



November 7, 2022

Submitted via eplanning.blm.gov

Melanie Barnes
State Director
Bureau of Land Management
New Mexico State Office
301 Dinosaur Trail
Santa Fe, NM 87508

Re: Scoping Comments for the May 2023 New Mexico Competitive Oil and Gas Lease Sale

Dear Director Barnes:

Western Energy Alliance welcomes BLM's announcement of its intent to conduct a May 2023 lease sale for New Mexico and Kansas, particularly as oil and natural gas development delivers value not just to the federal government and American people but also sustains rural communities and western states. Our members operate in good faith on public lands in an environmentally responsible manner and, as such, we look forward to announcements of additional sales in New Mexico and other states in 2023. We encourage BLM to refrain from arbitrarily deferring parcels and to recognize during its analysis the numerous restrictions and stipulations attached to individual parcels, the significant technological advances in horizontal drilling which greatly reduce our operational footprint, and the governing Resource Management Plans (RMPs) that designated these lands as open for oil and natural gas development.

Western Energy Alliance represents 200 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas across the West including several companies with significant New Mexico operations. The Alliance represents independents, the majority of which are small businesses with an average of fourteen employees.

The Mineral Leasing Act mandates that the Interior Secretary hold oil and natural gas lease sales "for each State where eligible lands are available at least quarterly and more frequently if the Secretary of the Interior determines such sales are necessary."¹ However, the Department of the Interior announcement states that the lease sale is only being held to comply with the Inflation Reduction Act (IRA),² which mandates that BLM cannot issue wind or solar rights-of-way unless it has held an onshore oil and natural gas lease sale

¹ 30 U.S.C. §226(b).

² ["Interior Department Moves Forward with Leasing Provisions Mandated in Inflation Reduction Act"](#), Department of the Interior, October 6, 2022.

within the preceding 120 days and offered not less than two million acres or 50% of the acreage nominated within the previous year.³ While IRA arguably incentivizes additional *discretionary* oil and gas leasing, IRA neither eliminates nor modifies the Secretary of the Interior's existing obligation under the Mineral Leasing Act to conduct quarterly lease sales "where eligible lands are available."⁴ Because BLM has not conducted any lease sales in New Mexico since June 2022, despite the existence of eligible lands being available within the state, BLM is already out of compliance with this statutory obligation.

Even if IRA were the relevant legal justification, BLM has not provided the public with information to determine whether IRA's leasing provisions have been satisfied. BLM has not made Expression of Interest (EOI) data available for 2022, and therefore, stakeholders are unable to assess whether BLM has met the 50% threshold. We request that BLM make that data available as soon as possible and within this scoping process. While we disagree with the Interior Secretary's decision to make IRA and not the Mineral Leasing Act the motivating factor for the sale, BLM needs to move forward with more leasing on a regular basis. We hope to see further announcements of sales in New Mexico and other states, and substantially more acreage offered for sale in 2023.

We appreciate that BLM is proposing to offer an increased number of parcels and acreage compared to the 2022 lease sale. However, there is a lack of transparency and understanding surrounding the process BLM used to select parcels for this lease sale. The number of parcels on the preliminary list is still well below the 172 parcels offered during 2020, a pandemic year, and we question why only 19 parcels in New Mexico have been selected for this sale out of the more than 400 that have been nominated in the state over the past few years. We request that BLM provide clarification on how it selected parcels for the May 2023 lease sale and provide reasoning for the delay in processing nearly 400 EOIs.

Western Energy Alliance appreciates the opportunity to comment. Please do not hesitate to contact me with any questions.

Sincerely,



Kathleen M. Sgamma
President

³ [Inflation Reduction Act](#), August 16, 2022.

⁴ 30 U.S.C. § 226(b)(1)(A).