

GOVERNMENTAL AFFAIRS REPORT

FEDERAL – Legislative

U.S. Congress in August Recess. The U.S. Congress is currently in its annual August recess with lawmakers returning to Washington, DC on September 9, 2024.

[Read more.](#)

FEDERAL – Regulatory

BLM Proposed Resource Management Plan – Wyoming. On August 23, the Bureau of Land Management (BLM) published a Proposed Resource Management Plan and Final Environmental Impact Statement for the Rock Springs Field Office. (See *Notice of Availability of the Proposed Resource Management Plan and Final Environmental Impact Statement for the Rock Springs Field Office, Wyoming*; [89 Fed. Reg. 68187](#)). According to the BLM, “The purpose of the Resource Management Plan is to establish guidance, objectives, policies, and management actions for public land administered by the BLM Rock Springs Field Office. The plan is comprehensive and addresses issues within the jurisdictional boundaries of the Rock Springs Field Office. The BLM strives for a balance of opportunities to use and develop BLM-administered resources within the planning area, while promoting environmental conservation.” [Read more.](#) The BLM Notice of Availability opens a 30-day protest period. [Read more.](#) As reported by law firm Holland and Hart, “The Rock Springs RPM would significantly restrict energy development on federally administered lands in southwest Wyoming. The plan would increase the acreage closed to new oil leases from 540,021 to 1,076,039 acres and reduce the area available for new coal leases by 15%. Additionally, it would remove nearly 822,000 acres from wind and solar power development and 390,260 acres from geothermal power development, citing potential harm to wildlife habitats.” Senator John Barrasso (R-WY), ranking member of the

Senate Committee on Energy and Natural Resources, criticized the plan, saying, “The Rock Springs Resource Management Plan strangles responsible natural resource development. This plan isn’t designed to manage Wyoming’s natural resources. It is designed to suffocate them. While I’m grateful for the efforts of those on the ground in Wyoming who worked to improve the original proposal, the plan unveiled today directly jeopardizes Wyoming’s economy and our way of life.”

[Read more.](#)

BLM Mining and Oil and Gas Development Land Withdrawal – Alaska. (*Update to 1/8/24 Report*)

On August 28, the U.S. Department of the Interior and Bureau of Land Management (BLM) announced, they “finalized the decision to retain protections for 28 million acres of public lands across Alaska, which many Alaska Native Tribes, Native Corporations and Tribal entities have noted are vital to protecting important natural, cultural and subsistence resources. Today’s action comes in response to the previous Administration’s unlawful decision in its final days to end the longstanding protections (known as withdrawals) without sufficient analysis of the potential impacts of such a decision on subsistence and other important resources, appropriate Tribal consultation, and without compliance with other legal requirements. This sweeping action would have opened millions of acres of public lands to extractive development activities, such as mining and oil and gas drilling, and removed the federal subsistence priority from millions of acres.” [Read more.](#) (See also, *Notice of Availability of the Record of Decision for the Alaska Native Claims Settlement Act 17(d)(1) Withdrawals Final Environmental Impact Statement, Alaska*; [89 Fed. Reg. 70204](#); and *Public Land Order No. 7947; Rescission of Public Land Order Nos. 7899, 7900, 7901, 7902, and 7903; Alaska*; [89 Fed. Reg. 70204](#)). As reported by the *Oil & Gas Journal*, “BLM’s final EIS [[Environmental Impact Statement](#)] found that revoking protections and

allowing mining and oil and gas development would harm subsistence hunting and fishing in communities and that lifting all or some of the protections could have lasting negative impacts on wildlife, vegetation, and permafrost.” [Read more](#). For background, last December, the BLM announced it was seeking public input – for which it received approximately 15,000 public comments – to determine if it would “continue, alter, or end the protections” for certain Alaska lands, often referred to as 17(d)1 lands, referencing [a section of the Alaska Native Claims Settlement Act \(ANCSA\)](#), “from mining claims and oil and gas development through a mineral withdrawal.” [Read more](#).

BLM Policy Documents. On August 30, the American Exploration & Production Council (AXPC) announced that the BLM has “released a total of nine new policy documents, most of which relate to implementation of their final [Conservation & Landscape Health Rule](#),” which AAPL has reporting on throughout the rulemaking process. According to the AXPC, “Some of these new policies (like mitigation and restoration leasing) could have definite impacts on oil and gas operations. In particular, BLM is contemplating that mitigation leases could be needed to offset impacts from oil and gas operations in some of the hypotheticals that it uses in the policy document attachments.” These are internal documents, referred to as instruction memoranda, that are not part of the public comment process. [Read a summary of the BLM policies here](#). The AXPC has also provided an update to the BLM’S Areas of Critical Environmental Concern (ACEC) Manual which has been rewritten. [Access the redline of those changes to the ACEC Manual here](#).

BLM Grand Staircase-Escalante National Monument Proposed Resource Management Plan -- Utah.

On August 30, the BLM released a Proposed Resource Management Plan (RMP) and Final Environmental Impact Statement (EIS) for the Grand Staircase-Escalante National Monument in Utah. According to the BLM, the EIS considers five alternatives “that are based on known use and issues in the planning area.” The release opens up a 30-day protest period. [Read more](#).

BLM Solar Development Planning. On August 29, the BLM “announced its proposed roadmap for solar energy development on public lands, designed to expand efficient and environmentally responsible solar project permitting on public lands across the West.” The roadmap planning release includes “the Final Utility-Scale Solar Energy Programmatic Environmental Impact Statement and Proposed Resource Management Plan Amendments (also known as the proposed updated Western Solar Plan).” (See *Notice of Availability of the Final Programmatic Environmental Impact Statement for Utility-Scale Solar Energy Development and Proposed Resource Management Plan Amendments*; [89 Fed. Reg. 70660](#)). The BLM said, “Developed with substantial public input, the proposed updated [Western Solar Plan](#) will guide BLM’s management of solar energy proposals and projects on public lands. It would make over 31 million acres of public lands across 11 western states available for potential solar development, driving development closer to transmission lines or on previously disturbed lands and avoiding protected lands, sensitive cultural resources and important wildlife habitat.” [Read more](#).

BLM Information Collection for Onshore Oil and Gas Operations and Production.

On August 28, the BLM announced an information collection, *Agency Information Collection Activities; Onshore Oil and Gas Operations and Production* ([89 Fed. Reg. 68923](#)). The BLM is soliciting feedback on certain information it collects related to the BLM’s management of oil and gas leases on Federal land. The comment period is open through October 28, 2024. [Read more](#).

BLM Information Collection for Federal Mineral Interests.

On August 28, the BLM announced an information collection, *Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Conveyance of Federally-Owned Mineral Interests* ([89 Fed. Reg. 68922](#)). The BLM is soliciting feedback on certain information it collects related to the conveyance of Federally-owned mineral interests to non-Federal owners of the surface estate. The comment period is open through September 27, 2024. [Read more](#).

BLM Resource Advisory Council Meeting –

Montana. On August 23, the BLM announced that the Western Montana Resource Advisory Council (RAC) will hold a meeting on September 24, 2024. According to the BLM, “The RAC provides recommendations to the Secretary of the Interior concerning the planning and management of the public land resources located within the BLM’s Western Montana District.” RAC meetings are open to the public. [Read more.](#)

BLM Sierra Front-Northern Great Basin Resource Resource Advisory Council Meeting – Nevada.

On August 30, the BLM announced an upcoming Sierra Front-Northern Great Basin Resource Advisory Council (RAC) meeting and field tour on October 3, and October 4, 2024. Agenda items will include the BLM’s Draft Solar Programmatic EIS and Sage Grouse management. RAC meetings and field tours are open to the public. [Read more.](#)

BLM Geothermal Lease Sale – Nevada. On August 9, the BLM announced it “will hold a competitive geothermal lease sale on Tuesday, October 8, 2024, offering 66 parcels totaling roughly 219,250 acres in Churchill, Esmeralda, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Nye, Pershing, and Washoe counties in Nevada.” According to the BLM, they issue competitive geothermal leases for an initial 10-year period. And they may be extended “if the lessee establishes production or provides proof of diligent exploration.” Further, “Additional environmental review will take place during processing of any future exploration or development plans, which may include site-specific conditions in addition to the stipulations already attached to the lease at the time of sale.” [Read more.](#)

SEC Rule Regarding Disclosure of Payments by Resource Extraction Issuers. As a follow up to prior reporting, regarding publicly-traded companies making payments to the U.S. or foreign governments, “By no later than September 26, 2024, so-called resource extraction issuers (oil, natural gas, and mining companies) with a December 31 fiscal year-end will be required to file a Form SD (Section 2) that includes new disclosures reflecting payments made in 2023 to the

U.S. federal government and any foreign governments for the commercial development of oil, natural gas, or minerals.” Law firm Latham & Watkins has provided a detailed summary fact sheet regarding the required U.S. Securities & Exchange Commission (SEC) disclosure requirement. [Read more.](#) For background, the final rule requires “each resource extraction issuer to include in an annual report information relating to any payment made by the resource extraction issuer, a subsidiary of the resource extraction issuer, or an entity under the control of the resource extraction issuer to a foreign government or the Federal Government for the purpose of the commercial development of oil, natural gas, or minerals. The information must include: (i) The type and total amount of such payments made for each project of the resource extraction issuer relating to the commercial development of oil, natural gas, or minerals, and (ii) the type and total amount of such payments made to each government.” [Read more.](#) According to the SEC final regulation website, the SEC rule requires “resource extraction issuers to include in an annual report information relating to payments made to a foreign government or the Federal Government for the purpose of the commercial development of oil, natural gas, or minerals. Section 13(q) requires these issuers to provide information about the type and total amount of payments made for each of their projects related to the commercial development of oil, natural gas, or minerals, and the type and total amount of payments made to each government. In addition, Section 13(q) requires a resource extraction issuer to provide information about those payments in an interactive data format.” [Read more.](#)

FEDERAL – Judicial

Control of Federal Lands – U.S. Supreme Court.

On August 20, the state of Utah filed a complaint against the federal government seeking a ruling over “unappropriated land” in the state. According to Gov. Spencer Cox (R), the complaint in [Utah v. United States](#) asks, “whether it is constitutional for the federal government to ‘simply hold unappropriated lands within a state indefinitely.’” Further, the complaint states that “Utah is deprived of basic and fundamental sovereign powers as to more than a third of its territory. It cannot

tax the federal government's land holdings. It cannot exercise eminent domain over them as needed for critical infrastructure like public roads and transportation and communications systems. It cannot even exercise legislative authority over the purposes for which they may be used. In short, throughout much of Utah it is the federal government, not Utah, that wields the general police power." According to Cox, the state is "not trying to privatize this land" but rather "manage it in a way that will better help the environment, that will help the people of Utah." [Read more.](#)

STATE – Legislative

For all 600+ bills AAPL is currently monitoring and tracking for members, please see the continuously updated member-exclusive AAPL Governmental Affairs Bill Tracking Summary spreadsheet, available through the AAPLConnect LANDNEWS and Governmental Affairs Network member forums [here](#) or on the AAPL website [here](#).

STATE – Regulatory

Carbon Sequestration Rulemaking – Alaska.

On August 23, the Alaska Oil and Gas Conservation Commission (AOGCC) announced it "is intending to apply for Class VI primary enforcement authority (Primacy) from the United States Environmental Protection Agency (EPA) as a new well Class within the Underground Injection Control (UIC) program." As reported, the state's new carbon sequestration program, "will eventually see the state license pipelines and injection wells that allow companies to store carbon dioxide deep underground." [Read more.](#) The AOGCC said it is taking public comments on possible regulations for the state program although no specific rules have yet been published. The AOGCC will hold a public hearing on November 7, 2024, and will also accept public comments by that date. [Read more.](#)

Railroad Commission Waste Management Proposed Rulemaking and Public Hearings – Texas. (*Update to 8/19/24 Report*) As an update to our prior rulemaking reporting, on August 23, the Texas Railroad

Commission (RRC) announced it will hold an in-person public hearing on September 5, 2024, as well as a virtual hearing on September 6, 2024, for their proposed waste management rulemaking. Registration is required by September 5, 2024. According to the RRC, "The first part of each hearing will consist of a brief overview by RRC staff regarding the proposed rule amendments. The second part of the hearing will consist of the RRC listening to public comments on the proposed rule amendments." [Read more.](#) For background, on August 15, the RRC voted unanimously in favor of proposed rulemaking including a "new Chapter 4, Subchapter A, and amendments to [Chapter 4, Subchapter B](#), and various rules in Chapter 3, including [§3.8](#) and [§3.57](#), regarding oil and gas waste management." ([For new Chapter 4 proposed rules, see p. 5 of the proposed rules here.](#)) Section 3.8 specifically relates to water protection and Section 3.57 relates to reclaiming tank bottoms, other hydrocarbon wastes, and other waste materials. [Access the proposed rulemaking here.](#) According to the RRC, "The amendments pertain to not only waste from oil and gas operations, such as rock and other material pulled up from the ground during drilling, but also encapsulate waste from other operations for which the Legislature has given the RRC jurisdiction. Examples include geothermal, carbon sequestration and brine mining wells." [Read the RRC press release here.](#) The public comment period is open through September 30, 2024. [Access the RRC public comment portal here.](#)

Regional Haze Planning – New Mexico. On August 26, the New Mexico Environment Department (NMED) announced it "has completed a draft regional haze plan for the second implementation period and developed a new rule, [20.2.68 NMAC – Regional Haze Requirements](#), designed to make the emissions limitations and other measures in the plan federally enforceable. NMED is now soliciting feedback from the public on the draft plan and rule in advance of requesting a hearing before the New Mexico Environmental Improvement Board. NMED will accept comments on the draft plan and/or rule through 11:59 p.m. Mountain Time on Friday, September 20, 2024." Further, "After evaluating the comments that are

received during the public comment period and revising the draft plan and/or rule in response to comments, if appropriate, NMED will petition the Environmental Improvement Board to hold a public hearing to hear testimony, take evidence, and consider adopting the proposed plan and rule. There will be additional public comment opportunities during the hearing phase.” The [NMED will accept public comments on the draft plan here](#). You may also access the [NMED Regional Haze Planning website here](#) for further information. The NMED will also hold two webinars, on September 9 and 10, to discuss the Regional Haze documents. More information on attending is [available here](#).

Royalty and Reporting Obligations to the State – Texas. On August 21, the Texas General Land Office (GLO), on behalf of the School Land Board (SLB) “adopted an amendment to [31 TAC §9.51](#) (relating to Royalty and Reporting Obligations to the State) amending §9.51(b)(3)(E)(iv), regarding requested reductions of penalty and/or interest assessments. According to the GLO, “The adopted amendment clarifies the delegation by the SLB to the Land Commissioner of certain de minimis reductions of interest charged or penalties assessed under [Texas Natural Resources Code §52.131](#) or any other interest or penalties assessed by the Land Commissioner relating to unpaid or delinquent royalties, or unfilled or delinquent reports. The change to the text as published (being deletion of the word ‘unreduced’) further clarifies the intent of the delegation to the Land Commissioner for reductions of penalty and/or interest where the total amount to be reduced is below a de minimis threshold established by the SLB from time to time.” [Read the final rulemaking here](#). The rule took effect on August 25, 2024. Read more about [GLO Royalty Reporting and Royalty Compliance here](#).

STATE – Judicial

Dormant Mineral Act; Marketable Title Act – Ohio. On August 9, the Ohio Court of Appeals, Seventh Appellate District, addressed a dispute over oil and gas interests regarding the Dormant Mineral Act. In *Henderson v. Stalder* (Case No. 2024-Ohio-3037), the

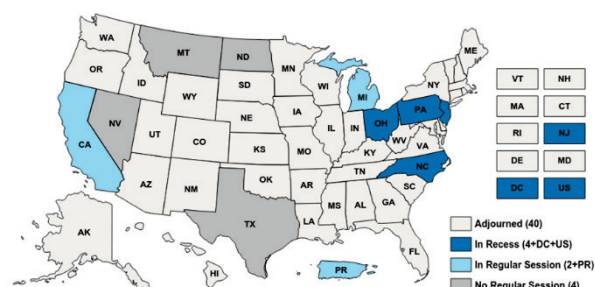
court reversed the judgment of the trial court holding that the current surface owners “did not fully comply with the Dormant Mineral Act (DMA) in having the oil and gas interest at issue declared abandoned and vested in them as the surface owners.” The court explained that “the Stalder’s abandonment notice published in the Monroe County Beacon was defective on its face as it failed to name the known holders” of the mineral interest at issue. The court also noted that since the trial court only addressed the DMA claim but not the Marketable Title Act (MTA) claim, the MTA issue would be addressed on remand back to the trial court. [Read more](#).

INDUSTRY NEWS FLASH

► **TIPRO announces new chairman.** As reported on August 22 by *Rigzone*, the “Texas Independent Producers and Royalty Owners Association (TIPRO) announced that the membership of TIPRO confirmed T. Grant Johnson as the organization’s next chairman.” TIPRO noted that “Johnson holds over 40 years of experience working for the energy industry. He is currently the president of Lone Star Production Company” and is also an AAPL member as well as a member of the Houston Association of Professional Landmen and West Houston Association of Professional Landmen. [Read more](#).

LEGISLATIVE SESSION OVERVIEW

States in Session



Session Notes: California, Michigan, Ohio, and Pennsylvania are in regular session. The U.S. Congress is in August recess.

California adjourned its 2024 legislative session on August 31 although Democratic Gov. Gavin Newsom has signaled that he may call a special session this fall.

North Carolina passed an [adjournment resolution](#) that calls for the regular session to reconvene periodically through December. The legislature adjourned a session on August 1 and is scheduled to hold another session on September 9.

Colorado adjourned its legislative session on August 29 after passing a bipartisan property tax bill. According to [KDVR](#), the legislature passed a bill designed to reduce the assessment rate for residential properties. Democratic Gov. Jared Polis plans to sign the bill into law once the two ballot initiatives regarding property taxes that were set to be voted on in November are pulled from the ballot. Regarding the bill's passage, Governor Polis said, "I look forward to seeing the risky ballot measures pulled down and signing this legislation into law so small businesses and homeowners can keep more of their hard-earned money."

Signing Deadlines (by date): **Alaska** Republican Gov. Mike Dunleavy has 20 days from presentment, excluding Sundays, to act on legislation or it becomes law without signature. **Illinois** Democratic Gov J.B. Pritzker has 60 days from presentment to act on legislation or it becomes law without signature.

The following states are currently holding interim committee hearings or studies: [Alabama](#), [Alaska](#), [Arizona](#), [Arkansas](#), [Colorado](#), [Connecticut](#), [Georgia](#), [Idaho](#), [Illinois House](#) and [Senate](#), [Indiana](#), [Kansas](#), [Kentucky](#), [Louisiana](#), [Maine](#), [Maryland](#), [Minnesota](#), [Mississippi House](#) and [Senate](#), [Montana](#), [Nebraska](#), [Nevada](#), [New Mexico](#), [New York Assembly](#), [North Dakota](#), [Oklahoma House](#) and [Senate](#), [Oregon](#), [Rhode Island](#), [South Carolina](#), [South Dakota](#), [Tennessee](#), [Texas House](#), [Utah](#), [Virginia](#), [Washington](#), [West Virginia](#) and [Wyoming](#).

The following states are currently posting 2024 bill drafts, pre-files and interim studies: [Alabama](#),

[Florida](#), [Nebraska](#), [Nevada](#), [North Dakota](#), [Oklahoma House](#) and [Senate](#) and [Utah](#). ■

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