

Congress of the United States
Washington, DC 20510

August 19, 2013

The Honorable Sally Jewell
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, NW, Room 5665
Washington, D.C. 20240

Dear Secretary Jewell:

We are writing today to express our concern about the Bureau of Land Management's (BLM) proposed rule on hydraulic fracturing published in the *Federal Register* on May 24, 2013. BLM's proposed rule duplicates, in many aspects, state regulations that already address well-bore integrity and flowback water and require the disclosure of hydraulic fracturing constituents used on Federal public lands. We believe that BLM's proposed rule will significantly delay oil and gas permitting and in turn discourage oil and gas production on our nation's public lands.

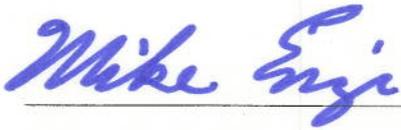
In contrast to most states, public land states face a number of challenges relating to the management of land and minerals within their borders. For example, those looking to gain access to our nation's public lands must comply not only with state law, but also with Federal law. Federal law and regulations often delay investment and job creation for years. Consequently, Federal law and regulations push investment out of public land states and into other states where there is greater regulatory certainty. On March 14, 2012, then BLM Director, Bob Abbey, testified that there has been "a shift [in oil and gas production] to private lands in the East and to the South where there are fewer amounts of Federal mineral estate." We believe BLM's final rule will contribute to this shift in oil and gas production and cost public land states, Indian tribes, and the Federal government hundreds of millions of dollars in revenue.

We also question whether BLM's final rule will provide any meaningful benefits not already provided by public land states. Public land states, such as Wyoming, Colorado, Idaho, Montana, New Mexico, and Utah, currently enforce their own hydraulic fracturing regulations, including regulations requiring the disclosure of hydraulic fracturing constituents. These state regulations not only apply to private and state lands, but also apply or could be applied to Federal public lands within the states' respective borders. On June 6, 2013, you were asked before the Senate Energy and Natural Resources Committee which states currently regulating hydraulic fracturing are not doing a sufficient job. Your inability to identify any state suggests, at the very least, that BLM's final rule should not apply to states currently regulating hydraulic fracturing.

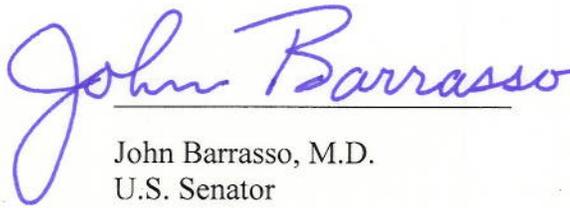
In conclusion, we believe that states are best positioned to regulate hydraulic fracturing. We appreciate your acknowledgment that Wyoming has "great, sophisticated" hydraulic fracturing regulations and is "a good example of a state that is doing an effective job." We therefore request that you exempt Wyoming and the other states currently regulating hydraulic fracturing from

BLM's final rule. State regulations are a solution that is working for the people of our nation's public land states. They should be supported, not supplanted, by the Administration.

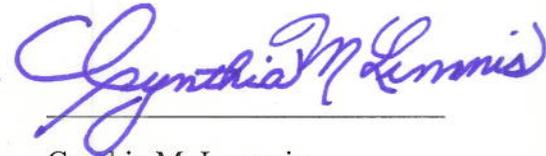
Sincerely,



Michael B. Enzi
U.S. Senator



John Barrasso, M.D.
U.S. Senator



Cynthia M. Lummis
U.S. Representative