals from hydraulic fracturing contaminated drinking water aquifers. No matter what opponents to natural resource development state, there has been no scientific proof showing that the hydraulic fracturing process has ever had a negative impact on drinking water or aquifers, thereby making the entire rationale for the revised proposed rule moot.

# ENERGY PRODUCING STATES COALITION

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In closing, EPSC respectfully requests that BLM not impose any new regulation related to hydraulic fracturing on Federal and Indian lands and instead defer to existing state regulations that are much more effective in securing economic growth without minimizing the need to protect the environment. Contrary to the claim that the revised proposed rule, “to avoid duplication with State requirements,” the proposed goal seems to duplicate existing State regulations and delaying natural resource development. Thank you for your consideration of the perspective related to hydraulic fracturing.

Sincerely,



Representative Roger Barrus  
Utah Legislature  
Chairman, EPSC



Speaker Thomas Lubnau  
Wyoming Legislature  
Immediate Past Chairman, EPSC



Senator Cathy Giessel  
Alaska Legislature  
Chairman-Elect, EPSC



Senator Eli Bebout  
Wyoming Legislature  
Member, EPSC



Senator Greg Brophy  
Colorado Legislature  
Member, EPSC



Representative James Byrd  
Wyoming Legislature  
Member, EPSC



Representative Michael Greear  
Wyoming Legislature  
Member, EPSC

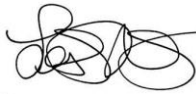


Senator Charlie Huggins  
Alaska Legislature  
Member, EPSC



Representative Eric Koch  
Indiana Legislature  
Member, EPSC

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Senator Lesil McGuire  
Alaska Legislature  
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Representative Jerry Sonnenberg  
Colorado Legislature  
Member, EPSC



Senator Michael Von Flatern  
Wyoming Legislature  
Member, EPSC



Senator Chuck Winder  
Idaho Legislature  
Member, EPSC