Case No. 18-36082

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

KELSEY CASCADIA ROSE JULIANA, et al., Plaintiffs-Appellees,

V.

UNITED STATES OF AMERICA, et al., Defendants-Appellants.

On Interlocutory Appeal Pursuant to 28 U.S.C. § 1292(b)

PLAINTIFFS' MOTION SEEKING JUDICIAL NOTICE OF FEDERAL GOVERNMENT DOCUMENTS

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Attorneys for Plaintiffs-Appellees

INTRODUCTION

Plaintiffs-Appellees respectfully request and hereby move that this Court take judicial notice of the publicly available federal government documents introduced by Plaintiffs-Appellees in the Declaration of Philip L. Gregory in Support of Plaintiffs' Urgent Motion Under Circuit Rule 27-3(b) for Preliminary Injunction ("Gregory Decl.") and identified in Exhibits 1-12 to the Gregory Decl. (See Cir. R. 27-1 and Advisory Committee Notes thereto.) These documents are official government reports and data that were obtained from the federal government, including Defendants-Appellants in this case, and thus rely on sources of information the accuracy of which cannot reasonably be questioned by the agencies that produced them. Gregory Decl. ¶ 2. As explained in more detail below, these documents are relevant to Plaintiffs' Urgent Motion pending before this Court, including the Declaration of Peter A. Erickson submitted in support thereof. Dkt. 21-10. On May 20, 2019, counsel for Plaintiffs contacted counsel for Defendants-Appellants regarding this motion and counsel for Defendants replied: "Defendants do not oppose the Court's taking judicial notice of the fact that the United States Government issued the documents attached as Exhibits 1-12." Gregory Decl. ¶ 3.

ARGUMENT

Under Federal Rule of Evidence 201, this Court may take judicial notice of the government documents attached as Exhibits 1 – 12 to the Gregory Decl. "at any stage of the proceeding," including for the first time on appeal. Fed. R. Evid. 201(d); *see Bryant v. Carleson*, 444 F.2d 353, 357 (9th Cir. 1971). Paragraph (b)(2) of Rule of Evidence 201 states in part that "[t]he court may judicially notice a fact that is not subject to reasonable dispute because it: . . . can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Judicial notice is proper when the matter is "beyond reasonable controversy." *Rivera v. Philip Morris, Inc.*, 395 F.3d 1142, 1151 (9th Cir. 2005) (quoting advisory committee's note to Fed. R. Evid. 201).

Government documents that are public records are appropriate subjects for judicial notice. *See, e.g., Cachil Dehe Band of Wintun Indians of the Colusa Indian Comm'y v. California*, 547 F.3d 962, 968 n.4 (9th Cir. 2008) (government documents on government website); *Greeson v. Imperial Irr. Dist.*, 59 F.2d 529, 531 (9th Cir. 1932) ("[T]he court is bound to take notice of public facts . . . [and] public documents"). Similarly, statistics and data from official government reports are generally subject to judicial notice. *See, e.g., Seely v. Cumberland Packing Corp.*, No. 10-CV-02019-LHK, 2010 WL 5300923, at *7 n.5 (N.D. Cal. Dec. 20, 2010); *Trundle v. Astrue*, No. 09-CV-02058-JLT, 2010 WL 5421418, at *11 n.10 (E.D. Cal.

Dec. 20, 2010) ("[T]he Internet website for the United States Department of Labor, and facts included therein, are subject to judicial notice.").

Plaintiffs seek judicial notice of the government documents attached as Exhibits 1 – 12 to the Gregory Decl. because these documents are publicly available government documents and their accuracy cannot be reasonably questioned and is beyond reasonable controversy. Consistent with that principle, this Court has stated that it will take judicial notice of circumstances that arose after an appeal was filed, where those circumstances "may affect" the court's consideration of the issues presented. *Bryant*, 444 F.2d at 357.

Plaintiffs filed their Urgent Motion on February 7, 2019 and their reply in support thereof on February 26, 2019. Dkt. 21-1; 41. Thus, Plaintiffs could not have included these documents in the record for this Urgent Motion. These documents are relevant to Plaintiffs' Urgent Motion as they provide additional evidence of Defendants' systemic practices that serve to intensify and lock in Plaintiffs' irreparable harms at issue in this case. The documents also confirm the severity of Plaintiffs' irreparable injuries by presenting additional evidence that the U.S. fossil fuel-based energy system is further expanding. Additionally, these documents are relevant to the Declaration of Peter A. Erickson, which includes information about the federal government's leasing of federal lands for fossil fuel exploration, development, and extraction. Dkt. 21-10 at 6-13. These documents provide

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additional updated information on the number of oil and gas leases, oil and gas

production from federal lands, and new coal extraction authorized on federal lands,

information that is directly relevant to facts included in the Declaration of Peter A.

Erickson.

CONCLUSION

For the aforementioned reasons, Plaintiffs respectfully request this Court take

judicial notice of the documents in Exhibits 1 - 12 to the Gregory Decl. filed

concurrently with this motion.

DATED this 22nd day of May, 2019.

Respectfully submitted,

s/ Philip L. Gregory

PHILIP L. GREGORY

 $Attorney for {\it Plaintiffs-Appellees}$

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CERTIFICATE OF COMPLIANCE

I certify that this Motion seeking Judicial Notice of Federal Government Documents contains 734 words, excluding the portions exempted by Federal Rules of Appellate Procedure 27(a)(2) and 32(f), which is under the limit of 5,200 words established by Circuit Rules 27-1(1)(d) and 32-3(2). The Motion's type size and type face comply with Federal Rule of Appellate Procedure 32(a)(5) and (6).

<u>s/Philip L. Gregory</u> PHILIP L. GREGORY Attorney for Plaintiffs-Appellees

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On Interlocutory Appeal Pursuant to 28 U.S.C. § 1292(b)

DECLARATION OF PHILIP L. GREGORY IN SUPPORT OF PLAINTIFFS' MOTION SEEKING JUDICIAL NOTICE OF FEDERAL GOVERNMENT DOCUMENTS

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Attorneys for Plaintiffs-Appellees

- I, Philip L. Gregory, hereby declare and if called upon would testify as follows:
 - 1. I am an attorney of record on behalf of Plaintiffs-Appellees in the above-entitled action. I make this Declaration in support of Plaintiffs' Urgent Motion Under Circuit Rule 27-3(b) for Preliminary Injunction. Dkt. 21-1. I have personal knowledge of the facts stated herein, except as to those stated upon information and belief and, if called to testify, I would and could testify competently thereto.
 - 2. Exhibits 1-12 are publicly available, federal government documents that are made available on federal government websites. On May 20, 2019, I accessed each of these documents from the federal government website referenced below. As such, I believe them to be reliable sources of information, the accuracy of which cannot reasonably be questioned by the agencies who have produced them.
 - 3. On May 20, 2019, I contacted counsel for Defendants-Appellants to ascertain their position on this motion. In response, Eric Grant, counsel for Defendants-Appellants, stated by email that "Defendants do not oppose the Court's taking judicial notice of the fact that the United States Government issued the documents attached as Exhibits 1-12."
 - 4. Since the filing of Plaintiffs' Urgent Motion, Plaintiffs have acquired additional evidence that further expansion of the U.S. fossil fuel-based energy

system is happening. In this Declaration, I set forth examples of Defendants' ongoing actions that both have occurred since conclusion of briefing on the Urgent Motion and are contributing to and worsening Plaintiffs' irreparable injuries. As discussed in Plaintiffs' Urgent Motion, these systemic practices by Defendants, in addition to the actions described in the Urgent Motion itself, serve to intensify and lock in Plaintiffs' irreparable harms at issue in this case.

5. In addition, Defendants recently released information illustrating the effects of their policies and practices that perpetuate a fossil fuel-based energy system. This information similarly confirms the severity of Plaintiffs' irreparable injuries.

Recently Released Information on Effects of Fossil Fuel-Based Energy System

6. In FY 2018, on federal onshore lands, 214.14 million barrels of oil were produced, an all-time high. In FY 2018, the BLM received bids for 1,488,300 acres, the largest number in 10 years and an 87% increase from 792,823 acres receiving bids in 2017. The BLM leased 1,253,369 acres for oil and gas production on federal onshore lands (up from 577,317 acres in FY 2016), with 24,028 producing leases (the highest level since 2008 and up from 23,926

¹ U.S. Dep't of the Interior, The Department of the Interior Oil and Gas Statistics for 2018 (April 2019), https://www.doi.gov/sites/doi.gov/files/uploads/doi-oilgasstatistics_2018-042919_d.pdf (**Exhibit 1** hereto).

producing leases in FY 2016) and 1,333 new leases (up from 520 new leases in FY 2016).³ In addition, the BLM approved 3,388 applications for permits to drill (up from 2,184 applications in FY 2016),⁴ and 1,919 well bores were started (up from 847 well bores in FY 2016).⁵ Industry filed expression of interest for 8.7 million acres in 2018, 11% more than in 2016.⁶

7. On March 14, 2019, the U.S. Energy Information Administration (EIA), the statistical and analytical agency within Defendant Department of Energy, announced: "U.S. natural gas production grew by 10.0 billion cubic feet per day (Bcf/d) in 2018, an 11% increase from 2017." On April 9, 2019, the EIA announced "Annual U.S. crude oil production reached a record level of 10.96

³ U.S. Bureau of Land Management, Summary of Onshore Oil & Gas Statistics, https://www.blm.gov/sites/blm.gov/files/FinalAllFedO_G_StatisticsbyYearbyState WebStats 2018.xlsx (Exhibit 2 hereto); *see also id* (Exhibit 1 hereto).

⁴U.S. Bureau of Land Management, Number of Drilling Permits Approved by Fiscal Year on Federal Lands, https://www.blm.gov/sites/blm.gov/files/Table7_NumberOfApprovedAPD_2018.x lsx (Exhibit 3 hereto).

⁵ U.S. Bureau of Land Management, Number of Well Bores Started (Spud) During the Fiscal Year on Federal Lands, https://www.blm.gov/sites/blm.gov/files/Table8_WellsSpud_2018.xlsx (**Exhibit 4** hereto).

⁶ U.S. Dep't of the Interior, The Department of the Interior Oil and Gas Statistics for 2018 (April 2019), https://www.doi.gov/sites/doi.gov/files/uploads/doi-oilgasstatistics_2018-042919_d.pdf (**Exhibit 1** hereto).

⁷ U.S. Energy Information Administration, Today in Energy: Natural Gas Production Hit a New Record High in 2018 (March 14, 2019), https://www.eia.gov/todayinenergy/detail.php?id=38692 (**Exhibit 5** hereto).

million barrels per day (b/d) in 2018, 1.6 million b/d (17%) higher than 2017 levels."8

- 8. A May 14, 2019 White House fact sheet describing a new "golden era of American energy," stated that fossil fuel "energy production is soaring to new heights," and "[c]rude oil production hit a record high last year [2018], leaping past the previous record set in 1970." 10
- 9. In the United States, "[c]rude oil production spiked 17 percent in 2018, reaching 10.96 million barrels per day. The United States has become the largest crude oil producer in the world. American natural gas production jumped to a new high in 2018, marking the second straight year of record production."
- 10. "Crude oil exports nearly doubled in 2018, reaching a record average of 2 million barrels a day. Coal exports reached their highest level in five years in 2018." 12

⁸ U.S. Energy Information Administration, Today in Energy: U.S. Crude Oil Production Grew 17% in 2018, Surpassing the Previous Record in 1970 (April 9, 2019), https://www.eia.gov/todayinenergy/detail.php?id=38992 (**Exhibit 6** hereto). ⁹ The White House, Fact Sheet: President Donald J. Trump is Unleashing American Energy Dominance (May 14, 2019), https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-unleashing-american-energy-dominance/ (**Exhibit 7** hereto).

¹⁰ *Id*.

¹¹ *Id*.

 $^{^{12}}$ *Id*.

New Extraction of Coal Authorized on Federal Public Lands

- 11. On March 7, 2019, the BLM approved a new coal lease with Best Coal, Inc., in Jefferson County, Alabama, extending the life by six years of the existing Narly Mine, which extracts coal from the federal mineral estate on privately owned surface land.¹³
- 12.On April 3, 2019, the BLM authorized a competitive coal lease sale for seven federal tracts authorizing the extraction of coal from nearly 433 acres of federal public land, which contains an estimated 1.4 million tons of subsurface coal in the Wayne National Forest in Perry and Morgan Counties, Ohio. 14 The sale date will be announced no earlier than 30 days prior to the sale.

New Extraction of Oil and Gas Authorized in Federal Offshore Areas

13.On March 20, 2019, the Bureau of Ocean Energy Management (BOEM), an agency of Defendant Department of the Interior, held Lease Sale 252, offering 78 million acres of Outer Continental Shelf (OCS) within the Gulf of Mexico for lease to extract oil and gas. The sale included approximately 14,699

¹³ U.S. Bureau of Land Management, BLM-Eastern States Makes Available Federal Coal Resources in Jefferson County, Alabama (March 14, 2019), https://www.blm.gov/press-release/blm-eastern-states-makes-available-federal-coal-resources-jefferson-county-alabama (Exhibit 8 hereto).

¹⁴ U.S. Bureau of Land Management, BLM Authorizes a Coal Lease Sale Within the Wayne National Forest (April 3, 2019), https://www.blm.gov/press-release/blm-authorizes-coal-lease-sale-within-wayne-national-forest (**Exhibit 9** hereto).

unleased blocks located from three to 231 miles offshore in the Gulf of Mexico's Western, Central, and Eastern planning areas in water depths ranging from nine to more than 11,115 feet, and received bids for 227 tracts (approximately 1,261,000 acres).¹⁵

14.Under the BOEM's 2017-2022 OCS program, BOEM's next region-wide lease sale is scheduled for August 2019, and will include all available unleased areas in federal waters within the Gulf of Mexico. For 2020-2022, five additional region-wide lease sales are scheduled for the Gulf of Mexico, and one lease sale is scheduled for Cook Inlet, Alaska. 17

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 22, 2019.

s/ Philip L. Gregory PHILIP L. GREGORY

¹⁵ U.S. Dep't of the Interior, Gulf of Mexico Lease Sale Yields More Than \$244 Million in High Bids, Continues Upward Trend Under Trump Administration (March 20, 2019), https://www.doi.gov/pressreleases/gulf-mexico-lease-sale-yields-more-244-million-high-bids-continues-upward-trend-under (**Exhibit 10** hereto).

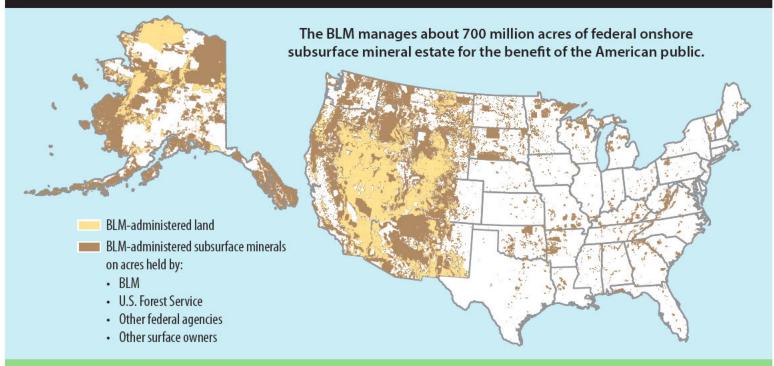
¹⁶ U.S. Dep't of the Interior, Interior Proposes Region-Wide Oil and Gas Lease Sale 253 for Gulf of Mexico (March 12, 2019), https://www.doi.gov/pressreleases/interior-proposes-region-wide-oil-and-gas-lease-sale-253-gulf-mexico (**Exhibit 11** hereto).

Bureau of Ocean Energy Management, 2017-2022 Lease Schedule, https://www.boem.gov/2017-2022-Lease-Sale-Schedule/ (**Exhibit 12** hereto).

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The Department of the Interior Oil and Gas Statistics for 2018



Improvements to Oil and Gas Program

Increased number of acres offered at competitive lease sales

> +163% 5 million acres

1.9 million acres 2016

2018

Increased number of wells started (spudded)

> +127% 1,919 wells

847 wells 2016

2018

Decreased number of protested parcels through a streamlined process

> 88% of parcels protested

-23% 68% of parcels protested 2018

Reduced time to process applications for permits to drill (APDs) through improved automated processing

> -32% 257 days 176 days 2016 2018

Continued steady increase in number of producing leases

> +6% 22.599 leases 2009

24,028 leases 2018

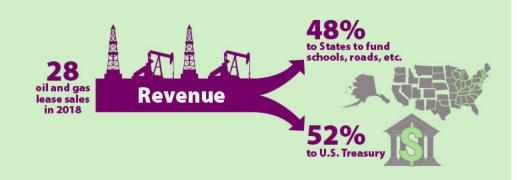
Continued decrease in the amount of acres used for exploration and development

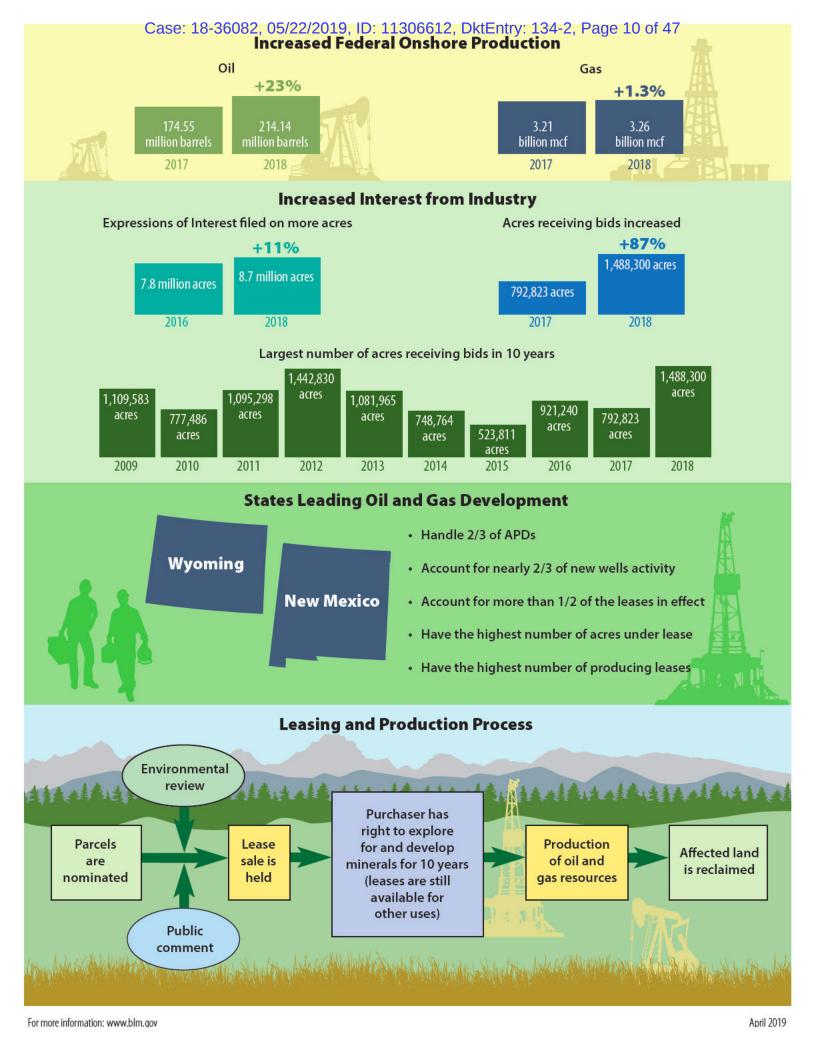
120.7 million acres 1985

-79% 25.6 million acres 2018

Recordbreaking Revenue

Increased revenue from oil and gas lease sales +470% \$1.1 billion \$193 million 2016 2018





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For all years data is Federal-only does not include indian data.

Totals for some states will be less than in expanded reports that include both Federal and indian data. Created between 10/1 and 10/7 2018 Refer to individual tabs for exact dates Total Number of Acres Leased During the Year otal Number of Acres Leased

Total Number of New Leases ssued During the Year otal Number of Producible and Service Holes on Federal Lands
otal Number of Producible and Service Completions on Federal Lands Total Number Of Wells Started (Spud) During the Year on Federal Lands otal Number of Producing Acres on Federal Lands
otal Number of APDs approved by Year on Federal Lands otal Number of Producing Leases on Federal Lands 45 364 991 12 842 209 1 913 602 FY 2009 4 487 330 41 186 158 353 663 3 166 89 637 95 979 38 463 552 12 316 233 2 016 176 Summary Of Onshore Oil & Gas Statistics FY 2011 3 260 90 452 4 244 752 060 FY 2012 4 256 1 172 808 23 507 34 592 450 12 690 806 197 852 32 193 369 810 068 760 700 1 621 94 484 508 27 207 018 94 096 25 742 991 790 557 114 218 991 486

Source of data is Public Land Statistics which also includes data from previous years

794 55

24

FY 201

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able 7 Number o Approved Applications or Permit to Drill (AAPDs)

As c	of 1	0/7	/20 [·]	18
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	Nu	Number of Drilling Permits Approved by Fiscal Year on Federal Lands							al Lands	
Geographic State	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Alabama	1	0	0	2	0	0	3	0	0	0
Alaska	8	0	0	2	10	8	3	3	4	10
Arizona	0	0	0	0	0	0	0	0	0	0
Arkansas	28	18	12	12	18	25	8	3	0	9
Cali ornia	169	281	369	355	181	181	168	28	64	117
Colorado	473	593	509	422	314	316	373	218	319	402
Connecticut	0	0	0	0	0	0	0	0	0	0
Delaware	0	0	0	0	0	0	0	0	0	0
Florida	0	0	0	0	0	0	0	0	0	0
Georgia	0	0	0	0	0	0	0	0	0	0
Hawaii	0	0	0	0	0	0	0	0	0	0
daho	0	0	0	0	0	0	0	0	2	0
Ilinois	0	0	0	0	0	0	0	0	0	0
ndiana	0	0	0	0	0	0	0	0	0	0
owa	0	0	0	0	0	0	0	0	0	0
Kansas	3	2	0	0	1	1	0	0	1	0
Kentucky	0	0	0	0	0	0	0	0	0	0
Louisiana	2	1	3	2	6	6	9	3	0	2
Maine	0	0	0	0	0	0	0	0	0	0
Maryland	0	0	0	0	0	Ö	0	0	0	0
Massachusetts	0	0	0	0	0	0	0	0	0	0
Michigan	0	1	0	0	1	1	0	0	0	0
Minnesota	0	0	0	0	0	0	0	0	0	0
Mississippi	2	1	1	3	6	10	1	6	3	3
Missouri	0	0	0	0	Õ	0	0	Ö	0	0
Montana	57	66	26	51	26	26	28	5	6	14
Nebraska	0	0	0	0	0	0	0	0	0	0
Nevada	7	3	3	2	7	7	4	3	3	2
New Hampshire	0	0	0	0	0	0	0	0	0	0
New Jersey	Ö	Ö	ő	ő	ő	ő	Ö	ő	ő	0
New Mexico	1 105	945	883	1 073	925	920	882	891	545	1 198
New York	0	0	0	0	0	0	0	0	0	0
North Carolina	Ö	Ö	ő	ő	ő	ő	Ö	ő	ő	0
North Dakota	65	147	135	197	255	254	471	241	263	331
Ohio	1	3	0	1	1	1	0	0	0	0
Oklahoma	4	10	7	17	33	33	27	10	12	19
Oregon	0	0	0	0	0	0	0	0	0	0
Pennsylvania	6	0	0	0	0	0	0	0	0	0
Rhode sland	0	0	0	0	0	0	0	0	0	0
South Carolina	0	0	0	0	0	0	0	0	0	0
South Dakota	0	1	3	3	2	2	2	0	1	3
ennessee	0	0	0	0	0	0	0	0	0	0
	24	78	31	37	18	18	12	5	1	33
exas	557	402	602	848	965	963	553	142	160	125
Utah	0	402 0	0	040	965	963	0	0	0	0
Vermont	0	0	0	0	0	0	0	0	0	0
Virginia	0	0	-	0	0	0	0	-	0	0
Washington			0					0		
West Virginia	0	0	0	0	0 0	0 0	0	0	0 0	0
Wisconsin Wyoming	1 975	1 538	1 660	1 229	1 001	997	964	0 626	1 102	0 1 120
	1 5/3	1 000	1 000	1 449	1 00 1	991	504	020	1 102	1 120

Vi Data rom Public Lands Statistics in which APDs were portrayed by BLM administrative o ice (e g the Eastern States O ice)

Note For all years data is Federal-only does not include indian data. As a result totals or some states will be less than in expanded reports that include both Federal and indian data.

Note Additional di erences may result between these numbers and state-level Federal-only totals in expanded reports due to the timing o the data queries Note Source o data is Public Land Statistics which also includes data rom previous years

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able 8 Wells Spud

As	ot	10/7/2018	

Geographic State	Numbe	er of Wel	l Bores S	Started (S	Spud) Du	ring the	Fiscal Ye	ear on Fe	<u>ederal La</u>	nds
	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Alabama	1	0	0	1	0	0	2	0	0	0
Alaska	7	0	0	2	6	6	3	3	4	10
Arizona	0	0	0	0	0	0	0	0	0	0
Arkansas	14	13	7	3	13	14	6	0	3	0
Cali ornia	162	210	414	284	205	210	76	30	38	101
Colorado	340	411	453	318	215	229	145	111	148	225
Connecticut	0	0	0	0	0	0	0	0	0	0
Delaware	0	0	0	0	0	0	0	0	0	0
Florida	0	0	0	0	0	0	0	0	0	0
Georgia	0	0	0	0	0	0	0	0	0	0
Hawaii	0	0	0	0	0	0	0	0	0	0
daho	0	0	0	0	0	0	0	0	0	0
Ilinois	0	0	0	0	0	0	0	0	0	0
ndiana	0	0	0	0	0	0	0	0	0	0
owa	0	0	0	0	0	0	0	0	0	0
Kansas	2	1	1	0	0	0	0	0	0	0
Kentucky	0	0	0	0	0	0	0	0	0	0
Louisiana	6	0	2	0	1	1	0	1	1	3
Maine	0	0	0	0	0	0	0	0	0	0
Maryland	0	0	0	0	0	0	0	0	0	0
Massachusetts	0	0	0	0	0	0	0	0	0	0
Michigan	1	ž	Ö	Ö	0	Ö	ő	Ö	0	Ō
Minnesota	Ö	0	Ö	Ö	Ö	Ö	ő	Ö	0	Ō
Mississippi	3	1	1	2	7	9	0	3	0	Ō
Missouri	Ö	Ö	Ö	0	0	0	ő	0	0	0
Montana	51	63	23	29	21	22	3	1	3	13
Nebraska	1	0	0	0	0	0	0	ò	0	0
Nevada	2	2	3	1	3	3	1	0	Ö	2
New Hampshire	0	0	0	0	0	0	Ö	0	0	0
New Jersey	ő	0	0	0	ő	ő	ő	ő	Ö	Ö
New Mexico	706	731	709	851	672	702	556	231	434	636
New York	2	0	709	0	0/2	0	0	0	0	000
North Carolina	0	0	0	0	0	0	0	0	0	0
North Dakota	66	95	118	144	167	174	226	200	192	233
Ohio	0	2	2	0	2	2	0	0	102	0
Oklahoma	6	2	1	8	9	9	8	5	6	3
Oregon	0	0	0	0	0	0	0	0	0	0
Pennsylvania	5	1	0	0	6	21	0	0	0	0
Rhode sland	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0
South Carolina	2	0	3	4	1	2	1	0	3	3
South Dakota	0	0	0	0	0	0	0	0	0	0
ennessee							4		1	14
exas Utah	13 429	25 317	43	15	18	18		3 3	53	64
			431	584	447	457	155		0	
Vermont	0 2	0	0	0	0	0	0	0	0	0
Virginia		0	0	0	0	0	0	0	-	
Washington	0	0	0	0	0	0	0	0	0	0
West Virginia	0	0	0	0	0	0	0	0	0	0
Wisconsin		0	0	0	0	0	0	0	0	0
Wvoming	1 446	1 290	1 049	776	620	665	435	256	541	612

Note For all years data is Federal-only does not include indian leases. As a result totals or some states will be less than in expanded reports that include both Federal and indian data.

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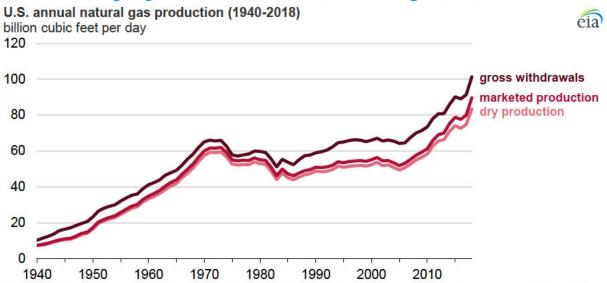
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Today in Energy

March 14, 2019

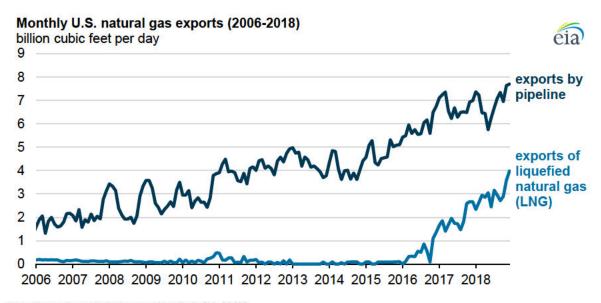
U.S. natural gas production hit a new record high in 2018



Source: U.S. Energy Information Administration, Monthly Crude Oil, Lease Condensate, and Natural Gas Production Report, Natural Gas Monthly

U.S. natural gas production grew by 10.0 billion cubic feet per day (Bcf/d) in 2018, an 11% increase from 2017. The growth was the largest annual increase in production on record, reaching a record high for the second consecutive year. U.S. natural gas production measured as gross withdrawals averaged 101.3 Bcf/d in 2018, the highest volume on record, according to EIA's *Monthly Crude Oil*, *Lease Condensate*, and *Natural Gas Production Report*. U.S. natural gas production measured as marketed production and dry natural gas production also reached record highs at 89.6 Bcf/d and 83.4 Bcf/d, respectively.

U.S. natural gas gross withdrawals increased every month during 2018 except in June, ultimately reaching a record monthly high of 107.8 Bcf/d in December 2018. Marketed natural gas production and dry natural gas production also hit monthly record highs of 95.0 Bcf/d and 88.6 Bcf/d, respectively, in December 2018. Marketed production reflects gross withdrawals less natural gas used for repressuring wells, quantities vented or flared, and nonhydrocarbon gases removed in treating or processing operations. Dry natural gas is consumer-grade natural gas, or marketed production less extraction losses.



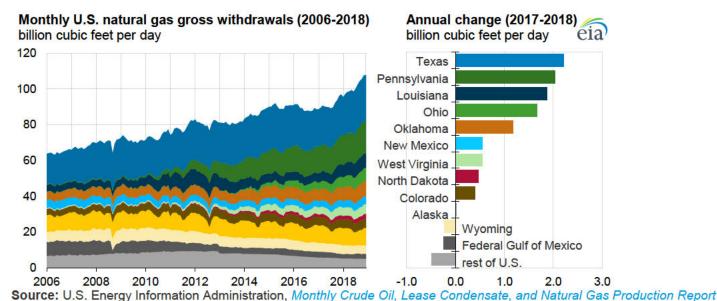
Source: U.S. Energy Information Administration, Natural Gas Monthly

As natural gas production increased, the volume of natural gas exports—both through pipelines and as liquefied natural gas (LNG)—increased for the fourth consecutive year, reaching 9.9 Bcf/d. Total natural gas exports grew 14% in 2018, and LNG exports grew by 53% to 3.0 Bcf/d. Both pipeline and LNG exports reached record monthly highs in December 2018 of 7.7 Bcf/d and 4.0 Bcf/d, respectively. The United States continued to export more natural gas than it imported in 2018, after being a net exporter in 2017 for the first time in nearly 60 years.

In September 2018, the United States exported more natural gas by pipeline than it imported by pipeline for the first time in at least 20 years. Forecasts in EIA's *Short-Term Energy Outlook* show that natural gas exports by pipeline will exceed natural gas imports by pipeline in 2019 for the year.

The Appalachian region remained the largest natural gas-producing region in the United States. Appalachian natural gas from the Marcellus and Utica/Point Pleasant shales of Ohio, West Virginia, and Pennsylvania continued to grow, with gross withdrawals increasing from 24.2 Bcf/d in 2017 to 28.5 Bcf/d in 2018. Ohio saw the largest percentage increase in gross withdrawals of natural gas, up 34%, in 2018 to 6.5 Bcf/d.

Texas saw the largest total volumetric gain in gross withdrawals in 2018, increasing to 24.1 Bcf/d, up from the state's 2017 production of 21.9 Bcf/d. Texas's increase in natural gas production is mainly because of the development in the Permian Basin and Haynesville Shale formation. According to EIA's *Drilling Productivity Report*, in 2018, production in the Permian increased by 2.7 Bcf/d, or 32%, while production in the Haynesville increased by 2.2 Bcf/d, or 34%.



EIA's Monthly Crude Oil, Lease Condensate, and Natural Gas Production Report collects monthly oil and natural gas production data from a sample of operators of oil and natural gas wells in 15 states, the Federal Offshore Gulf of Mexico, and collectively from the remaining states and the Federal Offshore Pacific.

Principal contributor: Emily Geary

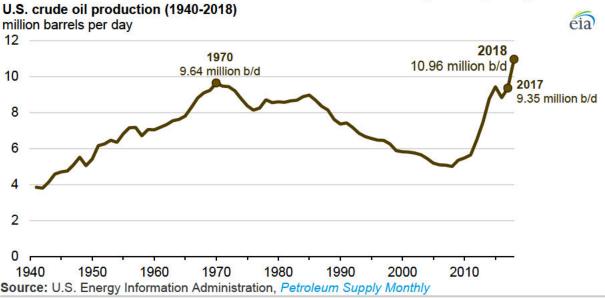
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Today in Energy

April 9, 2019

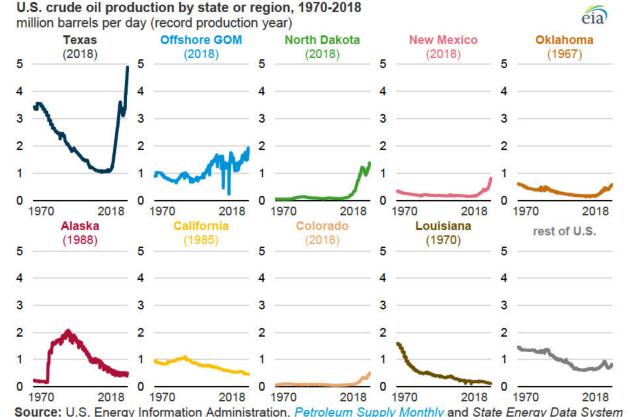
U.S. crude oil production grew 17% in 2018, surpassing the previous record in 1970



Annual U.S. crude oil production reached a record level of 10.96 million barrels per day (b/d) in 2018, 1.6 million b/d (17%) higher than 2017 levels. In December 2018, monthly U.S. crude oil production reached 11.96 million b/d, the highest monthly level of crude oil production in U.S. history. U.S. crude oil production has increased significantly over the past 10 years, driven mainly by production from tight rock formations using horizontal drilling and hydraulic fracturing. EIA projects that U.S. crude oil production will continue to grow in 2019 and 2020, averaging 12.3 million b/d and 13.0 million b/d, respectively.

Texas continues to produce more crude oil than any other state or region of the United States, making up 40% of the national total in 2018. Texas has held the top position in nearly every year since 1970, with the brief exception of 1988, when Alaska produced more crude oil than Texas, and from 1999 through 2011, when production from the Federal Offshore Gulf of Mexico region was higher.

Texas crude oil production averaged 4.4 million b/d in 2018 and reached a record-high monthly production level of 4.9 million b/d in December 2018. Texas's 2018 annual production increase of almost 950,000 b/d—driven by significant growth within the Permian region in western Texas—was nearly 60% of the total U.S. increase.

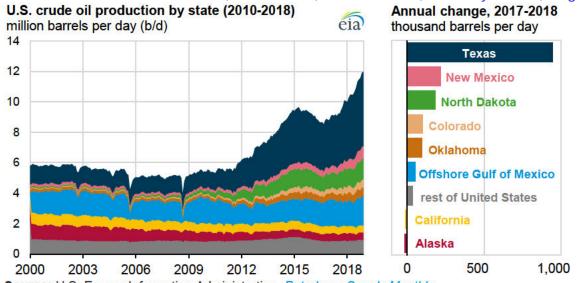


Several other U.S. states or regions set production records in 2018. Growth in the Permian region, which spans parts of Texas and New Mexico, also drove a 215,000 b/d, or 45%, production increase in New Mexico. This level was the second-largest state-level growth in 2018 and accounted for 13% of the total U.S. increase, setting a new annual record production level in New Mexico.

In the Federal Gulf of Mexico, new projects and expansions that have started since 2016 have contributed to the growth in production in 2018. Oil and natural gas producers brought online 11 new projects in 2018, and 8 more are expected to come online in 2019. The Federal Gulf of Mexico's crude oil production grew by 61,000 b/d, leading to its highest annual average of 1.74 million b/d. The Federal Gulf of Mexico was the second-largest producing region in 2018.

Production levels in Colorado, Oklahoma, and North Dakota each grew by more than 95,000 b/d from 2017 to 2018. In Colorado and North Dakota, this increase was enough to set new record production levels for the year. Production increases in Colorado were driven by the Niobrara shale formation, while continued production in the Bakken region drove increases in North Dakota. Oklahoma's crude oil production has yet to surpass its record level of 632,000 b/d set in 1967.

Increases in these states and regions were enough to offset production declines elsewhere. Alaskan production decreased by 16,000 b/d and California's production declined by 13,000 b/d, the state's fourth consecutive annual decline.



Source: U.S. Energy Information Administration, Petroleum Supply Monthly

Principal contributor: Emily Geary

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President Donald J. Trump Is Unleashing American Energy Dominance





The golden era of American energy is now underway.

President Donald J. Trump

USHERING IN THE NEW ERA OF AMERICAN ENERGY: President Donald J. Trump has put in place policies that tap into America's incredible energy resources.

- President Trump has rolled back stifling policies put in place by the previous administration that were holding back our country from achieving energy dominance.
 - President Trump withdrew from the terrible Paris Climate Agreement.
 - President Trump ended the war on coal by getting rid of costly Obama era regulations like the
 Stream Protection Rule and the Clean Power Plan.
- President Trump has taken action to open up our Nation's abundant natural resources.
 - President Trump signed legislation to open up the Alaska National Wildlife Refuge for energy exploration.
 - The Department of the Interior held 28 onshore oil and gas lease sales last year, generating a record shattering \$1.1 billion in revenue.

5/16/2019

- President Trump has paved the way for more energy infrastructure development, ensuring
 American energy can be delivered to the market.
 - The Trump Administration approved the Dakota Access Pipeline, the Keystone XL Pipeline, and the New Burgos Pipeline.
 - The President signed two Executive Orders to cut red tape that was holding back the construction of new energy infrastructure, like pipelines.
 - The Trump Administration has streamlined permitting for Liquefied Natural Gas (LNG) terminals.

UNLEASHING ENERGY DOMINANCE: American energy production is soaring to new heights thanks to President Trump's policies.

- President Trump's energy agenda has helped drive the booming economy with mining and oil and gas extraction contributing to growth in 49 States.
- Total energy production across various sources reached a record high in 2018.
- Crude oil production hit a record high last year, leaping past the previous record set in 1970.
 - Crude oil production spiked 17 percent in 2018, reaching 10.96 million barrels per day.
 - The United States has become the largest crude oil producer in the world.
- American natural gas production jumped to a new high in 2018, marking the second straight year of record production.

EXPANDING ENERGY EXPORTS: President Trump has worked to open up new export opportunities for American energy producers.

- We are exporting more and more energy as production soars and President Trump negotiates better market access for our producers.
- Crude oil exports nearly doubled in 2018, reaching a record average of 2 million barrels a day.
- Coal exports reached their highest level in five years in 2018.

- - Under President Trump, the United States has become a net natural gas exporter for the first time since 1957.
 - Thanks to President Trump's negotiations, the European Union (EU) agreed to import more LNG from the United States.
 - American exports of LNG to the EU have increased by 272 percent since this agreement and reached an all time high in March 2019.

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BLM-EASTERN STATES MAKES AVAILABLE FEDERAL COAL RESOURCES IN JEFFERSON COUNTY, ALABAMA

WASHINGTON—Karen Mouritsen, Bureau of Land Management-Eastern States (BLM-ES) Director, signed on March 7, 2019, a coal lease awarded to the Best Coal, Inc. The federal tract was offered for sale in response to a Lease-by-Application submitted by Best Coal, Inc., Jasper, Alabama, and was held November 29, 2018, at the BLM Southeastern States District Office, Flowood, Mississippi. This action demonstrates BLM-ES commitment to develop coal on public lands responsibly, bringing jobs to local communities while furthering the Administration's goals to promote economic growth and energy independence.

This lease is adjacent to the Narly mine known to include 300,000 tons of privately-owned coal, and is estimated to contain 469,000 tons of recoverable high-volatile bituminous coal. Best Coal, Inc. bid \$405,450, which is \$2,518.32 per acre (or \$0.865 per recoverable ton). It is estimated that this sale will extend the life of the existing mine by six years. Spending during those same years will include Best Coal operational expenditures of approximately \$15,000,000 per year, including the salaries for 50 mine workers.

The lease was signed 30 days after the date of sale to allow time for a Department of Justice anti-trust review of the bidder's coal holdings, standard for the sale of federal coal resources. The nearly 161-acre tract of federal minerals is located on Glovers Bend Road, Jefferson County, and was analyzed in an Environmental Assessment before being offered for lease. The public was invited to participate in all aspects of this environmental analysis, before the Decision Record authorizing this action was signed August. 30, 2018.

This leasing action is consistent with Executive Order 13783, "Promoting Energy Independence and Economic Growth;" and Secretarial Order 3349, "American Energy Independence." Energy produced in the United States benefits national security, national and local economies, and job creation.

The BLM manages more than 245 million acres of public land located primarily in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout

BLM-Eastern States makes available Federal coal resources in Jefferson County, Alabama | Bureau of Land Management

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the nation. Diverse activities authorized on these lands generated \$96 billion in sales of goods and services throughout the American economy in fiscal year 2017. These activities supported more than 468,000 jobs.

RELEASE DATE

Thursday, March 14, 2019

ORGANIZATION

Eastern States

CONTACTS

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Phone: (202) 912-7713

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BLM AUTHORIZES A COAL LEASE SALE WITHIN THE WAYNE NATIONAL FOREST

WASHINGTON – In keeping with the Administration's goals of promoting energy security and economic growth, the Bureau of Land Management (BLM) authorized a competitive coal lease sale for seven federal tracts encompassing nearly 433 acres and containing an estimated 1.4 million tons of subsurface mineable federal coal reserve within the Wayne National Forest in Perry and Morgan counties, Ohio.

The BLM's Eastern States (ES) Office is offering these federal coal resources in response to a coal lease by application (LBA) that was filed by CCU Coal and Construction, LLC (formerly Westmoreland and Buckingham Coal Company), which operates an adjacent, privately owned, underground coal mine. This mine operates three units within more than 8,500 acres of permitted coal reserves, producing 1.2 million tons per year. The mine provided approximately 155 jobs in 2018, which are expected to be maintained. If completed, this lease would extend employment at the mine for approximately 12 years.

The tracts will be leased to the qualified bidder of the highest cash amount, provided that the bid meets or exceeds the BLM's estimate of the fair market value of the tract. The minimum bid established by regulation is \$100 per acre or a fraction thereof, and is not intended to represent the fair market value, which will be determined by the authorized officer after the sale. Coal production on Federal lands accounts for 40 percent of domestic coal production.

The sale date and guidance for submitting sealed bids will be announced no earlier than 30 days prior to the sale.

Consistent with Executive Order 13783 of March 28, 2017, Promoting Energy Independence and Economic Growth; and Secretarial Order 3349, American Energy Independence, the BLM plays an important role in the responsible development of oil and gas, coal, critical minerals, and renewable sources – all of which can occur on public lands. Energy produced in the United States promotes national security, economic prosperity and job creation.

BLM Authorizes a Coal Lease Sale within the Wayne National Forest | Bureau of Land Management

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The BLM manages more than 245 million acres of public land located primarily in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. Diverse activities authorized on these lands generated \$96 billion in sales of goods and services throughout the American economy in fiscal year 2017. These activities supported more than 468,000 jobs.

RELEASE DATE

Wednesday, April 3, 2019

ORGANIZATION

Bureau of Land Management

OFFICE

Northeastern States

CONTACTS

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BLM Authorizes a Coal Lease Sale within the Wayne National Forest | Bureau of Land Management

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Press Releases





Gulf of Mexico Lease Sale Yields More Than \$244 Million in High Bids, Continues Upward Trend Under Trump Administration

3/20/2019

Last edited 3/20/2019

Date: March 20, 2019

Contacts: Interior Press@ios.doi.gov
John Filostrat (BOEM) 504-731-7815

john.filostrat@boem.gov

WASHINGTON – In support of President Donald J. Trump's <u>America-First Offshore Energy</u> <u>Strategy</u>, Interior's Assistant Secretary for Land and Minerals Management Joe Balash today announced that region-wide Gulf of Mexico Lease Sale 252 generated \$244,299,344 in high bids for 227 tracts covering 1,261,133 acres in federal waters of the Gulf of Mexico. A total of 30 companies participated in the lease sale, submitting \$283,782,480 in all bids.

"Today's lease sale shows strong bidding by established companies, which indicates that the Gulf of Mexico will continue to be a leading energy source for our nation long into the future," said Assistant Secretary Balash. "The results from today will help secure well-paying

offshore jobs, while generating much-needed revenue to fund everything from conservation to infrastructure."

Lease Sale 249 in 2017 saw \$121 million in high bids, while Lease Sale 250 in 2018 had \$124 million in high bids. Lease Sale 251, the last lease sale before today, had \$178 million in high bids.

Lease Sale 252 included 14,699 unleased blocks, located from three to 231 miles offshore, in the Gulf's Western, Central and Eastern Planning Areas in water depths ranging from nine to more than 11,115 feet (three to 3,400 meters). The following are excluded from the lease sale: (1) blocks subject to the congressional moratorium established by the <u>Gulf of Mexico Energy</u> <u>Security Act of 2006</u>; (2) blocks that are adjacent to or beyond the U.S. Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap; and (3) whole blocks and partial blocks within the boundaries of the Flower Garden Banks National Marine Sanctuary.

"The Gulf of Mexico remains a premier basin, covering about 160 million acres. It holds about 48.5 billion barrels of oil and 141 trillion cubic feet of undiscovered and technically recoverable gas," **said Acting BOEM Director Walter Cruickshank**. "Today's lease sale represents another step forward in the Administration's comprehensive effort to secure domestically produced energy for our Nation's energy future."

Revenues received from OCS leases (including high bids, rental payments and royalty payments) are directed to the U.S. Treasury, certain Gulf Coast states (Texas, Louisiana, Mississippi, and Alabama), the Land and Water Conservation Fund, and the Historic Preservation Fund.

Leases resulting from this sale will include stipulations to protect biologically sensitive resources, mitigate potential adverse effects on protected species, and avoid potential conflicts associated with oil and gas development in the region.

In addition, BOEM has included appropriate fiscal terms that take into account market conditions and ensure taxpayers receive a fair return for use of the OCS. In recognition of current hydrocarbon price conditions and the marginal nature of remaining Gulf of Mexico shallow water resources, these terms include a 12.5 percent royalty rate for leases in less than 200 meters of water depth, and a royalty rate of 18.75 percent for all other leases issued under the sale.

Lease Sale 252, livestreamed from New Orleans, was the fourth offshore sale held under the 2017-2022 National Outer Continental Shelf Oil and Gas Leasing Program. Under this program, 10 region-wide lease sales are scheduled for the Gulf, where resource potential and industry interest are high, and oil and gas infrastructure is well established. Two Gulf lease sales will be held each year and include all available blocks in the combined Western, Central, and Eastern Gulf of Mexico Planning Areas.

All terms and conditions for Gulf of Mexico Region-wide Sale 252 are detailed in the Final Notice of Sale information package, which is available at http://www.boem.gov/Sale-252/.

PRESS RELEASE



Interior Announces \$30.1 Million in Payments to Rural Schools in Western Oregon Counties.

PRESS RELEASE



Secretary Bernhardt Celebrates 150th Anniversary of Golden Spike

PRESS RELEASE



Daily Non-Governmental Meeting Summary March 26, 2019 - April 12, 2019



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Interior Proposes Region-Wide Oil and Gas Lease Sale 253 for Gulf of Mexico

Proposed Notice of Sale Outlines All Available Areas in Federal Waters

3/12/2019

Last edited 3/21/2019

Date: March 12, 2019

Contact: Interior Press@ios.doi.gov

WASHINGTON – In support of President Donald J. Trump's America-First Offshore Energy Strategy, Interior's Assistant Secretary for Land and Minerals Management Joe Balash and Bureau of Ocean Energy Management Acting Director Walter Cruickshank today announced that BOEM proposes to offer 78 million acres for a region-wide lease sale scheduled for August 2019. The sale would include all available unleased areas in federal waters of the Gulf of Mexico.

"Offshore oil and gas resources are essential to our nation's energy portfolio and America's energy security," said Assistant Secretary Balash. "We all benefit from a strong offshore energy program, which provides thousands of well-paid jobs, and affordable, reliable energy that Americans need to heat homes, fuel our cars, and power our economy."

Lease Sale 253, scheduled to be livestreamed from New Orleans, will be the fifth offshore sale under the 2017-2022 National Outer Continental Shelf (OCS) Oil and Gas Leasing Program. Under this program, 10 region-wide lease sales are scheduled for the Gulf. Two Gulf lease sales will be held each year and include all available blocks in the combined Western, Central, and Eastern Gulf of Mexico Planning Areas.

"Domestic offshore oil and gas development is critical for America's economy and energy portfolio," said Acting BOEM Director Dr. Walter Cruickshank. "BOEM's staff works hard to help ensure future development is done in a manner that addresses our nation's energy security, while protecting marine life and the environment in which they live."

Lease Sale 253 will include approximately 14,699 unleased blocks, located from three to 231 miles offshore, in the Gulf's Western, Central and Eastern planning areas in water depths ranging from nine to more than 11,115 feet (three to 3,400 meters). The following areas are excluded from the lease sale: blocks subject to the congressional moratorium established by the Gulf of Mexico Energy Security Act of 2006; blocks adjacent to or beyond the U.S. Exclusive Economic Zone in the area known as the northern portion of the Eastern Gap; and whole blocks and partial blocks within the current boundaries of the Flower Garden Banks National Marine Sanctuary.

The Gulf of Mexico OCS, covering about 160 million acres, is estimated to contain about 48 billion barrels of undiscovered technically recoverable oil and 141 trillion cubic feet of undiscovered technically recoverable gas.

Revenues received from OCS leases (including high bids, rental payments and royalty payments) are directed to the U.S. Treasury, certain Gulf Coast states (Texas, Louisiana, Mississippi, Alabama), the Land and Water Conservation Fund and Historic Preservation Fund.

Leases resulting from this proposed sale would include stipulations to protect biologically sensitive resources, mitigate potential adverse effects on protected species, and avoid potential conflicts associated with oil and gas development in the region.

In addition, BOEM has included appropriate fiscal terms that take into account market conditions and ensure taxpayers receive a fair return for use of the OCS. These terms include a 12.5 percent royalty rate for leases in less than 200 meters of water depth, and a royalty rate of 18.75 percent for all other leases issued pursuant to the sale, in recognition of current hydrocarbon price conditions and the marginal nature of remaining Gulf of Mexico shallow water resources.

All terms and conditions for Gulf of Mexico Region-wide Sale 253 are detailed in the Proposed Notice of

Interior Proposes Region-Wide Oil and Gas Lease Sale 253 for Gulf of Mexico | U.S. Department of the Interior

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Sale information package. Copies of the maps can be requested from the Gulf of Mexico Region's Public

Information Unit at 1201 Elmwood Park Boulevard, New Orleans, LA, 70123, or at 800-200-GULF (4853).

The Notice of Availability will be available for inspection in the <u>Federal Register</u> on March 13, 2019 and will publish in the Federal Register on March 14, 2019.

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PRESS RELEASE



Interior Announces \$30.1

Million in Payments to Rural
Schools in Western Oregon
Counties.

PRESS RELEASE



Secretary Bernhardt
Celebrates 150th Anniversary
of Golden Spike

PRESS RELEASE



Daily Non-Governmental Meeting Summary March 26, 2019 - April 12, 2019



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