

**Alaska Wilderness League ▪ American Rivers ▪ Center for Biological Diversity
Clean Water Action ▪ Earthjustice ▪ Environment America ▪ Environmental Defense Fund
League of Conservation Voters ▪ National Parks and Conservation Association
Natural Resources Defense Council ▪ Physicians for Social Responsibility ▪ Sierra Club**

May 15, 2013

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Jewell:

Congratulations on your appointment as Secretary of the Interior. We look forward to working with you as our organizations work to preserve America's natural resources and heritage. For decades, we have advocated for strong conservation policies at the Department of the Interior and its bureaus.

While our organizations care about a wide range of issues handled by the Department, today we write to you about oil and gas development, and in particular about the Bureau of Land Management's proposed rule for well stimulation (including hydraulic fracturing, or "fracking"). We urge you to ensure that the BLM issues a much stronger well stimulation rule that protects our health and drinking water and our most unique and sensitive public lands and restores public confidence in its enforcement.

The threats to the environment from oil and gas operations are wide-ranging. We are concerned about the risks that exist at every step of the process – from the initial seismic investigations, construction of roads and wellpads, drilling, fracking and other well stimulation methods, to production, processing, waste storage and disposal, pipeline construction and operation, trucking, site reclamation, plugging, and abandonment. The entire process creates dozens of potential sources of toxic air and water pollution, global warming pollution, and land and habitat destruction. Reports from communities and state regulators across the country have documented that real harms are occurring.

Federal leasing is occurring across the country. In FY 2012 alone, the BLM issued new leases on more than 1.75 million acres of land in 20 states. The resulting drilling, fracking, and associated activities have and will affect critical air, climate, water, and wildland resources, and the communities and wildlife that depend upon them. As the largest mineral manager in the nation, the federal government has a responsibility to protect these resources from the myriad of risks facing them and to be a model for all. Instead, the BLM's current rules are sorely outdated.

Modern fracking in unconventional formations is significantly different from fracking conducted decades ago. It is a much more intensive industrial process involving greater land disturbance,

more chemicals, more toxic waste, more trucks, more air emissions, and more threats to drinking water. The current BLM rules don't account for these dramatically increased risks.

In his 2012 State of the Union Address, the President stated that "America will develop this [natural gas] resource without putting the health and safety of our citizens at risk."

Unfortunately, the draft well stimulation rule proposed in 2012 was much too limited and far too weak to give us confidence that the federal government will safeguard communities and protect our health and our drinking water or our most unique and sensitive natural areas.

Our organizations prepared extensive and technically detailed comments on the May 2012 draft rule outlining our concerns and detailing recommended changes. As our comments explained, the draft rule allowed companies to keep chemicals secret, even from doctors or paramedics that need the information in a medical emergency. It allowed toxic waste to be stored in open air pits under antiquated standards. And it did not include any updates to current BLM well construction standards, which fall short of American Petroleum Institute guidelines for wells that will be hydraulically fractured.

The 2012 draft also did not implement the findings of the Secretary of Energy Advisory Board's Natural Gas Subcommittee, including recommendations for chemical disclosure, cement evaluation and remediation, prohibiting the use of diesel in fracking fluid, placing unique and sensitive areas off limits, addressing methane and conventional air pollution, and waste and water management. Furthermore, the proposal failed to address other critical issues entirely, including open air waste pits, setbacks from homes, schools, and waterways, and the protection of national parks and other critical natural areas.

While we recognize that not every issue can be addressed in a single rulemaking, it is essential that the issues covered under this rulemaking be addressed comprehensively and that rulemakings be immediately launched on remaining critical issues.

Strong federal rules on public lands are essential. Such rules could easily allow for a range of circumstances in different states and regions while also putting in place minimum standards. In other words, a federal rule would not have to run afoul of any concerns about "one size fits all" regulation.

We are also very concerned that the BLM continues to approve modern fracking around the country without the necessary environmental impacts analysis required by the National Environmental Policy Act (NEPA). The BLM has not even been thoroughly analyzing the potential risks to human health posed by unconventional oil and gas operations. A recent federal court decision found that when the BLM allowed leasing without adequate NEPA review in California, it violated the law. The Court pointed out that "NEPA requires that BLM evaluate all reasonably foreseeable environmental effects of its actions" and found that proper investigation was "crucial" due to the many unknown risks of fracking and the threats to important local drinking water resources.

Last, we want to express our concern that even BLM's existing rules are not sufficiently enforced. The BLM's enforcement capacity is in desperate need of rescue. The Fiscal Year 2011

Internal Control Review of the onshore oil and gas Inspection and Enforcement program investigated 10 field offices with major oil and gas responsibilities and found that a number of the offices have low-quality environmental inspections and struggle to keep up with exploration and production activity. Yet the BLM is moving full speed ahead with new leasing and permitting.

The Bureau's responsibilities and challenges are enormous. The country needs strong, meaningful reform of our oil and gas policies, starting with the BLM. As your first major action as Secretary of the Interior, we hope the proposed rule will demonstrate the Administration's commitment to protecting our land, water, wildlife and communities from the risks of oil and gas development. We hope we can work with you toward these goals, which are critical to the Department's mission and responsibilities. To that end, we also request a minimum 90-day public comment period for the new proposal, along with public hearings to allow full public input on this important regulation.

We thank you for your attention to this important issue and look forward to discussing this important rule with you once it is re-proposed.

Sincerely,

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cc: Neil Kornze, Principal Deputy Director