

Archaeology Solutions

Biofuels Solutions

Coal Solutions

Environmental Solutions

Geothermal Solutions

Leasing Solutions

Mineral Management Solutions

Oil Shale Solutions

Permitting Solutions

Pipeline Solutions

Project Solutions

Right-of-Way Solutions

SPCC Solutions

Seismic Solutions

Solar Energy Solutions

Title Solutions

Unit Solutions

Water Solutions

Wildlife Solutions

Wind Energy Solutions

### Interior and FERC Announce Agreement on Offshore Renewable Energy Development

*Retrieved from [www.doi.gov](http://www.doi.gov)*

**Joint statement by the Secretary of the Interior and the Acting Chairman of the Federal Energy Regulatory Commission on the development of renewable energy resources on the outer Continental Shelf.**

The United States has significant renewable energy resources in offshore waters, including wind energy, solar energy, and wave and ocean current energy. Under the Outer Continental Shelf Lands Act, the Secretary of the Interior, acting through the Minerals Management Service, has the authority to grant leases, easements, and rights-of-way on the outer continental shelf for the development of oil and gas resources. The Energy Policy Act of 2005 amended the Outer Continental Shelf Lands Act to provide the Interior Department with parallel permitting authority with regard to the production, transportation, or transmission of energy from additional sources of energy on the outer continental shelf, including renewable energy sources.

The Interior Department's responsibility for the permitting and development of renewable energy resources on the outer continental shelf is broad. In particular, the Department of the Interior has permitting and development authority over wind power projects that use offshore resources beyond state waters.

Interior's authority does not diminish existing responsibilities that other agencies have with regard to the outer continental shelf. In that regard, under the Federal Power Act, the Federal Energy Regulatory Commission has the statutory responsibility to oversee the development of hydropower resources in navigable waters of the United States. "Hydrokinetic" power potentially can be developed offshore through new technologies that seek to convert wave, tidal and ocean current energy to electricity. FERC will have the primary responsibility to manage the licensing of such projects in offshore waters pursuant to the Federal Power Act, using procedures developed for hydropower licenses, and with the active involvement of relevant federal land and resource agencies, including the Department of the Interior.

DOI and FERC have requested their staffs prepare a short Memorandum of Understanding that sets forth these principles, and which describes the process by which permits and licenses related to renewable energy resources in offshore waters will be developed.

March 2009

Field Notes

## Upcoming Dates

### BIA Sales

Anadarko Agency  
Accepting Nominations

Concho Agency  
Accepting Nominations

Muskogee Agency  
Accepting Nominations

Osage  
Accepting Nominations

Pawnee Agency  
Negotiated Leases

Five Civilized Tribes  
Court Approved Leases  
See our website for  
Docket Days

Please contact us for sale  
lists and nominations.  
jkrieg@rsenergysolutions.com

## Secretary Salazar Announces 2009 Oil and Gas Lease Sale Schedule

Stresses Balance of Traditional and Renewable Energy Resource Development on U.S. Public Lands

*Retrieved from [www.doi.gov](http://www.doi.gov)*

**DENVER, CO** – The Department of the Interior will hold more than 40 major lease sales for oil and natural gas development on public lands this year, which are predicted to generate hundreds of millions of dollars in revenue for American taxpayers as well as billions of barrels of oil and trillions of cubic feet of natural gas to help meet the nation's energy needs, Secretary of the Interior Ken Salazar said today.

Salazar is also establishing the development of renewable and alternative energy sources on U.S. public lands as a Departmental priority and as a component of a comprehensive national energy strategy that will help the U.S. reduce its dependence on foreign oil.

“Oil, natural gas, and coal will play an important role in meeting our nation's energy needs for many years to come,” Salazar said during a teleconference call with reporters from round the country. “But our long-term economic, environmental, and national security depends on our ability to lead the clean energy revolution. Our traditional energy resources are a bridge to our clean-energy economy of the future.”

Emphasizing the need for clean-energy initiatives to balance our resource use, Salazar's first Secretarial Order, issued last week, prioritized renewable energy development on U.S. public lands. “Through that order, I have established a task force to help identify renewable energy zones on public lands that are best suited for harnessing wind, solar, and geothermal power,” Salazar said. “The task force will also help us get moving toward siting and building the national electric superhighway system that President Obama has established as a priority for the country.”

Salazar also noted that the U. S. Geological Survey is releasing a report on carbon capture and sequestration that can help identify the best geologic formations in the country for carbon sequestration. “Rather than emit carbon into the air, our country can and should move toward capturing carbon emissions and storing them underground,” Salazar noted. USGS was directed to do the study by a legislative provision Salazar wrote in 2007. On Thursday, Salazar also will meet with the board of directors of the American Petroleum Institute, including the CEO's of America's largest oil companies. “My message to them will be simple: they are, and will remain, an important part of our energy future. We need to work together on common sense solutions to the energy challenges we face. We share much common ground. We need an open and honest dialogue. And we need to move forward, with common purpose, to build a comprehensive energy plan for America.”



Please visit [www.rsenergysolutions.com](http://www.rsenergysolutions.com) for information on upcoming BLM Lease Sales, as well as information on renewable energy projects on Federal lands.

Upcoming Dates

BLM Sales

Colorado BLM

Cutoff date: Closed

Sale: May 14, 2009

Cutoff date: Closed

Sale: August 13, 2009

New Mexico BLM

Cutoff date: Closed

Sale: April 22, 2009

Cutoff date: Closed

Sale: July 22, 2009

Nevada BLM

Cutoff date: Closed

Sale: June 9, 2009

Cutoff date: April 17,  
2009

Sale: September 8, 2009

Utah BLM

Cutoff date: Closed

Sale: May 19, 2009

Cutoff date: Closed

Sale: August 18, 2009

Wyoming BLM

Cutoff date: Closed

Sale: April 7, 2009

Cutoff date: Closed

Sale: August 4, 2009

Please contact us for sale lists and nominations.  
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American Burying Beetle Protocol Revisited

On February 26, 2009, the Tulsa U.S. Fish and Wildlife Service held an American Burying Beetle (ABB) permittee round table discussion on possible changes to ABB surveying protocol. Topics which were discussed include surveys, weather restrictions on surveys, time frames for survey validity and stricter enforcement and larger fines for non-compliance. These topics, along with many others, are in constant evolution.

USFWS requires absence/presence surveys and/or baitaways on surface disturbance projects with a federal nexus where the ABB is historically found, recently confirmed, and where it is likely to be present. Survey dates vary from state to state. Section 9 of the Endangered Species Act prohibits the taking (killing, harming, harassing) of any federally listed species by anyone (governmental or private). The ABB is listed as a federal endangered species. The current distribution encompasses 8 states, including Rhode Island, Massachusetts, South Dakota, Nebraska, Kansas, Arkansas, Texas and Oklahoma. If a project is planned on federal lands, the U.S. Fish and Wildlife Service requires an ABB presence/absence survey in counties where the ABB is historically found, likely to be present, documented or unconfirmed. If the ABB is found present, then USFWS would require a bait-away be conducted prior to surface disturbance.



ABB is historically found, likely to be present, documented or unconfirmed. If the ABB is found present, then USFWS would require a bait-away be conducted prior to surface disturbance.

If there is not a federal nexus, meaning a federal agency is not involved in the project in any way, then consultation with the USFWS is not required, but a taking of the ABB is still prohibited by Section 9 of the Endangered Species Act. If a taking of a listed species is reported to USFWS Law Enforcement Department, there could be civil and criminal penalties with possible fines and imprisonment.

Reagan Smith Energy Solutions, Inc. is permitted to perform absence/presence surveys in South Dakota, Nebraska, Kansas, Arkansas, Texas and Oklahoma. To stay up-to-date with these ever changing guidelines please contact Monica Smith Griffin at [msmith@rsenergysolutions.com](mailto:msmith@rsenergysolutions.com) or (405) 286-9326.



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**OCC Matters**  
**Title Opinions**

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March 2009

Field Notes

Upcoming Dates  
State Sales

Louisiana

April 8, 2009

Oklahoma CLO

May 20, 2009

July 22, 2009

September 23, 2009

North Dakota

May 5, 2009

Upcoming Events

OCAPL Meeting

April 6, 2009

OCAPL Luncheon

April 6, 2009

TAPL Luncheon

April 13, 2009

AWEA Conference

May 4-7, 2009

Senate Passes Public Land Grab Bill

*Retrieved from [www.msnbc.com](http://www.msnbc.com)*



The Senate on March 19, 2009 passed a long-delayed bill to set aside more than 2 million acres in nine states as protected wilderness, from a California mountain range to more than 1,000 miles of rivers. The Senate first approved the measure in January, but it was defeated last week in the House amid a partisan dispute over a plan to allow concealed, loaded guns in national parks.

The legislation—a package of nearly 170 separate bills—would confer the government’s highest level of protection on land ranging from California’s Sierra Nevada mountain range and Oregon’s Mount Hood to Rocky Mountain National Park in Colorado and parts of Jefferson National Forest in Virginia. Land in Idaho’s

Owyhee canyons, Pictured Rocks National Lakeshore in Michigan and Zion National Park in Utah also would win designation as wilderness, and more than 1,000 miles of rivers in nearly a dozen states would gain protections.

Important conservation bill supporters called the legislation among the most important conservation bills debated in Congress in decades. “The Senate shows great vision in making this bill a priority,” said Paul Spitler of the Wilderness Society. “These wonderful landscapes are under tremendous pressure, and their value to local communities and to all Americans who treasure our natural heritage will remain long after the country has recovered from the economic crisis.” The bill would also let Alaska go forward with plans to build an airport access road through the Izembek National Wildlife Refuge as part of a land swap that would transfer more than 61,000 acres to the federal government, much of it designated as wilderness.

Senator Mike Crapo, R-Idaho, hailed the Idaho provision, which he has been seeking for eight years. The bill represents a compromise among a host of competing groups that have long disagreed over how to manage the rugged canyonland in southwestern Idaho. “The people who worked in the Owyhee Initiative came from many groups and institutions that historically were battling head-to-head and instead were willing to work through things in a way that sets a tremendous example for how we should approach land management decisions and conflicts in this nation,” Crapo said.

Lawmakers from both parties told similar tales in other states, praising the bill as a compromise that sets an example for Congress. Most of the provisions in the bill were developed over several years. Senator Tom Coburn, R-Okla., held up the bill’s final passage last year and again this year, arguing that it was unnecessary and would block energy development on millions of acres of federal land. The bill moved forward this week after Coburn was allowed to submit six amendments for approval. Five were defeated.

Because of the parliamentary maneuver adopted in the Senate, the House is expected to take up the bill under a rule that blocks amendments or other motions to derail it. Republicans used the threat of an amendment to allow loaded guns in national parks to defeat the wilderness bill a few weeks ago.

March 2009

Field Notes

**Energy Prices and Rig  
 Count as of  
 March 31, 2009**

WTI Crude-ICE	49.2
Brent Crude-ICE	48.8
Ethanol-cbot	1.57
Gas Oil-ICE	4.25
Rig Count- Africa	59
Rig Count-Europe	81
Rig Count-Canada	413
Rig Count-Far East	242
Rig Count-LatAm	374
Rig Count- USA	1,320

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Government-Industry Teamwork Key to Meaningful  
 Energy Policy

 Retrieved from [www.ogj.com](http://www.ogj.com)

Federal leaders and the US oil and gas industry will need to cooperate closely if the US expects to develop a comprehensive energy policy, three members of the 111th Congress and a trade association leader agreed on March 24.

"This administration and most of Congress support more oil and gas drilling, but it will be done responsibly and with more care to avoid the abuses of the past and to maximize returns to the public," US House Natural Resources Committee Chairman Nick J. Rahall (D-W.Va.) said during the "Energy Policy Perspectives for Congress and a New Administration" forum cosponsored by Newsweek magazine and the American Petroleum Institute.

"Now that the moratoriums have been lifted, we've been asking whether the American people want drilling as close as 3 miles offshore in some cases, whether some areas should be off limits, and how to improve royalty collections and management. Transparency and accountability are our guiding principles," Rahall said. Other panelists warned that imposing billions of dollars in new taxes and fees on oil and gas producers, as the Obama administration proposed in its fiscal 2010 budget request, would have the worst impact at the wrong time if US producers are expected to contribute to a general economic recover. "We cannot tax our way out of energy problems. New taxes ultimately mean less energy. They would simply make a bad situation worse," API President Jack N. Gerard said.

"To pull the rug out from under this industry at the time we're trying to encourage oil and gas, as well as wind, solar, and tidal energy development is counterproductive," said US Sen. Mary L. Landrieu (D-La.), a member of the Energy and Natural Resources Committee. "Americans want to be energy secure. They're tired of being held hostage by foreign oil suppliers," she said. Rep. Doc Hastings (R-Wash.), the Natural Resources Committee's ranking minority member, said more members of Congress must realize that their decisions have a major impact on energy development. He said he plans to encourage more access and development of domestic resources. "In two short months, the Obama administration has established a clear record of opposing domestic oil and gas development," he added.

"High oil prices are a problem for everybody. But when the oil is produced domestically, we keep the money we spend in our US economy," Landrieu observed, adding that she hopes the Obama administration backs down on its proposal to add new oil and gas taxes and fees. "People are very scared that gasoline prices will go back up. Putting a cap-and-trade program on top of a comprehensive energy policy would make things too complicated. I realize we have to do something about greenhouse gases, but we have to learn to walk before we run," Landrieu said.

Rahall said he expects the Natural Resources Committee to address two main issues this session: OCS energy development, and energy development on other public lands. Both will need to include alternatives and renewables because it's time to restore some balance after years of politics tilted toward oil and gas at the US Department of the Interior, he maintained. He also disputed the idea that the US is not aggressively producing oil and gas already, noting that the nation is the third largest oil producer and is No. 2 in gas. "We are actively going after our own resources. But the amount of drilling we do has little with the price of gasoline. In reality, the price of oil and gas determines the amount of drilling, which has fallen with prices the past few months," Rahall said.

Following the forum Gerard said the oil and gas industry is not where it was six months ago, but is down-sizing and cutting back in response to falling demand. He said one major oil company's chief executive told him recently that he was deficit-spending this year to keep his employees on board so that they and the company will be ready when the economy rebounds.