

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240
<http://www.blm.gov>

July 26, 2007

In Reply Refer To:
1610, 3100 (210/310/600) P

EMS TRANSMISSION 08/09/2007
Instruction Memorandum No. 2007-165
Expires: 09/30/2008

To: AFO'S

From: Director

Subject: Split Estate Report to Congress--Implementation of Fluid Mineral Leasing and Land Use Planning Recommendations

Program Areas: Fluid Mineral Leasing and Operations, Land Use Planning

Purpose: This Instruction Memorandum (IM) provides guidance and procedures for implementation of fluid mineral leasing and land use planning recommendations addressing Issues 1, 3, 4, and 5 within the Split Estate Report to Congress dated December 2006.

Policy/Action: The following actions will be taken by State (SO) and Field Offices (FO) to implement solutions to Issues 1, 3, 4, and 5 found in the Split Estate Report to Congress dated December 2006. The Split Estate Report to Congress may be found at www.blm.gov/bmp/Split_Estate.htm

Issue 1 -- There is a need to further inform surface owners and operators of their rights and responsibilities regarding Federal leasing and oil and gas operations on split estate lands. The Split Estate Report to Congress recommends development of a consistent set of outreach tools to inform surface owners and operators of the Bureau of Land Management (BLM) leasing and development program.

SO and FOs will take the following actions to implement the recommendations for Issue 1:

- The brochure, "Split Estate: Rights, Responsibilities, and Opportunities" posted at www.blm.gov/bmp/Split_Estate.htm will be made available for distribution in SOs and FOs where there is oil and gas leasing or permit processing activity. The brochure will be made available in the BLM Public Rooms or entrance foyers, Competitive Oil and Gas Lease Sales, Resource Advisory Council meetings, and public/association outreach meetings. The brochure should be sent to operators requesting guidance on how to file an

Application for Permit to Drill (APD) and made available at onsite meetings. It should also be provided to private surface owners when they are contacted regarding onsite meetings scheduled for consideration of APD proposals. The brochure is publication P-453 and may be ordered in bulk from the BLM Printed Materials Distribution System.

- All Competitive Sale Notices will include in the standard format, a link to the split estate website www.blm.gov/bmp/Split_Estate.htm . Attachment 1 contains a sample Competitive Sale Notice format that includes the above-referenced links.
- The SOs will include on their public website, a link to the Washington Office (WO) Split Estate home page.
- The WO has replaced the Leasing Brochure with “Questions and Answers About Oil and Gas Leasing” (Attachment 2) to address split-estate leasing and development. The Questions and Answers should be made available in informational packets distributed in response to public requests for oil and gas leasing information. The SOs should include a link to the Questions and Answers on its leasing web pages.

Issue 3 -- Surface owners would like to be notified about oil and gas leasing and development at the beginning of the land use planning stage. The recommendation is to increase notice to private surface owners on the BLM land use planning process with the help of cooperating agencies or local governments.

The BLM SOs and FOs will take the following actions to implement the recommendations for Issue 3 where management of split-estate minerals is an issue:

- The FOs will initiate outreach efforts to split-estate surface owners during the scoping process for land use plans to ensure the fullest involvement of the surface owners in the decision-making process for all planning documents addressing split-estate lands where there is a potential for mineral leasing. Outreach efforts should include, at minimum, targeted media outreach through local media or events, contact through surface owner groups, and public meetings in areas of significant split estate ownership.
- The FOs will meet and/or contact local government officials prior to new planning starts to develop additional ways of informing and involving split estate surface owners in the land use planning process. The FO staff will maintain a consistent rapport with local officials regarding the status of the planning process.
- All legal notices and public outreach materials announcing the initiation of land use plans should include a statement that the “plan decisions will address management of split-estate minerals” when this is the case.
- The Split Estate Brochure will be made available at scoping/planning meetings.

Issue 4 -- Surface owners would like to be contacted when the BLM is leasing Federal mineral estate underlying their property. The Split Estate Report to Congress recommends continuing the current process of posting lease sales on the leasing website, but increase media notification to inform the public of the availability of leasing information, and work through local forums to explain the BLM leasing process, and, where practical, identify areas proposed for leasing.

The BLM SOs and FOs will take the following actions to implement the recommendations for Issue 4:

- The FOs will use widely available media, such as newspaper, radio and television, to inform the public of the BLM websites that host lease sale information. This IM does not require offices to purchase advertisement in newspapers.
- The FOs will work through local forums to maintain a dialogue on local leasing activity. Where practical, SOs and FOs will identify areas of leasing interest.
- Oil and Gas Competitive Sale Notices should include links, where available, to sites that offer information regarding surface ownership and leasing information, such as illustrated in the attached sample Competitive Sale Notice (Attachment 1).
- The SOs are encouraged to post on their websites, maps showing the location of parcels on their competitive sale lists.

Issue 5 - - Affected surface owners would like to be notified after leases are issued, including who has purchased the lease, and what stipulations are attached. The BLM SOs should take steps to broaden public outreach following lease sales.

The BLM SOs will take the following actions to implement the recommendations for Issue 5:

- Provide Competitive Sale Notices and Sale Results on external websites for viewing by the public.
- Distribute public notices, news releases, articles and brochures that announce where the lease sale results can be found.
- Ensure lease sale results are distributed to FOs for posting.

Timeframe: This policy is effective immediately.

Budget Impact: Minor.

Background: Under Section 1835 of the Energy Policy Act of 2005 (43 U.S.C. 15801), Congress directed the Secretary of the Interior to review current policies and practices with respect to management of Federal subsurface oil and gas development activities and their effects on the privately owned surface, referred to as split estate. The Split Estate Report to Congress submitted in December 2006 documents the findings resulting from consultation on the split estate issue with affected private surface owners, the oil and gas industry, and other interested parties. This IM addresses implementation of recommendations for Issues 1, 3, 4, and 5 contained in the Split Estate Report to Congress.

Manual/Handbook Affected: Manual and Handbook 3120 Competitive Leasing.

Coordination: This IM was coordinated between the WO Division of Fluid Minerals and the Division of Planning and Science Policy.

Contact: Please direct questions to Jim Perry, Senior Natural Resource Specialist, WO Division of Fluid Minerals (WO-310), at 202-452-5063; or by e-mail at Jim_Perry@blm.gov or Sandra Meyers, Branch Chief, WO Division of Planning and Science Policy (WO-210), at 202-452-5151; or by e-mail at sandra_meyers@blm.gov

Signed by:
Henri R. Bisson
Acting, Director

Authenticated by:
Robert M. Williams
Division of IRM Governance, WO-560

2 Attachments

- 1- Notice of Competitive Oil and Gas Lease Sale (10 pp)
- 2- Questions and Answers About Oil and Gas Leasing (6 pp)