

Conversation Contents

Language for Large Notice on website front page

Attachments:

/1. Language for Large Notice on website front page/13.1 2017 Rule Stay FAQ 20170223.docx

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Thu Feb 23 2017 10:31:24 GMT-0700 (MST)
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
CC: Amy Lunt <amy.lunt@onrr.gov>
Subject: Language for Large Notice on website front page

Hi Kim!

I've been in touch with Jodie, so she should be ready for this. On the front page of the website, I'm picturing the language below in a special attention-grabber box. Clicking on the box will lead to the reporter letter and a list of FAQs (for now I think we just have a place-holder or something that says, "FAQ coming soon.") Here is the language we came up with, which was vetted by the Solicitor:

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I'm not picky about the formatting, other than the first bit be nice a big and bold so people see it. Thanks so much Kim!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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"Jackson, Kimberly" <kimberly.jackson@onrr.gov>

From: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Sent: Thu Feb 23 2017 10:34:58 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Subject: Re: Language for Large Notice on website front page

Perfect! I'll send this off to Jodie and I'll have her help with the notification on ONRR.gov.

Thanks!!

Kim

On Thu, Feb 23, 2017 at 10:31 AM, Carey, Chris <chris.carey@onrr.gov> wrote:
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"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Thu Feb 23 2017 11:32:13 GMT-0700 (MST)
To: "Peterson, Jodie" <jodie.peterson@onrr.gov>
CC: Kimberly Jackson <kimberly.jackson@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>
Subject: Re: Language for Large Notice on website front page

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From: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Sent: Thu Feb 23 2017 11:38:59 GMT-0700 (MST)
To: "Lunt, Amy" <amy.lunt@onrr.gov>
CC: "Peterson, Jodie" <jodie.peterson@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>
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CC: "Lunt, Amy" <amy.lunt@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>
Subject: Re: Language for Large Notice on website front page

As long as afternoon is okay!

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Jodie Peterson
Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
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----- Forwarded message -----

From: **Carey, Chris** <chris.carey@onrr.gov>

Date: Thu, Feb 23, 2017 at 10:31 AM

Subject: Language for Large Notice on website front page

To: Kimberly Jackson <kimberly.jackson@onrr.gov>

Cc: Amy Lunt <amy.lunt@onrr.gov>

Hi Kim!

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Chris Carey
Petroleum Engineer
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"Peterson, Jodie" <jodie.peterson@onrr.gov>

From: "Peterson, Jodie" <jodie.peterson@onrr.gov>
Sent: Thu Feb 23 2017 11:41:19 GMT-0700 (MST)
To: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
CC: "Lunt, Amy" <amy.lunt@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>
Subject: Re: Language for Large Notice on website front page

But things like the info box I'm finalizing with Chad today before (b) (6)

Jodie Peterson

Librarian and Social Media Coordinator

Office of Natural Resources Revenue

jodie.peterson@onrr.gov

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Date: Thu, Feb 23, 2017 at 10:31 AM
Subject: Language for Large Notice on website front page
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
Cc: Amy Lunt <amy.lunt@onrr.gov>

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"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Thu Feb 23 2017 11:42:18 GMT-0700 (MST)
To: "Peterson, Jodie" <jodie.peterson@onrr.gov>
CC: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>, "Lunt, Amy" <amy.lunt@onrr.gov>
Subject: Re: Language for Large Notice on website front page

Jodie, how late are you working today? What do people think about getting some of the FAQs up there, and then adding more over the coming days/weeks?

Chris Carey
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Office of Natural Resources Revenue

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It would have been hard to predict just what impeccable timing Chad has!

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Jodie Peterson

Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
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Date: Thu, Feb 23, 2017 at 10:31 AM
Subject: Language for Large Notice on website front page
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
Cc: Amy Lunt <amy.lunt@onrr.gov>

Hi Kim!

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"Peterson, Jodie" <jodie.peterson@onrr.gov>

From: "Peterson, Jodie" <jodie.peterson@onrr.gov>
Sent: Thu Feb 23 2017 11:42:50 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
CC: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>, "Lunt, Amy" <amy.lunt@onrr.gov>
Subject: Re: Language for Large Notice on website front page

Til close to 4, but Chad would be here later.

Jodie Peterson

Librarian and Social Media Coordinator

Office of Natural Resources Revenue

jodie.peterson@onrr.gov

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Sent: Thu Feb 23 2017 11:43:23 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
CC: "Peterson, Jodie" <jodie.peterson@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
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That sounds great - that way we are covered.

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Sent: Thu Feb 23 2017 11:44:31 GMT-0700 (MST)
To: "Lunt, Amy" <amy.lunt@onrr.gov>
CC: "Carey, Chris" <chris.carey@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Subject: Re: Language for Large Notice on website front page

Partial is good for me. Might keep your phones from ringing off the hook tomorrow too.

Jodie Peterson

Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
(303)231-3719

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On Thu, Feb 23, 2017 at 11:43 AM, Lunt, Amy <amy.lunt@onrr.gov> wrote:
That sounds great - that way we are covered.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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----- Forwarded message -----

From: **Carey, Chris** <chris.carey@onrr.gov>

Date: Thu, Feb 23, 2017 at 10:31 AM

Subject: Language for Large Notice on website front page

To: Kimberly Jackson <kimberly.jackson@onrr.gov>

Cc: Amy Lunt <amy.lunt@onrr.gov>

Hi Kim!

I've been in touch with Jodie, so she should be ready for this. On the front page of the website, I'm picturing the language below in a special attention-grabber box. Clicking on the box will lead to the reporter letter and a list of FAQs (for now I think we just have a placeholder or something that says, "FAQ coming soon.") Here is the language we came up with, which was vetted by the Solicitor:

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I'm not picky about the formatting, other than the first bit be nice a big and bold so people see it. Thanks so much Kim!

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Kimberly A. Jackson
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U.S. Department of the Interior
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"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Thu Feb 23 2017 14:11:55 GMT-0700 (MST)
To: "Peterson, Jodie" <jodie.peterson@onrr.gov>
CC: "Lunt, Amy" <amy.lunt@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Subject: Re: Language for Large Notice on website front page
Attachments: 2017 Rule Stay FAQ 20170223.docx

Hi Ladies,

Attached is the FAQ that is ready for posting on the website. I know it's a short list, but at least it's a start. Jodie, our plan is to add to the list as we get questions from companies. Once we've properly vetted any new information, we'll send it your way. Is that ok to simply add to the list every week or so?

Thanks everyone!

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Cc: Amy Lunt <amy.lunt@onrr.gov>

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From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Thu Feb 23 2017 14:24:12 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
CC: "Peterson, Jodie" <jodie.peterson@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
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On Thu, Feb 23, 2017 at 11:40 AM, Peterson, Jodie <jodie.peterson@onrr.gov> wrote:

As long as afternoon is okay!

Jodie Peterson

Librarian and Social Media Coordinator

Office of Natural Resources Revenue

jodie.peterson@onrr.gov

(303)231-3719

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That works for me, too.

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Monday is fine - if that works for everyone.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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<http://devonrr/Valuation/default.htm>

Jodie Peterson

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Kim is at FedEx, so I'm forwarding this to you so that we can get

the ball rolling as soon as possible. Thanks for all of your help!!

Amy

Amy S. Lunt
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----- Forwarded message -----

From: **Carey, Chris** <chris.carey@onrr.gov>
Date: Thu, Feb 23, 2017 at 10:31 AM
Subject: Language for Large Notice on website front page
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
Cc: Amy Lunt <amy.lunt@onrr.gov>

Hi Kim!

I've been in touch with Jodie, so she should be ready for this. On the front page of the website, I'm picturing the language below in a special attention-grabber box. Clicking on the box will lead to the reporter letter and a list of FAQs (for now I think we just have a place-holder or something that says, "FAQ coming soon.") Here is the language we came up with, which was vetted by the Solicitor:

Attention: The 2017 Valuation Rule has been stayed!!!

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I'm not picky about the formatting, other than the first bit be nice a big and bold so people see it. Thanks so much Kim!

Chris Carey
Petroleum Engineer
Royalty Valuation Office

Office of Natural Resources Revenue

(303) 231-3460

Chris.Carey@onrr.gov

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Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
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"Peterson, Jodie" <jodie.peterson@onrr.gov>

From: "Peterson, Jodie" <jodie.peterson@onrr.gov>
Sent: Thu Feb 23 2017 15:12:33 GMT-0700 (MST)
To: "Lunt, Amy" <amy.lunt@onrr.gov>
"Carey, Chris" <chris.carey@onrr.gov>, "Jackson, Kimberly"

CC: <kimberly.jackson@onrr.gov>

Subject: Re: Language for Large Notice on website front page

We'll have it up shortly. I'm not going to forward my phone for the weekend, so anything you need added or changed (seriously, it's fine :)), my cell is (b) (6).

Jodie Peterson

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Thanks everyone!

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From: **Carey, Chris** <chris.carey@onrr.gov>
Date: Thu, Feb 23, 2017 at 10:31 AM
Subject: Language for Large Notice on website front page
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
Cc: Amy Lunt <amy.lunt@onrr.gov>

Hi Kim!

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Office of Natural Resources Revenue
U.S. Department of the Interior
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"Peterson, Jodie" <jodie.peterson@onrr.gov>

From: "Peterson, Jodie" <jodie.peterson@onrr.gov>
Sent: Thu Feb 23 2017 15:28:22 GMT-0700 (MST)
To: "Lunt, Amy" <amy.lunt@onrr.gov>

CC: "Carey, Chris" <chris.carey@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Subject: Re: Language for Large Notice on website front page

In theory you should see it in 3 minutes (at 330). I'm headed to the airport so I'll check in later. Happy Thursday!

Jodie Peterson

Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
(303)231-3719

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Jodie Peterson

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jodie.peterson@onrr.gov
(303)231-3719

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Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
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On Thu, Feb 23, 2017 at 11:40 AM, Peterson, Jodie <jodie.peterson@onrr.gov> wrote:

As long as afternoon is okay!

Jodie Peterson
Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
(303)231-3719

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On Thu, Feb 23, 2017 at 11:38 AM, Jackson, Kimberly <kimberly.jackson@onrr.gov> wrote:

That works for me, too.

On Thu, Feb 23, 2017 at 11:32 AM, Lunt, Amy <amy.lunt@onrr.gov> wrote:

Monday is fine - if that works for everyone.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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<http://devonrr/Valuation/default.htm>

Jodie Peterson

Librarian and Social Media Coordinator

Office of Natural Resources Revenue

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Hi Jodie,
Kim is at FedEx, so I'm forwarding this to you so that we can get the ball rolling as soon as possible. Thanks for all of your help!!

Amy

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----- Forwarded message -----

From: **Carey, Chris** <chris.carey@onrr.gov>
Date: Thu, Feb 23, 2017 at 10:31 AM
Subject: Language for Large Notice on website front page
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
Cc: Amy Lunt <amy.lunt@onrr.gov>

Hi Kim!

I've been in touch with Jodie, so she should be ready for this. On the front page of the website, I'm picturing the language below in a special attention-grabber box. Clicking on the box will lead to the reporter letter and a list of FAQs (for now I think we just have a place-holder or something that says, "FAQ coming soon.") Here is the language we came up with, which was vetted by the Solicitor:

Attention: The 2017 Valuation Rule has

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I'm not picky about the formatting, other than the first bit be nice a big and bold so people see it. Thanks so much Kim!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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--

Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

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"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Thu Feb 23 2017 16:01:22 GMT-0700 (MST)
To: "Peterson, Jodie" <jodie.peterson@onrr.gov>
CC: "Carey, Chris" <chris.carey@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Subject: Re: Language for Large Notice on website front page

It's there! Nicely done!!

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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On Thu, Feb 23, 2017 at 3:28 PM, Peterson, Jodie <jodie.peterson@onrr.gov> wrote:
In theory you should see it in 3 minutes (at 330). I'm headed to the airport so I'll check in later. Happy Thursday!

Jodie Peterson

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Office of Natural Resources Revenue
jodie.peterson@onrr.gov
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On Thu, Feb 23, 2017 at 3:12 PM, Peterson, Jodie <jodie.peterson@onrr.gov> wrote:
We'll have it up shortly. I'm not going to forward my phone for the weekend, so

anything you need added or changed (seriously, it's fine :)), my cell is (b) (6).

Jodie Peterson

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jodie.peterson@onrr.gov

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On Thu, Feb 23, 2017 at 2:24 PM, Lunt, Amy <amy.lunt@onrr.gov> wrote:

Looks great. Thank you everyone!

Amy S. Lunt

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On Thu, Feb 23, 2017 at 2:11 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

Hi Ladies,

Attached is the FAQ that is ready for posting on the website. I know it's a short list, but at least it's a start. Jodie, our plan is to add to the list as we get questions from companies. Once we've properly vetted any new information, we'll send it your way. Is that ok to simply add to the list every week or so?

Thanks everyone!

Chris Carey

Petroleum Engineer

Royalty Valuation Office

Office of Natural Resources Revenue

(303) 231-3460

Chris.Carey@onrr.gov

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On Thu, Feb 23, 2017 at 11:44 AM, Peterson, Jodie <jodie.peterson@onrr.gov> wrote:

Partial is good for me. Might keep your phones from ringing off the hook tomorrow too.

Jodie Peterson

Librarian and Social Media Coordinator

Office of Natural Resources Revenue

jodie.peterson@onrr.gov

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On Thu, Feb 23, 2017 at 11:43 AM, Lunt, Amy <amy.lunt@onrr.gov> wrote:

That sounds great - that way we are covered.

Amy S. Lunt

Royalty Valuation Team A

Office of Natural Resources Revenue

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On Thu, Feb 23, 2017 at 11:42 AM, Carey, Chris <chris.carey@onrr.gov> wrote:

Jodie, how late are you working today? What do people think about getting some of the FAQs up there, and then adding more over the coming days/weeks?

Chris Carey

Petroleum Engineer

Royalty Valuation Office

Office of Natural Resources Revenue

(303) 231-3460

Chris.Carey@onrr.gov

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----- Forwarded message -----

From: **Carey, Chris** <chris.carey@onrr.gov>
Date: Thu, Feb 23, 2017 at 10:31 AM
Subject: Language for Large Notice on website front page
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
Cc: Amy Lunt <amy.lunt@onrr.gov>

Hi Kim!

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Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

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"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Fri Feb 24 2017 08:52:10 GMT-0700 (MST)
To: "Lunt, Amy" <amy.lunt@onrr.gov>
CC: "Peterson, Jodie" <jodie.peterson@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Subject: Re: Language for Large Notice on website front page

Great work, Jodie! I just noticed that the date on the Reporter Letter is Feb 22, but in the notice we say Feb 23. Not a big deal, but whenever you're back in the office, can we change that? Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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On Thu, Feb 23, 2017 at 4:01 PM, Lunt, Amy <amy.lunt@onrr.gov> wrote:
It's there! Nicely done!!

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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Jodie Peterson
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Amy S. Lunt

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On Thu, Feb 23, 2017 at 2:11 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

Hi Ladies,

Attached is the FAQ that is ready for posting on the website. I know it's a short list, but at least it's a start. Jodie, our plan is to add to the list as we get questions from companies. Once we've properly vetted any new information, we'll send it your way. Is that ok to simply add to the list every week or so?

Thanks everyone!

Chris Carey

Petroleum Engineer

Royalty Valuation Office

Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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<jodie.peterson@onrr.gov> wrote:

Partial is good for me. Might keep your phones from ringing off the hook tomorrow too.

Jodie Peterson

Librarian and Social Media Coordinator

Office of Natural Resources Revenue

jodie.peterson@onrr.gov

(303)231-3719

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On Thu, Feb 23, 2017 at 11:43 AM, Lunt, Amy <amy.lunt@onrr.gov> wrote:

That sounds great - that way we are covered.

Amy S. Lunt

Royalty Valuation Team A

Office of Natural Resources Revenue

(303) 231-3746 (office)

(720) 498-3914 (work cell)

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<jodie.peterson@onrr.gov> wrote:

As long as afternoon is okay!

Jodie Peterson
Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
(303)231-3719

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<kimberly.jackson@onrr.gov> wrote:

That works for me, too.

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<amy.lunt@onrr.gov> wrote:

Monday is fine - if that works for everyone.

Amy S. Lunt
Royalty Valuation Team A
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(303) 231-3746 (office)
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Jodie Peterson

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jodie.peterson@onrr.gov

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<http://devonrr/Valuation/default.htm>

Jodie Peterson

Librarian and Social Media Coordinator

Office of Natural Resources Revenue

jodie.peterson@onrr.gov

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On Thu, Feb 23, 2017 at 11:21 AM, Lunt, Amy <amy.lunt@onrr.gov> wrote:

Hi Jodie,
Kim is at FedEx, so I'm forwarding this to you so that we can get the ball rolling as soon as possible. Thanks for all of your help!!

Amy

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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----- Forwarded message -----

From: **Carey, Chris** <chris.carey@onrr.gov>
Date: Thu, Feb 23, 2017 at 10:31 AM
Subject: Language for Large Notice on website front page
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
Cc: Amy Lunt <amy.lunt@onrr.gov>

Hi Kim!

I've been in touch with Jodie, so she should be ready for this. On the front page of the website, I'm picturing the language below in a special attention-grabber box. Clicking on the box will lead to the reporter letter and a list of FAQs (for now I think we just have a place-holder or something that says, "FAQ coming soon.") Here is the language we came up with, which was vetted by the Solicitor:

Attention: The 2017 Valuation Rule has been stayed!!!

Lessees should value, report, and pay royalties for January, 2017 production forward under the rules that were in effect prior to January 1, 2017 (click here for more information).

I'm not picky about the formatting, other than the first bit be nice a big and bold so people see it. Thanks so much Kim!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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--

Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

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"Peterson, Jodie" <jodie.peterson@onrr.gov>

From: "Peterson, Jodie" <jodie.peterson@onrr.gov>
Sent: Tue Feb 28 2017 07:39:59 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
CC: "Lunt, Amy" <amy.lunt@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Subject: Re: Language for Large Notice on website front page

Date change will be up at 745. Happy Tuesday!

Jodie Peterson

Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
(303)231-3719

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On Fri, Feb 24, 2017 at 8:52 AM, Carey, Chris <chris.carey@onrr.gov> wrote:

Great work, Jodie! I just noticed that the date on the Reporter Letter is Feb 22, but in the notice we say Feb 23. Not a big deal, but whenever you're back in the office, can we change that? Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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immediately by return e-mail.

On Thu, Feb 23, 2017 at 4:01 PM, Lunt, Amy <amy.lunt@onrr.gov> wrote:
It's there! Nicely done!!

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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On Thu, Feb 23, 2017 at 3:28 PM, Peterson, Jodie <jodie.peterson@onrr.gov> wrote:

In theory you should see it in 3 minutes (at 330). I'm headed to the airport so I'll check in later. Happy Thursday!

Jodie Peterson
Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
(303)231-3719

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On Thu, Feb 23, 2017 at 3:12 PM, Peterson, Jodie <jodie.peterson@onrr.gov> wrote:

We'll have it up shortly. I'm not going to forward my phone for the weekend, so anything you need added or changed (seriously, it's fine :)), my cell is (b) (6)

Jodie Peterson
Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
(303)231-3719

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On Thu, Feb 23, 2017 at 2:24 PM, Lunt, Amy <amy.lunt@onrr.gov> wrote:
Looks great. Thank you everyone!

Amy S. Lunt
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Office of Natural Resources Revenue
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<http://devonrr/Valuation/default.htm>

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Amy

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----- Forwarded message -----

From: **Carey, Chris** <chris.carey@onrr.gov>

Date: Thu, Feb 23, 2017 at 10:31 AM

Subject: Language for Large Notice on website front page

To: Kimberly Jackson <kimberly.jackson@onrr.gov>

Cc: Amy Lunt <amy.lunt@onrr.gov>

Hi Kim!

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I'm not picky about the formatting, other than the first bit be nice a big and bold so people see it. Thanks so much Kim!

Chris Carey
Petroleum Engineer
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--

Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

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"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Tue Feb 28 2017 07:59:06 GMT-0700 (MST)
To: "Peterson, Jodie" <jodie.peterson@onrr.gov>

CC: "Lunt, Amy" <amy.lunt@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Subject: Re: Language for Large Notice on website front page

Thanks, Jodie!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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On Tue, Feb 28, 2017 at 7:39 AM, Peterson, Jodie <jodie.peterson@onrr.gov> wrote:
Date change will be up at 745. Happy Tuesday!

Jodie Peterson

Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
(303)231-3719

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On Fri, Feb 24, 2017 at 8:52 AM, Carey, Chris <chris.carey@onrr.gov> wrote:
Great work, Jodie! I just noticed that the date on the Reporter Letter is Feb 22, but in the notice we say Feb 23. Not a big deal, but whenever you're back in the office, can we change that? Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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On Thu, Feb 23, 2017 at 4:01 PM, Lunt, Amy <amy.lunt@onrr.gov> wrote:
It's there! Nicely done!!

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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On Thu, Feb 23, 2017 at 3:28 PM, Peterson, Jodie <jodie.peterson@onrr.gov> wrote:

In theory you should see it in 3 minutes (at 330). I'm headed to the airport so I'll check in later. Happy Thursday!

Jodie Peterson
Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
(303)231-3719

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On Thu, Feb 23, 2017 at 3:12 PM, Peterson, Jodie <jodie.peterson@onrr.gov> wrote:

We'll have it up shortly. I'm not going to forward my phone for the weekend, so anything you need added or changed (seriously, it's fine :)), my cell is (b) (6)

Jodie Peterson
Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
(303)231-3719

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On Thu, Feb 23, 2017 at 2:24 PM, Lunt, Amy <amy.lunt@onrr.gov> wrote:
Looks great. Thank you everyone!

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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On Thu, Feb 23, 2017 at 2:11 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

Hi Ladies,

Attached is the FAQ that is ready for posting on the website. I know it's a short list, but at least it's a start. Jodie, our plan is to add to the list as we get questions from companies. Once we've properly vetted any new information, we'll send it your way. Is that ok to simply add to the list every week or so?

Thanks everyone!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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On Thu, Feb 23, 2017 at 11:44 AM, Peterson, Jodie <jodie.peterson@onrr.gov> wrote:

Partial is good for me. Might keep your phones from ringing off the hook tomorrow too.

Jodie Peterson
Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
(303)231-3719

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On Thu, Feb 23, 2017 at 11:43 AM, Lunt, Amy <amy.lunt@onrr.gov> wrote:

That sounds great - that way we are covered.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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On Thu, Feb 23, 2017 at 11:42 AM, Carey, Chris <chris.carey@onrr.gov> wrote:

Jodie, how late are you working today? What do people think about getting some of the FAQs up there, and then adding more over the coming days/weeks?

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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On Thu, Feb 23, 2017 at 11:40 AM, Peterson, Jodie <jodie.peterson@onrr.gov> wrote:

As long as afternoon is okay!

Jodie Peterson

Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
(303)231-3719

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On Thu, Feb 23, 2017 at 11:38 AM, Jackson, Kimberly
<kimberly.jackson@onrr.gov> wrote:

That works for me, too.

On Thu, Feb 23, 2017 at 11:32 AM, Lunt, Amy
<amy.lunt@onrr.gov> wrote:

Monday is fine - if that works for everyone.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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On Thu, Feb 23, 2017 at 11:28 AM, Peterson, Jodie
<jodie.peterson@onrr.gov> wrote:

Added the coming soon! How soon are we talking? Just out of curiosity? I'm not planning to work tomorrow, but I can do it from home if need be.

Jodie Peterson
Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
(303)231-3719

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On Thu, Feb 23, 2017 at 11:26 AM, Lunt, Amy
<amy.lunt@onrr.gov> wrote:

Looks great to me - we may want to say something about the FAQ page coming soon? Thank you both!!!

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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On Thu, Feb 23, 2017 at 11:24 AM, Peterson, Jodie
<jodie.peterson@onrr.gov> wrote:

Will this work? I'll land it on the home page as well.
With links of course, but just for a start.

<http://devonrr/Valuation/default.htm>

Jodie Peterson

Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
(303)231-3719

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On Thu, Feb 23, 2017 at 11:21 AM, Lunt, Amy
<amy.lunt@onrr.gov> wrote:

Hi Jodie,
Kim is at FedEx, so I'm forwarding this to you so that we can get the ball rolling as soon as possible. Thanks for all of your help!!

Amy

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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----- Forwarded message -----

From: **Carey, Chris** <chris.carey@onrr.gov>

Date: Thu, Feb 23, 2017 at 10:31 AM

Subject: Language for Large Notice on website front page

To: Kimberly Jackson

<kimberly.jackson@onrr.gov>

Cc: Amy Lunt <amy.lunt@onrr.gov>

Hi Kim!

I've been in touch with Jodie, so she should be ready for this. On the front page of the website, I'm picturing the language below in a special attention-grabber box. Clicking on the box will lead to the reporter letter and a list of FAQs (for now I think we just have a place-holder or something that says, "FAQ coming soon.") Here is the language we came up with, which was vetted by the Solicitor:

Attention: The 2017 Valuation Rule has been stayed!!!

Lessees should value, report, and pay royalties for January, 2017 production forward under the rules that were in effect prior to January 1, 2017 (click here for more information).

I'm not picky about the formatting, other than the first bit be nice a big and bold so people see it.
Thanks so much Kim!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460

Chris.Carey@onrr.gov

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Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

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Question: Under what rules should I report, value, and pay royalties for January, 2017, production?

Answer: You should report, value, and pay royalties under the rules that were in effect prior to January 1, 2017. You can reference those regulations at

<https://www.gpo.gov/fdsys/pkg/CFR-2015-title30-vol3/xml/CFR-2015-title30-vol3-chapXII-subchapA.xml>

Question: Was the 2017 Valuation Rule stayed for all affected commodities (Federal oil and gas and Federal and Indian coal)?

Answer: Yes, the rule has been stayed for all commodities.

Question: Will ONRR assess penalties for reporting issues that result from this stay?

Answer: ONRR will not assess a civil penalty for any reporting issue that results from the postponement of the 2017 Valuation Rule as long as the lessee corrects the reporting issue by August 31, 2017. ONRR staff is available to help affected lessees correct their reporting.

Question: If I report and pay for a few months under the 2017 Valuation Rule and receive a credit from ONRR when I make corrections, will that credit include interest?

Answer: No. ONRR cannot legally pay interest under any circumstances.

Question: If I still have questions about reporting, valuing, and paying royalties in light of this stay, who should I contact?

Answer: If you have questions about how to value your oil, gas, or coal, please send an email to RoyaltyValuation@onrr.gov. If your questions are strictly reporting-related, please contact your royalty reporting contact person, as listed on our website at <https://onrr.gov/ReportPay/royalty-reporting.htm>.

Conversation Contents

Fwd: ONRR's Valuation Regs

Attachments:

/2. Fwd: ONRR's Valuation Regs/1.1 Coal, oil and gas companies to pay less in royalties after Interior decision - The Washington Post.pdf

/2. Fwd: ONRR's Valuation Regs/2.1 Coal, oil and gas companies to pay less in royalties after Interior decision - The Washington Post.pdf

"Wallace, Carrie" <carrie.wallace@sol.doi.gov>

From: "Wallace, Carrie" <carrie.wallace@sol.doi.gov>
Sent: Mon Feb 27 2017 08:10:54 GMT-0700 (MST)
Karl Wunderlich <karl.wunderlich@onrr.gov>, "Christnacht, Peter" <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Dawson, Elizabeth" <lisa.dawson@onrr.gov>, "Hessee, Megan" <megan.hessee@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>
To:
Subject: Fwd: ONRR's Valuation Regs
Attachments: Coal, oil and gas companies to pay less in royalties after Interior decision - The Washington Post.pdf

Hi all,

FYI, the Washington Post just posted an article on the staying of ONRR's valuation regs.

"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Mon Feb 27 2017 08:27:40 GMT-0700 (MST)
To: ONRR CEVA AV RV TEAM A <onrrcevaavrvteama@onrr.gov>
Subject: Fwd: ONRR's Valuation Regs
Attachments: Coal, oil and gas companies to pay less in royalties after Interior decision - The Washington Post.pdf

FYI

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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----- Forwarded message -----

From: **Wallace, Carrie** <carrie.wallace@sol.doi.gov>

Date: Mon, Feb 27, 2017 at 8:10 AM

Subject: Fwd: ONRR's Valuation Regs

To: Karl Wunderlich <karl.wunderlich@onrr.gov>, "Christnacht, Peter" <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Dawson, Elizabeth" <lisa.dawson@onrr.gov>, "Hessee, Megan" <megan.hessee@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>

Hi all,

FYI, the Washington Post just posted an article on the staying of ONRR's valuation regs.

Coal, oil and gas companies to pay less in royalties after Interior decision

By **Juliet Eilperin** February 24 at 6:06 PM

The Interior Department informed coal, oil and gas companies this week they do not need to comply with a new federal accounting system that would have compelled them to pay millions of dollars in additional royalties.

The Office of Natural Resources Revenue's new method of calculating royalties for minerals extracted on federal land — which was finalized last July and took effect Jan. 1 — was aimed at preventing firms from underpaying what they owe by selling coal to subsidiaries at an artificially low price. But energy firms, some of whom challenged the new rule in court, called the requirements confusing, complicated and onerous and pressed for a delay.

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“This rule would have had immediate detrimental effects to American energy producers and the hard-working Montanans and workers across the country they support,” said Sen. Steve Daines (R-Mont.), who asked the administration last month to stay

the rule.

Companies were set to file their first reports under the new rule Tuesday.

Lawmakers in both parties have questioned whether the current method of royalty collection for coal mined in the Powder River Basin, which encompasses parts of Wyoming and Montana, accurately compensates taxpayers. Firms are required to pay a royalty of 12.5 percent on the minerals they extract from federal land when they are first sold, but many coal companies initially sell to affiliates at the same price per ton that they pay the federal government for extracting it.

By doing that, they avoid paying royalties on the higher price the affiliated companies receive on the open market. According to the U.S. Energy Information Agency, 42 percent of coal transactions in Wyoming took place between affiliated companies.

Interior spokeswoman Heather Swift said in an email that her department delayed the rule's effective date "to allow the administration time to conduct a detailed review of the rule and the compliance burden it puts on job creators. The Department will make a definitive decision in the future."

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Environmentalists and some watchdog groups blasted the move, which first came in the form of a letter sent Wednesday to mining, oil and gas firms. Theo Spencer, a senior policy advocate at the Natural Resources Defense Council, said agencies are legally obligated to provide notice and take public comments before staying a rule, and that they cannot unilaterally delay a rule that is in effect.

"It's just a ham-fisted effort to try to cheat taxpayers," he said. "We and others are exploring potential litigation as we feel strongly that this was a miscarriage of justice, and an example of the administration picking which laws it wants to follow."

President Trump, who signed [an executive order](#) Friday that establishes task forces in every agency to identify regulations that can be eliminated or simplified, has repeatedly emphasized the importance of undoing Obama-era rules that constrain coal extraction.

"We're working very hard to roll back the regulatory burden so that coal miners, factory workers, small-business owners and so many others can grow their businesses and thrive," he told reporters in the Oval Office Friday.

Juliet Eilperin is The Washington Post's senior national affairs correspondent, covering how the new administration is transforming a range of U.S. policies and the federal government itself. She is the author of two books—one on sharks, and another on Congress, not to be confused with each other—and has worked for the Post since 1998. [Follow @eilperin](#)

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Kurt Cobain's daughter has paid tribute to the late Nirvana frontman on what would have been his 50th birthday.

Opinion

Trump v. the media: A failure to communicate

Journalists would be derelict in their duty if they did not relentlessly scrutinize issues and events surrounding Trump.

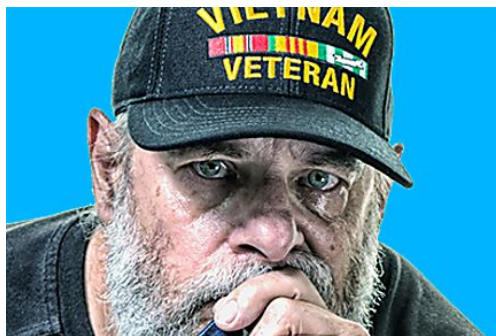
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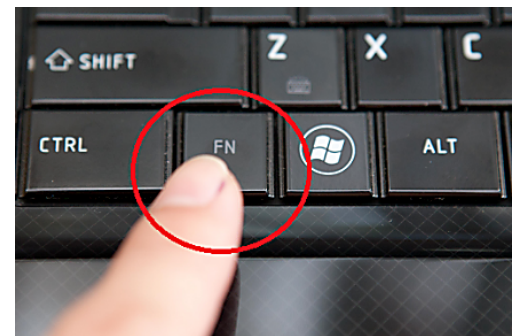
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Vibrant Health Network



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USAA

Conversation Contents

Fwd: Check out ONRR.gov

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Thu Feb 23 2017 16:43:42 GMT-0700 (MST)
To: "Carey, Chris E" <Chris.Carey@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, Jodie Peterson <jodie.peterson@onrr.gov>
CC: Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>, Ralph Johnson <ralph.johnson@onrr.gov>
Subject: Fwd: Check out ONRR.gov

Chris, Kim, and Jodie,

Thanks for your great work today. Greg is most appreciative.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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----- Forwarded message -----

From: Michael DeBerard <michael.deberard@onrr.gov>
Date: Thu, Feb 23, 2017 at 4:15 PM
Subject: RE: Check out ONRR.gov
To: "Lunt, Amy" <amy.lunt@onrr.gov>, "Wunderlich, Karl" <Karl.Wunderlich@onrr.gov>, "Christnacht, Peter" <peter.christnacht@onrr.gov>

Congrats to all! I clicked on the dear reporter link here at home and got an error message, the faq is fine.

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: "Lunt, Amy" <amy.lunt@onrr.gov>

Date: 2/23/17 4:06 PM (GMT-07:00)

To: "Wunderlich, Karl" <Karl.Wunderlich@onrr.gov>, "Christnacht, Peter" <peter.christnacht@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Subject: Check out ONRR.gov

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Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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"Peterson, Jodie" <jodie.peterson@onrr.gov>

From: "Peterson, Jodie" <jodie.peterson@onrr.gov>
Sent: Thu Feb 23 2017 19:26:07 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
"Carey, Chris E" <Chris.Carey@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>, Ralph Johnson <ralph.johnson@onrr.gov>
CC:
Subject: Re: Check out ONRR.gov

Error on the reporter letter link is mine. I put in 2011 in the link instead of 2017. Once I can get connected to the server I'll get it fixed. Glad to be of help!

Jodie Peterson

Librarian and Social Media Coordinator

Office of Natural Resources Revenue

jodie.peterson@onrr.gov

(303)231-3719

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On Thu, Feb 23, 2017 at 4:43 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

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From: **Michael DeBerard** <michael.deberard@onrr.gov>

Date: Thu, Feb 23, 2017 at 4:15 PM

Subject: RE: Check out ONRR.gov

To: "Lunt, Amy" <amy.lunt@onrr.gov>, "Wunderlich, Karl"

<Karl.Wunderlich@onrr.gov>, "Christnacht, Peter" <peter.christnacht@onrr.gov>

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"Peterson, Jodie" <jodie.peterson@onrr.gov>

From: "Peterson, Jodie" <jodie.peterson@onrr.gov>
Sent: Thu Feb 23 2017 20:27:57 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
"Carey, Chris E" <Chris.Carey@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>, Ralph Johnson <ralph.johnson@onrr.gov>
CC:
Subject: Re: Check out ONRR.gov

Made sure to check them all--please let me know though if you hit another error message! Thanks!

Jodie Peterson

Librarian and Social Media Coordinator

Office of Natural Resources Revenue

jodie.peterson@onrr.gov

(303)231-3719

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For the latest in employee news, check out [ONRRsource](#)!

On Thu, Feb 23, 2017 at 7:26 PM, Peterson, Jodie <jodie.peterson@onrr.gov> wrote:
Error on the reporter letter link is mine. I put in 2011 in the link instead of 2017. Once I can get connected to the server I'll get it fixed. Glad to be of help!

Jodie Peterson

Librarian and Social Media Coordinator

Office of Natural Resources Revenue

jodie.peterson@onrr.gov

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On Thu, Feb 23, 2017 at 4:43 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

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-Peter A Christnacht-

Supervisor, Royalty Valuation, Team B

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From: **Michael DeBerard** <michael.deberard@onrr.gov>

Date: Thu, Feb 23, 2017 at 4:15 PM

Subject: RE: Check out ONRR.gov

To: "Lunt, Amy" <amy.lunt@onrr.gov>, "Wunderlich, Karl"

<Karl.Wunderlich@onrr.gov>, "Christnacht, Peter" <peter.christnacht@onrr.gov>

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Date: 2/23/17 4:06 PM (GMT-07:00)

To: "Wunderlich, Karl" <Karl.Wunderlich@onrr.gov>, "Christnacht, Peter" <peter.christnacht@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Subject: Check out ONRR.gov

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Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
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"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Fri Feb 24 2017 09:05:41 GMT-0700 (MST)
To: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>
Subject: Re: Check out ONRR.gov

I agree. Chris, what do you think?

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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On Thu, Feb 23, 2017 at 4:20 PM, Wunderlich, Karl <karl.wunderlich@onrr.gov> wrote:

I think a question many in industry will ask is, what does stayed mean? Maybe we should explain.

On Thu, Feb 23, 2017 at 4:06 PM, Lunt, Amy <amy.lunt@onrr.gov> wrote:

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Amy S. Lunt
Royalty Valuation Team A
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--

Karl Wunderlich
Supervisor, Royalty Valuation Team C
Office of Natural Resources Revenue
U.S. Department of the Interior
303-231-3663 (office)
karl.wunderlich@onrr.gov

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"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Fri Feb 24 2017 09:14:14 GMT-0700 (MST)
To: "Lunt, Amy" <amy.lunt@onrr.gov>
CC: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>
Subject: Re: Check out ONRR.gov

Karl, great suggestion to explain what "stayed" means!

Kim, can you add this to our building FAQ list? The question can simply be, "What does "stayed" mean?" Can you take a crack at explaining that in common terms? Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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On Fri, Feb 24, 2017 at 9:05 AM, Lunt, Amy <amy.lunt@onrr.gov> wrote:

I agree. Chris, what do you think?

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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Karl Wunderlich

Supervisor, Royalty Valuation Team C

Office of Natural Resources Revenue

U.S. Department of the Interior

303-231-3663 (office)

karl.wunderlich@onrr.gov

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"Jackson, Kimberly" <kimberly.jackson@onrr.gov>

From: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Sent: Fri Feb 24 2017 09:16:03 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>

CC: "Lunt, Amy" <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
Subject: Re: Check out ONRR.gov

I'll work on the language and have Jodie add it to our FAQ list. I'll have you all review it before I send it to Jodie.

Thanks,

Kim

On Fri, Feb 24, 2017 at 9:14 AM, Carey, Chris <chris.carey@onrr.gov> wrote:

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Kim, can you add this to our building FAQ list? The question can simply be, "What does "stayed" mean?" Can you take a crack at explaining that in common terms? Thanks!

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Office of Natural Resources Revenue
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Karl Wunderlich

Supervisor, Royalty Valuation Team C

Office of Natural Resources Revenue

U.S. Department of the Interior

303-231-3663 (office)

karl.wunderlich@onrr.gov

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Kimberly A. Jackson
Royalty Valuation Team A

Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

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"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Fri Feb 24 2017 09:17:25 GMT-0700 (MST)
To: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
CC: "Carey, Chris" <chris.carey@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
Subject: Re: Check out ONRR.gov

Perfect.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
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Karl Wunderlich

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From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Fri Feb 24 2017 09:18:14 GMT-0700 (MST)
To: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
CC: "Lunt, Amy" <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
Subject: Re: Check out ONRR.gov

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CC: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>, "Lunt, Amy" <amy.lunt@onrr.gov>
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<karl.wunderlich@onrr.gov> wrote:

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The letter, the banner, and the approved FAQs are up thanks to Chris, Kim, and Jodie.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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Karl Wunderlich

Supervisor, Royalty Valuation Team C

Office of Natural Resources Revenue

U.S. Department of the Interior

303-231-3663 (office)

karl.wunderlich@onrr.gov

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Office of Natural Resources Revenue
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"Jackson, Kimberly" <kimberly.jackson@onrr.gov>

From: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Sent: Fri Feb 24 2017 09:39:41 GMT-0700 (MST)
To: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
CC: "Carey, Chris" <chris.carey@onrr.gov>, "Lunt, Amy" <amy.lunt@onrr.gov>
Subject: Re: Check out ONRR.gov

I agree with Karl. I honestly think that most of our FAQ's fall under our purview as Subject Matter Experts. Plus, I think it's more informative than directive in scope, so my hope is that they will grant us a wider degree of deference.

--Kim

On Fri, Feb 24, 2017 at 9:27 AM, Wunderlich, Karl <karl.wunderlich@onrr.gov> wrote:

I think good judgement balanced w expediency should determine the level of review. The audience of the FAQs is primarily payors and we deal with them all the time. Mostly, we know what they need to hear. If we see something that appears a bit "sensitive", then maybe go up the chain. Matt Wheeler was noting that he hasn't had any time to do anything else for the last two weeks. I wouldn't bother him unless it was clearly SOL-grade.

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I'll work on the language and have Jodie add it to our FAQ list. I'll have you all review it before I send it to Jodie.

Thanks,

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Amy S. Lunt
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"Jackson, Kimberly" <kimberly.jackson@onrr.gov>

From: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Sent: Fri Feb 24 2017 11:51:25 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
CC: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Lunt, Amy" <amy.lunt@onrr.gov>
Subject: Re: Check out ONRR.gov

Hey All,

Here is the general definition of an Administrative Stay. It's pretty straightforward, but we can re-tool it to fit our narrative. Let me know what suggestions you all have in terms of making this clearer and more particularized to what we're trying to convey:

An administrative stay is a suspension or postponement of the enforcement or execution of a regulation or activity. In most cases, a stay is implemented to allow for a regulation or administrative act to be reviewed by the agency to ensure that (i) the regulation has not been enacted in an arbitrary or capricious manner, (ii) that the regulation does not create a situation where abiding by the regulation creates a conflict with other laws and policies, and (iii) that the agency promulgating the regulation is the proper agency to enforce the actions outlined in the regulation.

Thanks!

Kim

On Fri, Feb 24, 2017 at 9:36 AM, Carey, Chris <chris.carey@onrr.gov> wrote:

That sounds good to me, and reasonable. Thanks Karl!

Chris Carey
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Sent: Fri Feb 24 2017 11:55:59 GMT-0700 (MST)
To: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Lunt, Amy" <amy.lunt@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>
Subject: Re: Check out ONRR.gov

Short and sweet works for me. I think the first sentence covers the basics--if anyone needs clarification they can always touch base with us and ask.

--Kim

On Fri, Feb 24, 2017 at 11:54 AM, Wunderlich, Karl <karl.wunderlich@onrr.gov> wrote:

I would recommend we only use the first sentence.

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I agree. Chris, what do you think?

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
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(720) 498-3914 (work cell)

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karl.wunderlich@onrr.gov

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"Wunderlich, Karl" <karl.wunderlich@onrr.gov>

From: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
Sent: Fri Feb 24 2017 11:57:18 GMT-0700 (MST)
To: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
CC: "Lunt, Amy" <amy.lunt@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>
Subject: Re: Check out ONRR.gov

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On Fri, Feb 24, 2017 at 11:55 AM, Jackson, Kimberly <kimberly.jackson@onrr.gov> wrote:

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I would recommend we only use the first sentence.

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On Fri, Feb 24, 2017 at 11:51 AM, Jackson, Kimberly <kimberly.jackson@onrr.gov> wrote:

Hey All,

Here is the general definition of an Administrative Stay. It's pretty straightforward, but we can re-tool it to fit our narrative. Let me know what suggestions you all have in terms of making this clearer and more particularized to what we're trying to convey:

An administrative stay is a suspension or postponement of the enforcement or execution of a regulation or activity. In most cases, a stay is implemented to allow for a regulation or administrative act to be reviewed by the agency to ensure that (i) the regulation has not been enacted in an arbitrary or capricious manner, (ii) that the regulation does not create a situation where abiding by the regulation creates a conflict with other laws and policies, and (iii) that the agency promulgating the regulation is the proper agency to enforce the actions outlined in the regulation.

Thanks!

Kim

On Fri, Feb 24, 2017 at 9:36 AM, Carey, Chris <chris.carey@onrr.gov> wrote:
That sounds good to me, and reasonable. Thanks Karl!

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Sent: Fri Feb 24 2017 11:57:46 GMT-0700 (MST)
To: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
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Here is the general definition of an Administrative Stay. It's pretty straightforward, but we can re-tool it to fit our narrative. Let me know what suggestions you all have in terms of making this clearer and more particularized to what we're trying to convey:

An administrative stay is a suspension or postponement of the enforcement or execution of a regulation or activity. In most cases, a stay is implemented to allow for a regulation or administrative act to be reviewed by the agency to ensure that (i) the regulation has not been enacted in an arbitrary or capricious manner, (ii) that the regulation does not create a situation where abiding by the regulation creates a conflict with other laws and policies, and (iii) that the agency promulgating the regulation is the proper agency to enforce the actions outlined in the regulation.

Thanks!

Kim

On Fri, Feb 24, 2017 at 9:36 AM, Carey, Chris <chris.carey@onrr.gov> wrote:
That sounds good to me, and reasonable. Thanks Karl!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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Karl Wunderlich

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"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>

Sent: Fri Feb 24 2017 12:02:42 GMT-0700 (MST)
To: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
CC: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Lunt, Amy" <amy.lunt@onrr.gov>
Subject: Re: Check out ONRR.gov

I agree!

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Short and sweet works for me. I think the first sentence covers the basics--if anyone needs clarification they can always touch base with us and ask.

--Kim

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303-231-3663 (office)

karl.wunderlich@onrr.gov

This message may serve as guidance for determining value for oil, gas, or other mineral royalties. If this message does contain guidance, it is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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--

Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

Royalty Valuation | Consistent Answers To Complex Questions

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Conversation Contents

Re: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Thu Feb 23 2017 17:31:28 GMT-0700 (MST)
To: "Dietrick, Mary" <mary.dietrick@onrr.gov>
Greg Gould <greg.gould@onrr.gov>, Kimbra Davis <kimbra.davis@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>, "Lambert, Barbara" <Barbara.Lambert@onrr.gov>, Glen Reese <glen.reese@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>
CC:
Subject: Re: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule

Mary,

Thanks for your efforts. They are much appreciated.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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On Thu, Feb 23, 2017 at 5:15 PM, Dietrick, Mary <mary.dietrick@onrr.gov> wrote:
The Email for the Oil and Gas Reporters has been sent.

On Thu, Feb 23, 2017 at 1:59 PM, Dietrick, Mary <mary.dietrick@onrr.gov> wrote:
I wanted to keep everyone update. I had the Dear Reporter Letter posted to the ONRR website.

On Thu, Feb 23, 2017 at 11:25 AM, Dietrick, Mary <mary.dietrick@onrr.gov> wrote:
I sent the solids reporters the email regarding the Stay. See message below.
They were bcc'd so each person received their own copy.

I am waiting for the Oil and Gas distribution address and will send it as soon as it is received. I will keep you informed when it goes out.

----- Forwarded message -----

From: **Dietrick, Mary** <mary.dietrick@onrr.gov>

Date: Thu, Feb 23, 2017 at 11:18 AM

Subject: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule

To: Mary Dietrick <Mary.Dietrick@onrr.gov>

The Office of Natural Resources Revenue (ONRR) is staying the Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule. Please see the attached Dear Reporter Letter for details on the stay and how to report royalties going forward.

--

Mary Dietrick
Supervisory, Minerals Revenue Specialist
Reporting Services
303-231-3318
1-800-525-0309 x13318
FAX: 303-231-3700

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www.facebook.com/DOIONRR

www.twitter.com/DOIONRR

--

Mary Dietrick
Supervisory, Minerals Revenue Specialist
Reporting Services
303-231-3318
1-800-525-0309 x13318
FAX: 303-231-3700

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www.facebook.com/DOIONRR
www.twitter.com/DOIONRR

--

Mary Dietrick
Supervisory, Minerals Revenue Specialist
Reporting Services
303-231-3318
1-800-525-0309 x13318
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www.twitter.com/DOIONRR

--

Mary Dietrick
Supervisory, Minerals Revenue Specialist
Reporting Services
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www.facebook.com/DOIONRR

www.twitter.com/DOIONRR

Conversation Contents

Stay of 2017 Consolidated Valuation Rule

Attachments:

/5. Stay of 2017 Consolidated Valuation Rule/1.1 Dear Reporter Letter Stay Valuation 2-2017 (1).pdf

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Thu Feb 23 2017 09:42:05 GMT-0700 (MST)
ONRR ALL Denver Federals
<onrralldenverfederals@onrr.gov>, ONRR STRAC
To: Managers <onrrstracmanagers@onrr.gov>, ONRR STRAC
All States <onrrstracallstates@onrr.gov>, ONRR STRAC All
Tribes <onrrallstractribedl@onrr.gov>
Subject: Stay of 2017 Consolidated Valuation Rule
Attachments: Dear Reporter Letter Stay Valuation 2-2017 (1).pdf

Good Morning All,

In light of pending litigation challenging ONRR's recent final valuation regulations, the Department of Interior has directed ONRR to postpone the effective date of the 2017 Valuation Rule until the litigation is resolved. Since royalties are not due for January production (the first production governed by the 2017 rule) until February 28, 2017, all Federal oil and gas and all Federal and Indian coal should continued to be valued under the rules in effect for December 2016 production. The attached Dear Reporter letter provides further details.

-Peter A Christnacht-

Acting Program Manager, Asset Valuation

Office of Natural Resource Revenue

303 231-3651 Desk

303 565-9513 Cell

Fax 303 231-3744

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United States Department of the Interior

OFFICE OF NATURAL RESOURCES REVENUE

P.O. Box 25165
Denver, Colorado 80225-0165

FEB 22 2017

Subject: Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule

Dear Reporter:

The Office of Natural Resources Revenue (ONRR) published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule (2017 Valuation Rule) on July 1, 2016.¹ The 2017 Valuation Rule took effect on January 1, 2017, with first reports due on February 28, 2017. On December 29, 2016, several petitioners filed separate petitions challenging the rule in U.S. District Court for the District of Wyoming.² In light of the pending litigation, ONRR has decided to postpone the effective date of the 2017 Valuation Rule until the litigation is resolved pursuant to Section 705 of the Administrative Procedure Act, 5 U.S.C. 705. ONRR will publish a Federal Register notice to this effect as soon as possible.

Federal and Indian Lessees should continue to value, report, and pay royalties under the rules that were in effect prior to January 1, 2017. This applies to the January 2017 production month reports due on February 28, 2017, and continues until the litigation is resolved and ONRR provides notice of the result.

ONRR has prepared a Frequently Asked Questions (FAQ) document to help affected Federal and Indian lessees navigate the stay process. The FAQ document will be posted on ONRR's website at www.onrr.gov as soon as possible.

ONRR understands that some lessees have already converted their accounting systems to comply with the 2017 Valuation Rule. ONRR also understands that it may be difficult to reconvert those systems to report and pay royalties under the prior rules by the February 28, 2017 deadline. As such, ONRR provides the following interim guidance on how to report and pay royalties in light of the postponement.

- Lessees should report and pay royalties under the prior rules as soon as possible to avoid potential misreporting and royalty underpayments.

¹ See 81 FR 43338 – July 1, 2016

² *Cloud Peak Energy, Inc. v. United States Dep't of the Interior*, Case No. 16CV315-F (D. Wyo.); *American Petroleum Inst. V. United States Dep't of the Interior*, Case No. 16CV316-F (D. Wyo.); *Tri-State Generation and transmission Ass'n, Inc., Basin Electric Power Cooperative, and Western Fuels-Wyoming, Inc., v. United States Dep't of the Interior*, Case No. 16CV319-F (D. Wyo.)

- Lessees that have not converted their accounting systems to comply with the 2017 Valuation Rule should continue reporting and paying royalties under the prior rules.
- Lessees that are able to convert their accounting systems to report and pay royalties under the prior rules by the February 28, 2017, deadline should report and pay royalties under the prior rules.
- Lessees that cannot convert their accounting systems to report and pay January 2017 production month royalties under the prior rules before the February 28, 2017, deadline should report and pay royalties as their accounting system allows by February 28, 2017. ONRR will not assess a civil penalty for any reporting issue that results from the postponement of the 2017 Valuation Rule as long as the lessee corrects the reporting issue by August 31, 2017. ONRR will also work with affected lessees to correct their reporting. Lessees should convert their accounting systems to report and pay royalties under the prior rules as soon as possible to avoid royalty underpayments.

If you have questions about the status of the 2017 Valuation Rule or the effect of this stay, please visit ONRR's website at www.onrr.gov.

Sincerely,

A handwritten signature in blue ink that reads "J D Steward". The signature is written in a cursive style with a large initial "J" and "D".

James D. Steward
Deputy Director

Conversation Contents

What do you think about this? Please improve!

"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Thu Feb 23 2017 08:17:29 GMT-0700 (MST)
To: Kimberly Jackson <kimberly.jackson@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>, "Hessee, Megan" <Megan.Hessee@onrr.gov>
Subject: What do you think about this? Please improve!

Dear ,

Thank you for contacting Royalty Valuation for guidance on the reporting requirements under the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Rule (2017 Rule). As you are likely already aware, ONRR stayed the 2017 Rule this week pending resolution of litigation and potential review under the Congressional Review Act. That means that as long as you were reporting correctly under the rules in effect as of December 2016, you should go on doing so until further notice. Please let us know if you would like guidance on your situation under the regulations currently in effect (December 2016), and thank you for your patience as we go forward.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Thu Feb 23 2017 08:56:32 GMT-0700 (MST)

To: "Lunt, Amy" <amy.lunt@onrr.gov>
CC: Kimberly Jackson <kimberly.jackson@onrr.gov>, "Hessee, Megan" <Megan.Hessee@onrr.gov>
Subject: Re: What do you think about this? Please improve!

I think it sounds great! Nicely written, Amy!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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On Thu, Feb 23, 2017 at 8:17 AM, Lunt, Amy <amy.lunt@onrr.gov> wrote:

Dear ,

Thank you for contacting Royalty Valuation for guidance on the reporting requirements under the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Rule (2017 Rule). As you are likely already aware, ONRR stayed the 2017 Rule this week pending resolution of litigation and potential review under the Congressional Review Act. That means that as long as you were reporting correctly under the rules in effect as of December 2016, you should go on doing so until further notice. Please let us know if you would like guidance on your situation under the regulations currently in effect (December 2016), and thank you for your patience as we go forward.

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Conversation Contents

Website FAQ Language for Review

Attachments:

- /7. Website FAQ Language for Review/1.1 2017 Rule Stay Reporter Letter DRAFT for SOL 20170216.docx
- /7. Website FAQ Language for Review/3.1 2017 Rule Stay FAQ for SOL 20170222.docx
- /7. Website FAQ Language for Review/4.1 2017 Rule Stay FAQ for SOL 20170222.mjw.review.docx

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 22 2017 13:14:13 GMT-0700 (MST)
To: Matthew Wheeler <matthew.wheeler@sol.doi.gov>
Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, "Dawson, Lisa A" <lisa.dawson@onrr.gov>
CC:
Subject: Website FAQ Language for Review
Attachments: 2017 Rule Stay Reporter Letter DRAFT for SOL 20170216.docx

Hi Matt,

Attached is the language we plan to put up on our website related to the stay of the valuation rule. I thought you might want to look it over first. Please let me know if there is anything you'd like to see changed/added/removed, etc. The sooner we can get it over to our web development team the better.

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

From: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Sent: Wed Feb 22 2017 13:40:29 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, "Dawson, Lisa A" <lisa.dawson@onrr.gov>
CC:
Subject: Re: Website FAQ Language for Review

I'm confused. What is this? We already cleared the Dear Reporter letter through the department. That document was sent to ONRR last night. This appears to be the original version of the DR letter that we edited and cleared through the dept.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Wed, Feb 22, 2017 at 1:14 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

Hi Matt,

Attached is the language we plan to put up on our website related to the stay of the valuation rule. I thought you might want to look it over first. Please let me know if there is anything you'd like to see changed/added/removed, etc. The sooner we can get it over to our web development team the better.

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Office of Natural Resources Revenue

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"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 22 2017 13:51:22 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich
<karl.wunderlich@onrr.gov>, Peter Christnacht
CC: <peter.christnacht@onrr.gov>, "Dawson, Lisa A"
<lisa.dawson@onrr.gov>
Subject: Re: Website FAQ Language for Review
Attachments: 2017 Rule Stay FAQ for SOL 20170222.docx

My apologies Matt, wrong attachment. Here's the correct one...

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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On Wed, Feb 22, 2017 at 1:40 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

I'm confused. What is this? We already cleared the Dear Reporter letter through the department. That document was sent to ONRR last night. This appears to be the original version of the DR letter that we edited and cleared through the dept.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov

Phone: (303) 445-0595

Fax: (303) 231-5363

On Wed, Feb 22, 2017 at 1:14 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

Hi Matt,

Attached is the language we plan to put up on our website related to the stay of the valuation rule. I thought you might want to look it over first. Please let me know if there is anything you'd like to see changed/added/removed, etc. The sooner we can get it over to our web development team the better.

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"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

From: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Sent: Wed Feb 22 2017 14:36:35 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, "Dawson, Lisa A" <lisa.dawson@onrr.gov>
CC:
Subject: Re: Website FAQ Language for Review
Attachments: 2017 Rule Stay FAQ for SOL 20170222.mjw.review.docx

Her'es my thoughts. To the extent that the FAQ is going to discuss the same things covered in the Dear Reporter letter, then the language of this document should track the language of the Dear Reporter letter exactly. For example, the DR letter gives a specific date (august 31, 2017. This letter refers to 6 months. We need to be as precise as possible to avoid creating any more confusion. 6 months is actually August 28th instead of August 31st. Moreover, right now the FAQ document does not say anything that the Dear Reporter Letter does not. I would suggest that you use the FAQ document to

address specific technical questions that may come up, and avoid the legal questions.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Wed, Feb 22, 2017 at 1:51 PM, Carey, Chris <chris.carey@onrr.gov> wrote:
My apologies Matt, wrong attachment. Here's the correct one...

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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On Wed, Feb 22, 2017 at 1:40 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

I'm confused. What is this? We already cleared the Dear Reporter letter through the department. That document was sent to ONRR last night. This appears to be the original version of the DR letter that we edited and cleared through the dept.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Wed, Feb 22, 2017 at 1:14 PM, Carey, Chris <chris.carey@onrr.gov> wrote:
Hi Matt,

Attached is the language we plan to put up on our website related to the stay of the valuation rule. I thought you might want to look it over first. Please let me know if there is anything you'd like to see changed/added/removed, etc. The sooner we can get it over to our web development team the better.

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460

Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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Subject: Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule

Dear Reporter:

The Office of Natural Resources Revenue (ONRR) published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule¹ (2017 Rule) on July 1, 2016. The 2017 Rule was effective on January 1, 2017, for January 2017 production. On December 29, 2016, industry² filed three petitions in U.S. District Court for the District of Wyoming seeking to invalidate the 2017 Rule. In consideration of these petitions, ONRR has temporarily stayed the 2017 Rule.³

The valuation rules for Federal oil and gas and Federal and Indian coal, which were effective prior to January 1, 2017, are now in effect. Consequently, until informed otherwise, you should value, report, and pay royalties for January, 2017 production forward under the rules that were in effect prior to January 1, 2017.

ONRR understands that many companies have adjusted their accounting systems to comply with the 2017 Rule and may not be able to report royalties for January 2017, production under the previous rules by the February 28, 2017, reporting and payment deadline. As such, ONRR will allow companies up to six months from the date of reporting to correct any months with production valued, reported, and paid under the 2017 Rule. ONRR will work with companies as needed to correct their reporting, and will not assess penalties as a result of reporting issues resulting from the stay during this 6-month time period.

If you have questions about the status of the 2017 Rule or the effect of this stay, please visit ONRR's website at www.onrr.gov.

Sincerely,

¹ See 81 FR 43338 – July 1, 2016

² The three petitions were filed by the American Petroleum Institute, Cloud Peak Energy, the National Mining Association, the Wyoming Mining Association, Black Hills Corporation, Tri-State Generation and Transmission Association, Inc., Basin Electric Power Cooperative, and Western Fuels-Wyoming, Inc.

³ See the Federal Register notice published the week of February 20, 2017.

James D. Steward
Deputy Director

Attention: The 2017 Valuation Rule has been stayed!!!

Lessees should value, report, and pay royalties for January, 2017 production forward under the rules that were in effect prior to January 1, 2017 (click here for more information).

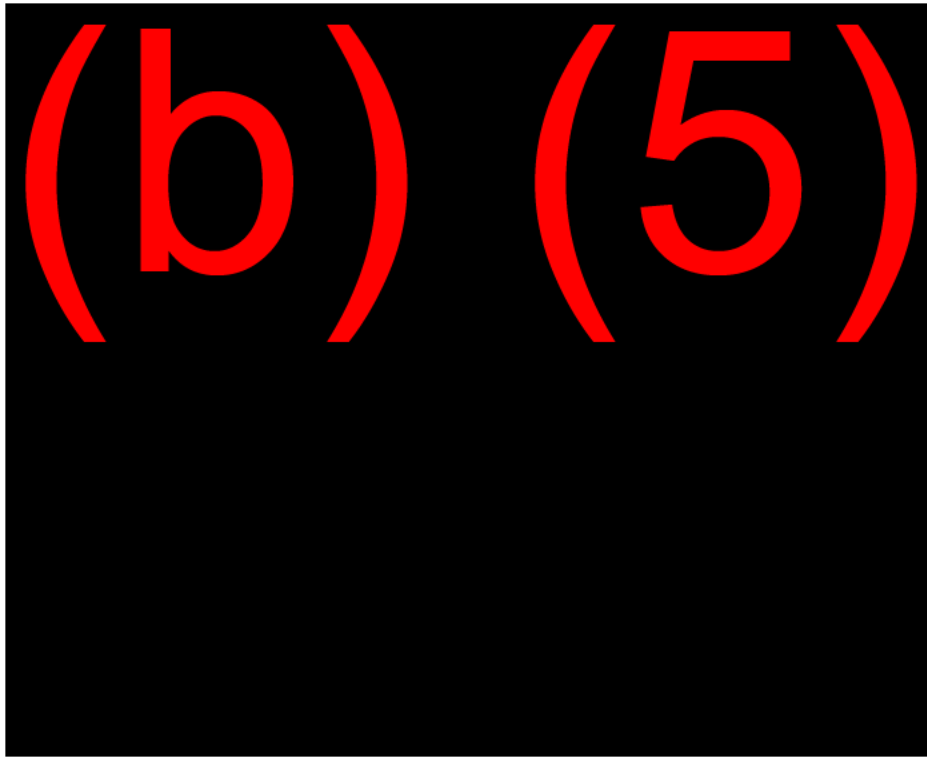
Commented [CEC1]: This will be in a special attention-grabber box on the home page of ONRR.gov. Clicking on the box will lead to the reporter letter and this list of FAQs

Question: Under what rules should I report, value, and pay royalties for January, 2017, production?

Answer: You should report, value, and pay royalties under the rules that were in effect prior to January 1, 2017. You can reference those regulations at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title30-vol3/xml/CFR-2015-title30-vol3-chapXII-subchapA.xml>

Question: Was the 2017 Valuation Rule stayed for all affected commodities (Federal oil and gas and Federal and Indian coal)?

Answer: Yes, the rule has been stayed for all commodities.



(b) (5)

Question: If I still have questions about reporting, valuing, and paying royalties in light of this stay, who should I contact?

Answer: If you have questions about how to value your oil, gas, or coal, please send an email to RoyaltyValuation@onrr.gov. If your questions are strictly reporting-related, please contact your royalty reporting contact person, as listed on our website at <https://onrr.gov/ReportPay/royalty-reporting.htm>.

Attention: The 2017 Valuation Rule has been stayed!!!

Lessees should value, report, and pay royalties for January, 2017 production forward under the rules that were in effect prior to January 1, 2017 (click here for more information).

Commented [CEC1]: This will be in a special attention-grabber box on the home page of ONRR.gov. Clicking on the box will lead to the reporter letter and this list of FAQs

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Question: Was the 2017 Valuation Rule stayed for all affected commodities (Federal oil and gas and Federal and Indian coal)?

Answer: Yes, the rule has been stayed for all commodities.

(b) (5)

(b) (5)

Question: If I still have questions about reporting, valuing, and paying royalties in light of this stay, who should I contact?

Answer: If you have questions about how to value your oil, gas, or coal, please send an email to RoyaltyValuation@onrr.gov. If your questions are strictly reporting-related, please contact your royalty reporting contact person, as listed on our website at <https://onrr.gov/ReportPay/royalty-reporting.htm>.

Conversation Contents

changes

Attachments:

/8. changes/1.1 2017 Rule Stay FAQ LAD ASL edits 20170222.docx

"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Wed Feb 22 2017 14:02:33 GMT-0700 (MST)
To: "Carey, Chris E" <Chris.Carey@onrr.gov>
Subject: changes
Attachments: 2017 Rule Stay FAQ LAD ASL edits 20170222.docx

Hi -

I just tacked mine on to Lisa's. Nothing substantive.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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Attention: The 2017 Valuation Rule has been stayed!!!

Lessees should value, report, and pay royalties for January, 2017 production forward under the rules that were in effect prior to January 1, 2017 (click here for more information).

Question: Under what rules should I report, value, and pay royalties for January, 2017, production?

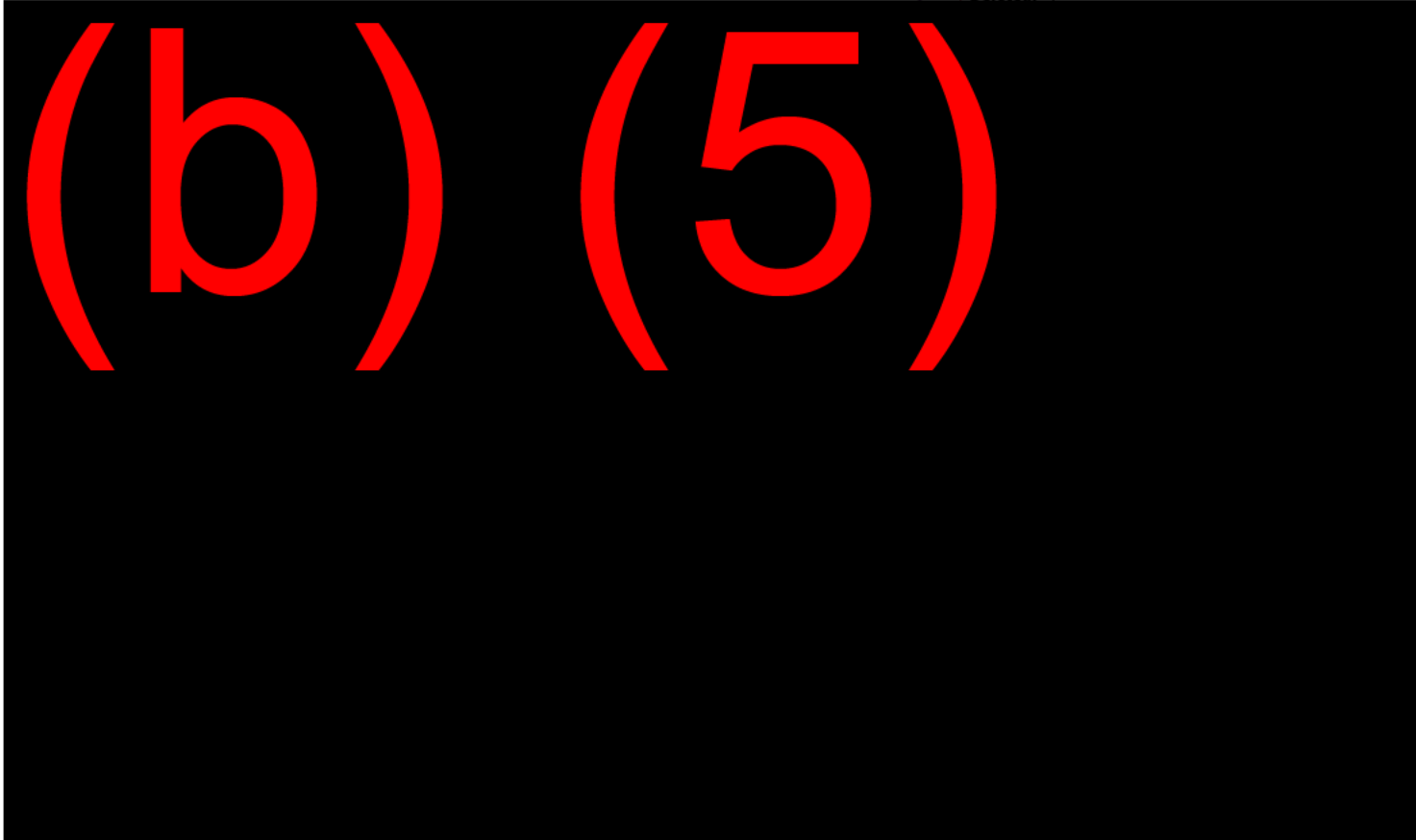
Answer: You should report, value, and pay royalties under the rules that were in effect prior to January 1, 2017.

Question: Was the 2017 Valuation Rule stayed for all affected commodities (Federal oil and gas and Federal and Indian coal)?

Answer: Yes, the rule is stayed for all commodities.

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Formatted: Font: 16 pt
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Commented [CEC1]: This will be in a special attention-grabber box on the home page of ONRR.gov. Clicking on the box will lead to the reporter letter and this list of FAQs
Formatted: Font: 12 pt

Commented [CEC2]: Does anyone have an idea for how to provide a link to the previous rules? The eCFR website only has our new rule, and the pdfs of rules on our website do not have each full rule. Thoughts?
Commented [DLA3]: <https://www.gpo.gov/fdsys/pkg/CFR-2015-title30-vol3/xml/CFR-2015-title30-vol3-chapXII-subchapA.xml>
Deleted: ?



(b) (5)

Question: If I still have questions about reporting, valuing, and paying royalties in light of this stay, who should I contact?

Answer: If you have questions about how to value your oil, gas, or coal, please send an email to RoyaltyValuation@onrr.gov. If your questions are strictly reporting-related, please contact your royalty reporting contact person, as listed on our website [at https://onrr.gov/ReportPay/royalty-reporting.htm](https://onrr.gov/ReportPay/royalty-reporting.htm).

Conversation Contents

Fwd: FR Notice and Valuation Rule Stay Supporting Documents

Attachments:

/9. Fwd: FR Notice and Valuation Rule Stay Supporting Documents/1.1 Federal Register Notice Postponing Valution Rule.docx
/9. Fwd: FR Notice and Valuation Rule Stay Supporting Documents/1.2 ONRR Director Letter RE 705 Stay.docx
/9. Fwd: FR Notice and Valuation Rule Stay Supporting Documents/1.3 Dear Reporter letter Final.docx

"Wunderlich, Karl" <karl.wunderlich@onrr.gov>

From: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
Sent: Wed Feb 22 2017 12:18:59 GMT-0700 (MST)
To: Chris Carey <chris.carey@onrr.gov>
Subject: Fwd: FR Notice and Valuation Rule Stay Supporting Documents
Federal Register Notice Postponing Valution Rule.docx
Attachments: ONRR Director Letter RE 705 Stay.docx Dear Reporter letter Final.docx

----- Forwarded message -----

From: **Robson, Bonnie** <bonnie.robson@onrr.gov>
Date: Tue, Feb 21, 2017 at 7:14 PM
Subject: Fwd: FR Notice and Valuation Rule Stay Supporting Documents
To: Michael DeBerard <michael.deberard@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>

FYI

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Tue, Feb 21, 2017 at 6:44 PM
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents
To: "Gould, Greg" <greg.gould@onrr.gov>
Cc: "Gidner, Jerold" <jerold.gidner@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

Attached to this email are the Department-approved Federal Register Notice, Dear Reporter Letter and Director Letter to the petitioners. DOJ will complete their review of the FR notice and Director Letter as soon as possible tomorrow morning and will try to provide written confirmation of the same by 11 a.m. eastern time. The FR Notice should not be filed until DOJ signs off. That said, based on their initial comments, and because their review is limited to the impact of the FR Notice and Director Letter on the pending litigation, I do not expect they will make any significant revisions.

Once everything is a go, ONRR can file the FR notice, and send the Director's Letter and Dear Reporter letter out, as discussed below. In the meantime, the technical experts can review the attached documents for formatting, etc.. Please do not make any substantive edits to the documents without consulting me first, as any such edits may need to be cleared through the Department and Solicitor's Office.

Please contact me with any questions, comments or concerns. I have forwarded my phone and will have access to email, should anything come up tonight or early tomorrow morning.

Thanks,

Matt

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 6:03 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

We are in the final stages. We have a Department-approved FR notice that DOJ is now reviewing. We also a Department-approved letter to the petitioner's and Dear Reporter letter. DOJ is also reviewing the letter to the Petitioner's for any conflicts.

Both will be sent to you tonight in final form.

As far as process, I would suggest that you sign both the FR Notice and the letter to the petitioner's when I send the final versions after DOJ completes its review. Both the letter to the petitioner's and the Dear Reporter letter anticipate that they will be issued before the FR Notice is published. That way ONRR can send the letter to the petitioner's and the Dear Reporter letter out this week, even if the FR notice has not published yet.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 3:51 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Hey Matt (Wheeler),

A quick check-in and update on timing. At this point in the day, if we do not hear back from Jack by 4:30 here in Denver, then I'll plan to sign the FR Notice tomorrow morning and bring it with me to DC when I leave at noon. We will then finish up the FR process on Thursday and Friday and I'll email out the letter to Peter and we'll get the email blast out to the reporters no later than Friday afternoon.

How does that sound?

Thanks again for all the help with this.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 1:44 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

As a point of clarification, these are not the final versions of the documents. Mr. Huagrud and/or Mr. McKeown may still make edits to the documents. Please do

not sign, file or edit anything until I send an email with the final versions of the documents.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 1:27 PM, Gidner, Jerold <jerold.gidner@onrr.gov> wrote:
Hi Matt et al, I am forwarding these versions to Armand, Luis (in Denver) and Matt Williams (in DC). Armand and Luis will make sure its in the proper form for the FRN and get it signed here in Denver.

Greg plans to sign it before he leaves for DC tomorrow morning. We may have him hand carry it to DC.

So the earliest it will get to Exec Sec in DOI is Thursday, and the earliest it will get out to the Fed Reg is Friday as I understand it. So publication next week. We will speed it as much as possible but much of the timing is out of our hands once it goes to Exec Sec.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrrresource/> for employee news, resources, and events.
And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

On Tue, Feb 21, 2017 at 2:54 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Attached are the most recent versions of both documents. Both are still being revised and not in final form. I have no concerns with responding to Peter and sending out the Dear Reporter Letter, so long as the FR notice is approved by the Department and heading towards publication. That said, I am not familiar with the FR publication process. Is there anything (or anyone) that could reject the notice to before it is published?

Matthew J. Wheeler

U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 12:47 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks, please send me the latest draft of the FR and Letter I'm going to sign, so I can take another look as well. Do you have any concerns with me emailing the signed letter back to Peter once it is signed and then sending out the email blast to the reporters prior to the actual publication of the FR notice?

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:43 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

I just sent everything off to Jack for his review. I'm not sure what his schedule looks like, but assuming he approves them with some minor edits, it won't take me long to get them in final form to send to ONRR.

Matthew J. Wheeler
U.S. Department of the Interior
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755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 12:41 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks Matt Williams, that's our goal and we will make adjustments as

needed.

Matt Wheeler, when do you think you'll have the final letter to the petitioners and FR notice for me to sign? Should we just plan to have me sign it all tomorrow morning before I leave for the airport? Also, as soon as I sign the letter and the FR notice, I assume we are then cleared to do our email blast to our reporters, correct? I think the goal is to make sure the reporters know about the stay, the actual publication in the FR is more a formality, correct?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:31 PM, Williams, Matt
<matt.williams@onrr.gov> wrote:

That's good to hear. We'll need Jim's surname after you Amy (according to Exec Sec). If we get it in an email today, I told Exec Sec that I'll get them an advance copy (to grease the wheels). If we get it first thing tomorrow morning, I will find a way to get Amy's and Jim's surname on the clearance record, then have it up to Exec Sec immediately thereafter. If we get all of that before 10:30 EST, Exec Sec can take it to the morning meeting on the 6th floor and, maybe, get it cleared to go by 1:45pm. If we are set for a miracle, we may be able to get it to OFR by the 2pm deadline to be on the docket for that day's intake.

Regards,

Matthew Williams
*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:24 PM, Gould, Greg

<greg.gould@onrr.gov> wrote:

Matt,

Jim has already cleared this to go out tomorrow, so at this point I need to get it signed tonight and to Amy in the morning if possible. If we don't get it out this afternoon, then I'll sign all of it in the morning and bring it with me to DC for everyone to clear first thing Thursday morning.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:19 PM, Williams, Matt

<matt.williams@onrr.gov> wrote:

Hey,

Overnighting it may not help. Greg is headed to DC tomorrow evening for a meeting with Jim Cason on Thursday. Cason will want Greg to brief him before sunaming (after Greg and Amy's signature and surname, respectively). Even if we somehow got Cason's surname tomorrow, Exec Sec won't clear it for at least 24 hours. Likely, we won't get this off to OFR until Friday afternoon...and that is if we get the FRN and briefing paper in the next 5 minutes.

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:12 PM, Robson, Bonnie

<bonnie.robson@onrr.gov> wrote:

Matt Wheeler,

When documents are sent over from Solicitor's Office to ONRR, please send to all on this email. I will be out of

communication and unable to move the documents to the next step between 12:30-3 pm today.

Luis is going to work with Christina Mathers to prepare a FedEx overnight ASAP earliest possible delivery envelope in which we can mail three copies of the FR notice signed by Greg. Luis and Christina will also figure out what FedEx offices accept super-rush envelopes and to what hour tonight.

If the FR comes from SOL before Christina leaves today, she will print 3 copies, have Greg sign, and FedEx overnight for early morning super-rush delivery. If the FR comes from SOL after Christina leaves today, Peter, Amy, or I will print 3 copies, get Greg's signatures, and send the FedEx from a FedEx location that is still accepting for earliest possible tomorrow morning delivery.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Email: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 11:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 9:51 AM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and sending it back for a final sign off. We will have everything to you today.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 9:50 AM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Matt,

I reviewed all the material this weekend and have no additional comments, etc. What is the status of the

package?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, Feb 17, 2017 at 5:55 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Greg:

Attached are the documents I sent to Matt this evening, all of which have been heavily revised. Please note that, for some reason, the FR notice was locked for editing by someone at ONRR, so I cannot accept the changes I made. However, under the review tab, you can change "Final: Show Markup" to "Final." It will allow you to read the document without the tracked changes, even though the changes cannot be accepted.

Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew**

<matthew.wheeler@sol.doi.gov>

Date: Fri, Feb 17, 2017 at 5:28 PM

Subject: Valuation Rule Stay Supporting Documents

To: Matthew McKeown

<matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

- (1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;
- (2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;
- (3) Director Gould's response to the Petitioner's letter, which I revised per your request.
- (4) ONRR's FR notice, which I revised per your request, and;
- (5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6) [REDACTED]. I will also be available by email.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363



--

Karl Wunderlich

Supervisor, Royalty Valuation Team C

Office of Natural Resources Revenue

U.S. Department of the Interior

303-231-3663 (office)

karl.wunderlich@onrr.gov

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DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Parts 1202 and 1206

[Docket No. ONRR–2012–0004; DS63644000 DR2000000.CH7000 178D0102R2]

RIN 1012–AA13

**Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform
2017 Valuation Rule**

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Notice.

SUMMARY: On July 1, 2016, the Office of Natural Resources Revenue (ONRR) published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Final Rule (2017 Valuation Rule or Rule) in the Federal Register. 81 FR 43338. On December 29, 2016, three separate petitions challenging the 2017 Valuation Rule were filed in the United States District Court for the District of Wyoming.¹ In light of the existence and potential consequences of the pending litigation, ONRR has concluded that justice requires it to postpone the effective date of the 2017 Valuation Rule pursuant to 5 U.S.C. 705 of the Administrative Procedure Act, pending judicial review.

DATE: [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Peter Christnacht, Royalty Valuation team B, at 303-231-3651 or email to peter.christnacht@onrr.gov.

¹ *Cloud Peak Energy, Inc. v. United States Dep't of the Interior*, Case No. 16CV315-F (D. Wyo.); *American Petroleum Inst. V. United States Dep't of the Interior*, Case No. 16CV316-F (D. Wyo.); *Tri-State Generation and transmission Ass'n, Inc., Basin Electric Power Cooperative, and Western Fuels-Wyoming, Inc., v. United States Dep't of the Interior*, Case No. 16CV319-F (D. Wyo.)

SUPPLEMENTARY INFORMATION: On July 1, 2016, ONRR published the 2017 Valuation Rule in the Federal Register. *See* 81 FR 43338. The 2017 Valuation Rule changes how lessees value their production for royalty purposes and revises revenue-reporting requirements.

Although the 2017 Valuation Rule took effect on January 1, 2017, Federal and Indian Lessees are not required to report and pay royalties under the Rule until February 28, 2017.

On December 29, 2016, three separate petitions were filed in the U.S. District Court for the District of Wyoming. The petitions allege that certain provisions of the 2017 Valuation Rule are arbitrary, capricious, and contrary to the law. On February 17, 2017, the petitioners sent the ONRR Director a letter requesting that ONRR postpone the implementation of the 2017 Valuation Rule. The petitioners claim that lessees affected by the Rule face significant hardship and uncertainty in the face of reporting under the rule for the first time on February 28, 2017. The petitioners also claim that the new reporting and payment requirements in the Rule are difficult, and in some cases impossible, to comply with by the royalty reporting deadline; a difficulty exacerbated by the fact that non-compliant lessees may be exposed to significant civil penalties.

Under Section 705 of the Administrative Procedure Act “[w]hen an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review.” 5 U.S.C. § 705. In light of the pending litigation, and for the following reasons, ONRR has concluded that justice requires it to postpone the effective date of the 2017 Valuation Rule until the judicial challenges to the Rule are resolved.

First, the stay will preserve the regulatory status quo while the litigation is pending and the Court decides whether to uphold the regulation. While ONRR believes the 2017 Valuation Rule was properly promulgated, the petitioners have raised serious questions concerning the validity

of certain provisions of the Rule, including the expansion of the “default provision” and the use of the sales price of electricity for certain coal-royalty valuations. Given this legal uncertainty, maintaining the status quo is critical for a number of reasons. First, a stay will avoid the substantial cost of retroactively correcting and verifying all revenue reports if the 2017 Valuation Rule is invalidated, in whole or in part, as a result of the pending litigation. Federal and Indian lessees affected by the 2017 Valuation Rule submit approximately 450,000 reporting lines every production month. If the Court invalidates the 2017 Valuation Rule, affected lessees would be forced to correct and resubmit reporting lines for each production month that the Rule is in effect. ONRR would be required to review and verify the same. Thus, staying the 2017 Valuation Rule will avoid forcing both the regulated community and ONRR to perform the complicated, time-consuming, and costly task of correcting and verifying revenue reports and payments if the 2017 valuation Rule is invalidated as a result of the pending litigation.²

In addition, the stay will enhance the lessees’ ability to timely and accurately report and pay royalties because they will be using a well-known system that has been in place for the last 25 years. ONRR has received numerous legitimate questions from lessees on how to apply the 2017 Valuation Rule, some of which will require additional consideration and time before ONRR can definitively answer them; thus increasing the likelihood that lessees will initially report incorrectly and later need to adjust their reports. In addition, the Court may resolve some of these issues differently than ONRR, again increasing the likelihood that lessees will need to submit corrected reports. Given these judicial and administrative uncertainties, relying on the previous

² Some lessees have likely converted their accounting systems to report and pay royalties under the new rule. While these lessees will incur a cost to revert back to the pre-existing system, the cost of doing so now, before the first reporting period, will be much less than if the reversion is required later upon judicial order, and the lessee is required to correct its reporting for each month it reported under the Rule.

regulatory system while the litigation is pending will reduce uncertainty and enhance ONRR's ability to collect and verify natural resource revenues, which is in the best interest of all those who benefit from royalty payments, including States, Tribes, individual Indian lessors, and the general public.

The United States will suffer no significant harm from postponing the effective date of the 2017 Valuation Rule while the litigation is pending. As noted in the preamble to the final rule, the implementation of the Rule is not expected to have a significant impact on the economy. 81 FR 43338, 43368. Thus, postponing the effective date of the Rule will not cause any appreciable economic harm to the general public. In fact, the interests of all royalty beneficiaries will be enhanced by the regulatory certainty provided by the stay, as discussed above. In contrast, the regulated community will suffer harm without the stay, especially if the Rule is later invalidated by the Court. If the Rule is invalidated, the regulated community would not only incur the unreimbursable costs of reverting back to the old system, but would also incur the substantial costs of correcting its reports and royalty payments for each production month.

In sum, in light of the existence and consequences of the pending litigation, and given the potentially irreparable harm that could result if the 2017 Valuation Rule is immediately implemented, ONRR has determined that the public interest and justice requires postponing the effective date of the 2017 Valuation Rule until the litigation is resolved.

Accordingly, pursuant to Section 705 of the Administrative Procedure Act, 5 U.S.C. 705, ONRR has postponed the effective date of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Final Rule pending judicial review.

Date

Gregory J. Gould

Director,
Office of Natural Resources Revenue

Gail L. Wurtzler
Kathleen C. Schroder
Davis, Graham & Stubbs LLP
1550 Seventeenth Street, Suite 500
Denver, CO 80202

Peter J. Schaumberg
James M. Auslander
Beveridge & Diamond, P.C.
130 I Street, NW, Suite 700
Washington, D.C. 20005-3311

John F. Shepherd
Walter F. Eggers, III
Tina Van Bockern
Holland & Hart LLP
555 Seventeenth Street, Suite 3200
Post Office Box 8749
Denver, CO 80201-8749

Rex E. Johnson
Brian D. Artery
Sherard, Sherard, Artery & Johnson
602 10th Street
Wheatland, WY 82201

Dear Mses. Wurtzler, Schroder, and Van Bockern, and Messrs. Schaumberg, Auslander, Shepherd, Eggers, Johnson, and Artery:

Thank you for your letter dated February 17, 2017, requesting that the Office of Natural Resources Revenue (ONRR) postpone implementation of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Rule (Rule) under Section 705 of the Administrative Procedure Act (APA). As you know, the Rule was published in the Federal Register on July 1, 2016 and took effect on January 1, 2017. The first reports under the Rule are due by February 28, 2017.

While we do not agree with all legal conclusions in your letter, in light of the pending litigation and for the following reasons, ONRR will postpone the effective date of the Rule until the issues raised in the judicial actions challenging it have been definitively resolved.

First, while ONRR believes that the Rule was properly promulgated, we agree that you have raised serious questions concerning the validity of certain provisions in the Rule. Given this legal uncertainty, we believe that it is critical to maintain the status quo until the litigation is resolved.

Second, we believe that the stay will enhance the lessees' ability to timely and accurately report and pay royalties. Many lessees, including the petitioners, have raised legitimate questions concerning how to properly report and pay royalties under the Rule. Given these judicial and administrative uncertainties, relying on the previous regulatory system will reduce uncertainty and enhance ONRR's ability to collect and verify natural resource revenues while the litigation is pending, which is in the best interest of the States, Tribes, individual Indian lessors, and the general public.

Third, a postponement will avoid the substantial cost to both the regulated community and ONRR of retroactively correcting and verifying all revenue reports if the Rule is invalidated as a result of the pending litigation. We realize that those lessees that have already updated their accounting systems to report and pay royalties under the Rule will incur a cost to reconvert the systems to report and pay royalties under the previous rule. But the cost of reconvert those

systems now is less than what that cost would be if the Rule is invalidated and lessees must reconvert their accounting systems and correct all royalty reports submitted under the invalidated Rule.

Finally, the United States will suffer no significant harm from postponing the effective date of the Rule while the litigation is pending. As you noted, the Rule is not expected to have a significant impact on the economy. 81 FR 43338, 43368 (July 1, 2016). Thus, postponing the effective date of the Rule will not cause any appreciable economic harm to the general public. In fact, we believe the regulatory certainty provided by the postponement will enhance ONRR's mission to collect and verify natural resource revenues, which is in the best interest of the royalty beneficiaries and the United States.

ONRR will publish a Federal Register notice postponing the effective of the Rule under Section 705 of the APA as soon as possible. ONRR will also issue a Dear Reporter that notifies lessees of the postponement and provides guidance on how to report.

Sincerely,

Gregory J. Gould
Director

Subject: Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule

Dear Reporter:

The Office of Natural Resources Revenue (ONRR) published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule (2017 Valuation Rule) on July 1, 2016.¹ The 2017 Valuation Rule took effect on January 1, 2017, with first reports due on February 28, 2017. On December 29, 2016, several petitioners filed separate petitions challenging the rule in U.S. District Court for the District of Wyoming.² In light of the pending litigation, ONRR has decided to postpone the effective date of the 2017 Valuation Rule until the litigation is resolved pursuant to Section 705 of the Administrative Procedure Act. 5 U.S.C. 705. ONRR will publish a Federal Register notice to this effect as soon as possible.

Federal and Indian Lessees should continue to value, report, and pay royalties under the rules that were in effect prior to January 1, 2017. This applies to the January 2017 production month reports due on February 28, 2017, and continues until the litigation is resolved and ONRR provides notice of the result.

ONRR has prepared a Frequently Asked Questions (FAQ) document to help affected Federal and Indian lessees navigate the stay process. The FAQ document will be posted on ONRR's website at www.onrr.gov as soon as possible.

ONRR understands that some lessees have already converted their accounting systems to comply with the 2017 Valuation Rule. ONRR also understands that it may be difficult to reconvert those systems to report and pay royalties under the prior rules by the February 28, 2017 deadline. As such, ONRR provides the following interim guidance on how to report and pay royalties in light of the postponement.

- Lessees should report and pay royalties under the prior rules as soon as possible to avoid potential misreporting and royalty underpayments.

¹ See 81 FR 43338 – July 1, 2016

² *Cloud Peak Energy, Inc. v. United States Dep't of the Interior*, Case No. 16CV315-F (D. Wyo.); *American Petroleum Inst. V. United States Dep't of the Interior*, Case No. 16CV316-F (D. Wyo.); *Tri-State Generation and transmission Ass'n, Inc., Basin Electric Power Cooperative, and Western Fuels-Wyoming, Inc., v. United States Dep't of the Interior*, Case No. 16CV319-F (D. Wyo.)

- Lessees that have not converted their accounting systems to comply with the 2017 Valuation Rule should continue reporting and paying royalties under the prior rules.
- Lessees that are able to convert their accounting systems to report and pay royalties under the prior rules by the February 28, 2017, deadline should report and pay royalties under the prior rules.
- Lessees that cannot convert their accounting systems to report and pay January 2017 production month royalties under the prior rules before the February 28, 2017, deadline should report and pay royalties as their accounting system allows by February 28, 2017. ONRR will not assess a civil penalty for any reporting issue that results from the postponement of the 2017 Valuation Rule as long as the lessee corrects the reporting issue by August 31, 2017. ONRR will also work with affected lessees to correct their reporting. Lessees should convert their accounting systems to report and pay royalties under the prior rules as soon as possible to avoid royalty underpayments.

If you have questions about the status of the 2017 Valuation Rule or the effect of this stay, please visit ONRR's website at www.onrr.gov.

Sincerely,

James D. Steward
Deputy Director

Conversation Contents

null

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 22 2017 12:15:31 GMT-0700 (MST)
To:
Subject:

Hey Karl! Any word in the office about the status of the stay?

Karl Wunderlich <karl.wunderlich@onrr.gov>

From: Karl Wunderlich <karl.wunderlich@onrr.gov>
Sent: Wed Feb 22 2017 12:16:42 GMT-0700 (MST)
To:
Subject:

I'll forward you Matt Wheeler's most recent email which has all the final stuff in it. Sounds like it (FRN) should be published around Friday.

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 22 2017 12:17:19 GMT-0700 (MST)
To:
Subject:

Thanks. Any word on when they want us to send out the reporter letter?

Karl Wunderlich <karl.wunderlich@onrr.gov>

From: Karl Wunderlich <karl.wunderlich@onrr.gov>
Sent: Wed Feb 22 2017 12:18:45 GMT-0700 (MST)
To:

Subject:

I would think once we have confirmation the FRN is published. In case it gets delayed into next week I think it would be wise to hold off until things are certain.

Conversation Contents

Website Rule Stay FAQ for Review

Attachments:

/11. Website Rule Stay FAQ for Review/1.1 2017 Rule Stay FAQ 20170222.docx
/11. Website Rule Stay FAQ for Review/2.1 2017 Rule Stay FAQ LAD edits
20170222.docx

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 22 2017 08:25:57 GMT-0700 (MST)
Karl Wunderlich <karl.wunderlich@onrr.gov>, "Dawson, Lisa A" <lisa.dawson@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>
To:
Subject: Website Rule Stay FAQ for Review
Attachments: 2017 Rule Stay FAQ 20170222.docx

Hi All!

Will you please review this FAQ list that we plan to put on our website? Feel free to change the language or add questions that you think might be helpful. We'd like to try to give this to our web team first thing tomorrow morning. And, I'm guessing we should run this by the Solicitor too, do you agree? Accordingly, **please provide any comments/additions/changes by noon today.** Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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"Dawson, Elizabeth" <lisa.dawson@onrr.gov>

From: "Dawson, Elizabeth" <lisa.dawson@onrr.gov>
Sent: Wed Feb 22 2017 09:28:47 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter
Christnacht <peter.christnacht@onrr.gov>, Amy Lunt
CC: <amy.lunt@onrr.gov>, "DeBerard, Michael"
<michael.deberard@onrr.gov>, John Mehlhoff
<john.mehlhoff@onrr.gov>
Subject: Re: Website Rule Stay FAQ for Review
Attachments: 2017 Rule Stay FAQ LAD edits 20170222.docx

Hi Chris!

Minor edits on my part (b) (5)

Thanks!

Lisa

Lisa A. Dawson

Appeals Analyst, Appeals
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Office: (303) 231-3653
Email: Lisa.Dawson@onrr.gov

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On Wed, Feb 22, 2017 at 8:25 AM, Carey, Chris <chris.carey@onrr.gov> wrote:
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"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Wed Feb 22 2017 09:59:42 GMT-0700 (MST)
To: "Dawson, Elizabeth" <lisa.dawson@onrr.gov>
"Carey, Chris" <chris.carey@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>
CC:
Subject: Re: Website Rule Stay FAQ for Review

Nice work Chris and Lisa - I had a couple of small changes and one suggestion.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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On Wed, Feb 22, 2017 at 9:28 AM, Dawson, Elizabeth <lisa.dawson@onrr.gov> wrote:
Hi Chris!

Minor edits on my part. (b) (5)

Thanks!

Lisa

Lisa A. Dawson

Appeals Analyst, Appeals
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
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Email: Lisa.Dawson@onrr.gov

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"Wunderlich, Karl" <karl.wunderlich@onrr.gov>

From: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
Sent: Wed Feb 22 2017 10:45:50 GMT-0700 (MST)
To: "Dawson, Elizabeth" <lisa.dawson@onrr.gov>
"Carey, Chris" <chris.carey@onrr.gov>, Peter Christnacht
<peter.christnacht@onrr.gov>, Amy Lunt
<amy.lunt@onrr.gov>, "DeBerard, Michael"
CC: <michael.deberard@onrr.gov>, John Mehlhoff

<john.mehlhoff@onrr.gov>

Subject:

Re: Website Rule Stay FAQ for Review

I haven't been very involved with this effort but one question...regarding interest payments, isn't that the FAST Act (Fixing America's Surface Transportation Act) rather than the FAIR Act?

-K

On Wed, Feb 22, 2017 at 9:28 AM, Dawson, Elizabeth <lisa.dawson@onrr.gov> wrote:

Hi Chris!

Minor edits on my part. (b) (5)

Thanks!

Lisa

Lisa A. Dawson

Appeals Analyst, Appeals
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
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Email: Lisa.Dawson@onrr.gov

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Karl Wunderlich

Supervisor, Royalty Valuation Team C

Office of Natural Resources Revenue

U.S. Department of the Interior

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karl.wunderlich@onrr.gov

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"Dawson, Elizabeth" <lisa.dawson@onrr.gov>

From: "Dawson, Elizabeth" <lisa.dawson@onrr.gov>
Sent: Wed Feb 22 2017 10:50:59 GMT-0700 (MST)
To: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
"Carey, Chris" <chris.carey@onrr.gov>, Peter Christnacht
<peter.christnacht@onrr.gov>, Amy Lunt
CC: <amy.lunt@onrr.gov>, "DeBerard, Michael"
<michael.deberard@onrr.gov>, John Mehlhoff
<john.mehlhoff@onrr.gov>
Subject: Re: Website Rule Stay FAQ for Review

Yep! Good catch!

Lisa

Lisa A. Dawson

Appeals Analyst, Appeals
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165

Denver, CO 80225
Office: (303) 231-3653
Email: Lisa.Dawson@onrr.gov

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On Wed, Feb 22, 2017 at 10:45 AM, Wunderlich, Karl <karl.wunderlich@onrr.gov> wrote:
I haven't been very involved with this effort but one question...regarding interest payments, isn't that the FAST Act (Fixing America's Surface Transportation Act) rather than the FAIR Act?
-K

On Wed, Feb 22, 2017 at 9:28 AM, Dawson, Elizabeth <lisa.dawson@onrr.gov> wrote:
Hi Chris!

Minor edits on my part. (b) (5)

Thanks!

Lisa

Lisa A. Dawson
Appeals Analyst, Appeals
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Office: (303) 231-3653
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On Wed, Feb 22, 2017 at 8:25 AM, Carey, Chris <chris.carey@onrr.gov> wrote:
Hi All!

Will you please review this FAQ list that we plan to put on our website? Feel free to change the language or add questions that you think might be helpful. We'd like to try to give this to our web team first thing tomorrow morning. And, I'm guessing we should run this by the Solicitor too, do you agree? Accordingly, **please provide any comments/additions/changes by noon today.** Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460

Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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--

Karl Wunderlich

Supervisor, Royalty Valuation Team C

Office of Natural Resources Revenue

U.S. Department of the Interior

303-231-3663 (office)

karl.wunderlich@onrr.gov

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"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 22 2017 10:52:25 GMT-0700 (MST)
To: "Dawson, Elizabeth" <lisa.dawson@onrr.gov>
"Wunderlich, Karl" <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>
CC:
Subject: Re: Website Rule Stay FAQ for Review

Whew! Thanks, Karl!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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On Wed, Feb 22, 2017 at 10:50 AM, Dawson, Elizabeth <lisa.dawson@onrr.gov> wrote:

Yep! Good catch!

Lisa

Lisa A. Dawson
Appeals Analyst, Appeals
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Office: (303) 231-3653
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Minor edits on my part. (b) (5)

Thanks!

Lisa

Lisa A. Dawson

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Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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--

Karl Wunderlich

Supervisor, Royalty Valuation Team C

Office of Natural Resources Revenue

U.S. Department of the Interior

303-231-3663 (office)

karl.wunderlich@onrr.gov

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"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 22 2017 13:16:35 GMT-0700 (MST)
To: "Lunt, Amy" <amy.lunt@onrr.gov>
Subject: Re: Website Rule Stay FAQ for Review

Hi Amy!

Were your changes and suggestion in a document? I didn't see one attached... I went ahead and sent our draft (after incorporating Lisa's and Karl's changes) over to Matt Wheeler because I wanted to get it to him before I left for the day, which is in a few minutes. If your changes were substantive, feel free to contact Matt directly with those.

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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On Wed, Feb 22, 2017 at 9:59 AM, Lunt, Amy <amy.lunt@onrr.gov> wrote:
Nice work Chris and Lisa - I had a couple of small changes and one suggestion.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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Hi Chris!

Minor edits on my part. (b) (5)

Thanks!

Lisa

Lisa A. Dawson

Appeals Analyst, Appeals
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Office: (303) 231-3653
Email: Lisa.Dawson@onrr.gov

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Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460

Chris.Carey@onrr.gov

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Attention: The 2017 Valuation Rule has been stayed. Lessees should value, report, and pay royalties for January, 2017 production forward under the rules that were in effect prior to January 1, 2017. (click here for more information)

Commented [CEC1]: This will be in a special attention-grabber box on the home page of ONRR gov. Clicking on the box will lead to the reporter letter and this list of FAQs

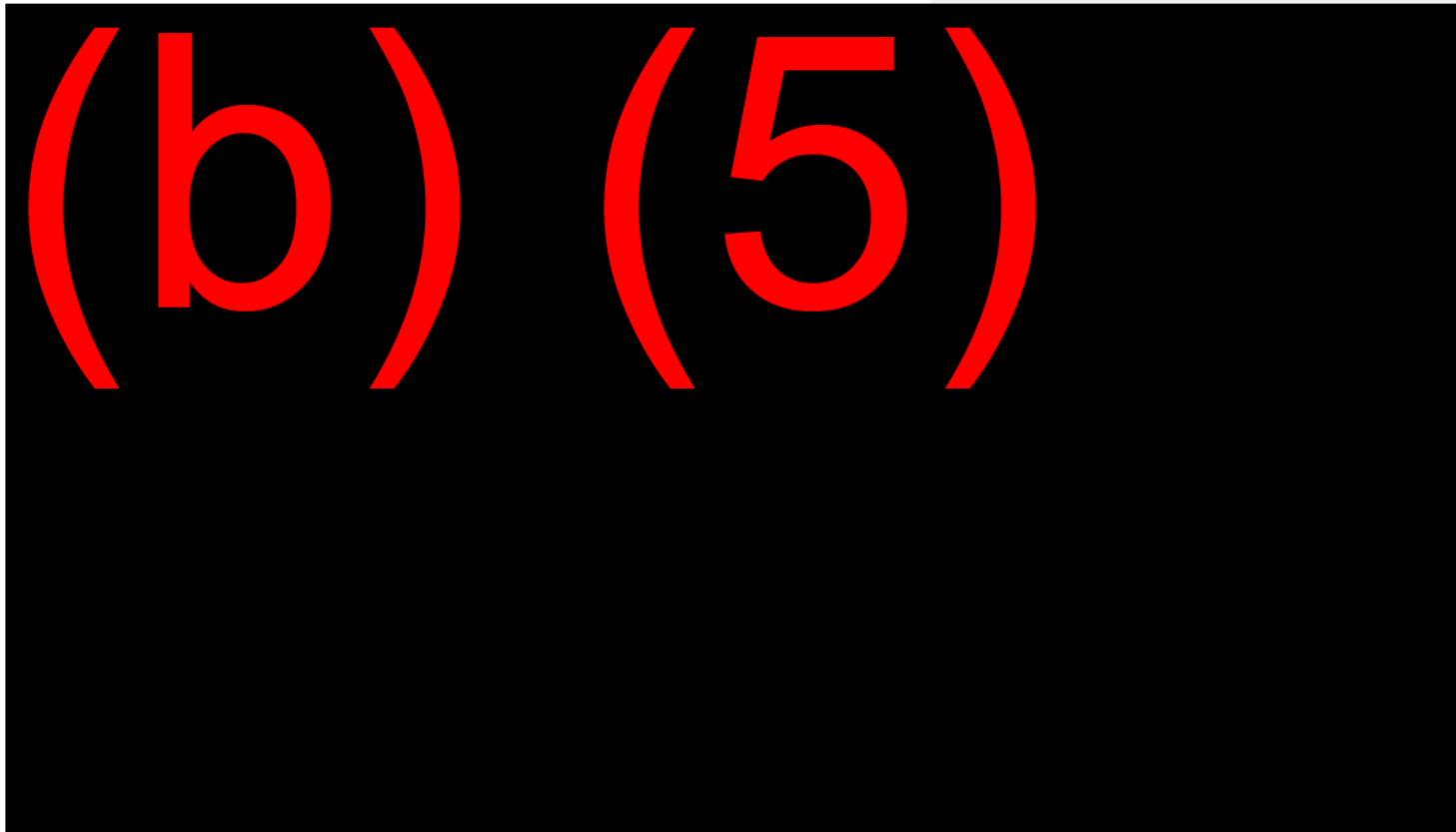
Question: Under what rules should I report, value, and pay royalties for January, 2017, production?

Answer: You should report, value, and pay royalties under the rules that were in effect prior to January 1, 2017.

Commented [CEC2]: Does anyone have an idea for how to provide a link to the previous rules? The eCFR website only has our new rule, and the pdfs of rules on our website do not have each full rule. Thoughts?

Question: Was the 2017 Valuation Rule stayed for all affected commodities (Federal oil and gas and Federal and Indian coal)? ?

Answer: Yes, the rule has been stayed for all commodities.



(b) (5)

Question: If I still have questions about reporting, valuing, and paying royalties in light of this stay, who should I contact?

Answer: If you have questions about how to value your oil, gas, or coal, please send an email to RoyaltyValuation@onrr.gov. If your questions are strictly reporting-related, please contact your royalty reporting contact person, as listed on our website [at https://onrr.gov/ReportPay/royalty-reporting.htm](https://onrr.gov/ReportPay/royalty-reporting.htm).

Attention: The 2017 Valuation Rule has been stayed!!!

Lessees should value, report, and pay royalties for January, 2017 production forward under the rules that were in effect prior to January 1, 2017 (click here for more information).

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Question: Was the 2017 Valuation Rule stayed for all affected commodities (Federal oil and gas and Federal and Indian coal)?

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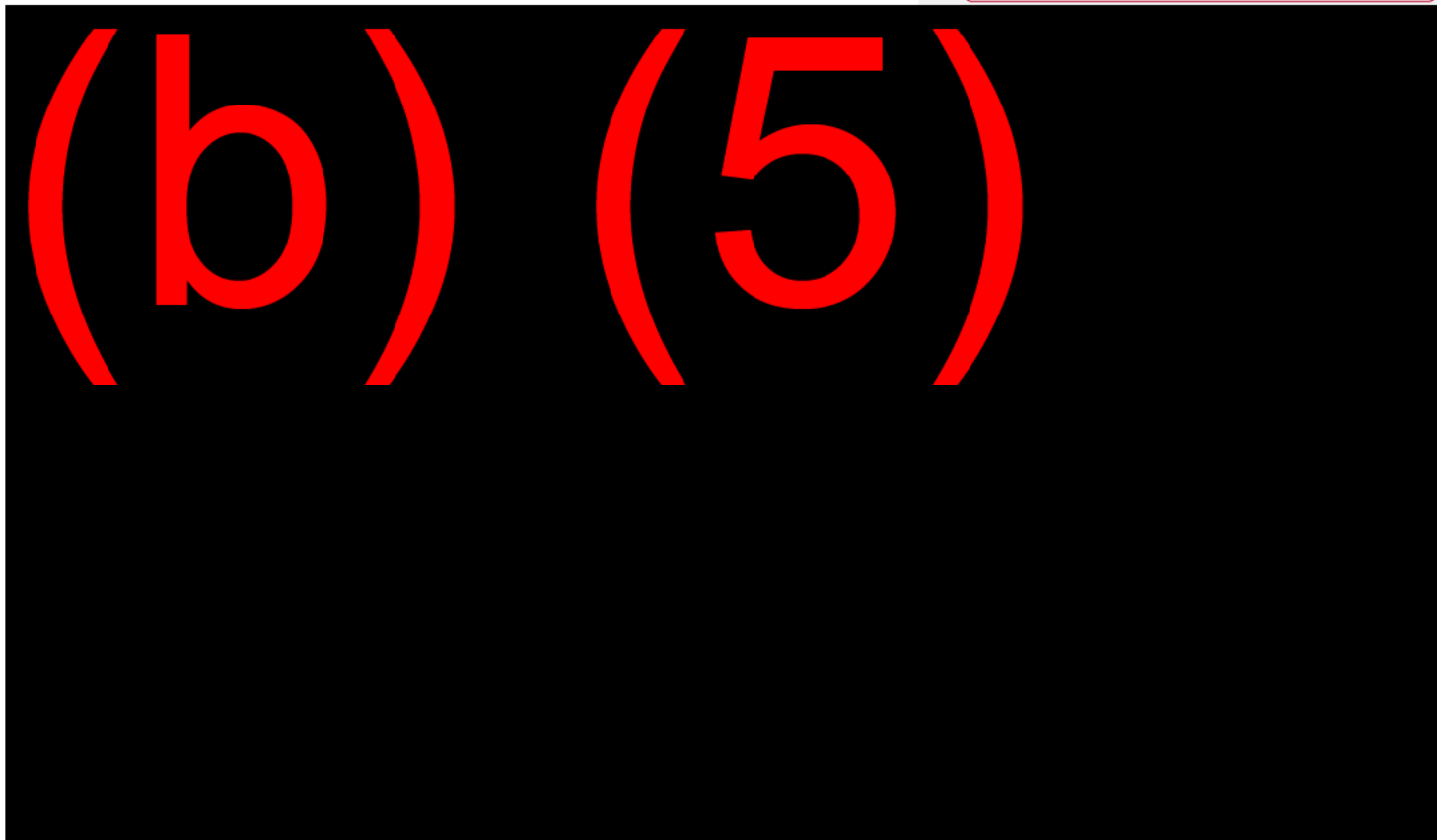
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Formatted: Font: 12 pt

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Commented [DLA3]: <https://www.gpo.gov/fdsys/pkg/CFR-2015-title30-vol3/xml/CFR-2015-title30-vol3-chapXII-subchapA.xml>

Deleted: ?



(b) (5)

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Conversation Contents

null

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 22 2017 06:46:27 GMT-0700 (MST)
To:
Subject:

Hi Jodie!

Jodie Peterson <jodie.peterson@onrr.gov>

From: Jodie Peterson <jodie.peterson@onrr.gov>
Sent: Wed Feb 22 2017 06:46:50 GMT-0700 (MST)
To:
Subject:

morning!

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 22 2017 06:47:13 GMT-0700 (MST)
To:
Subject:

I have a draft of the material to put on our website relating to the stay of the valuation rule. Do you want me to send the draft, or wait until it has been fully reviewed and approved?

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 22 2017 06:47:25 GMT-0700 (MST)
To:

Subject:

Basically, would it be helpful to have it as you guys build the pages?

Jodie Peterson <jodie.peterson@onrr.gov>

From: Jodie Peterson <jodie.peterson@onrr.gov>
Sent: Wed Feb 22 2017 06:47:42 GMT-0700 (MST)
To:
Subject:

if you don't think it's going to change a whole lot, i can start on it.

Jodie Peterson <jodie.peterson@onrr.gov>

From: Jodie Peterson <jodie.peterson@onrr.gov>
Sent: Wed Feb 22 2017 06:47:59 GMT-0700 (MST)
To:
Subject:

i'd just need to know where changes to wording are

Jodie Peterson <jodie.peterson@onrr.gov>

From: Jodie Peterson <jodie.peterson@onrr.gov>
Sent: Wed Feb 22 2017 06:48:41 GMT-0700 (MST)
To:
Subject:

if you think someone is going to hack the language and change a lot, it'll save time to wait :)

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 22 2017 06:49:14 GMT-0700 (MST)
To:
Subject:

that is a possibility, especially since the Solicitor might need to look at it, so lets just wait.

Jodie Peterson <jodie.peterson@onrr.gov>

From: Jodie Peterson <jodie.peterson@onrr.gov>
Sent: Wed Feb 22 2017 06:49:28 GMT-0700 (MST)
To:
Subject:

oh yeah. i support that when attorneys are involved! :)

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 22 2017 06:49:34 GMT-0700 (MST)
To:
Subject:

I'm going to try to get it all reviewed today, and then I'll send it over

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 22 2017 06:49:37 GMT-0700 (MST)
To:
Subject:

:)

Jodie Peterson <jodie.peterson@onrr.gov>

From: Jodie Peterson <jodie.peterson@onrr.gov>
Sent: Wed Feb 22 2017 06:49:53 GMT-0700 (MST)
To:
Subject:

sounds good! did the letter get signed?

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 22 2017 06:50:16 GMT-0700 (MST)

To:
Subject:

not sure. If it hasn't been signed yet, it is very close!

Jodie Peterson <jodie.peterson@onrr.gov>

From: Jodie Peterson <jodie.peterson@onrr.gov>
Sent: Wed Feb 22 2017 06:50:49 GMT-0700 (MST)
To:
Subject:

that's good :). just let us know when you're ready to go!

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 22 2017 06:51:03 GMT-0700 (MST)
To:
Subject:

thanks so much, Jodie!

Conversation Contents

Fwd: Valuation Rule Stay Supporting Documents

Amy Lunt <amy.lunt@onrr.gov>

From: Amy Lunt <amy.lunt@onrr.gov>
Sent: Tue Feb 21 2017 10:28:03 GMT-0700 (MST)
To: Chris E Carey <Chris.Carey@onrr.gov>, Megan Hessee <Megan.Hessee@onrr.gov>, Lisa A Dawson <lisa.dawson@onrr.gov>
Subject: Fwd: Valuation Rule Stay Supporting Documents

Hi all,
Can we put our heads together on this later today?

Sent from my iPhone

Begin forwarded message:

From: "DeBerard, Michael" <michael.deberard@onrr.gov>
Date: February 21, 2017 at 10:25:22 AM MST
To: ONRR CEVA AV Staff <onrrcevaavstaff@onrr.gov>
Subject: Fwd: Valuation Rule Stay Supporting Documents

I need your help with the list Greg is asking for. High priority given that he wants it before 10:30 tomorrow. (b) (5)

Mike DeBerard
Program Manager, Asset Valuation
Office of Natural Resources Revenue
Phone: 303-231-3884

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 10:14 AM
Subject: Fwd: Valuation Rule Stay Supporting Documents
To: ONRR ELT <onrrelt@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

It looks like we are all set to move forward with the stay this week. I received the go ahead from Jim a few minutes ago. I have a meeting Thursday morning in DC to discuss next steps. I talked with Matt this weekend and the leadership wants to move quickly with publishing a new proposed rule. With that said, we need to pull the Valuation Rule team back together today to draft the proposed rule. I plan to discuss this with Jim on Thursday, so let me know what we plan to change in the proposed rule, a list would be very helpful. I need that list before I leave for the airport tomorrow at 10:30.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Tue, Feb 21, 2017 at 9:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Gould, Greg" <greg.gould@onrr.gov>

Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and sending it back for a final sign off. We will have everything to you today.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 9:50 AM, Gould, Greg <greg.gould@onrr.gov>

wrote:

Matt,

I reviewed all the material this weekend and have no additional comments, etc. What is the status of the package?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown <matthew.mckeown@sol.doi.gov>

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Attached to this email are the following documents:

(1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;

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"Dawson, Elizabeth" <lisa.dawson@onrr.gov>

From: "Dawson, Elizabeth" <lisa.dawson@onrr.gov>
Sent: Tue Feb 21 2017 10:31:14 GMT-0700 (MST)
To: Amy Lunt <amy.lunt@onrr.gov>
CC: Chris E Carey <Chris.Carey@onrr.gov>, Megan Hesse <Megan.Hesse@onrr.gov>
Subject: Re: Valuation Rule Stay Supporting Documents

I can over the phone! Also - ask Karl if he would like to join - he may have good insight too!

Any chance I can read the documents that we are discussing?

Lisa A. Dawson

Appeals Analyst, Appeals
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Office: (303) 231-3653
Email: Lisa.Dawson@onrr.gov

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Subject: Fwd: Valuation Rule Stay Supporting Documents

I need your help with the list Greg is asking for. High priority given that he wants it before 10:30 tomorrow. (b) (5)

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Office of Natural Resources Revenue
Phone: 303-231-3884

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<bonnie.robson@onrr.gov>, "DeBerard, Michael"
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Amy Lunt <amy.lunt@onrr.gov>

From: Amy Lunt <amy.lunt@onrr.gov>

Sent: Tue Feb 21 2017 10:35:48 GMT-0700 (MST)
To: "Dawson, Elizabeth" <lisa.dawson@onrr.gov>
CC: Chris E Carey <Chris.Carey@onrr.gov>, Megan Hessee <Megan.Hessee@onrr.gov>
Subject: Re: Valuation Rule Stay Supporting Documents

Will do when I get to work. (b) (6)

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"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Tue Feb 21 2017 10:57:21 GMT-0700 (MST)
To: Amy Lunt <amy.lunt@onrr.gov>
CC: Megan Hessee <Megan.Hessee@onrr.gov>, Lisa A Dawson <lisa.dawson@onrr.gov>
Subject: Re: Valuation Rule Stay Supporting Documents

I should be free over the phone too. The day is a bit up in the air, but I should be free before about 2pm.

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

This message serves as guidance for determining value for royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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Program Manager, Asset Valuation
Office of Natural Resources Revenue
Phone: 303-231-3884

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"Hessee, Megan" <megan.hessee@onrr.gov>

From: "Hessee, Megan" <megan.hessee@onrr.gov>
Sent: Tue Feb 21 2017 11:33:56 GMT-0700 (MST)
To: Amy Lunt <amy.lunt@onrr.gov>
CC: Chris E Carey <Chris.Carey@onrr.gov>, Lisa A Dawson <lisa.dawson@onrr.gov>
Subject: Re: Valuation Rule Stay Supporting Documents

Hi everyone,

I have to be one less head involved in this. I know you can do it!!

Thank you,
Megan

Megan Hessee
Royalty Valuation
Office of Natural Resources Revenue
303.231.3713
megan.hessee@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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Attached are the documents I sent to Matt this evening, all of which have been heavily revised. Please note that, for some reason, the FR notice was locked for editing by someone at ONRR, so I cannot accept the changes I made. However, under the review tab, you can change "Final: Show Markup" to "Final." It will allow you to read the document without the tracked changes, even though the changes cannot be accepted.

Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown <matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

(1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;

(2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;

(3) Director Gould's response to the Petitioner's letter, which I revised per your request.

(4) ONRR's FR notice, which I revised per your request, and;

(5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6). I will also be available by email.

Thanks,

Matthew J. Wheeler
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Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Tue Feb 21 2017 13:04:11 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
CC: Lisa A Dawson <lisa.dawson@onrr.gov>
Subject: Re: Valuation Rule Stay Supporting Documents

Sounds like you guys got it handled. Thank you!!

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

This message serves as guidance for determining value for royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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On Tue, Feb 21, 2017 at 10:57 AM, Carey, Chris <chris.carey@onrr.gov> wrote:
I should be free over the phone too. The day is a bit up in the air, but I should be free before about 2pm.

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

This message serves as guidance for determining value for royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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On Tue, Feb 21, 2017 at 10:28 AM, Amy Lunt <amy.lunt@onrr.gov> wrote:

Hi all,
Can we put our heads together on this later today?

Sent from my iPhone

Begin forwarded message:

From: "DeBerard, Michael" <michael.deberard@onrr.gov>
Date: February 21, 2017 at 10:25:22 AM MST
To: ONRR CEVA AV Staff <onrrcevaavstaff@onrr.gov>
Subject: Fwd: Valuation Rule Stay Supporting Documents

I need your help with the list Greg is asking for. High priority given that he wants it before 10:30 tomorrow. (b) (5)

Mike DeBerard
Program Manager, Asset Valuation
Office of Natural Resources Revenue
Phone: 303-231-3884

----- Forwarded message -----
From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 10:14 AM
Subject: Fwd: Valuation Rule Stay Supporting Documents

To: ONRR ELT <onrrelt@onrr.gov>, Bonnie Robson
<bonnie.robson@onrr.gov>, "DeBerard, Michael"
<michael.deberard@onrr.gov>

It looks like we are all set to move forward with the stay this week. I received the go ahead from Jim a few minutes ago. I have a meeting Thursday morning in DC to discuss next steps. I talked with Matt this weekend and the leadership wants to move quickly with publishing a new proposed rule. With that said, we need to pull the Valuation Rule team back together today to draft the proposed rule. I plan to discuss this with Jim on Thursday, so let me know what we plan to change in the proposed rule, a list would be very helpful. I need that list before I leave for the airport tomorrow at 10:30.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Tue, Feb 21, 2017 at 9:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Gould, Greg" <greg.gould@onrr.gov>

Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and sending it back for a final sign off. We will have everything to you today.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215

matthew.wheeler@sol.doi.gov

Phone: (303) 445-0595

Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 9:50 AM, Gould, Greg <greg.gould@onrr.gov> wrote:

Matt,

I reviewed all the material this weekend and have no additional comments, etc. What is the status of the package?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Have a good weekend,

Matthew J. Wheeler
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755 Parfet St., Suite 151
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Fax: (303) 231-5363

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From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>

Date: Fri, Feb 17, 2017 at 5:28 PM

Subject: Valuation Rule Stay Supporting Documents

To: Matthew McKeown <matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

(1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;

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Thanks,

Matthew J. Wheeler
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matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

Conversation Contents

Draft Director Response on Petitioners' Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

Attachments:

/14. Draft Director Response on Petitioners' Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule/1.1 2017-02-17 Signed Letter to ONRR.PDF
/14. Draft Director Response on Petitioners' Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule/1.2 Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule - 2-17-2017.docx

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Fri Feb 17 2017 16:34:08 GMT-0700 (MST)
To: "Gould, Greg" <greg.gould@onrr.gov>, ONRR ELT <onrrelt@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Matthew McKeown <matthew.mckeown@sol.doi.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Chris Carey <chris.carey@onrr.gov>
Subject: Draft Director Response on Petitioners' Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule
Attachments: 2017-02-17 Signed Letter to ONRR.PDF Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule - 2-17-2017.docx

Attached are both the petitioners' letter received this afternoon and a draft Director letter responding to the petitioners' letter.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EEmail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell (720) 440 4500

----- Forwarded message -----

From: **Greg Gould** <greg.gould@onrr.gov>
Date: Fri, Feb 17, 2017 at 2:39 PM
Subject: Fwd: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule
To: onrrelt@onrr.gov, bonnie.robson@onrr.gov, matthew.wheeler@sol.doi.gov, Matthew McKeown <Matthew.McKeown@sol.doi.gov>

Bonnie,

See below and attached. Please work with Matt Wheeler on next steps.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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Begin forwarded message:

From: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>
To: "Greg.Gould@onrr.gov" <Greg.Gould@onrr.gov>
Cc: "Matthew.wheeler@sol.doi.gov" <Matthew.wheeler@sol.doi.gov>, "John F. Shepherd" <JShepherd@hollandhart.com>, "gail.wurtzler@dgsllaw.com" <gail.wurtzler@dgsllaw.com>, "Rex Johnson (rex@ssjwyolaw.com)" <rex@ssjwyolaw.com>, "Jack Haugrud (jack.haugrud@sol.doi.gov)" <jack.haugrud@sol.doi.gov>, "Rebecca.Jaffe@usdoj.gov" <Rebecca.Jaffe@usdoj.gov>, "Nick.Vassallo@usdoj.gov" <Nick.Vassallo@usdoj.gov>
Subject: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

Dear Director Gould:

Attached is a letter on behalf of the Petitioners in the Wyoming District Court litigation challenging the Final ONRR Oil, Gas and Coal Valuation Rule requesting that you postpone the rule's implementation pursuant to 5 U.S.C. § 705 for the reasons set forth in the letter. Petitioners request that you take action to postpone implementation of the Final Rule before February 28, 2017, the date the first royalty reports under the Final Rule are due to ONRR.

If you have any questions regarding the Petitioners request for postponement of the Final Rule's implementation, please do not hesitate to contact me.

Sincerely,

Peter Schaumberg

Peter J. Schaumberg

Principal

BEVERIDGE & DIAMOND, P.C.

1350 I Street, NW, Suite 700, Washington, DC 20005

Office 202.789.6043 **Cell** 301.518.2901 PSchaumberg@bdlaw.com

[>vCard](#) [>Bio](#)

Beveridge & Diamond P.C.

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February 17, 2017

VIA EMAIL AND FEDEX

Gregory Gould, Director
Office of Natural Resources Revenue
Bldg 53, Entrance E-20
Denver Federal Center
Sixth Ave. and Kipling St.
Denver, CO 80225

Re: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

Dear Director Gould:

Pursuant to 5 U.S.C. § 705, the National Mining Association, the Wyoming Mining Association, and the American Petroleum Institute, each on behalf of their respective members, and Cloud Peak Energy Inc., Black Hills Corporation, Tri-State Generation and Transmission Association, Inc., Basin Electric Power Cooperative, and Western Fuels-Wyoming, Inc. (collectively, “Petitioners”) respectfully request that the U.S. Department of the Interior, Office of Natural Resources Revenue (“ONRR”), postpone implementation of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule, 81 Fed. Reg. 43,338 (July 1, 2016) (the “Final Rule”). The Petitioners have sought judicial review of the Final Rule through multiple Petitions filed in the United States District Court for the District of Wyoming.¹ The Final Rule is first effective as to royalty reporting due February 28, 2017 for oil, gas, and coal production in January 2017. For the reasons set forth below and in the Petitioners’ court filings and submitted comments on ONRR’s proposed rule, which mirrors the Final Rule, postponement of the Final Rule’s implementation is necessary in the interests of justice.

Petitioners initiated the challenge to the Final Rule because it adopts new royalty reporting and payment requirements that are impracticable, and in some cases impossible, for Petitioners and many other federal and Indian lessees to comply with by the February 28, 2017 royalty reporting due date. A federal or Indian lessee’s failure to properly report and pay its royalties exposes the lessee to potential knowing or willful civil penalties. In contrast, by its own analysis in the Final Rule, ONRR’s delayed implementation of the Final Rule would have no significant revenue impact to the lessors, and in the interim would continue regulations that have functioned adequately for more than 25 years.

Under the Administrative Procedure Act (“APA”), “[w]hen an agency finds that justice so requires, it may postpone the effective date of an action taken by it, pending judicial review.” This provision gives federal agencies broad discretion to postpone the effect of agency action

¹ *Cloud Peak Energy Inc., et al. v. USDOJ*, Case No. 16-cv-315 (filed Dec. 29, 2016); *American Petroleum Institute v. USDOJ*, Case No. 16-cv-316 (filed Dec. 29, 2016); *Tri-State Generation and Transmission Ass’n, Inc., et al. v. USDOJ*, Case No. 16-cv-319 (filed Dec. 29, 2016).

February 17, 2017

Page 2

while litigation is ongoing. This temporary postponement under 5 U.S.C. § 705 to preserve the status quo will afford ONRR sufficient time and opportunity to determine how to proceed regarding the Final Rule. At the same time, it would avoid the expenditure of further resources of the Petitioners and ONRR on implementing a rule under which compliance is infeasible or impossible, and which may be declared invalid by the Court or modified by ONRR.

The Final Rule features a number of fundamental problems that gave rise to the regulated community's detailed rulemaking comments and currently pending litigation. The three Petitions filed against the Final Rule, as well as the detailed sets of comments submitted on the nearly identical proposed rule (available on the rulemaking docket at regulations.gov), are incorporated by reference in this letter. As more fully explained therein, the Final Rule in its current form is unlikely to survive judicial review because it exceeds ONRR's authority under applicable statutes, including the Mineral Leasing Act of 1920, the Federal Coal Leasing Amendments Act of 1976, and the Outer Continental Shelf Lands Act, and applicable lease terms, and is arbitrary and capricious under the APA. Some Final Rule provisions demand the impossible from lessees; others manufacture arbitrary and unconstrained "discretion" by ONRR. The problematic provisions in the Final Rule include, but are not limited to:

- A new "default" valuation provision whereby ONRR may unilaterally establish royalty value in the first instance under numerous, broadly defined circumstances, undermining the certainty of even a lessee's arm's-length sales prices as value, and creating the risk that ONRR may impose a higher royalty value many years after production and initial payment;
- Mandatory valuation of coal production via an inherently unreliable "netback" method that courts and the Department have historically used only as a "last resort" if no other methodology, such as comparable sales, is available to establish a reasonable value at or near the mine;
- Inadequately defined transportation allowances particularly for coal sold for ultimate delivery at distant locations;
- Requirement that coal cooperatives and vertically integrated lessees use a novel and untested method to value coal based on the sales price of electricity generated by the coal, an entirely different commodity, and apply generation and transmission allowances summarily imported from geothermal resource valuation with no analysis of their applicability to coal-fired electric generation. This ignores the value added by all activities converting coal to electricity between the mine and the end use customer's switch, the multiple resale tiers prior to end use, the variety of retail prices paid by end use customers, and the fact that the fuel component of a retail electricity price includes non-coal energy sources from the

royalty payors' complete portfolios of natural gas, hydro, wind and solar, effectively making the Final Rule's required valuation impossible to calculate;

- For all coal not sold by the lessee at arm's length, failure to provide any index or other option to use reliable alternative valuation methods established near the lease like those available for oil and gas valuation;
- Blanket denial, artificial limitation, and termination of allowances to which lessees are legally entitled, undermining ONRR's longstanding recognition of valuation at or near the lease;
- Unsupported singling out of coal cooperatives for special treatment, including royalty valuation calculations that are impossible to perform, and disregard of well-established legal principles governing "affiliated" entities;
- Sudden reversal of longstanding subsea transportation allowances for offshore oil and gas;
- Refusal to recognize for valuation purposes any contract for the sale of oil, gas, or coal that is legally enforceable yet may be unwritten or unsigned by all parties; and
- Requirement to pay royalty on unattainable index prices for federal gas.

The Final Rule proffered no evidence or compelling justification for promulgating the wholesale changes to ONRR's well-established royalty valuation regulations. Rather, ONRR ignored the many comments pointing out the multiple shortcomings in the rule ONRR proposed and then finalized the rule essentially unchanged. Moreover, ONRR failed to sufficiently analyze and disclose the overall negative economic impacts of its Final Rule.

Federal and Indian coal lessees and federal oil and gas lessees face significant hardship and uncertainty in the face of their upcoming first reporting deadline under the Final Rule. As noted above and previously, many lessees simply cannot conform to the terms of the Final Rule, which requires calculations that are infeasible to perform and information that is impossible to obtain. Industry efforts to obtain adequate guidance from ONRR thus far have been unsuccessful, as the agency has provided no substantive responses to several inquiries over multiple months. Exacerbating the harms to lessees is their exposure to enforcement actions, including significant knowing or willful civil penalties, if they are unable to report and pay their royalties in accordance with the Final Rule's stated requirements. The Final Rule also allows ONRR to impermissibly recoup more financial consideration from federal and Indian lessees than ONRR is entitled to receive. Yet, if the Final Rule challenge is successful, ONRR has no authority to compensate lessees for their substantial costs of compliance (including their creation

February 17, 2017

Page 4

and implementation of new accounting systems) or with interest on any royalty overpayments. This reality defeats ONRR's purported goal in the Final Rule to provide "greater simplicity, certainty, clarity, and consistency in product valuation for mineral lessees."

Postponement of the Final Rule's implementation pending judicial review, consequently with no risk of retroactive application, would avoid the above harms, and also serve the public interest. The regulated community stands to suffer the most harm absent a postponement, while postponement and continued application of regulations that have been in effect for over 25 years would not harm ONRR or any member of the public. Postponement also serves the public interest by obviating costly and time-consuming individual enforcement and corresponding appeals simultaneous with the present litigation against the Final Rule. Finally, the public interest is served by proper application of regulations consistent with ONRR's statutory authority, in contrast to the present Final Rule.

Sincerely,

 <hr/> <p>Peter J. Schaumberg James M. Auslander BEVERIDGE & DIAMOND, P.C. 1350 I Street, NW, Suite 700 Washington, D.C. 20005-3311 Phone: (202) 789-6009 pschaumberg@bdlaw.com jauslander@bdlaw.com Attorneys for National Mining Association, Wyoming Mining Association, American Petroleum Institute, and Black Hills Corporation</p>	<hr/> <p>John F. Shepherd Walter F. Eggers, III Tina Van Bockern HOLLAND & HART LLP 555 Seventeenth Street, Suite 3200 Post Office Box 8749 Denver, Colorado 80201-8749 Phone: (303) 295-8000 jshepherd@hollandhart.com weggers@hollandhart.com trvanbockern@hollandhart.com Attorneys for Cloud Peak Energy Inc.</p>
<hr/> <p>Rex E. Johnson Brian D. Artery SHERARD, SHERARD, ARTERY & JOHNSON 602 10th Street Wheatland, WY 82201 Phone: (307) 332-5555 rex@ssjwyolaw.com bartery@ssjwyolaw.com Attorneys for Basin Electric Power Cooperative and Western Fuels-Wyoming, Inc.</p>	<hr/> <p>Gail L. Wurtzler Kathleen C. Schroder DAVIS, GRAHAM & STUBBS LLP 1550 Seventeenth Street, Suite 500 Denver, CO 80202 Phone: (303) 892-9400 Gail.Wurtzler@dgsllaw.com Katie.Schroder@dgsllaw.com Attorneys for Tri-State Generation and Transmission Association Inc.</p>

February 17, 2017

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Postponement of the Final Rule's implementation pending judicial review, consequently with no risk of retroactive application, would avoid the above harms, and also serve the public interest. The regulated community stands to suffer the most harm absent a postponement, while postponement and continued application of regulations that have been in effect for over 25 years would not harm ONRR or any member of the public. Postponement also serves the public interest by obviating costly and time-consuming individual enforcement and corresponding appeals simultaneous with the present litigation against the Final Rule. Finally, the public interest is served by proper application of regulations consistent with ONRR's statutory authority, in contrast to the present Final Rule.

Sincerely,

<hr/> <p>Peter J. Schaumberg James M. Auslander BEVERIDGE & DIAMOND, P.C. 1350 I Street, NW, Suite 700 Washington, D.C. 20005-3311 Phone: (202) 789-6009 pschaumberg@bdlaw.com jauslander@bdlaw.com Attorneys for National Mining Association, Wyoming Mining Association, American Petroleum Institute, and Black Hills Corporation</p>	<hr/> <p>John F. Shepherd Walter F. Eggers, III Tina Van Bockern HOLLAND & HART LLP 555 Seventeenth Street, Suite 3200 Post Office Box 8749 Denver, Colorado 80201-8749 Phone: (303) 295-8000 jshepherd@hollandhart.com weggers@hollandhart.com trvanbockern@hollandhart.com Attorneys for Cloud Peak Energy Inc.</p>
<hr/> <p>Rex E. Johnson Brian D. Artery SHERARD, SHERARD, ARTERY & JOHNSON 602 10th Street Wheatland, WY 82201 Phone: (307) 332-5555 rex@ssjwyolaw.com bartery@ssjwyolaw.com Attorneys for Basin Electric Power Cooperative and Western Fuels-Wyoming, Inc.</p>	<hr/> <p> Gail L. Wurtzler Kathleen C. Schroder DAVIS, GRAHAM & STUBBS LLP 1550 Seventeenth Street, Suite 500 Denver, CO 80202 Phone: (303) 892-9400 Gail.Wurtzler@dgsllaw.com Katie.Schroder@dgsllaw.com Attorneys for Tri-State Generation and Transmission Association Inc.</p>

February 17, 2017

Page 5

cc: K. Jack Haugrud, Acting Secretary of the Interior
Matt Wheeler, Office of the Solicitor, U.S. Department of the Interior
Rebecca Jaffe, U.S. Department of Justice
Nick Vasallo, Office of the U.S. Attorney, Wyoming

Deleted: [USE DIRECTOR LETTERHEAD]

<u>Gail L. Wurtzler</u>	<u>Peter J. Schaumberg</u>
<u>Kathleen C. Schroder</u>	<u>James M. Auslander</u>
<u>Davis, Graham & Stubbs LLP</u>	<u>Beveridge & Diamond, P.C.</u>
<u>1550 Seventeenth Street, Suite 500</u>	<u>130 I Street, NW, Suite 700</u>
<u>Denver, CO 80202</u>	<u>Washington, D.C. 20005-3311</u>

Deleted: [Name]

<u>John F. Shepherd</u>	<u>Rex E. Johnson</u>
<u>Walter F. Eggers, III</u>	<u>Brian D. Artery</u>
<u>Tina Van Bockern</u>	<u>Sherard, Sherard, Artery & Johnson</u>
<u>Holland & Hart LLP</u>	<u>602 10th Street</u>
<u>555 Seventeenth Street, Suite 3200</u>	<u>Wheatland, WY 82201</u>
<u>Post Office Box 8749</u>	
<u>Denver, CO 80201-8749</u>	

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Deleted: [Title]
[Organization]
[Address]
[City, State ZIP]

Dear Mses. Wurtzler, Schroder, and Van Bockern, and Messrs. Schaumberg, Auslander, Shepherd, Eggers, Johnson, and Artery,

Deleted: [XXX]

(b) (5)

Sincerely,

Gregory J. Gould
Director

Conversation Contents

ONRR Review of Reporter Letter

Attachments:

/15. ONRR Review of Reporter Letter/1.1 2017 Rule Stay Reporter Letter w
ONRR Edits 02-17-2017.docx

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Fri Feb 17 2017 16:04:42 GMT-0700 (MST)
To: Matthew Wheeler <matthew.wheeler@sol.doi.gov>
Jim Steward <jim.steward@onrr.gov>, Amy Lunt
<amy.lunt@onrr.gov>, "Wunderlich, Karl"
CC: <karl.wunderlich@onrr.gov>, "Carey, Chris E"
<Chris.Carey@onrr.gov>, Bonnie Robson
<bonnie.robson@onrr.gov>
Subject: ONRR Review of Reporter Letter
Attachments: 2017 Rule Stay Reporter Letter w ONRR Edits 02-17-
2017.docx

Matt,

Attached are our edits of your revisions. It is much improved from before.
Thanks for your help on this. Let us know if you have any questions.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

This message serves as guidance for determining value for Federal royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

From: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Sent: Fri Feb 17 2017 16:11:57 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Jim Steward <jim.steward@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>
CC:
Subject: Re: ONRR Review of Reporter Letter

Does this need to be cleared by anyone at ONRR, or are we good to go?

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Fri, Feb 17, 2017 at 4:04 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

Matt,

Attached are our edits of your revisions. It is much improved from before. Thanks for your help on this. Let us know if you have any questions.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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| Subject: Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule

Deleted:

Dear Reporter:

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(b) (5)

If you have questions about the status of the 2017 Valuation Rule or the effect of this stay, please visit ONRR's website at www.onrr.gov.

Sincerely,

James D. Steward
Deputy Director

Conversation Contents

Dear Reporter Letter re-draft

Attachments:

/16. Dear Reporter Letter re-draft/1.1 2017 Rule Stay Reporter Letter .MJW edits.docx

"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

From: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Sent: Fri Feb 17 2017 14:42:33 GMT-0700 (MST)
To: Peter Christnacht <peter.christnacht@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>
Subject: Dear Reporter Letter re-draft
Attachments: 2017 Rule Stay Reporter Letter .MJW edits.docx

Given the number of changes I made, its probably easier to review in "final" form as opposed to "marked." Please let me know your thoughts ASAP.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Fri Feb 17 2017 14:52:57 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
CC: "Carey, Chris" <chris.carey@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>
Subject: Re: Dear Reporter Letter re-draft

Matt,

Amy, Karl and I are now looking at your changes. Thanks.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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On Fri, Feb 17, 2017 at 2:42 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Given the number of changes I made, its probably easier to review in "final" form as opposed to "marked." Please let me know your thoughts ASAP.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

From: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Sent: Fri Feb 17 2017 14:53:47 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
"Carey, Chris" <chris.carey@onrr.gov>, Amy Lunt
<amy.lunt@onrr.gov>, Karl Wunderlich
<karl.wunderlich@onrr.gov>
CC:
Subject: Re: Dear Reporter Letter re-draft

Thank you. Please note that we are trying to be as clear as possible. If anything doesn't sound right, please fix it.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Fri, Feb 17, 2017 at 2:52 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

Matt,

Amy, Karl and I are now looking at your changes. Thanks.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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On Fri, Feb 17, 2017 at 2:42 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Given the number of changes I made, its probably easier to review in "final" form as opposed to "marked." Please let me know your thoughts ASAP.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

Subject: Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal
Valuation Reform Final Rule

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(b) (5)

If you have questions about the status of the 2017 Valuation Rule or the effect of this stay, please visit ONRR's website at www.onrr.gov.

(b) (5)

Sincerely,

James D. Steward
Deputy Director

Conversation Contents

Fwd: COB Drafts for Stay 02-16-2017

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Fri Feb 17 2017 14:06:00 GMT-0700 (MST)
To: "Carey, Chris E" <Chris.Carey@onrr.gov>
Subject: Fwd: COB Drafts for Stay 02-16-2017

Chris,

I just left you a voice mail. You can ignore it. It's the Federal Register notice that now Greg will sign not the Federal Register notice. Matt knows all this. For now, Jim is still the signatory on the Dear Reporter letter.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Fri, Feb 17, 2017 at 6:51 AM
Subject: Re: COB Drafts for Stay 02-16-2017
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Cc: Matthew Wheeler <matthew.wheeler@sol.doi.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

Matt,

(b) (5)

Peter will work with the Rules Team to make the change and send you back a clean version of the FR Notice.

Thanks and Happy Friday everyone!

Grg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Thu, Feb 16, 2017 at 4:31 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

Matt,

Greg just weighed in with edits on the Director letter. I am re-sending the three documents so that you only have one email to access. Again, thanks for all of your support on this.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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Conversation Contents

null

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Fri Feb 17 2017 12:18:33 GMT-0700 (MST)
To:
Subject:

Hi Mary - are you free at 1pm to join a meeting or phone call? We are staying the valuation rule and are hashing out language to guide reporters...

Mary Dietrick <Mary.Dietrick@mms.gov>

From: Mary Dietrick <Mary.Dietrick@mms.gov>
Sent: Fri Feb 17 2017 12:23:20 GMT-0700 (MST)
To:
Subject:

sure what number should I call?

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Fri Feb 17 2017 12:23:53 GMT-0700 (MST)
To:
Subject:

Awesome! I'm sending out an invite shortly. Thank you!

Conversation Contents

Some FAQ thoughts

Attachments:

/19. Some FAQ thoughts/1.1 2017 Rule Stay FAQ 20170217 ASL CMTS.docx

"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Fri Feb 17 2017 11:02:28 GMT-0700 (MST)
To: "Carey, Chris E" <Chris.Carey@onrr.gov>
Subject: Some FAQ thoughts
Attachments: 2017 Rule Stay FAQ 20170217 ASL CMTS.docx

Nice work on this. Thank you!!

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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Attention: The 2017 Valuation Rule has been stayed. Lessees should value, report, and pay royalties for January, 2017 production forward under the rules that were in effect prior to January 1, 2017. (click here for more information)

Commented [CEC1]: This will be in a special attention-grabber box on the home page of ONRR gov. Clicking on the box will lead to the reporter and this list of FAQs

Question: Under what rules should I report, value, and pay royalties for January, 2017, production?

Answer: You should report, value, and pay royalties under the rules that were in effect prior to January 1, 2017.

Commented [ASL2]: Can we insert a link here to the rules in

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Question: If I still have questions about reporting, valuing, and paying royalties in light of this stay, who should I contact?

Answer: If you have questions about how to value your oil, gas, or coal, please send an email to RoyaltyValuation@onrr.gov. If your questions are strictly reporting-related, please contact your royalty reporting contact person, as listed on our [website](#).

Commented [ASL4]: Maybe insert a link here?

Conversation Contents

Website Material

Attachments:

/20. Website Material/1.1 2017 Rule Stay FAQ 20170217.docx

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Fri Feb 17 2017 10:41:06 GMT-0700 (MST)
To: Amy Lunt <amy.lunt@onrr.gov>
Subject: Website Material
Attachments: 2017 Rule Stay FAQ 20170217.docx

Hi Amy,

Attached is a document with the notice we're going to put on onrr.gov and the beginning of our FAQs. Do you mind taking a look? Please look at it with an eye for content as well as grammar. Can you think of any other FAQs?

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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Attention: The 2017 Valuation Rule has been stayed. Lessees should value, report, and pay royalties for January, 2017 production forward under the rules that were in effect prior to January 1, 2017. ([click here for more information](#))

Commented [CEC1]: This will be in a special attention-grabber box on the home page of ONRR.gov. Clicking on the box will lead to the reporter and this list of FAQs

Question: Under what rules should I report, value, and pay royalties for January, 2017, production?

Answer: You should report, value, and pay royalties under the rules that were in effect prior to January 1, 2017.

Question: Was the 2017 Valuation Rule stayed for all commodities (oil, gas, and coal)?

Answer: Yes, the rule has been stayed for all commodities.

(b) (5)

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Question: If I still have questions about reporting, valuing, and paying royalties in light of this stay, who should I contact?

Answer: If you have questions about how to value your oil, gas, or coal, please send an email to RoyaltyValuation@onrr.gov. If your questions are strictly reporting-related, please contact your royalty reporting contact person, as listed on our website.

Conversation Contents

Reporter Letter

Attachments:

/21. Reporter Letter/2.1 2017 Rule Stay Reporter Letter DRAFT for SOL 20170216.docx

Treci Johnson <treci.johnson@onrr.gov>

From: Treci Johnson <treci.johnson@onrr.gov>
Sent: Fri Feb 17 2017 09:47:57 GMT-0700 (MST)
To: Chris Carey <chris.carey@onrr.gov>
Subject: Reporter Letter

Hi Chris,

Jodie let me know that a reporter letter and FAQs are scheduled for the website next week. Could I get a copy of the materials?

Thanks,

Treci Johnson
Public Affairs Specialist
Office of Natural Resources Revenue
202-469-2258 (Mobile)
202-513-0611 (Office)
Treci.Johnson@onrr.gov

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Fri Feb 17 2017 10:05:15 GMT-0700 (MST)
To: Treci Johnson <treci.johnson@onrr.gov>
CC: Amy Lunt <amy.lunt@onrr.gov>
Subject: Re: Reporter Letter
Attachments: 2017 Rule Stay Reporter Letter DRAFT for SOL 20170216.docx

Hi Treci,

The draft reporter letter is attached. It is currently under review by the Solicitor, so it

could change slightly. I am working on the FAQ list, and will send that draft over later today or early next week. Thanks so much for helping us out with this. If you have any questions or concerns feel free to call me.

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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On Fri, Feb 17, 2017 at 9:47 AM, Treci Johnson <treci.johnson@onrr.gov> wrote:

Hi Chris,

Jodie let me know that a reporter letter and FAQs are scheduled for the website next week. Could I get a copy of the materials?

Thanks,

Treci Johnson
Public Affairs Specialist
Office of Natural Resources Revenue
202-469-2258 (Mobile)
202-513-0611 (Office)
Treci.Johnson@onrr.gov

Treci Johnson <treci.johnson@onrr.gov>

From: Treci Johnson <treci.johnson@onrr.gov>
Sent: Fri Feb 17 2017 10:39:33 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
CC: Amy Lunt <amy.lunt@onrr.gov>
Subject: Re: Reporter Letter

Hi Chris,

Thank you. This is helpful.

Quick question: the letter mentions that companies should use the reporting methods in place prior to January 1. Will all companies know this information? Would it be helpful to link to information regarding the prior reporting method?

I'm sure most companies have worked with ONRR for many years, but I just wanted to share that thought in case there are any new companies who would be reporting for the first time.

Thanks again,

Treci Johnson
Public Affairs Specialist
Office of Natural Resources Revenue
202-469-2258 (Mobile)
202-513-0611 (Office)
Treci.Johnson@onrr.gov

On Feb 17, 2017, at 12:05 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

Hi Treci,

The draft reporter letter is attached. It is currently under review by the Solicitor, so it could change slightly. I am working on the FAQ list, and will send that draft over later today or early next week. Thanks so much for helping us out with this. If you have any questions or concerns feel free to call me.

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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On Fri, Feb 17, 2017 at 9:47 AM, Treci Johnson <treci.johnson@onrr.gov> wrote:

Hi Chris,

Jodie let me know that a reporter letter and FAQs are scheduled for the website next week. Could I get a copy of the materials?

Thanks,

Treci Johnson
Public Affairs Specialist
Office of Natural Resources Revenue
202-469-2258 (Mobile)
202-513-0611 (Office)
Treci.Johnson@onrr.gov

<2017 Rule Stay Reporter Letter DRAFT for SOL 20170216.docx>

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Fri Feb 17 2017 10:42:49 GMT-0700 (MST)
To: Treci Johnson <treci.johnson@onrr.gov>
CC: Amy Lunt <amy.lunt@onrr.gov>
Subject: Re: Reporter Letter

Hi Treci,

Great idea. Those regulations are in pdf form in the valuation section of the website, so it should be easy to provide a link to those regulations. Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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On Fri, Feb 17, 2017 at 10:39 AM, Treci Johnson <treci.johnson@onrr.gov> wrote:

Hi Chris,

Thank you. This is helpful.

Quick question: the letter mentions that companies should use the reporting methods in place prior to January 1. Will all companies know this information? Would it be helpful to link to information regarding the prior reporting method?

I'm sure most companies have worked with ONRR for many years, but I just wanted to

share that thought in case there are any new companies who would be reporting for the first time.

Thanks again,

Treci Johnson
Public Affairs Specialist
Office of Natural Resources Revenue
202-469-2258 (Mobile)
202-513-0611 (Office)
Treci.Johnson@onrr.gov

On Feb 17, 2017, at 12:05 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

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The draft reporter letter is attached. It is currently under review by the Solicitor, so it could change slightly. I am working on the FAQ list, and will send that draft over later today or early next week. Thanks so much for helping us out with this. If you have any questions or concerns feel free to call me.

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Thanks,

Treci Johnson
Public Affairs Specialist
Office of Natural Resources Revenue

202-469-2258 (Mobile)
202-513-0611 (Office)
Treci.Johnson@onrr.gov

<2017 Rule Stay Reporter Letter DRAFT for SOL 20170216.docx>

Subject: Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule

Dear Reporter:

(b) (5)

If you have questions about the status of the 2017 Rule or the effect of this stay, please visit ONRR's website at www.onrr.gov.

Sincerely,

(b) (5)

James D. Steward
Deputy Director

Conversation Contents

PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule

Attachments:

/22. PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule/1.1 Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule.docx

/22. PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule/2.1 Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_CCredits.docx

/22. PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule/4.1 Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_KWcomments.docx

/22. PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule/5.1 Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_KWcomments ggedt.docx

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Thu Feb 16 2017 15:18:08 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Greg Gould <greg.gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>
CC:
Subject: PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule
Attachments: Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule.docx

Please review and edit the attached draft letter at your soonest opportunity.

Peter Christnacht will send drafts of this letter, the FR notice, and the Dear Reporter Letter to the Solicitor's Office later today.

Thank you.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue

U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Thu, Feb 16, 2017 at 12:16 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

Hi All,

Attached is the draft of the reporter letter. Please let me know if you have changes/comments etc ASAP so Matt Wheeler can look at it this afternoon before we provide it to Matt McKeown by COB today.

Two things to know/consider:

- (b) (5)

-

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

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Chris.Carey@onrr.gov

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"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Thu Feb 16 2017 15:58:03 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Subject: Re: PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule
Attachments: Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_CCredits.docx

Great draft, Bonnie! My minor addition is in the attached version. Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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On Thu, Feb 16, 2017 at 3:18 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:
Please review and edit the attached draft letter at your soonest opportunity.

Peter Christnacht will send drafts of this letter, the FR notice, and the Dear Reporter Letter to the Solicitor's Office later today.

Thank you.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
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Two things to know/consider:

- (b) (5)

-

Thanks!

Chris Carey

Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Thu Feb 16 2017 16:03:58 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Subject: Re: PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule

Thanks, Chris.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Thu, Feb 16, 2017 at 3:58 PM, Carey, Chris <chris.carey@onrr.gov> wrote:
Great draft, Bonnie! My minor addition is in the attached version. Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
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Two things to know/consider:

- (b) (5)

-

Thanks!

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"Wunderlich, Karl" <karl.wunderlich@onrr.gov>

From: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
Sent: Thu Feb 16 2017 16:09:30 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
"Carey, Chris" <chris.carey@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Greg Gould <greg.gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>
CC:
Subject: Re: PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule
Attachments: Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_KWcomments.docx

My comments attached.
-Karl

On Thu, Feb 16, 2017 at 3:18 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:
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Thank you.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
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Royalty Valuation Office
Office of Natural Resources Revenue

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--

Karl Wunderlich

Supervisor, Royalty Valuation Team C

Office of Natural Resources Revenue

U.S. Department of the Interior

303-231-3663 (office)

karl.wunderlich@onrr.gov

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"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Thu Feb 16 2017 16:16:50 GMT-0700 (MST)
To: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
"Robson, Bonnie" <bonnie.robson@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Jim Steward <jim.steward@onrr.gov>
CC:
Subject: Re: PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule
Attachments: Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_KWcomments ggedt.docx

I have added a minor edit to Karl's edits, see attached. I'm all set with this draft for SOL review.

Thanks again everyone!

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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-Karl

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Program Manager, Appeals & Regulations
Office of Natural Resources Revenue

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Denver, CO 80225
EMail: bonnie.robson@onrr.gov
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Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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Karl Wunderlich

Supervisor, Royalty Valuation Team C

Office of Natural Resources Revenue

U.S. Department of the Interior

303-231-3663 (office)

karl.wunderlich@onrr.gov

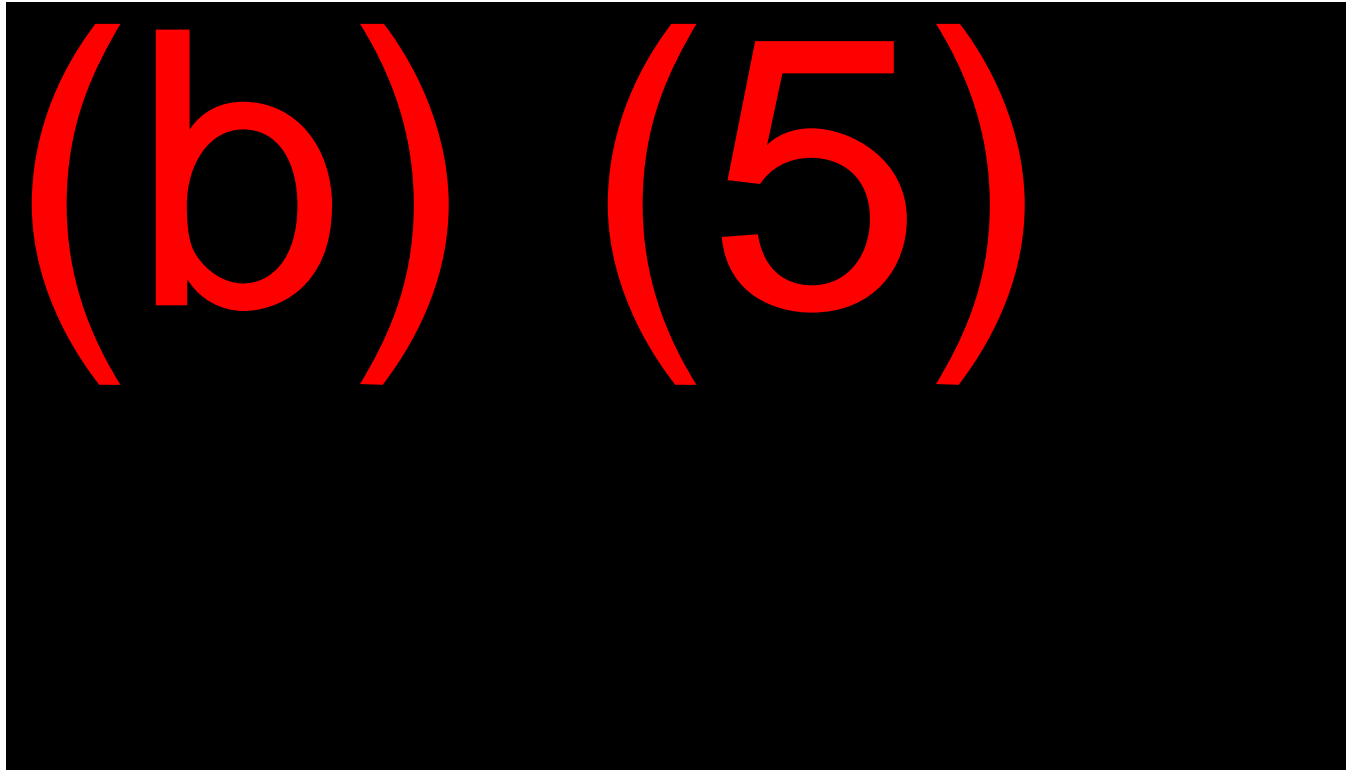
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[USE DIRECTOR LETTERHEAD]

[Name]
[Title]
[Organization]
[Address]
[City, State ZIP]

Dear Mr. [XXX],



Sincerely,

Gregory J. Gould
Director

[USE DIRECTOR LETTERHEAD]

[Name]
[Title]
[Organization]
[Address]
[City, State ZIP]

Dear Mr. [XXX],

(b) (5)

Sincerely,

Gregory J. Gould
Director

[USE DIRECTOR LETTERHEAD]

[Name]
[Title]
[Organization]
[Address]
[City, State ZIP]

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(b) (5)

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[Name]
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[Organization]
[Address]
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Dear Mr. [XXX],

(b) (5)

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Director

Conversation Contents

Technical Language for the Federal Register Notice Draft

Attachments:

/23. Technical Language for the Federal Register Notice Draft/1.1 Section 705 FR Notice (w ONRR edits 2-15-17).docx
/23. Technical Language for the Federal Register Notice Draft/2.1 Section 705 FR Notice (w ONRR edits 2-15-17) - BR added.docx
/23. Technical Language for the Federal Register Notice Draft/3.1 Section 705 FR Notice (w ONRR edits 2-15-17) - BR added.docx
/23. Technical Language for the Federal Register Notice Draft/4.1 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017cc.docx
/23. Technical Language for the Federal Register Notice Draft/4.2 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017tc.docx
/23. Technical Language for the Federal Register Notice Draft/5.1 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017_1504cc.docx
/23. Technical Language for the Federal Register Notice Draft/5.2 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017_1504tc.docx

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Wed Feb 15 2017 15:07:10 GMT-0700 (MST)
Greg Gould <greg.gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>
To: Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, "Gonzales-Evans, Anita" <anita.gonzales-evans@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>
CC:
Subject: Technical Language for the Federal Register Notice Draft
Attachments: Section 705 FR Notice (w ONRR edits 2-15-17).docx

ONRR Executive Committee and Bonnie,

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-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Wed Feb 15 2017 20:09:38 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Greg Gould <greg.gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, "Gonzales-Evans, Anita" <anita.gonzales-evans@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>
CC:
Subject: Re: Technical Language for the Federal Register Notice Draft
Attachments: Section 705 FR Notice (w ONRR edits 2-15-17) - BR added.docx

My comments and suggested edits are attached.

Armand and Luis, please add the necessary FR format/header to the attached using track

changes first thing Thursday morning, then email to Peter w/ cc to me.

Thank you.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Wed, Feb 15, 2017 at 3:07 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

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From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Wed Feb 15 2017 20:13:46 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Greg Gould <greg.gould@onrr.gov>, Jim Steward
<jim.steward@onrr.gov>, John Mehlhoff
<john.mehlhoff@onrr.gov>, "Gidner, Jerold"
<jerold.gidner@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>,
CC: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey,
Chris E" <Chris.Carey@onrr.gov>, Matt Williams
<matt.williams@onrr.gov>, "Gonzales-Evans, Anita"
<anita.gonzales-evans@onrr.gov>, Armand Southall
<armand.southall@onrr.gov>, Luis Aguilar
<luis.aguilar@onrr.gov>
Subject: Re: Technical Language for the Federal Register Notice
Draft
Attachments: Section 705 FR Notice (w ONRR edits 2-15-17) - BR
added.docx

Sorry, wrong attachment with last email. Correct attachment this time!

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
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"Aguilar, Luis" <luis.aguilar@onrr.gov>

From: "Aguilar, Luis" <luis.aguilar@onrr.gov>
Sent: Thu Feb 16 2017 08:11:22 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Greg Gould <greg.gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey,
CC:

Chris E" <Chris.Carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, "Gonzales-Evans, Anita" <anita.gonzales-evans@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>

Subject:

Re: Technical Language for the Federal Register Notice Draft

Attachments:

AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017cc.docx AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017tc.docx

Peter,

Attached are a clean copy and a track changes copy of the updated FRN for the Stay of AA13 with all requested updates and proper format. Please review and let us know if you need anything else.

Cheers

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
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"Southall, Armand" <armand.southall@onrr.gov>

From: "Southall, Armand" <armand.southall@onrr.gov>
Sent: Thu Feb 16 2017 15:13:41 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Greg Gould <greg.gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, "Gonzales-Evans, Anita" <anita.gonzales-evans@onrr.gov>, "Aguilar, Luis" <luis.aguilar@onrr.gov>
CC:
Subject: Re: Technical Language for the Federal Register Notice Draft
Attachments: AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017_1504cc.docx AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017_1504tc.docx

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Thanks,

L. Armand Southall

*Regulatory Specialist
Rules & Regs Team / Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals
Office of Natural Resources Revenue
Denver Federal Center / Bldg 53, Cube 50
P.O. Box 25165, MS 64400
Denver, Colorado 80225-0165
303.231.3221 | 303.231.3362 (fax)*

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Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
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"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Thu Feb 16 2017 15:18:29 GMT-0700 (MST)
To: "Southall, Armand" <armand.southall@onrr.gov>
"Christnacht, Peter" <peter.christnacht@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, "Gonzales-Evans, Anita" <anita.gonzales-evans@onrr.gov>, "Aguilar, Luis" <luis.aguilar@onrr.gov>
CC:
Subject: Re: Technical Language for the Federal Register Notice Draft

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Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Rules & Regs Team / Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals
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Denver, Colorado 80225-0165
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Program Manager, Appeals & Regulations
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"Southall, Armand" <armand.southall@onrr.gov>

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Sent: Thu Feb 16 2017 15:20:31 GMT-0700 (MST)
To: "Gould, Greg" <greg.gould@onrr.gov>
"Christnacht, Peter" <peter.christnacht@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, "Gonzales-Evans, Anita" <anita.gonzales-evans@onrr.gov>, "Aguilar, Luis" <luis.aguilar@onrr.gov>
CC:
Subject: Re: Technical Language for the Federal Register Notice Draft

Yes, you're welcome, Greg!

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L. Armand Southall

*Regulatory Specialist
Rules & Regs Team / Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals
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Denver, Colorado 80225-0165
303.231.3221 | 303.231.3362 (fax)*

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On Thu, Feb 16, 2017 at 8:11 AM, Aguilar, Luis <luis.aguilar@onrr.gov> wrote:
Peter,

Attached are a clean copy and a track changes copy of the updated FRN for the Stay of AA13 with all requested updates and proper format. Please review and let us know if you need anything else.

Cheers

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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On Wed, Feb 15, 2017 at 8:13 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

Sorry, wrong attachment with last email. Correct attachment this time!

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Wed, Feb 15, 2017 at 8:09 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

My comments and suggested edits are attached.

Armand and Luis, please add the necessary FR format/header to the attached using track changes first thing Thursday morning, then email to Peter w/ cc to me.

Thank you.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Wed, Feb 15, 2017 at 3:07 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

ONRR Executive Committee and Bonnie,

Matt Wheeler asked us to resume editing the Federal Register

notice for technical issues and to run our latest draft (attached) by the ONRR EC folks involved in this issue prior for accuracy prior to his adding legal language for preparation for publication. Realize that we are only concerned with accuracy pertaining to the valuation rule and ONRR operations affected by staying the rule. Please review and provide comments to me as soon as possible so that I may provide the draft to Matt Wheeler for him to work his part. In the mean time, we will be working on making changes to the dear reporter letter to the extent that we can so that it will be easy to make final edits to that document once we know that the FR Notice has published. Thanks.

-Peter A Christnacht-

Supervisor, Royalty Valuation, Team B

Office of Natural Resource Revenue

303 231-3651 Desk

303 565-9513 Cell

Fax 303 231-3744

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DATE:

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DATE:

(b) (5)

DATE:

(b) (5)

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Parts 1202 and 1206

[Docket No. ONRR–2012–0004; DS63644000 DR2000000.CH7000 178D0102R2]

RIN 1012–AA13

**Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform
Final Rule**

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Notice.

SUMMARY: : On July 1, 2016, ONRR published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Final Rule (Final Rule) in the Federal Register at 81 FR 43338. On December 29, 2016, members of industry filed three separate petitions for review (Petitions) in the U.S. District Court for the District of Wyoming. In light of the pending litigation, ONRR finds justice requires it to postpone the effective date of the Final Rule pending judicial review.

DATE: This notice is effective [**INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER**].

FOR FURTHER INFORMATION CONTACT: Peter Christnacht, Royalty Valuation team B, at 303-231-3651 or email to peter.christnacht@onrr.gov.

SUPPLEMENTARY INFORMATION: On July 1, 2016, ONRR published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Final Rule (Final Rule) in the Federal Register at 81 FR 43338. The Final Rule changes how Federal oil and gas and Federal and Indian coal lessees value their production for royalty purposes. It also revises revenue reporting

requirements and procedures. The Final Rule's changes affect oil, gas, and coal reporting for production occurring on or after January 1, 2017. Federal and Indian Lessees must first report under the Final Rule on February 28, 2017, the reporting deadline for the January 2017 production month.

On December 29, 2016, the American Petroleum Institute, the National Mining Association, the Wyoming Mining Association, Cloud Peak Energy, Black Hills Corporation, Tri-State Generation and Transmission Ass'n, Inc., Basin Electric Power Cooperative, and Western Fuels-Wyoming, Inc. filed three separate petitions for review (Petitions) in the U.S. District Court for the District of Wyoming. The petitioners allege that multiple provisions of the Final Rule are arbitrary, capricious, and contrary to the law. The petitioners also claim that the Final Rule "creates widespread uncertainty and in many cases makes compliance impossible."

Section 705 of the Administrative Procedure Act provides that an agency may postpone the effective date of an action it took pending judicial review when it finds that "justice so requires." 5 U.S.C. § 705. In light of the pending litigation, ONRR finds justice requires it to postpone the effective date of the Final Rule pending judicial review. Staying the effective date will avoid placing a significant financial and accounting burden on Federal and Indian lessees and ONRR. If some or all of the Final Rule is eventually invalidated, revised, or vacated, affected lessees would have to resubmit, and ONRR would undertake compliance activities to verify an average of 450,000 reporting lines for each production month that the Final Rule was fully in effect.

Further, the stay will support ONRR's mission to timely collect and verify natural resource and energy revenues due to States, American Indians, and the U.S. Treasury. The pending litigation has created enough uncertainty around how to properly value and report production and

it is in the public's best interest to postpone the effective date of the Final Rule pending judicial review. This is particularly advantageous because Federal & Indian lessees have not yet reported under the Final Rule. The stay will allow royalty payors to continue paying and reporting as they have been under the previous rule while legal issues are addressed.

Accordingly, *it is ordered*, pursuant to Section 705 of the Administrative Procedure Act, that the effective date of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Final Rule is hereby stayed pending judicial review.

Dated: _____

Amy Holley
*Acting Assistant Secretary
for Policy, Management and Budget*

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Parts 1202 and 1206

[Docket No. ONRR–2012–0004; DS63644000 DR2000000.CH7000 178D0102R2]

RIN 1012–AA13

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Final Rule

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Abstract:

requirements and procedures. The Final Rule's changes affect oil, gas, and coal reporting for production occurring on or after January 1, 2017. Federal and Indian Lessees must first report under the Final Rule on February 28, 2017, the reporting deadline for the January 2017 production month.

On December 29, 2016, the American Petroleum Institute, the National Mining Association, the Wyoming Mining Association, Cloud Peak Energy, Black Hills Corporation, Tri-State Generation and Transmission Ass'n, Inc., Basin Electric Power Cooperative, and Western Fuels-Wyoming, Inc. filed three separate petitions for review (Petitions) in the U.S. District Court for the District of Wyoming. The petitioners allege that multiple provisions of the Final Rule are arbitrary, capricious, and contrary to the law. The petitioners also claim that the Final Rule "creates widespread uncertainty and in many cases makes compliance impossible."

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Amy Holley
Acting Assistant Secretary
for Policy, Management and Budget



DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Parts 1202 and 1206

[Docket No. ONRR–2012–0004; DS63644000 DR2000000.CH7000 178D0102R2]

RIN 1012–AA13

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Dated: _____

Amy Holley
*Acting Assistant Secretary
for Policy, Management and Budget*

Conversation Contents

Reporter Letter for Solicitor

Attachments:

/24. Reporter Letter for Solicitor/1.1 2017 Rule Stay Reporter Letter DRAFT for SOL 20170216.docx

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Thu Feb 16 2017 15:12:51 GMT-0700 (MST)
To: Peter Christnacht <peter.christnacht@onrr.gov>
Greg Gould <greg.gould@onrr.gov>, John Mehlhoff
<john.mehlhoff@onrr.gov>, Jim Steward
CC: <jim.steward@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>,
Karl Wunderlich <karl.wunderlich@onrr.gov>
Subject: Reporter Letter for Solicitor
Attachments: 2017 Rule Stay Reporter Letter DRAFT for SOL
20170216.docx

Hi Peter,

Thanks for consolidating everything! Here is ONRR's final draft of the reporter letter, which incorporates comments from Amy, Bonnie, and Karl. If you have questions just let me know!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Thu Feb 16 2017 15:17:29 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>
CC:
Subject: Re: Reporter Letter for Solicitor

Great work everyone, thanks!

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Thu, Feb 16, 2017 at 3:12 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

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Chris Carey
Petroleum Engineer
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Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

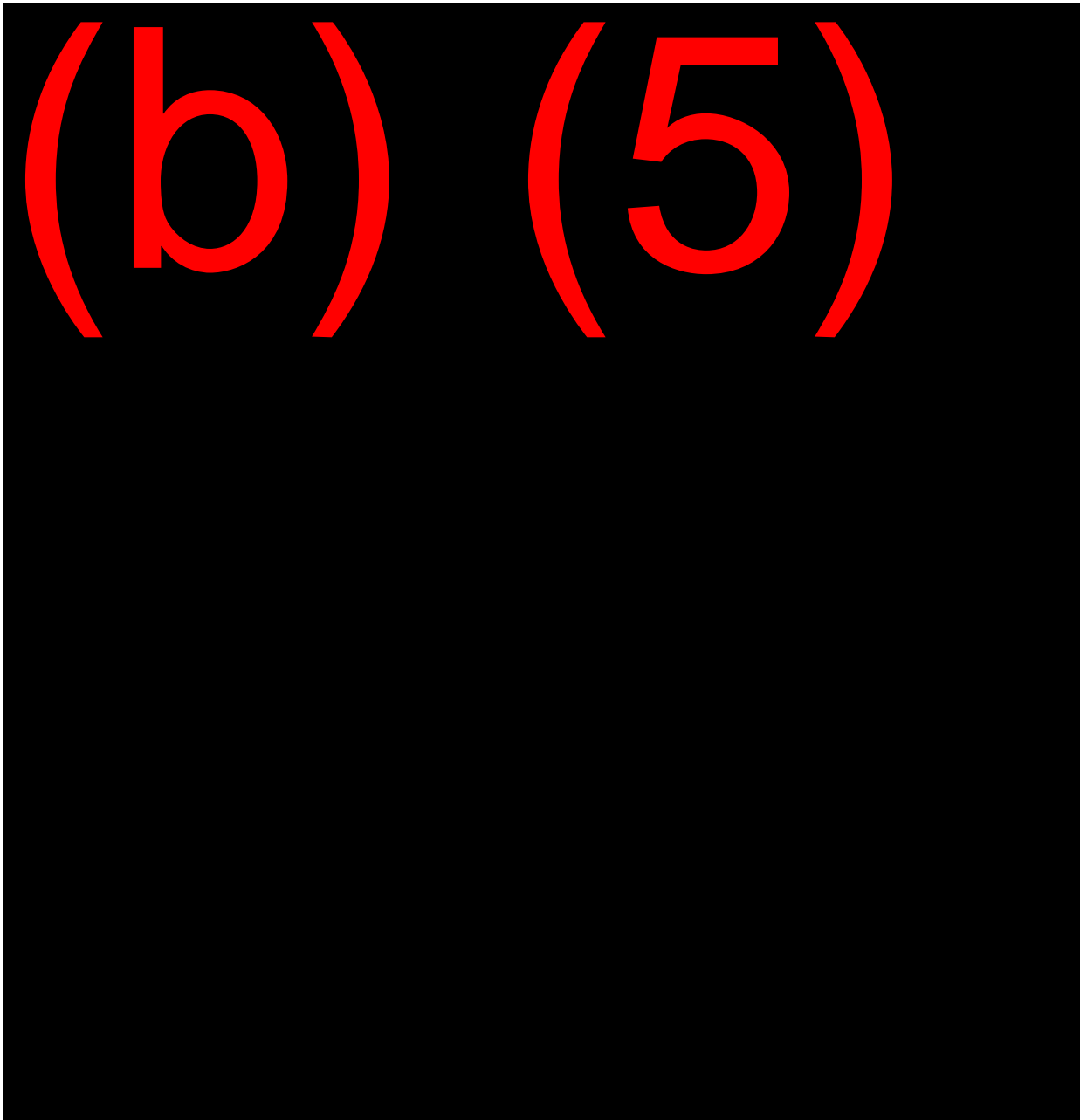
Royalty Valuation | Consistent answers to complex questions

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Subject: Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal
Valuation Reform Final Rule

Dear Reporter:



James D. Steward
Deputy Director

Conversation Contents

PLEASE REVIEW ASAP: Reporter Letter Draft

Attachments:

/25. PLEASE REVIEW ASAP: Reporter Letter Draft/1.1 2017 Rule Stay Reporter Letter DRAFT 20170216.docx

/25. PLEASE REVIEW ASAP: Reporter Letter Draft/2.1 2017 Rule Stay Reporter Letter DRAFT 20170216 - BR Edits.docx

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Thu Feb 16 2017 12:16:10 GMT-0700 (MST)
Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Greg Gould <greg.gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>
To:
Subject: PLEASE REVIEW ASAP: Reporter Letter Draft
Attachments: 2017 Rule Stay Reporter Letter DRAFT 20170216.docx

Hi All,

Attached is the draft of the reporter letter. Please let me know if you have changes/comments etc ASAP so Matt Wheeler can look at it this afternoon before we provide it to Matt McKeown by COB today.

Two things to know/consider:

- (b) (5)
- (b) (5)

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Thu Feb 16 2017 12:41:07 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Greg Gould <greg.gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>
CC:
Subject: Re: PLEASE REVIEW ASAP: Reporter Letter Draft
Attachments: 2017 Rule Stay Reporter Letter DRAFT 20170216 - BR Edits.docx

My suggested edits to the Dear Reporter Letter are attached.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Thu Feb 16 2017 13:36:10 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
"Carey, Chris" <chris.carey@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Jim Steward <jim.steward@onrr.gov>
CC:
Subject: Re: PLEASE REVIEW ASAP: Reporter Letter Draft

Thanks again to all for the great work and quick turn-around. I have no additional comments. (b) (5)

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Thu, Feb 16, 2017 at 12:16 PM, Carey, Chris <chris.carey@onrr.gov> wrote:
Hi All,

Attached is the draft of the reporter letter. Please let me know if you have changes/comments etc ASAP so Matt Wheeler can look at it this afternoon before we provide it to Matt McKeown by COB today.

Two things to know/consider:

- (b) (5)
-

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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Subject: Stay on the Consolidated Federal Oil & Gas and Federal & Indian Coal
Valuation Reform Final Rule

Dear Reporter:

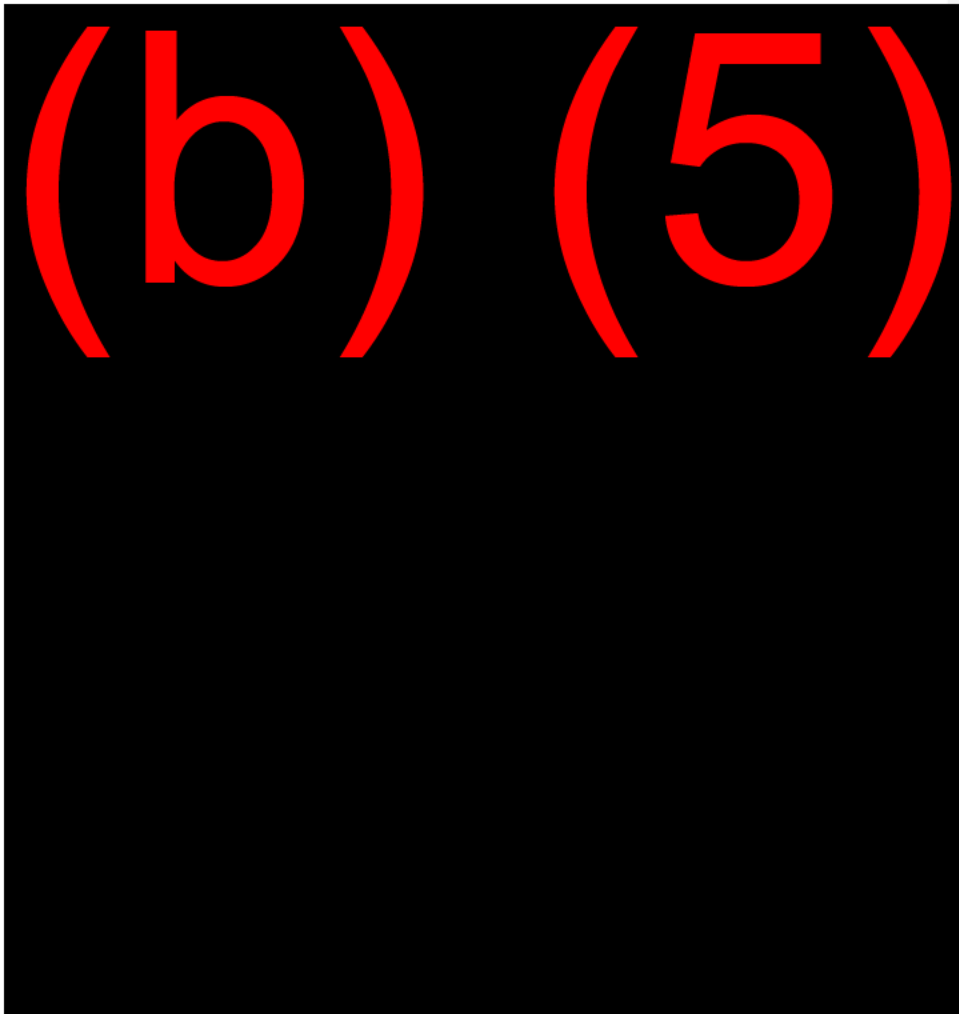
(b) (5)

James D. Steward
Deputy Director

Subject: Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule

Deleted: on

Dear Reporter:



Deleted: r

Deleted: r

James D. Steward
Deputy Director

Conversation Contents

My changes

Attachments:

/26. My changes/1.1 2017 Rule Stay Reporter Letter DRAFT 20170216 ASL CMTS 1250.docx

"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Thu Feb 16 2017 12:51:38 GMT-0700 (MST)
To: "Carey, Chris E" <Chris.Carey@onrr.gov>
Subject: My changes
Attachments: 2017 Rule Stay Reporter Letter DRAFT 20170216 ASL CMTS 1250.docx

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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Subject: Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal
Valuation Reform Final Rule

Deleted: on

Dear Reporter:

(b) (5)

James D. Steward
Deputy Director

Conversation Contents

Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

Attachments:

/27. Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule/1.1 Notice of Potential Stay of First Reporting Under Consolidated Valuation Rule - 2-14-17.docx

/27. Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule/2.1 Notice of Potential Stay of First Reporting Under Consolidated Valuation Rule - 2-14-17_CECcomments1240pm.docx

/27. Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule/4.1 Notice of Potential Stay of First Reporting Under Consolidated Valuation Rule - 2-14-17_CECcomments1240pm.docx

/27. Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule/6.1 Notice of Potential Stay of First Reporting Under Consolidated Valuation Rule - 2-14-17_CECcomments1240pm ASL CMTS 400P.docx

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Tue Feb 14 2017 12:06:37 GMT-0700 (MST)
To: Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Chris Carey <chris.carey@onrr.gov>
CC: "Mehlhoff, John" <john.mehlhoff@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Subject: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule
Attachments: Notice of Potential Stay of First Reporting Under Consolidated Valuation Rule - 2-14-17.docx

Attached please find a first draft of an E-Blast notifying all interested parties of a potential stay in the Consolidated Valuation Rule. Please provide any comments by the end of the day today, and also let me know if you have a change of mind on using an E-Blast rather than a Dear Reporter Letter to notify industry of the possibility of a stay.

(b) (5)



Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Tue Feb 14 2017 12:43:14 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt
<amy.lunt@onrr.gov>, Karl Wunderlich
CC: <karl.wunderlich@onrr.gov>, "Mehlhoff, John"
<john.mehlhoff@onrr.gov>, "Wheeler, Matthew"
<matthew.wheeler@sol.doi.gov>
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of
Potential Stay of Valuation Rule
Attachments: Notice of Potential Stay of First Reporting Under
Consolidated Valuation Rule - 2-14-
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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Tue Feb 14 2017 14:54:12 GMT-0700 (MST)
To: Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>
CC: "Mehlhoff, John" <john.mehlhoff@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Tue Feb 14 2017 14:56:37 GMT-0700 (MST)
Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt

To: <amy.lunt@onrr.gov>, Karl Wunderlich
<karl.wunderlich@onrr.gov>, Chris Carey
<chris.carey@onrr.gov>

Subject: Fwd: Draft E-Blast in Lieu of Dear Reporter Letter Advising
of Potential Stay of Valuation Rule

Attachments: Notice of Potential Stay of First Reporting Under
Consolidated Valuation Rule - 2-14-
17_CECcomments1240pm.docx

Oh, and I like Chris's edits! Nice work!

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Carey, Chris** <chris.carey@onrr.gov>
Date: Tue, Feb 14, 2017 at 12:43 PM
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of
Valuation Rule
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Cc: Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>,
Karl Wunderlich <karl.wunderlich@onrr.gov>, "Mehlhoff, John"
<john.mehlhoff@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

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Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Tue Feb 14 2017 15:34:31 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter
Christnacht <peter.christnacht@onrr.gov>, "Carey, Chris"
CC: <chris.carey@onrr.gov>, "Mehlhoff, John"
<john.mehlhoff@onrr.gov>
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of
Potential Stay of Valuation Rule

We should probably also send an email internally to coincide with the messages to industry to ameliorate any confusion when payors ask their ONRR contacts for additional information.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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Bonnie Robson

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Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
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"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Tue Feb 14 2017 16:06:53 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
"Robson, Bonnie" <bonnie.robson@onrr.gov>, Peter
Christnacht <peter.christnacht@onrr.gov>, Karl Wunderlich
CC: <karl.wunderlich@onrr.gov>, "Mehlhoff, John"
<john.mehlhoff@onrr.gov>, "Wheeler, Matthew"
<matthew.wheeler@sol.doi.gov>
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of
Potential Stay of Valuation Rule
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17_CECcomments1240pm ASL CMTS 400P.docx

I added a couple of comments to Chris's comments. I concur with Chris's changes as well.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>

Sent: Tue Feb 14 2017 16:07:20 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Karl Wunderlich <karl.wunderlich@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>, "Mehlhoff, John" <john.mehlhoff@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
CC:
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

Bonnie, et al,

We should be able to timely put an email blast out to all the oil and gas players. Our email list of 4500 payors is loaded and will be able to send out the final message in a few minutes. For coal, we have a mail list for the 70 coal payors. The labels should take about 20 minutes to print out and an hour or two to fold letters and stuff envelopes. We also have an email list of the payors who attended the payor training on the new rule that we could also send out the email blast message. I will check to see if there is a phone list for these 70 coal payors.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

From: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Sent: Wed Feb 15 2017 10:55:31 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
"Robson, Bonnie" <bonnie.robson@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>, "Mehlhoff, John" <john.mehlhoff@onrr.gov>
CC:
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

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Bonnie, et al,

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Sent: Wed Feb 15 2017 16:57:00 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Wed Feb 15 2017 17:12:55 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>
CC:
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

Okay, Thanks. John Mehlhoff has directed for us to have a meeting in the morning to assign the tasks you have identified. We can fill you in how we intend to execute the action items after we meet.

-Peter A Christnacht-
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On Wed, Feb 15, 2017 at 5:02 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

I think the letter can be largely generic. We can draft it, and then plug in a few sentences to finalize it.

Matthew J. Wheeler
U.S. Department of the Interior
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On Wed, Feb 15, 2017 at 5:01 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

Matt,

To get a start on this letter, sans seeing it, do you think we can look at the filings to address the points they make in their petitions? Or do you think we should wait until we see the letter?

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You will note that the draft mentions not only the three petitions filed in Federal Court challenging the Rule, but also the API/COPAS request to delay the effective date of the rule. If you think that a bad idea, please say so! We could go with as little as the last paragraph after augmenting it to fully identify the rule.

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Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Tue, Feb 14, 2017 at 12:43 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

Thanks for drafting this up, Bonnie! My comments and changes are in the attached version. I'm planning to take the rest of the day off, but if you need me later this afternoon feel free to call - my phone is forwarded. Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460

Chris.Carey@onrr.gov

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Matthew Wheeler <matthew.wheeler@sol.doi.gov>

From: Matthew Wheeler <matthew.wheeler@sol.doi.gov>
Sent: Thu Feb 16 2017 07:19:52 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
"Christnacht, Peter" <peter.christnacht@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Carey, Chris"

<chris.carey@onrr.gov>, "Mehlhoff, John"
<john.mehlhoff@onrr.gov>

Subject:

Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of
Potential Stay of Valuation Rule

(b) (5)

Sent from my iPhone

On Feb 15, 2017, at 7:39 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

(b) (5)

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
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Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
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Fax: (303) 231-5363

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To: Matthew Wheeler <matthew.wheeler@sol.doi.gov>
"Christnacht, Peter" <peter.christnacht@onrr.gov>, Karl
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Matt, we will still need to discuss and render conclusions on each of the 4 legal elements for stay in our Federal Register notice, won't we?

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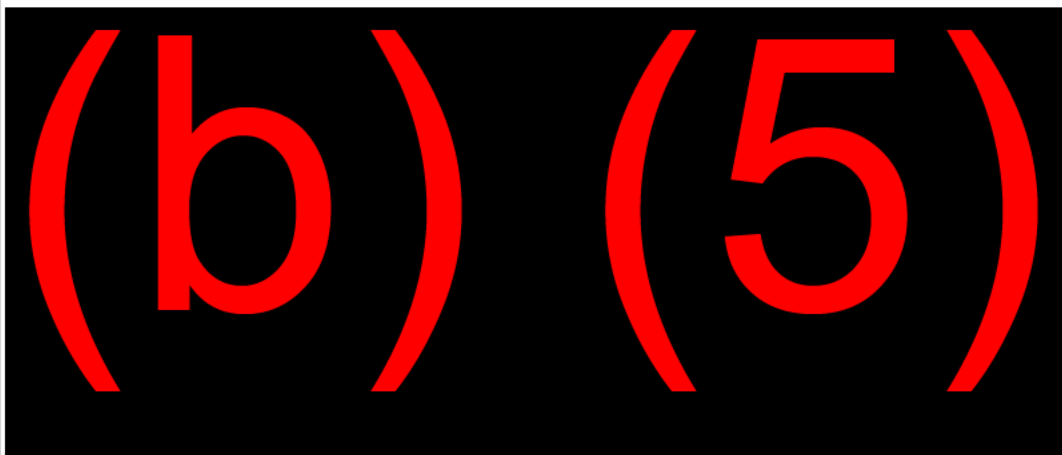
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Conversation Contents

Status of the Valuation Rule Stay - Feb 15 2017

"Gidner, Jerold" <jerold.gidner@onrr.gov>

From: "Gidner, Jerold" <jerold.gidner@onrr.gov>
Sent: Wed Feb 15 2017 09:11:31 GMT-0700 (MST)
Jim Steward <jim.steward@onrr.gov>, "Mehlhoff, John" <john.mehlhoff@onrr.gov>, Greg Gould <greg.gould@onrr.gov>, Chris Carey <chris.carey@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Matthew Wheeler <matthew.wheeler@sol.doi.gov>, Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>
To:
Subject: Status of the Valuation Rule Stay - Feb 15 2017

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Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

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I spoke this a.m. with Amy Holley, the Acting AS-PMB. She will sign the FRN. So we

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Evans <anita.gonzales-evans@onrr.gov>

Subject:

Re: Status of the Valuation Rule Stay - Feb 15 2017

Good Morning Jerry:

Per Mr. Haugrud's request, we are in the process of building a record to support the stay. The Petitioners are sending ONRR a letter requesting a 705 stay and discussing their reasons for the stay in line with the case law interpreting it. ONRR will respond in writing agreeing to the stay. ONRR will also issue a Dear Reporter Letter notifying lessees of their intent to stay the rule. The FR notice, which is largely complete, will be updated to incorporate the Petitioner's rationale for requesting the stay, and then published in the Federal Register Notice after it is reviewed and cleared by Mr. Haugrud. The timing of all of this is triggered when ONRR receives the letter from the Petitioner's, which we assume will be today or tomorrow. When I spoke with the Petitioner's attorneys yesterday at 1pm, they agreed to start working on the letter immediately.

Please call me with any questions, comments or concerns.

Thanks,

Matt

Matthew J. Wheeler
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Great. Thanks, Matt.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

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Please call me with any questions, comments or concerns.

Thanks,

Matt

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region

755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

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"Mehlhoff, John" <john.mehlhoff@onrr.gov>

From: "Mehlhoff, John" <john.mehlhoff@onrr.gov>
Sent: Wed Feb 15 2017 09:48:28 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
"Gidner, Jerold" <jerold.gidner@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Greg Gould <greg.gould@onrr.gov>, Chris Carey <chris.carey@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Matt Williams <matt.williams@onrr.gov>
CC: Matt Williams <matt.williams@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>, Matt McKeown <Matthew.McKeown@sol.doi.gov>
Subject: Re: Status of the Valuation Rule Stay - Feb 15 2017

The recap offered by Matt W. is exactly as we discussed it late yesterday. On the ONRR side we are awaiting a letter from the plaintiffs that will trigger our next moves as described. As for the legislation introduced by Mr. Tipton, it is what it is. If our rule goes the way of the CRA then there is not much to be done about that we just need to be patient and see.

JM

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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Wed Feb 15 2017 09:54:25 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
"Gidner, Jerold" <jerold.gidner@onrr.gov>, Jim Steward
<jim.steward@onrr.gov>, "Mehlhoff, John"
<john.mehlhoff@onrr.gov>, Greg Gould
<greg.gould@onrr.gov>, Chris Carey
<chris.carey@onrr.gov>, Matt Williams Matt Williams
CC: <matt.williams@onrr.gov>, Armand Southall
<armand.southall@onrr.gov>, Luis Aguilar
<luis.aguilar@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>,
Peter Christnacht <peter.christnacht@onrr.gov>, Karl

Wunderlich <karl.wunderlich@onrr.gov>, Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>

Subject: Re: Status of the Valuation Rule Stay - Feb 15 2017

An additional tidbit: Instead of providing reporters with notice of intent to stay by mailing a Dear Reporter Letter, staff has suggested we notify oil and gas reporters of intent to stay by EBlast and coal reporters by email. A Dear Reporter Letter would not be sent until publication of the actual, official stay in the Federal Register.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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Sent: Wed Feb 15 2017 11:11:25 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>,
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Subject: Re: Status of the Valuation Rule Stay - Feb 15 2017

I like that idea for the notice of intent. Only use the Dear Reporter Letter once something is official. Please still have the content of the message reviewed by SOL.

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Conversation Contents

Consolidated edits of FR Notice

Attachments:

/29. Consolidated edits of FR Notice/1.1 Section 705 FR Notice (w ONRR edits).docx

"Christnacht, Peter" <peter.christnacht@onrr.gov>


From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Tue Feb 14 2017 10:16:36 GMT-0700 (MST)
To: Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>
CC: "DeBerard, Michael" <michael.deberard@onrr.gov>
Subject: Consolidated edits of FR Notice
Attachments: Section 705 FR Notice (w ONRR edits).docx

All,

I have cobbled together each of your edits to the best of my ability and are offering you a chance to review before I send this to Matt. I intend to do this as soon as I get your comments or by 11:30 AM (whichever is sooner).

Amy, I did not change the quoted language for obvious reasons. I don't think it

(b) (5)



Please review this asap so if I need to make adjustments, I can do so before our deadline. Thanks to all for your input. It is much improved from before.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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DATE:

(b) (5)

Conversation Contents

Status of the Stay

"Gidner, Jerold" <jerold.gidner@onrr.gov>

From: "Gidner, Jerold" <jerold.gidner@onrr.gov>
Sent: Tue Feb 14 2017 08:46:54 GMT-0700 (MST)
Jim Steward <jim.steward@onrr.gov>, "Mehlhoff, John" <john.mehlhoff@onrr.gov>, Greg Gould <greg.gould@onrr.gov>, Chris Carey <chris.carey@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Matthew Wheeler <matthew.wheeler@sol.doi.gov>
To:
Subject: Status of the Stay

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"Aguilar, Luis" <luis.aguilar@onrr.gov>

From: "Aguilar, Luis" <luis.aguilar@onrr.gov>
Sent: Tue Feb 14 2017 09:07:30 GMT-0700 (MST)
To: "Gidner, Jerold" <jerold.gidner@onrr.gov>
Jim Steward <jim.steward@onrr.gov>, "Mehlhoff, John" <john.mehlhoff@onrr.gov>, Greg Gould <greg.gould@onrr.gov>, Chris Carey <chris.carey@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Matt Williams <matt.williams@onrr.gov>
CC: Matt Williams <matt.williams@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Matthew Wheeler <matthew.wheeler@sol.doi.gov>
Subject: Re: Status of the Stay

All,

FYI: Armand and I are working on the initial briefing paper for this FRN. We should have a good draft shortly.

Thanks

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail.

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Conversation Contents

Fwd: Draft FR Notice - More Specific Case References?

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Mon Feb 13 2017 17:12:19 GMT-0700 (MST)
Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt
<amy.lunt@onrr.gov>, Karl Wunderlich
To: <karl.wunderlich@onrr.gov>, Chris Carey
<chris.carey@onrr.gov>
Subject: Fwd: Draft FR Notice - More Specific Case References?

FYI

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Robson, Bonnie** <bonnie.robson@onrr.gov>
Date: Mon, Feb 13, 2017 at 5:11 PM
Subject: Draft FR Notice - More Specific Case References?
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

Matt,

Since one condition for ending the stay is the completion of the litigation, do we want to more specifically identify the litigation in the FR notice? If so, could you send me the case identifiers (parties, case numbers) and I'll insert them.

Thanks, Matt.

Bonnie Robson

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Draft FR Notice on Consolidated Valuation Rule - Revised Attachment

Attachments:

/32. Draft FR Notice on Consolidated Valuation Rule - Revised Attachment/1.1
Draft FR Notice Staying Consolidated Valuation Rule - BR Edits - 2-13-17.docx

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Mon Feb 13 2017 17:03:48 GMT-0700 (MST)
Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Chris Carey <chris.carey@onrr.gov>, "Southall, Armand" <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>
To:
CC: "Mehlhoff, John" <john.mehlhoff@onrr.gov>, Matt K Williams <Matt.Williams@onrr.gov>
Subject: Draft FR Notice on Consolidated Valuation Rule - Revised Attachment
Attachments: Draft FR Notice Staying Consolidated Valuation Rule - BR Edits - 2-13-17.docx

Use the attached version instead of the one I sent a few moments ago. After pressing send on the earlier version, I realized it made no sense to postpone the effective date to the end of the litigation, 3 years from publication of the FR notice, *or repeal of the Rule*. If the Rule is repealed, it doesn't need to become effective on that date. The attached revised version ties the stay to the earlier of the end of the litigation or 3 years from publication of the FR notice.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Mon, Feb 13, 2017 at 4:44 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:
| Amy, Peter, Karl, and Chris:

Attached are my suggested edits to Matt Wheeler's draft Federal Register notice staying the effective date of the Consolidated Valuation Rule. See what you think and suggest others or challenge mine.

Armand and Luis:

Today or Tuesday morning please format and edit the attached to be a Federal Register notice to be published ASAP. We'll add Amy, Peter, Karl, and Chris edits no later than noon Tuesday. Also, please work with Matt Williams to get a head start on the surnaming routing for this FR notice. Matt Williams was in a meeting this afternoon when we discussed the routing for this particular notice so he knows who to include.

Thanks, all for your rapid turn around on this!

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
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Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Mon, Feb 13, 2017 at 3:42 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Attached is the FR Notice draft I prepared. I tried to keep it in line with other ones that I have reviewed. (b) (5)

[REDACTED]

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

Conversation Contents

Fwd: FR Notice

Attachments:

/33. Fwd: FR Notice/1.1 Section 705 FR Notice.docx

/33. Fwd: FR Notice/1.2 Valuation Rule Stay Briefing Memo3.docx

/33. Fwd: FR Notice/2.1 Draft FR Notice Staying Consolidated Valuation Rule - BR Edits - 2-13-17.docx

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Mon Feb 13 2017 15:57:25 GMT-0700 (MST)
To: Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Chris Carey <chris.carey@onrr.gov>
CC: Michael DeBerard <michael.deberard@onrr.gov>, "Mehlhoff, John" <john.mehlhoff@onrr.gov>
Subject: Fwd: FR Notice
Attachments: Section 705 FR Notice.docx Valuation Rule Stay Briefing Memo3.docx

Attached is the SOL's draft Federal Register notice. Let's try for a consensus edit by no later than noon tomorrow--hopefully earlier. We can then pass our proposed edits back to SOL and up to John, Jim, and Jerry.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EEmail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Mon, Feb 13, 2017 at 3:42 PM
Subject: FR Notice
To: Bonnie Robson <bonnie.robson@onrr.gov>

Attached is the FR Notice draft I prepared. I tried to keep it in line with other ones that I have reviewed. Also, I have attached the briefing memo I prepared last week on this issue, which summarizes the only case we could find in which a stay under 705 was challenged and how that case implicates what the FR notice must contain. We do not know whether the Wyoming court would find this case controlling or not. Its a unique case. In any event, we alluded to the the factors the court looked to, without addressing them directly.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Mon Feb 13 2017 16:44:46 GMT-0700 (MST)
To: Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Chris Carey <chris.carey@onrr.gov>, "Southall, Armand" <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>
CC: "Mehlhoff, John" <john.mehlhoff@onrr.gov>, Matt K Williams <Matt.Williams@onrr.gov>
Subject: Re: FR Notice
Attachments: Draft FR Notice Staying Consolidated Valuation Rule - BR Edits - 2-13-17.docx

Amy, Peter, Karl, and Chris:

Attached are my suggested edits to Matt Wheeler's draft Federal Register notice staying the effective date of the Consolidated Valuation Rule. See what you think and suggest others or challenge mine.

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Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Mon, Feb 13, 2017 at 3:42 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Attached is the FR Notice draft I prepared. I tried to keep it in line with other ones that I have reviewed. Also, I have attached the briefing memo I prepared last week on this issue, which summarizes the only case we could find in which a stay under 705 was challenged and how that case implicates what the FR notice must contain. We do not know whether the Wyoming court would find this case controlling or not. Its a unique case. In any event, we alluded to the the factors the court looked to, without addressing them directly.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

DATE:

(b) (5)

Conversation Contents

[Update] Update on Valuation Rule

christina.mathers@onrr.gov

From: christina.mathers@onrr.gov
Sent: Mon Feb 13 2017 12:11:15 GMT-0700 (MST)
To: jim.steward@onrr.gov, matthew.wheeler@sol.doi.gov, matthew.mckeown@sol.doi.gov, chris.carey@onrr.gov, bonnie.robson@onrr.gov, peter.christnacht@onrr.gov, jerold.gidner@onrr.gov, karl.wunderlich@onrr.gov, amy.lunt@onrr.gov, john.mehlhoff@onrr.gov, matt.williams@onrr.gov, christina.mathers@onrr.gov
Subject: [Update] Update on Valuation Rule

I have booked the Director's Conference Room for the Denver folks.

Christina

Update on Valuation Rule

Discuss stay of valuation rule

When Mon Feb 13, 2017 3pm – 4pm Mountain Time

Where Teleconference: Call in # (b) (5), participant code (b) (5) ([map](#))

Video call https://plus.google.com/hangouts/_/doi.gov/jerold-gidner

Who

- jerold.gidner@onrr.gov - organizer
- karl.wunderlich@onrr.gov
- matthew.wheeler@sol.doi.gov
- matt.williams@onrr.gov
- amy.lunt@onrr.gov
- matthew.mckeown@sol.doi.gov
- jim.steward@onrr.gov
- peter.christnacht@onrr.gov
- chris.carey@onrr.gov
- bonnie.robson@onrr.gov
- john.mehlhoff@onrr.gov

Conversation Contents

Updated Invitation: Update on Valuation Rule @ Mon Feb 13, 2017 3pm - 4pm (chris.carey@onrr.gov)

Attachments:

/35. Updated Invitation: Update on Valuation Rule @ Mon Feb 13, 2017 3pm - 4pm (chris.carey@onrr.gov)/1.1 invite.ics

/35. Updated Invitation: Update on Valuation Rule @ Mon Feb 13, 2017 3pm - 4pm (chris.carey@onrr.gov)/1.2 invite.ics

Jerold Gidner <jerold.gidner@onrr.gov>

From: Jerold Gidner <jerold.gidner@onrr.gov>
Sent: Mon Feb 13 2017 11:46:31 GMT-0700 (MST)
To: chris.carey@onrr.gov, peter.christnacht@onrr.gov, matthew.mckeown@sol.doi.gov, amy.lunt@onrr.gov, jim.steward@onrr.gov, matt.williams@onrr.gov, bonnie.robson@onrr.gov, john.mehlhoff@onrr.gov, matthew.wheeler@sol.doi.gov, karl.wunderlich@onrr.gov
Subject: Updated Invitation: Update on Valuation Rule @ Mon Feb 13, 2017 3pm - 4pm (chris.carey@onrr.gov)
Attachments: invite.ics invite.ics

This event has been changed.

Changed: Update on Valuation Rule

[more details »](#)

Discuss stay of valuation rule

When Mon Feb 13, 2017 3pm – 4pm Mountain Time

Where Teleconference: Call in # 866-734-1141, participant code 3213389 ([map](#))

Video call https://plus.google.com/hangouts/_/doi.gov/jerold-gidner

Calendar chris.carey@onrr.gov

Who

- jerold.gidner@onrr.gov - organizer
- peter.christnacht@onrr.gov
- matthew.mckeown@sol.doi.gov
- amy.lunt@onrr.gov
- jim.steward@onrr.gov
- matt.williams@onrr.gov
- bonnie.robson@onrr.gov
- chris.carey@onrr.gov
- john.mehlhoff@onrr.gov
- matthew.wheeler@sol.doi.gov

- karl.wunderlich@onrr.gov

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account chris.carey@onrr.gov because you are subscribed for updated invitations on calendar chris.carey@onrr.gov.

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

Conversation Contents

Re: Invitation: (No Subject) @ Mon Feb 13, 2017 3pm - 4pm
(matthew.mckeown@sol.doi.gov)

"McKeown, Matthew" <matthew.mckeown@sol.doi.gov>

From: "McKeown, Matthew" <matthew.mckeown@sol.doi.gov>
Sent: Mon Feb 13 2017 10:59:42 GMT-0700 (MST)
To: Jerold Gidner <jerold.gidner@onrr.gov>
Matthew Wheeler <matthew.wheeler@sol.doi.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Steward, Jim" <jim.steward@onrr.gov>, chris.carey@onrr.gov, Matt K Williams <matt.williams@onrr.gov>, "Robson, Bonnie" <bonnie.robson@onrr.gov>
CC:
Subject: Re: Invitation: (No Subject) @ Mon Feb 13, 2017 3pm - 4pm (matthew.mckeown@sol.doi.gov)

What is this?

Matt McKeown
Regional Solicitor
Rocky Mountain Region
Office of the Solicitor
U.S. Department of the Interior
755 Parfet St., Suite 151
Lakewood, CO 80215
New Direct Line: 303-445-0625

On Mon, Feb 13, 2017 at 10:56 AM, Jerold Gidner <jerold.gidner@onrr.gov> wrote:

(No Subject)

[more details »](#)

Discuss stay of valuation rule

When Mon Feb 13, 2017 3pm – 4pm Mountain Time

Where Teleconference: Call in # 866-734-1141, participant code 3213389 ([map](#))

Video call https://plus.google.com/hangouts/_/doi.gov/jerold-gidner

Calendar matthew.mckeown@sol.doi.gov

Who

- jerold.gidner@onrr.gov - organizer
- matthew.wheeler@sol.doi.gov
- john.mehlhoff@onrr.gov
- jim.steward@onrr.gov

-
- chris.carey@onrr.gov
- matt.williams@onrr.gov
- bonnie.robson@onrr.gov
- matthew.mckeown@sol.doi.gov

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account matthew.mckeown@sol.doi.gov because you are subscribed for invitations on calendar matthew.mckeown@sol.doi.gov.

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

"Gidner, Jerold" <jerold.gidner@onrr.gov>

From: "Gidner, Jerold" <jerold.gidner@onrr.gov>
Sent: Mon Feb 13 2017 11:45:54 GMT-0700 (MST)
To: "McKeown, Matthew" <matthew.mckeown@sol.doi.gov>
Matthew Wheeler <matthew.wheeler@sol.doi.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Steward, Jim" <jim.steward@onrr.gov>, Chris Carey <chris.carey@onrr.gov>, Matt K Williams <matt.williams@onrr.gov>, "Robson, Bonnie" <bonnie.robson@onrr.gov>
CC:
Subject: Re: Invitation: (No Subject) @ Mon Feb 13, 2017 3pm - 4pm (matthew.mckeown@sol.doi.gov)

My apologies, Matt - I neglected to put a subject in the subject line. The ONRR executives would like to have a call with you and Matt Wheeler to discuss the status of our joint efforts regarding the valuation rule. We want to make sure we are coordinated and have our ducks in a row when it comes time to process a Federal Register Notice.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrrresource/> for employee news, resources, and events.

And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

On Mon, Feb 13, 2017 at 12:59 PM, McKeown, Matthew <matthew.mckeown@sol.doi.gov> wrote:

What is this?

Matt McKeown

Regional Solicitor

Rocky Mountain Region

Office of the Solicitor

U.S. Department of the Interior

755 Parfet St., Suite 151

Lakewood, CO 80215

New Direct Line: 303-445-0625

On Mon, Feb 13, 2017 at 10:56 AM, Jerold Gidner <jerold.gidner@onrr.gov> wrote:

(No Subject)

[more details »](#)

Discuss stay of valuation rule

When Mon Feb 13, 2017 3pm – 4pm Mountain Time

Where Teleconference: Call in # 866-734-1141, participant code 3213389 ([map](#))

Video call https://plus.google.com/hangouts/_/doi.gov/jerold-gidner

Calendar matthew.mckeown@sol.doi.gov

Who

- jerold.gidner@onrr.gov - organizer
- matthew.wheeler@sol.doi.gov
- john.mehlhoff@onrr.gov
- jim.steward@onrr.gov
- chris.carey@onrr.gov
- matt.williams@onrr.gov
- bonnie.robson@onrr.gov
- matthew.mckeown@sol.doi.gov

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account matthew.mckeown@sol.doi.gov because you are subscribed for invitations on calendar matthew.mckeown@sol.doi.gov.

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Conversation Contents

Invitation: (No Subject) @ Mon Feb 13, 2017 3pm - 4pm
(chris.carey@onrr.gov)

Attachments:

/37. Invitation: (No Subject) @ Mon Feb 13, 2017 3pm - 4pm
(chris.carey@onrr.gov)/1.1 invite.ics

/37. Invitation: (No Subject) @ Mon Feb 13, 2017 3pm - 4pm
(chris.carey@onrr.gov)/1.2 invite.ics

Jerold Gidner <jerold.gidner@onrr.gov>

From: Jerold Gidner <jerold.gidner@onrr.gov>
Sent: Mon Feb 13 2017 10:56:50 GMT-0700 (MST)
To: chris.carey@onrr.gov, bonnie.robson@onrr.gov,
matt.williams@onrr.gov, jim.steward@onrr.gov,
matthew.wheeler@sol.doi.gov,
matthew.mckeown@sol.doi.gov, john.mehlhoff@onrr.gov
Subject: Invitation: (No Subject) @ Mon Feb 13, 2017 3pm - 4pm
(chris.carey@onrr.gov)
Attachments: invite.ics invite.ics

(No Subject)

[more details »](#)

Discuss stay of valuation rule

When Mon Feb 13, 2017 3pm – 4pm Mountain Time

Where Teleconference: Call in # 866-734-1141, participant code 3213389 ([map](#))

Video call <https://plus.google.com/hangouts/ /doi.gov/jerold-gidner>

Calendar chris.carey@onrr.gov

Who

- jerold.gidner@onrr.gov - organizer
- bonnie.robson@onrr.gov
- matt.williams@onrr.gov
- jim.steward@onrr.gov
- matthew.wheeler@sol.doi.gov
- chris.carey@onrr.gov
- matthew.mckeown@sol.doi.gov
- john.mehlhoff@onrr.gov

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

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Conversation Contents

Draft Reporter Letter for Review

Attachments:

/38. Draft Reporter Letter for Review/1.1 2017 Rule Stay Reporter Letter DRAFT 20170210.docx

/38. Draft Reporter Letter for Review/3.1 2017 Rule Stay Reporter Letter DRAFT 20170210 gg edits and cmts.docx

/38. Draft Reporter Letter for Review/5.1 2017 Rule Stay Reporter Letter DRAFT 20170210 gg edits and cmts_KWcomments.docx

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Fri Feb 10 2017 09:48:21 GMT-0700 (MST)
To: Greg Gould <greg.gould@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Jim Steward <jim.steward@onrr.gov>
CC: Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>
Subject: Draft Reporter Letter for Review
Attachments: 2017 Rule Stay Reporter Letter DRAFT 20170210.docx

Hi Greg, Jim, and John,

Attached is the draft of the reporter letter announcing the stay of the rule. I have a few specific questions for you in the comment boxes in the draft. I should be available here and there throughout the day if you want to discuss. I'll be available next week also.

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

This message serves as guidance for determining value for royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

Warning: This message is intended only for use of the individual or entity to which it is addressed and may contain information that is privileged or confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail.

"Mehlhoff, John" <john.mehlhoff@onrr.gov>

From: "Mehlhoff, John" <john.mehlhoff@onrr.gov>
Sent: Fri Feb 10 2017 10:55:07 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Greg Gould <greg.gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>
CC:
Subject: Re: Draft Reporter Letter for Review

Chris,

Great start. (b) (5)

What do others think?

JM

On Fri, Feb 10, 2017 at 9:48 AM, Carey, Chris <chris.carey@onrr.gov> wrote:
Hi Greg, Jim, and John,

Attached is the draft of the reporter letter announcing the stay of the rule. I have a few specific questions for you in the comment boxes in the draft. I should be available here and there throughout the day if you want to discuss. I'll be available next week also.

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Fri Feb 10 2017 11:53:40 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
John Mehlhoff <john.mehlhoff@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>
CC:
Subject: Re: Draft Reporter Letter for Review
Attachments: 2017 Rule Stay Reporter Letter DRAFT 20170210 gg edits and cmts.docx

Chris,

Thanks for the quick turn around. Attached are my initial edits and comments.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

Warning: This message is intended only for use of the individual or entity to which it is addressed and may contain information that is privileged or confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail.

On Fri, Feb 10, 2017 at 9:48 AM, Carey, Chris <chris.carey@onrr.gov> wrote:

Hi Greg, Jim, and John,

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Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office

Office of Natural Resources Revenue

(303) 231-3460

Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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Peter Christnacht <peter.christnacht@onrr.gov>

From: Peter Christnacht <peter.christnacht@onrr.gov>
Sent: Fri Feb 10 2017 13:58:17 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Subject: Re: Draft Reporter Letter for Review

Hi Chris

(b) (5)

Sent from my iPhone

On Feb 10, 2017, at 11:48 AM, Carey, Chris <chris.carey@onrr.gov> wrote:

Hi Greg, Jim, and John,

Attached is the draft of the reporter letter announcing the stay of the rule. I have a few specific questions for you in the comment boxes in the draft. I should be available here and there throughout the day if you want to discuss. I'll be available next week also.

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460

Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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<2017 Rule Stay Reporter Letter DRAFT 20170210.docx>

"Wunderlich, Karl" <karl.wunderlich@onrr.gov>

From: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
Sent: Mon Feb 13 2017 09:37:43 GMT-0700 (MST)
To: "Gould, Greg" <greg.gould@onrr.gov>
"Carey, Chris" <chris.carey@onrr.gov>, John Mehlhoff
<john.mehlhoff@onrr.gov>, Jim Steward
<jim.steward@onrr.gov>, Peter Christnacht
CC: <peter.christnacht@onrr.gov>, Amy Lunt
<amy.lunt@onrr.gov>, "DeBerard, Michael"
<michael.deberard@onrr.gov>
Subject: Re: Draft Reporter Letter for Review
Attachments: 2017 Rule Stay Reporter Letter DRAFT 20170210 gg edits
and cmts_KWcomments.docx

Chris,
Just a couple of additional comments...
Thanks for handling this while everyone abandoned you for Tulsa!
-Karl

On Fri, Feb 10, 2017 at 11:53 AM, Gould, Greg <greg.gould@onrr.gov> wrote:
Chris,

Thanks for the quick turn around. Attached are my initial edits and comments.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, Feb 10, 2017 at 9:48 AM, Carey, Chris <chris.carey@onrr.gov> wrote:
Hi Greg, Jim, and John,

Attached is the draft of the reporter letter announcing the stay of the rule. I have a few specific questions for you in the comment boxes in the draft. I should be available here and there throughout the day if you want to discuss. I'll be available next week also.

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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--

Karl Wunderlich

Supervisor, Royalty Valuation Team C

Office of Natural Resources Revenue

U.S. Department of the Interior

303-231-3663 (office)

karl.wunderlich@onrr.gov

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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Mon Feb 13 2017 09:51:10 GMT-0700 (MST)
To: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
"Gould, Greg" <greg.gould@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>
CC:
Subject: Re: Draft Reporter Letter for Review

I think this looks fine overall. (b) (5)

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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Office of Natural Resources Revenue
U.S. Department of the Interior

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Royalty Valuation Office
Office of Natural Resources Revenue

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Chris.Carey@onrr.gov

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--

Karl Wunderlich
Supervisor, Royalty Valuation Team C
Office of Natural Resources Revenue
U.S. Department of the Interior
303-231-3663 (office)
karl.wunderlich@onrr.gov

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Subject: Stay on the Consolidated Valuation Reform Final Rule

(b) (5)

Subject: Stay on the Consolidated Valuation Reform Final Rule

(b) (5)

Deputy Director

(b) (5)

(b) (5)

James D. Steward
Deputy Director

(b) (5)

Conversation Contents

Stay of Rule

"Gidner, Jerold" <jerold.gidner@onrr.gov>

From: "Gidner, Jerold" <jerold.gidner@onrr.gov>
Sent: Mon Feb 13 2017 07:20:27 GMT-0700 (MST)
Greg Gould <greg.gould@onrr.gov>, Matthew Wheeler <matthew.wheeler@sol.doi.gov>, Matt Williams Matt Williams <matt.williams@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Chris Carey <chris.carey@onrr.gov>
To:
Subject: Stay of Rule

Good morning, everyone - Just checking on the status of this project. Thursday we were in a flurry of activity regarding a stay of the valuation rule. Friday I was off, but got no emails. So just trying to find out if this is still a thing, or if we are going a different direction.

Thanks.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrrresource/> for employee news, resources, and events.
And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

From: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Sent: Mon Feb 13 2017 08:52:25 GMT-0700 (MST)
To: "Gidner, Jerold" <jerold.gidner@onrr.gov>

CC: Greg Gould <greg.gould@onrr.gov>, Matt Williams Matt Williams <matt.williams@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Chris Carey <chris.carey@onrr.gov>

Subject: Re: Stay of Rule

Hi Jerry. We are moving forward with the stay. (b) (5)



Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Mon, Feb 13, 2017 at 7:20 AM, Gidner, Jerold <jerold.gidner@onrr.gov> wrote:
Good morning, everyone - Just checking on the status of this project. Thursday we were in a flurry of activity regarding a stay of the valuation rule. Friday I was off, but got no emails. So just trying to find out if this is still a thing, or if we are going a different direction.

Thanks.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

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Jerold Gidner <jerold.gidner@onrr.gov>

From: Jerold Gidner <jerold.gidner@onrr.gov>
Sent: Mon Feb 13 2017 09:08:02 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Greg Gould <greg.gould@onrr.gov>, Matt Williams Matt Williams <matt.williams@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Chris Carey <chris.carey@onrr.gov>
CC:
Subject: Re: Stay of Rule

Ok - is ONRR processing the Fed Reg Notice? We can start greasing the skids if so. Maybe a quick call when you are ready to move it, so we all know what's happening?

Sent from my iPhone

On Feb 13, 2017, at 10:52 AM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Hi Jerry. We are moving forward with the stay. (b) (5)

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

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Thanks.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

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Transparency Initiative data portal

Conversation Contents

FR Notice Signature

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Thu Feb 09 2017 09:27:15 GMT-0700 (MST)
To: Matt Williams <matt.williams@onrr.gov>
Subject: FR Notice Signature

Hey Matt!

Just got off the phone with Greg - the FR notice for staying the valuation rule should be signed by **Amy Holley**, not Greg. Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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"Williams, Matt" <matt.williams@onrr.gov>

From: "Williams, Matt" <matt.williams@onrr.gov>
Sent: Sun Feb 12 2017 16:38:26 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Subject: Re: FR Notice Signature

Good to know. I'll make the change. Thanks, Chris!

Regards,

Matthew Williams

Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664

On Thu, Feb 9, 2017 at 11:27 AM, Carey, Chris <chris.carey@onrr.gov> wrote:

Hey Matt!

Just got off the phone with Greg - the FR notice for staying the valuation rule should be signed by **Amy Holley**, not Greg. Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
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Conversation Contents

Reporter Letter Draft - Please Review by 10am Friday!

Attachments:

- /41. Reporter Letter Draft - Please Review by 10am Friday!/2.1 2017 Rule Stay Reporter Letter DRAFT 20170209.docx
- /41. Reporter Letter Draft - Please Review by 10am Friday!/3.1 2017 Rule Stay Reporter Letter DRAFT 20170209 Malandri comments.docx
- /41. Reporter Letter Draft - Please Review by 10am Friday!/4.1 2017 Rule Stay Reporter Letter DRAFT 20170209 Malandri & ASL comments.docx
- /41. Reporter Letter Draft - Please Review by 10am Friday!/5.1 2017 Rule Stay Reporter Letter DRAFT 20170209 Malandri & ASL comments.docx

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Thu Feb 09 2017 13:59:59 GMT-0700 (MST)
Karl Wunderlich <karl.wunderlich@onrr.gov>, "Dawson, Lisa A" <lisa.dawson@onrr.gov>, Megan Hesse <megan.hesse@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Robert Malandri <robert.malandri@onrr.gov>
To:
Subject: Reporter Letter Draft - Please Review by 10am Friday!

Hey team,

Will you please take a look at this draft and provide any feedback by 10am tomorrow (Friday) morning? I'd like your thoughts before I send it to the ELT. Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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mail.

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Thu Feb 09 2017 14:01:19 GMT-0700 (MST)
Karl Wunderlich <karl.wunderlich@onrr.gov>, "Dawson, Lisa A" <lisa.dawson@onrr.gov>, Megan Hesse <megan.hesse@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Robert Malandri <robert.malandri@onrr.gov>
To:
Subject: Re: Reporter Letter Draft - Please Review by 10am Friday!
Attachments: 2017 Rule Stay Reporter Letter DRAFT 20170209.docx

And here's the letter! Whoops :)

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

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Chris.Carey@onrr.gov

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On Thu, Feb 9, 2017 at 1:59 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

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Chris Carey
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"Malandri, Robert" <robert.malandri@onrr.gov>

From: "Malandri, Robert" <robert.malandri@onrr.gov>
Sent: Thu Feb 09 2017 14:10:54 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Karl Wunderlich <karl.wunderlich@onrr.gov>, "Dawson, Lisa A" <lisa.dawson@onrr.gov>, Megan Hessee <megan.hessee@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>
CC:
Subject: Re: Reporter Letter Draft - Please Review by 10am Friday!
Attachments: 2017 Rule Stay Reporter Letter DRAFT 20170209 Malandri comments.docx

Chris,

Here are my comments.

Rob

On Thu, Feb 9, 2017 at 2:01 PM, Carey, Chris <chris.carey@onrr.gov> wrote:
And here's the letter! Whoops :)

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

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Royalty Valuation Office
Office of Natural Resources Revenue

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--

Robert Malandri
Mining Engineer
Office of Natural Resources Revenue (ONRR)
(303) 231-3396

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"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Thu Feb 09 2017 20:07:31 GMT-0700 (MST)
To:
CC: "Carey, Chris" <chris.carey@onrr.gov>
Subject: Re: Reporter Letter Draft - Please Review by 10am Friday!

Attachments:

2017 Rule Stay Reporter Letter DRAFT 20170209 Malandri & ASL comments.docx

Amy's comments added to Rob's and Chris's and some active language for Lisa. RIP Rule.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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On Thu, Feb 9, 2017 at 2:10 PM, Malandri, Robert <robert.malandri@onrr.gov> wrote:

Chris,

Here are my comments.

Rob

On Thu, Feb 9, 2017 at 2:01 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

And here's the letter! Whoops :)

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Fri Feb 10 2017 09:23:55 GMT-0700 (MST)
To: Amy Lunt <amy.lunt@onrr.gov>
Subject: Fwd: Reporter Letter Draft - Please Review by 10am Friday!

Attachments:

2017 Rule Stay Reporter Letter DRAFT 20170209 Malandri
& ASL comments.docx

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----- Forwarded message -----

From: **Lunt, Amy** <amy.lunt@onrr.gov>
Date: Thu, Feb 9, 2017 at 8:07 PM
Subject: Re: Reporter Letter Draft - Please Review by 10am Friday!
To:
Cc: "Carey, Chris" <chris.carey@onrr.gov>

Amy's comments added to Rob's and Chris's and some active language for Lisa. RIP Rule.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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"Jackson, Kimberly" <kimberly.jackson@onrr.gov>

From: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Sent: Fri Feb 10 2017 10:15:34 GMT-0700 (MST)
To:
CC: "Carey, Chris" <chris.carey@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>
Subject: Re: Reporter Letter Draft - Please Review by 10am Friday!

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Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

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"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Fri Feb 10 2017 12:24:54 GMT-0700 (MST)
To: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>
CC:

Subject:

Re: Reporter Letter Draft - Please Review by 10am Friday!

Great. Forwarding the eCommerce blast about the rule stay to all of the training attendees and other contacts we have is probably a good idea.

Kim, can you get the ball rolling on what we need to get out the physical reporter letters - acquiring envelopes, labels, etc? Also, is there a way to grease the skids with our mailing folks so this can get out ASAP? We'll probably need to set up an envelope-stuffing party in the middle of next week. Since this is an ONRR-wide thing, I'm not opposed to asking for other groups to help too. Can you look for some conference room space to reserve for all or part of the day on Tues, Wed, and Thurs next week? Thanks!

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"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Fri Feb 10 2017 15:33:29 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
"Jackson, Kimberly" <kimberly.jackson@onrr.gov>,
CC: "Hessee, Megan" <Megan.Hessee@onrr.gov>, "Dawson, Lisa A" <lisa.dawson@onrr.gov>

Subject:

Re: Reporter Letter Draft - Please Review by 10am Friday!

We need to find a way to make the envelope thing fun. Maybe we can hook up some bear fishing video or something so that it's a coming together to get the stuff out. Thoughts?

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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--

Robert Malandri
Mining Engineer
Office of Natural Resources Revenue (ONRR)
(303) 231-3396

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Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

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"Jackson, Kimberly" <kimberly.jackson@onrr.gov>

From: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Sent: Sat Feb 11 2017 18:27:24 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter
CC: Christnacht <peter.christnacht@onrr.gov>, Amy Lunt
<amy.lunt@onrr.gov>
Subject: Re: Reporter Letter Draft - Please Review by 10am Friday!

Sounds good. I'll work on setting up a room for our ONRR-wide mailing party. David Garcia has been helpful in getting envelopes, and I think we should have enough in our supply closet already. I'll double check.

I can drop off the letters to FedEx as soon as we have an approved draft with a signature. They usually have a 24-48 hour turnaround, so I can submit the order as soon as that is done. Just let me know and I can make that happen.

Let me know when the letter is given the final okay, then I'll take it to have them copied and folded. I'll work on the other internal logistics.

--Kim

On Fri, Feb 10, 2017 at 12:24 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

Great. Forwarding the eCommerce blast about the rule stay to all of the training attendees and other contacts we have is probably a good idea.

Kim, can you get the ball rolling on what we need to get out the physical reporter letters - acquiring envelopes, labels, etc? Also, is there a way to grease the skids with our mailing folks so this can get out ASAP? We'll probably need to set up an envelope-stuffing party in the middle of next week. Since this is an ONRR-wide thing, I'm not opposed to asking for other groups to help too. Can you look for some conference room space to reserve for all or part of the day on Tues, Wed, and Thurs next week? Thanks!

Chris Carey
Petroleum Engineer

Royalty Valuation Office
Office of Natural Resources Revenue

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Chris.Carey@onrr.gov

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On Fri, Feb 10, 2017 at 10:15 AM, Jackson, Kimberly <kimberly.jackson@onrr.gov> wrote:

Hi Chris,

Thanks for working on this!! I don't have any suggested modifications. Short and sweet seems like a fantastic idea.

Keep in mind that I have contact information in the form of email addresses for every payor that attended our rule training sessions both in person and via WebEx for oil/gas and coal. I'm under the impression that we will have to mail these letters to all affected parties, but we can also email them in addition to posting it to ONRR.gov if you think that would be a more expedient and "customer service friendly" approach. I don't mind being the "AV point person" for these emailed communications between industry and ONRR, as my guess is that the Solicitor's office may tell us what we can/can't/should/shouldn't say regarding this change.

Let me know what your thoughts are. My flight back to Denver has been delayed (ugh!!), so I should be able to field emails and calls until my flight leaves at 2:30 CST.

Thanks!

Kim

On Thu, Feb 9, 2017 at 2:10 PM, Malandri, Robert <robert.malandri@onrr.gov> wrote:

Chris,

Here are my comments.

Rob

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"Jackson, Kimberly" <kimberly.jackson@onrr.gov>

From: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>

Sent: Sat Feb 11 2017 18:36:01 GMT-0700 (MST)
To: "Lunt, Amy" <amy.lunt@onrr.gov>
CC: "Carey, Chris" <chris.carey@onrr.gov>, "Hessee, Megan" <Megan.Hessee@onrr.gov>, "Dawson, Lisa A" <lisa.dawson@onrr.gov>
Subject: Re: Reporter Letter Draft - Please Review by 10am Friday!

We'll figure something out to make the time pass, whether it's in the form of polka music, intermittent salsa dancing, or watching "Schoolhouse Rock" videos, we'll make it work.

Since meeting room space is limited, I think we may have to set up our "mass mailing party" in the empty room next to Mike DeBerard's office. The one with the sweet, sweet tropical theme.

--Kim

On Fri, Feb 10, 2017 at 3:33 PM, Lunt, Amy <amy.lunt@onrr.gov> wrote:

We need to find a way to make the envelope thing fun. Maybe we can hook up some bear fishing video or something so that it's a coming together to get the stuff out. Thoughts?

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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Subject: Stay on the Consolidated Valuation Reform Final Rule

Dear Reporter:

(b) (5)

Subject: Stay on the Consolidated Valuation Reform Final Rule

Dear Reporter:

(b) (5)

(b) (5)

(b) (5)

Conversation Contents

Update

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Thu Feb 09 2017 10:35:37 GMT-0700 (MST)
Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Megan Hessee <megan.hessee@onrr.gov>, "Dawson, Lisa A" <lisa.dawson@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, Robert Malandri <robert.malandri@onrr.gov>, "Boroos, Jason" <jason.boroos@onrr.gov>
To:
Subject: Update

Hey all,

Everything is still going forward to stay the rule (b) (5) [REDACTED], Greg wants to hang our argument on the irreparable harm being the cost in time and money to both industry and ONRR if this rule is effective for a few months and then stayed in the courts, which would create a tremendous amount of reporting corrections, system changes and re-changes, and confusion among all parties. If this is going to happen, the FR notice needs to get out by the middle of next week. I'm currently working in the reporter letter. If you have questions feel free to call!

Thanks,

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Peter Christnacht <peter.christnacht@onrr.gov>

From: Peter Christnacht <peter.christnacht@onrr.gov>
Sent: Thu Feb 09 2017 10:43:30 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Megan Hessee <megan.hessee@onrr.gov>, "Dawson, Lisa A" <lisa.dawson@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, Robert Malandri <robert.malandri@onrr.gov>, "Boroos, Jason" <jason.boroos@onrr.gov>
CC:
Subject: Re: Update

Great. Thanks Chris.

Sent from my iPhone

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Conversation Contents

Some Cases

Attachments:

/43. Some Cases/1.1 Hornbeck Offshore Services LLC v Salazar.pdf
/43. Some Cases/1.2 Minard Run Oil Co v US Forest Service.pdf
/43. Some Cases/1.3 Ranchers Cattlemen Action Legal Fund v US Dept of Agriculture.pdf

"Dawson, Elizabeth" <lisa.dawson@onrr.gov>

From: "Dawson, Elizabeth" <lisa.dawson@onrr.gov>
Sent: Wed Feb 08 2017 16:28:26 GMT-0700 (MST)
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
"Lunt, Amy" <Amy.Lunt@onrr.gov>, Megan Hessee
<megan.hessee@onrr.gov>, "Carey, Chris"
CC: <chris.carey@onrr.gov>, Peter Christnacht
<peter.christnacht@onrr.gov>, Karl Wunderlich
<karl.wunderlich@onrr.gov>
Subject: Some Cases
Hornbeck Offshore Services LLC v Salazar.pdf Minard Run
Attachments: Oil Co v US Forest Service.pdf Ranchers Cattlemen Action
Legal Fund v US Dept of Agriculture.pdf

(b) (5)

I'll check in tomorrow, but then I'm out til Tuesday morning. Good Luck!

Cheers!

[Lisa A. Dawson](#)

Appeals Analyst, Appeals
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Office: (303) 231-3653
Email: Lisa.Dawson@onrr.gov

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KeyC te Ye ow F ag Negat ve Treatment
 Remanded by Hornbeck Offshore Serv ces, LLC v. Sa azar, 5th C r.
 (La.), August 6, 20 0

696 F.Supp.2d 627
 United States District Court,
 E.D. Louisiana.

HORNBECK OFFSHORE SERVICES, L.L.C. et al.

v.

Kenneth Lee “Ken” SALAZAR, et al.

No. CIV.A.10–1663.

June 22, 2010.

Synopsis

Background: Owners and operators of vessels, shipyards, and supply services companies that support offshore oil and gas drilling, exploration, and production activities in the Gulf of Mexico's Outer Continental Shelf brought action against the Secretary of the Interior, the Department of the Interior, the Minerals Management Service (MMS), and its director, challenging six-month moratorium on deepwater drilling for oil in the Gulf of Mexico imposed following drilling platform explosion and sinking, resulting in continued release of crude oil into the Gulf. Plaintiffs moved for preliminary **injunction** enjoining the moratorium.

Holdings: Following intervention of environmental organizations as defendants, the District Court, Martin L. C. Feldman, J., held that:

[1] even if Outer Continental Shelf Lands Act's (OCSLA) pre-suit conditions applied, they were satisfied;

[2] plaintiffs had substantial likelihood of success on the merits of their claim that government acted arbitrarily and capriciously in issuing the moratorium;

[3] plaintiffs would suffer **irreparable harm** in absence of preliminary **injunction**; and

[4] public interest supported preliminary **injunction**.

Motion granted.

West Headnotes (20)

[1] Action

🔑 Statutory rights of action

Mines and Minerals

🔑 Judicial Remedies

The Outer Continental Shelf Lands Act (OCSLA) establishes a private right of action to any person having a valid legal interest which is or may be adversely affected by any violation of OCSLA or the regulations promulgated under it. Outer Continental Shelf Lands Act, § 23(a)(1), 43 U.S.C.A. § 1349(a)(1).

Cases that cite this headnote

[2] Mines and Minerals

🔑 Judicial Remedies

In the absence of an imminent threat to the public health or safety or an immediate effect on a legal interest, a plaintiff seeking to bring an action under the Outer Continental Shelf Lands Act (OCSLA) must comply with OCSLA provision requiring 60-day notice, in writing and under oath, to Secretary of the Interior. Outer Continental Shelf Lands Act, § 23(a)(1), 43 U.S.C.A. § 1349(a)(1).

Cases that cite this headnote

[3] Federal Courts

🔑 Administrative agencies and proceedings in general

The **Administrative Procedure Act** (APA) does not provide an implied grant of subject matter jurisdiction. 5 U.S.C.A. § 551 et seq.

Cases that cite this headnote

[4] Administrative Law and Procedure

🔑 Judicial Review of Administrative Decisions

Administrative Law and Procedure

🔑 Decisions and Acts Reviewable

The right to judicial review under the **Administrative Procedure Act** (APA) applies universally, except to the extent that statutes preclude judicial review or agency action is committed to agency discretion by law. 5 U.S.C.A. § 704.

Cases that cite this headnote

[5] **Administrative Law and Procedure**

🔑 Arbitrary, unreasonable or capricious action; illegality

Administrative Law and Procedure

🔑 Clear error

Under the **Administrative Procedure Act** (APA) a reviewing court must decide whether the agency acted within the scope of its authority, whether the decision was based on a consideration of the relevant factors, and whether there has been a clear error of judgment. 5 U.S.C.A. § 706(2)(A).

Cases that cite this headnote

[6] **Administrative Law and Procedure**

🔑 Limitation of scope of review in general

Administrative Law and Procedure

🔑 Wisdom, judgment or opinion

While the court's review under the **Administrative Procedure Act** (APA) must be searching and careful, the ultimate standard of review is a narrow one, and the court is prohibited from substituting its judgment for that of the agency. 5 U.S.C.A. § 706(2)(A).

Cases that cite this headnote

[7] **Administrative Law and Procedure**

🔑 Arbitrary, unreasonable or capricious action; illegality

To satisfy the **Administrative Procedure Act** (APA), the agency must examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made. 5 U.S.C.A. § 706(2)(A).

Cases that cite this headnote

[8] **Administrative Law and Procedure**

🔑 Record

A court determining whether some agency action is arbitrary and capricious under the **Administrative Procedure Act** (APA) makes its decision on the basis of the “whole record,” which consists of the administrative record compiled by the agency in advance of litigation, not any record thereafter constructed in the reviewing court. 5 U.S.C.A. § 706.

Cases that cite this headnote

[9] **Administrative Law and Procedure**

🔑 Theory and grounds of administrative decision

Because the court's concern under the **Administrative Procedure Act's** (APA) judicial review provision is with the rationality of the agency's decision making, post hoc explanations are an inadequate basis for the exercise of substantive review of an administrative decision. 5 U.S.C.A. § 706.

Cases that cite this headnote

[10] **Injunction**

🔑 Extraordinary or unusual nature of remedy

Injunction

🔑 Clear showing or proof

Preliminary **injunction** is an extraordinary remedy that should not be granted unless the party seeking it has clearly carried the burden of persuasion.

Cases that cite this headnote

[11] **Injunction**

🔑 Grounds in general; multiple factors

The court can issue a preliminary **injunction** only if the movant shows: (1) a substantial likelihood of prevailing on the merits; (2) a

substantial threat of irreparable injury if the **injunction** is not granted; (3) the threatened injury outweighs any harm that will result to the non-movant if the **injunction** is granted; and (4) the **injunction** will not disserve the public interest.

1 Cases that cite this headnote

[12] **Injunction**

🔑 Unclear, unlikely, doubtful or speculative injury

Injunction

🔑 Irreparable injury

Speculative injury is not sufficient to make a clear showing of **irreparable harm** to support a preliminary **injunction**; there must be more than an unfounded fear on the part of the applicant.

Cases that cite this headnote

[13] **Injunction**

🔑 Irreparable injury

Where plaintiff's injury is merely financial, and monetary compensation will make the plaintiff whole if the plaintiff prevails on the merits, there is no irreparable injury to support a preliminary **injunction**.

Cases that cite this headnote

[14] **Injunction**

🔑 Unclear, unlikely, doubtful or speculative injury

Injunction

🔑 Irreparable injury

When the nature of economic rights makes establishment of the dollar value of plaintiff's loss especially difficult or speculative, a finding of **irreparable harm**, as would support preliminary **injunction**, is appropriate.

Cases that cite this headnote

[15] **Mines and Minerals**

🔑 Judicial Remedies

Even if Outer Continental Shelf Lands Act (OCSLA), rather than **Administrative Procedure Act** (APA), applied to judicial review of Secretary of the Interior's imposition of six-month moratorium on deepwater drilling for oil in the Gulf of Mexico, OCSLA's pre-suit conditions were satisfied before companies providing services to support offshore oil and gas drilling, exploration, and production activities in the Gulf of Mexico's Outer Continental Shelf filed suit challenging the moratorium; the government had notice of the alleged OCSLA violation prior to suit through appeals issued by governor and senators from affected state, the moratorium had already caused the cancellation and threatened cancellation of some of the companies' contracts, and further effects were imminent given the moratorium's far-reaching scope. 5 U.S.C.A. § 551 et seq.; Outer Continental Shelf Lands Act, § 23(a), 43 U.S.C.A. § 1349(a).

1 Cases that cite this headnote

[16] **Mines and Minerals**

🔑 Judicial Remedies

The **Administrative Procedure Act** (APA), and not the citizen suit provision under Outer Continental Shelf Lands Act (OCSLA), is the appropriate vehicle to challenge a decision by the Secretary of the Interior rendered in fulfillment of his OCSLA duties. 5 U.S.C.A. § 551 et seq.; Outer Continental Shelf Lands Act, § 23(a)(1), 43 U.S.C.A. § 1349(a)(1).

Cases that cite this headnote

[17] **Mines and Minerals**

🔑 Judicial Remedies

Companies providing services to support offshore oil and gas drilling, exploration, and production activities in the Gulf of Mexico's Outer Continental Shelf, which sought preliminary **injunction** enjoining six-month moratorium on deepwater drilling for oil in the Gulf of Mexico imposed following drilling platform explosion and

sinking, resulting in continued release of oil into the Gulf, had substantial likelihood of success on the merits of their claim that federal government acted arbitrarily and capriciously in issuing the moratorium, in violation of **Administrative Procedure Act** (APA); Secretary of the Interior's report supporting moratorium lacked any analysis of the asserted fear of threat of irreparable injury or safety hazards posed by 33 permitted drilling rigs, report contained misleading statement that consulted experts agreed with the moratorium, and there was no evidence the Secretary balanced the concern for environmental safety with the policy of making leases available for development, or considered any alternatives. 5 U.S.C.A. § 706(2)(A).

3 Cases that cite this headnote

[18] **Administrative Law and Procedure**

🔑 Report or opinion; reasons for decision

Under the **Administrative Procedure Act** (APA), the agency must cogently explain why it has exercised its discretion in a given manner. 5 U.S.C.A. § 706(2)(A).

Cases that cite this headnote

[19] **Mines and Minerals**

🔑 Judicial Remedies

Companies providing services to support offshore oil and gas drilling, exploration, and production activities in the Gulf of Mexico's Outer Continental Shelf would suffer **irreparable harm** in absence of preliminary **injunction** enjoining six-month moratorium on deepwater drilling for oil in the Gulf of Mexico imposed following drilling platform explosion and sinking, resulting in continued release of oil into the Gulf; some of the companies had lost business as result of the moratorium, it would only be a matter of time before more business and jobs and livelihoods would be lost, and the effect on employment, jobs, and loss of domestic energy supplies caused by the moratorium as the

companies, other suppliers, and the drilling rigs themselves lost business would ripple throughout the regional economy.

Cases that cite this headnote

[20] **Mines and Minerals**

🔑 Judicial Remedies

Public interest supported preliminary **injunction** enjoining six-month moratorium on deepwater drilling for oil in the Gulf of Mexico imposed following drilling platform explosion and sinking, resulting in continued release of oil into the Gulf; the companies affected by the moratorium would likely succeed on the merits of their claim that the government had acted arbitrarily and capriciously in issuing the moratorium, in violation of **Administrative Procedure Act** (APA), and an invalid agency decision to suspend drilling could not justify the immeasurable effect on the companies, the local economy, the Gulf region, and the availability of domestic energy. 5 U.S.C.A. § 706(2)(A).

1 Cases that cite this headnote

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ORDER AND REASONS

Martin L. C. FELDMAN, District Judge.

This case asks whether the federal government's imposition of a general moratorium on deepwater drilling

for oil in the Gulf of Mexico was imposed contrary to law. Before the Court is the plaintiffs' motion for preliminary **injunction**. For the following reasons, the motion is GRANTED.

Background

The plaintiffs in this case provide a myriad of services to support offshore oil and gas drilling, exploration, and production activities in the Gulf of Mexico's Outer Continental Shelf. They challenge the six-month moratorium on offshore drilling operations of new and currently permitted deepwater wells that was imposed on May 28, 2010 by the Department of the Interior and the Minerals Management Service.

The government edict was in reaction to the Deepwater Horizon drilling platform explosion on April 20, 2010, and the resulting devastation. In response to this unprecedented disaster,² the President of the United States formed a bipartisan commission the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling and tasked it with investigating the facts and circumstances concerning the cause of the blowout. The President also ordered the Secretary of the Interior to conduct a thorough review of the Deepwater Horizon blowout and to report, within thirty days, "what, if any, additional precautions and technologies should be required to improve the safety of oil and gas exploration and production operations on the outer continental shelf."

A thirty-day examination was conducted in consultation with respected experts from state and federal governments, academic institutions, and industry and advocacy *631 organizations. On May 27, 2010 the Secretary issued a Report, which reviews all aspects of drilling operations and recommends immediate and long term reforms to improve drilling safety. In the Executive Summary to the Report, the Secretary recommends "a six-month moratorium on permits for new wells being drilled using floating rigs." He also recommends "an immediate halt to drilling operations on the 33 permitted wells, not including relief wells currently being drilled by BP, that are currently being drilled using floating rigs in the Gulf of Mexico." Much to the government's discomfort and this Court's uneasiness, the Summary also states that "the recommendations contained in this report have been peer-reviewed by seven experts identified

by the National Academy of Engineering." As the plaintiffs, and the experts themselves, pointedly observe, this statement was misleading. The experts charge it was a "misrepresentation." It was factually incorrect. Although the experts agreed with the safety recommendations contained in the body of the main Report, five of the National Academy experts and three of the other experts have publicly stated that they "do not agree with the six month blanket moratorium" on floating drilling. They envisioned a more limited kind of moratorium, but a blanket moratorium was added after their final review, they complain, and was never agreed to by them. A factor that might cause some apprehension about the probity of the process that led to the Report.

The draft reviewed by the experts, for example, recommended a six-month moratorium on exploratory wells deeper than 1000 feet (not 500 feet) to allow for implementation of suggested safety measures.

The Report makes no effort to explicitly justify the moratorium: it does not discuss any **irreparable harm** that would warrant a suspension of operations, it does not explain how long it would take to implement the recommended safety measures. The Report does generalize that "[w]hile technological progress has enabled the pursuit of deeper oil and gas deposits in deeper water, the risks associated with operating in water depths in excess of 1,000 feet are significantly more complex than in shallow water."

On May 28, 2010, the Secretary also issued a memorandum to the director of MMS, in which he stated:

I find at this time and under current conditions that offshore drilling of new deepwater wells poses an unacceptable threat of serious and **irreparable harm** to wildlife and the marine, coastal, and human environment as that is specified in 30 C.F.R. 250.172(b). I also have determined that the installation of additional safety or environmental protection equipment is necessary to prevent injury or loss of life and damage to property and the environment. 30 C.F.R. 250.172(b).

Therefore, I am directing a six-month suspension of all pending, current, or approved offshore drilling operations of new deepwater wells in the Gulf of Mexico and the Pacific regions.

The pattern continues. The one page memorandum, also, fails to explain the reasons for the suspension of operations or the depth of operations to be affected. Then on May 30, 2010, the Deputy Director of MMS abruptly issued a Notice to Lessees in which he directs that:

The Six Month Deepwater Moratorium ... directs you to cease drilling all new deepwater wells ... and puts you on notice that, except as provided herein, MMS will not consider for six months from the date of this Moratorium NTL drilling permits for deepwater wells and for related activities as set forth herein. For the purposes of this Moratorium *632 NTL, “deepwater” means depths greater than 500 feet.

While the Administrative Record³ is not yet complete, the government draws attention to several documents that were considered during the creation of the Report (but not necessarily mentioned in it). The Shallow Water Energy Security Coalition Presentation illustrates differences between jack-up rigs, which are used in shallow waters up to 500 feet, and floating rigs, which are used in deeper waters. The presentation also lists factors making the shallow water rigs safer, such as having blowout preventers on the surface and using traditional and proven well control methods.

The plaintiffs' complaint is based on the effect of the general moratorium on their oil service industry business, on the local economy, and puts in play the issue of the robustness of a Gulf-wide industry and satellite trades. Gulf of Mexico drilling activities rely upon a vast and complex network of technology, assets, human capital and experience. Indeed, an estimated 150,000 jobs are directly related to offshore operations. The government admits that the industry provides relatively high paying jobs in drilling and production activities. Oil and gas production is quite simply elemental to Gulf communities. There are currently approximately 3600 structures in the Gulf, and Gulf production from these structures accounts for 31% of total domestic oil production and 11% of total domestic, marketed natural gas production. Sixty-four percent of active leases are in deepwater, over 1000

feet. The plaintiffs own and operate vessels, shipyards, and supply services companies that support deepwater oil exploration and production in the Gulf. In addition to the vessels and facilities involved in their work, the plaintiffs together employ over 11,875 people. At least nineteen other companies, aside from BP's operations involved with Deepwater Horizon, are presently operating deepwater drilling rigs.

On June 7, 2010, Hornbeck Offshore Services sued in this Court for declaratory and **injunctive** relief against the Secretary, the Department, the MMS, and the Director of the MMS. Two days later, more plaintiffs joined the litigation, and a motion for preliminary **injunction** prohibiting the government from enforcing the drilling moratorium is now before the Court. The Court, because of the national importance of these issues, ordered an expedited hearing for June 21, 2010. On June 18, 2010, the Florida Wildlife Federation, the Center for Biological Diversity, the Natural Resources Defense Counsel, the Sierra Club, and the Defenders of Wildlife intervened as defendants.⁴

Law and Analysis

I. OCSLA

A.

The Outer Continental Shelf Lands Act governs federal offshore oil and gas leasing and declares as national policy that “the outer Continental Shelf is a vital national resource reserve held by the Federal Government for the public, which should be made available for expeditious and orderly development, subject to environmental safeguards, in a manner which is consistent with the maintenance of competition and other national needs.” 43 U.S.C. § 1332(3). OCSLA establishes four distinct stages in the administrative process: (1) formulation of a five-year leasing plan by the Secretary; (2) lease sales; (3) exploration by the lessees; and (4) development and production. *Sec'y of the Interior *633 v. California*, 464 U.S. 312, 337, 104 S.Ct. 656, 78 L.Ed.2d 496 (1984). In the preparation and maintenance of this federal leasing program, OCSLA mandates consideration of the “economic, social, and environmental values of the renewable and nonrenewable resources contained in the

outer Continental Shelf, and the potential impact of oil and gas exploration on other resource values ... and the marine, coastal, and human environments.” 43 U.S.C. § 1344(a)(1).

OCSLA instructs the Secretary of the Interior to prescribe regulations

for the suspension or temporary prohibition of any operation or activity, including production, pursuant to any lease or permit ... if there is a threat of serious, **irreparable**, or immediate **harm** or damage to life (including fish and other aquatic life), to property, to any mineral deposits (in areas leased or not leased), or to the marine, coastal, or human environment.

Id. § 1334(a)(1). Tracking the statute's mandate, the federal regulations provide that the Regional Supervisor may direct a suspension of operations or a suspension of production “When activities pose a threat of serious, **irreparable**, or immediate **harm** or damage. This would include a threat to life (including fish and other aquatic life), property, any mineral deposit, or the marine, coastal or human environment.” 30 C.F.R. § 250.172(b). The Regional Supervisor can also declare a suspension “when necessary for the installation of safety or environmental protection equipment.” *Id.* § 250.172(c).

B.

[1] [2] OCSLA establishes a private right of action to any person “having a valid legal interest which is or may be adversely affected” by any violation of OCSLA or the regulations promulgated under it. 43 U.S.C. § 1349(a)(1). Generally, no suit can be filed “prior to sixty days after the plaintiff has given notice of the alleged violation, in writing under oath, to the Secretary.” *Id.* § 1349 (a)(2)(A). By way of contrast, however, a lawsuit may also be brought “immediately after notification of the alleged violation in any case in which the alleged violation constitutes an imminent threat to the public health or safety or would immediately affect a legal interest of the plaintiff.” *Id.* § 1349(a)(3); compare *Chevron, U.S.A., Inc. v. F.E.R.C.*, 193 F.Supp.2d 54, 65 (D.D.C.2002) (holding that plaintiffs faced immediate effect to their legal interest

where a Federal Energy Regulatory Commission order stated that it would disclose the plaintiffs' commercially sensitive information within five days) with *Duke Energy Field Servs. Assets, L.L.C. v. Fed. Energy Regulatory Comm'n*, 150 F.Supp.2d 150, 156 (D.D.C.2001) (holding that the plaintiffs' legal interests would not be immediately affected where FERC had ordered them to publicly file their gas transportation service rates because this order did not mean the information would “instantly be made public” since other FERC regulations provided ways for the information to remain confidential). In the absence of an imminent threat to the public health or safety or an immediate effect on a legal interest, a plaintiff must comply with the sixty-day notice under oath provision. *Duke Energy*, 150 F.Supp.2d at 156; see *Hallstrom v. Tillamook County*, 493 U.S. 20, 25, 33, 110 S.Ct. 304, 107 L.Ed.2d 237 (1989) (holding that a nearly identical sixty-day notice provision of the Resource Conservation and Recovery Act imposed a mandatory precondition to suit). The D.C. District Court has held that where (as has been established here) the plaintiff's legal interests will be immediately affected, the plaintiff provides adequate notice as long as it gives notice prior to filing the action. *Chevron*, 193 F.Supp.2d at 64.

*634 II. **Administrative Procedure Act**

A.

[3] [4] The **Administrative Procedure Act** authorizes judicial review of final agency action where there is no other adequate remedy in a court. 5 U.S.C. § 704; see *id.* § 702 (“A person suffering a legal wrong because of agency action ... is entitled to judicial review thereof.”).⁵ This right to judicial review “applies universally ‘except to the extent that (1) the statutes preclude judicial review; or (2) agency action is committed to agency discretion by law.’” *Bennett v. Spear*, 520 U.S. 154, 174, 117 S.Ct. 1154, 137 L.Ed.2d 281 (1997). In reviewing the Endangered Species Act, the Supreme Court in *Bennett* concluded that the term “violation” in the Act's citizen suit provision could not “be interpreted to include the Secretary's maladministration of the ESA.” *Id.* The ESA provision permits suits “to enjoin any person ... who is alleged to be in violation of any provision of this chapter or regulation issued under the authority thereof.” *Id.* at 171, 117 S.Ct. 1154; see 16 U.S.C. § 1540(g)(1). Guided

by *Bennett*, the Tenth Circuit held that the APA, not the citizen suit provision of OCSLA, is the appropriate vehicle for judicial review of a final decision by the Secretary that was made in fulfillment of his duties under OCSLA. *Amerada Hess Corp. v. Dep't of Interior*, 170 F.3d 1032, 1034 (10th Cir.1999). The Fifth Circuit has similarly written that the OCSLA citizen suit provision should not be used to challenge agency decisions that “were or will be otherwise subject to judicial review under the APA.” *OXY USA, Inc. v. Babbitt*, 122 F.3d 251, 258 (5th Cir.1997); *but see Duke Energy*, 150 F.Supp.2d at 155-56 (refusing to permit judicial review under APA as a way to circumvent the notice requirement of OCSLA’s citizen suit provision).⁶

B.

[5] [6] [7] The APA cautions that an agency action may only be set aside if it is “arbitrary, capricious, an abuse of discretion, or not otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A); *see Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402, 416, 91 S.Ct. 814, 28 L.Ed.2d 136 (1971). The reviewing court must decide whether the agency acted within the scope of its authority, “whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment.” *Overton Park*, 401 U.S. at 415-16, 91 S.Ct. 814; *see Motor Vehicle Manf. Ass'n of the U.S. v. State Farm Mutual Auto. Ins. Co.*, 463 U.S. 29, 42-43, 103 S.Ct. 2856, 77 L.Ed.2d 443 (1983). While this Court’s review must be “searching and careful, the ultimate standard of review is a narrow one.” *Overton Park*, 401 U.S. at 416, 91 S.Ct. 814; *see Delta Found., Inc. v. United States*, 303 F.3d 551, 563 (5th Cir.2002). The Court is prohibited from substituting its judgment for that of the agency. *Overton Park*, 401 U.S. at 416, 91 S.Ct. 814. “Nevertheless, the agency must examine the relevant data and articulate a satisfactory explanation for its action including a ‘rational connection between the facts found and the choice made.’” *State Farm*, 463 U.S. at 43, 103 S.Ct. 2856 (quoting *635 *Burlington Truck Lines v. United States*, 371 U.S. 156, 168, 83 S.Ct. 239, 9 L.Ed.2d 207 (1962)).

The Supreme Court has explained that:

Normally, an agency rule would be arbitrary and capricious if the agency has relied on factors which Congress has not intended it to consider, entirely failed

to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise. The reviewing court should not attempt itself to make up for such deficiencies.... [But the court] will, however, ‘uphold a decision of less than ideal clarity if the agency’s path may be reasonably discerned.’

State Farm, 463 U.S. at 43, 103 S.Ct. 2856 (quoting *Bowman Transp. Inc. v. Arkansas Best Freight Sys.*, 419 U.S. 281, 286, 95 S.Ct. 438, 42 L.Ed.2d 447 (1974)). In *State Farm*, the Supreme Court held the agency’s decision was arbitrary and capricious because the agency had failed to give any consideration to an obvious alternative. *Id.* at 46-47, 103 S.Ct. 2856. That rationale resonates in this dispute.

[8] [9] A court determining whether some agency action is arbitrary and capricious under the APA makes its decision on the basis of the “whole record.” 5 U.S.C. § 706; *see Dep't of Banking & Consumer Fin. of Miss. v. Clarke*, 809 F.2d 266, 271 (5th Cir.1987). This record “consists of the administrative record compiled by the agency in advance of litigation, not any record thereafter constructed in the reviewing court.” *AT & T Info. Sys., Inc. v. Gen. Servs. Admin.*, 810 F.2d 1233, 1236 (D.C.Cir.1987). Indeed, because the Court’s concern is with the rationality of the agency’s decision making, “post hoc explanations ... are simply an inadequate basis for the exercise of substantive review of an administrative decision.” *United States v. Garner*, 767 F.2d 104, 117 (5th Cir.1985). Those principles will set the parameters of merits-resolution. For now, the Court turns to the propriety of preliminary relief.

III. Preliminary Injunction

[10] [11] It is well settled that “preliminary injunction is an extraordinary remedy that should not be granted unless the party seeking it has clearly carried the burden of persuasion.” *Bluefield Water Ass'n v. City of Starkville, Miss.*, 577 F.3d 250, 253 (5th Cir.2009) (quoting *Lake Charles Diesel, Inc. v. Gen. Motors Corp.*, 328 F.3d 192, 196 (5th Cir.2003)); *see also PCI Transport., Inc. v. Ft. Worth & W. R.R. Co.*, 418 F.3d 535, 545 (5th Cir.2005).

The Court can issue an **injunction** only if the movant shows:

- (1) a substantial likelihood of prevailing on the merits;
- (2) a substantial threat of irreparable injury if the **injunction** is not granted; (3) the threatened injury outweighs any harm that will result to the non-movant if the **injunction** is granted; and (4) the **injunction** will not disserve the public interest.

Ridgely v. FEMA, 512 F.3d 727, 734 (5th Cir.2008).

[12] [13] [14] “Speculative injury is not sufficient [to make a clear showing of **irreparable harm**]; there must be more than an unfounded fear on the part of the applicant.” *Holland Am. Ins. Co. v. Succession of Roy*, 777 F.2d 992, 997 (5th Cir.1985); see *Wis. Gas Co. v. F.E.R.C.*, 758 F.2d 669, 674 (D.C.Cir.1985) (“[Irreparable] injury must be both certain and great; it must be actual and not theoretical.”). Where the injury is merely “financial” and “monetary compensation will make [the plaintiff] whole if [the plaintiff] prevails on the merits,” there is no irreparable injury. *Bluefield*, 577 F.3d at 253. But when the *636 nature of economic “rights makes ‘establishment of the dollar value of the loss ... especially difficult or speculative,’” a finding of **irreparable harm** is appropriate. *Allied Mktg. Group, Inc. v. CDL Mktg., Inc.*, 878 F.2d 806, 810 n. 1 (5th Cir.1989) (quoting *Miss. Power & Light Co. v. United Gas Pipe Line Co.*, 760 F.2d 618, 630 n. 12 (5th Cir.1985)).

IV.

A. Jurisdiction

[15] The plaintiffs focus on the APA as providing the basis for the judicial review they seek.⁷ They seem to abandon attention to the presuit requirements of OCSLA’s § 1349 because they urge they do not seek to enforce the OCSLA regulations, nor do they seek to recover the civil penalties provided under OCSLA. Instead, plaintiffs insist, they simply seek judicial review of final agency action as provided by the APA. The Court agrees that the APA certainly applies here.

[16] The central thrust of the plaintiffs’ argument is that the Secretary was arbitrary and capricious in fulfilling his

duties under OCSLA. Indeed, the issue does not seem to be whether the Secretary is in “violation” of OCSLA or its regulations. See *OXY*, 122 F.3d at 257 (observing that the citizen suit provision establishes a mechanism for citizens to participate in OCSLA’s *enforcement*). Rather, as the Tenth Circuit has held, the APA, and not the citizen suit provision under OCSLA, is the appropriate vehicle to challenge a decision by the Secretary rendered in fulfillment of his OCSLA duties. See *Amerada Hess*, 170 F.3d at 1034; see *Bennett*, 520 U.S. at 174, 117 S.Ct. 1154. The seemingly contrary conclusion in *Duke Energy* is based on the determination that all OCSLA cases are subject to the presuit conditions in § 1349(a). See 150 F.Supp.2d at 155-56. That decision is not helpful. A closer reading of § 1349(a) reveals that the conditions apply only to actions brought under subsection § 1349(a) (1). The judicial review of a final agency action that the plaintiffs seek must proceed under the APA, making the requirements of § 1349(a) irrelevant.⁸

B. Arbitrary and Capricious

The federal moratorium expansively suspends all pending, current or approved drilling operations of new deepwater wells in the Gulf of Mexico and in the Pacific for six months. As declared by the MMS, “deepwater” is defined as depths greater than 500 feet. The Secretary based his decision on a finding that new deepwater wells pose an unacceptable risk of serious and **irreparable harm** to life and property *637 and a finding that the installation of additional safety or environmental protection equipment is necessary to prevent injury or loss of life and damage to property and the environment. The government also suggests that the Secretary’s decision was influenced by a concern that the government’s resources, stretched thin by the oil spill, could not cope with another blowout were one to occur.⁹

[17] After reviewing the Secretary’s Report, the Moratorium Memorandum, and the Notice to Lessees, the Court is unable to divine or fathom a relationship between the findings and the immense scope of the moratorium. The Report, invoked by the Secretary, describes the offshore oil industry in the Gulf and offers many compelling recommendations to improve safety. But it offers no time line for implementation, though many of the proposed changes are represented to be implemented immediately. The Report patently lacks any

analysis of the asserted fear of threat of irreparable injury or safety hazards posed by the thirty-three permitted rigs also reached by the moratorium. It is incident-specific and driven: Deepwater Horizon and BP only. None others. While the Report notes the increase in deepwater drilling over the past ten years and the increased safety risk associated with deepwater drilling, the parameters of “deepwater” remain confused. And drilling elsewhere simply seems driven by political or social agendas on all sides. The Report seems to define “deepwater” as drilling beyond a depth of 1000 feet by referencing the increased difficulty of drilling beyond this depth; similarly, the shallowest depth referenced in the maps and facts included in the Report is “less than 1000 feet.” But while there is no mention of the 500 feet depth anywhere in the Report itself, the Notice to Lessees suddenly defines “deepwater” as more than 500 feet.

Of course, the present state of the Administrative Record includes more than the Report, the Notice to Lessees, and the Memorandum of Moratorium. It includes a great deal of information consulted by the agency in making its decision. The defendants have submitted affidavits and some documents that purport to explain the agency's decision-making process. The Shallow Water Energy Security Coalition Presentation attempts at some clarification of the decision to define “deepwater” as depths greater than 500 feet. It is undisputed that at depths of over 500 feet, floating rigs must be used, and the Executive Summary to the Report refers to a moratorium on drilling using “floating rigs.” Other documents submitted summarize some of the tests and studies performed. For example, one study showed that at 3000psi, the shear rams on three of the six tested rigs failed to shear their samples; in the follow up study, various ram models were tested on 214 pipe samples and 7.5% were unsuccessful at shearing the pipe below 3000psi. How these studies support a finding that shear equipment does not work consistently at 500 feet is incomprehensible. If some drilling equipment parts are flawed, is it rational to say all are? Are all airplanes a danger because one was? All oil tankers like Exxon Valdez? All trains? All mines? That sort of thinking seems heavy-handed, and rather overbearing.

[18] The Court recognizes that the compliance of the thirty-three affected rigs with current government regulations may be irrelevant if the regulations are insufficient or if MMS, the government's own agent,

itself is suspected of being corrupt or incompetent.⁰ Nonetheless, *638 the Secretary's determination that a six-month moratorium on issuance of new permits and on drilling by the thirty-three rigs is necessary does not seem to be fact-specific and refuses to take into measure the safety records of those others in the Gulf. There is no evidence presented indicating that the Secretary balanced the concern for environmental safety with the policy of making leases available for development. There is no suggestion that the Secretary considered any alternatives: for example, an individualized suspension of activities on target rigs until they reached compliance with the new federal regulations said to be recommended for immediate implementation. Indeed, the regulations themselves seem to contemplate an individualized determination by authorizing the suspension of “all or any part of a lease or unit area.” 30 C.F.R. § 250.168. Similarly, OCSLA permits suspension of “any operation or activity ... pursuant to any lease or permit.” 28 U.S.C. § 1334(a)(1). The Court cannot substitute its judgment for that of the agency, but the agency must “cogently explain why it has exercised its discretion in a given manner.” *State Farm*, 463 U.S. at 48, 103 S.Ct. 2856. It has not done so.²

The Deepwater Horizon oil spill is an unprecedented, sad, ugly and inhuman disaster. What seems clear is that the federal government has been pressed by what happened on the Deepwater Horizon into an otherwise sweeping confirmation that all Gulf deepwater drilling activities put us all in a universal threat of **irreparable harm**. While the implementation of regulations and a new culture of safety are supportable by the Report and the documents presented, the blanket moratorium, with no parameters, seems to assume that because one rig failed and although no one yet fully knows why, all companies and rigs drilling new wells over 500 feet also universally present an imminent danger.

On the record now before the Court, the defendants have failed to cogently reflect the decision to issue a blanket, generic, indeed punitive, moratorium with the facts developed during the thirty-day review. The plaintiffs have established a likelihood of successfully showing that the Administration acted arbitrarily and capriciously in issuing the moratorium.

C. Irreparable Harm

[19] The plaintiffs assert that they have suffered and will continue to suffer **irreparable harm** as a result of the moratorium. The Court agrees. Some of the plaintiffs' contracts have been affected; the Court is persuaded that it is only a matter of time before more business and jobs and livelihoods will be lost. The defendants trivialize such losses by characterizing them as merely a small percentage of the drilling rigs affected, but it does not follow that this will somehow reduce the convincing harm suffered. Furthermore, courts have held that in making the determination *639 of **irreparable harm**, “both harm to the parties and to the public may be considered.” *In re Nw. Airlines Corp.*, 349 B.R. 338, 384 (S.D.N.Y.2006) (quoting *Long Island R.R. v. Int'l Ass'n of Machinists*, 874 F.2d 901, 910 (2nd Cir.1989)). The effect on employment, jobs, loss of domestic energy supplies caused by the moratorium as the plaintiffs (and other suppliers, and the rigs themselves) lose business, and the movement of the rigs to other sites around the world will clearly ripple throughout the economy in this region.

[20] This Court is persuaded that the public interest weighs in favor of granting a preliminary **injunction**. While a suspension of activities directed after a rational interpretation of the evidence could outweigh the impact on the plaintiffs and the public, here, the Court has found the plaintiffs would likely succeed in showing that the agency's decision was arbitrary and capricious. An invalid agency decision to suspend drilling of wells in depths of over 500 feet simply cannot justify the immeasurable effect on the plaintiffs, the local economy, the Gulf region, and the critical present-day aspect of the availability of domestic energy in this country.

Accordingly, the plaintiffs' motion for preliminary **injunction** is GRANTED. An Order consistent with this opinion will be entered.

All Citations

696 F.Supp.2d 627, 72 ERC 1601, 177 Oil & Gas Rep. 399

Footnotes

- 1 Hornbeck Offshore Services owns and operates a fleet of Jones–Act compliant vessels that support deepwater and ultra deepwater exploration in the Gulf of Mexico. The Bollinger Entities own and operate shipyards for the construction and repair of vessels with a significant part of their business (50% in 2009) involving vessels used to support deepwater exploration and production in the Gulf. The Bee Mar Deepwater Vessel Companies own and operate vessels that support Gulf of Mexico deepwater exploration and production activities. The Chouest Shore Side Companies perform various support services necessary for Gulf deepwater exploration and production. The Chouest Vessel Companies own and operate vessels that support deepwater exploration and production in the Gulf. The Chouest Shipyard Companies construct vessels intended for Gulf of Mexico deepwater operations. Over 10,000 employees in a variety of trades are employed.
- 2 The all-too-familiar tragic facts include the senseless deaths of eleven crew members, the horrible losses of their families and loved ones, many injured workers, a broken pipe on the sea floor that continues to spew endless gushes of crude oil into the Gulf, and oil muck that has spread across thousands of square miles and persists in damaging sensitive coastlines, wildlife, and the intertwined local economies. As a result, nearly one-third of the Gulf of Mexico has been closed to commercial and recreational fishing.
- 3 The extent of this Court's scope of review is discussed in more detail in Part II.B.
- 4 The Court wishes to thank all parties and counsel for their cooperation and assistance in dealing with the expedited schedule.
- 5 The APA does not provide an implied grant of subject matter jurisdiction. *Califano v. Sanders*, 430 U.S. 99, 107, 97 S.Ct. 980, 51 L.Ed.2d 192 (1977). However, the plaintiffs' claims of injury caused by the defendants' violation of OCSLA are subject to this Court's federal question jurisdiction. See 28 U.S.C. § 1331.
- 6 In this case, it seems the result would be the same, whether the APA applies or OCSLA's citizen suit provisions.
- 7 In the alternative, the plaintiffs insist that the “notification” requirement of § 1349(a)(3) has been met in this case. They point out that no particular type of notice is specified in the statute and that the defendants in this case were on notice of the dispute over the validity of the moratorium because direct appeals on behalf of all Louisiana citizens, including the plaintiffs, were made to the President and the Secretary in advance of the filing of this lawsuit in a June 2, 2010 letter by Governor Jindal and meetings between Louisiana's senators and the Administration. Plaintiffs underscore § 1349(a)(3)'s

requirement that the defendants' action "immediately affects" their legal interests has also been met. The Court agrees. The moratorium is already in effect and has already caused the cancellation and threatened cancellation of some of the plaintiffs' contracts. Further effects are imminent because of the far-reaching scope of the edict.

8 The Court adds that it seems the defendants had notification of the "violation" (if it can be construed as such) before the plaintiffs filed suit, and that the plaintiffs have suffered an immediate effect to their legal interests in the form of business relationships that have already been lost. Thus trumping the "under oath" requirement.

9 The Report notes that the Deepwater Horizon disaster "is commanding the Department of Interior's resources." A disturbing admission by this Administration.

10 If the MMS and the Department truly were incompetent and corrupt, as the intervenors insist, the Court fails to see how this conclusion supports the government's position. Indeed, while the government makes light of the fact that several of the experts disagree with the recommendations in the Report by noting that they do not disagree with the findings, of greater concern is the misleading text in the Executive Summary that seems to assert that all the experts agree with the Secretary's recommendation. The government's hair-splitting explanation abuses reason, common sense, and the text at issue.

11 Most of the currently permitted rigs passed MMS inspection after the Deepwater Horizon exploded. According to the Report, since 1969, before Deepwater Horizon, only some three blowouts have occurred ... all in other parts of the world, not the Gulf.

12 Of interest to the Court is the Report's conflicting observation that while "the rate of blowouts per well has not increased ... the experience of the BP Oil Spill illustrates the significant challenges in deepwater drilling."

670 F.3d 236
United States Court of Appeals,
Third Circuit.

MINARD RUN OIL COMPANY; Pennsylvania
Independent Oil and Gas Association; Allegheny
Forest Alliance; County of Warren, Pennsylvania,
v.

UNITED STATES FOREST SERVICE, an agency
of the U.S. Department of Agriculture; Tom
Tidwell, in his official capacity as Chief of the
U.S. Forest Service; Kent P. Connaughton, in
his official capacity as regional Forester for the
U.S. Forest Service, Eastern Region; Leanne
M. Marten, in her official capacity as Forest
Supervisor for the Allegheny National Forest;
Attorney General of the United States of America;
Forest Service Employees for Environmental
Ethics; Allegheny Defense Project; Sierra Club
Forest Service Employees for Environmental Ethics,
Allegheny Defense Project, Sierra Club, Appellants.
(Pursuant to Fed. R.App. P. 43(c)(2)).

(Amended Pursuant to the
Clerk's Order of June 18, 2010).

Nos. 10–1265, 10–2332.

Argued on Jan. 27, 2011.

Opinion filed: Sept. 20, 2011.

As Amended March 7, 2012.

Synopsis

Background: Owners of mineral rights in Allegheny National Forest brought action against United States Forest Service, seeking to enjoin Service from implementing policy that would halt owners from drilling in national forest until completion of Environmental Impact Study (EIS) under the National Environmental Policy Act (NEPA). Mineral-rights owners moved for preliminary injunction. The United States District Court for the Western District of Pennsylvania, Sean J. McLaughlin J., 2009 WL 4937785, granted motion. Service appealed.

Holdings: The Court of Appeals, Roth, Circuit Judge, held that:

- [1] policy was final agency action subject to judicial review;
- [2] owners established likelihood of success on merits of claim that they were not required to obtain approval of Service before drilling in ANF;
- [3] owners established likelihood of success on merits of claim that policy was substantive rule that Service was required to promulgate pursuant to notice and comment procedure of Administrative Procedure Act (APA);
- [4] owners established irreparable injury; and
- [5] balance of the equities and public interest favored granting preliminary injunction.

Affirmed.

West Headnotes (23)

[1] Mines and Minerals

➡ Nature of estate granted or reserved

Woods and Forests

➡ Forest reservations, preserves, or parks

“Reserved mineral rights” in Allegheny National Forest are those reserved by the fee owner in the deed conveying surface ownership of forest land to the United States, and are subject to rules and regulations promulgated by the Secretary of Agriculture and included in the instrument of conveyance. Weeks Act, § 9, 16 U.S.C.A. § 518.

Cases that cite this headnote

[2] Mines and Minerals

➡ Nature of estate granted or reserved

Woods and Forests

➡ Forest reservations, preserves, or parks

“Outstanding mineral rights” in Allegheny National Forest are those that were severed

from a surface estate prior to the surface estate's conveyance to the United States, and are governed by the terms of the earlier conveyance severing the mineral rights and Pennsylvania property law. Weeks Act, § 9, 16 U.S.C.A. § 518.

Cases that cite this headnote

[3] Mines and Minerals

🔑 Servitudes granted, retained, or reserved

Under Pennsylvania law, a mineral estate is the dominant estate and entails the right to use of as much surface land as reasonably necessary to extract minerals.

Cases that cite this headnote

[4] Mines and Minerals

🔑 Servitudes granted, retained, or reserved

Under Pennsylvania law, although the owner of a mineral estate must show due regard to the rights of the surface owner, the mineral owner need not obtain consent or approval before entering land to mine for minerals.

Cases that cite this headnote

[5] Administrative Law and Procedure

🔑 Scope

Because final agency action is a jurisdictional requirement for judicial review of agency action, Court of Appeals reviews de novo the district court's finding of final agency action. 5 U.S.C.A. § 702.

4 Cases that cite this headnote

[6] Administrative Law and Procedure

🔑 Finality;ripeness

The Administrative Procedure Act (APA) provides for judicial review of “final agency action,” which is present when two conditions are met: (1) the action must mark the consummation of the agency's decisionmaking process, it must not be of a merely tentative or interlocutory nature, and (2) the action must be one by which

rights or obligations have been determined, or from which legal consequences will flow. 5 U.S.C.A. § 702.

2 Cases that cite this headnote

[7] Environmental Law

🔑 Other particular parties

United States Forest Service's settlement agreement with environmental organizations established new substantive rule regarding mineral-rights owners' ability to drill in Allegheny National Forest (ANF), in violation of owners' notice-and-comment right, and thus owners had standing to bring action challenging settlement agreement; as direct result of settlement agreement, ANF Forest Supervisor issued statement announcing that Service would not permit drilling in ANF until completion of NEPA analysis, which could delay commencement of drilling. Weeks Act, § 9, 16 U.S.C.A. § 518; National Environmental Policy Act of 1969, § 102(C), 42 U.S.C.A. § 4332(C).

1 Cases that cite this headnote

[8] Environmental Law

🔑 Finality

Mines and Minerals

🔑 Remedies

United States Forest Service's statement, that Service would not permit mineral-rights owners to drill in Allegheny National Forest (ANF) until completion of Environmental Impact Study (EIS) under NEPA, was consummation of Service's decisionmaking process, as required for statement to be final agency action subject to judicial review; Service did not plan to revisit the propriety of imposing a moratorium on new drilling in ANF during EIS, and by the time EIS was completed, propriety of moratorium would be moot. 5 U.S.C.A. §§ 702, 704; Weeks Act, § 9, 16 U.S.C.A. § 518; National Environmental Policy Act of 1969, § 102(C), 42 U.S.C.A. § 4332(C).

Cases that cite this headnote

[9] Administrative Law and Procedure

🔑 Finality;ripeness

An agency determination of a particular issue that will not be reconsidered in subsequent agency proceedings may represent the consummation of the agency's decisionmaking process on that issue, as required for determination to be final agency action subject to judicial review. 5 U.S.C.A. §§ 702, 704.

1 Cases that cite this headnote

[10] Environmental Law

🔑 Finality

Mines and Minerals

🔑 Remedies

United States Forest Service's statement, that Service would not permit mineral-rights owners to drill in Allegheny National Forest (ANF) until completion of Environmental Impact Study (EIS) under NEPA, had significant legal consequences for owners, as required for statement to be final agency action subject to judicial review; owners were required to stop all new drilling or face criminal penalties. 5 U.S.C.A. §§ 702, 704; Weeks Act, § 9, 16 U.S.C.A. § 518; National Environmental Policy Act of 1969, § 102(C), 42 U.S.C.A. § 4332(C).

Cases that cite this headnote

[11] Environmental Law

🔑 Finality

Mines and Minerals

🔑 Remedies

Pragmatic considerations weighed in favor of finding that United States Forest Service's statement, that Service would not permit mineral-rights owners to drill in Allegheny National Forest (ANF) until completion of Environmental Impact Study (EIS) under NEPA, was final agency action subject to judicial review; statement represented

Service's final position on need for drilling moratorium, Service expected owners to refrain from new drilling during moratorium and threatened criminal enforcement for noncompliance, moratorium directly affected owner's daily operations and had already caused them significant losses, whether Service's moratorium was required by NEPA and consistent with Administrative Procedure Act (APA) were pure questions of law that required no further factual development, and judicial review would facilitate prompt and efficient resolution of questions regarding scope of Service's authority over private mineral rights in ANF and its NEPA obligations. 5 U.S.C.A. §§ 702, 704; Weeks Act, § 9, 16 U.S.C.A. § 518; National Environmental Policy Act of 1969, § 102(C), 42 U.S.C.A. § 4332(C).

2 Cases that cite this headnote

[12] Federal Courts

🔑 Preliminary injunction;temporary restraining order

In reviewing a preliminary injunction, Court of Appeals exercises plenary review over the district court's conclusions of law and its application of law to the facts, but reviews its findings of fact for clear error.

Cases that cite this headnote

[13] Federal Courts

🔑 Preliminary injunction;temporary restraining order

Court of Appeals reviews the court's ultimate decision to issue a preliminary injunction for abuse of discretion.

3 Cases that cite this headnote

[14] Environmental Law

🔑 Major government action

Federal approval of a private party's project, where that approval is not required for the project to go forward, does not constitute a "major federal action," which

under NEPA must be preceded by an appropriate environmental analysis. National Environmental Policy Act of 1969, § 102(C), 42 U.S.C.A. § 4332(C).

1 Cases that cite this headnote

[15] Environmental Law

➔ Preliminary injunction

Mines and Minerals

➔ Remedies

Owners of mineral rights in Allegheny National Forest (ANF) established likelihood of success on merits of claim that they were not required to obtain approval of United States Forest Service before drilling in ANF, in the form of Notice to Proceed (NTP), and that issuance of NTP was not major federal action that was required to be preceded by environmental analysis under NEPA, as required for preliminary injunction to prevent Service from implementing policy that would halt owners from drilling until Service completed NEPA analysis; Service's special-use regulations did not apply to outstanding mineral rights, which were severed from surface estate prior to surface estate's conveyance to government, and regulatory scheme did not impose permit requirement on vast majority of reserved rights, which were reserved by fee owner in deed conveying surface ownership to government, rather, owners of reserved rights were required only to give notice to Service prior to surface access, with NTP being used to memorialize any agreements between Service and owner. 16 U.S.C. (1970 Ed.) § 471; Weeks Act, §§ 9, 11, 16 U.S.C.A. §§ 518, 521; Lieu Lands Act, § 1, 16 U.S.C.A. § 551; National Environmental Policy Act of 1969, § 102(C), 42 U.S.C.A. § 4332(C); 36 C.F.R. § 251.50(a) (1994).

4 Cases that cite this headnote

[16] Administrative Law and Procedure

➔ Environment and health

Environmental Law

➔ Assessments and impact statements

Mines and Minerals

➔ Remedies

United States Forest Service's construction of the Weeks Act and the Organic Act as conferring regulatory authority over outstanding mineral rights in national forest land, which were severed from surface estate prior to surface estate's conveyance to government, was not entitled to *Chevron* deference in mineral-rights owners' action to enjoin Service from implementing policy that would halt owners from drilling in national forest until completion of Environmental Impact Study (EIS) under NEPA; Service's interpretation was adopted in general Counsel opinion, not in formal adjudicatory or rulemaking proceeding. 16 U.S.C.(1970 Ed.) § 471; Weeks Act, §§ 9, 11, 16 U.S.C.A. §§ 518, 521; Lieu Lands Act, § 1, 16 U.S.C.A. § 551; National Environmental Policy Act of 1969, § 102(C), 42 U.S.C.A. § 4332(C).

Cases that cite this headnote

[17] Environmental Law

➔ Assessments and impact statements

Mines and Minerals

➔ Servitudes granted, retained, or reserved

Mines and Minerals

➔ Remedies

United States Forest Service's construction of the Weeks Act and the Organic Act as conferring regulatory authority over outstanding mineral rights in national forest land, which were severed from surface estate prior to surface estate's conveyance to government, was not entitled to *Skidmore* deference in mineral-rights owners' action to enjoin Service from implementing policy that would halt owners from drilling in national forest until completion of Environmental Impact Study (EIS) under NEPA; Service's interpretation was unexplained departure from its longstanding view that its regulations did not apply to outstanding mineral rights. 16 U.S.C.(1970 Ed.) § 471; Weeks Act, §§ 9, 11, 16 U.S.C.A. §§ 518, 521; Lieu Lands Act, § 1, 16 U.S.C.A. § 551; National Environmental

Policy Act of 1969, § 102(C), 42 U.S.C.A. § 4332(C).

1 Cases that cite this headnote

[18] Environmental Law

🔑 Preliminary injunction

Mines and Minerals

🔑 Remedies

Owners of mineral rights in Allegheny National Forest (ANF) established likelihood of success on merits of claim that United States Forest Service's statement, that Service would not permit owners to drill in ANF until completion of Environmental Impact Study (EIS) under NEPA, was substantive rule that Service was required to promulgate pursuant to notice and comment procedure of Administrative Procedure Act (APA), as required for preliminary injunction to prevent Service from halting owners from drilling until Service completed EIS; Service's statement created new duties for owners because owners were prevented from drilling during multi-year EIS, and statement had substantive adverse impact on owners because it directly interfered with their property rights to enter ANF lands and drill for oil and gas. 5 U.S.C.A. §§ 551(4), 553(b, c); Weeks Act, § 9, 16 U.S.C.A. § 518; National Environmental Policy Act of 1969, § 102(C), 42 U.S.C.A. § 4332(C).

1 Cases that cite this headnote

[19] Administrative Law and Procedure

🔑 Notice and comment, necessity

In considering whether a rule makes substantive changes in prior regulations or creates new law, rights, or duties, and is thus subject to notice and comment requirement under Administrative Procedure Act (APA), court considers whether the rule will have a substantive adverse impact on the challenging party. 5 U.S.C.A. §§ 551(4), 553(b, c).

1 Cases that cite this headnote

[20] Injunction

🔑 Irreparable injury

A purely economic injury, compensable in money, cannot satisfy the irreparable injury requirement for preliminary injunction, but an exception exists where the potential economic loss is so great as to threaten the existence of the movant's business.

18 Cases that cite this headnote

[21] Environmental Law

🔑 Preliminary injunction

Mines and Minerals

🔑 Remedies

Owners of mineral rights in Allegheny National Forest (ANF) established irreparable injury, as required for preliminary injunction preventing United States Forest Service from implementing policy that would halt owners from drilling in ANF until completion of Environmental Impact Study (EIS) under NEPA; moratorium on drilling dramatically affected several owners' businesses and would probably cause them to shut down or go bankrupt if moratorium continued, and moratorium would also cause owners to lose oil and gas to adjoining landowners drilling on private lands that were not subject to moratorium. Weeks Act, § 9, 16 U.S.C.A. § 518; National Environmental Policy Act of 1969, § 102(C), 42 U.S.C.A. § 4332(C).

Cases that cite this headnote

[22] Mines and Minerals

🔑 Title in general

Under Pennsylvania law, oil and gas resources are subject to the "rule of capture," which permits an owner to extract oil and gas even when extraction depletes a single oil or gas reservoir lying beneath adjoining lands; the adjoining owner's only remedy against such drainage is to go and do likewise.

1 Cases that cite this headnote

[23] Environmental Law

🔑 Preliminary injunction

Mines and Minerals

🔑 Remedies

Balance of the equities and public interest favored granting preliminary injunction to owners of mineral rights in Allegheny National Forest (ANF) to prevent United States Forest Service from implementing policy that would halt owners from drilling in ANF until completion of Environmental Impact Study (EIS) under NEPA; while Service had important statutory duty to protect and maintain natural resources of ANF, service had previously successfully completed EIS without imposing moratorium on drilling, and granting injunction would vindicate public's interests in aiding local economy, protecting owners' property rights, and ensuring public participation in agency rulemaking. 5 U.S.C.A. §§ 552, 553; Weeks Act, § 9, 16 U.S.C.A. § 518; National Environmental Policy Act of 1969, § 102(C), 42 U.S.C.A. § 4332(C).

1 Cases that cite this headnote

Attorneys and Law Firms

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R. Timothy McCrum, Esquire (Argued), J. Michael Klise, Esquire, Daniel W. Wolff, Esquire, Crowell & Moring LLP, Washington, DC, Matthew L. Wolford, Esquire, Erie, PA, Steven J. Lechner, Esquire, Mountain States Legal Foundation, Lakewood, CO, for Appellees.

Before: FUENTES, CHAGARES and ROTH, Circuit Judges.

OPINION

ROTH, Circuit Judge:

I. Introduction

This appeal concerns a dispute between the U.S. Forest Service (the Service) and ***242** owners of mineral rights in the Allegheny National Forest (ANF). Although the Service manages the surface of the ANF for the United States, mineral rights in most of the ANF are privately owned. Mineral rights owners are entitled to reasonable use of the surface to drill for oil or gas and from 1980 until recently the Service and mineral owners had managed drilling in the ANF through a cooperative process. Mineral rights owners would provide 60 days advance notice to the Service of their drilling plans and the Service would issue owners a Notice to Proceed (NTP), which acknowledged receipt of notice and memorialized any agreements between the Service and the mineral owner about the drilling operations. However, as a result of a settlement agreement with environmental groups, the Service dramatically changed its policy and decided to postpone the issuance of NTPs until a multi-year, forest-wide Environmental Impact Study (EIS) under the National Environmental Policy Act (NEPA) is completed.

Mineral owners and related businesses affected by this new policy sought to enjoin the Service from implementing the policy, which would halt new drilling in the ANF. After holding a hearing and carefully considering the evidence, the District Court issued a preliminary injunction against the Service, prohibiting it from making the completion of the forest-wide EIS a condition for issuing NTPs and requiring it to return to its prior, cooperative process for issuing NTPs. The Service, the Attorney General, and several environmental organizations appeal the preliminary injunction, contending that the District Court lacked jurisdiction and erred in issuing a preliminary injunction. For the reasons that follow, we affirm in all respects the District Court's thorough, well-reasoned opinion.

II. Background

In the 19th century, all the land now comprising the ANF was privately owned. In 1891, Congress authorized the President to designate federal lands as forest reservations in order to preserve valuable timber resources and ensure protection of watersheds. Act of March 3, 1891 § 24, 26 Stat. 1095, 1103, *codified at* 16 U.S.C. § 471 (repealed) (the 1891 Act). In 1897, Congress passed the Organic Act authorizing the Secretary of Agriculture to regulate “occupancy and use” of forest reservations designated under the 1891 Act. 30 Stat. 11, 34, *codified at* 16 U.S.C. § 475. These Acts, however, did not authorize the purchase of land to establish federal forest reservations they were limited to land already owned by the federal government or acquired for other purposes. After considerable controversy and a decade of campaigning, *see* S.REP. NO. 60 459, at 13 (1908) (describing history of forest preservation bills), Congress passed the Weeks Act in 1911. Pub.L. No. 61 435, 36 Stat. 961. The Act set aside funds for purchase of private land by the Secretary of Agriculture to serve as forest reservations under the Organic Act. *Id.* §§ 4 8, 36 Stat. at 962. Before purchasing land in a State, the Act required the Secretary to obtain the State's consent. *Id.* § 7, 36 Stat. at 962. In the decades following the Act, the Secretary purchased large tracts of forest land, and in 1923, President Coolidge designated the lands acquired in Pennsylvania as the Allegheny National Forest. 43 Stat.1925.

A. Mineral Rights in the Allegheny National Forest

Coal mining was common in the Allegheny Plateau and oil had been discovered in the area in 1859. To acquire as much land as possible with limited funds, the Secretary of Agriculture purchased large tracts *243 of surface estate in the ANF while leaving valuable mineral rights in private hands. As a result, over 93% of the mineral estates in the ANF are privately owned. The mineral rights in the ANF are of two kinds: reserved rights and outstanding rights.

[1] Reserved rights are those reserved by the fee owner in the deed conveying surface ownership to the United States. The Weeks Act authorized the Secretary to acquire surface estates with a reservation of rights to the grantor and provided that the exercise of reserved rights would be subject to the “rules and regulations” promulgated by the Secretary and included in the instrument of conveyance. 16 U.S.C. § 518. Reserved rights are usually referred to by the year of promulgation of the regulations in effect at the time of federal acquisition, *i.e.*, 1911, 1937, 1947, or 1963 reserved rights. About 48% of the mineral rights in

the ANF are reserved rights and the vast majority of these are 1911 rights. (J.A. 157, 254 55.) The 1911 regulations were quite minimal, and generally required mineral rights owners to use no more of the surface than reasonably necessary, pay for any timber cut down when clearing space for wells, take appropriate measures to prevent fire, and remove all facilities or refuse when drilling operations cease. The 1911 regulations did not require mineral rights owners to obtain a permit from the Service in order to exercise their mineral rights.

[2] Outstanding rights are those that were severed from the surface estate prior to its conveyance to the United States. The Weeks Act was amended in 1913 to permit acquisition of severed surface estates with outstanding mineral rights, provided that the National Forest Reservation Commission concluded that these rights would not hinder administration of the forest reservation. 37 Stat. 828, 855 (1913). Until recently, the Service maintained that its regulations did not apply to outstanding mineral rights.² Rather, because outstanding mineral rights were reserved prior to conveyance to the United States, these rights are governed by the terms of the earlier conveyance severing the mineral rights and Pennsylvania property law. *See United States v. Minard Run Oil Co.*, No. 90 12, 1980 U.S. Dist. LEXIS 9570, at *14 15 (W.D.Pa. Dec. 16, 1980) (*Minard Run I*).

[3] [4] Under Pennsylvania law, the mineral estate is the dominant estate and *244 entails the right to use of as much surface land as reasonably necessary to extract minerals. *Belden & Blake Corp. v. DCNR*, 600 Pa. 559, 969 A.2d 528, 532 (2009). Although the mineral owner must show “due regard” to the rights of the surface owner, the mineral owner need not obtain consent or approval before entering land to mine for minerals. *Id.* at 533; *see also Minard Run I*, 1980 U.S. Dist. LEXIS 9570, at *13 (mineral rights owner has an “unquestioned right” to enter the property, subject to “minor restrictions which ... should not seriously hamper the extraction of oil and gas”). *Minard Run I* concluded that “due regard” to the Service as surface owner required owners of outstanding mineral rights to provide information regarding drilling plans to the Service “no less than 60 days in advance” of commencing drilling operations. *Id.* at *22.

The Service's 1984 ANF Handbook incorporated the *Minard Run I* framework into its “standard operating procedures” for outstanding mineral rights in the ANF.

Congress codified the notice provisions of *Minard Run I* in the Energy Policy Act of 1992, Pub.L. No. 102 486 § 2508, 106 Stat. 2776, 3108, *codified at* 30 U.S.C. § 226(o). Until the change in policy that is the subject of this litigation, the Service and mineral rights owners in the ANF had relied on the *Minard Run I* framework and taken a cooperative approach to oil and gas drilling in the ANF. Under this framework, mineral rights owners who planned to conduct drilling operations would provide the Service with the required notice and the two parties would then negotiate the details of drilling operations, such as the location of wells or access roads, so as to prevent any unnecessary surface use. At the end of this process, the Service would issue a Notice to Proceed (NTP) to the mineral rights owner, which acknowledged receipt of notice from the mineral rights owner and memorialized any agreements between the parties regarding drilling operations.³

B. The Service's Policy Regarding NEPA and Split Estates

The National Environmental Policy Act of 1969, Pub.L. No. 91 190, 83 Stat. 852 (NEPA) requires federal agencies to file an environmental impact study (EIS) before taking any “major federal actions significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(C). The Service completed EISs in 1986 and 2007 in connection with adoption of a Forest Plan for the ANF, which governs the Service's management of the forest. The Service did not suspend the issuance of NTPs during these EISs. The Service also occasionally conducted an Environmental Assessment (EA) a summary environmental analysis less demanding than an EIS when issuing certain NTPs. Although only limited information on these EAs is available, they appear to have been completed quite promptly and within the 60 day *Minard Run I* framework. However, until recently, the Service took the position that issuance of an NTP to a mineral rights owner was not a “major federal action” requiring environmental analysis under NEPA because the Service's rights as surface owner were so limited. (J.A. 182 83 (testimony before Congress), 185 86 (legal opinion provided to Congress).) When interacting with mineral rights owners in the ANF, the Service viewed itself as a resource management *245 agency negotiating use of jointly owned land, not as a regulatory agency issuing permits.

C. Changes in Forest Service Policy

Several changes in the Service's policy led to this litigation. On May 24, 2007, an attorney in the Service's Office of General Counsel authored a memorandum concluding that the issuance of an NTP is a “major federal action” subject to NEPA. The memo relied heavily on *Duncan Energy Co. v. U.S. Forest Service*, 109 F.3d 497 (8th Cir.1997) (*Duncan I*), and adopted a broader interpretation of the Service's authority over 1911 reserved rights than was adopted in *Minard Run I*, which the memorandum cited only once and did not discuss. However, there was no immediate change in the Service's policy in response to this memorandum.

On November 20, 2008, the Forest Service Employees for Environmental Ethics (FSEEE) and the Sierra Club filed suit against the Service seeking a declaration that its practice of issuing NTPs without conducting an appropriate environmental analysis under NEPA was contrary to law and also seeking an injunction against issuance of further NTPs without proper NEPA analysis. *See FSEEE v. U.S. Forest Service*, No. 08 323, 2009 WL 1324154 (W.D.Pa. May 12, 2009). On January 16, 2009, while the action was still pending, the Service ceased processing and issuing NTPs, explaining that this was being done “[i]n light of pending litigation” and that the Service intended to file a Notice of Intent to prepare an EIS the following month. On April 9, 2009, the parties to the *FSEEE* litigation entered into a Settlement Agreement purporting to resolve all claims. The Settlement Agreement provided that, with the exception of 54 grandfathered NTP applications,

[the Service] agrees that it shall undertake appropriate NEPA analysis prior to issuing Notices to Proceed, or any other instrument authorizing access to and surface occupancy of the Forest for oil and gas projects on split estates including both reserved and outstanding mineral interests. Appropriate NEPA analysis shall consist of the use of a categorical exclusion or the preparation of an Environmental Assessment or an Environmental Impact Assessment.

The Pennsylvania Independent Oil and Gas Association (PIOGA) and the Allegheny Forest Alliance (AFA), both appellees in this action, were not included in the settlement negotiations but sought to intervene in the case once they learned that the case might settle. Although PIOGA and AFA were permitted to intervene in the *FSEEE* action, the district court declined to consider their objections to the settlement and approved voluntary dismissal of the case. *FSEEE*, 2009 WL 1324154, at *4.

On April 10, 2009, ANF Forest Supervisor Leanne Marten issued a statement (the Marten Statement) explaining that, because of the Settlement Agreement, “[a]ll ... pending oil and gas proposals, and all future proposals, will be processed after the appropriate level of environmental analysis has been conducted under the NEPA.” Marten announced that the Service would be “initiating a forest-wide site specific environmental analysis for proposals that were not included in the settlement and any other proposals for activity anticipated between now and 2013,” and that this process was estimated to take until at least mid-April 2010. Aside from the 54 NTP applications identified in the Settlement Agreement, no new drilling in the ANF would be authorized until the forest-wide EIS was complete.

*246 As these policy changes were taking place, the Service took the position that mineral rights owners were required to obtain an NTP prior to making any changes to land in the ANF. For example, in a 2008 letter, the Service advised a mineral rights owner that “entry upon, and removal of, timber from National Forest System lands requires the express prior written approval of the Forest Service” and that “[f]ailure to do so is a violation of both federal and state law and federal regulation.” The Service directed the recipient’s “considered attention” to several statutes imposing criminal penalties for failure to abide by Service regulations. Since the Settlement Agreement and the Marten Statement, the Service has warned mineral rights owners and their contractors on several occasions that new drilling operations without an NTP are not permitted and may result in criminal penalties. Although the Service does not appear to have formally adopted a rule to this effect, it has acknowledged that new drilling without an NTP may result in a civil enforcement action or criminal penalties.

D. Litigation

On June 1, 2009, PIOGA, AFA, Minard Run Oil Company, and the County of Warren brought suit against the Service and three of its officers, the Attorney General, FSEEE, the Sierra Club, and the Allegheny Defense Fund. The plaintiffs’ complaint alleged that, as a result of the Settlement Agreement, the Service had imposed a *de facto* drilling ban in the ANF until a forest-wide EIS is completed and that this ban exceeded the authority of the Service and was contrary to NEPA and the Administrative Procedure Act (APA). Additionally, plaintiffs allege that because the Service’s estimated completion date for its forest-wide EIS April 2010 is unrealistic, the EIS will probably not be completed for several years. As a result, mineral rights owners will be prevented from exercising their property rights during this period, resulting in damage to the owners, related businesses, and the local community.

At a hearing on the preliminary injunction motion, plaintiffs presented the testimony of several business owners, who testified that, as a result of the Service’s ban on new drilling, they were prevented from drilling new wells, causing significant losses to their businesses and harm to the community. Plaintiffs also presented testimony from several former Forest Rangers who had worked in the ANF, who described the Service’s historical practices regarding NTPs and EISs and estimated that the EIS would probably require at least several years to complete.

The Service presented the testimony of ANF Forest Supervisor Leanne Marten and Forest Ranger Richard Scardina. These witnesses claimed that, starting in 2007, there was a significant increase in the number of NTP applications. They explained that a forest-wide EIS is necessary before approving any new NTPs, because the Service’s prior policy of individualized assessment of NTP applications has hindered forest management, resulting in duplicative roads or development facilities for adjoining pieces of land, and unnecessary clearing of the forest. The environmental defendants presented the testimony of two members of local environmental organizations who claimed that the natural beauty of the ANF had been impaired by oil and gas drilling. Plaintiffs disputed much of this testimony and presented rebuttal witnesses.

The District Court granted plaintiffs’ motion for a preliminary injunction. The court found as follows: The Settlement Agreement and the Marten Statement

represented “a fundamental ‘sea change’ ” in the Service's policy; therefore, they constituted *247 final agency action subject to review under the APA. *Minard Run Oil Co. v. U.S. Forest Service*, No. 09 125, 2009 WL 4937785, at *22 (W.D.Pa. Dec. 15, 2009) (*Minard Run II*). The effect of this policy was a “drilling ban,” which precluded new drilling in the ANF (with the exception of the 54 grandfathered NTP applications) until the Service completed a forest-wide EIS. *Id.* at *14 15. The Service had instituted the drilling ban without following the APA's notice and comment procedures, and the ban was not justified under NEPA because the issuing of an NTP was not a major federal action. The preparation of the EIS would likely last several years, resulting in **irreparable harm** to the plaintiffs, and the balance of the equities and the public interest favored an injunction. *Id.* at *32 33.

The District Court then enjoined the Service “from requiring the preparation of a NEPA document as a precondition to the exercise of private oil and gas rights in the ANF,” and required the Service to return to the 60 day cooperative framework for processing NTPs that had been in place prior to the *FSEEE* Settlement. *Id.* The preliminary injunction was entered on December 15, 2009. The District Court denied appellants' motion for reconsideration on March 9, 2010, and this appeal followed.

III. Jurisdiction

[5] [6] [7] We have appellate jurisdiction under U.S.C. § 1292(a)(1). The Service argued that the District Court lacked jurisdiction because there is no final agency action subject to review.⁴ Because final agency action is a jurisdictional issue, *TSG Inc. v. EPA*, 538 F.3d 264, 267 (3d Cir.2008), we review *de novo* the District Court's finding of final agency action, *Umland v. PLANCO Fin. Servs., Inc.*, 542 F.3d 59, 63 (3d Cir.2008). The APA provides for judicial review of “final agency action,” 5 U.S.C. § 702, which is present when two conditions are met:

First, the action must mark the “consummation” of the agency's decisionmaking process it must not be of a merely tentative or interlocutory nature. And second, the action must be one by which “rights or obligations have been determined,” or from which “legal consequences will flow.”

TSG Inc., 538 F.3d at 267 (quoting *Bennett v. Spear*, 520 U.S. 154, 178, 117 S.Ct. 1154, 137 L.Ed.2d 281 (1997)). We conclude that the Marten Statement constitutes final agency action.

[8] [9] First, the Marten Statement represents the consummation of the Service's decisionmaking process on the specific question of whether to issue NTPs while the Service is conducting a lengthy EIS. The Service argues that this decision is “interlocutory,” *TSG Inc.*, 538 F.3d at 267, or a “preliminary, procedural, or intermediate *248 agency action,” 5 U.S.C. § 704, which will not be final until the EIS is complete and NTPs are issued. We agree with the Service that the completion of the EIS or issuance of an NTP would constitute final agency action, but that does not mean that any determinations made by the Service prior to these actions are not final. An agency determination of a particular issue that will not be reconsidered in subsequent agency proceedings may represent the consummation of the agency's decisionmaking process on that issue. *Compare Fairbanks North Star Borough v. U.S. Army Corps of Engineers*, 543 F.3d 586, 591 592 (9th Cir.2008) (finding of Clean Water Act jurisdiction was consummation of decisionmaking process on jurisdiction because subsequent regulatory proceedings would not revisit this determination) *with In re Sac & Fox Tribe of Miss. in Iowa/Meskwiki Casino Litig.*, 340 F.3d 749, 756 (8th Cir.2003) (temporary closure order not final because order was preliminary and subject to further administrative review).⁵ The Service does not claim that it will revisit the propriety of imposing a moratorium on new drilling in the ANF during the forest-wide EIS, and by the time the EIS is completed, the propriety of the moratorium will be moot. Accordingly, the Marten Statement represents the consummation of the Service's decisionmaking process with respect to the moratorium on new drilling.

[10] Second, the Service's moratorium on new drilling has significant legal consequences for mineral rights owners: they must stop all new drilling or face criminal penalties. *See Abbott Labs. v. Gardner*, 387 U.S. 136, 154, 87 S.Ct. 1507, 18 L.Ed.2d 681 (1967) (finding final agency action “where a regulation requires an immediate and significant change in the plaintiffs' conduct of their affairs with serious penalties attached to noncompliance”). The Service contends that its moratorium on new drilling is analogous to a merely procedural or jurisdictional determination that has the incidental effect of delaying

agency proceedings. We disagree. As the District Court found, the moratorium represents a “sea change” in the Service's policy regarding mineral rights that directly prohibits mineral rights owners from engaging in new drilling, under threat of criminal penalties. *Minard Run II*, 2009 WL 4937785, at *22. The burden imposed by the moratorium goes far beyond “the expense and annoyance of litigation [that] is part of the social burden of living under government.” *FTC v. Standard Oil Co.*, 449 U.S. 232, 238, 244, 101 S.Ct. 488, 66 L.Ed.2d 416 (1980) (filing of complaint commencing agency enforcement action was not final agency action); *see also Myers v. Bethlehem Shipbuilding Corp.*, 303 U.S. 41, 47, 58 S.Ct. 459, 82 L.Ed. 638 (1938) (agency decision to hold hearing is not reviewable); *Univ. of Med. and Dentistry of N.J. v. Corrigan*, 347 F.3d 57, 69 (3d Cir.2003) (initiation of audit not final agency action); *Mobil Exploration & Producing U.S., Inc. v. DOI*, 180 F.3d 1192, 1200 01 (10th Cir.1999) (letter requesting information not final agency action). Nor is this a case in which an agency's procedural determinations have the incidental *249 effect of delaying the acquisition of a concededly necessary regulatory decision. *See, e.g., Aluminum Co. of Am. v. United States*, 790 F.2d 938, 941 (D.C.Cir.1986) (ICC assertion of original jurisdiction that would require more “costly and time-consuming proceedings” than alternative review method was not final agency action). Rather, the purpose of the Service's change in policy is to suspend new drilling and its authority to do so is precisely what is at issue here.

[11] Finally, we note that final agency action “is to be given a pragmatic definition.” *Exxon Corp. v. FTC*, 588 F.2d 895, 901 02 (3d Cir.1978). We have identified a number of pragmatic considerations relevant to whether agency action is final:

- (1) whether the decision represents the agency's definitive position on the question; (2) whether the decision has the status of law with the expectation of immediate compliance; (3) whether the decision has immediate impact on the day-to-day operations of the party seeking review; (4) whether the decision involves a pure question of law that does not require further factual development; and (5) whether immediate judicial review

would speed enforcement of the relevant act.

Corrigan, 347 F.3d at 69 n. 7. Each of these considerations favors a finding of finality here. The Marten Statement represents the Service's final position on the need for a drilling moratorium, which will not be revisited in subsequent proceedings. It is evident that the Service expects mineral owners to refrain from new drilling during the moratorium and has threatened criminal enforcement against mineral owners who proceed with drilling without an NTP. The moratorium on new drilling directly affects the daily operations of mineral owners and related businesses and has already caused them significant losses. Whether the Service's moratorium is required by NEPA and consistent with the APA are pure questions of law that require no further factual development. Finally, our review of the claims presented here will facilitate a prompt and efficient resolution of questions regarding the scope of the Service's authority over private mineral rights in the ANF and its obligations under NEPA.⁶ We therefore conclude that the Service's moratorium on new drilling in the ANF, as reflected in the Settlement Agreement and the Marten Statement, constitutes final agency action.⁷ Accordingly, the District Court had jurisdiction in this case and we turn to the merits of its decision.

IV. The Preliminary Injunction

[12] [13] To obtain a preliminary injunction, a plaintiff must show: “(1) a likelihood *250 of success on the merits; (2) that it will suffer **irreparable harm** if the injunction is denied; (3) that granting preliminary relief will not result in even greater harm to the nonmoving party; and (4) that the public interest favors such relief.” *Kos Pharm. v. Andrx Corp.*, 369 F.3d 700, 708 (3d Cir.2004). In reviewing a preliminary injunction, we “exercise plenary review over the district court's conclusions of law and its application of law to the facts, but review its findings of fact for clear error.” *Id.* We review the court's ultimate decision to issue an injunction for abuse of discretion. *See Nken v. Holder*, 556 U.S. 418, 129 S.Ct. 1749, 1761, 173 L.Ed.2d 550 (2009); *Novartis Consumer Health, Inc. v. Johnson & Johnson Merck Consumer Pharmaceuticals Co.*, 290 F.3d 578, 595 (3d Cir.2002).

A. Likelihood of Success on the Merits

The District Court found that appellees were likely to prevail on the merits of two claims: (1) issuance of an NTP is not a major federal action for which prior NEPA analysis is required, and (2) the Settlement Agreement and the Marten Statement are substantive rules that were not preceded by notice and comment procedures as required by the APA. We consider each in turn.

1. *Whether Issuance of an NTP Must be Preceded by NEPA Analysis*

[14] [15] The merits of appellees' first claim turns on whether the issuance of an NTP is a "major federal action[] significantly affecting the quality of the human environment," which under NEPA must be preceded by an appropriate environmental analysis. 42 U.S.C. § 4332(C). We have identified three types of agency action that typically constitute "major federal action": "first, where the agency itself undertook a project; second, where the agency supported a project by contract, grant, loan, or other financial assistance; and third, where the agency enabled the project by lease, license, permit, or other entitlement for use." *N.J. Dept. of Env'tl. Prot. and Energy v. Long Island Power Auth.*, 30 F.3d 403, 417 (3d Cir.1994). But "[f]ederal approval of a private party's project, where that approval is not required for the project to go forward, does not constitute a major federal action." *Id.*; see also *Sierra Club v. Penfold*, 857 F.2d 1307, 1310 (9th Cir.1988). Accordingly, the dispositive question is whether mineral owners are required to obtain the approval of the Service, in the form of an NTP, before drilling in the ANF. We conclude that such approval is not necessary.

The Service points out that Congress has broad authority under the Property Clause of the Constitution to regulate land owned by the federal government as well as use of private land that affects federal land. See *Kleppe v. New Mexico*, 426 U.S. 529, 540, 96 S.Ct. 2285, 49 L.Ed.2d 34 (1976). Congress has also authorized the Service to regulate use of national forests.⁸ The Organic Act authorizes the Service "to make such rules and regulations ... as will insure the objects of [forest] reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction." 16 U.S.C. § 551. "Special use regulations" promulgated under the Act provide that "all uses of National Forest System land ... are designated 'special uses' and must be approved by an authorized officer." 36 C.F.R. § 251.50(a).

The Service argues that drilling *251 by mineral owners in the ANF is a "special use" subject to its approval. See *Duncan Energy v. U.S. Forest Service*, 50 F.3d 584, 589 (8th Cir.1995) (*Duncan I*) (special use regulations apply to mineral owners' access to land purchased under the Bankhead Jones Farm Tenant Act).

We disagree. As a preliminary matter, we note that the Service's regulatory authority over Weeks Act land is not as straightforward as it claims. The Organic Act's grant of regulatory authority applies to "the public forests and national forests which may have been set aside or which may be hereafter set aside under section 471 of this title." 16 U.S.C. § 551. Section 471 (now repealed) authorized the President to designate already owned federal lands as national forests, but did not authorize the purchase of private land, including land with reserved or outstanding rights. 16 U.S.C. § 471, *repealed by* Pub.L. 94 579, title VII, § 704(a), 90 Stat. 2792 (1976). When the Organic Act was passed, the regulation of "occupancy and use" did not contemplate the regulation of access by a cotenant.

The Weeks Act was the first law to authorize federal acquisition of private land for forest preservation. It provides that land acquired under the Act "shall be permanently reserved, held, and administered as national forest lands under the provisions of section 471 of this title," 16 U.S.C. § 521. This provision "arguably requires treating such land as if it had been reserved under section 471" and could therefore be subject to the Service's regulatory authority under the Organic Act. *United States v. Srnsky*, 271 F.3d 595, 601 (4th Cir.2001). However, even if Congress meant by this language to subject Weeks Act land to the Service's regulatory authority under the Act, it intended to authorize the Service to regulate the exercise of reserved or outstanding rights by a joint owner of Weeks Act land.

Indeed, section 9 of the Weeks Act suggests that this was not Congress's intent. Section 9 governs the acquisition of forest land, and provides:

Such acquisition by the United States shall in no case be defeated because of located or defined rights of way, easements, and reservations, which, from their nature will, in the opinion of the Secretary of Agriculture, in no manner interfere with the use of the lands so

encumbered, for the purposes of this Act. Such rights of way, easements, and reservations retained by the owner from whom the United States receives title, shall be subject to the rules and regulations prescribed by the Secretary of Agriculture for their occupation, use, operation, protection, and administration, and *such rules and regulations shall be expressed in and made part of the written instrument conveying title to the lands to the United States*; and the use, occupation, and operation of such rights of way, easements, and reservations shall be under, subject to, and in obedience with the rules and regulations so expressed.

16 U.S.C. § 518 (emphasis added). Thus, under section 9, reserved rights “rights of way, easements, and reservations retained by the owner from whom the United States receives title” are subject to the regulations “expressed in and made part of the written instrument conveying title to the lands to the United States.” *Id.*

The Service points out that nothing in this provision provides that reserved mineral rights are subject *only* to regulations in the instrument of conveyance it is possible that reserved rights are subject to the Service regulations contained in the written instrument of conveyance *and* to *252 other regulations not contained in the instrument. There are two problems with this interpretation. First, it renders the provision superfluous: Congress would not have mandated the inclusion of regulations in deeds with reserved rights if those rights were subject to all generally applicable Service regulations the general regulatory authority granted under the Organic Act would have been sufficient. *See Massie v. U.S. Dept. of Housing and Urban Dev.*, 620 F.3d 340, 352 (3d Cir.2010) (“a core tenet of statutory interpretation [is] that no provision shall be superfluous, void, or insignificant”) (internal quotation marks omitted); *In re Philadelphia Newspapers, LLC*, 599 F.3d 298, 307 (3d Cir.2010) (warning against “applying a general provision when doing so would undermine limitations created by a more specific provision”).

Second, as the Fourth Circuit noted in *Srnsky*, the regulatory authority claimed by the Service “has no logical stopping point” and would therefore raise difficult

constitutional questions. 271 F.3d at 604. For example, on the Service's view, it would have the authority to require any holder of reserved rights of any kind even an easement or right of way to obtain a permit prior to exercising their rights. This would effectively “wipe the National Forest System clean of any and all easements, implied or express” and dramatically reduce the value of reserved mineral and timber rights. *Id.* We do not believe that this is what Congress intended, and, like the Fourth Circuit, we are reluctant to construe the Weeks Act “in a manner that could in turn call upon the Court to resolve difficult and sensitive questions arising out of the guarantees of the takings clause.” *Id.* (quoting *United States v. Security Indus. Bank*, 459 U.S. 70, 82, 103 S.Ct. 407, 74 L.Ed.2d 235 (1982)). The better reading of the Weeks Act is that it “require [s] that any rules or regulations that the Secretary wishes to apply to easements reserved by the grantor must be ‘expressed in and made part of’ the instrument of conveyance.” *Srnsky*, 271 F.3d at 602.

[16] [17] These considerations apply with even greater force to outstanding rights. Although the Weeks Act contains no limiting language regarding the regulations applicable to outstanding rights, this is because outstanding rights are created prior to conveyance to the United States and there is no opportunity to limit these rights by inserting regulations into the instrument defining these rights. Moreover, the language of the Weeks Act indicates that Congress expected the United States to be bound by the terms of outstanding rights purchase of land with outstanding rights is permitted only where such rights “from their nature will, in the opinion of the Secretary of Agriculture, in no manner interfere with the use of the lands so encumbered, for the purposes of this Act.” 16 U.S.C. § 518. This limitation only makes sense if the Service is bound by the terms of outstanding rights and cannot simply invoke its regulatory authority to override any private use of outstanding rights that it considers inconsistent with the purposes of the Weeks Act. Additionally, as with reserved rights, we are reluctant to construe the Weeks Act in a manner raising difficult constitutional takings questions absent a clear indication of congressional intent.⁹

*253 As the District Court recognized, *Duncan Energy Co. v. U.S. Forest Service*, 50 F.3d 584 (8th Cir.1995) (*Duncan I*) does not support the Service's broad claim of

regulatory authority.⁰ In *Duncan I*, the Eighth Circuit held that a private mineral rights owner seeking to drill in a national forest acquired under the Bankhead Jones Farm Tenant Act, 50 Stat. 525 (1937) (BJFTA), *codified as amended at* 7 U.S.C. § 1010, *et seq.*, was required to obtain authorization from the Service before beginning mining operations. 50 F.3d at 589-91. The court acknowledged that the mineral rights owner had a right under state law to reasonable use of the surface estate and thus the Service did not have “veto authority” over mineral rights owners’ surface use. *Id.* at 589. But the Service’s “special use regulations” governed surface use by mineral rights owners and empowered it to determine whether an owner’s proposed surface use was reasonable. *Id.* at 590-91. To respect the rights of the mineral owner, the Service was required to process requests for surface use within a reasonable time—generally 60 days. *Id.*; *see also Duncan Energy Co. v. U.S. Forest Serv.*, 109 F.3d 497, 499 (8th Cir.1997) (*Duncan II*) (clarifying that an inflexible 60-day limit was not required). The court found that this rule was consistent with North Dakota law. *Duncan I*, 50 F.3d at 591-92.

Duncan I is inapposite for several reasons. First, the land at issue in *Duncan I* was not acquired under the Weeks Act, but under BJFTA, which does not contain the limiting language of the Weeks Act discussed above. *Compare* Pub.L. No. 75-210, 32(a), 50 Stat. 522, 525-26 (1937) *with* 16 U.S.C. § 518. Second, *Duncan I* found that the authority asserted by the Service was consistent with the rights of mineral owners under North Dakota property law. Here, by contrast, Pennsylvania law is flatly inconsistent with the authority asserted by the Service. In a case very similar to this one, the Pennsylvania Supreme Court rejected a claim by the Pennsylvania Department of Conservation of Natural Resources that, as surface owner, it could “impose conditions restraining those exercising their rights to the subsurface.” *Belden & Blake Corp.*, 969 A.2d at 532. The Court explicitly held that a surface owner has no right to determine what constitutes reasonable use in the first instance, and a mineral rights owner is under no obligation to obtain the surface owner’s approval prior to accessing the surface to extract mineral rights. *Id.* Third, the Service’s multi-year moratorium on new drilling could not be justified even under the Eighth Circuit’s rulings in *Duncan I* and *Duncan II*. In *Duncan II*, the Eighth Circuit held that the Service must be accorded some flexibility in issuing permits and could not be held to a strict, 60-day *254 limit. 109 F.3d at 500. But the

indefinite suspension of NTPs for several years goes far beyond the type of delay contemplated in *Duncan II*. *See* 109 F.3d at 500 n. 1 (mineral rights owner’s applications for surface access were processed in 61, 74, and 90 days and that owner had improperly taken unilateral action when application had not been processed for 100 days).

In sum, the Service does not have the broad authority it claims over private mineral rights owners’ access to surface lands. Its special use regulations do not apply to outstanding rights and the limited regulatory scheme applicable to the vast majority of reserved rights in the ANF does not impose a permit requirement.² Although the Service is entitled to notice from owners of these mineral rights prior to surface access, and may request and negotiate accommodation of its state-law right to due regard, its approval is not required for surface access. An NTP is an acknowledgment that memorializes any agreements between the Service and a mineral rights owner, but it is not a permit. Accordingly, on the record before it, the District Court properly concluded that issuance of an NTP is not a “major federal action” under NEPA and an EIS need not be completed prior to issuing an NTP. *See Sierra Club v. Penfold*, 857 F.2d 1307, 1310 (9th Cir.1988); *Long Island Power Auth.*, 30 F.3d at 417. The court therefore correctly determined that appellees were likely to succeed on their claim that NEPA does not require the Service to conduct an environmental analysis prior to issuing an NTP.

2. Whether the APA Requires Notice and Comment Prior to Implementation of the Service’s Policy on Issuance of NTPs

[18] The APA requires an agency to provide public notice and an opportunity to comment before promulgating a legislative or substantive rule. *See* 5 U.S.C. 553(b)-(c); *Lincoln v. Vigil*, 508 U.S. 182, 196, 113 S.Ct. 2024, 124 L.Ed.2d 101 (1993); *Chao v. Rothermel*, 327 F.3d 223, 227 (3d Cir.2003). Both the Settlement Agreement and the Marten Statement are “rules” within the meaning of the APA, because they are “agency statement[s] of general ... applicability and future effect designed to implement, interpret, or prescribe law *255 or policy.” 5 U.S.C. § 551(4). The Service argues that both the Settlement Agreement and the Marten Statement are not substantive rules, but rather “rules of agency organization, procedure,

or practice” excepted from the APA’s notice and comment requirement. ³ See **5 U.S.C. § 553(b)**. We disagree.

[19] As we have explained:

Legislative rules are subject to the notice and comment requirements of the APA because they work substantive changes in prior regulations, or create new law, rights, or duties.... Interpretative, or procedural, rules do not themselves shift the rights or interests of the parties, although they may change the way in which the parties present themselves to the agency.

SBC, Inc. v. FCC, 414 F.3d 486, 497 98 (3d Cir.2005) (citations and quotation marks omitted). The Settlement Agreement and the Marten Statement create new duties for mineral rights owners: the purpose and effect of the Settlement Agreement and the Marten Statement were to prevent new drilling by mineral rights owners during the course of a multi-year EIS. Additionally, in considering whether a rule makes “substantive changes in prior regulations” or “create[s] new law, rights, or duties,” we consider whether the rule will “have a substantive adverse impact on the challenging party.” *Chao*, 327 F.3d at 227. The Service’s new policy has a “substantive adverse impact” on mineral rights owners because it directly interferes with their property rights to enter ANF lands and drill for oil and gas. Accordingly, the District Court properly found that appellees were likely to succeed on the merits of their claim that the Settlement Agreement and the Marten Statement are not merely procedural rules, but substantive rules that must be promulgated pursuant to the notice and comment procedures of the APA.

B. Irreparable Harm

[20] [21] The District Court found that the Service’s moratorium on new drilling irreparably harmed appellees because it infringed their property rights and threatened bankruptcy or closure for some businesses. The Service argues that the District Court’s finding that some businesses would suffer temporary economic losses and might go bankrupt was insufficient to establish **irreparable harm**. We disagree. As a general matter, “a purely economic injury, compensable in money, cannot satisfy the irreparable injury requirement,” *Frank’s GMC Truck*

Ctr., Inc. v. GMC, 847 F.2d 100, 102 (3d Cir.1988), but “an exception exists where the potential economic loss is so great as to threaten the existence of the movant’s business.” *Vaqueria Tres Monjitas, Inc. v. Irizarry*, 587 F.3d 464, 485 (1st Cir.2009); see also *Doran v. Salem Inn, Inc.*, 422 U.S. 922, 932, 95 S.Ct. 2561, 45 L.Ed.2d 648, (1975) (irreparable injury shown where business “would suffer a substantial loss of business and perhaps even bankruptcy” absent injunctive relief). Here, the District Court carefully considered and ultimately credited the testimony of several business owners that the new drilling moratorium had dramatically affected their business and would probably cause them to shut down or go bankrupt if it continued. *Minard Run II*, 2009 WL 4937785, at *15 16 (citing J.A. 971 72, 978 79, 985 88, 1127 36).

*256 [22] Additionally, where “interests involving real property are at stake, preliminary injunctive relief can be particularly appropriate because of the unique nature of the property interest.” *RoDa Drilling Co. v. Siegal*, 552 F.3d 1203, 1210 (10th Cir.2009). ⁴ This is particularly true of the mineral rights at stake in this case. Under Pennsylvania law, oil and gas resources are subject to the “rule of capture,” which permits an owner to extract oil and gas even when extraction depletes a single oil or gas reservoir lying beneath adjoining lands. *Barnard v. Monongahela Natural Gas Co.*, 216 Pa. 362, 65 A. 801 (1907). The adjoining owner’s only remedy against such drainage is to “go and do likewise.” *Id.* The Service’s moratorium on new drilling deprives mineral owners in the ANF of this remedy and will cause them to lose oil and gas to other landowners drilling on private lands adjoining the ANF, which are not subject to the moratorium. ⁵ (J.A. 155 56.) Therefore, the moratorium also causes irreparable injury to mineral rights owners by depriving them of the unique oil and gas extraction opportunities afforded them by their mineral rights. See *Siegal*, 552 F.3d at 1210 (finding irreparable injury where interference with property rights caused loss of unique opportunities).

C. The Balance of the Equities and the Public Interest

[23] Like the District Court, we consider together the final two elements of the preliminary injunction framework the public interest and the balance of the equities. See *Nken*, 129 S.Ct. at 1762 (“assessing the harm to the opposing party and weighing the public interest ... merge when the Government is the opposing party”). While the Service has an important statutory duty to

protect and maintain the natural resources of the ANF, the District Court was not required to accept at face value its claims that a preliminary injunction will prevent it from doing so. Rather, the court was within its discretion to carefully consider the evidence presented by the parties to determine whether appellees had shown that the public interest favored an injunction. *See id.* at 1761; *but cf. Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 129 S.Ct. 365, 377, 172 L.Ed.2d 249 (2008) (noting the need for special deference to “ ‘complex, subtle, and professional decisions as to the composition, training, equipping, and control of a military force,’ which are ‘essentially professional military judgments’ ”).

The District Court noted that the Service had successfully completed an EIS in 1986 without imposing a moratorium on new drilling or suspending the *Minard Run I* framework. *Id.* at *6 n. 2. The Service also conceded that this framework had adequately protected its interest in preserving the environmental resources of the ANF. *Id.* at *15 (citing J.A. 652–53). However, the Service contended and appellees vigorously disputed that there was a recent significant increase in drilling in the ANF justifying a different approach to the current EIS. *Id.* at *14 (citing J.A. 337–38, 653–54, 1280–81.) The District Court considered the conflicting evidence and found that although the number of wells had increased recently, “drilling activity in the ANF is somewhat cyclic in nature.” *Id.* at *14. Considered in historical context, “the total number of active wells in the ANF immediately preceding the drilling ban was not appreciably greater than the number of existing wells in the mid 1980s, when the

Minard Run I framework for processing Notices to Proceed was utilized.” *Id.* The Service has not challenged this finding on appeal, and it is amply supported by the record.

Because the Service could not credibly distinguish the present circumstances from the preceding decades in which the *Minard Run I* framework was concededly effective in protecting the ANF, it was not clear error for the District Court to conclude that a preliminary injunction reinstating that framework would not harm the public interest or the interests of the Service in preserving the ANF. By contrast, granting the injunction would vindicate the public's interests in aiding the local economy, *see Earth Island Institute v. Carlton*, 626 F.3d 462, 475 (9th Cir.2010), protecting the property rights of mineral rights owners, *see* 16 U.S.C. § 518, and ensuring public participation in agency rulemaking as required by the APA, 5 U.S.C. §§ 552–53. On the record before it, the District Court therefore did not err in finding that the balance of the equities and the public interest favored injunctive relief.

V. Conclusion

For the reasons set forth above, we affirm the preliminary injunction entered by the District Court against appellants.

All Citations

670 F.3d 236, 73 ERC 1932, 177 Oil & Gas Rep. 1

Footnotes

- 1 These regulations essentially required mineral rights owners to do the following:
 - (1) Furnish proof of mineral rights ownership upon demand by the Service,
 - (2) Use only so much of the surface as is necessary for mining operations,
 - (3) Take all reasonable and usual precautions in making tunnels and shafts to support surface land, subject to inspection by the Service or other federal officials,
 - (4) Pay (at locally prevailing rates) for timber cut, destroyed, or damaged in mining operations,
 - (5) Remove all buildings, camps, or equipment within six months after completion or abandonment of mining operations,
 - (6) Dispose of destructible refuse interfering with forest administration within six months after completion or abandonment of mining operations, and
 - (7) Use “due diligence” to avoid or suppress fires in the area.

Minard Run Oil Co. v. U.S. Forest Service, No. 09–125, 2009 WL 4937785, at *3–4 (W.D.Pa. Dec. 15, 2009) (*Minard Run II*).
- 2 For example, the Forest Service Manual (FSM) states that “[t]he Secretary's rules and regulations do not apply to the administration of outstanding mineral rights.” FSM § 2830.1 The Service's 1984 ANF Handbook similarly states that

- outstanding mineral rights “are not subject to any of the Secretary of Agriculture’s rules and regulations.” ANF Handbook, ch. 2, p. 11 (1984) (emphasis in original).
- 3 Drilling in the ANF is regulated by the Pennsylvania Department of Environmental Protection (DEP) and subject to a permit process. A permit is usually obtained before applying for an NTP. As an affected landowner, the Service has the right to participate in the permit process and challenge the terms of a permit.
- 4 The environmental appellants also claim that appellees lack standing to challenge the Settlement Agreement because it did not cause them any harm and suspending its application would not redress any injury allegedly suffered by appellees. See *Freeman v. Corzine*, 629 F.3d 146, 153 (3d Cir.2010) (constitutional standing requires (1) injury in fact, (2) causation, and (3) redressability). We disagree. As the District Court found, the Marten Statement is the direct result of the Settlement Agreement—its first sentence describes the terms of the Agreement. Even if the environmental appellants are correct that the Agreement does not require the multi-year EIS that the Service has chosen to implement prior to issuing NTPs, the Agreement nevertheless establishes—in violation of appellees’ notice and comment rights—a new substantive rule on the issuance of NTPs that could delay issuance of NTPs to appellees. This suffices for standing purposes. See *Massachusetts v. EPA*, 549 U.S. 497, 518, 127 S.Ct. 1438, 167 L.Ed.2d 248 (2007); *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 573 n. 8, 112 S.Ct. 2130, 119 L.Ed.2d 351 (1992).
- 5 The Service points out that the Ninth Circuit ultimately found no final agency action in *Fairbanks*, 543 F.3d at 593–94. However, this holding rested on the second *Bennett* factor—whether agency action has concrete legal consequences. *Id.* The jurisdictional finding at issue in *Fairbanks* did not affect rights and obligations because “[i]t does not itself command Fairbanks to do or forbear from anything; as a bare statement of the agency’s opinion, it can be neither the subject of ‘immediate compliance’ nor of defiance.” *Id.* As we explain below, this is not true of the moratorium on new drilling imposed by the Marten Statement.
- 6 We note that a number of mineral owners have brought individual challenges to NTPs recently issued by the Service, which raise many of the same issues presented in this case. See *Duhring Resource Co. v. U.S. Forest Serv.*, No. 07–314 (W.D.Pa.); *Catalyst Energy, Inc. v. U.S. Forest Serv.*, No. 09–70 (W.D.Pa.); *Seneca Res. Corp. v. U.S. Forest Serv.*, No. 09–154 (W.D.Pa.). In each of these cases, a mineral rights owner contends that the Service has violated its property rights and constitutional rights by prohibiting oil and gas development without an NTP, delaying the issuance of his NTP beyond 60 days, and imposing unreasonable conditions in the NTP. Because these cases challenge NTPs already issued, there is little question that there is final agency action in each of these cases. However, we believe that the issues presented both in those cases and in this appeal are better resolved comprehensively in this appeal rather than addressing them piecemeal in a series of cases.
- 7 Strictly speaking, the Marten Statement is final agency action, and the Settlement Agreement is an “intermediate agency action” which is “subject to review on the review of the final agency action.” 5 U.S.C. § 704.
- 8 The statutes authorize regulation by the Secretary of Agriculture, who has delegated much of his statutory authority over the national forests to the Chief of the Forest Service. See 7 C.F.R. § 2.60.
- 9 The Service’s construction of the Weeks Act and the Organic Act as conferring regulatory authority over outstanding rights is not entitled to deference. This interpretation was adopted in a 2007 General Counsel opinion (J.A. 380–83 & n.5), not in a formal adjudicatory or rulemaking proceeding, and thus is not entitled to *Chevron* deference. See *De Leon–Ochoa v. U.S. Att’y Gen.*, 622 F.3d 341, 348–49 (3d Cir.2010) (citing *United States v. Mead Corp.*, 533 U.S. 218, 121 S.Ct. 2164, 150 L.Ed.2d 292 (2001)). Even *Skidmore* deference is unwarranted here, because the Service’s current interpretation is an unexplained departure from its longstanding view that its regulations do not apply to outstanding mineral rights. See *Wyeth v. Levine*, 555 U.S. 555, 129 S.Ct. 1187, 1201, 173 L.Ed.2d 51 (2009).
- 10 The Fifth Circuit’s recent decision in *Dunn–McC Campbell Royalty Interest, Inc. v. National Park Service*, 630 F.3d 431 (5th Cir.2011), is also inapposite. That case considered land acquired under the Enabling Act of 1962, 16 U.S.C. §§ 459d–459d–7, not under the Weeks Act, and the question presented by the case was whether a Texas statute consenting to federal acquisition of the land protected both reserved and outstanding rights. *Id.* at 433. The Fifth Circuit found that the plain language of the consent statute extended only to reserved rights, but not outstanding rights. *Id.* at 436–37. Because the language of the Texas statute is different from the relevant provision of the Weeks Act, this case is not relevant.
- 11 Because we find that the Service does not have the regulatory authority it claims under the Organic Act and Weeks Act, we need not consider the Service’s arguments that federal common law would govern the United States’ property rights or that federal law preempted state property law. See *Duncan I*, 50 F.3d at 591. In any case, the Service waived these arguments when it conceded before the District Court that Pennsylvania law was not preempted and argued that its new drilling moratorium was consistent with Pennsylvania law. (J.A. 647–48, 1393–95); *Minard Run II*, 2009 WL 4937785, at *13.

- 12 The vast majority of the reserved mineral rights in the ANF are 1911 rights, which the District Court found do not impose a permit requirement or empower the Service to unilaterally determine what constitutes reasonable surface use. *Minard Run II*, 2009 WL 4937785, at *3. The Service claims that some versions of the 1911 regulations require its approval of the location of access roads and buildings. (Appellant's Br. 44 (citing J.A. 384–86, 449, 454, 2421–28).) However, the Service's 1984 ANF Handbook states that 1911 rights do not impose a permit requirement (J.A. 255), and appellees' expert opined without contradiction that the seven-section version of the 1911 regulations considered by the District Court, which does not require Service approval of roads or locations, was the "standard version." (J.A. 160.) The only deed included in the record by either party also contains this version of the rules. (J.A. 276.) The court therefore did not commit clear error in finding that 1911 rights "typically" incorporated the standard version of the 1911 regulations, and that these regulations did not impose a permit requirement. *Minard Run II*, 2009 WL 4937785, at *3.
- 13 The Service also contends that the decision to perform a NEPA analysis is not a "rule" under the APA, but this misses point. Appellees do not object to the Service's conducting a NEPA analysis; they object only to its moratorium on issuing NTPs until the NEPA analysis is complete.
- 14 *Accord Girl Scouts of Manitou Council, Inc. v. Girl Scouts of U.S. of Am., Inc.*, 549 F.3d 1079, 1090 (7th Cir.2008) ("As a general rule, interference with the enjoyment or possession of land is considered 'irreparable' since land is viewed as a unique commodity"); *East Tenn. Natural Gas Co. v. Sage*, 361 F.3d 808, 828–29 (4th Cir.2004) (excluding owner from real property constituted irreparable injury); *Wonderland Shopping Ctr. Venture Ltd. P'ship v. CDC Mortg. Capital, Inc.*, 274 F.3d 1085, 1097 (6th Cir.2001) (foreclosure causes irreparable injury because it results in loss of "unique real property"); *Carpenter Tech. Corp. v. City of Bridgeport*, 180 F.3d 93, 97 (2d Cir.1999) (condemnation of real property constitutes **irreparable harm** because condemnee has no adequate remedy at law); *K-Mart Corp. v. Oriental Plaza, Inc.*, 875 F.2d 907, 915 (1st Cir.1989) ("Real estate has long been thought unique, and thus, injuries to real estate interests frequently come within the ken of the chancellor").
- 15 Because the ANF is not a single continuous piece of land—the forest is dotted with numerous private holdings (J.A. 155–56, 2258, 2260)—this concern is not limited to mineral rights located on the periphery of the forest.

566 F.Supp.2d 995
United States District Court,
D. South Dakota,
Northern Division.

RANCHERS CATTLEMEN ACTION LEGAL
FUND; United Stockgrowers of America;
Herman R. Schumacher; Robert P. Mack;
Ernie J. Mertz; Wayne J. Nelson; South Dakota
Stockgrowers Association; Center for Food
Safety; Consumer Federation of America;
Creutzfeldt–Jakob Disease Foundation, Inc.; Food
& Water Watch; and Public Citizen, Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
AGRICULTURE; Animal and Plant
Health Inspection Service; Charles F.
Conner, in his capacity as the Acting
Secretary of Agriculture, Defendants.

No. CIV 07–1023.

|
July 3, 2008.

Synopsis

Background: Action was brought for declaratory and **injunctive** relief against the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), and the Acting Secretary of Agriculture, seeking to prevent implementation of a final rule in which APHIS relaxed restrictions on imports of live cattle and edible bovine products from “minimal risk” regions, specifically Canada. Plaintiffs moved for preliminary **injunctive** relief.

[Holding:] The District Court, Lawrence L. Piersol, J., held that it was likely that the USDA failed to comply with the **Administrative Procedure Act's** (APA) notice and comment requirements, thus warranting remand for additional administrative proceedings.

Motion granted in part.

West Headnotes (7)

[1] Administrative Law and Procedure

➔ Validity

Administrative Law and Procedure

➔ Legislative questions; rule-making

Arbitrary and capricious agency rule exists if the agency relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise; this is a highly deferential standard of review. 5 U.S.C.A. § 702; 28 U.S.C.A. § 1331.

2 Cases that cite this headnote

[2] Administrative Law and Procedure

➔ Wisdom, judgment or opinion

Administrative Law and Procedure

➔ Rational basis for conclusions

Court cannot substitute its judgment for that of an administrative agency, and affirmance is required if a rational basis exists for the agency's decision. 5 U.S.C.A. § 702; 28 U.S.C.A. § 1331.

Cases that cite this headnote

[3] Injunction

➔ Grounds in general; multiple factors

When considering whether to grant a preliminary **injunction**, the Court must consider four factors: (1) the threat of **irreparable harm** to plaintiffs; (2) the state of the balance between this harm and the injury that granting the preliminary **injunction** will inflict on the defendants; (3) the probability of plaintiffs' success on the merits; and (4) the public interest.

1 Cases that cite this headnote

[4] Injunction

🔑 Food and beverages;restaurants

It was likely that the United States Department of Agriculture (USDA) failed to comply with the **Administrative Procedure Act's** (APA) notice and comment requirements in promulgating a rule relaxing restrictions on imports of live cattle and edible bovine products from Canada, thus warranting preliminary **injunctive** relief remanding for additional administrative proceedings; USDA failed to initiate new **rulemaking** before allowing importation of beef from Canadian cattle of any age, it did not provide any information that would allow for useful criticism, and beef consumers' exposure to meat with a higher risk of Bovine Spongiform Encephalopathy (BSE), i.e., "mad cow disease," was **irreparable harm**. 5 U.S.C.A. § 553.

1 Cases that cite this headnote

[5] Administrative Law and Procedure

🔑 Effective date

Effective date of a rule generally is more than procedural and its suspension or delay usually is subject to **rulemaking**. 5 U.S.C.A. § 551(4).

1 Cases that cite this headnote

[6] Injunction

🔑 Irreparable injury

Financial harm without more cannot constitute "irreparable injury," for purposes of a motion for preliminary **injunctive** relief, unless it threatens the very existence of the movant's business.

1 Cases that cite this headnote

[7] Constitutional Law

🔑 Encroachment on Executive

In formulating equitable relief in an action challenging agency actions, a court must proceed gingerly and not encroach on traditional administrative practices.

1 Cases that cite this headnote

Attorneys and Law Firms

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MEMORANDUM OPINION AND ORDER ON
MOTION FOR PRELIMINARY **INJUNCTION**

LAWRENCE L. PIERSOL, District Judge.

This matter is before the Court for a decision on the plaintiffs' Motion for Preliminary **Injunction**. The plaintiffs ("Plaintiffs") filed a Verified Complaint for Declaratory and **Injunctive** Relief against the United States Department of Agriculture ("USDA"), Animal and Plant Health Inspection Service ("APHIS"), and the Acting Secretary of Agriculture, to prevent implementation of a final rule published on September 18, 2007: "Bovine Spongiform Encephalopathy; Minimal Risk Regions; Importation of Live Bovines and Products Derived From Bovines; Final Rule" 72 Fed. Reg. 53,314 (the "OTM [over thirty months] Rule"). In the OTM Rule, APHIS relaxed restrictions on imports of live cattle and edible bovine products from "minimal risk" regions (Canada), allowing for the first time since May 2003 the importation of cattle for any purpose, provided they were born on or after March 1, 1999, and allowing imports of most edible products from Canadian cattle of any age. Plaintiffs seek to enjoin the OTM Rule, which went into effect on November 19, 2007. Shortly after the Complaint was filed, Plaintiffs filed the pending Motion for Preliminary **Injunction**.

The Court has considered the relevant portions of the administrative record, the parties' briefs, the amici briefs, oral arguments presented on Tuesday, February 19, 2008, and post-hearing briefs filed by the parties and amici.

For the following reasons, the Motion for Preliminary **Injunction** will be granted in part.

*997 I. JURISDICTION AND STANDARD OF REVIEW

[1] [2] The Court has jurisdiction of this proceeding under 28 U.S.C. § 1331 and 5 U.S.C. § 702. Under the **Administrative Procedure Act** (“APA”), the Court must not set aside agency regulations unless they are found to be arbitrary, capricious, an abuse of discretion, or otherwise contrary to law. *National Pork Producers Council v. Bergland*, 631 F.2d 1353, 1359 (8th Cir.1980). An arbitrary and capricious agency rule exists if the agency “relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43, 103 S.Ct. 2856, 77 L.Ed.2d 443 (1983). This is a highly deferential standard of review. *Northwest Airlines, Inc. v. Goldschmidt*, 645 F.2d 1309, 1317 (8th Cir.1981). The court cannot substitute its judgment for that of the agency, and affirmance is required if a rational basis exists for the agency's decision. *Id.*

[3] When considering whether to grant a preliminary **injunction**, the Court must consider four factors: (1) the threat of **irreparable harm** to plaintiffs; (2) the state of the balance between this harm and the injury that granting the preliminary **injunction** will inflict on the defendants; (3) the probability of plaintiffs' success on the merits; and (4) the public interest. *See Dataphase Systems, Inc. v. C.L. Systems, Inc.*, 640 F.2d 109, 113 (8th Cir.1981) (en banc). The Eighth Circuit rejected a construction of the “probability of success” factor requiring that the movant prove a greater than fifty per cent likelihood that he will prevail on the merits, reasoning that:

At base, the question [of whether preliminary relief should be granted] is whether the balance of equities so favors the movant that justice requires the court to intervene to preserve the status quo until the merits are determined. The equitable nature of the proceeding mandates that the court's approach

be flexible enough to encompass the particular circumstances of each case. Thus, an effort to apply the probability language to all cases with mathematical precision is misplaced.

Id. at 113. Rather, the Eighth Circuit explained that “[i]n balancing the equities no single factor is determinative.” *Id.* The likelihood that the movant will prevail on the merits “must be examined in the context of the relative injuries to the parties and the public.” *Id.* The Eighth Circuit provided examples of the balancing and relative importance of various factors depending upon the circumstances of the case:

If the chance of irreparable injury to the movant should relief be denied is outweighed by the likely injury to other parties litigant should the **injunction** be granted, the moving party faces a heavy burden of demonstrating that he is likely to prevail on the merits. Conversely, where the movant has raised a substantial question and the equities are otherwise strongly in his favor, the showing of success on the merits can be less.

Id.

II. BACKGROUND

The Animal Health Protection Act (“AHPA”) gives the Secretary of the USDA broad discretion to regulate the importation of animals and animal products. It states that the Secretary “may” prohibit or restrict such importation “if the *998 Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock.” 7 U.S.C. § 8303(a)(1). APHIS is the agency within the USDA that regulates the importation of animals and animal products to guard against the introduction of various animal diseases in the United States. APHIS collaborates with other federal agencies to implement a coordinated response to Bovine Spongiform Encephalopathy (“BSE”), commonly referred to as “mad cow disease.” Protection from the risks of BSE is carried out primarily by APHIS with respect to animal health,

and by the USDA's Food Safety and Inspection Service ("FSIS") with respect to the food safety of meat.

BSE is a progressive and fatal neurological disorder of cattle. Although the agent that causes BSE has yet to be fully characterized, the theory that is most accepted in the international scientific community is that the agent is an abnormal form of a protein called a cellular prion protein. Scientists believe that the primary route of transmission between cattle requires that cattle ingest feed that has been contaminated with a sufficient amount of infected tissue from another animal. It is believed that cattle can develop BSE from exposure to as little as one milligram of infected tissue. (Doc. 19 2 at p. 11.) The USDA believes that this route of transmission can be prevented by excluding potentially contaminated materials, including tissues designated as "specified risk materials" ("SRMs"), from ruminant feed.

The background of regulations developed by the USDA to prevent the spread of BSE to the United States have been set forth by the Ninth Circuit in *Ranchers Cattlemen Action Legal Fund United Stockgrowers of Am. v. United States Dep't of Agric.*, 499 F.3d 1108 (9th Cir.2007) ("*R Calf II*"), and it need not be repeated at length here. In 1996, the British government discovered that consumption of BSE-contaminated meat could cause variant Creutzfeldt Jakob Disease (vCJD) in humans. *See id.* at 1112. This is a chronic and fatal neurodegenerative disease. Approximately 200 cases of vCJD have been identified worldwide since 1996. As stated by the Ninth Circuit, "[c]hief" among the USDA's measures to prevent BSE in the United States "was a ban on imports of all cattle products from countries where BSE was known to exist." *Id.* Canada was added to this list in May 2003 when a cow in Alberta was diagnosed with BSE. *See id.*

In August 2003, the USDA "partially changed course and announced that certain 'low-risk' cattle products could be imported from Canada, including meat from cows under 30 months of age." *Id.* APHIS completed a risk analysis regarding the possibility of resuming Canadian cattle and beef imports. In November 2003, it announced a proposed rule creating a new category of "minimal risk" regions those that would present a minimal risk of introducing BSE into the United States via ruminants and ruminant products.² Canada was on the list based on its fulfillment of the three requirements for such regions. First, Canada maintained risk mitigation measures to

prevent spread of BSE, including import restrictions on animals, animal products and feed, conducted surveillance for BSE at levels recommended by the Office International des Epizooties ("OIE"), also referred to as the World Organisation for Animal Health; and enforced an effective ban on feeding ruminant protein to ruminants. Second, it conducted an epidemiological investigation to *999 confirm the adequacy of measures to prevent the further introduction or spread of BSE. Third, it took additional risk mitigation measures, as necessary, based on risk analysis of the outbreak.

The November 2003 proposed MMR Rule also proposed to permit imports from Canada of (1) cattle less than 30 months of age, and (2) meat from such cattle, subject to prescribed conditions. The rationale for this proposal was that because of the nature, incubation period, and progression of BSE infectivity, young cattle exposed to low levels of BSE will accumulate very little BSE infectivity during the first few years of life. Therefore, the USDA believed that the risk to United States livestock presented by the importation of such bovines was very low.

In December 2003, BSE was detected in a Canadian-origin cow in Washington State, likely caused by feed ingested before the Canadian feed ban went into effect. *R Calf II*, 499 F.3d at 1112-13. In response to this discovery, on January 12, 2004, FSIS issued three interim final rules to minimize human exposure to SRMs believed to have the potential to harbor the BSE agent in infected cattle. One rule designated certain materials from cattle as SRMs, declared that SRMs were inedible, and prohibited the use of SRMs for human food. 69 Fed. Reg. 1862. It required establishments that process and slaughter cattle to develop, implement, and maintain written procedures for the removal, segregation, and disposition of SRMs. *Id.* This rule also prohibited the slaughter of non-ambulatory disabled cattle for human consumption and prescribed the proper disposition of such cattle. *Id.* The other rules dealt with requirements for meat produced by advanced meat recovery systems (69 Fed. Reg. 1874), and a prohibition on the use of air injection stunning methods at slaughter because they may force pieces of the brain into the circulatory system of cattle (69 Fed. Reg. 1885). On July 13, 2007, FSIS finalized the SRM interim final rule with amendments, and affirmed without amendment the air injection stunning interim final rule. 72 Fed. Reg. 38,700 and 38,701.

In support of FSIS's July 13, 2007 final rule regarding SRMs, the agency conducted a risk assessment to develop baseline and mitigation estimates of the potential human exposure to the BSE agent. 72 Fed. Reg. at 38,703. This was an updated version of the 2001 and 2003 risk assessment models used in a previous human health risk assessment conducted by the Harvard Center for Risk Analysis of the Harvard School of Public Health and the Center for Computational Epidemiology at Tuskegee University. A peer review of the updated model ("the 2005 model") and the resulting assessment was completed in September 2005. In July 2006, FSIS published a notice in the Federal Register announcing the availability of the updated risk assessment and requesting public comment. 71 Fed. Reg. 39,282. The notice also announced a public meeting to discuss the updated risk assessment. *Id.* Plaintiff R Calf participated in this process and filed comments with the FSIS. A discussion of the updated risk assessment is found in FSIS's July 2007 SRM final rule. 72 Fed. Reg. at 38,724-26. FSIS concluded that the results of the 2005 model demonstrated that removal of SRMs almost completely eliminates potential human exposure to the BSE agent and that the regulatory requirements for SRM removal are prudent and appropriate for preventing potential human exposure to the BSE agent. 72 Fed. Reg. at 38,726.

While FSIS was working on the SRM regulations, on March 8, 2004, APHIS reopened the comment period on the November 2003 proposed MMR rule, and also *1000 proposed to allow the import of beef from Canadian cattle thirty months of age and older, provided SRMs are removed at slaughter. AR 3837. APHIS stated:

The measures taken by FSIS do not restrict the slaughter of cattle in the United States based on the age of the animals *i.e.* meat from cattle 30 months of age or older will continue to be allowed into the human food supply. However, measures are in place to ensure that SRMs from such cattle do not enter the food supply. We now believe it would not be necessary to require that beef imported from BSE minimal risk-regions [Canada] be derived only from cattle less than 30 months of age, provided

equivalent measures are in place to ensure that SRMs are removed when the animals are slaughtered, and that such other measures as are necessary are in place. We believe such measures are already being taken in Canada. We invite comment from the public regarding this change to the provisions we proposed in November 2003 regarding the importation of beef.

AR 3839. The original proposal would have required beef to come from cattle that were less than 30 months of age at the time of slaughter. Plaintiff R Calf, and 3,378 others, submitted written comments on this possible change to the proposed MMR Rule. *R Calf II*, 499 F.3d at 1113; 70 Fed. Reg. 465. R Calf also sought and received, on April 26, 2004, a temporary restraining order ("TRO") against the USDA from the United States District Court in Montana. *See Ranchers Cattlemen Action Legal Fund United Stockgrowers of Am. v. United States Dep't of Agric.*, 359 F.Supp.2d 1058, 1062 (D.Mont.2005). The TRO prohibited the USDA from allowing importation from Canada of beef products beyond those authorized by the USDA's action in 2003 from cattle under the age of 30 months. *See id.* On May 5, 2004 the TRO was converted into a preliminary **injunction** that was set to expire five days after notice of final agency action on the MMR **rulemaking** proposed on November 4, 2003 and reopened on March 8, 2004. *See id.*

The final MMR Rule was published by the USDA on January 4, 2005, with an effective date of March 7, 2005. *See R Calf II*, 499 F.3d at 1113; 70 Fed. Reg. 460. It allowed imports of live Canadian cattle under 30 months of age and also allowed in Canadian beef products from cattle of all ages. *See R Calf II*, 499 F.3d at 1113; 70 Fed. Reg. at 494. After the final rule was published, more cows in Alberta were diagnosed with BSE and, again, the USDA attributed the disease to contaminated feed manufactured before the Canadian feed ban. *See R Calf II*, 499 F.3d at 1113. Subsequently, the USDA decided to continue the ban on beef derived from older Canadian cattle because ongoing investigations into those cases were not complete. *See* 72 Fed. Reg. at 53,316; *R Calf*, 359 F.Supp.2d at 1068. On March 11, 2005, the USDA published a Federal Register notice suspending the section of the MMR Rule that would relax the ban on meat from cattle over 30 months old. *See R Calf*

II, 499 F.3d at 1113; 70 Fed. Reg. 12,112. The final MMR Rule was to go into effect on March 7, 2005, but on March 2, 2005, the Montana District Court issued a preliminary **injunction** prohibiting its implementation. *See R Calf*, 359 F.Supp.2d 1058. On August 17, 2005, the Ninth Circuit reversed the preliminary **injunction** ruling, finding that the USDA “had a firm basis for determining that the resumption of ruminant imports from Canada would not significantly increase the risk of BSE to the American population,” and that the district court had not adequately deferred to the USDA’s determinations. *See Ranchers Cattlemen *1001 Action Legal Fund United Stockgrowers of Am. v. United States Dep’t of Agric.*, 415 F.3d 1078 (9th Cir.2005) (“*R Calf I*”). On remand, the district court granted summary judgment in favor of the USDA and, on August 28, 2007, the Ninth Circuit affirmed this decision on appeal. *See R Calf II*, 499 F.3d at 1114. The Ninth Circuit stated that the additional cases of BSE-infected cows in Canada (five of the nine cases having been diagnosed “in just the past year”) were cause for concern, and that they cast doubt on the effectiveness of Canada’s feed ban. But those cases were not before the USDA during its **rulemaking** in 2004, and the Ninth Circuit held that the agency was entitled to rely on the opinions of its experts and other evidence that was before it at that time. *See id.* at 1117 18. The Ninth Circuit said that the “proper remedy is to petition to reopen **rulemaking** under 5 U.S.C. § 553(e), not to challenge the existing rule as arbitrary and capricious.” *Id.* at 1118.

This brings the Court to the OTM Rule being challenged in this case. Published on January 9, 2007, the proposed rule stated its purpose was to amend the regulations to allow importation into the United States from Canada “[l]ive bovines for any use born on or after a date determined by APHIS to be the date of effective enforcement of a ruminant-to-ruminant feed ban in the region of export; blood and blood products derived from bovines; and casings and part of the small intestine derived from bovines.” 72 Fed. Reg. at 1102. The January 9, 2007 proposed OTM Rule referred to the March 11, 2005 Federal Register notice that suspended the provision of the MMR Rule which had relaxed the ban on meat from cattle over 30 months old, stating, “[I]n March 2005, APHIS gave notice in the Federal Register that the applicability of certain provisions of the rule pertaining to bovine meat, meat byproducts, whole and half carcasses, and certain other bovine products was being delayed until further notice.” *Id.* at 1123. The proposed OTM

Rule also stated, “Removal of the delay of applicability, thereby allowing importation of Canadian beef from cattle slaughtered at 30 months or older, is a decision that will be taken at the discretion of the Secretary of the U.S. Department of Agriculture.” *Id.* at 1125. The proposed OTM Rule discussed the economic effects of lifting the delay simultaneously with the publication of the final OTM Rule, but it did not discuss the safety of beef and other products from Canadian cattle over 30 months old.

The final OTM Rule was published on September 18, 2007. 72 Fed. Reg. 53,314. It was stated that, as part of the **rulemaking**, APHIS conducted an assessment that evaluated the animal health risk to the United States of BSE as a result of importing the “bovine commodities” considered in the rule. *See id.* at 53,315. APHIS concluded that the BSE risk to the United States is “negligible.” *Id.* The reasons given for this negligible risk were that Canada effectively enforces its feed ban, *id.* at 53,330; there is a very low level of BSE prevalence in Canada, *id.* at 53,329, and the additional, sequential barriers to the transmission of BSE (e.g., slaughter controls and dead animal disposal requirements) have a multiplicative risk-reduction effect, *id.* at 53,331.

In addition to making the risk assessment report available to the public for comments, APHIS made it available for peer review by experts in the field “to determine whether the risk assessment was scientifically sound, transparent, and consistent with international standards (e.g., those by the OIE); the application of external assessments or models was appropriate; and the assumptions were justified, supported and reasonable.” *Id.* at 53,315. Comments submitted by the public on the ***1002** proposed rule were also given to the peer reviewers for their consideration. The reviewers found that the methods used in the risk assessment were scientifically sound and agreed with the conclusion that the likelihood of establishment of BSE in the United States cattle population is negligible. *See id.* at 53,316.

In the final OTM Rule published on September 18, 2007, APHIS did, in fact, lift the delay on imports of meat from Canadian cattle over 30 months old. 72 Fed. Reg. at 53,316. In the discussion regarding this, APHIS stated that the risk assessment for the final OTM Rule demonstrating a negligible risk of BSE from importing live cattle, including those over 30 months of age, supports the

conclusion of the risk analysis conducted for the January 2005 final MMR Rule regarding importation of meat and meat products derived from bovines of any age. *Id.* APHIS concluded that the BSE risk is “even lower” for the meat imports than for live bovines because the SRMs will be removed.³ *Id.*

Before the OTM Rule went into effect on November 19, 2007, Plaintiffs in this case filed their Complaint in the Northern Division of the District of South Dakota on October 24, 2007, and their Motion for Preliminary **Injunction** was filed on November 1, 2007. The case was transferred to this Court in the Southern Division of the District of South Dakota on December 10, 2007. An Order issued on December 13, 2007 granted Plaintiffs' motion to extend the deadline to file their reply brief in support of the Motion for Preliminary **Injunction** until January 9, 2008, and directed the parties to advise the Court when they would be prepared for a hearing on the motion. The administrative record was filed on December 17, 2007. On January 10, 2008, the parties filed a “Joint Response to Order of December 13, 2007,” indicating that all counsel would be available for a hearing on the Motion for Preliminary **Injunction** on February 19 or February 20, 2008. The Court scheduled the hearing for February 19, 2008. Amicus curiae briefs were filed prior to the hearing by three groups: the Canadian Cattlemen's Association, the Government of Canada and the National Meat Association, et. al. Arguments were heard from the parties at the hearing on February 19, 2008, and post-hearing briefs have been submitted by the parties and by amici. The Motion for Preliminary **Injunction** is now ready for ruling.

III. ISSUES PRESENTED

There are five counts in the Verified Complaint. In Count 1, Plaintiffs challenge the substantive content of the OTM Rule. Plaintiffs claim in Count 2 that Defendants acted in excess of their statutory authority in promulgating the OTM Rule. Count 3 contains allegations of procedural inadequacies in the rule-making process. Plaintiffs assert in Count 4 that Defendants failed to comply with their obligations under the National Environmental Policy Act (“NEPA”), and assert in Count 5 that Defendants failed to comply with the Regulatory Flexibility Act.

In the Motion for Preliminary **Injunction**, Plaintiffs address “a fraction of the arguments that Plaintiffs believe

justify overturning the OTM Rule and that would be presented in a summary judgment motion.” (Doc. 19, p. 2.) The arguments presented by Plaintiffs at this point are:

A. Plaintiffs first argue that the USDA violated the APA by failing to engage in notice and comment before lifting the ban *1003 on imports of beef from cattle over 30 months. In response, the USDA contends that the OTM beef provisions had already been subject to a thorough notice and comment opportunity before the January 2005 MMR Rule was promulgated. (As noted previously, the March 8, 2004 notice reopened the comment period on the MMR Rule and invited comment from the public specifically on imports of beef from cattle over 30 months old.) The USDA argues that further notice and comment was unnecessary in 2007 because the substance of the beef provisions did not change from the January 2005 final MMR Rule.

B. According to Plaintiffs, the USDA's actions in removing the restrictions on Canadian imports exceed its statutory authority because they violate Congress's mandate to “prevent the introduction into or dissemination within the United States” of BSE. 7 U.S.C. § 8303(a)(1). Defendants counter that the AHPA confers wide discretion on the Secretary to deal with imports and does not impose any requirement that all of the USDA's actions carry no risk of disease. Investigations reveal a “negligible” risk that the OTM Rule will lead to disease in U.S. cattle, and the USDA believes the OTM Rule meets statutory requirements.

C. Plaintiffs assert that the USDA failed to consider that the different requirements for SRM disposal in the United States and Canada creates an economic incentive to ship older Canadian cattle to the United States because SRMs are banned from use for animal feed or fertilizer in Canada and disposal costs are higher. In the United States, wastes from slaughterhouses, including SRMs, can be used in non-ruminant animal feed and fertilizer. Defendants counter that Canada's more stringent SRM requirements and its higher costs were considered in the **rulemaking**.

D. Next, Plaintiffs believe that the USDA has made inconsistent statements regarding BSE surveillance and testing in order to support the OTM Rule. Defendants deny that any of the statements referenced by Plaintiffs are inconsistent.

E. Plaintiffs argue that the USDA failed to respond in a meaningful way to commentators who asked the USDA to require testing of OTM Canadian cattle before slaughter. Defendants say they considered and responded to comments about testing cattle for BSE.

F. Plaintiffs contend that various provisions of the OTM Rule conflict with existing regulations. Defendants deny this allegation.

G. On November 20, 2007, Plaintiffs supplemented the record with information and argument regarding their claim in Count 4 of the Complaint that the USDA violated the National Environmental Policy Act (“NEPA”) when it promulgated the OTM Rule. Defendants claim they complied with NEPA.

[4] The Court finds that Plaintiffs are likely to prevail on the merits of their first claim that the USDA failed to comply with the APA in promulgating the beef provisions of the OTM Rule. This conclusion requires remand to the USDA for additional administrative proceedings and, therefore, the Court will not reach Plaintiffs' other challenges to OTM Rule at this time.

IV. LEGAL ANALYSIS

The Court's examination of the **rulemaking** process reveals that the USDA failed to provide Plaintiffs and the public in general with legally sufficient notice and an opportunity to comment on its decision in 2007 to relax the ban on imports of OTM beef from Canada. All four of the *Dataphase* factors relevant to the Court's determination *1004 whether to grant or deny a preliminary **injunction** weigh in favor of granting Plaintiffs' request on this issue.

A. Plaintiffs Have Shown a Substantial Likelihood of Success on the Merits

The issue for this Court's determination is whether the Plaintiffs are likely to prevail on the merits of their claim that the September 18, 2007 OTM beef provisions should have been subject to a fresh notice and comment procedure under the APA.⁴ In their post-hearing brief, Defendants offer four reasons why they were not required to provide another round of notice and comment. First, they argue that the notice and comments regarding the January 2005 OTM beef provisions which occurred in November 2003 and March 2004 were enough because the

January 2005 OTM beef provisions were never “repealed” after that. Second, Defendants assert that they simply “delayed” implementation of the January 2005 OTM beef provisions, and those provisions were not changed when they were implemented in the September 2007 OTM Rule. Third, they state that lifting the delay and announcing the new effective date for the January 2005 OTM beef provisions was a purely procedural matter exempt from APA notice and comment requirements. Finally, Defendants contend that R Calf had actual notice of the January 2005 OTM beef provisions and the lifting of the delay.

[5] The Court is not persuaded by Defendants' characterization of its actions. The effective date of a rule generally is more than procedural and its suspension or delay usually is subject to **rulemaking**. *See, e.g., Natural Res. Def. Council, Inc. v. United States EPA*, 683 F.2d 752, 761 762 (3d Cir.1982) (holding “an effective date is ‘part of an agency statement of general or particular applicability and of future effect’” within the definition of “rule” under 5 U.S.C. § 551(4)); *Cf. Envtl. Def. Fund, Inc. v. EPA*, 716 F.2d 915, 920 (D.C.Cir.1983) (“The suspension or delayed implementation of a final regulation normally constitutes substantive **rulemaking** under [the] APA....”); *Envtl. Def. Fund, Inc. v. Gorsuch*, 713 F.2d 802, 816 (D.C.Cir.1983) (holding an agency decision effectively suspending duly promulgated regulations constitutes **rulemaking** subject to notice-and-comment requirements). In *Public Citizen v. Steed*, 733 F.2d 93 (D.C.Cir.1984), the court found an “indefinite suspension does not differ from a revocation simply because the agency chooses to label it a suspension. Although the agency's characterization may provide some guidance in determining the nature of the challenged action, it is the substance of what the [agency] has purported to do and has done which is decisive.” *Id.* at 98 (internal quotations omitted).

The decisions relied on by Defendants for the proposition that a temporary postponement *1005 of an effective date is not **rulemaking** and that implementation can be virtually automatic once the delay is lifted, are distinguishable. *See Am. Fed'n of Gov't Employees, AFL CIO v. Office of Pers. Mgmt.*, 821 F.2d 761, 764 (D.C.Cir.1987); *State of La. v. Mosbacher*, 1989 WL 87616, *6 (E.D.La. Aug. 1, 1989). In both cases, the delay and the lifting of the delay were the result of Congressional action not requiring further agency action. Those are not

the circumstances in the present case. Here, the agency rather than Congress decided to delay implementation of the OTM beef provisions. The Defendants' own belief in the importance of a more thorough investigation prior to implementing the OTM beef provisions is reflected in the USDA's decision in March 2005 to delay implementation to "give Department officials the opportunity for further review and consideration of the specified provisions," 70 Fed. Reg. at 12,113, and to complete ongoing investigations into the recent finds of BSE in Canadian cattle, 72 Fed. Reg. at 53,316. Defendants' own record reveals that the decision to implement the OTM beef provisions after reconsideration was more than purely procedural, and that the OTM beef provisions merited further notice and comment. *See, e.g., Gorsuch*, 713 F.2d at 817 (EPA's postponement of effective date of final rules was a reversal of course constituting a "danger signal," requiring closer scrutiny of agency's compliance with APA).

Before implementing the OTM beef provisions in 2007, the USDA did not reveal the results of the investigations done after March 2005 which renewed the USDA's confidence in the regulations, or otherwise explain the bases for implementing the provisions 32 months after they were first proposed. There is no discussion about the effect the BSE cases found in Canadian cattle born after the effective date of the feed ban would have on the OTM beef provisions. The Court could not find an explanation why imports of live cattle are limited to those born after the effective date of the feed ban but meat from cattle born before that date can be imported. Plaintiffs accurately state that "[a] key assumption underlying USDA's justification for allowing any imports from Canada had consistently been that they would come from Canadian cattle with a low likelihood of BSE infection because those cattle were subject to a ban on ruminant protein in cattle feed." (Doc. 117, p. 5.) In regard to the OTM beef provisions, it appears that the USDA relied on the evidence that was in the record from the original notice and comment proceeding years earlier. In light of the new cases of BSE in Canada and the dire consequences that would result from a BSE outbreak in the United States, relying on an old record and simply lifting the delay on imports of OTM beef, without more, does not reflect reasoned decision-making. *Cf. Action on Smoking and Health v. CAB*, 713 F.2d 795, 800 (D.C.Cir.1983) ("Although the **Administrative Procedure Act** does not

establish a 'useful life' for a notice and comment record, clearly the life of such a record is not infinite.")

The USDA now says the results of the FSIS's risk assessment indicating that removal of SRMs almost completely eliminates potential human exposure to the BSE agent, published in July 2007 with its SRM final rule, would be applicable for all beef products whether derived from cattle under or over 30 months.⁵ Even if this is ***1006** true, it does not justify the USDA's decision because the FSIS risk assessment was not referred to as a basis for implementing the OTM beef provisions in 2007. *See, e.g., City of Brookings Mun. Tel. Co. v. FCC*, 822 F.2d 1153, 1165 (D.C.Cir.1987) ("Post hoc rationalizations advanced to remedy inadequacies in the agency's record or its explanation are bootless."). If the USDA relied on research done in conjunction with the SRM rule in deciding to implement the OTM beef provisions, that fact should have been disclosed to the public. *See, e.g., Solite Corp. v. United States EPA*, 952 F.2d 473, 484 (D.C.Cir.1991) ("An agency commits serious procedural error when it fails to reveal portions of the technical basis for a proposed rule in time to allow for meaningful commentary."); *see also Air Transp. Ass'n of Am. v. FAA*, 169 F.3d 1, 7 (D.C.Cir.1999) ("[T]he most critical factual material that is used to support the agency's position on review must have been made public *in the proceeding* and exposed to refutation." (quoting *Ass'n of Data Processing Serv. Orgs., Inc. v. Bd. of Governors of the Fed. Reserve Sys.*, 745 F.2d 677, 684 (D.C.Cir.1984))).

The procedural safeguards of the APA help ensure that government agencies are accountable and their decisions are reasoned. *See Am. Bus. Ass'n v. United States*, 627 F.2d 525, 528 (D.C.Cir.1980); *Rodway v. United States Dep't of Agriculture*, 514 F.2d 809, 817 (D.C.Cir.1975) (APA's purpose is to cause agency to respond to comments in a reasoned manner and explain how agency resolved problems). The Third Circuit stated in *New Jersey v. Dep't of Health and Human Servs.*, 670 F.2d 1262 (3d Cir.1981):

The APA notice and comment procedures exist for good reason: to ensure that unelected administrators, who are not directly accountable to the populace, are forced to justify their quasi-legislative **rulemaking** before an informed and skeptical public.

When these procedures are not followed in situations where they are in fact applicable, a court promotes neither the agency's ultimate mission nor respect for the law by ignoring the agency's indiscretion or condoning the agency's shortcut.

Id. at 1281. In the present case, the fact that thousands of comments were made in response to the OTM beef provisions when APHIS reopened the comment period on March 8, 2004 illustrates that the notice and comment procedure was a vital part of the USDA's **rulemaking**. The USDA's failure to explain why the OTM beef provisions were implemented in 2007 after its decision not to implement them in 2005 prohibits this Court from concluding that a reasoned basis for the decision existed in 2007. *See, e.g., Motor Vehicle Mfrs. Ass'n*, 463 U.S. at 48, 103 S.Ct. 2856 (“[A]n agency must cogently explain why it has exercised its discretion in a given manner.”). Because the USDA failed to initiate new **rulemaking** before allowing importation of beef from Canadian cattle of any age, the Court must remand to the USDA to provide notice and comment on the OTM beef provisions as required by the APA.

Notice

Defendants argue that R Calf and other interested parties had actual notice of the OTM beef provisions and knew that lifting the delay on imports of Canadian beef from cows of any age was on the table during **rulemaking** for the OTM Rule. There is no dispute that the USDA provided notice and secured comments before the initial issuance of the OTM beef provisions in the January, 2005 MMR Rule. As ***1007** noted previously, the January 9, 2007 proposed OTM Rule referred to the March 11, 2005 Federal Register notice that suspended the provision of the MMR Rule which had relaxed the ban on meat from cattle over 30 months old, stating, “[I]n March 2005, APHIS gave notice in the Federal Register that the applicability of certain provisions of the rule pertaining to bovine meat, meat byproducts, whole and half carcasses, and certain other bovine products was being delayed until further notice.” The proposed OTM Rule also stated, “Removal of the delay of applicability, thereby allowing importation of Canadian beef from cattle slaughtered at 30 months or older, is a decision that will be taken at the discretion of the Secretary of the U.S. Department of Agriculture.” The proposed OTM Rule discussed

the economic effects of lifting the delay simultaneously with the publication of the final OTM Rule, but it did not discuss the safety of beef and other products from Canadian cattle over 30 months old.

The Court agrees that this placed Plaintiffs on notice that the USDA was contemplating reinstatement of the OTM beef provisions, but the USDA did not provide any information that would allow for useful criticism after a gap of nearly three years since the previous notice and comment on the OTM beef provisions. As stated above, the USDA had acknowledged that it needed to consider new information from its investigations in order to ensure the appropriateness of the OTM beef provisions. The public needed to be notified of the USDA's findings and the impact of those findings, as well as given an opportunity to comment on the new information or to provide additional information. Thus, the Court cannot say that notice was adequate. *See, e.g., Arlington Oil Mills, Inc. v. Knebel*, 543 F.2d 1092 (5th Cir.1976) (rejecting Secretary's contention that plaintiffs' actual notice that March differentials were being reconsidered constituted APA compliance; plaintiffs had been prevented from participating in the decision making process).

B. Plaintiffs Have Demonstrated **Irreparable Harm**

[6] Next the Court considers whether Plaintiffs have demonstrated they will suffer irreparable injury if the Court declines to issue a preliminary **injunction**. Financial harm without more cannot constitute irreparable injury unless it threatens the very existence of the movant's business. *See, e.g., Packard Elevator v. I.C.C.*, 782 F.2d 112, 115 (8th Cir.1986).

Plaintiffs claim that United States cattle producers will suffer an economic loss from imports of cheap Canadian cattle and beef for which there is little market outside Canada. Plaintiffs further assert that the general public in the United States, consumers of beef, are being exposed to meat that has a higher risk of BSE, thus there is a higher risk of people contracting vCJD in the United States. The Court finds that the last assertion weighs in favor of **injunctive** relief. Defendants acknowledge that there is a risk, however slight, that BSE-infected tissue would reach the human food supply in the United States and lead to vCJD, a chronic and fatal neurodegenerative disease. Plaintiffs contend that, had they had the opportunity to comment on the OTM beef provisions, they could have shown that allowing imports of beef from cattle born

before the effective date of the Canadian feed ban presents a very different risk profile than that considered by the USDA.

C. The Balance of Harms and Public Interest Favors

Granting the Preliminary **Injunction**

The two remaining *Dataphase* considerations the balance of harms and the public *1008 interest favor granting relief at this time. The balance of harms analysis examines the harm of granting or denying the **injunction** upon both of the parties to the dispute and upon other interested parties, including the public. *See Pottgen v. Missouri State High Sch. Activities Ass'n*, 40 F.3d 926, 929 (8th Cir.1994). Any harm to the USDA by requiring notice and comment on the OTM beef provisions is slight in light of the substantial impact that importation of BSE-infected meat could have in the United States. Leaving the regulations in place during the pendency of the **rulemaking** proceedings will alleviate most of the potential harm to Defendants, and the USDA's discretion to regulate the importation of animals and animal products will not be impeded. The public interest will be furthered by allowing public participation in the **rulemaking** process to ensure that the USDA carefully and fairly considers all aspects of the important decision to allow importation of beef from Canadian cattle of any age. Because the balance of all four *Dataphase* factors weighs in favor of issuing a preliminary **injunction**, Plaintiffs' request will be granted.

D. Bond Requirement

The Federal Rules of Civil Procedure require the movant to give security for the issuance of a preliminary **injunction**. *See* FED.R.CIV.P. 65(c). "Although [the Eighth Circuit] allow[s] the district court much discretion in setting bond, [it] will reverse [the district court's] order if it abuses that discretion due to some improper purpose, or otherwise fails to require an adequate bond or to make the necessary findings in support of its determinations." *Hill v. Xyquad, Inc.*, 939 F.2d 627, 632 (8th Cir.1991).

Plaintiffs ask that no security, or only a nominal amount, be required because Plaintiffs are non-profit organizations and individual ranchers attempting to further the public interests and the goals of AHPA. Defendants make no argument to the contrary. In the absence of any showing that security is necessary, the Court will not require a bond.

V. REMEDY

The Court rejects Defendants' argument that "it is a commonsense proposition that the Court could not remand the rule to USDA for additional notice and comment at the preliminary **injunction** stage." (Doc. 124, p. 15.) *Cf. Mental Health Ass'n of Minnesota v. Heckler*, 720 F.2d 965 (8th Cir.1983) (affirming with modifications preliminary **injunction** issued by district court enjoining Secretary's procedures used to make disability determinations). The preliminary **injunction** issued by the district court in *Heckler* included a remand to the Secretary to publish new rules for notice and comment, as required by the APA prior to adoption. *See Mental Health Ass'n of Minnesota v. Schweiker*, 554 F.Supp. 157, 169 (D.Minn.1982). This was affirmed by the Eighth Circuit. *See Heckler*, 720 F.2d at 974. The Court could better understand Defendants' argument if this decision on Plaintiffs' motion for a preliminary **injunction** was made hastily and on less than a full record, but that is not the case. The entire administrative record was filed with the Court, and the parties and amici have been given ample time and opportunities to advise the Court of all things to be considered in regard to the motion. In light of the Eighth Circuit's clear directive that, with some narrow exceptions, courts may not consider any evidence beyond the administrative record when reviewing agency action, *R Calf II*, 499 F.3d at 1114 15, Defendants' argument that the Court must wait until the summary judgment stage to decide if the USDA violated the APA, is somewhat *1009 disingenuous. Defendants have had as adequate an opportunity to brief and argue this issue as they would have on summary judgment, and Defendants do not claim there is some extra-record evidence not available during the preliminary **injunction** proceedings that would be presented to the Court in a summary judgment motion.

[7] The Court is aware that in formulating equitable relief it "must proceed gingerly and not encroach on traditional administrative practices." *Heckler*, 720 F.2d at 972. Under Supreme Court precedent, where a fuller explanation of the agency's reasoning is needed, remand is the preferred action. *See Pension Benefit Guar. Corp. v. LTV Corp.*, 496 U.S. 633, 654, 110 S.Ct. 2668, 110 L.Ed.2d 579 (1990). In *United States Steel Corporation v. EPA*, 649 F.2d 572 (8th Cir.1981), the Eighth Circuit reviewed a challenge to the EPA's adoption of a final rule establishing state-wide air quality designations. The EPA adopted the designations after invoking the good faith

exception to the APA, 5 U.S.C. § 553, and dispensing with prior notice and comment. The EPA instead offered to receive public comment for sixty days after promulgation. *See id.* at 574-75. The Eighth Circuit held that the EPA erred by failing to provide advance notice and comment. The Eighth Circuit noted that the sixty day post hoc comment period was an inadequate substitute for prior notice and comment when there was no indication that the agency would thereafter consider revising the regulations: “After the final rule is issued, the petitioner must come hat-in-hand and run the risk that the decisionmaker is likely to resist change.” *Id.* at 576 (quoting *Sharon Steel Corp. v. EPA*, 597 F.2d 377 (3rd Cir.1979)). Rather than vacate the EPA’s air quality designations, the Eighth Circuit left them in place pending further administrative proceedings. The case was remanded to the EPA to afford the petitioners notice and an opportunity to comment on the new proposed designations. The EPA was ordered to “promptly” consider the comments and to substitute any revised designations for the existing ones. *See id.* at 577.

The Court will remand this case to the USDA to provide notice and comment on the OTM beef provisions, but no provisions of the OTM Rule will be vacated. Plaintiffs’ remaining claims will be stayed pending administrative

action. The substance of the OTM Rule may be different after further administrative proceedings, but Plaintiffs will not be precluded from reasserting their challenges to the merits of the OTM Rule at a later date, if necessary. Accordingly,

IT IS ORDERED:

1. That Plaintiffs’ Motion for Preliminary **Injunction**, Doc. 19, is granted in part.
2. That the case is remanded to the USDA to promptly provide notice and comment on the OTM beef provisions, to consider comments made by Plaintiffs and other interested parties, and to revise any provisions of the OTM Rule it deems necessary.
3. That the remainder of the case is stayed during the administrative proceedings on remand. The parties shall submit quarterly updates to the Court regarding the status of the administrative proceedings.

All Citations

566 F.Supp.2d 995, 30 ITRD 1595

Footnotes

- 1 The Court did not consider the July 1, 2008 letter from counsel for Plaintiffs. The letter was filed before this Opinion was issued, but after the Opinion was completed.
- 2 This is referred to as the Minimal Risk Region rule (“MMR Rule”).
- 3 There is no apparent basis for this conclusion because the SRMs also are to be removed from the imported live cattle at the time of slaughter in the United States.
- 4 Pursuant to section 553 of the APA, there are three basic requirements for agency **rulemaking**: first, the public must be given notice of the proposed **rulemaking**; second, the public must be given an opportunity to comment on the proposed rule, either orally or in writing; and third, the agency must include with the final rule a statement of the rule’s basis and purpose. Specifically, the Act requires that “[g]eneral notice of proposed rule making shall be published in the Federal Register,” and that “[t]he notice shall include ... either the terms or substance of the proposed rule or a description of the subjects and issues involved.” 5 U.S.C. § 553(b). After such notice has been provided, “the agency shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation.” 5 U.S.C. § 553(c). When the final rules are promulgated, the agency is obligated to “incorporate in the rules adopted a concise general statement of their basis and purpose.” *Id.*
- 5 Plaintiffs assert that none of the USDA’s assessments addressed the risk of BSE contamination in beef from cattle that were exposed to possible BSE-infected feed. Plaintiffs say they would have provided information on this issue had they been given the opportunity.

Conversation Contents

Cases

Attachments:

/44. Cases/1.1 Hornbeck Offshore Services LLC v Salazar.pdf
/44. Cases/1.2 Minard Run Oil Co v US Forest Service.pdf
/44. Cases/1.3 Ranchers Cattlemen Action Legal Fund v US Dept of Agriculture.pdf

"Dawson, Elizabeth" <lisa.dawson@onrr.gov>

From: "Dawson, Elizabeth" <lisa.dawson@onrr.gov>
Sent: Wed Feb 08 2017 16:28:10 GMT-0700 (MST)
Kimberly Jackson <kimberly.jackson@onrr.gov>, "Lunt, Amy" <Amy.Lunt@onrr.gov>, Megan Hessee <megan.hessee@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, "Boroos, Jason" <jason.boroos@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>
To:
Subject: Cases
Attachments: Hornbeck Offshore Services LLC v Salazar.pdf Minard Run Oil Co v US Forest Service.pdf Ranchers Cattlemen Action Legal Fund v US Dept of Agriculture.pdf

Some cases I found. (b) (5)

Good luck! I will check emails from time to time and if you need anything.

Lisa

Lisa A. Dawson

Appeals Analyst, Appeals
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Office: (303) 231-3653
Email: Lisa.Dawson@onrr.gov

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Conversation Contents

null

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 15:06:54 GMT-0700 (MST)
To:
Subject:

Are you still working?

Megan Hessee <megan.hessee@onrr.gov>

From: Megan Hessee <megan.hessee@onrr.gov>
Sent: Wed Feb 08 2017 15:12:09 GMT-0700 (MST)
To:
Subject:

Hi there! I can be available at 3:30. :)

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 15:12:25 GMT-0700 (MST)
To:
Subject:

That's be great - we have some brainstorming to do related to the rule stay...

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 15:12:29 GMT-0700 (MST)
To:
Subject:

I'll send out a meeting invite.

Megan Hessee <megan.hessee@onrr.gov>

From: Megan Hessee <megan.hessee@onrr.gov>
Sent: Wed Feb 08 2017 15:13:04 GMT-0700 (MST)
To:
Subject:

Thanks. Am free until 4.



Conversation Contents

null

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 12:59:32 GMT-0700 (MST)
To:
Subject:

Are you available to help me on a briefing paper regarding the rule stay?

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 12:59:41 GMT-0700 (MST)
To:
Subject:

Right now.

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 13:01:00 GMT-0700 (MST)
To:
Subject:

Yes

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 13:08:32 GMT-0700 (MST)
To:
Subject:

You need this in 10 minutes?

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:26:40 GMT-0700 (MST)
To:
Subject:

Can you join me on a call with Matt Wheeler in a little bit?

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 14:27:48 GMT-0700 (MST)
To:
Subject:

Yes. Let me know what to call and when

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:28:00 GMT-0700 (MST)
To:
Subject:

Thank you!

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:28:54 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:29:18 GMT-0700 (MST)
To:
Subject:

You may want to pull up the lawsuits to reference

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:29:24 GMT-0700 (MST)
To:
Subject:

And the rule preamble

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 14:29:36 GMT-0700 (MST)
To:
Subject:

OK

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 14:29:48 GMT-0700 (MST)
To:
Subject:

Imma gonna fill my water and pull that stuff up. Will you call me?

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:31:07 GMT-0700 (MST)

To:
Subject:

Yes, I will. Not sure exactly when it'll be. He and I were on the phone and his boss called. He said he would call me right back, but who knows what his boss asked him to do...

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 14:45:17 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:46:19 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:46:47 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 14:47:05 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 14:47:12 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:47:33 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 14:48:37 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:49:30 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 14:49:51 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 14:50:31 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:50:50 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 14:51:31 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 14:52:18 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 14:52:47 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:53:06 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:53:48 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 14:58:22 GMT-0700 (MST)

To:
Subject:

(b) (5)

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 14:58:57 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 14:59:09 GMT-0700 (MST)
To:
Subject:

(b) (5)

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Wed Feb 08 2017 15:09:31 GMT-0700 (MST)
To:
Subject:

I texted Amy - she will grab who she can to sit in

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 15:09:43 GMT-0700 (MST)
To:
Subject:

awesome. thank you!

Conversation Contents

Update on valuation Reg briefing

Jerold Gidner <jerold.gidner@onrr.gov>

From: Jerold Gidner <jerold.gidner@onrr.gov>
Sent: Wed Feb 08 2017 14:41:42 GMT-0700 (MST)
To: Greg Gould <greg.gould@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, chris.carey@onrr.gov, Matt Williams <matt.williams@onrr.gov>, bonnie.robson@onrr.gov, Karen Osborne <karen.osborne@onrr.gov>, Jim Steward <jim.steward@onrr.gov>
Subject: Update on valuation Reg briefing

I just spoke with Matt Wheeler. (b) (5)



Armand, Luis, and Matt Williams all are aware of the upcoming need for a FRN announcing a stay. So, stay tuned. Sent from my iPhone

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:47:55 GMT-0700 (MST)
To: Amy Lunt <amy.lunt@onrr.gov>
Subject: Fwd: Update on valuation Reg briefing

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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----- Forwarded message -----

From: **Jerold Gidner** <jerold.gidner@onrr.gov>

Date: Wed, Feb 8, 2017 at 2:41 PM

Subject: Update on valuation Reg briefing

To: Greg Gould <greg.gould@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, chris.carey@onrr.gov, Matt Williams <matt.williams@onrr.gov>, bonnie.robson@onrr.gov, Karen Osborne <karen.osborne@onrr.gov>, Jim Steward <jim.steward@onrr.gov>

I just spoke with Matt Wheeler. (b) (5)

Armand, Luis, and Matt Williams all are aware of the upcoming need for a FRN announcing a stay.

So, stay tuned.

Sent from my iPhone

Greg Gould <greg.gould@onrr.gov>

From: Greg Gould <greg.gould@onrr.gov>
Sent: Wed Feb 08 2017 14:56:45 GMT-0700 (MST)
To: Jerold Gidner <jerold.gidner@onrr.gov>
John Mehlhoff <john.mehlhoff@onrr.gov>, "chris.carey@onrr.gov" <chris.carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, "bonnie.robson@onrr.gov" <bonnie.robson@onrr.gov>, Karen Osborne <karen.osborne@onrr.gov>, Jim Steward <jim.steward@onrr.gov>
CC:
Subject: Re: Update on valuation Reg briefing

Thanks for the update (b) (5)

Greg

Gregory J. Gould

Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)

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On Feb 8, 2017, at 3:41 PM, Jerold Gidner <jerold.gidner@onrr.gov> wrote:

I just spoke with Matt Wheeler. (b) (5)

Armand, Luis, and Matt Williams all are aware of the upcoming need for a FRN announcing a stay.

So, stay tuned.

Sent from my iPhone

Amy Lunt <amy.lunt@onrr.gov>

From: Amy Lunt <amy.lunt@onrr.gov>
Sent: Wed Feb 08 2017 14:57:15 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Subject: Re: Update on valuation Reg briefing

Thanks for sending that! What a roller coaster!!

Sent from my iPhone

On Feb 8, 2017, at 3:47 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

This message serves as guidance for determining value for royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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----- Forwarded message -----

From: **Jerold Gidner** <jerold.gidner@onrr.gov>
Date: Wed, Feb 8, 2017 at 2:41 PM
Subject: Update on valuation Reg briefing
To: Greg Gould <greg.gould@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, chris.carey@onrr.gov, Matt Williams <matt.williams@onrr.gov>, bonnie.robson@onrr.gov, Karen Osborne <karen.osborne@onrr.gov>, Jim Steward <jim.steward@onrr.gov>

I just spoke with Matt Wheeler. (b) (5)



Armand, Luis, and Matt Williams all are aware of the upcoming need for a FRN announcing a stay.

So, stay tuned.

Sent from my iPhone

Conversation Contents

null

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 13:47:19 GMT-0700 (MST)
To:
Subject:

Hi Yasmen! Are you free next Tues, the 14th, from 9am - 11am?

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 13:47:46 GMT-0700 (MST)
To:
Subject:

Gina and I are giving some POP training to data mining and I might incorporate some off-the-cuff plant statement training too.

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 13:48:07 GMT-0700 (MST)
To:
Subject:

I think it be helpful for you to come, if you're available.

Yasmen Faied <yasmen.faied@onrr.gov>

From: Yasmen Faied <yasmen.faied@onrr.gov>
Sent: Wed Feb 08 2017 13:49:32 GMT-0700 (MST)
To:

Subject:

Hi Chris, I telework on Tuesday but I can def make it work :) ! Please send me the invite

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 13:50:43 GMT-0700 (MST)
To:
Subject:

Ok, will do!

Yasmen Faied <yasmen.faied@onrr.gov>

From: Yasmen Faied <yasmen.faied@onrr.gov>
Sent: Wed Feb 08 2017 13:50:56 GMT-0700 (MST)
To:
Subject:

Thank you Chris!

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 13:51:03 GMT-0700 (MST)
To:
Subject:

If you need me to advocate to Peter for letting you switch your telework day, just let me know :)

Yasmen Faied <yasmen.faied@onrr.gov>

From: Yasmen Faied <yasmen.faied@onrr.gov>
Sent: Wed Feb 08 2017 13:52:34 GMT-0700 (MST)
To:
Subject:

He's pretty flexible :) I will talk with him, I'm sure he will be understanding.

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 13:52:43 GMT-0700 (MST)
To:
Subject:

Ok cool

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 13:52:46 GMT-0700 (MST)
To:
Subject:

Thank you!

Yasmen Faied <yasmen.faied@onrr.gov>

From: Yasmen Faied <yasmen.faied@onrr.gov>
Sent: Wed Feb 08 2017 14:03:18 GMT-0700 (MST)
To:
Subject:

(b) (6)

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:27:06 GMT-0700 (MST)
To:
Subject:

Sorry - got a call related to the rule stay...

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:27:10 GMT-0700 (MST)

To:
Subject:

(b) (6)

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 14:27:31 GMT-0700 (MST)
To:
Subject:

(b) (6)

Yasmen Faied <yasmen.faied@onrr.gov>

From: Yasmen Faied <yasmen.faied@onrr.gov>
Sent: Wed Feb 08 2017 14:30:01 GMT-0700 (MST)
To:
Subject:

(b) (6)

Conversation Contents

Fwd: Stay on Valuation Regs

John Mehlhoff <john.mehlhoff@onrr.gov>

From: John Mehlhoff <john.mehlhoff@onrr.gov>
Sent: Wed Feb 08 2017 12:21:36 GMT-0700 (MST)
To: Chris Carey <Chris.Carey@onrr.gov>
Subject: Fwd: Stay on Valuation Regs

Chris not sure if you can assist Jerry with this paper but if you can I suggest sending him an email. Unsure of the outcome of yesterday's meeting with Wheeler.

Sent from my iPhone

Begin forwarded message:

From: Greg Gould <greg.gould@onrr.gov>
Date: February 8, 2017 at 1:11:47 PM CST
To: Jerold Gidner <jerold.gidner@onrr.gov>
Cc: jim.steward@onrr.gov, John Mehlhoff <john.mehlhoff@onrr.gov>, karen.osborne@onrr.gov, matthew.wheeler@sol.doi.gov, Matthew McKeown <Matthew.McKeown@sol.doi.gov>
Subject: Fwd: Stay on Valuation Regs

Jerry,

See below. I know we do have a paper on the Valuation Regs, which includes the lawsuit. I also think that Matt Wheeler is working with the Regs group on a FR package, we need to make sure we have a briefing paper that includes the recommendation for the stay.

Please work with Matt Wheeler and then send me the updated paper to send to Amy.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

[\(202\) 513-0600](tel:(202)513-0600)

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Begin forwarded message:

From: "Holley, Amy" <amy_holley@ios.doi.gov>
Date: February 8, 2017 at 12:49:36 PM CST
To: Greg Gould <greg.gould@onrr.gov>
Subject: Fwd: Stay on Valuation Regs

I think we will need a Briefing Paper, or description of what is happening for Jim. Apologies if you have already sent it....!

----- Forwarded message -----

From: **Greg Gould** <greg.gould@onrr.gov>
Date: Wed, Feb 8, 2017 at 12:33 PM
Subject: Re: Stay on Valuation Regs
To: "McKeown, Matthew" <matthew.mckeown@sol.doi.gov>
Cc: Matthew Wheeler <matthew.wheeler@sol.doi.gov>, "Steward, Jim" <jim.steward@onrr.gov>, Amy Holley <Amy_Holley@ios.doi.gov>

Yes, is that something you can work with Jack on. I assume we need to make sure that Jack and Jim Cason are briefed and all set, correct? I'm including Amy Holley on this reply to give her a heads up that this is coming. My understanding is that this will be accomplished through a Federal Register notice as well as a follow up "Dear Reporter" letter from ONRR, which will need to go out next week.

Amy,

Matt Wheeler (SOL) is working with my staff on a FR notice package that will need to go through the new process and be published by the end of next week. Bottom line, given the lawsuits on our Valuation Regulations, it is best that we stay the rules implementation until after we deal with the lawsuits so that we don't have issues with revenue reporting due to multiple changes to the rules. Please let us know if you have any questions or need additional information.

Thanks again for all the help!

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:2025130600)*

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Does
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Rocky Mountain Region
Office of the Solicitor
U.S. Department of the Interior
755 Parfet St., Suite 151
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New Direct Line: 303-445-0625

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"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 12:28:10 GMT-0700 (MST)
To: John Mehlhoff <john.mehlhoff@onrr.gov>
Subject: Re: Stay on Valuation Regs

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To: Jerold Gidner <jerold.gidner@onrr.gov>
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Mehlhoff <john.mehlhoff@onrr.gov>,
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On Feb 8, 2017, at 1:19 PM, Jerold Gidner <jerold.gidner@onrr.gov> wrote:

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Matt McKeown

Regional Solicitor
Rocky Mountain Region
Office of the Solicitor
U.S. Department of the Interior
755 Parfet St., Suite 151
Lakewood, CO 80215

New Direct Line: 303-445-0625

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Jerold Gidner <jerold.gidner@onrr.gov>

From: Jerold Gidner <jerold.gidner@onrr.gov>
Sent: Wed Feb 08 2017 12:56:51 GMT-0700 (MST)
To: Greg Gould <greg.gould@onrr.gov>
"jim.steward@onrr.gov" <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>,
CC: "karen.osborne@onrr.gov" <karen.osborne@onrr.gov>,
"matthew.wheeler@sol.doi.gov" <matthew.wheeler@sol.doi.gov>, "chris.carey@onrr.gov" <chris.carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>
Subject: Re: Stay on Valuation Regs

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"Osborne, Karen" <karen.osborne@onrr.gov>

From: "Osborne, Karen" <karen.osborne@onrr.gov>
Sent: Wed Feb 08 2017 13:00:53 GMT-0700 (MST)
To: Chris Carey <chris.carey@onrr.gov>
Subject: Fwd: Stay on Valuation Regs

Chris,
I'm here at PASO with Amy/Peter/Karl - if you need anyone to look at anything, let me know and I can

facilitate.

Karen L. Osborne

Senior Program Analyst, Financial Management
Office of Natural Resources Revenue
(303) 231-3739
karen.osborne@onrr.gov

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Subject: Re: Stay on Valuation Regs
To: Greg Gould <greg.gould@onrr.gov>
Cc: "jim.steward@onrr.gov" <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "karen.osborne@onrr.gov" <karen.osborne@onrr.gov>, "matthew.wheeler@sol.doi.gov" <matthew.wheeler@sol.doi.gov>, "chris.carey@onrr.gov" <chris.carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>

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"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

From: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Sent: Wed Feb 08 2017 13:16:59 GMT-0700 (MST)
To: Greg Gould <greg.gould@onrr.gov>
Jerold Gidner <jerold.gidner@onrr.gov>,
"jim.steward@onrr.gov" <jim.steward@onrr.gov>, John
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Hi Greg:

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Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
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Begin forwarded message:

From: "Holley, Amy"
<amy_holley@ios.doi.gov>
Date: February 8, 2017 at
12:49:36 PM CST
To: Greg Gould
<greg.gould@onrr.gov>
**Subject: Fwd: Stay on
Valuation Regs**

I think we will need a Briefing Paper, or description of what is happening for Jim. Apologies if you have already sent it....!

----- Forwarded message -----

From: **Greg Gould**
<greg.gould@onrr.gov>
Date: Wed, Feb 8, 2017 at 12:33 PM
Subject: Re: Stay on Valuation Regs
To: "McKeown, Matthew"
<matthew.mckeown@sol.doi.gov>
Cc: Matthew Wheeler
<matthew.wheeler@sol.doi.gov>, "Steward, Jim"
<jim.steward@onrr.gov>, Amy Holley
<Amy_Holley@ios.doi.gov>

Yes, is that something you can work with Jack on. I assume we need to make sure that Jack and Jim Cason are briefed and all set, correct? I'm including Amy Holley on this reply to give her a heads up that this is coming. My understanding is that this will be accomplished through a Federal Register notice as well as a follow up "Dear Reporter" letter from ONRR, which will need to go out next week.

Amy,

Matt Wheeler (SOL) is working with my staff on a FR notice package that will need to go through the new process and be published by the end of next week. Bottom line, given the lawsuits on our Valuation Regulations, it is best that we stay the rules implementation until after we deal with the lawsuits so that we don't have issues with revenue reporting due to multiple changes to the rules. Please let us know if you have any questions or need additional information.

Thanks again for all the help!

Greg

Gregory J. Gould

*Director
Office of Natural Resources
Revenue
U.S. Department of the
Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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On Feb 8, 2017, at 11:22 AM,
McKeown, Matthew
<matthew.mckeown@sol.doi.gov>
wrote:

I don't see a
problem with that.

(b) (5)



(b) (5)

Matt McKeown
Regional Solicitor
Rocky Mountain
Region
Office of the
Solicitor
U.S. Department
of the Interior
755 Parfet St.,
Suite 151
Lakewood, CO
80215

New Direct Line:
303-445-0625

On Wed, Feb 8,
2017 at 10:09 AM,
Greg Gould
<greg.gould@onrr.gov>
wrote:

Matt and Matt,

I'm at the PASO
Conference and
based on the
presentations
and discussions
this morning, I
feel it is truly in
the governments
best interest to
stay the rule
pending the
litigation, and
prior to first
reporting at the
end of this
month. My goal
would then be to
begin the
process to
discuss the
issues related to
the lawsuits and

then work on a new proposed rule, etc., allowing companies to report under the old rules.

How does it look in terms of timing to get the stay in place prior to Feb 24?

Thanks for all the help!

Greg

*Gregory
J. Gould*

*Director
Office of Natural
Resources
Revenue
U.S. Department
of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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Greg Gould <greg.gould@onrr.gov>

From: Greg Gould <greg.gould@onrr.gov>
Sent: Wed Feb 08 2017 13:21:42 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Jerold Gidner <jerold.gidner@onrr.gov>, "jim.steward@onrr.gov" <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>,
CC: "karen.osborne@onrr.gov" <karen.osborne@onrr.gov>, "chris.carey@onrr.gov" <chris.carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>
Subject: Re: Stay on Valuation Regs

Thanks Matt. (b) (5)

. Amy Holley asked for the paper as soon as we can get it to her. You and Matt should also provide it to Jack as soon as possible since we are hoping to get the notice to the FR early next week.

Greg

Gregory J. Gould

Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)

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On Feb 8, 2017, at 2:17 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

(b) (5)
[Redacted]

[Redacted]

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Wed, Feb 8, 2017 at 12:59 PM, Greg Gould <greg.gould@onrr.gov> wrote:

Thanks everyone for all the help to keep this moving!

Greg

Gregory J. Gould

Director
Office of Natural Resources Revenue
U.S. Department of the Interior

[\(202\) 513-0600](tel:(202)513-0600)

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On Feb 8, 2017, at 1:57 PM, Jerold Gidner <jerold.gidner@onrr.gov> wrote:

Yes - Chris reached out to me and we have communicated and I sent him the previous email chains with the latest version and your guidance and now he has this one.

Greg, I also reached out to Matt Williams to let him know we have a rule to rush through, so he can start greasing the skids.

Chris- I am about to jump on a call, but when you have something, please reply all, and if I need to get off my call to consult with you, just email me and I will.

Thanks all.

Sent from my iPhone

On Feb 8, 2017, at 2:51 PM, Greg Gould <greg.gould@onrr.gov> wrote:

Jerry,

I believe Chris Carey is working with Matt, (b) (5)

Thanks again,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue*

U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)

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On Feb 8, 2017, at 1:19 PM, Jerold Gidner <jerold.gidner@onrr.gov> wrote:

Ok. Let me check that paper.

Sent from my iPhone

On Feb 8, 2017, at 2:11 PM, Greg Gould <greg.gould@onrr.gov> wrote:

Jerry,

See below. I know we do have a paper on the Valuation Regs, which includes the lawsuit. I also think that Matt Wheeler is working with the Regs group on a FR package, we need to make sure we have a briefing paper that includes the recommendation for the stay.

Please work with Matt Wheeler and then send me the updated paper to send to Amy.

Thanks,

Greg

Gregory J. Gould

Director
Office of Natural Resources
Revenue
U.S. Department of the
Interior
[\(202\) 513-0600](tel:(202)513-0600)

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Cc: Matthew
Wheeler
<matthew.wheeler@sol.doi.gov>,
"Steward, Jim"
<jim.steward@onrr.gov>,
Amy Holley
<Amy_Holley@ios.doi.gov>

Yes, is that
something you can
work with Jack on.
I assume we need
to make sure that
Jack and Jim
Cason are briefed
and all set,
correct? I'm
including Amy
Holley on this reply
to give her a heads
up that this is
coming. My
understanding is
that this will be
accomplished
through a Federal
Register notice as
well as a follow up
"Dear Reporter"
letter from ONRR,
which will need to
go out next week.

Amy,

Matt Wheeler
(SOL) is working
with my staff on a
FR notice package
that will need to go

through the new process and be published by the end of next week. Bottom line, given the lawsuits on our Valuation Regulations, it is best that we stay the rules implementation until after we deal with the lawsuits so that we don't have issues with revenue reporting due to multiple changes to the rules. Please let us know if you have any questions or need additional information.

Thanks again for all the help!

Greg

Gregory J. Gould

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On Feb 8, 2017, at 11:22 AM,
McKeown, Matthew
<matthew.mckeown@sol.doi.gov>
wrote:

I don't
see a
problem
with
that.

(b) (5)



(b) (5)

**Matt
McKeown**

Regional
Solicitor

Rocky

Mountain

Region

Office

of the

Solicitor

U.S.

Department

of the

Interior

755

Parfet

St.,

Suite

151

Lakewood,

CO

80215

New

Direct

Line:

303-

445-

0625

On

Wed,

Feb 8,

2017 at

10:09

AM,

Greg

Gould
<greg.gould@onrr.gov>

wrote:

Matt
and
Matt,

I'm at
the
PASO
Conference
and
based
on
the
presentations
and
discussions
this
morning,
I feel
it is
truly
in the
governments
best
interest
to
stay
the
rule
pending
the
litigation,
and
prior
to first
reporting
at the
end
of this
month.
My
goal
would
then
be to
begin
the
process
to
discuss
the

issues
related
to the
lawsuits
and
then
work
on a
new
proposed
rule,
etc.,
allowing
companies
to
report
under
the
old
rules.

How
does
it look
in
terms
of
timing
to get
the
stay
in
place
prior
to
Feb
24?

Thanks
for all
the
help!

Greg

*Gregory
J. Gould*

*Director
Office
of*

*Natural
Resources
Revenue
U.S.
Department
of the
Interior*
[\(202\)
513-
0600](#)

Warning:
This
message
is
intended
only
for
use of
the
individual
or
entity
to
which
it is
addressed
and
may
contain
information
that is
privileged
or
confidential
and
exempt
from
disclosure
under
applicable
law.
If the
reader
of this
message
is not
the
intended
recipient
or the
employee
or

agent
responsible
for
delivering
this
message
to the
intended
recipient,
you
are
hereby
notified
that
any
dissemination,
distribution,
or
copying
of this
communication
is
strictly
prohibited.
If you
have
received
this
communication
in
error,
please
notify
the
sender
immediately
by
return
e-
mail.

Conversation Contents

Fwd: Need QUICK update

Attachments:

/50. Fwd: Need QUICK update/1.1 ISSUE - Valuation Regulations ONRR 1 23 17.docx

/50. Fwd: Need QUICK update/5.1 ISSUE - Valuation Regulations ONRR 1 23 17.docx

Jerold Gidner <jerold.gidner@onrr.gov>

From: Jerold Gidner <jerold.gidner@onrr.gov>
Sent: Wed Feb 08 2017 12:51:27 GMT-0700 (MST)
To: chris.carey@onrr.gov
Subject: Fwd: Need QUICK update
Attachments: ISSUE - Valuation Regulations ONRR 1 23 17.docx

Lifesaver! I have to get on a call in 10 minutes, so can use your help. This has the latest briefing paper involved and it includes the info on the lawsuits. We have to add a piece on staying the Reg- why we want to do it and the effect of it. I will sent you the email chain from Greg momentito.

Sent from my iPhone

Begin forwarded message:

From: "Osborne, Karen" <karen.osborne@onrr.gov>
Date: February 8, 2017 at 2:21:58 PM EST
To: Jerold Gidner <jerold.gidner@onrr.gov>, Greg Gould <greg.gould@onrr.gov>
Subject: Fwd: Need QUICK update

Here's the last paper provided, with the lawsuit information included.

Karen L. Osborne
Senior Program Analyst, Financial Management
Office of Natural Resources Revenue
(303) 231-3739
karen.osborne@onrr.gov

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----- Forwarded message -----

From: **Robson, Bonnie** <bonnie.robson@onrr.gov>
Date: Mon, Jan 23, 2017 at 8:19 AM
Subject: Re: Need QUICK update
To: "Gidner, Jerold" <jerold.gidner@onrr.gov>
Cc: Karen Osborne <karen.osborne@onrr.gov>, Michael DeBerard <michael.deberard@onrr.gov>

I added the final bullet on the first page to cover the three lawsuits.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Email: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Mon, Jan 23, 2017 at 8:08 AM, Gidner, Jerold <jerold.gidner@onrr.gov> wrote:

Hi all - please see attached briefing paper. Greg needs info on the lawsuits added. FOR A BRIEFING IN 22 MINUTES!

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrrresource/> for employee news, resources, and events.
And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

Jerold Gidner <jerold.gidner@onrr.gov>

From: Jerold Gidner <jerold.gidner@onrr.gov>
Sent: Wed Feb 08 2017 12:52:02 GMT-0700 (MST)
To: chris.carey@onrr.gov
Subject: Fwd: Need QUICK update

Here are Greg's instructions.

Sent from my iPhone

Begin forwarded message:

From: Greg Gould <greg.gould@onrr.gov>
Date: February 8, 2017 at 2:38:03 PM EST
To: "Osborne, Karen" <karen.osborne@onrr.gov>
Cc: Jerold Gidner <jerold.gidner@onrr.gov>
Subject: Re: Need QUICK update

Thanks Karen.

Jerry, please work with Matt Wheeler to add a recommendation at the bottom of the paper to stay the regulations no later than Feb 24th.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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On Feb 8, 2017, at 1:22 PM, Osborne, Karen <karen.osborne@onrr.gov> wrote:

Here's the last paper provided, with the lawsuit information included.

Karen L. Osborne
Senior Program Analyst, Financial Management

Office of Natural Resources Revenue
(303) 231-3739
karen.osborne@onrr.gov

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Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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Office of Natural Resources Revenue

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4040 MIB
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<ISSUE - Valuation Regulations ONRR 1 23 17.docx>

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 12:57:34 GMT-0700 (MST)
To: Jerold Gidner <jerold.gidner@onrr.gov>
Subject: Re: Need QUICK update

Do you need this for your call in 10 min(!), or is that unrelated? Do you want me to start working on the revising this version?

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

This message serves as guidance for determining value for royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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Sent from my iPhone

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From: "Osborne, Karen" <karen.osborne@onrr.gov>
Date: February 8, 2017 at 2:21:58 PM EST
To: Jerold Gidner <jerold.gidner@onrr.gov>, Greg Gould <greg.gould@onrr.gov>
Subject: Fwd: Need QUICK update

Here's the last paper provided, with the lawsuit information included.

Karen L. Osborne

Senior Program Analyst, Financial Management
Office of Natural Resources Revenue
(303) 231-3739
karen.osborne@onrr.gov

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Sent: Wed Feb 08 2017 12:58:34 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Subject: Re: Need QUICK update

Call is unrelated. And yes, please start working on it. VERY much appreciated.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

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Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

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Chris.Carey@onrr.gov

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Senior Program Analyst, Financial Management
Office of Natural Resources Revenue
(303) 231-3739
karen.osborne@onrr.gov

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----- Forwarded message -----

From: **Robson, Bonnie** <bonnie.robson@onrr.gov>
Date: Mon, Jan 23, 2017 at 8:19 AM
Subject: Re: Need QUICK update
To: "Gidner, Jerold" <jerold.gidner@onrr.gov>
Cc: Karen Osborne <karen.osborne@onrr.gov>, Michael DeBerard <michael.deberard@onrr.gov>

I added the final bullet on the first page to cover the three lawsuits.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53

PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Mon, Jan 23, 2017 at 8:08 AM, Gidner, Jerold
<jerold.gidner@onrr.gov> wrote:

Hi all - please see attached briefing paper. Greg needs info on the lawsuits added. FOR A BRIEFING IN 22 MINUTES!

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrrresource/> for employee news, resources, and events.
And visit <https://useiti.doi.gov/> for the US Extractive Industries
Transparency Initiative data portal

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 13:05:21 GMT-0700 (MST)
To: "Dawson, Lisa A" <lisa.dawson@onrr.gov>
Subject: Fwd: Need QUICK update
Attachments: ISSUE - Valuation Regulations ONRR 1 23 17.docx

Here's the draft we're working off of...

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

This message serves as guidance for determining value for royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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----- Forwarded message -----

From: **Jerold Gidner** <jerold.gidner@onrr.gov>
Date: Wed, Feb 8, 2017 at 12:51 PM
Subject: Fwd: Need QUICK update
To: chris.carey@onrr.gov

Lifesaver! I have to get on a call in 10 minutes, so can use your help. This has the latest briefing paper involved and it includes the info on the lawsuits. We have to add a piece on staying the Reg- why we want to do it and the effect of it. I will sent you the email chain from Greg momentito.

Sent from my iPhone

Begin forwarded message:

From: "Osborne, Karen" <karen.osborne@onrr.gov>
Date: February 8, 2017 at 2:21:58 PM EST
To: Jerold Gidner <jerold.gidner@onrr.gov>, Greg Gould <greg.gould@onrr.gov>
Subject: Fwd: Need QUICK update

Here's the last paper provided, with the lawsuit information included.

Karen L. Osborne
Senior Program Analyst, Financial Management
Office of Natural Resources Revenue
(303) 231-3739
karen.osborne@onrr.gov

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Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
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Office: (303) 231-3729
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Office of Policy, Management, and Budget
4040 MIB
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And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

ISSUE: Valuation Regulations

I. KEY POINTS

- As part of the Department’s overall regulatory reform efforts, ONRR published a final rule in the *Federal Register* on July 1, 2016, amending the regulations that govern the valuation of Federal oil and gas and Federal and Indian coal. The effective date of the final rule was January 1, 2017.
- The regulatory changes in the final rule do not alter the underlying principles of the current regulations.
- The changes are designed to simplify and clarify aspects of the existing regulation, decrease industry’s cost of compliance and the government’s cost of enforcement, streamline audits, and reduce the risk of litigation.
- In October and November 2016, ONRR held five in-person training sessions for the oil and gas industry and three for the coal industry—all held in industry centers across the Southern and the Western United States. In addition, ONRR offered a Webex training in early December in order to reach those who are unable to attend the in-person trainings.

[Add info about lawsuits here]

II. OPPORTUNITIES AND CHALLENGES

The final regulation may generate strong interest from industry, environmental groups, American Indian mineral owners, and the public for the following reasons:

- News media, particularly Reuters, have published stories alleging Powder River Basin coal mines have exploited a “loophole” in existing regulations to facilitate coal exports at higher prices overseas (while paying royalties based on lower domestic prices). Extensive analysis has found this to not be the case. The new rule eliminates any confusion and ensures that companies pay every dollar due on coal production.
- Industry will be particularly interested in any changes in valuation methodologies that may impact (increase) their royalty payments to the government for oil, gas, or coal production, particularly with declining oil prices.
- American Indian Tribes will be attentive for any impacts to their coal production receipts.
- Congressional/political interests may try to raise “war on coal” or “war on energy” issues.
- Environmental groups will maintain their focus on the environmental impacts of fossil fuel production and whether citizens are getting a fair value for taxpayer-owned assets.
- On December 29, 2016, three petitions were filed in U.S. District Court for the District of Wyoming by the American Petroleum Institute, Cloud Peak Energy, Inc., the National Mining Association, the Wyoming Mining Association, Black Hills Corp., Tri-State Generation and Transmission Ass’n, Basin Electric Power Cooperative, and Western Fuels-Wyoming, Inc. The petitions seek to invalidate the regulations, claiming they are without statutory authority, arbitrary, and capricious.

III. BACKGROUND

- The current oil, gas, and coal valuation regulations—originally put in place for natural gas and coal in the late 1980s—have not kept pace with the significant market changes that have occurred in the domestic natural gas and coal markets since that time. The oil evaluation regulations are a decade old.
- The Department and ONRR initially announced its intent to update and simplify valuation regulations for Federal and American Indian coal, and Federal oil and gas through two separate Advance Notices of Proposed Rulemaking (ANPRs) published in the Federal Register on May 27, 2011. This announcement began the public engagement process, requested comments and suggestions from affected parties and the interested public before proposing changes to the existing regulations.
- After deliberate and careful consideration of the information gained from these outreach initiatives, the Department published the Proposed Consolidated Federal Oil and Gas and Federal and Indian Coal Valuation Rule in the Federal Register on January 6, 2015.
- ONRR received more than 1,000 pages of comments from over 300 commenters and over 190,000 petition signatories during the open comment period on the rule. In drafting the final rule, ONRR carefully considered the input that it received from States, Tribes, industry trade associations, public interest groups, companies, and private citizens.
- The final rule does not alter the underlying principles of the current royalty valuation regulations. In the final valuation regulations, the Department reaffirmed that the best indicator of value, for royalty purposes, of crude oil and natural gas produced from Federal leases and coal produced from Federal and Indian leases is the gross proceeds from arm’s-length contracts.
- In non-arm’s-length or no-sale situations of natural gas and coal, ONRR eliminated the current benchmarks (a series of indicators used to derive market value) and replaced them with valuation methodology options using the first arm’s-length-sale price.
- The new “default” provision addresses valuation situations where circumstances result in the Secretary of the Interior’s (authority delegated to ONRR) inability to reasonably determine the correct value of production. The default provision codifies the existing authority to determine the value of production for royalty purposes and specifically enumerates the when, where, and how the discretion will be used.

IV. PREPARED BY: Richard Adamski, Office of Natural Resources Revenue, Senior Advisor, 202-513-0598

DATE: September 20, 2016

ISSUE: Valuation Regulations

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IV. PREPARED BY: Richard Adamski, Office of Natural Resources Revenue, Senior Advisor, 202-513-0598

DATE: September 20, 2016

Conversation Contents

New Rule Stay Briefing Paper Help

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 12:35:20 GMT-0700 (MST)
To: "Gidner, Jerold" <jerold.gidner@onrr.gov>
Subject: New Rule Stay Briefing Paper Help

Hi Jerry,

Mr. Mehlhoff suggested I reach out to you. I heard Greg is looking for a briefing paper on staying the valuation rule. If you need assistance I'm here to help - just let me know.

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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Conversation Contents

null

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 08:20:18 GMT-0700 (MST)
To:
Subject:

hey there :)

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 08:22:30 GMT-0700 (MST)
To:
Subject:

Yes, Greg wants to be proactive and this seems like the best ultimate outcome. We're trying to voluntarily grant industry's request for a stay and then engage them through the a FACA committee to work out the kinks in the rule and hopefully get to something that is workable for all stakeholders. Not sure how public that is though, so try to keep it within the rule team for now...

"Boroos, Jason" <jason.boroos@onrr.gov>

From: "Boroos, Jason" <jason.boroos@onrr.gov>
Sent: Wed Feb 08 2017 08:45:46 GMT-0700 (MST)
To:
Subject:

yeah will do, thanks for the update.

"Boroos, Jason" <jason.boroos@onrr.gov>

From: "Boroos, Jason" <jason.boroos@onrr.gov>

Sent: Wed Feb 08 2017 08:47:12 GMT-0700 (MST)
To:
Subject:

Any idea on when you think it will be public? I received a a question from someone in industry on what index they would pick and I don't want them to waste time if its going to be soon

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 09:09:32 GMT-0700 (MST)
To:
Subject:

Not sure exactly... Next week hopefully...

"Boroos, Jason" <jason.boroos@onrr.gov>

From: "Boroos, Jason" <jason.boroos@onrr.gov>
Sent: Wed Feb 08 2017 09:13:32 GMT-0700 (MST)
To:
Subject:

ok

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 09:13:58 GMT-0700 (MST)
To:
Subject:

sorry I don't have more on timing :(

"Boroos, Jason" <jason.boroos@onrr.gov>

From: "Boroos, Jason" <jason.boroos@onrr.gov>
Sent: Wed Feb 08 2017 09:14:00 GMT-0700 (MST)
To:

Subject:

Do you have any suggestions on what I should say to the company? Or do you guys have any canned responses that might work?

"Boroos, Jason" <jason.boroos@onrr.gov>

From: "Boroos, Jason" <jason.boroos@onrr.gov>
Sent: Wed Feb 08 2017 09:14:10 GMT-0700 (MST)
To:
Subject:

That's ok, I understand that it's variable.

"Boroos, Jason" <jason.boroos@onrr.gov>

From: "Boroos, Jason" <jason.boroos@onrr.gov>
Sent: Wed Feb 08 2017 09:14:28 GMT-0700 (MST)
To:
Subject:

I sent an email back to the company saying I'd look into it, trying to buy some time

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 09:15:03 GMT-0700 (MST)
To:
Subject:

We have been providing guidance in line with the new rule, but giving company a heads up that the rule has been litigated and could be stayed. But for now, the new rule is in effect.

"Boroos, Jason" <jason.boroos@onrr.gov>

From: "Boroos, Jason" <jason.boroos@onrr.gov>
Sent: Wed Feb 08 2017 09:15:10 GMT-0700 (MST)
To:
Subject:

ok

"Boroos, Jason" <jason.boroos@onrr.gov>

From: "Boroos, Jason" <jason.boroos@onrr.gov>
Sent: Wed Feb 08 2017 09:15:43 GMT-0700 (MST)
To:
Subject:

I have a draft response that I'll send to the company today, would you be willing to take a look at it before I send it?

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Wed Feb 08 2017 09:16:04 GMT-0700 (MST)
To:
Subject:

absolutely :)

"Boroos, Jason" <jason.boroos@onrr.gov>

From: "Boroos, Jason" <jason.boroos@onrr.gov>
Sent: Wed Feb 08 2017 09:16:18 GMT-0700 (MST)
To:
Subject:

thank you



Conversation Contents

null

"Boroos, Jason" <jason.boroos@onrr.gov>

From: "Boroos, Jason" <jason.boroos@onrr.gov>
Sent: Tue Feb 07 2017 15:11:40 GMT-0700 (MST)
To:
Subject:

so I heard from a little bird that we might have a stay on the rule.....

Conversation Contents

null

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Mon Feb 06 2017 15:54:05 GMT-0700 (MST)
To:
Subject:

Hey Chris!!

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Mon Feb 06 2017 15:54:07 GMT-0700 (MST)
To:
Subject:

Bonnie told me to follow up with you and/or Amy re helping with some Federal Register notice on the rule.

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Mon Feb 06 2017 15:54:25 GMT-0700 (MST)
To:
Subject:

yes'm :)

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Mon Feb 06 2017 15:54:37 GMT-0700 (MST)
To:

Subject:

What's the plan, Stan?

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Mon Feb 06 2017 15:54:38 GMT-0700 (MST)
To:
Subject:

Just got off the phone with Amy, Peter, Karl, and Matt Wheeler

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Mon Feb 06 2017 15:54:52 GMT-0700 (MST)
To:
Subject:

:)

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Mon Feb 06 2017 15:54:54 GMT-0700 (MST)
To:
Subject:

I'm already at a disadvantage!

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Mon Feb 06 2017 15:55:06 GMT-0700 (MST)
To:
Subject:

We are publishing a FR notice to stay the rule

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Mon Feb 06 2017 15:55:25 GMT-0700 (MST)
To:
Subject:

Timeline?

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Mon Feb 06 2017 15:55:46 GMT-0700 (MST)
To:
Subject:

ASAP

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Mon Feb 06 2017 15:56:37 GMT-0700 (MST)
To:
Subject:

Matt's drafting it right now and will send it to us in the next day or two

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Mon Feb 06 2017 15:57:34 GMT-0700 (MST)
To:
Subject:

Not sure what the review process will be, but I'm thinking we're hoping to publish it next week maybe?

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

Sent: Mon Feb 06 2017 15:58:51 GMT-0700 (MST)
To:
Subject:

I'm out of town Thursday - Monday. Can make it in on Tuesday. Kinda throws a kink in my end

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Mon Feb 06 2017 16:20:29 GMT-0700 (MST)
To:
Subject:

What's your ext? I can call and explain more...

"Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>

From: "Dawson, Lisa A" <Elizabeth.Dawson@onrr.gov>
Sent: Mon Feb 06 2017 16:20:40 GMT-0700 (MST)
To:
Subject:

13653

Conversation Contents

Fwd: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule

Attachments:

/1. Fwd: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule/1.1 Dear Reporter Letter Stay Valuation 2-2017.pdf

"Dietrick, Mary" <mary.dietrick@onrr.gov>

From: "Dietrick, Mary" <mary.dietrick@onrr.gov>
Sent: Thu Feb 23 2017 11:25:30 GMT-0700 (MST)
Greg Gould <greg.gould@onrr.gov>, Kimbra Davis <kimbra.davis@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>, "Lambert, Barbara" <Barbara.Lambert@onrr.gov>, Glen Reese <glen.reese@onrr.gov>, Jim Steward <jim.steward@onrr.gov>
To:
Subject: Fwd: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule
Attachments: Dear Reporter Letter Stay Valuation 2-2017.pdf

I sent the solids reporters the email regarding the Stay. See message below. They were bcc'd so each person received their own copy.

I am waiting for the Oil and Gas distribution address and will send it as soon as it is received. I will keep you informed when it goes out.

----- Forwarded message -----

From: Dietrick, Mary <mary.dietrick@onrr.gov>
Date: Thu, Feb 23, 2017 at 11:18 AM
Subject: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule
To: Mary Dietrick <Mary.Dietrick@onrr.gov>

The Office of Natural Resources Revenue (ONRR) is staying the Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule. Please see the attached Dear Reporter Letter for details on the stay and how to report royalties going forward.

--

Mary Dietrick
Supervisory, Minerals Revenue Specialist
Reporting Services
303-231-3318
1-800-525-0309 x13318
FAX: 303-231-3700

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www.twitter.com/DOIONRR

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Mary Dietrick
Supervisory, Minerals Revenue Specialist
Reporting Services
303-231-3318
1-800-525-0309 x13318
FAX: 303-231-3700

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www.facebook.com/DOIONRR

www.twitter.com/DOIONRR

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Thu Feb 23 2017 11:29:11 GMT-0700 (MST)
To: "Dietrick, Mary" <mary.dietrick@onrr.gov>
Subject: Re: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule

Thanks Mary!

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

This message serves as guidance for determining value for Federal royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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Date: Thu, Feb 23, 2017 at 11:18 AM

Subject: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule

To: Mary Dietrick <Mary.Dietrick@onrr.gov>

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Mary Dietrick
Supervisory, Minerals Revenue Specialist
Reporting Services
303-231-3318
1-800-525-0309 x13318
FAX: 303-231-3700

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"Dietrick, Mary" <mary.dietrick@onrr.gov>

From: "Dietrick, Mary" <mary.dietrick@onrr.gov>
Sent: Thu Feb 23 2017 13:59:29 GMT-0700 (MST)
Greg Gould <greg.gould@onrr.gov>, Kimbra Davis <kimbra.davis@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>, "Lambert, Barbara" <Barbara.Lambert@onrr.gov>, Glen Reese <glen.reese@onrr.gov>, Jim Steward <jim.steward@onrr.gov>
To:
Subject: Re: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule

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"Dietrick, Mary" <mary.dietrick@onrr.gov>

From: "Dietrick, Mary" <mary.dietrick@onrr.gov>
Sent: Thu Feb 23 2017 17:15:30 GMT-0700 (MST)
To: Greg Gould <greg.gould@onrr.gov>, Kimbra Davis <kimbra.davis@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>, "Lambert, Barbara" <Barbara.Lambert@onrr.gov>, Glen Reese <glen.reese@onrr.gov>, Jim Steward <jim.steward@onrr.gov>
Subject: Re: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule

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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Thu Feb 23 2017 17:31:28 GMT-0700 (MST)

To: "Dietrick, Mary" <mary.dietrick@onrr.gov>
Greg Gould <greg.gould@onrr.gov>, Kimbra Davis <kimbra.davis@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>, "Lambert, Barbara" <Barbara.Lambert@onrr.gov>, Glen Reese <glen.reese@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>

CC:

Subject: Re: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule

Mary,

Thanks for your efforts. They are much appreciated.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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"Lambert, Barbara" <barbara.lambert@onrr.gov>

From: "Lambert, Barbara" <barbara.lambert@onrr.gov>
Sent: Mon Mar 06 2017 08:40:41 GMT-0700 (MST)
To: "Dietrick, Mary" <mary.dietrick@onrr.gov>, Hans Meingast <hans.meingast@onrr.gov>
Greg Gould <greg.gould@onrr.gov>, Kimbra Davis <kimbra.davis@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>, Glen Reese <glen.reese@onrr.gov>, Jim Steward <jim.steward@onrr.gov>
CC:
Subject: Re: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule

All,

I have some unanswered questions on this. I will be setting set up a meeting in the near future to get my questions addressed.

Thank you,

Barbara J. Lambert
Program Manager, Financial Management
Financial & Production Management (FPM)
DOI, Office of the Secretary, ONRR

Email: Barbara.Lambert@onrr.gov

Office: (303) 231-3289

Work Cell: (303) 330-5334

Fax: (303) 445-8762

Ke Akua Ho'omaikai Oe

"Your criterion for involvement should be that you're heard and understood....All sides cannot prevail but all

opinions have value in shaping the right answer." Harvard Business School

"People who say it cannot be done should not interrupt those who are doing it." George Bernard Shaw

It is said "Attitudes are contagious." Is yours worth catching?

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United States Department of the Interior

OFFICE OF NATURAL RESOURCES REVENUE

P.O. Box 25165
Denver, Colorado 80225-0165

FEB 22 2017

Subject: Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule

Dear Reporter:

The Office of Natural Resources Revenue (ONRR) published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule (2017 Valuation Rule) on July 1, 2016.¹ The 2017 Valuation Rule took effect on January 1, 2017, with first reports due on February 28, 2017. On December 29, 2016, several petitioners filed separate petitions challenging the rule in U.S. District Court for the District of Wyoming.² In light of the pending litigation, ONRR has decided to postpone the effective date of the 2017 Valuation Rule until the litigation is resolved pursuant to Section 705 of the Administrative Procedure Act, 5 U.S.C. 705. ONRR will publish a Federal Register notice to this effect as soon as possible.

Federal and Indian Lessees should continue to value, report, and pay royalties under the rules that were in effect prior to January 1, 2017. This applies to the January 2017 production month reports due on February 28, 2017, and continues until the litigation is resolved and ONRR provides notice of the result.

ONRR has prepared a Frequently Asked Questions (FAQ) document to help affected Federal and Indian lessees navigate the stay process. The FAQ document will be posted on ONRR's website at www.onrr.gov as soon as possible.

ONRR understands that some lessees have already converted their accounting systems to comply with the 2017 Valuation Rule. ONRR also understands that it may be difficult to reconvert those systems to report and pay royalties under the prior rules by the February 28, 2017 deadline. As such, ONRR provides the following interim guidance on how to report and pay royalties in light of the postponement.

- Lessees should report and pay royalties under the prior rules as soon as possible to avoid potential misreporting and royalty underpayments.

¹ See 81 FR 43338 – July 1, 2016

² *Cloud Peak Energy, Inc. v. United States Dep't of the Interior*, Case No. 16CV315-F (D. Wyo.); *American Petroleum Inst. V. United States Dep't of the Interior*, Case No. 16CV316-F (D. Wyo.); *Tri-State Generation and transmission Ass'n, Inc., Basin Electric Power Cooperative, and Western Fuels-Wyoming, Inc., v. United States Dep't of the Interior*, Case No. 16CV319-F (D. Wyo.)

- Lessees that have not converted their accounting systems to comply with the 2017 Valuation Rule should continue reporting and paying royalties under the prior rules.
- Lessees that are able to convert their accounting systems to report and pay royalties under the prior rules by the February 28, 2017, deadline should report and pay royalties under the prior rules.
- Lessees that cannot convert their accounting systems to report and pay January 2017 production month royalties under the prior rules before the February 28, 2017, deadline should report and pay royalties as their accounting system allows by February 28, 2017. ONRR will not assess a civil penalty for any reporting issue that results from the postponement of the 2017 Valuation Rule as long as the lessee corrects the reporting issue by August 31, 2017. ONRR will also work with affected lessees to correct their reporting. Lessees should convert their accounting systems to report and pay royalties under the prior rules as soon as possible to avoid royalty underpayments.

If you have questions about the status of the 2017 Valuation Rule or the effect of this stay, please visit ONRR's website at www.onrr.gov.

Sincerely,

A handwritten signature in blue ink that reads "J D Steward". The signature is written in a cursive style with a large initial "J" and "D".

James D. Steward
Deputy Director

Conversation Contents

Re: Sending the DR Letter and Director Response to the Petitioner

Attachments:

/2. Re: Sending the DR Letter and Director Response to the Petitioner/1.1 Dear Reporter Letter Stay Valuation 2-2017.pdf
/2. Re: Sending the DR Letter and Director Response to the Petitioner/1.2 Signed Response Valuation Rule 2-17.pdf
/2. Re: Sending the DR Letter and Director Response to the Petitioner/1.3 Signed Valuation Rule Response 2.pdf
/2. Re: Sending the DR Letter and Director Response to the Petitioner/1.4 Signed Valuation Rule Response3.pdf
/2. Re: Sending the DR Letter and Director Response to the Petitioner/1.5 Signed Valuation Rule Response 4.pdf
/2. Re: Sending the DR Letter and Director Response to the Petitioner/9.1 Dear Reporter Royalty_RentDoc gt 20160101.xlsx
/2. Re: Sending the DR Letter and Director Response to the Petitioner/11.1 Federal Coal Mines contact list as of 2-27-2017.xlsx

"Steward, Jim" <jim.steward@onrr.gov>

From: "Steward, Jim" <jim.steward@onrr.gov>
Sent: Wed Feb 22 2017 16:10:23 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Greg Gould <greg.gould@onrr.gov>, Christina Mathers <Christina.Mathers@onrr.gov>
CC:
Subject: Re: Sending the DR Letter and Director Response to the Petitioner
Dear Reporter Letter Stay Valuation 2-2017.pdf Signed Response Valuation Rule 2-17.pdf Signed Valuation Rule Response 2.pdf Signed Valuation Rule Response3.pdf Signed Valuation Rule Response 4.pdf
Attachments:

Matt,

I am confirming that ONRR is prepared to accomplish both items (1) and (2) immediately following the February 23 morning briefing.

I attached scanned copies of all referenced correspondence.

Thanks,

Jim

On Wed, Feb 22, 2017 at 3:05 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Jim:

Per our discussion, please confirm the following today, as soon as everything is in place and ready to go:

(1) ONRR is prepared to send the signed Dear Reporter Letter to all lessees affected by the Stay via an email blast, and prepared to post the signed Dear Reporter Letter on its website, tomorrow morning immediately after ONRR's 9 a.m. briefing.

(2) ONRR is prepared to send the signed Director Letter to the Petitioners attorneys, by email and FedEx, tomorrow morning immediately after ONRR's 9 a.m. briefing. I attached the letter so you can see to whom the letter should be distributed.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

Matthew Wheeler <matthew.wheeler@sol.doi.gov>

From: Matthew Wheeler <matthew.wheeler@sol.doi.gov>
Sent: Wed Feb 22 2017 16:30:58 GMT-0700 (MST)
To: "Steward, Jim" <jim.steward@onrr.gov>
Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Greg Gould <greg.gould@onrr.gov>, Christina Mathers <Christina.Mathers@onrr.gov>
CC:
Subject: Re: Sending the DR Letter and Director Response to the Petitioner

Thank you. I confirmed the same with Matt and Jack. Sent from my iPhone > On Feb 22, 2017, at 4:11 PM, Steward, Jim <jim.steward@onrr.gov> wrote: > > Matt, > I am confirming that ONRR is prepared to accomplish both items (1) and (2) > immediately following the February 23 morning briefing. > > I attached scanned copies of all referenced correspondence. > > Thanks, > Jim > > On Wed, Feb 22, 2017 at 3:05 PM, Wheeler, Matthew < > matthew.wheeler@sol.doi.gov> wrote: > >> Jim: >> >> Per our

discussion, please confirm the following today, as soon as >> everything is in place and ready to go: >> >> (1) ONRR is prepared to send the signed Dear Reporter Letter to all >> lessees affected by the Stay via an email blast, and prepared to post the >> signed Dear Reporter Letter on its website, tomorrow morning immediately >> after ONRR's 9 a.m. briefing. >> >> (2) ONRR is prepared to send the signed Director Letter to the >> Petitioners attorneys, by email and FedEx, tomorrow morning immediately >> after ONRR's 9 a.m. briefing. I attached the letter so you can see to whom >> the letter should be distributed. >> >> Thanks, >> >> Matthew J. Wheeler >> U.S. Department of the Interior >> Office of the Solicitor, Rocky Mountain Region >> 755 Parfet St., Suite 151 >> Lakewood, CO 80215 >> matthew.wheeler@sol.doi.gov >> Phone: (303) 445-0595 >> Fax: (303) 231-5363 >> >> >> >>

Greg Gould <greg.gould@onrr.gov>

From: Greg Gould <greg.gould@onrr.gov>
Sent: Wed Feb 22 2017 16:36:53 GMT-0700 (MST)
To: Matthew Wheeler <matthew.wheeler@sol.doi.gov>
"Steward, Jim" <jim.steward@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Christina Mathers <Christina.Mathers@onrr.gov>
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Subject: Re: Sending the DR Letter and Director Response to the Petitioner

I just arrived in DC and talked to Amy, we should be all set to go at around 10:00 DC time.

I'll keep you posted if that changes.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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matthew.wheeler@sol.doi.gov

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<Dear Reporter Letter Stay Valuation 2-2017.pdf>

<Signed Response Valuation Rule 2-17.pdf>

<Signed Valuation Rule Response 2.pdf>

<Signed Valuation Rule Response3.pdf>

<Signed Valuation Rule Response 4.pdf>

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Wed Feb 22 2017 16:40:24 GMT-0700 (MST)
To: Greg Gould <greg.gould@onrr.gov>
Matthew Wheeler <matthew.wheeler@sol.doi.gov>, "Steward, Jim" <jim.steward@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Christina Mathers <Christina.Mathers@onrr.gov>
CC:
Subject: Re: Sending the DR Letter and Director Response to the Petitioner

I'm ready to press the send button on your response to the petitioners' letter, though I'm awaiting for your word to do so.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Email: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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matthew.wheeler@sol.doi.gov

Phone: (303) 445-0595

Fax: (303) 231-5363

<Dear Reporter Letter Stay Valuation 2-2017.pdf>

<Signed Response Valuation Rule 2-17.pdf>

<Signed Valuation Rule Response 2.pdf>

<Signed Valuation Rule Response3.pdf>

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Wed Feb 22 2017 18:00:45 GMT-0700 (MST)
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
Subject: Fwd: Sending the DR Letter and Director Response to the Petitioner

Looks like 8:00 AM is the target time.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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matthew.wheeler@sol.doi.gov

Phone: (303) 445-0595

Fax: (303) 231-5363

<Dear Reporter Letter Stay Valuation 2-2017.pdf>

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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Wed Feb 22 2017 18:01:06 GMT-0700 (MST)
To:
Subject: Re: Sending the DR Letter and Director Response to the Petitioner

-Peter A Christnacht-
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matthew.wheeler@sol.doi.gov

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<Dear Reporter Letter Stay Valuation 2-2017.pdf>

<Signed Response Valuation Rule 2-17.pdf>

<Signed Valuation Rule Response 2.pdf>

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<Signed Valuation Rule Response 4.pdf>

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Wed Feb 22 2017 18:09:32 GMT-0700 (MST)
To: "mary.dietrick@onrr.gov" <mary.dietrick@onrr.gov>
CC: Kimberly Jackson <kimberly.jackson@onrr.gov>
Subject: Fwd: Sending the DR Letter and Director Response to the Petitioner

Mary,

Thanks for your help on this.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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Date: Wed, Feb 22, 2017 at 4:30 PM

Subject: Re: Sending the DR Letter and Director Response to the Petitioner

To: "Steward, Jim" <jim.steward@onrr.gov>

Cc: Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Greg Gould <greg.gould@onrr.gov>, Christina Mathers <Christina.Mathers@onrr.gov>

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> <Signed Response Valuation Rule 2-17.pdf>
> <Signed Valuation Rule Response 2.pdf>
> <Signed Valuation Rule Response3.pdf>
> <Signed Valuation Rule Response 4.pdf>

"Jackson, Kimberly" <kimberly.jackson@onrr.gov>

From: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Sent: Wed Feb 22 2017 18:35:29 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Subject: Re: Sending the DR Letter and Director Response to the Petitioner

Perfect. I'll be in tomorrow no later than 7:30am.

--Kimberly

On Wed, Feb 22, 2017 at 6:00 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

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-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
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Phone: (303) 445-0595
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Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

Royalty Valuation | Consistent Answers To Complex Questions

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"Dietrick, Mary" <mary.dietrick@onrr.gov>

From: "Dietrick, Mary" <mary.dietrick@onrr.gov>
Sent: Fri Feb 24 2017 08:38:06 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
CC: Kimberly Jackson <kimberly.jackson@onrr.gov>
Subject: Re: Sending the DR Letter and Director Response to the Petitioner
Attachments: Dear Reporter Royalty_RentDoc gt 20160101.xlsx

Barbara Lambert and Glen Reese feel that these items need to be sent out by Valuation. I had the address list ran for all of the Oil and Gas reporters and included rent reporters (in case they becoming producing). You will need to create labels and then have the contractor send out the letter. Your administrative staff will send out the letter to the attorney's.

On Wed, Feb 22, 2017 at 6:09 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

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> matthew.wheeler@sol.doi.gov> wrote:

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>>

>> Matthew J. Wheeler

>> U.S. Department of the Interior

>> Office of the Solicitor, Rocky Mountain Region

>> 755 Parfet St., Suite 151

>> Lakewood, CO 80215

>> matthew.wheeler@sol.doi.gov

>> Phone: (303) 445-0595

>> Fax: (303) 231-5363

>>

> <Dear Reporter Letter Stay Valuation 2-2017.pdf>

> <Signed Response Valuation Rule 2-17.pdf>

> <Signed Valuation Rule Response 2.pdf>

> <Signed Valuation Rule Response3.pdf>

> <Signed Valuation Rule Response 4.pdf>

--

Mary Dietrick
Supervisory, Minerals Revenue Specialist
Reporting Services
303-231-3318
1-800-525-0309 x13318
FAX: 303-231-3700

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www.twitter.com/DOIONRR

"Jackson, Kimberly" <kimberly.jackson@onrr.gov>

From: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Sent: Fri Feb 24 2017 08:55:05 GMT-0700 (MST)
To: "Dietrick, Mary" <mary.dietrick@onrr.gov>
CC: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Subject: Re: Sending the DR Letter and Director Response to the Petitioner

We're fine labeling and addressing envelopes--we plan on doing that as we did with the last iteration of Dear Reporter Letters that were submitted last year. What I need from you are any updates to the roster or oil, gas, and coal payors from the last roster I received--any additions or mergers or address corrections of note.

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Mary,

Thanks for your help on this.

-Peter A Christnacht-

Supervisor, Royalty Valuation, Team B

Office of Natural Resource Revenue

303 231-3651 Desk

303 565-9513 Cell

Fax 303 231-3744

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----- Forwarded message -----

From: **Matthew Wheeler** <matthew.wheeler@sol.doi.gov>

Date: Wed, Feb 22, 2017 at 4:30 PM

Subject: Re: Sending the DR Letter and Director Response to the Petitioner

To: "Steward, Jim" <jim.steward@onrr.gov>

Cc: Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>,

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Office of Natural Resources Revenue
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"Rausch, Michael" <michael.rausch@onrr.gov>

From: "Rausch, Michael" <michael.rausch@onrr.gov>
Sent: Mon Feb 27 2017 13:14:49 GMT-0700 (MST)
To: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
"Anspach, Michael" <michael.anspach@onrr.gov>,
"Dechant, Hannah" <hannah.dechant@onrr.gov>, Christina
Lynch <christina.lynch@onrr.gov>, "Mason, Jeremy"
<Jeremy.Mason@onrr.gov>, Peter Christnacht
CC: <peter.christnacht@onrr.gov>, Karen Garza
<karen.garza@onrr.gov>, Jessica Polacek
<jessica.polacek@onrr.gov>, Vickie Stolns
<vickie.stolns@onrr.gov>, "O'Quinn, Minnie"
<Minnie.O'Quinn@onrr.gov>
Subject: Re: Sending the DR Letter and Director Response to the
Petitioner
Attachments: Federal Coal Mines contact list as of 2-27-2017.xlsx

See attached Excel spreadsheet documenting all Federal Coal Mines that report to ONRR including Contact Name, Email Address, Phone Number. Some contacts are the same for various mines within other States. Feel free to sort however best benefits this process.

On Mon, Feb 27, 2017 at 7:33 AM, Jackson, Kimberly <kimberly.jackson@onrr.gov> wrote:

Thank you both.

--Kimberly

On Mon, Feb 27, 2017 at 6:39 AM, Anspach, Michael <michael.anspach@onrr.gov> wrote:

Hi Michael,

Please provide the requested list to Kimberly.

Thanks,

Mike Anspach

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From: **Jackson, Kimberly** <kimberly.jackson@onrr.gov>

Date: Fri, Feb 24, 2017 at 9:14 AM

Subject: Fwd: Sending the DR Letter and Director Response to the Petitioner

To: Michael Anspach <michael.anspach@onrr.gov>

Good Morning Michael,

When you're able, would it be possible to send me a list of your coal payors? We have to send Dear Reporter letters to all of our payors regarding the stay on our valuation rule.

Thank you in advance for your help!

Best,

Kimberly

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From: **Dietrick, Mary** <mary.dietrick@onrr.gov>

Date: Fri, Feb 24, 2017 at 9:10 AM

Subject: Re: Sending the DR Letter and Director Response to the Petitioner

To: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>

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Office of Natural Resources Revenue

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Thank You,

Mike Anspach

Office of Natural Resources Revenue

Distribution & Disbursement Support Services

Reference Data - Team 3 Supervisor

(303) 231-3618

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Michael Rausch
Office of Natural Resources Revenue
Distribution and Disbursement Support Services
Reference Team 3 (Solid Minerals)
303-231-3336
michael.rausch@onrr.gov

"Jackson, Kimberly" <kimberly.jackson@onrr.gov>

From: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Sent: Mon Feb 27 2017 13:20:40 GMT-0700 (MST)
To: "Rausch, Michael" <michael.rausch@onrr.gov>
"Anspach, Michael" <michael.anspach@onrr.gov>, "Dechant, Hannah" <hannah.dechant@onrr.gov>, Christina Lynch <christina.lynch@onrr.gov>, "Mason, Jeremy" <Jeremy.Mason@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Karen Garza <karen.garza@onrr.gov>, Jessica Polacek <jessica.polacek@onrr.gov>, Vickie Stolns <vickie.stolns@onrr.gov>, "O'Quinn, Minnie" <Minnie.O'Quinn@onrr.gov>
CC:
Subject: Re: Sending the DR Letter and Director Response to the Petitioner

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Subject: Re: Sending the DR Letter and Director Response to the Petitioner

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Subject: Re: Sending the DR Letter and Director Response to the Petitioner

To: "Steward, Jim" <jim.steward@onrr.gov>

Cc: Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Greg Gould <greg.gould@onrr.gov>, Christina Mathers <Christina.Mathers@onrr.gov>

<greg.gould@onrr.gov>, Christina Mathers <Christina.Mathers@onrr.gov>

<Christina.Mathers@onrr.gov>

Thank you. I confirmed the same with Matt and Jack.

Sent from my iPhone

> On Feb 22, 2017, at 4:11 PM, Steward, Jim <jim.steward@onrr.gov>

wrote:

>

> Matt,

> I am confirming that ONRR is prepared to accomplish both items (1) and (2)

> immediately following the February 23 morning briefing.

>

> I attached scanned copies of all referenced correspondence.

>

> Thanks,

> Jim

>

> On Wed, Feb 22, 2017 at 3:05 PM, Wheeler, Matthew <

> matthew.wheeler@sol.doi.gov> wrote:

>

>> Jim:

>>

>> Per our discussion, please confirm the following today, as soon as
>> everything is in place and ready to go:

>>

>> (1) ONRR is prepared to send the signed Dear Reporter Letter to all
>> lessees affected by the Stay via an email blast, and prepared to post
the

>> signed Dear Reporter Letter on its website, tomorrow morning
immediately

>> after ONRR's 9 a.m. briefing.

>>

>> (2) ONRR is prepared to send the signed Director Letter to the
>> Petitioners attorneys, by email and FedEx, tomorrow morning
immediately

>> after ONRR's 9 a.m. briefing. I attached the letter so you can see to
whom

>> the letter should be distributed.

>>

>> Thanks,

>>

>> Matthew J. Wheeler

>> U.S. Department of the Interior

>> Office of the Solicitor, Rocky Mountain Region

>> 755 Parfet St., Suite 151

>> Lakewood, CO 80215

>> matthew.wheeler@sol.doi.gov

>> Phone: (303) 445-0595

>> Fax: (303) 231-5363

>>

> <Dear Reporter Letter Stay Valuation 2-2017.pdf>

> <Signed Response Valuation Rule 2-17.pdf>

> <Signed Valuation Rule Response 2.pdf>

> <Signed Valuation Rule Response3.pdf>

> <Signed Valuation Rule Response 4.pdf>

--

Mary Dietrick
Supervisory, Minerals Revenue Specialist
Reporting Services
303-231-3318
1-800-525-0309 x13318
FAX: 303-231-3700

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--

Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

Royalty Valuation | Consistent Answers To Complex Questions

This message serves as guidance for determining value for royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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www.twitter.com/DOIONRR

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--

Thank You,

Mike Anspach

Office of Natural Resources Revenue

Distribution & Disbursement Support Services

Reference Data - Team 3 Supervisor

(303) 231-3618

Pre-Decisional document, for U.S. Government Use Only

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--

Michael Rausch
Office of Natural Resources Revenue
Distribution and Disbursement Support Services
Reference Team 3 (Solid Minerals)
303-231-3336
michael.rausch@onrr.gov

--

Kimberly A. Jackson
Royalty Valuation Team A
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mail.



United States Department of the Interior

OFFICE OF NATURAL RESOURCES REVENUE

Washington, DC 20240

FEB 22 2017

John F. Shepherd
Walter F. Eggers, III
Tina Van Bockern
Holland & Hart LLP
555 Seventeenth Street, Suite 3200
Post Office Box 8749
Denver, CO 80201-8749

Dear Ms. Van Bockern, Mr. Shepherd, and Mr. Eggers:

Thank you for your letter dated February 17, 2017, requesting that the Office of Natural Resources Revenue (ONRR) postpone implementation of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Rule (Rule) under Section 705 of the Administrative Procedure Act (APA). As you know, the Rule was published in the Federal Register on July 1, 2016 and took effect on January 1, 2017. The first reports under the Rule are due by February 28, 2017.

While we do not agree with all legal conclusions in your letter, in light of the pending litigation and for the following reasons, ONRR will postpone the effective date of the Rule until the issues raised in the judicial actions challenging it have been definitively resolved.

First, while ONRR believes that the Rule was properly promulgated, we agree that you have raised serious questions concerning the validity of certain provisions in the Rule. Given this legal uncertainty, we believe that it is critical to maintain the status quo until the litigation is resolved.

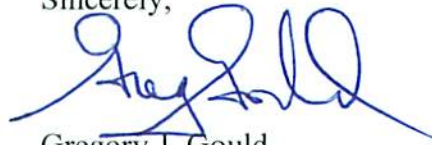
Second, we believe that the stay will enhance the lessees' ability to timely and accurately report and pay royalties. Many lessees, including the petitioners, have raised legitimate questions concerning how to properly report and pay royalties under the Rule. Given these judicial and administrative uncertainties, relying on the previous regulatory system will reduce uncertainty and enhance ONRR's ability to collect and verify natural resource revenues while the litigation is pending, which is in the best interest of the States, Tribes, individual Indian lessors, and the general public.

Third, a postponement will avoid the substantial cost to both the regulated community and ONRR of retroactively correcting and verifying all revenue reports if the Rule is invalidated as a result of the pending litigation. We realize that those lessees that have already updated their accounting systems to report and pay royalties under the Rule will incur a cost to reconvert the systems to report and pay royalties under the previous rule. But the cost of reconverting those systems now is less than what that cost would be if the Rule is invalidated and lessees must reconvert their accounting systems and correct all royalty reports submitted under the invalidated Rule.

Finally, the United States will suffer no significant harm from postponing the effective date of the Rule while the litigation is pending. As you noted, the Rule is not expected to have a significant impact on the economy. 81 FR 43338, 43368 (July 1, 2016). Thus, postponing the effective date of the Rule will not cause any appreciable economic harm to the general public. In fact, we believe the regulatory certainty provided by the postponement will enhance ONRR's mission to collect and verify natural resource revenues, which is in the best interest of the royalty beneficiaries and the United States.

ONRR will publish a Federal Register notice postponing the effective of the Rule under Section 705 of the APA as soon as possible. ONRR will also issue a Dear Reporter that notifies lessees of the postponement and provides guidance on how to report.

Sincerely,



Gregory J. Gould
Director

cc:

Rex E. Johnson
Brian D. Artery
Sherard, Sherard, Artery & Johnson
602 10th Street
Wheatland, Wyoming 82201

Gail L. Wurtzler
Kathleen C. Schroder
Davis, Graham & Stubbs LLP
1550 Seventeenth Street, Suite 500
Denver, Colorado 80202

Peter J. Schaumberg
James M. Auslander
Beveridge & Diamond, P.C
130 I Street, NW, Suite 700
Washington, D.C. 20005-3311



United States Department of the Interior

OFFICE OF NATURAL RESOURCES REVENUE

Washington, DC 20240

FEB 22 2017

Gail L. Wurtzler
Kathleen C. Schroder
Davis, Graham & Stubbs LLP
1550 Seventeenth Street, Suite 500
Denver, Colorado 80202

Dear Ms. Wurtzler and Ms. Schroder:

Thank you for your letter dated February 17, 2017, requesting that the Office of Natural Resources Revenue (ONRR) postpone implementation of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Rule (Rule) under Section 705 of the Administrative Procedure Act (APA). As you know, the Rule was published in the Federal Register on July 1, 2016 and took effect on January 1, 2017. The first reports under the Rule are due by February 28, 2017.

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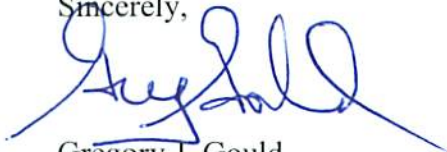
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Sincerely,



Gregory J. Gould
Director

cc:

John F. Shepherd
Walter F. Eggers, III
Tina Van Bockern
Holland & Hart LLP
555 Seventeenth Street, Suite 3200
Post Office Box 8749
Denver, Colorado 80201-8749

Rex E. Johnson
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130 I Street, NW, Suite 700
Washington, D.C. 20005-3311



United States Department of the Interior

OFFICE OF NATURAL RESOURCES REVENUE

Washington, DC 20240

FEB 22 2017

Rex E. Johnson
Brian D. Artery
Sherard, Sherard, Artery & Johnson
602 10th Street
Wheatland, Wyoming 82201

Dear Mr. Johnson and Mr. Artery:

Thank you for your letter dated February 17, 2017, requesting that the Office of Natural Resources Revenue (ONRR) postpone implementation of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Rule (Rule) under Section 705 of the Administrative Procedure Act (APA). As you know, the Rule was published in the Federal Register on July 1, 2016 and took effect on January 1, 2017. The first reports under the Rule are due by February 28, 2017.

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Finally, the United States will suffer no significant harm from postponing the effective date of the Rule while the litigation is pending. As you noted, the Rule is not expected to have a significant impact on the economy. 81 FR 43338, 43368 (July 1, 2016). Thus, postponing the effective date of the Rule will not cause any appreciable economic harm to the general public. In fact, we believe the regulatory certainty provided by the postponement will enhance ONRR's mission to collect and verify natural resource revenues, which is in the best interest of the royalty beneficiaries and the United States.

ONRR will publish a Federal Register notice postponing the effective of the Rule under Section 705 of the APA as soon as possible. ONRR will also issue a Dear Reporter that notifies lessees of the postponement and provides guidance on how to report.

Sincerely,



Gregory J. Gould
Director

cc:

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Kathleen C. Schroder
Davis, Graham & Stubbs LLP
1550 Seventeenth Street, Suite 500
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John F. Shepherd
Walter F. Eggers, III
Tina Van Bockern
Holland & Hart LLP
555 Seventeenth Street, Suite 3200
Post Office Box 8749
Denver, Colorado 80201-8749

Conversation Contents

Postponement of Effectiveness of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform final rule

Attachments:

/3. Postponement of Effectiveness of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform final rule/1.1 11823.pdf

"Southall, Armand" <armand.southall@onrr.gov>

From: "Southall, Armand" <armand.southall@onrr.gov>
Sent: Mon Feb 27 2017 10:11:16 GMT-0700 (MST)
To: ONRR Web Mailbox <onrrweb@onrr.gov>
CC: "Robson, Bonnie" <bonnie.robson@onrr.gov>, "Christnacht, Peter" <Peter.Christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>
Subject: Postponement of Effectiveness of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform final rule
Attachments: 11823.pdf

Hello, Web Team--

Please post the attached Federal Register notice re: Postponement of Effectiveness of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform final rule on the webpages below. Let us know if you have any questions.

www.onrr.gov

Under the "**FR Notices**" tab of "**Press Releases, News, & Current Events**," please post as follows:

FR 11823 [[Hyperlink "FR 11823" with attachment included in this email.](#)]

Denver, CO –

On July 1, 2016, the Office of Natural Resources Revenue (ONRR) published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Final Rule (2017 Valuation Rule) in the **Federal Register**. On December 29, 2016, three separate petitions challenging the 2017 Valuation Rule were filed in the United States District Court for the District of Wyoming. In light of the existence and potential consequences of the pending litigation, ONRR has concluded that justice requires it to postpone the effectiveness of the 2017 Valuation Rule pursuant to 5 U.S.C. 705 of the Administrative Procedure Act, pending judicial review.

Federal Register - Monday,

February 27, 2017

- www.onrr.gov/Laws_R_D/FRNotices/default.htm

Place the following under subheading "**2017**" [of "**Current FRNs**" heading]:

February 27, 2017—82 FR 11823 (PDF) On July 1, 2016, the Office of Natural Resources Revenue (ONRR) published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Final Rule (2017 Valuation Rule) in the **Federal Register**. On December 29, 2016, three separate petitions challenging the 2017 Valuation Rule were filed in the United States District Court for the District of Wyoming. In light of the existence and potential consequences of the pending litigation, ONRR has concluded that justice requires it to postpone the effectiveness of the 2017 Valuation Rule pursuant to 5 U.S.C. 705 of the Administrative Procedure Act, pending judicial review.

[[Hyperlink "February 27, 2017—82 FR 11823" above with attachment included in this email.](#)]

- www.onrr.gov/Laws_R_D/FRNotices/AA13.htm

Place the attached **Federal Register notice** as follows under the "Abstract," above the "**Final Rulemaking: (81 FR 43338 --July 1, 2016)**" information:

- Postponement of Effectiveness of the Final Rulemaking (82 FR 11823--February 27, 2017) (PDF)

[[Hyperlink "82 FR 11823—February 27, 2017"](#) above with attachment included in this email.]

Thanks,

L. Armand Southall

*Regulatory Specialist
Rules & Regs Team / Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals
Office of Natural Resources Revenue
Denver Federal Center / Bldg 53, Cube 50
P.O. Box 25165, MS 64400
Denver, Colorado 80225-0165
303.231.3221 | 303.231.3362 (fax)*

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effective September 15, 2016, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL SD E5 Wessington Springs, SD [New]

Wessington Springs Airport, SD
(Lat. 44°03'43" N., long. 098°31'56" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Wessington Springs Airport

Issued in Fort Worth, Texas, on February 9, 2017.

Vonnie L. Royal,

*Acting Manager, Operations Support Group,
ATO Central Service Center.*

[FR Doc. 2017-03543 Filed 2-24-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Parts 1202 and 1206

[Docket No. ONRR-2012-0004; DS63644000 DR2000000.CH7000 178D0102R2]

RIN 1012-AA13

Postponement of Effectiveness of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform 2017 Valuation Rule

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Notification; postponement of effectiveness.

SUMMARY: On July 1, 2016, the Office of Natural Resources Revenue (ONRR) published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Final Rule (2017 Valuation Rule or Rule) in the **Federal Register**. On December 29, 2016, three separate petitions challenging the 2017 Valuation Rule were filed in the United States District Court for the District of Wyoming. In light of the existence and potential consequences of the pending litigation, ONRR has concluded that justice requires it to postpone the effectiveness of the 2017 Valuation Rule pursuant to 5 U.S.C. 705 of the Administrative Procedure Act, pending judicial review.

DATES: February 27, 2017.

FOR FURTHER INFORMATION CONTACT: Peter Christnacht, Royalty Valuation team B, at 303-231-3651 or email to peter.christnacht@onrr.gov.

SUPPLEMENTARY INFORMATION: On July 1, 2016, ONRR published the 2017 Valuation Rule in the **Federal Register**.

See 81 FR 43338. The 2017 Valuation Rule changes how lessees value their production for royalty purposes and revises revenue-reporting requirements. Although the 2017 Valuation Rule took effect on January 1, 2017, Federal and Indian Lessees are not required to report and pay royalties under the Rule until February 28, 2017. Under this notification, Lessees will not be required to report and pay royalties under the Rule as of that date.

On December 29, 2016, three separate petitions were filed in the U.S. District Court for the District of Wyoming.¹ The petitions allege that certain provisions of the 2017 Valuation Rule are arbitrary, capricious, and contrary to the law. On February 17, 2017, the petitioners sent the ONRR Director a letter requesting that ONRR postpone the implementation of the 2017 Valuation Rule. The petitioners claim that lessees affected by the Rule face significant hardship and uncertainty in the face of reporting under the rule for the first time on February 28, 2017. The petitioners also claim that the new reporting and payment requirements in the Rule are difficult, and in some cases impossible, to comply with by the royalty reporting deadline; a difficulty exacerbated by the fact that non-compliant lessees may be exposed to significant civil penalties.

Under Section 705 of the Administrative Procedure Act “[w]hen an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review.” 5 U.S.C. 705. In light of the pending litigation, and for the following reasons, ONRR has concluded that justice requires it to postpone the effectiveness of the 2017 Valuation Rule until the judicial challenges to the Rule are resolved.

First, the postponement will preserve the regulatory status quo while the litigation is pending and the Court decides whether to uphold the regulation. While ONRR believes the 2017 Valuation Rule was properly promulgated, the petitioners have raised serious questions concerning the validity of certain provisions of the Rule, including the expansion of the “default provision” and the use of the sales price of electricity for certain coal-royalty valuations. Given this legal uncertainty, maintaining the status quo

is critical for a number of reasons. First, a postponement will avoid the substantial cost of retroactively correcting and verifying all revenue reports if the 2017 Valuation Rule is invalidated, in whole or in part, as a result of the pending litigation. Federal and Indian lessees affected by the 2017 Valuation Rule submit approximately 450,000 reporting lines every production month. If the Court invalidates the 2017 Valuation Rule, affected lessees would be forced to correct and resubmit reporting lines for each production month that the Rule is in effect. ONRR would be required to review and verify the same. Thus, postponing the 2017 Valuation Rule will avoid forcing both the regulated community and ONRR to perform the complicated, time-consuming, and costly task of correcting and verifying revenue reports and payments if the 2017 Valuation Rule is invalidated as a result of the pending litigation.²

In addition, the postponement will enhance the lessees’ ability to timely and accurately report and pay royalties because they will be using a well-known system that has been in place for the last 25 years. ONRR has received numerous legitimate questions from lessees on how to apply the 2017 Valuation Rule, some of which will require additional consideration and time before ONRR can definitively answer them; thus increasing the likelihood that lessees will initially report incorrectly and later need to adjust their reports. In addition, the Court may resolve some of these issues differently than ONRR, again increasing the likelihood that lessees will need to submit corrected reports. Given these judicial and administrative uncertainties, relying on the previous regulatory system while the litigation is pending will reduce uncertainty and enhance ONRR’s ability to collect and verify natural resource revenues, which is in the best interest of all those who benefit from royalty payments, including States, Tribes, individual Indian lessors, and the general public.

The United States will suffer no significant harm from postponing the effectiveness of the 2017 Valuation Rule while the litigation is pending. As noted in the preamble to the final rule, the implementation of the Rule is not expected to have a significant impact on

¹ *Cloud Peak Energy, Inc. v. United States Dep’t of the Interior*, Case No. 16CV315-F (D. Wyo.);

American Petroleum Inst. V. United States Dep’t of the Interior, Case No. 16CV316-F (D. Wyo.); *Tri-State Generation and transmission Ass’n, Inc., Basin Electric Power Cooperative, and Western Fuels-Wyoming, Inc., v. United States Dep’t of the Interior*, Case No. 16CV319-F (D. Wyo.)

² Some lessees have likely converted their accounting systems to report and pay royalties under the new rule. While these lessees will incur a cost to revert back to the pre-existing system, the cost of doing so now, before the first reporting period, will be much less than if the reversion is required later upon judicial order, and the lessee is required to correct its reporting for each month it reported under the Rule.

the economy. 81 FR 43338, 43368. Thus, postponing the effectiveness of the Rule will not cause any appreciable economic harm to the general public. In fact, the interests of all royalty beneficiaries will be enhanced by the regulatory certainty provided by the postponement, as discussed above. In contrast, the regulated community will suffer harm without the postponement, especially if the Rule is later invalidated by the Court. If the Rule is invalidated, the regulated community would not only incur the unreimbursable costs of reverting back to the old system, but would also incur the substantial costs of correcting its reports and royalty payments for each production month.

In sum, in light of the existence and consequences of the pending litigation, and given the potentially irreparable harm that could result if the 2017 Valuation Rule is immediately implemented, ONRR has determined that the public interest and justice requires postponing the effectiveness of the 2017 Valuation Rule until the litigation is resolved.

Accordingly, pursuant to Section 705 of the Administrative Procedure Act, 5 U.S.C. 705, ONRR has postponed the effectiveness of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Final Rule pending judicial review.

Dated: February 22, 2017.

Gregory J. Gould,

Director, Office of Natural Resources Revenue.

[FR Doc. 2017-03861 Filed 2-24-17; 8:45 am]

BILLING CODE P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 80 and 95

[WT Docket No. 14-36; FCC 16-119]

Marine Radio Equipment and Related Matters

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, information collection requirements adopted in the Commission's Report and Order, FCC 16-119. This document is consistent with the Report and Order, which stated that the Commission would publish a document in the

Federal Register announcing OMB approval and the effective date of the rules.

DATES: The rule amendments to 47 CFR 80.233, 80.1061, 95.1402 and 95.1403, published at 81 FR 90739, December 15, 2016, are effective on February 27, 2017.

FOR FURTHER INFORMATION CONTACT:

Cathy Williams by email at *Cathy.Williams@fcc.gov* and telephone at (202) 418-2918.

SUPPLEMENTARY INFORMATION: This document announces that, on February 13, 2017, OMB approved information collection requirements contained in the Commission's Report and Order, FCC 16-119, published at 81 FR 90739. The OMB Control Number is 3060-1227. The Commission publishes this notice as an announcement of the effective date of those information collection requirements.

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on February 13, 2017, for the information collection requirements contained in 47 CFR 80.233, 80.1061, 95.1402, 95.1403, as amended in the Commission's Report and Order, FCC 16-119. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060-1227.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060-1227.

OMB Approval Date: February 13, 2017.

OMB Expiration Date: February 29, 2020.

Title: Sections 80.233, Technical Requirements for Automatic Identification System Search and Rescue Transmitter (AIS-SART) Equipment, 80.1061, Special requirements for 406.0-406.1 MHz EPIRB Stations, 95.1402, Special Requirements for 406 MHz PLBs and 95.1403, Special Requirements for Maritime Survivor Locating Devices.

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 80 respondents; 80 responses.

Estimated Time per Response: 1 hour.
Frequency of Response: Third party disclosure requirement and on-occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 154, 303 unless otherwise noted.

Total Annual Burden: 80 hours.

Total Annual Cost: No cost.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The information collections contained in these rule sections require manufacturers of certain emergency radio beacons to include supplemental information with their equipment certification application which are due to the information collection requirements which were adopted by the Federal Communications Commission in FCC 16-119 on August 30, 2016. Manufacturers of Automatic Identification System Search and Rescue Transmitters (AIS-SARTS), 406 MHz Emergency Position Indicating RadioBeacons (EPIRBs), and Maritime Survivor Locating Device (MSLDs) must provide a copy of letter from the U.S. Coast Guard stating their device satisfies technical requirements specified in the IEC 61097-17 technical standard for AIS-SARTs, or Radio Technical Commission for Maritime Services (RTCM) Standard 11000 for 406 MHz EPIRBs, or RTCM Standard 11901 for MSLDs. They must also provide a copy or the technical test data, and the instruction manual(s). For 406 MHz PLBs manufacturers must include documentation from COSPAS/SARSAT recognized test facility that the PLB satisfies the technical requirements specified in COSPAS-SARSAT Standard C/S T.001 and COSPAS-SARSAT Standard C/S T.007 standards and documentation from an independent test facility stating that the PLB complies RTCM Standard 11010.2. The information is used by Telecommunications Certification Bodies (TCBs) to determine if the devices meets the necessary international technical standards and insure compliance with applicable rules. If this information were not available, operation of marine safety equipment could be hindered threatening the ability of rescue personnel to locate vessels in distress.

Conversation Contents

Stay of 2017 Consolidated Valuation Rule

Attachments:

- /4. Stay of 2017 Consolidated Valuation Rule/1.1 Dear Reporter Letter Stay Valuation 2-2017 (1).pdf
- /4. Stay of 2017 Consolidated Valuation Rule/2.1 Dear Reporter Letter Stay Valuation 2-2017 (1).pdf

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Thu Feb 23 2017 09:42:05 GMT-0700 (MST)
ONRR ALL Denver Federals
<onrralldenverfederals@onrr.gov>, ONRR STRAC
To: Managers <onrrstracmanagers@onrr.gov>, ONRR STRAC
All States <onrrstracallstates@onrr.gov>, ONRR STRAC All
Tribes <onrrallstractribedl@onrr.gov>
Subject: Stay of 2017 Consolidated Valuation Rule
Attachments: Dear Reporter Letter Stay Valuation 2-2017 (1).pdf

Good Morning All,

In light of pending litigation challenging ONRR's recent final valuation regulations, the Department of Interior has directed ONRR to postpone the effective date of the 2017 Valuation Rule until the litigation is resolved. Since royalties are not due for January production (the first production governed by the 2017 rule) until February 28, 2017, all Federal oil and gas and all Federal and Indian coal should continued to be valued under the rules in effect for December 2016 production. The attached Dear Reporter letter provides further details.

-Peter A Christnacht-

Acting Program Manager, Asset Valuation

Office of Natural Resource Revenue

303 231-3651 Desk

303 565-9513 Cell

Fax 303 231-3744

This message serves as guidance for determining value for Federal royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in

conducting audits and as a basis for demanding additional royalties.

Warning: This message is intended only for use of the individual or entity to which it is addressed and may contain information that is privileged or confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail.

"Browne, Stacey" <stacey.browne@onrr.gov>

From: "Browne, Stacey" <stacey.browne@onrr.gov>
Sent: Thu Feb 23 2017 10:02:29 GMT-0700 (MST)
Peter Christnacht <peter.christnacht@onrr.gov>, Michael DeBerard <michael.deberard@onrr.gov>, Robert Sudar <robert.sudar@onrr.gov>, "Dietrick, Mary" <mary.dietrick@onrr.gov>, "glen.reese@onrr.gov" <glen.reese@onrr.gov>
To:
CC: Barbara Lambert <Barbara.Lambert@onrr.gov>
Subject: Fwd: Stay of 2017 Consolidated Valuation Rule
Attachments: Dear Reporter Letter Stay Valuation 2-2017 (1).pdf

Glen and Mary, are there any edits that we need to turn down because of this decision. Please let me know as soon as possible.

Thanks, Stacey

----- Forwarded message -----

From: **Christnacht, Peter** <peter.christnacht@onrr.gov>
Date: Thu, Feb 23, 2017 at 9:42 AM
Subject: Stay of 2017 Consolidated Valuation Rule
To: ONRR ALL Denver Federals <onrralldenverfederals@onrr.gov>, ONRR STRAC Managers <onrrstracmanagers@onrr.gov>, ONRR STRAC All States <onrrstracallstates@onrr.gov>, ONRR STRAC All Tribes <onrrallstractribedl@onrr.gov>

Good Morning All,

In light of pending litigation challenging ONRR's recent final valuation regulations, the Department of Interior has directed ONRR to postpone the effective date of the 2017 Valuation Rule until the litigation is resolved. Since royalties are not due for January production (the first production governed by the 2017 rule) until February 28, 2017, all Federal oil and gas and all Federal and Indian coal should continued to be valued under the rules in effect for December 2016 production. The attached Dear Reporter letter provides further details.

-Peter A Christnacht-

Acting Program Manager, Asset Valuation

Office of Natural Resource Revenue

303 231-3651 Desk

303 565-9513 Cell

Fax 303 231-3744

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--

Stacey D. Browne, PMP, FAC P/PM, COR

Program Analyst

Information Management Center

MRMSS Management Team

Work - 303-231-3177

Cell - 720-746-8964

Fax - 303-231-3998

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Conversation Contents

ONRR Response to Request to Postpone Implementation of Oil, Gas, and Coal Valuation Rule

Attachments:

- /5. ONRR Response to Request to Postpone Implementation of Oil, Gas, and Coal Valuation Rule/1.1 Response to Request for Stay 1 - Schaumberg-Auslander.pdf
- /5. ONRR Response to Request to Postpone Implementation of Oil, Gas, and Coal Valuation Rule/1.2 Response to Request for Stay 2 - Shepherd-Eggers-VanBockern.pdf
- /5. ONRR Response to Request to Postpone Implementation of Oil, Gas, and Coal Valuation Rule/1.3 Response to Request for Stay 3 - Johnson-Artery.pdf
- /5. ONRR Response to Request to Postpone Implementation of Oil, Gas, and Coal Valuation Rule/1.4 Response to Request for Stay 4 - Wurtzler-Schroder.pdf

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Thu Feb 23 2017 08:35:03 GMT-0700 (MST)
"Peter J. Schaumberg" <pschaumberg@bdlaw.com>, "James M. Auslander" <jauslander@bdlaw.com>, "John F. Shepherd" <jshepherd@hollandhart.com>, "Walter F. Eggers" <weggers@hollandhart.com>, Tina Van Bockern <trvanbockern@hollandhart.com>, "Rex E. Johnson" <rex@ssjwyolaw.com>, "Brian D. Artery" <brian@ssjwyolaw.com>, "Gail L. Wurtzler" <gail.wurtzler@dgsllaw.com>, "Kathleen C. Schroder" <katie.schroder@dgsllaw.com>
To:
CC: "Gould, Greg" <greg.gould@onrr.gov>
BCC: peter.christnacht@onrr.gov
Subject: ONRR Response to Request to Postpone Implementation of Oil, Gas, and Coal Valuation Rule
Response to Request for Stay 1 - Schaumberg-Auslander.pdf Response to Request for Stay 2 - Shepherd-Eggers-VanBockern.pdf Response to Request for Stay 3 - Johnson-Artery.pdf Response to Request for Stay 4 - Wurtzler-Schroder.pdf
Attachments:

Dear Mssrs. Schaumberg, Auslander, Shepherd, Eggers, Johnson, and Artery, and Mses. Wurtzler, Schroder, and Van Bockern:

Thank you for your February 17, 2017 letter to ONRR's Director Gould requesting a stay of the effective date of ONRR's Consolidated Federal Oil & Gas and Federal & Indian Valuation Rule, which was published in the Federal Register on July 1, 2016. Attached is Director Gould's response.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Email: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

From: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>
To: "Greg.Gould@onrr.gov" <Greg.Gould@onrr.gov>
Cc: "Matthew.wheeler@sol.doi.gov" <Matthew.wheeler@sol.doi.gov>, "John F. Shepherd" <JShepherd@hollandhart.com>, "gail.wurtzler@dgsllaw.com" <gail.wurtzler@dgsllaw.com>, "Rex Johnson (rex@ssjwyolaw.com)" <rex@ssjwyolaw.com>, "Jack Haugrud (jack.haugrud@sol.doi.gov)" <jack.haugrud@sol.doi.gov>, "Rebecca.Jaffe@usdoj.gov" <Rebecca.Jaffe@usdoj.gov>, "Nick.Vassallo@usdoj.gov" <Nick.Vassallo@usdoj.gov>
Subject: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

Dear Director Gould:

Attached is a letter on behalf of the Petitioners in the Wyoming District Court litigation challenging the Final ONRR Oil, Gas and Coal Valuation Rule requesting that you postpone the rule's implementation pursuant to 5 U.S.C. § 705 for the reasons set forth in the letter. Petitioners request that you take action to postpone implementation of the Final Rule before February 28, 2017, the date the first royalty reports under the Final Rule are due to ONRR.

If you have any questions regarding the Petitioners request for postponement of the Final Rule's implementation, please do not hesitate to contact me.

Sincerely,

Peter Schaumberg

Peter J. Schaumberg

Principal

BEVERIDGE & DIAMOND, P.C.

1350 I Street, NW, Suite 700, Washington, DC 20005

Office 202.789.6043 Cell 301.518.2901 PSchaumberg@bdlaw.com

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Bonnie Robson <bonnie.robson@onrr.gov>

From: Bonnie Robson <bonnie.robson@onrr.gov>

Sent: Thu Feb 23 2017 09:04:53 GMT-0700 (MST)
To: peter.christnacht@onrr.gov, amy.lunt@onrr.gov, karl.wunderlich@onrr.gov,
kimberly.jackson@onrr.gov
Subject: Fwd: ONRR Response to Request to Postpone Implementation of Oil, Gas,
and Coal Valuation Rule

Lead counsel has received and read letter (below).

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior

Begin forwarded message:

From: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>
Date: February 23, 2017 at 8:59:21 AM MST
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Subject: RE: ONRR Response to Request to Postpone Implementation of Oil, Gas, and Coal Valuation Rule

Thanks Bonnie.

Peter

----- Original message -----

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Date: 2/23/17 10:35 AM (GMT-05:00)
To: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>, "James M. Auslander" <JAuslander@bdlaw.com>, "John F. Shepherd" <jshepherd@hollandhart.com>, "Walter F. Eggers" <weggiers@hollandhart.com>, Tina Van Bockern <trvanbockern@hollandhart.com>, "Rex E. Johnson" <rex@ssjwyolaw.com>, "Brian D. Artery" <brian@ssjwyolaw.com>, "Gail L. Wurtzler" <gail.wurtzler@dgslaw.com>, "Kathleen C. Schroder" <katie.schroder@dgslaw.com>
Cc: "Gould, Greg" <greg.gould@onrr.gov>
Subject: ONRR Response to Request to Postpone Implementation of Oil, Gas, and Coal Valuation Rule

Dear Msrs. Schaumberg, Auslander, Shepherd, Eggers, Johnson, and Artery, and Mes. Wurtzler, Schroder, and Van Bockern:

Thank you for your February 17, 2017 letter to ONRR's Director Gould requesting a stay of the effective date of ONRR's Consolidated Federal Oil & Gas and Federal & Indian Valuation Rule, which was published in the Federal Register on July 1, 2016. Attached is Director Gould's response.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

From: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>
To: "Greg.Gould@onrr.gov" <Greg.Gould@onrr.gov>

Cc: "Matthew.wheeler@sol.doi.gov" <Matthew.wheeler@sol.doi.gov>, "John F. Shepherd" <JShepherd@hollandhart.com>, "gail.wurtzler@dgsllaw.com" <gail.wurtzler@dgsllaw.com>, "Rex Johnson (rex@ssjwyolaw.com)" <rex@ssjwyolaw.com>, "Jack Haugrud (jack.haugrud@sol.doi.gov)" <jack.haugrud@sol.doi.gov>, "Rebecca.Jaffe@usdoj.gov" <Rebecca.Jaffe@usdoj.gov>, "Nick.Vassallo@usdoj.gov" <Nick.Vassallo@usdoj.gov>

Subject: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

Dear Director Gould:

Attached is a letter on behalf of the Petitioners in the Wyoming District Court litigation challenging the Final ONRR Oil, Gas and Coal Valuation Rule requesting that you postpone the rule's implementation pursuant to 5 U.S.C. § 705 for the reasons set forth in the letter. Petitioners request that you take action to postpone implementation of the Final Rule before February 28, 2017, the date the first royalty reports under the Final Rule are due to ONRR.

If you have any questions regarding the Petitioners request for postponement of the Final Rule's implementation, please do not hesitate to contact me.

Sincerely,

Peter Schaumberg

Peter J. Schaumberg

Principal

BEVERIDGE & DIAMOND, P.C.

1350 I Street, NW, Suite 700, Washington, DC 20005

Office 202.789.6043 **Cell** 301.518.2901 PSchaumberg@bdlaw.com

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Bonnie Robson <bonnie.robson@onrr.gov>

From:

Bonnie Robson <bonnie.robson@onrr.gov>

Sent: Thu Feb 23 2017 09:51:19 GMT-0700 (MST)
To: armand.southall@onrr.gov, luis.aguilar@onrr.gov, matt.williams@onrr.gov, peter.christnacht@onrr.gov, amy.lunt@onrr.gov, karl.wunderlich@onrr.gov
CC: jerold.gidner@onrr.gov, michael.deberard@onrr.gov
Subject: Fwd: ONRR Response to Request to Postpone Implementation of Oil, Gas, and Coal Valuation Rule

FYI....

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior

Begin forwarded message:

From: "Gould, Greg" <greg.gould@onrr.gov>
Date: February 23, 2017 at 9:29:21 AM MST
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>, Matthew Wheeler <matthew.wheeler@sol.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>
Subject: Re: ONRR Response to Request to Postpone Implementation of Oil, Gas, and Coal Valuation Rule

Bonnie,

Thanks for getting these out and for all the work so far, truly a great job. With that said, no good deed goes on punished. The decision this morning was for ONRR to prepare both an ANOPR, with the first question being, do we need to change the rules, and for ONRR to write a proposed rule that withdraws the current rule, short and to the point, with a short comment period. Please work with Mike and Matt Wheeler as needed.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Thu, Feb 23, 2017 at 10:35 AM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:
Dear Mssrs. Schaumberg, Auslander, Shepherd, Eggers, Johnson, and Artery, and Mses. Wurtzler, Schroder, and Van Bockern:

Thank you for your February 17, 2017 letter to ONRR's Director Gould requesting a stay of the effective date of ONRR's Consolidated Federal Oil & Gas and Federal & Indian Valuation Rule, which was published in the Federal Register on July 1, 2016. Attached is Director Gould's response.

Bonnie Robson

Program Manager, Appeals & Regulations
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U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
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From: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>
To: "Greg.Gould@onrr.gov" <Greg.Gould@onrr.gov>
Cc: "Matthew.wheeler@sol.doi.gov" <Matthew.wheeler@sol.doi.gov>, "John F. Shepherd" <JShepherd@hollandhart.com>, "gail.wurtzler@dgsllaw.com" <gail.wurtzler@dgsllaw.com>, "Rex Johnson (rex@ssjwyolaw.com)" <rex@ssjwyolaw.com>, "Jack Haugrud (jack.haugrud@sol.doi.gov)" <jack.haugrud@sol.doi.gov>, "Rebecca.Jaffe@usdoj.gov" <Rebecca.Jaffe@usdoj.gov>, "Nick.Vassallo@usdoj.gov" <Nick.Vassallo@usdoj.gov>
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Peter J. Schaumberg

Principal

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Office 202.789.6043 Cell 301.518.2901 PSchaumberg@bdlaw.com

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United States Department of the Interior

OFFICE OF NATURAL RESOURCES REVENUE

Washington, DC 20240

FEB 22 2017

Peter J. Schaumberg
James M. Auslander
Beveridge & Diamond, P.C
130 I Street, NW, Suite 700
Washington, D.C. 20005-3311

Dear Mr. Schaumberg and Mr. Auslander:

Thank you for your letter dated February 17, 2017, requesting that the Office of Natural Resources Revenue (ONRR) postpone implementation of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Rule (Rule) under Section 705 of the Administrative Procedure Act (APA). As you know, the Rule was published in the Federal Register on July 1, 2016 and took effect on January 1, 2017. The first reports under the Rule are due by February 28, 2017.

While we do not agree with all legal conclusions in your letter, in light of the pending litigation and for the following reasons, ONRR will postpone the effective date of the Rule until the issues raised in the judicial actions challenging it have been definitively resolved.

First, while ONRR believes that the Rule was properly promulgated, we agree that you have raised serious questions concerning the validity of certain provisions in the Rule. Given this legal uncertainty, we believe that it is critical to maintain the status quo until the litigation is resolved.

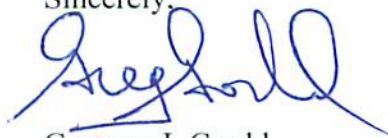
Second, we believe that the stay will enhance the lessees' ability to timely and accurately report and pay royalties. Many lessees, including the petitioners, have raised legitimate questions concerning how to properly report and pay royalties under the Rule. Given these judicial and administrative uncertainties, relying on the previous regulatory system will reduce uncertainty and enhance ONRR's ability to collect and verify natural resource revenues while the litigation is pending, which is in the best interest of the States, Tribes, individual Indian lessors, and the general public.

Third, a postponement will avoid the substantial cost to both the regulated community and ONRR of retroactively correcting and verifying all revenue reports if the Rule is invalidated as a result of the pending litigation. We realize that those lessees that have already updated their accounting systems to report and pay royalties under the Rule will incur a cost to reconvert the systems to report and pay royalties under the previous rule. But the cost of reconverting those systems now is less than what that cost would be if the Rule is invalidated and lessees must reconvert their accounting systems and correct all royalty reports submitted under the invalidated Rule.

Finally, the United States will suffer no significant harm from postponing the effective date of the Rule while the litigation is pending. As you noted, the Rule is not expected to have a significant impact on the economy. 81 FR 43338, 43368 (July 1, 2016). Thus, postponing the effective date of the Rule will not cause any appreciable economic harm to the general public. In fact, we believe the regulatory certainty provided by the postponement will enhance ONRR's mission to collect and verify natural resource revenues, which is in the best interest of the royalty beneficiaries and the United States.

ONRR will publish a Federal Register notice postponing the effective of the Rule under Section 705 of the APA as soon as possible. ONRR will also issue a Dear Reporter that notifies lessees of the postponement and provides guidance on how to report.

Sincerely,



Gregory J. Gould
Director

cc:

Gail L. Wurtzler
Kathleen C. Schroder
Davis, Graham & Stubbs LLP
1550 Seventeenth Street, Suite 500
Denver, Colorado 80202

John F. Shepherd
Walter F. Eggers, III
Tina Van Bockern
Holland & Hart LLP
555 Seventeenth Street, Suite 3200
Post Office Box 8749
Denver, Colorado 80201-8749

Rex E. Johnson
Brian D. Artery
Sherard, Sherard, Artery & Johnson
602 10th Street
Wheatland, Wyoming 82201

Conversation Contents

Signed Dear Reporter Letter

Attachments:

/6. Signed Dear Reporter Letter/1.1 Dear Reporter Letter Stay Valuation 2-2017.pdf

/6. Signed Dear Reporter Letter/2.1 Dear Reporter Letter Stay Valuation 2-2017.pdf

/6. Signed Dear Reporter Letter/3.1 Dear Reporter Letter Stay Valuation 2-2017.pdf

/6. Signed Dear Reporter Letter/4.1 Dear Reporter Letter Stay Valuation 2-2017.pdf

"Mathers, Christina" <christina.mathers@onrr.gov>

From: "Mathers, Christina" <christina.mathers@onrr.gov>
Sent: Wed Feb 22 2017 15:14:26 GMT-0700 (MST)
To: Peter Christnacht <peter.christnacht@onrr.gov>
"Robson, Bonnie" <bonnie.robson@onrr.gov>, Jim Steward
CC: <jim.steward@onrr.gov>, Michael DeBerard
<michael.deberard@onrr.gov>
Subject: Signed Dear Reporter Letter
Attachments: Dear Reporter Letter Stay Valuation 2-2017.pdf

Hi All,

Please see attached.

Thank you,

Christina

--

Christina Mathers
Staff Assistant
Deputy Director's Office
Office of Natural Resources Revenue
303-231-3429 (O)
303-231-3194 (F)
Christina.Mathers@onrr.gov

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Wed Feb 22 2017 16:02:01 GMT-0700 (MST)
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
CC: Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
Subject: Fwd: Signed Dear Reporter Letter
Attachments: Dear Reporter Letter Stay Valuation 2-2017.pdf

Kim,

Here is the letter we will be sending out to our email list once we get the go ahead. Let's talk before you leave for the day. Thanks.

-Peter A Christnacht-

Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

This message serves as guidance for determining value for Federal royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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----- Forwarded message -----

From: Mathers, Christina <christina.mathers@onrr.gov>
Date: Wed, Feb 22, 2017 at 3:14 PM
Subject: Signed Dear Reporter Letter
To: Peter Christnacht <peter.christnacht@onrr.gov>
Cc: "Robson, Bonnie" <bonnie.robson@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Michael DeBerard <michael.deberard@onrr.gov>

Hi All,

Please see attached.

Thank you,

Christina

--

Christina Mathers
Staff Assistant
Deputy Director's Office
Office of Natural Resources Revenue
303-231-3429 (O)
303-231-3194 (F)
Christina.Mathers@onrr.gov

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Thu Feb 23 2017 08:14:19 GMT-0700 (MST)
To: Robert Malandri <robert.malandri@onrr.gov>
Subject: Fwd: Signed Dear Reporter Letter
Attachments: Dear Reporter Letter Stay Valuation 2-2017.pdf

Rob,

Here is the dear reporter letter that will be sent as soon as we get clearance this morning.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
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From: Christnacht, Peter <peter.christnacht@onrr.gov>
Date: Wed, Feb 22, 2017 at 4:02 PM
Subject: Fwd: Signed Dear Reporter Letter
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
Cc: Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>

Kim,

Here is the letter we will be sending out to our email list once we get the go ahead. Let's talk before you leave for the day. Thanks.

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Supervisor, Royalty Valuation, Team B
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Hi All,

Please see attached.

Thank you,

Christina

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Christina Mathers
Staff Assistant
Deputy Director's Office
Office of Natural Resources Revenue
303-231-3429 (O)
303-231-3194 (F)
Christina.Mathers@onrr.gov

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Thu Feb 23 2017 09:29:54 GMT-0700 (MST)
To: ONRR All Federals <onrrallfederals@onrr.gov>, ONRR STRAC All States <onrrstracallstates@onrr.gov>, ONRR STRAC All Tribes <onrrallstractribedl@onrr.gov>, ONRR STRAC Managers <onrrstracmanagers@onrr.gov>
Subject: Fwd: Signed Dear Reporter Letter
Attachments: Dear Reporter Letter Stay Valuation 2-2017.pdf

Good Morning All,

In light of pending litigation challenging ONRR's recent final valuation regulations, the Department of Interior has directed ONRR to postpone the effective date of the 2017 Valuation Rule until the litigation is resolved. Since royalties are not due for January production (the first production governed by the 2017 rule) until February 28, 2017, all Federal oil and gas and all Federal and Indian coal should continued to be valued under the rules in effect for December 2016 production. The attached Dear Reporter letter provides further details.

-Peter A Christnacht-

Acting Program Manager, Asset Valuation
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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Date: Wed, Feb 22, 2017 at 3:14 PM
Subject: Signed Dear Reporter Letter

To: Peter Christnacht <peter.christnacht@onrr.gov>
Cc: "Robson, Bonnie" <bonnie.robson@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Michael DeBerard <michael.deberard@onrr.gov>

Hi All,

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Thank you,

Christina

--

Christina Mathers
Staff Assistant
Deputy Director's Office
Office of Natural Resources Revenue
303-231-3429 (O)
303-231-3194 (F)
Christina.Mathers@onrr.gov

Conversation Contents

FR Notice and Valuation Rule Stay Supporting Documents

Attachments:

/8. FR Notice and Valuation Rule Stay Supporting Documents/14.1 Federal Register Notice Postponing Valuation Rule.docx

/8. FR Notice and Valuation Rule Stay Supporting Documents/14.2 ONRR Director Letter RE 705 Stay.docx

/8. FR Notice and Valuation Rule Stay Supporting Documents/14.3 Dear Reporter letter Final.docx

/8. FR Notice and Valuation Rule Stay Supporting Documents/17.1 Federal Register Notice Postponing Valuation Rule.docx

/8. FR Notice and Valuation Rule Stay Supporting Documents/17.2 ONRR Director Letter RE 705 Stay.docx

/8. FR Notice and Valuation Rule Stay Supporting Documents/17.3 Dear Reporter letter Final.docx

/8. FR Notice and Valuation Rule Stay Supporting Documents/18.1 Federal Register Notice Postponing Valuation Rule.docx

/8. FR Notice and Valuation Rule Stay Supporting Documents/18.2 ONRR Director Letter RE 705 Stay.docx

/8. FR Notice and Valuation Rule Stay Supporting Documents/18.3 Dear Reporter letter Final.docx

/8. FR Notice and Valuation Rule Stay Supporting Documents/26.1 Federal Register Notice Postponing Valuation Rule.docx

/8. FR Notice and Valuation Rule Stay Supporting Documents/26.2 ONRR Director Letter RE 705 Stay.docx

/8. FR Notice and Valuation Rule Stay Supporting Documents/26.3 Dear Reporter letter Final.docx

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Tue Feb 21 2017 12:12:18 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
"Gould, Greg" <greg.gould@onrr.gov>, "Mehlhoff, John" <john.mehlhoff@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, "Southall, Armand" <armand.southall@onrr.gov>, Matt K Williams <Matt.Williams@onrr.gov>, Christina Mathers <Christina.Mathers@onrr.gov>
CC:
Subject: FR Notice and Valuation Rule Stay Supporting Documents

Matt Wheeler,

When documents are sent over from Solicitor's Office to ONRR, please send to all on this email. I will be out of communication and unable to move the documents to the next step between 12:30-3 pm today.

Luis is going to work with Christina Mathers to prepare a FedEx overnight ASAP earliest possible delivery envelope in which we can mail three copies of the FR notice signed by Greg. Luis and Christina will also figure out what FedEx offices accept super-rush envelopes and to what hour tonight.

If the FR comes from SOL before Christina leaves today, she will print 3 copies, have Greg sign, and FedEx overnight for early morning super-rush delivery. If the FR comes from SOL after Christina leaves today, Peter, Amy, or I will print 3 copies, get Greg's signatures, and send the FedEx from a FedEx location that is still accepting for earliest possible tomorrow morning delivery.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 11:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 9:51 AM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and sending it back for a final sign off. We will have everything to you today.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 9:50 AM, Gould, Greg <greg.gould@onrr.gov> wrote:

Matt,

I reviewed all the material this weekend and have no additional comments, etc. What is the status of the package?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue*

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Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown <matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

- (1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;
- (2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;
- (3) Director Gould's response to the Petitioner's letter, which I revised per your request.
- (4) ONRR's FR notice, which I revised per your request, and;

(5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6). I will also be available by email.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

"Williams, Matt" <matthew.williams@onrr.gov>

From: "Williams, Matt" <matthew.williams@onrr.gov>
Sent: Tue Feb 21 2017 12:19:51 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>,
"Gould, Greg" <greg.gould@onrr.gov>, "Mehlhoff, John"
<john.mehlhoff@onrr.gov>, Peter Christnacht
<peter.christnacht@onrr.gov>, Amy Lunt
<amy.lunt@onrr.gov>, Karl Wunderlich
CC: <karl.wunderlich@onrr.gov>, Luis Aguilar
<luis.aguilar@onrr.gov>, "Southall, Armand"
<armand.southall@onrr.gov>, Christina Mathers
<Christina.Mathers@onrr.gov>, "Gidner, Jerold"
<jerold.gidner@onrr.gov>
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

Hey,

Overnighting it may not help. Greg is headed to DC tomorrow evening for a meeting with Jim Cason on Thursday. Cason will want Greg to brief him before sunaming (after Greg and Amy's signature and surname, respectively). Even if we somehow got Cason's surname tomorrow, Exec Sec won't clear it for at least 24 hours. Likely, we won't get this off to OFR until Friday afternoon...and that is if we get the FRN and briefing paper in the next 5 minutes.

Regards,

Matthew Williams

Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664

On Tue, Feb 21, 2017 at 2:12 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

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Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Email: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Tue Feb 21 2017 12:24:02 GMT-0700 (MST)
To: "Williams, Matt" <matt.williams@onrr.gov>
"Robson, Bonnie" <bonnie.robson@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, "Mehlhoff, John" <john.mehlhoff@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, "Southall, Armand" <armand.southall@onrr.gov>, Christina Mathers <Christina.Mathers@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>
CC:
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

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PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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To: Matthew McKeown <matthew.mckeown@sol.doi.gov>

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Sent: Tue Feb 21 2017 12:31:25 GMT-0700 (MST)
To: "Gould, Greg" <greg.gould@onrr.gov>
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CC:
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That's good to hear. We'll need Jim's surname after you Amy (according to Exec Sec). If we get it in an email today, I told Exec Sec that I'll get them an advance copy (to grease the wheels). If we get it first thing tomorrow morning, I will find a way to get Amy's and Jim's surname on the clearance record, then have it up to Exec Sec immediately thereafter. If we get all of that before 10:30 EST, Exec Sec can take it to the morning meeting on the 6th floor and, maybe, get it cleared to go by 1:45pm. If we are set for a miracle, we may be able to get it to OFR by the 2pm deadline to be on the docket for that day's intake.

Regards,

Matthew Williams
Office of Natural Resources Revenue

Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
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CC:
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

Greg,

Until what time today are you available in the office to sign this FRN?

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Tue Feb 21 2017 12:41:05 GMT-0700 (MST)
To: "Williams, Matt" <matt.williams@onrr.gov>
"Robson, Bonnie" <bonnie.robson@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, "Mehlhoff, John" <john.mehlhoff@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, "Southall, Armand" <armand.southall@onrr.gov>, Christina Mathers <Christina.Mathers@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>
CC:
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

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Matt Wheeler, when do you think you'll have the final letter to the petitioners and FR notice for me to sign? Should we just plan to have me sign it all tomorrow morning before I leave for the airport? Also, as soon as I sign the letter and the FR notice, I assume we are then cleared to do our email blast to our reporters, correct? I think the goal is to make sure the reporters know about the stay, the actual publication in the FR is more a formality, correct?

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*Acting Deputy Assistant Secretary/Director
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U.S. Department of the Interior*

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Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

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Matt,

Jim has already cleared this to go out tomorrow, so at this point I need to get it signed tonight and to Amy in the morning if possible. If we don't get it out this

afternoon, then I'll sign all of it in the morning and bring it with me to DC for everyone to clear first thing Thursday morning.

Thanks,

Greg

Gregory J. Gould

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Regards,

Matthew Williams

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Luis is going to work with Christina Mathers to prepare a FedEx overnight ASAP earliest possible delivery envelope in which we can mail three copies of the FR notice signed by Greg. Luis and Christina will also figure out what FedEx offices accept super-rush envelopes and to what hour tonight.

If the FR comes from SOL before Christina leaves today, she will print 3 copies, have Greg sign, and FedEx overnight for early morning super-rush delivery. If

the FR comes from SOL after Christina leaves today, Peter, Amy, or I will print 3 copies, get Greg's signatures, and send the FedEx from a FedEx location that is still accepting for earliest possible tomorrow morning delivery.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 11:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

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Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

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Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and sending it back for a final sign off. We will have everything to you today.

Matthew J. Wheeler
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Have a good weekend,

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Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown <matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

- (1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;
- (2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;
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To: "Gould, Greg" <greg.gould@onrr.gov>
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Bonnie Robson

Program Manager, Appeals & Regulations
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Denver Federal Center Bldg. 53
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Denver, CO 80225
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Date: Tue, Feb 21, 2017 at 11:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

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Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown <matthew.mckeown@sol.doi.gov>

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"Gidner, Jerold" <jerold.gidner@onrr.gov>

From: "Gidner, Jerold" <jerold.gidner@onrr.gov>
Sent: Tue Feb 21 2017 13:27:41 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>
CC: "Gould, Greg" <greg.gould@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

Hi Matt et al, I am forwarding these versions to Armand, Luis (in Denver) and Matt Williams (in DC). Armand and Luis will make sure its in the proper form for the FRN and get it signed here in Denver.

Greg plans to sign it before he leaves for DC tomorrow morning. We may have him hand carry it to DC.

So the earliest it will get to Exec Sec in DOI is Thursday, and the earliest it will get out to the Fed Reg is Friday as I understand it. So publication next week. We will speed it as much as possible but much of the timing is out of our hands once it goes to Exec Sec.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrresource/> for employee news, resources, and events.

And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

On Tue, Feb 21, 2017 at 2:54 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Attached are the most recent versions of both documents. Both are still being revised and not in final form. I have no concerns with responding to Peter and sending out the Dear Reporter Letter, so long as the FR notice is approved by the Department and heading towards publication. That said, I am not familiar with the FR publication process. Is there anything (or anyone) that could reject the notice to before it is published?

Matthew J. Wheeler
U.S. Department of the Interior
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On Tue, Feb 21, 2017 at 12:47 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks, please send me the latest draft of the FR and Letter I'm going to sign, so I can take another look as well. Do you have any concerns with me emailing the signed letter back to Peter once it is signed and then sending out the email blast to the reporters prior to the actual publication of the FR notice?

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
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Washington, D.C. 20240
(202) 513-0664*

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Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Email: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 11:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown

<Matthew.McKeown@sol.doi.gov>, "Steward, Jim"
<Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>,
Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff
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Sent: Tue Feb 21 2017 13:44:23 GMT-0700 (MST)
To: "Gidner, Jerold" <jerold.gidner@onrr.gov>
Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Matt Williams Matt Williams <matt.williams@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, "Gould, Greg" <greg.gould@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>
CC:
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

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4040 MIB
202-302-9731

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Subject: Re: Valuation Rule Stay Supporting Documents

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Sent: Tue Feb 21 2017 13:56:58 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
"Gidner, Jerold" <jerold.gidner@onrr.gov>, Armand Southall
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Regards,

Matthew Williams
*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

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Matt,

Jim has already cleared this to go out tomorrow, so at this point I need to get it signed tonight and to Amy in the morning if possible. If we don't get it out this afternoon, then I'll sign all of it in the morning and bring it with me to DC for everyone to clear first thing Thursday morning.

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Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
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Regards,

Matthew Williams

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Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:12 PM, Robson, Bonnie
<bonnie.robson@onrr.gov> wrote:

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Luis is going to work with Christina Mathers to prepare a FedEx overnight ASAP earliest possible delivery envelope in which we can mail three copies of the FR notice signed by Greg. Luis and Christina will also figure out what FedEx offices accept super-rush envelopes and to what hour tonight.

If the FR comes from SOL before Christina leaves today, she will print 3 copies, have Greg sign, and FedEx overnight for early morning super-rush delivery. If the FR comes from SOL after Christina leaves today, Peter, Amy, or I will print 3 copies, get Greg's signatures, and send the FedEx from a FedEx location that is still accepting for earliest possible tomorrow morning delivery.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>

Date: Tue, Feb 21, 2017 at 11:51 AM

Subject: Re: Valuation Rule Stay Supporting Documents

To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

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*Acting Deputy Assistant Secretary/Director
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Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

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Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
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Have a good weekend,

Matthew J. Wheeler
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From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown <matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

(1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;

(2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;

(3) Director Gould's response to the Petitioner's letter, which I revised per your request.

(4) ONRR's FR notice, which I revised per your request, and;

(5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6) . I will also be available by email.

Thanks,

Matthew J. Wheeler
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matthew.wheeler@sol.doi.gov
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"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Tue Feb 21 2017 15:51:38 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

CC: "Gidner, Jerold" <jerold.gidner@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

Hey Matt (Wheeler),

A quick check-in and update on timing. At this point in the day, if we do not hear back from Jack by 4:30 here in Denver, then I'll plan to sign the FR Notice tomorrow morning and bring it with me to DC when I leave at noon. We will then finish up the FR process on Thursday and Friday and I'll email out the letter to Peter and we'll get the email blast out to the reporters no later than Friday afternoon.

How does that sound?

Thanks again for all the help with this.

Greg

Gregory J. Gould

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As a point of clarification, these are not the final versions of the documents. Mr. Huagrud and/or Mr. McKeown may still make edits to the documents. Please do not sign, file or edit anything until I send an email with the final versions of the documents.

Matthew J. Wheeler
U.S. Department of the Interior
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755 Parfet St., Suite 151
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matthew.wheeler@sol.doi.gov

Phone: (303) 445-0595

Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 1:27 PM, Gidner, Jerold <jerold.gidner@onrr.gov> wrote:
Hi Matt et al, I am forwarding these versions to Armand, Luis (in Denver) and Matt Williams (in DC). Armand and Luis will make sure its in the proper form for the FRN and get it signed here in Denver.

Greg plans to sign it before he leaves for DC tomorrow morning. We may have him hand carry it to DC.

So the earliest it will get to Exec Sec in DOI is Thursday, and the earliest it will get out to the Fed Reg is Friday as I understand it. So publication next week. We will speed it as much as possible but much of the timing is out of our hands once it goes to Exec Sec.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrresource/> for employee news, resources, and events.

And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

On Tue, Feb 21, 2017 at 2:54 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Attached are the most recent versions of both documents. Both are still being revised and not in final form. I have no concerns with responding to Peter and sending out the Dear Reporter Letter, so long as the FR notice is approved by the Department and heading towards publication. That said, I am not familiar with the FR publication process. Is there anything (or anyone) that could reject the notice to before it is published?

Matthew J. Wheeler
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Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 12:47 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks, please send me the latest draft of the FR and Letter I'm going to sign, so I can take another look as well. Do you have any concerns with me emailing the signed letter back to Peter once it is signed and then sending out the email blast to the reporters prior to the actual publication of the FR notice?

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
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On Tue, Feb 21, 2017 at 12:43 PM, Wheeler, Matthew
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I just sent everything off to Jack for his review. I'm not sure what his schedule looks like, but assuming he approves them with some minor edits, it won't take me long to get them in final form to send to ONRR.

Matthew J. Wheeler
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On Tue, Feb 21, 2017 at 12:41 PM, Gould, Greg <greg.gould@onrr.gov>
wrote:

Thanks Matt Williams, that's our goal and we will make adjustments as needed.

Matt Wheeler, when do you think you'll have the final letter to the petitioners and FR notice for me to sign? Should we just plan to have me sign it all tomorrow morning before I leave for the airport? Also, as soon as I sign the letter and the FR notice, I assume we are then cleared to do our email blast to our reporters, correct? I think the goal is to make sure the reporters know about the stay, the actual publication in the FR is more a formality, correct?

Thanks,

Greg

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Program Manager, Appeals & Regulations

Office of Natural Resources Revenue

U.S. Department of the Interior

Denver Federal Center Bldg. 53

PO Box 25165

Denver, CO 80225

Email: bonnie.robson@onrr.gov

Office: (303) 231-3729

Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>

Date: Tue, Feb 21, 2017 at 11:51 AM

Subject: Re: Valuation Rule Stay Supporting Documents

To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin

Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley

<Amy_Holley@ios.doi.gov>, Matthew McKeown

<Matthew.McKeown@sol.doi.gov>, "Steward, Jim"

<Jim.Steward@onrr.gov>, Jerold Gidner

<jerold.gidner@onrr.gov>, Bonnie Robson

<bonnie.robson@onrr.gov>, John Mehlhoff

<john.mehlhoff@onrr.gov>, "DeBerard, Michael"

<michael.deberard@onrr.gov>

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Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown <matthew.mckeown@sol.doi.gov>

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Attached to this email are the following documents:

- (1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;
- (2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;
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- (4) ONRR's FR notice, which I revised per your request, and;
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"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

From: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Sent: Tue Feb 21 2017 18:03:39 GMT-0700 (MST)
To: "Gould, Greg" <greg.gould@onrr.gov>
"Gidner, Jerold" <jerold.gidner@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Matt Williams Matt Williams <matt.williams@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>
CC:
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

Hi Greg:

We are in the final stages. We have a Department-approved FR notice that DOJ is now reviewing. We also a Department-approved letter to the petitioner's and Dear Reporter letter. DOJ is also reviewing the letter to the Petitioner's for any conflicts. Both will be sent to you tonight in final form.

As far as process, I would suggest that you sign both the FR Notice and the letter to the petitioner's when I send the final versions after DOJ completes its review. Both the letter to the petitioner's and the Dear Reporter letter anticipate that they will be issued before the FR Notice is published. That way ONRR can send the letter to the petitioner's and the Dear Reporter letter out this week, even if the FR notice has not published yet.

Matthew J. Wheeler
U.S. Department of the Interior
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So the earliest it will get to Exec Sec in DOI is Thursday, and the earliest it will get out to the Fed Reg is Friday as I understand it. So publication next week. We will speed it as much as possible but much of the timing is out of our hands once it goes to Exec Sec.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrresource/> for employee news, resources, and events.
And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

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Attached are the most recent versions of both documents. Both are still being revised and not in final form. I have no concerns with responding to Peter and sending out the Dear Reporter Letter, so long as the FR notice is approved by the Department and heading towards publication. That said, I am not familiar with the FR publication process. Is there anything (or anyone) that could reject

the notice to before it is published?

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

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Thanks, please send me the latest draft of the FR and Letter I'm going to sign, so I can take another look as well. Do you have any concerns with me emailing the signed letter back to Peter once it is signed and then sending out the email blast to the reporters prior to the actual publication of the FR notice?

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
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Matt Wheeler, when do you think you'll have the final letter to the petitioners and FR notice for me to sign? Should we just plan to have me sign it all tomorrow morning before I leave for the airport? Also, as soon as I sign the letter and the FR notice, I assume we are then cleared to do our email blast to our reporters, correct? I think the goal is to make sure the reporters know about the stay, the actual publication in the FR is more a formality, correct?

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Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

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Matt,

Jim has already cleared this to go out tomorrow, so at this point I need to get it signed tonight and to Amy in the morning if possible. If we don't get it out this afternoon, then I'll sign all of it in the morning and bring it with me to DC for everyone to clear first thing Thursday morning.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
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Regards,

Matthew Williams

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Washington, D.C. 20240
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Luis is going to work with Christina Mathers to prepare a FedEx overnight ASAP earliest possible delivery envelope in which we can mail three copies of the FR notice signed by Greg. Luis and Christina will also figure out what FedEx offices accept super-rush envelopes and to what hour tonight.

If the FR comes from SOL before Christina leaves today, she will print 3 copies, have Greg sign, and FedEx overnight for early morning super-rush delivery. If the FR comes from SOL after Christina leaves today, Peter, Amy, or I will print 3 copies, get Greg's signatures, and send the FedEx from a FedEx location that is still accepting for earliest possible tomorrow morning delivery.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 11:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Hi Greg:

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Matthew J. Wheeler
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Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 9:50 AM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Matt,

I reviewed all the material this weekend and have no

additional comments, etc. What is the status of the package?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
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On Fri, Feb 17, 2017 at 5:55 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Greg:

Attached are the documents I sent to Matt this evening, all of which have been heavily revised. Please note that, for some reason, the FR notice was locked for editing by someone at ONRR, so I cannot accept the changes I made. However, under the review tab, you can change "Final: Show Markup" to "Final." It will allow you to read the document without the tracked changes, even though the changes cannot be accepted.

Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
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Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew**
<matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown <matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

(1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;

(2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;

(3) Director Gould's response to the Petitioner's letter, which I revised per your request.

(4) ONRR's FR notice, which I revised per your request, and;

(5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6) [REDACTED]. I will also be available by email.

Thanks,

Matthew J. Wheeler
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Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Tue Feb 21 2017 18:05:44 GMT-0700 (MST)
To: "DeBerard, Michael" <michael.deberard@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
Subject: Fwd: FR Notice and Valuation Rule Stay Supporting Documents

this just received.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

This message serves as guidance for determining value for Federal royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Tue, Feb 21, 2017 at 6:03 PM
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents
To: "Gould, Greg" <greg.gould@onrr.gov>
Cc: "Gidner, Jerold" <jerold.gidner@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

Hi Greg:

We are in the final stages. We have a Department-approved FR notice that DOJ is now reviewing. We also a Department-approved letter to the petitioner's and Dear Reporter

letter. DOJ is also reviewing the letter to the Petitioner's for any conflicts. Both will be sent to you tonight in final form.

As far as process, I would suggest that you sign both the FR Notice and the letter to the petitioner's when I send the final versions after DOJ completes its review. Both the letter to the petitioner's and the Dear Reporter letter anticipate that they will be issued before the FR Notice is published. That way ONRR can send the letter to the petitioner's and the Dear Reporter letter out this week, even if the FR notice has not published yet.

Matthew J. Wheeler
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755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
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Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 3:51 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Hey Matt (Wheeler),

A quick check-in and update on timing. At this point in the day, if we do not hear back from Jack by 4:30 here in Denver, then I'll plan to sign the FR Notice tomorrow morning and bring it with me to DC when I leave at noon. We will then finish up the FR process on Thursday and Friday and I'll email out the letter to Peter and we'll get the email blast out to the reporters no later than Friday afternoon.

How does that sound?

Thanks again for all the help with this.

Greg

Gregory J. Gould

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U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 1:44 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

As a point of clarification, these are not the final versions of the documents. Mr. Huagrud and/or Mr. McKeown may still make edits to the documents. Please do not

sign, file or edit anything until I send an email with the final versions of the documents.

Matthew J. Wheeler
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matthew.wheeler@sol.doi.gov
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Program Manager, Appeals & Regulations
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Date: Tue, Feb 21, 2017 at 11:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Matt Wheeler,

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U.S. Department of the Interior*

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On Fri, Feb 17, 2017 at 5:55 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Greg:

Attached are the documents I sent to Matt this evening, all of which have been heavily revised. Please note that, for some reason, the FR notice was locked for editing by someone at ONRR, so I cannot accept the changes I made. However, under the review tab, you can change "Final: Show Markup" to "Final." It will allow you to read the document without the tracked changes, even though the changes cannot be accepted.

Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew**
<matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown <matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

(1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;

(2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;

(3) Director Gould's response to the Petitioner's letter, which I revised per your request.

(4) ONRR's FR notice, which I revised per your request, and;

(5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6) [REDACTED] will also be available by email.

Thanks,

Matthew J. Wheeler
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"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

From: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Sent: Tue Feb 21 2017 18:44:35 GMT-0700 (MST)
To: "Gould, Greg" <greg.gould@onrr.gov>
"Gidner, Jerold" <jerold.gidner@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Matt Williams <matt.williams@onrr.gov>
CC: Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents
Attachments: Federal Register Notice Postponing Valuation Rule.docx
ONRR Director Letter RE 705 Stay.docx Dear Reporter letter Final.docx

Attached to this email are the Department-approved Federal Register Notice, Dear Reporter Letter and Director Letter to the petitioners. DOJ will complete their review of the FR notice and Director Letter as soon as possible tomorrow morning and will try to provide written confirmation of the same by 11 a.m. eastern time. The FR Notice should not be filed until DOJ signs off. That said, based on their initial comments, and because their review is limited to the impact of the FR Notice and Director Letter on the pending litigation, I do not expect they will make any significant revisions.

Once everything is a go, ONRR can file the FR notice, and send the Director's Letter and Dear Reporter letter out, as discussed below. In the meantime, the technical experts can review the attached documents for formatting, etc.. Please do not make any substantive edits to the documents without consulting me first, as any such edits may need to be cleared through the Department and Solicitor's Office.

Please contact me with any questions, comments or concerns. I have forwarded my phone and will have access to email, should anything come up tonight or early tomorrow morning.

Thanks,

Matt

Matthew J. Wheeler
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As far as process, I would suggest that you sign both the FR Notice and the letter to the petitioner's when I send the final versions after DOJ completes its review. Both the letter to the petitioner's and the Dear Reporter letter anticipate that they will be issued before the FR Notice is published. That way ONRR can send the letter to the petitioner's and the Dear Reporter letter out this week, even if the FR notice has not published yet.

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On Tue, Feb 21, 2017 at 3:51 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Hey Matt (Wheeler),

A quick check-in and update on timing. At this point in the day, if we do not hear back from Jack by 4:30 here in Denver, then I'll plan to sign the FR Notice tomorrow morning and bring it with me to DC when I leave at noon. We will then finish up the FR process on Thursday and Friday and I'll email out the letter to Peter and we'll get the email blast out to the reporters no later than Friday afternoon.

How does that sound?

Thanks again for all the help with this.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 1:27 PM, Gidner, Jerold <jerold.gidner@onrr.gov> wrote:
Hi Matt et al, I am forwarding these versions to Armand, Luis (in Denver) and Matt Williams (in DC). Armand and Luis will make sure its in the proper form for the FRN and get it signed here in Denver.

Greg plans to sign it before he leaves for DC tomorrow morning. We may have him hand carry it to DC.

So the earliest it will get to Exec Sec in DOI is Thursday, and the earliest it will get out to the Fed Reg is Friday as I understand it. So publication next week. We will speed it as much as possible but much of the timing is out of our hands once it goes to Exec Sec.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrresource/> for employee news, resources, and events.
And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

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On Tue, Feb 21, 2017 at 12:47 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks, please send me the latest draft of the FR and Letter I'm going to sign, so I can take another look as well. Do you have any concerns with me emailing the signed letter back to Peter once it is signed and then sending out the email blast to the reporters prior to the actual publication of the FR notice?

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
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Matthew J. Wheeler
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Phone: (303) 445-0595
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On Tue, Feb 21, 2017 at 12:41 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks Matt Williams, that's our goal and we will make adjustments as needed.

Matt Wheeler, when do you think you'll have the final letter to the petitioners and FR notice for me to sign? Should we just plan to have me sign it all tomorrow morning before I leave for the airport? Also, as soon as I sign the letter and the FR notice, I assume we are then cleared to do our email blast to our reporters, correct? I think the goal is to make sure the reporters know about the stay, the actual publication in the FR is more a formality, correct?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:31 PM, Williams, Matt <matt.williams@onrr.gov> wrote:

That's good to hear. We'll need Jim's surname after you Amy (according to Exec Sec). If we get it in an email today, I told Exec Sec that I'll get them an advance copy (to grease the wheels). If we get it first thing tomorrow morning, I will find a way to get Amy's and Jim's surname on the clearance record, then have it up to Exec Sec immediately thereafter. If we get all of that before 10:30 EST, Exec Sec can take it to the morning meeting on the 6th floor and, maybe, get it cleared to go by 1:45pm. If we are set for a miracle, we may be able to get it to OFR by the 2pm deadline to be on the docket for that day's intake.

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:24 PM, Gould, Greg

<greg.gould@onrr.gov> wrote:

Matt,

Jim has already cleared this to go out tomorrow, so at this point I need to get it signed tonight and to Amy in the morning if possible. If we don't get it out this afternoon, then I'll sign all of it in the morning and bring it with me to DC for everyone to clear first thing Thursday morning.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:19 PM, Williams, Matt

<matt.williams@onrr.gov> wrote:

Hey,

Overnighting it may not help. Greg is headed to DC tomorrow evening for a meeting with Jim Cason on Thursday. Cason will want Greg to brief him before sunaming (after Greg and Amy's signature and surname, respectively). Even if we somehow got Cason's surname tomorrow, Exec Sec won't clear it for at least 24 hours. Likely, we won't get this off to OFR until Friday afternoon...and that is if we get the FRN and briefing paper in the next 5 minutes.

Regards,

Matthew Williams

Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664

On Tue, Feb 21, 2017 at 2:12 PM, Robson, Bonnie
<bonnie.robson@onrr.gov> wrote:

Matt Wheeler,

When documents are sent over from Solicitor's Office to ONRR, please send to all on this email. I will be out of communication and unable to move the documents to the next step between 12:30-3 pm today.

Luis is going to work with Christina Mathers to prepare a FedEx overnight ASAP earliest possible delivery envelope in which we can mail three copies of the FR notice signed by Greg. Luis and Christina will also figure out what FedEx offices accept super-rush envelopes and to what hour tonight.

If the FR comes from SOL before Christina leaves today, she will print 3 copies, have Greg sign, and FedEx overnight for early morning super-rush delivery. If the FR comes from SOL after Christina leaves today, Peter, Amy, or I will print 3 copies, get Greg's signatures, and send the FedEx from a FedEx location that is still accepting for earliest possible tomorrow morning delivery.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>

Date: Tue, Feb 21, 2017 at 11:51 AM

Subject: Re: Valuation Rule Stay Supporting Documents

To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>,

Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley

<Amy_Holley@ios.doi.gov>, Matthew McKeown

<Matthew.McKeown@sol.doi.gov>, "Steward, Jim"

<Jim.Steward@onrr.gov>, Jerold Gidner

<jerold.gidner@onrr.gov>, Bonnie Robson

<bonnie.robson@onrr.gov>, John Mehlhoff

<john.mehlhoff@onrr.gov>, "DeBerard, Michael"

<michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 9:51 AM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and sending it back for a final sign off. We will have everything to you today.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215

matthew.wheeler@sol.doi.gov

Phone: (303) 445-0595

Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 9:50 AM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Matt,

I reviewed all the material this weekend and have no additional comments, etc. What is the status of the package?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Have a good weekend,

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From: **Wheeler, Matthew**

<matthew.wheeler@sol.doi.gov>

Date: Fri, Feb 17, 2017 at 5:28 PM

Subject: Valuation Rule Stay Supporting Documents

To: Matthew McKeown

<matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

- (1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;
- (2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;
- (3) Director Gould's response to the Petitioner's letter, which I revised per your request.
- (4) ONRR's FR notice, which I revised per your request, and;
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I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6)

██████████ I will also be available by email.

Thanks,

Matthew J. Wheeler

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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Tue Feb 21 2017 19:16:14 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
"Gould, Greg" <greg.gould@onrr.gov>, "Gidner, Jerold"
<jerold.gidner@onrr.gov>, Armand Southall
<armand.southall@onrr.gov>, Luis Aguilar
<luis.aguilar@onrr.gov>, Matt Williams Matt Williams
CC: <matt.williams@onrr.gov>, Peter Christnacht
<peter.christnacht@onrr.gov>, John Mehlhoff
<john.mehlhoff@onrr.gov>, "Steward, Jim"
<Jim.Steward@onrr.gov>
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

Thanks, Matt. We understand there is also a briefing memo prepared by the Solicitor's Office related to this matter (the fifth of five products). Can you share that with us?

Thank you.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
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Please contact me with any questions, comments or concerns. I have forwarded my phone and will have access to email, should anything come up tonight or early tomorrow morning.

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How does that sound?

Thanks again for all the help with this.

Greg

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Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 12:41 PM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Thanks Matt Williams, that's our goal and we will make adjustments as needed.

Matt Wheeler, when do you think you'll have the final letter to the petitioners and FR notice for me to sign? Should we just plan to have me sign it all tomorrow morning before I leave for the airport? Also, as soon as I sign the letter and the FR notice, I assume we are then cleared to do our email blast to our reporters, correct? I think the goal is to make sure the reporters know about the stay, the actual publication in the FR is more a formality, correct?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:31 PM, Williams, Matt

<matt.williams@onrr.gov> wrote:

That's good to hear. We'll need Jim's surname after you Amy (according to Exec Sec). If we get it in an email today, I told Exec Sec that I'll get them an advance copy (to grease the wheels). If we get it first thing tomorrow morning, I will find a way to get Amy's and Jim's surname on the clearance record, then have it up to Exec Sec immediately thereafter. If we get all of that before 10:30 EST, Exec Sec can take it to the morning meeting on the 6th floor and, maybe, get it cleared to go by 1:45pm. If we are set for a miracle, we may be able to get it to OFR by the 2pm deadline to be on the docket for that day's intake.

Regards,

Matthew Williams
*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:24 PM, Gould, Greg

<greg.gould@onrr.gov> wrote:

Matt,

Jim has already cleared this to go out tomorrow, so at this point I need to get it signed tonight and to Amy in the morning if possible. If we don't get it out this afternoon, then I'll sign all of it in the morning and bring it with me to DC for everyone to clear first thing Thursday morning.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:19 PM, Williams, Matt
<matt.williams@onrr.gov> wrote:

Hey,
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Regards,

Matthew Williams
*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:12 PM, Robson, Bonnie
<bonnie.robson@onrr.gov> wrote:

Matt Wheeler,

When documents are sent over from Solicitor's Office to ONRR, please send to all on this email. I will be out of communication and unable to move the documents to the next step between 12:30-3 pm today.

Luis is going to work with Christina Mathers to prepare a FedEx overnight ASAP earliest possible delivery envelope in which we can mail three copies of the FR notice signed by Greg. Luis and Christina will also figure out what FedEx offices accept super-rush envelopes and to what hour tonight.

If the FR comes from SOL before Christina leaves today, she will print 3 copies, have Greg sign, and FedEx overnight for early morning super-rush delivery. If the FR comes from SOL after Christina leaves today, Peter, Amy, or I will print 3 copies, get Greg's signatures, and send the FedEx from a FedEx location that is still accepting for earliest possible tomorrow morning delivery.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 11:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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<matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and sending it back for a final sign off. We will have everything to you today.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 9:50 AM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Matt,

I reviewed all the material this weekend and have no additional comments, etc. What is the status of the package?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, Feb 17, 2017 at 5:55 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Greg:

Attached are the documents I sent to Matt this evening, all of which have been heavily revised. Please note that, for some reason, the FR notice was locked for editing by someone at ONRR, so I cannot accept the changes I made. However, under the review tab, you can change "Final: Show Markup" to "Final." It will allow you to read the document without the tracked changes, even though the changes cannot be accepted.

Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew**
<matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown
<matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

(1) the Briefing memorandum, which I updated to

include the FR research we found last night and to address the Petitioner's letter that we received today;

(2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;

(3) Director Gould's response to the Petitioner's letter, which I revised per your request.

(4) ONRR's FR notice, which I revised per your request, and;

(5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6). I will also be available by email.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

Greg Gould <greg.gould@onrr.gov>

From: Greg Gould <greg.gould@onrr.gov>
Sent: Tue Feb 21 2017 19:42:00 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
"Gidner, Jerold" <jerold.gidner@onrr.gov>, Armand Southall
<armand.southall@onrr.gov>, Luis Aguilar
<luis.aguilar@onrr.gov>, Matt Williams Matt Williams
<matt.williams@onrr.gov>, Peter Christnacht
CC: <peter.christnacht@onrr.gov>, John Mehlhoff
<john.mehlhoff@onrr.gov>, Bonnie Robson
<bonnie.robson@onrr.gov>, "Steward, Jim"
<Jim.Steward@onrr.gov>
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

Matt,

Thanks again for all the help and coordination. Sound like a good plan.

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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On Feb 21, 2017, at 6:03 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

We are in the final stages. We have a Department-approved FR notice that DOJ is now reviewing. We also a Department-approved letter to the petitioner's and Dear Reporter letter. DOJ is also reviewing the letter to the Petitioner's for any conflicts. Both will be sent to you tonight in final form.

As far as process, I would suggest that you sign both the FR Notice and the

letter to the petitioner's when I send the final versions after DOJ completes its review. Both the letter to the petitioner's and the Dear Reporter letter anticipate that they will be issued before the FR Notice is published. That way ONRR can send the letter to the petitioner's and the Dear Reporter letter out this week, even if the FR notice has not published yet.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 3:51 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Hey Matt (Wheeler),

A quick check-in and update on timing. At this point in the day, if we do not hear back from Jack by 4:30 here in Denver, then I'll plan to sign the FR Notice tomorrow morning and bring it with me to DC when I leave at noon. We will then finish up the FR process on Thursday and Friday and I'll email out the letter to Peter and we'll get the email blast out to the reporters no later than Friday afternoon.

How does that sound?

Thanks again for all the help with this.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 1:44 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

As a point of clarification, these are not the final versions of the documents. Mr. Huagrud and/or Mr. McKeown may still make edits to the documents. Please do not sign, file or edit anything until I send an email

with the final versions of the documents.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 1:27 PM, Gidner, Jerold
<jerold.gidner@onrr.gov> wrote:

Hi Matt et al, I am forwarding these versions to Armand, Luis (in Denver) and Matt Williams (in DC). Armand and Luis will make sure its in the proper form for the FRN and get it signed here in Denver.

Greg plans to sign it before he leaves for DC tomorrow morning. We may have him hand carry it to DC.

So the earliest it will get to Exec Sec in DOI is Thursday, and the earliest it will get out to the Fed Reg is Friday as I understand it. So publication next week. We will speed it as much as possible but much of the timing is out of our hands once it goes to Exec Sec.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrrsource/> for employee news, resources, and events.
And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

On Tue, Feb 21, 2017 at 2:54 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Attached are the most recent versions of both documents. Both are still being revised and not in final form. I have no concerns with responding to Peter and sending out the Dear Reporter Letter, so long as the FR notice is approved by the Department and heading towards publication. That said, I am not familiar with the FR publication process. Is there anything (or anyone) that could reject the notice to before it is published?

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 12:47 PM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Thanks, please send me the latest draft of the FR and Letter I'm going to sign, so I can take another look as well. Do you have any concerns with me emailing the signed letter back to Peter once it is signed and then sending out the email blast to the reporters prior to the actual publication of the FR notice?

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:43 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

I just sent everything off to Jack for his review. I'm not sure what his schedule looks like, but assuming he approves them with some minor edits, it won't take me long to get them in final form to send to ONRR.

Matthew J. Wheeler
U.S. Department of the Interior
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755 Parfet St., Suite 151
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matthew.wheeler@sol.doi.gov
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Thanks Matt Williams, that's our goal and we will make adjustments as needed.

Matt Wheeler, when do you think you'll have the final letter to the petitioners and FR notice for me to sign? Should we just plan to have me sign it all tomorrow morning before I leave for the airport? Also, as soon as I sign the letter and the FR notice, I assume we are then cleared to do our email blast to our reporters, correct? I think the goal is to make sure the reporters know about the stay, the actual publication in the FR is more a formality, correct?

Thanks,

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Regards,

Matthew Williams
Office of Natural Resources Revenue

Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
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Matt,

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Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
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(202) 513-0664*

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Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>

Date: Tue, Feb 21, 2017 at 11:51 AM

Subject: Re: Valuation Rule Stay Supporting Documents

To: "Wheeler, Matthew"

<matthew.wheeler@sol.doi.gov>, Kevin Haugrud

<jack.haugrud@sol.doi.gov>, Amy Holley

<Amy_Holley@ios.doi.gov>, Matthew McKeown

<Matthew.McKeown@sol.doi.gov>, "Steward, Jim"

<Jim.Steward@onrr.gov>, Jerold Gidner

<jerold.gidner@onrr.gov>, Bonnie Robson

<bonnie.robson@onrr.gov>, John Mehlhoff

<john.mehlhoff@onrr.gov>, "DeBerard, Michael"

<michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

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*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Matthew J. Wheeler
U.S. Department of the Interior

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matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
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On Tue, Feb 21, 2017 at 9:50 AM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Matt,

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Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Greg:

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Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew**
<matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown
<matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

(1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;

(2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;

(3) Director Gould's response to the Petitioner's letter, which I revised per your request.

(4) ONRR's FR notice, which I revised per your request, and;

(5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6) [REDACTED] 8. I will also be available by email.

Thanks,

Matthew J. Wheeler

U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Wed Feb 22 2017 07:30:54 GMT-0700 (MST)
To: "DeBerard, Michael" <michael.deberard@onrr.gov>
Subject: Fwd: FR Notice and Valuation Rule Stay Supporting Documents
Federal Register Notice Postponing Valuation Rule.docx
Attachments: ONRR Director Letter RE 705 Stay.docx Dear Reporter letter Final.docx

Matt's latest revisions.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

This message serves as guidance for determining value for Federal royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>

Date: Tue, Feb 21, 2017 at 6:44 PM

Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

To: "Gould, Greg" <greg.gould@onrr.gov>

Cc: "Gidner, Jerold" <jerold.gidner@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

Attached to this email are the Department-approved Federal Register Notice, Dear Reporter Letter and Director Letter to the petitioners. DOJ will complete their review of the FR notice and Director Letter as soon as possible tomorrow morning and will try to provide written confirmation of the same by 11 a.m. eastern time. The FR Notice should not be filed until DOJ signs off. That said, based on their initial comments, and because their review is limited to the impact of the FR Notice and Director Letter on the pending litigation, I do not expect they will make any significant revisions.

Once everything is a go, ONRR can file the FR notice, and send the Director's Letter and Dear Reporter letter out, as discussed below. In the meantime, the technical experts can review the attached documents for formatting, etc.. Please do not make any substantive edits to the documents without consulting me first, as any such edits may need to be cleared through the Department and Solicitor's Office.

Please contact me with any questions, comments or concerns. I have forwarded my phone and will have access to email, should anything come up tonight or early tomorrow morning.

Thanks,

Matt

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

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Hi Greg:

We are in the final stages. We have a Department-approved FR notice that DOJ is now reviewing. We also a Department-approved letter to the petitioner's and Dear Reporter letter. DOJ is also reviewing the letter to the Petitioner's for any conflicts. Both will be sent to you tonight in final form.

As far as process, I would suggest that you sign both the FR Notice and the letter to the petitioner's when I send the final versions after DOJ completes its review. Both the letter to the petitioner's and the Dear Reporter letter anticipate that they will be issued before the FR Notice is published. That way ONRR can send the letter to the petitioner's and the Dear Reporter letter out this week, even if the FR notice has not published yet.

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Hey Matt (Wheeler),

A quick check-in and update on timing. At this point in the day, if we do not hear back from Jack by 4:30 here in Denver, then I'll plan to sign the FR Notice tomorrow morning and bring it with me to DC when I leave at noon. We will then finish up the FR process on Thursday and Friday and I'll email out the letter to Peter and we'll get the email blast out to the reporters no later than Friday afternoon.

How does that sound?

Thanks again for all the help with this.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
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Hi Matt et al, I am forwarding these versions to Armand, Luis (in Denver) and Matt Williams (in DC). Armand and Luis will make sure its in the proper form for the FRN and get it signed here in Denver.

Greg plans to sign it before he leaves for DC tomorrow morning. We may have him hand carry it to DC.

So the earliest it will get to Exec Sec in DOI is Thursday, and the earliest it will get out to the Fed Reg is Friday as I understand it. So publication next week. We will speed it as much as possible but much of the timing is out of our hands once it goes to Exec Sec.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrrresource/> for employee news, resources, and events.

And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

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Attached are the most recent versions of both documents. Both are still being revised and not in final form. I have no concerns with responding to Peter and sending out the Dear Reporter Letter, so long as the FR notice is approved by

the Department and heading towards publication. That said, I am not familiar with the FR publication process. Is there anything (or anyone) that could reject the notice to before it is published?

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Greg

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Thanks,

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On Tue, Feb 21, 2017 at 12:31 PM, Williams, Matt

<matt.williams@onrr.gov> wrote:

That's good to hear. We'll need Jim's surname after you Amy (according to Exec Sec). If we get it in an email today, I told Exec Sec that I'll get them an advance copy (to grease the wheels). If we get it first thing tomorrow morning, I will find a way to get Amy's and Jim's surname on the clearance record, then have it up to Exec Sec immediately thereafter. If we get all of that before 10:30 EST, Exec Sec can take it to the morning meeting on the 6th floor and, maybe, get it cleared to go by 1:45pm. If we are set for a miracle, we may be able to get it to OFR by the 2pm deadline to be on the docket for that day's intake.

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:24 PM, Gould, Greg

<greg.gould@onrr.gov> wrote:

Matt,

Jim has already cleared this to go out tomorrow, so at this point I need to get it signed tonight and to Amy in the morning if possible. If we don't get it out this afternoon, then I'll sign all of it in the morning and bring it with me to DC for everyone to clear first thing Thursday morning.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:19 PM, Williams, Matt

<matt.williams@onrr.gov> wrote:

Hey,

Overnighting it may not help. Greg is headed to DC tomorrow evening for a meeting with Jim Cason on Thursday. Cason will want Greg to brief him before sunaming (after Greg and Amy's signature and surname, respectively). Even if we somehow got Cason's surname tomorrow, Exec Sec won't clear it for at least 24 hours. Likely, we won't get this off to OFR until Friday afternoon...and that is if we get the FRN and briefing paper in the next 5 minutes.

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:12 PM, Robson, Bonnie
<bonnie.robson@onrr.gov> wrote:

Matt Wheeler,

When documents are sent over from Solicitor's Office to ONRR, please send to all on this email. I will be out of communication and unable to move the documents to the next step between 12:30-3 pm today.

Luis is going to work with Christina Mathers to prepare a FedEx overnight ASAP earliest possible delivery envelope in which we can mail three copies of the FR notice signed by Greg. Luis and Christina will also figure out what FedEx offices accept super-rush envelopes and to what hour tonight.

If the FR comes from SOL before Christina leaves today, she will print 3 copies, have Greg sign, and FedEx overnight for early morning super-rush delivery. If the FR comes from SOL after Christina leaves today, Peter, Amy, or I will print 3 copies, get Greg's signatures, and send the FedEx from a FedEx location that is still accepting for earliest possible tomorrow morning delivery.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 11:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are

working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
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On Tue, Feb 21, 2017 at 9:51 AM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and sending it back for a final sign off. We will have everything to you today.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 9:50 AM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Matt,

I reviewed all the material this weekend and have no additional comments, etc. What is the status of the package?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, Feb 17, 2017 at 5:55 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Greg:

Attached are the documents I sent to Matt this evening, all of which have been heavily revised. Please note that, for some reason, the FR notice was locked for editing by someone at ONRR, so I cannot accept the changes I made. However, under the review tab, you can change "Final: Show Markup" to "Final." It will allow you to read the document without the tracked changes, even though the changes cannot be accepted.

Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew**

<matthew.wheeler@sol.doi.gov>

Date: Fri, Feb 17, 2017 at 5:28 PM

Subject: Valuation Rule Stay Supporting Documents

To: Matthew McKeown

<matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

- (1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;
- (2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;
- (3) Director Gould's response to the Petitioner's letter, which I revised per your request.
- (4) ONRR's FR notice, which I revised per your request, and;
- (5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6) [REDACTED] I will also be available by email.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
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"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

From: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Sent: Wed Feb 22 2017 08:48:51 GMT-0700 (MST)
To: "Gould, Greg" <greg.gould@onrr.gov>
"Gidner, Jerold" <jerold.gidner@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Matt Williams <matt.williams@onrr.gov>
CC: Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents
Attachments: Federal Register Notice Postponing Valuation Rule.docx
ONRR Director Letter RE 705 Stay.docx
Dear Reporter letter Final.docx

Good Morning:

DOJ has officially signed off on the documents. I've attached the final version here again for clarification. (The attached are identical to the documents I sent last night)

My understanding is that all FR notices must be submitted to the Exec Sec and surnamed by the Chief of Staff, and in this instance, the Acting Assistant Secretary for PMB. Has ONRR coordinated already with PMB and Exec Sec to facilitate this process?

Please confirm what the next steps look like so I can close the loop with Mr. Haugrud and Mr. McKeown.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior

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That's good to hear. We'll need Jim's surname after you Amy (according to Exec Sec). If we get it in an email today, I told Exec Sec that I'll get them an advance copy (to grease the wheels). If we get it first thing tomorrow morning, I will find a way to get Amy's and Jim's surname on the clearance record, then have it up to Exec Sec immediately thereafter. If we get all of that before 10:30 EST, Exec Sec can take it to the morning meeting on the 6th floor and, maybe, get it cleared to go by 1:45pm. If we are set for a miracle, we may be able to get it to OFR by the 2pm deadline to be on the docket for that day's intake.

Regards,

Matthew Williams
*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:24 PM, Gould, Greg

<greg.gould@onrr.gov> wrote:

Matt,

Jim has already cleared this to go out tomorrow, so at this point I need to get it signed tonight and to Amy in the morning if possible. If we don't get it out this afternoon, then I'll sign all of it in the morning and bring it with me to DC for everyone to clear first thing Thursday morning.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Regards,

Matthew Williams
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On Tue, Feb 21, 2017 at 2:12 PM, Robson, Bonnie

<bonnie.robson@onrr.gov> wrote:

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communication and unable to move the documents to the next step between 12:30-3 pm today.

Luis is going to work with Christina Mathers to prepare a FedEx overnight ASAP earliest possible delivery envelope in which we can mail three copies of the FR notice signed by Greg. Luis and Christina will also figure out what FedEx offices accept super-rush envelopes and to what hour tonight.

If the FR comes from SOL before Christina leaves today, she will print 3 copies, have Greg sign, and FedEx overnight for early morning super-rush delivery. If the FR comes from SOL after Christina leaves today, Peter, Amy, or I will print 3 copies, get Greg's signatures, and send the FedEx from a FedEx location that is still accepting for earliest possible tomorrow morning delivery.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 11:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Hi Greg:

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Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

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*Acting Deputy Assistant Secretary/Director
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Have a good weekend,

Matthew J. Wheeler
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----- Forwarded message -----

From: **Wheeler, Matthew**

<matthew.wheeler@sol.doi.gov>

Date: Fri, Feb 17, 2017 at 5:28 PM

Subject: Valuation Rule Stay Supporting Documents

To: Matthew McKeown
<matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

- (1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;
- (2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;
- (3) Director Gould's response to the Petitioner's letter, which I revised per your request.
- (4) ONRR's FR notice, which I revised per your request, and;
- (5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6) . I will also be available by email.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363



"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

From: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Sent: Wed Feb 22 2017 08:52:04 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
"Gould, Greg" <greg.gould@onrr.gov>, "Gidner, Jerold"
<jerold.gidner@onrr.gov>, Armand Southall
<armand.southall@onrr.gov>, Luis Aguilar
CC: <luis.aguilar@onrr.gov>, Matt Williams Matt Williams
<matt.williams@onrr.gov>, Peter Christnacht
<peter.christnacht@onrr.gov>, John Mehlhoff
<john.mehlhoff@onrr.gov>, "Steward, Jim"
<Jim.Steward@onrr.gov>
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

See briefing memo below.

I. Issue

Whether the Office of Natural Resources Revenue (ONRR) may postpone the effective date of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform rule under Section 705 of the Administrative Procedure Act (APA).

II. Background

On July 1, 2016, ONRR published in the Federal Register the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform final rule (Valuation Rule). 81 Fed. Reg. 43,338. The Valuation Rule took effect on January 1, 2017. The Valuation Rule changes how lessees value their production for royalty purposes and revises revenue-reporting requirements. Federal and Indian lessees must begin reporting under the Valuation Rule for the first time on or before February 28, 2017, for the January 2017 production month.[1]

On December 29, 2016, Cloud Peak Energy, Inc. and other entities filed a petition for review in the United States District Court for the District of Wyoming challenging the Valuation Rule.[2] That same day the American Petroleum Institute[3]and Tri-State Generation and Transmission Association[4] filed separate petitions for review in the same district court. The petitions allege that multiple provisions of the Valuation Rule are arbitrary, capricious and contrary to the law.

On February 6, 2017, ONRR determined that postponing the effective date of the Valuation Rule was in the best interest of regulated community, the general public, and ONRR itself.

On February 13, 2017, Representative Scott Tipton (R-Colo.) introduced a Joint Resolution providing for congressional disapproval of the Valuation Rule under the Congressional Review Act.

On February 17, 2017, the petitioners sent ONRR a letter requesting that ONRR postpone the effective date of the Valuation Rule under Section 705 of the APA.

III. Applicable law

(b) (5)

(b) (5)

(b) (5)

(b) (5)

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 7:16 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:
Thanks, Matt. We understand there is also a briefing memo prepared by the Solicitor's Office related to this matter (the fifth of five products). Can you share that with us?

Thank you.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Email: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Tue, Feb 21, 2017 at 6:44 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov>

wrote:

Attached to this email are the Department-approved Federal Register Notice, Dear Reporter Letter and Director Letter to the petitioners. DOJ will complete their review of the FR notice and Director Letter as soon as possible tomorrow morning and will try to provide written confirmation of the same by 11 a.m. eastern time. The FR Notice should not be filed until DOJ signs off. That said, based on their initial comments, and because their review is limited to the impact of the FR Notice and Director Letter on the pending litigation, I do not expect they will make any significant revisions.

Once everything is a go, ONRR can file the FR notice, and send the Director's Letter and Dear Reporter letter out, as discussed below. In the meantime, the technical experts can review the attached documents for formatting, etc.. Please do not make any substantive edits to the documents without consulting me first, as any such edits may need to be cleared through the Department and Solicitor's Office.

Please contact me with any questions, comments or concerns. I have forwarded my phone and will have access to email, should anything come up tonight or early tomorrow morning.

Thanks,

Matt

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 6:03 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

We are in the final stages. We have a Department-approved FR notice that DOJ is now reviewing. We also a Department-approved letter to the petitioner's and Dear Reporter letter. DOJ is also reviewing the letter to the Petitioner's for any conflicts. Both will be sent to you tonight in final form.

As far as process, I would suggest that you sign both the FR Notice and the letter to the petitioner's when I send the final versions after DOJ completes its review. Both the letter to the petitioner's and the Dear Reporter letter anticipate that they will be issued before the FR Notice is published. That way ONRR can send the letter to the petitioner's and the Dear Reporter letter out this week, even if the FR notice has not published yet.

Matthew J. Wheeler
U.S. Department of the Interior
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matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 3:51 PM, Gould, Greg <greg.gould@onrr.gov> wrote:
Hey Matt (Wheeler),

A quick check-in and update on timing. At this point in the day, if we do not hear back from Jack by 4:30 here in Denver, then I'll plan to sign the FR Notice tomorrow morning and bring it with me to DC when I leave at noon. We will then finish up the FR process on Thursday and Friday and I'll email out the letter to Peter and we'll get the email blast out to the reporters no later than Friday afternoon.

How does that sound?

Thanks again for all the help with this.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 1:44 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

As a point of clarification, these are not the final versions of the documents. Mr. Huagrud and/or Mr. McKeown may still make edits to the documents. Please do not sign, file or edit anything until I send an email with the final versions of the documents.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region

755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 1:27 PM, Gidner, Jerold <jerold.gidner@onrr.gov> wrote:

Hi Matt et al, I am forwarding these versions to Armand, Luis (in Denver) and Matt Williams (in DC). Armand and Luis will make sure its in the proper form for the FRN and get it signed here in Denver.

Greg plans to sign it before he leaves for DC tomorrow morning. We may have him hand carry it to DC.

So the earliest it will get to Exec Sec in DOI is Thursday, and the earliest it will get out to the Fed Reg is Friday as I understand it. So publication next week. We will speed it as much as possible but much of the timing is out of our hands once it goes to Exec Sec.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrrsource/> for employee news, resources, and events.
And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

On Tue, Feb 21, 2017 at 2:54 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Attached are the most recent versions of both documents. Both are still being revised and not in final form. I have no concerns with responding to Peter and sending out the Dear Reporter Letter, so long as the FR notice is approved by the Department and heading towards publication. That said, I am not familiar with the FR publication process. Is there anything (or anyone) that could reject the notice to before it is published?

Matthew J. Wheeler
U.S. Department of the Interior
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Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 12:47 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks, please send me the latest draft of the FR and Letter I'm going to sign, so I can take another look as well. Do you have any concerns with me emailing the signed letter back to Peter once it is signed and then sending out the email blast to the reporters prior to the actual publication of the FR notice?

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:43 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

I just sent everything off to Jack for his review. I'm not sure what his schedule looks like, but assuming he approves them with some minor edits, it won't take me long to get them in final form to send to ONRR.

Matthew J. Wheeler
U.S. Department of the Interior
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755 Parfet St., Suite 151
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Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 12:41 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks Matt Williams, that's our goal and we will make adjustments as needed.

Matt Wheeler, when do you think you'll have the final letter to the petitioners and FR notice for me to sign? Should we just plan to have me sign it all tomorrow morning before I leave for the airport? Also, as soon as I sign the letter and the FR notice, I assume we

are then cleared to do our email blast to our reporters, correct? I think the goal is to make sure the reporters know about the stay, the actual publication in the FR is more a formality, correct?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
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From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 11:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

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Have a good weekend,

Matthew J. Wheeler
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755 Parfet St., Suite 151
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matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew**
<matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown
<matthew.mckeown@sol.doi.gov>

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(1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;

(2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;

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(4) ONRR's FR notice, which I revised per your request, and;

(5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6). I will also be available by email.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Wed Feb 22 2017 08:56:23 GMT-0700 (MST)
To: Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
Subject: Fwd: FR Notice and Valuation Rule Stay Supporting Documents

Here is Matt Wheeler's briefing paper to Acting Secretary supporting the stay.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

This message serves as guidance for determining value for Federal royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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----- Forwarded message -----

From: Wheeler, Matthew <matthew.wheeler@sol.doi.gov>
Date: Wed, Feb 22, 2017 at 8:52 AM
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Cc: "Gould, Greg" <greg.gould@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Matt Williams Matt Williams <matt.williams@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

See briefing memo below.

I. Issue

Whether the Office of Natural Resources Revenue (ONRR) may postpone the effective date of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform rule under Section 705 of the Administrative Procedure Act (APA).

II. Background

On July 1, 2016, ONRR published in the Federal Register the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform final rule (Valuation Rule). 81 Fed. Reg. 43,338. The Valuation Rule took effect on January 1, 2017. The Valuation Rule changes how lessees value their production for royalty purposes and revises revenue-reporting requirements. Federal and Indian lessees must begin reporting under the Valuation Rule for the first time on or before February 28, 2017, for the January 2017 production month.[1]

On December 29, 2016, Cloud Peak Energy, Inc. and other entities filed a petition for review in the United States District Court for the District of Wyoming challenging the Valuation Rule.[2] That same day the American Petroleum Institute[3] and Tri-State Generation and Transmission Association[4] filed separate petitions for review in the same district court. The petitions allege that multiple provisions of the Valuation Rule are arbitrary, capricious and contrary to the law.

On February 6, 2017, ONRR determined that postponing the effective date of the Valuation Rule was in the best interest of regulated community, the general public, and ONRR itself.

On February 13, 2017, Representative Scott Tipton (R-Colo.) introduced a Joint Resolution providing for congressional disapproval of the Valuation Rule under the Congressional Review Act.

On February 17, 2017, the petitioners sent ONRR a letter requesting that ONRR postpone the effective date of the Valuation Rule under Section 705 of the APA.

III. Applicable law

(b) (5)

(b) (5)

(b) (5)

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151

Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 7:16 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:
Thanks, Matt. We understand there is also a briefing memo prepared by the Solicitor's Office related to this matter (the fifth of five products). Can you share that with us?

Thank you.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Tue, Feb 21, 2017 at 6:44 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Attached to this email are the Department-approved Federal Register Notice, Dear Reporter Letter and Director Letter to the petitioners. DOJ will complete their review of the FR notice and Director Letter as soon as possible tomorrow morning and will try to provide written confirmation of the same by 11 a.m. eastern time. The FR Notice should not be filed until DOJ signs off. That said, based on their initial comments, and because their review is limited to the impact of the FR Notice and Director Letter on the pending litigation, I do not expect they will make any significant revisions.

Once everything is a go, ONRR can file the FR notice, and send the Director's Letter and Dear Reporter letter out, as discussed below. In the meantime, the technical experts can review the attached documents for formatting, etc.. Please do not make any substantive edits to the documents without consulting me first, as any such edits may need to be cleared through the Department and Solicitor's Office.

Please contact me with any questions, comments or concerns. I have forwarded my phone and will have access to email, should anything come up tonight or early tomorrow morning.

Thanks,

Matt

Matthew J. Wheeler
U.S. Department of the Interior

Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 6:03 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

We are in the final stages. We have a Department-approved FR notice that DOJ is now reviewing. We also a Department-approved letter to the petitioner's and Dear Reporter letter. DOJ is also reviewing the letter to the Petitioner's for any conflicts. Both will be sent to you tonight in final form.

As far as process, I would suggest that you sign both the FR Notice and the letter to the petitioner's when I send the final versions after DOJ completes its review. Both the letter to the petitioner's and the Dear Reporter letter anticipate that they will be issued before the FR Notice is published. That way ONRR can send the letter to the petitioner's and the Dear Reporter letter out this week, even if the FR notice has not published yet.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 3:51 PM, Gould, Greg <greg.gould@onrr.gov> wrote:
Hey Matt (Wheeler),

A quick check-in and update on timing. At this point in the day, if we do not hear back from Jack by 4:30 here in Denver, then I'll plan to sign the FR Notice tomorrow morning and bring it with me to DC when I leave at noon. We will then finish up the FR process on Thursday and Friday and I'll email out the letter to Peter and we'll get the email blast out to the reporters no later than Friday afternoon.

How does that sound?

Thanks again for all the help with this.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 1:44 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

As a point of clarification, these are not the final versions of the documents. Mr. Huagrud and/or Mr. McKeown may still make edits to the documents. Please do not sign, file or edit anything until I send an email with the final versions of the documents.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
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matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 1:27 PM, Gidner, Jerold <jerold.gidner@onrr.gov>
wrote:

Hi Matt et al, I am forwarding these versions to Armand, Luis (in Denver) and Matt Williams (in DC). Armand and Luis will make sure its in the proper form for the FRN and get it signed here in Denver.

Greg plans to sign it before he leaves for DC tomorrow morning. We may have him hand carry it to DC.

So the earliest it will get to Exec Sec in DOI is Thursday, and the earliest it will get out to the Fed Reg is Friday as I understand it. So publication next week. We will speed it as much as possible but much of the timing is out of our hands once it goes to Exec Sec.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrresource/> for employee news, resources, and events.
And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

On Tue, Feb 21, 2017 at 2:54 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Attached are the most recent versions of both documents. Both are still being revised and not in final form. I have no concerns with responding to Peter and sending out the Dear Reporter Letter, so long as the FR notice is approved by the Department and heading towards publication. That said, I am not familiar with the FR publication process. Is there anything (or anyone) that could reject the notice to before it is published?

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 12:47 PM, Gould, Greg <greg.gould@onrr.gov>
wrote:

Thanks, please send me the latest draft of the FR and Letter I'm going to sign, so I can take another look as well. Do you have any concerns with me emailing the signed letter back to Peter once it is signed and then sending out the email blast to the reporters prior to the actual publication of the FR notice?

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:43 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

I just sent everything off to Jack for his review. I'm not sure what his

schedule looks like, but assuming he approves them with some minor edits, it won't take me long to get them in final form to send to ONRR.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 12:41 PM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Thanks Matt Williams, that's our goal and we will make adjustments as needed.

Matt Wheeler, when do you think you'll have the final letter to the petitioners and FR notice for me to sign? Should we just plan to have me sign it all tomorrow morning before I leave for the airport? Also, as soon as I sign the letter and the FR notice, I assume we are then cleared to do our email blast to our reporters, correct? I think the goal is to make sure the reporters know about the stay, the actual publication in the FR is more a formality, correct?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:31 PM, Williams, Matt
<matt.williams@onrr.gov> wrote:

That's good to hear. We'll need Jim's surname after you Amy (according to Exec Sec). If we get it in an email today, I told Exec Sec that I'll get them an advance copy (to grease the wheels). If we get it first thing tomorrow morning, I will find a way to get

Amy's and Jim's surname on the clearance record, then have it up to Exec Sec immediately thereafter. If we get all of that before 10:30 EST, Exec Sec can take it to the morning meeting on the 6th floor and, maybe, get it cleared to go by 1:45pm. If we are set for a miracle, we may be able to get it to OFR by the 2pm deadline to be on the docket for that day's intake.

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:24 PM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Matt,

Jim has already cleared this to go out tomorrow, so at this point I need to get it signed tonight and to Amy in the morning if possible. If we don't get it out this afternoon, then I'll sign all of it in the morning and bring it with me to DC for everyone to clear first thing Thursday morning.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:19 PM, Williams, Matt
<matt.williams@onrr.gov> wrote:

Hey,

Overnighting it may not help. Greg is headed to DC tomorrow evening for a meeting with Jim Cason on Thursday. Cason will want Greg to brief him before sunaming (after Greg and Amy's signature and surname, respectively). Even if we somehow got Cason's surname

tomorrow, Exec Sec won't clear it for at least 24 hours. Likely, we won't get this off to OFR until Friday afternoon...and that is if we get the FRN and briefing paper in the next 5 minutes.

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:12 PM, Robson, Bonnie
<bonnie.robson@onrr.gov> wrote:

Matt Wheeler,

When documents are sent over from Solicitor's Office to ONRR, please send to all on this email. I will be out of communication and unable to move the documents to the next step between 12:30-3 pm today.

Luis is going to work with Christina Mathers to prepare a FedEx overnight ASAP earliest possible delivery envelope in which we can mail three copies of the FR notice signed by Greg. Luis and Christina will also figure out what FedEx offices accept super-rush envelopes and to what hour tonight.

If the FR comes from SOL before Christina leaves today, she will print 3 copies, have Greg sign, and FedEx overnight for early morning super-rush delivery. If the FR comes from SOL after Christina leaves today, Peter, Amy, or I will print 3 copies, get Greg's signatures, and send the FedEx from a FedEx location that is still accepting for earliest possible tomorrow morning delivery.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 11:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley

<Amy_Holley@ios.doi.gov>, Matthew McKeown
<Matthew.McKeown@sol.doi.gov>, "Steward, Jim"
<Jim.Steward@onrr.gov>, Jerold Gidner
<jerold.gidner@onrr.gov>, Bonnie Robson
<bonnie.robson@onrr.gov>, John Mehlhoff
<john.mehlhoff@onrr.gov>, "DeBerard, Michael"
<michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 9:51 AM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and

sending it back for a final sign off. We will have everything to you today.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 9:50 AM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Matt,

I reviewed all the material this weekend and have no additional comments, etc. What is the status of the package?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, Feb 17, 2017 at 5:55 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Greg:

Attached are the documents I sent to Matt this evening, all of which have been heavily revised. Please note that, for some reason, the FR notice was locked for editing by someone at ONRR, so I cannot accept the changes I made. However, under the review tab, you can change "Final: Show Markup" to "Final." It will allow you to read the document without the tracked changes, even

though the changes cannot be accepted.

Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew**
<matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown
<matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

- (1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;
- (2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;
- (3) Director Gould's response to the Petitioner's letter, which I revised per your request.
- (4) ONRR's FR notice, which I revised per your request, and;
- (5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6). I will also be available by email.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

"Aguilar, Luis" <luis.aguilar@onrr.gov>

From: "Aguilar, Luis" <luis.aguilar@onrr.gov>
Sent: Wed Feb 22 2017 09:00:43 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
"Gould, Greg" <greg.gould@onrr.gov>, "Gidner, Jerold"
<jerold.gidner@onrr.gov>, Armand Southall
<armand.southall@onrr.gov>, Matt Williams Matt Williams
<matt.williams@onrr.gov>, Peter Christnacht
CC: <peter.christnacht@onrr.gov>, John Mehlhoff
<john.mehlhoff@onrr.gov>, Bonnie Robson
<bonnie.robson@onrr.gov>, "Steward, Jim"
<Jim.Steward@onrr.gov>
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

Matt Wheeler,

All the documents you emailed to ONRR last night were emailed to Matt Williams early this morning so he can submit to Exec Sec for their review.

Thanks

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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On Wed, Feb 22, 2017 at 8:48 AM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Good Morning:

DOJ has officially signed off on the documents. I've attached the final version here again for clarification. (The attached are identical to the documents I sent last night)

My understanding is that all FR notices must be submitted to the Exec Sec and surnamed by the Chief of Staff, and in this instance, the Acting Assistant Secretary for PMB. Has ONRR coordinated already with PMB and Exec Sec to facilitate this process?

Please confirm what the next steps look like so I can close the loop with Mr. Haugrud and Mr. McKeown.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 6:44 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Attached to this email are the Department-approved Federal Register Notice, Dear Reporter Letter and Director Letter to the petitioners. DOJ will complete their review of the FR notice and Director Letter as soon as possible tomorrow morning and will try to provide written confirmation of the same by 11 a.m. eastern time. The FR Notice should not be filed until DOJ signs off. That said, based on their initial comments, and because their review is limited to the impact of the FR Notice and Director Letter on the pending litigation, I do not expect they will make any significant revisions.

Once everything is a go, ONRR can file the FR notice, and send the Director's Letter and Dear Reporter letter out, as discussed below. In the meantime, the technical experts can review the attached documents for formatting, etc.. Please do not make any substantive edits to the documents without consulting me first, as any such edits may need to be cleared through the Department and Solicitor's Office.

Please contact me with any questions, comments or concerns. I have forwarded my phone and will have access to email, should anything come up tonight or early tomorrow morning.

Thanks,

Matt

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
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matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

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Hi Greg:

We are in the final stages. We have a Department-approved FR notice that DOJ is now reviewing. We also a Department-approved letter to the petitioner's and Dear Reporter letter. DOJ is also reviewing the letter to the Petitioner's for any conflicts. Both will be sent to you tonight in final form.

As far as process, I would suggest that you sign both the FR Notice and the letter to the petitioner's when I send the final versions after DOJ completes its review. Both the letter to the petitioner's and the Dear Reporter letter anticipate that they will be issued before the FR Notice is published. That way ONRR can send the letter to the petitioner's and the Dear Reporter letter out this week, even if the FR notice has not published yet.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 3:51 PM, Gould, Greg <greg.gould@onrr.gov> wrote:
Hey Matt (Wheeler),

A quick check-in and update on timing. At this point in the day, if we do not hear back from Jack by 4:30 here in Denver, then I'll plan to sign the FR Notice tomorrow morning and bring it with me to DC when I leave at noon. We will then finish up the FR process on Thursday and Friday and I'll email out the letter to Peter and we'll get the email blast out to the reporters no later than Friday afternoon.

How does that sound?

Thanks again for all the help with this.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 1:44 PM, Wheeler, Matthew
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As a point of clarification, these are not the final versions of the documents. Mr. Huagrud and/or Mr. McKeown may still make edits to the documents. Please do not sign, file or edit anything until I send an email with the final versions of the documents.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
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Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 1:27 PM, Gidner, Jerold <jerold.gidner@onrr.gov> wrote:

Hi Matt et al, I am forwarding these versions to Armand, Luis (in Denver) and Matt Williams (in DC). Armand and Luis will make sure its in the proper form for the FRN and get it signed here in Denver.

Greg plans to sign it before he leaves for DC tomorrow morning. We may have him hand carry it to DC.

So the earliest it will get to Exec Sec in DOI is Thursday, and the earliest it will get out to the Fed Reg is Friday as I understand it. So publication next week. We will speed it as much as possible but much of the timing is out of our hands once it goes to Exec Sec.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrresource/> for employee news, resources, and events.
And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

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Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
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Thanks, please send me the latest draft of the FR and Letter I'm going to sign, so I can take another look as well. Do you have any concerns with me emailing the signed letter back to Peter once it is signed and then sending out the email blast to the reporters prior to the actual publication of the FR notice?

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

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Matt,

Jim has already cleared this to go out tomorrow, so at this point I need to get it signed tonight and to Amy in the morning if possible. If we don't get it out this afternoon, then I'll sign all of it in the morning and bring it with me to DC for everyone to

clear first thing Thursday morning.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Regards,

Matthew Williams

*Office of Natural Resources Revenue
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1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:12 PM, Robson, Bonnie
<bonnie.robson@onrr.gov> wrote:

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Luis is going to work with Christina Mathers to prepare a FedEx overnight ASAP earliest possible delivery envelope in which we can mail three copies of the FR

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If the FR comes from SOL before Christina leaves today, she will print 3 copies, have Greg sign, and FedEx overnight for early morning super-rush delivery. If the FR comes from SOL after Christina leaves today, Peter, Amy, or I will print 3 copies, get Greg's signatures, and send the FedEx from a FedEx location that is still accepting for earliest possible tomorrow morning delivery.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 11:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 9:51 AM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and sending it back for a final sign off. We will have everything to you today.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 9:50 AM, Gould, Greg <greg.gould@onrr.gov> wrote:

Matt,

I reviewed all the material this weekend and have no additional comments, etc. What is the status of the package?

Thanks,

Greg

Gregory J. Gould

Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior

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On Fri, Feb 17, 2017 at 5:55 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Greg:

Attached are the documents I sent to Matt this evening, all of which have been heavily revised. Please note that, for some reason, the FR notice was locked for editing by someone at ONRR, so I cannot accept the changes I made. However, under the review tab, you can change "Final: Show Markup" to "Final." It will allow you to read the document without the tracked changes, even though the changes cannot be accepted.

Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew**
<matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown
<matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

(1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;

(2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;

(3) Director Gould's response to the Petitioner's letter, which I revised per your request.

(4) ONRR's FR notice, which I revised per your request, and;

(5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6). I will also be available by email.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

Jerold Gidner <jerold.gidner@onrr.gov>

From: Jerold Gidner <jerold.gidner@onrr.gov>
Sent: Wed Feb 22 2017 09:22:25 GMT-0700 (MST)
To: "Aguilar, Luis" <luis.aguilar@onrr.gov>
"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>,
"Gould, Greg" <greg.gould@onrr.gov>, Armand Southall
<armand.southall@onrr.gov>, Matt Williams Matt Williams
CC: <matt.williams@onrr.gov>, Peter Christnacht
<peter.christnacht@onrr.gov>, John Mehlhoff
<john.mehlhoff@onrr.gov>, Bonnie Robson
<bonnie.robson@onrr.gov>, "Steward, Jim"
<Jim.Steward@onrr.gov>
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

Yes - Matt Williams, our DC FRN guru, is prepared to take the package from Greg Thursday am and run it through ASPMB and on to Exec Sec.

Sent from my iPhone

On Feb 22, 2017, at 9:00 AM, Aguilar, Luis <luis.aguilar@onrr.gov> wrote:

Matt Wheeler,

All the documents you emailed to ONRR last night were emailed to Matt Williams early this morning so he can submit to Exec Sec for their review.

Thanks

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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On Wed, Feb 22, 2017 at 8:48 AM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Good Morning:

DOJ has officially signed off on the documents. I've attached the final version here again for clarification. (The attached are identical to the documents I sent last night)

My understanding is that all FR notices must be submitted to the Exec Sec and surnamed by the Chief of Staff, and in this instance, the Acting Assistant Secretary for PMB. Has ONRR coordinated already with PMB and Exec Sec to facilitate this process?

Please confirm what the next steps look like so I can close the loop with Mr. Haugrud and Mr. McKeown.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
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On Tue, Feb 21, 2017 at 6:44 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Attached to this email are the Department-approved Federal Register Notice, Dear Reporter Letter and Director Letter to the petitioners. DOJ will complete their review of the FR notice and Director Letter as soon as possible tomorrow morning and will try to provide written confirmation of the same by 11 a.m. eastern time. The FR Notice should not be filed until DOJ signs off. That said, based on their initial comments, and because their review is limited to the impact of the FR Notice and Director Letter on the pending litigation, I do not expect they will make any significant revisions.

Once everything is a go, ONRR can file the FR notice, and send the Director's Letter and Dear Reporter letter out, as discussed below. In the meantime, the technical experts can review the attached documents for formatting, etc.. Please do not make any substantive edits to the documents without consulting me first, as any such edits may need to be cleared through the Department and Solicitor's Office.

Please contact me with any questions, comments or concerns. I have forwarded my phone and will have access to email, should anything come up tonight or early tomorrow morning.

Thanks,

Matt

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
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On Tue, Feb 21, 2017 at 6:03 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

We are in the final stages. We have a Department-approved FR notice that DOJ is now reviewing. We also a Department-approved letter to the petitioner's and Dear Reporter letter. DOJ is also reviewing the letter to the Petitioner's for any conflicts. Both will be sent to you tonight in final form.

As far as process, I would suggest that you sign both the FR Notice and the letter to the petitioner's when I send the final versions after DOJ completes its review. Both the letter to the petitioner's and the Dear Reporter letter anticipate that they will be issued before the FR Notice is published. That way ONRR can send the letter to the petitioner's and the Dear Reporter letter out this week, even if the FR notice has not published yet.

Matthew J. Wheeler
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On Tue, Feb 21, 2017 at 3:51 PM, Gould, Greg <greg.gould@onrr.gov>
wrote:

Hey Matt (Wheeler),

A quick check-in and update on timing. At this point in the day, if we do not hear back from Jack by 4:30 here in Denver, then I'll plan to sign the FR Notice tomorrow morning and bring it with me to DC when I leave at noon. We will then finish up the FR process on Thursday and Friday and I'll email out the letter to Peter and we'll get the email blast out to the reporters no later than Friday afternoon.

How does that sound?

Thanks again for all the help with this.

Greg

Gregory J. Gould

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Regards,

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Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
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U.S. Department of the Interior*

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Regards,

Matthew Williams

*Office of Natural Resources Revenue
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Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>

Date: Tue, Feb 21, 2017 at 11:51 AM

Subject: Re: Valuation Rule Stay Supporting Documents

To: "Wheeler, Matthew"

<matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get

the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 9:51 AM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and sending it back for a final sign off. We will have everything to you today.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain
Region

755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 9:50 AM, Gould, Greg <greg.gould@onrr.gov> wrote:

Matt,

I reviewed all the material this weekend and have no additional comments, etc. What is the status of the package?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, Feb 17, 2017 at 5:55 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Greg:

Attached are the documents I sent to Matt this evening, all of which have been heavily revised. Please note that, for some reason, the FR notice was locked for editing by someone at ONRR, so I cannot accept the changes I made. However, under the review tab, you can change "Final: Show Markup" to "Final." It will allow you to read the document without the tracked changes, even though the changes cannot be accepted.

Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain
Region
755 Parfet St., Suite 151
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matthew.wheeler@sol.doi.gov
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----- Forwarded message -----

From: **Wheeler, Matthew**
<matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting
Documents
To: Matthew McKeown
<matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

- (1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;
- (2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;
- (3) Director Gould's response to the Petitioner's letter, which I revised per your request.
- (4) ONRR's FR notice, which I revised per your request, and;
- (5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6) -

(b) (6) I will also be available by email.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain
Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

"Williams, Matt" <matthew.williams@onrr.gov>

From: "Williams, Matt" <matthew.williams@onrr.gov>
Sent: Wed Feb 22 2017 11:42:37 GMT-0700 (MST)
To: Peter Christnacht <peter.christnacht@onrr.gov>
"Robson, Bonnie" <bonnie.robson@onrr.gov>, "Southall,
Armand" <armand.southall@onrr.gov>, Luis Aguilar
CC: <luis.aguilar@onrr.gov>, Jerold Gidner
<jerold.gidner@onrr.gov>
Subject: Re: FR Notice and Valuation Rule Stay Supporting
Documents

Peter,
Jerry mentioned that you were working on a briefing paper. What is the status, please? I am at a stand-still until I have one to go with the FRN to AS-PMB. Thanks!

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Wed, Feb 22, 2017 at 1:38 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Attached is the briefing Memo that the Solicitor's Office prepared for Mr. Haugrud. Per the Regional Solicitor, our office will not update this beyond was sent, reviewed and approved by Mr. Haugrud last week. We suggest that ONRR draft a separate supplement, or updating the briefing memo that ONRR prepared, to include the proposed edits to the extent they are not already included.

Matthew J. Wheeler
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On Wed, Feb 22, 2017 at 11:26 AM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

Hi Matt (Wheeler),

ONRR is required to have a briefing memo in the surnaming package that contains the FR notice. Greg has now signed the FR notice, but Matt Williams must present (or obtain through DTS) the FR and a memo to Amy Holley and Jim Cason to get their surnames. A memo also must accompany the signed, surnamed FR notice when it goes to Ex. Sec. for approval to publish.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Email: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Wed, Feb 22, 2017 at 11:21 AM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Thanks Bonnie, but this memo was prepared for, and reviewed by Acting Secretary Haugrud at his request. Since he has already approved those documents, I do not plan on sending him an updated version of the memorandum. Was ONRR planning to circulate this memo outside of this email chain? If so, I will

need to clear it with both Mr. McKeown and Mr. Haugrud.

Matthew J. Wheeler
U.S. Department of the Interior
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755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Wed, Feb 22, 2017 at 11:16 AM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

Matt,

My edits to the SOL version are shown **in red** below. Additions are **in red**, deletions are the text between the { } red marks.

I'm copying Matt Wheeler so he is aware of how ONRR will update the memo to accompany the FR notice as it goes through the final surnaming process.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Wed, Feb 22, 2017 at 11:06 AM, Williams, Matt <matt.williams@onrr.gov> wrote:

Good catch, Bonnie! Okay, then, I'll hold off on this until I get a copy that you sign off on as good to go.

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Wed, Feb 22, 2017 at 1:04 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

As I read through the SOL memo below, I notice two things that have changed: 1) The SOL advised us that the FR notice of stay should not explicitly walk through the four factors, and 2) ONRR does not intend to proceed with a repeal of the rule; rather, if approved, it will issue a new advanced notice of proposed rulemaking, with an eye toward further

improving on ONRR regulations as amended by the Consolidated Valuation Rule.

Bonnie Robson

Program Manager, Appeals & Regulations

Office of Natural Resources Revenue

U.S. Department of the Interior

Denver Federal Center Bldg. 53

PO Box 25165

Denver, CO 80225

E Mail: bonnie.robson@onrr.gov

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Cell: (720) 440-4500

----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>

Date: Wed, Feb 22, 2017 at 8:52 AM

Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

To: "Robson, Bonnie" <bonnie.robson@onrr.gov>

Cc: "Gould, Greg" <greg.gould@onrr.gov>, "Gidner, Jerold"

<jerold.gidner@onrr.gov>, Armand Southall <armand.southall@onrr.gov> ,

Luis Aguilar <luis.aguilar@onrr.gov>, Matt Williams Matt Williams

<matt.williams@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov> ,

John Mehlhoff <john.mehlhoff@onrr.gov>, "Steward, Jim"

<Jim.Steward@onrr.gov>

See briefing memo below.

I. Issue

Whether the Office of Natural Resources Revenue (ONRR) may postpone the effective date of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform rule under Section 705 of the Administrative Procedure Act (APA).

II. Background

On July 1, 2016, ONRR published in the Federal Register the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform final rule (Valuation Rule). 81 Fed. Reg. 43,338. The Valuation Rule took effect on January 1, 2017. The Valuation Rule changes how lessees value their production for royalty purposes and revises revenue-reporting requirements. Federal and Indian lessees must begin

reporting under the Valuation Rule for the first time on or before February 28, 2017, for the January 2017 production month.[1]

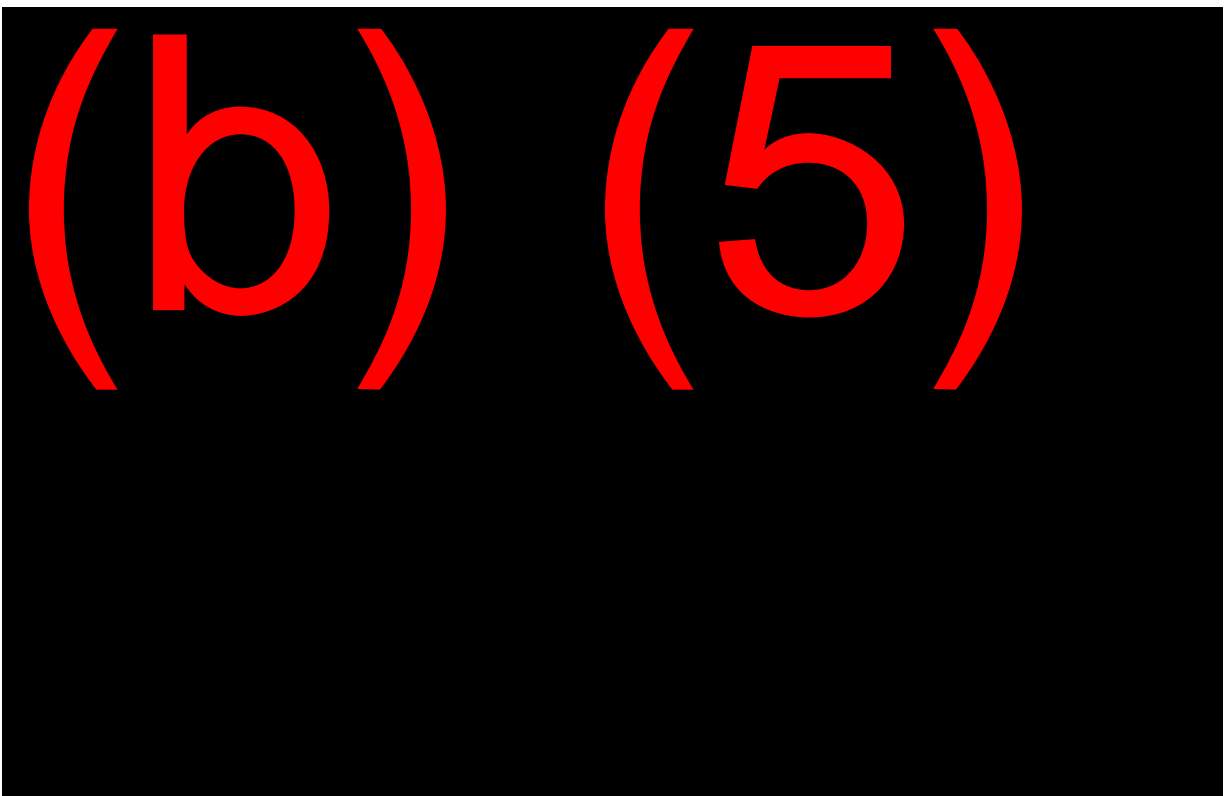
On December 29, 2016, Cloud Peak Energy, Inc. and other entities filed a petition for review in the United States District Court for the District of Wyoming challenging the Valuation Rule.[2] That same day the American Petroleum Institute[3]and Tri-State Generation and Transmission Association[4] filed separate petitions for review in the same district court. The petitions allege that multiple provisions of the Valuation Rule are arbitrary, capricious and contrary to the law.

On February 6, 2017, ONRR determined that postponing the effective date of the Valuation Rule was in the best interest of regulated community, the general public, and ONRR itself.

On February 13, 2017, Representative Scott Tipton (R-Colo.) introduced a Joint Resolution providing for congressional disapproval of the Valuation Rule under the Congressional Review Act.

On February 17, 2017, the petitioners sent ONRR a letter requesting that ONRR postpone the effective date of the Valuation Rule under Section 705 of the APA.

III. Applicable law



(b) (5)

(b) (5)

(b) (5)

Matthew J. Wheeler
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Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 7:16 PM, Robson, Bonnie
<bonnie.robson@onrr.gov> wrote:

Thanks, Matt. We understand there is also a briefing memo prepared by the Solicitor's Office related to this matter (the fifth of five products). Can you share that with us?

Thank you.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Tue, Feb 21, 2017 at 6:44 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Attached to this email are the Department-approved Federal Register Notice, Dear Reporter Letter and Director Letter to the petitioners. DOJ will complete their review of the FR notice and Director Letter as soon as possible tomorrow morning and will try to provide written confirmation of the same by 11 a.m. eastern time. The FR Notice should not be filed until DOJ signs off. That said, based on their initial comments, and because their review is limited to the impact of the FR Notice and Director Letter on the pending litigation, I do not expect they will make any significant revisions.

Once everything is a go, ONRR can file the FR notice, and send the Director's Letter and Dear Reporter letter out, as discussed below. In the meantime, the technical experts can review the attached documents for formatting, etc.. Please do not make any substantive edits to the documents without consulting me first, as any such edits may need to be cleared through the Department and Solicitor's Office.

Please contact me with any questions, comments or concerns. I have forwarded my phone and will have access to email, should anything come up tonight or early tomorrow morning.

Thanks,

Matt

Matthew J. Wheeler
U.S. Department of the Interior
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Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 6:03 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

We are in the final stages. We have a Department-approved FR notice that DOJ is now reviewing. We also a Department-approved letter to the petitioner's and Dear Reporter letter. DOJ is also reviewing the letter to the Petitioner's for any conflicts. Both will be sent to you tonight in final form.

As far as process, I would suggest that you sign both the FR Notice and the letter to the petitioner's when I send the final versions after DOJ completes its review. Both the letter to the petitioner's and the Dear Reporter letter anticipate that they will be issued before the FR Notice is published. That way ONRR can send the letter to the petitioner's and the Dear Reporter letter out this week, even if the FR notice has not published yet.

Matthew J. Wheeler
U.S. Department of the Interior
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matthew.wheeler@sol.doi.gov
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Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 3:51 PM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Hey Matt (Wheeler),

A quick check-in and update on timing. At this point in the day, if we do not hear back from Jack by 4:30 here in Denver, then I'll plan to sign the FR Notice tomorrow morning and bring it with me to DC when I leave at noon. We will then finish up the FR process on Thursday and Friday and I'll email out the letter to Peter and

we'll get the email blast out to the reporters no later than Friday afternoon.

How does that sound?

Thanks again for all the help with this.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 1:44 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

As a point of clarification, these are not the final versions of the documents. Mr. Huagrud and/or Mr. McKeown may still make edits to the documents. Please do not sign, file or edit anything until I send an email with the final versions of the documents.

Matthew J. Wheeler
U.S. Department of the Interior
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matthew.wheeler@sol.doi.gov
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Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 1:27 PM, Gidner, Jerold
<jerold.gidner@onrr.gov> wrote:

Hi Matt et al, I am forwarding these versions to Armand, Luis (in Denver) and Matt Williams (in DC). Armand and Luis will make sure its in the proper form for the FRN and get it signed here in Denver.

Greg plans to sign it before he leaves for DC tomorrow morning. We may have him hand carry it to DC.

So the earliest it will get to Exec Sec in DOI is Thursday, and

the earliest it will get out to the Fed Reg is Friday as I understand it. So publication next week. We will speed it as much as possible but much of the timing is out of our hands once it goes to Exec Sec.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrresource/> for employee news, resources, and events. And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

On Tue, Feb 21, 2017 at 2:54 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Attached are the most recent versions of both documents. Both are still being revised and not in final form. I have no concerns with responding to Peter and sending out the Dear Reporter Letter, so long as the FR notice is approved by the Department and heading towards publication. That said, I am not familiar with the FR publication process. Is there anything (or anyone) that could reject the notice to before it is published?

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
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matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 12:47 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks, please send me the latest draft of the FR and Letter I'm going to sign, so I can take another look as well. Do you have any concerns with me emailing the signed letter back to Peter once it is signed and then sending out the email blast to the reporters prior to the actual publication of the FR notice?

Greg

Gregory J. Gould

Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior

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On Tue, Feb 21, 2017 at 12:43 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

I just sent everything off to Jack for his review. I'm not sure what his schedule looks like, but assuming he approves them with some minor edits, it won't take me long to get them in final form to send to ONRR.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
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Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 12:41 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks Matt Williams, that's our goal and we will make adjustments as needed.

Matt Wheeler, when do you think you'll have the final letter to the petitioners and FR notice for me to sign? Should we just plan to have me sign it all tomorrow morning before I leave for the airport? Also, as soon as I sign the letter and the FR notice, I assume we are then cleared to do our email blast to our reporters, correct? I think the goal is to make sure the reporters know about the stay, the actual publication in the FR is more a formality, correct?

Thanks,

Greg

Gregory J. Gould

Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior

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On Tue, Feb 21, 2017 at 12:31 PM, Williams, Matt
<matt.williams@onrr.gov> wrote:

That's good to hear. We'll need Jim's surname after you Amy (according to Exec Sec). If we get it in an email today, I told Exec Sec that I'll get them an advance copy (to grease the wheels). If we get it first thing tomorrow morning, I will find a way to get Amy's and Jim's surname on the clearance record, then have it up to Exec Sec immediately thereafter. If we get all of that before 10:30 EST, Exec Sec can take it to the morning meeting on the 6th floor and, maybe, get it cleared to go by 1:45pm. If we are set for a miracle, we may be able to get it to OFR by the 2pm deadline to be on the docket for that day's intake.

Regards,

Matthew Williams

Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664

On Tue, Feb 21, 2017 at 2:24 PM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Matt,

Jim has already cleared this to go out tomorrow, so at this point I need to get it signed tonight and to Amy in the morning if possible. If we don't get it out this afternoon, then I'll sign all of it in the morning and bring it with me to DC for everyone to clear first thing Thursday morning.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:19 PM, Williams, Matt <matt.williams@onrr.gov> wrote:

Hey,

Overnighting it may not help. Greg is headed to DC tomorrow evening for a meeting with Jim Cason on Thursday. Cason will want Greg to brief him before sunaming (after Greg and Amy's signature and surname, respectively). Even if we somehow got Cason's surname tomorrow, Exec Sec won't clear it for at least 24 hours. Likely, we won't get this off to OFR until Friday afternoon...and that is if we get the FRN and briefing paper in the next 5 minutes.

Regards,

Matthew Williams

*Office of Natural Resources Revenue
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1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:12 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

Matt Wheeler,

When documents are sent over from Solicitor's Office to ONRR, please send to all on this email. I will be out of communication and unable to move the documents to the next step between 12:30-3 pm today.

Luis is going to work with Christina Mathers to prepare a FedEx overnight ASAP earliest possible delivery envelope in which we can

mail three copies of the FR notice signed by Greg. Luis and Christina will also figure out what FedEx offices accept super-rush envelopes and to what hour tonight.

If the FR comes from SOL before Christina leaves today, she will print 3 copies, have Greg sign, and FedEx overnight for early morning super-rush delivery. If the FR comes from SOL after Christina leaves today, Peter, Amy, or I will print 3 copies, get Greg's signatures, and send the FedEx from a FedEx location that is still accepting for earliest possible tomorrow morning delivery.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
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Denver, CO 80225
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Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 11:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to

Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 9:51 AM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and sending it back for a final sign off. We will have everything to you today.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain
Region
755 Parfet St., Suite 151

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matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 9:50 AM, Gould, Greg <greg.gould@onrr.gov> wrote:

Matt,

I reviewed all the material this weekend and have no additional comments, etc. What is the status of the package?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, Feb 17, 2017 at 5:55 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Greg:

Attached are the documents I sent to Matt this evening, all of which have been heavily revised. Please note that, for some reason, the FR notice was locked for editing by someone at ONRR, so I cannot accept the changes I made. However, under the review tab, you can change "Final: Show Markup" to "Final." It will allow you to read the document without the tracked changes, even though the changes cannot be accepted.

Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky
Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew**
<matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay
Supporting Documents
To: Matthew McKeown
<matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

- (1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;
- (2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;
- (3) Director Gould's response to the Petitioner's letter, which I revised per your request.
- (4) ONRR's FR notice, which I revised per your request, and;
- (5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell

(720) 245-5305 or my personal cell
(b) (6) I will also be
available by email.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky
Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
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Fax: (303) 231-5363

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Wed Feb 22 2017 11:46:56 GMT-0700 (MST)
To: "Williams, Matt" <matt.williams@onrr.gov>
Peter Christnacht <peter.christnacht@onrr.gov>, "Southall,
Armand" <armand.southall@onrr.gov>, Luis Aguilar

CC: <luis.aguilar@onrr.gov>, Jerold Gidner
<jerold.gidner@onrr.gov>

Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

Peter's briefing paper is not to get the stay, but for next steps following the stay. It should not go with the FR notice as it moves through MIB surnaming.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Wed, Feb 22, 2017 at 11:42 AM, Williams, Matt <matt.williams@onrr.gov> wrote:

Peter,

Jerry mentioned that you were working on a briefing paper. What is the status, please? I am at a stand-still until I have one to go with the FRN to AS-PMB. Thanks!

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Wed, Feb 22, 2017 at 1:38 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Attached is the briefing Memo that the Solicitor's Office prepared for Mr. Haugrud. Per the Regional Solicitor, our office will not update this beyond what was sent, reviewed and approved by Mr. Haugrud last week. We suggest that ONRR draft a separate supplement, or updating the briefing memo that ONRR prepared, to include the proposed edits to the extent they are not already included.

Matthew J. Wheeler
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Fax: (303) 231-5363

On Wed, Feb 22, 2017 at 11:26 AM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

Hi Matt (Wheeler),

ONRR is required to have a briefing memo in the surnaming package that contains the FR notice. Greg has now signed the FR notice, but Matt Williams must present (or obtain through DTS) the FR and a memo to Amy Holley and Jim Cason to get their surnames. A memo also must accompany the signed, surnamed FR notice when it goes to Ex. Sec. for approval to publish.

Bonnie Robson

Program Manager, Appeals & Regulations
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Office: (303) 231-3729
Cell: (720) 440-4500

On Wed, Feb 22, 2017 at 11:21 AM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Thanks Bonnie, but this memo was prepared for, and reviewed by Acting Secretary Haugrud at his request. Since he has already approved those documents, I do not plan on sending him an updated version of the memorandum. Was ONRR planning to circulate this memo outside of this email chain? If so, I will need to clear it with both Mr. McKeown and Mr. Haugrud.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
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matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Wed, Feb 22, 2017 at 11:16 AM, Robson, Bonnie
<bonnie.robson@onrr.gov> wrote:

Matt,

My edits to the SOL version are shown **in red** below. Additions are **in red**, deletions are the text between the **{ }** red marks.

I'm copying Matt Wheeler so he is aware of how ONRR will update the memo to accompany the FR notice as it goes through the final surnaming process.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
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Office: (303) 231-3729
Cell: (720) 440-4500

On Wed, Feb 22, 2017 at 11:06 AM, Williams, Matt <matt.williams@onrr.gov> wrote:

Good catch, Bonnie! Okay, then, I'll hold off on this until I get a copy that you sign off on as good to go.

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Wed, Feb 22, 2017 at 1:04 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

As I read through the SOL memo below, I notice two things that have changed: 1) The SOL advised us that the FR notice of stay should not explicitly walk through the four factors, and 2) ONRR does not intend to proceed with a repeal of the rule; rather, if approved, it will issue a new advanced notice of proposed rulemaking, with an eye toward further improving on ONRR regulations as amended by the Consolidated Valuation Rule.

Bonnie Robson

Program Manager, Appeals & Regulations
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Denver, CO 80225
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Cell: (720) 440-4500

----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Wed, Feb 22, 2017 at 8:52 AM
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Cc: "Gould, Greg" <greg.gould@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

See briefing memo below.

I. Issue

Whether the Office of Natural Resources Revenue (ONRR) may postpone the effective date of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform rule under Section 705 of the Administrative Procedure Act (APA).

II. Background

On July 1, 2016, ONRR published in the Federal Register the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform final rule (Valuation Rule). 81 Fed. Reg. 43,338. The Valuation Rule took effect on January 1, 2017. The Valuation Rule changes how lessees value their production for royalty purposes and revises revenue-reporting requirements. Federal and Indian lessees must begin reporting under the Valuation Rule for the first time on or before February 28, 2017, for the January 2017 production month.[1]

On December 29, 2016, Cloud Peak Energy, Inc. and other entities filed a petition for review in the United States District Court for the District of Wyoming challenging the Valuation Rule.[2] That same day the American Petroleum Institute[3] and Tri-State Generation and Transmission Association[4] filed separate petitions for review in the same district court. The petitions allege that multiple provisions of the Valuation Rule are arbitrary, capricious and contrary to the law.

On February 6, 2017, ONRR determined that postponing the effective date of the Valuation Rule was in the best interest of regulated community, the general public, and ONRR itself.

On February 13, 2017, Representative Scott Tipton (R-Colo.) introduced a Joint Resolution providing for congressional disapproval of the Valuation Rule under the Congressional Review Act.

On February 17, 2017, the petitioners sent ONRR a letter requesting that ONRR postpone the effective date of the Valuation Rule under Section 705 of the APA.

III. Applicable law

(b) (5)

(b) (5)

(b) (5)

(b) (5)

Matthew J. Wheeler
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On Tue, Feb 21, 2017 at 7:16 PM, Robson, Bonnie
<bonnie.robson@onrr.gov> wrote:

Thanks, Matt. We understand there is also a briefing memo prepared by the Solicitor's Office related to this matter (the fifth of five products). Can you share that with us?

Thank you.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
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Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Email: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Tue, Feb 21, 2017 at 6:44 PM, Wheeler, Matthew

<matthew.wheeler@sol.doi.gov> wrote:

Attached to this email are the Department-approved Federal Register Notice, Dear Reporter Letter and Director Letter to the petitioners. DOJ will complete their review of the FR notice and Director Letter as soon as possible tomorrow morning and will try to provide written confirmation of the same by 11 a.m. eastern time. The FR Notice should not be filed until DOJ signs off. That said, based on their initial comments, and because their review is limited to the impact of the FR Notice and Director Letter on the pending litigation, I do not expect they will make any significant revisions.

Once everything is a go, ONRR can file the FR notice, and send the Director's Letter and Dear Reporter letter out, as discussed below. In the meantime, the technical experts can review the attached documents for formatting, etc.. Please do not make any substantive edits to the documents without consulting me first, as any such edits may need to be cleared through the Department and Solicitor's Office.

Please contact me with any questions, comments or concerns. I have forwarded my phone and will have access to email, should anything come up tonight or early tomorrow morning.

Thanks,

Matt

Matthew J. Wheeler
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matthew.wheeler@sol.doi.gov
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Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 6:03 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

We are in the final stages. We have a Department-approved FR notice that DOJ is now reviewing. We also a Department-approved letter to the petitioner's and Dear Reporter letter. DOJ is also reviewing the letter to the Petitioner's for any conflicts. Both will be sent to you tonight in final form.

As far as process, I would suggest that you sign both the FR Notice and the letter to the petitioner's when I send the final versions after DOJ completes its review. Both the letter to the petitioner's and the

Dear Reporter letter anticipate that they will be issued before the FR Notice is published. That way ONRR can send the letter to the petitioner's and the Dear Reporter letter out this week, even if the FR notice has not published yet.

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On Tue, Feb 21, 2017 at 3:51 PM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Hey Matt (Wheeler),

A quick check-in and update on timing. At this point in the day, if we do not hear back from Jack by 4:30 here in Denver, then I'll plan to sign the FR Notice tomorrow morning and bring it with me to DC when I leave at noon. We will then finish up the FR process on Thursday and Friday and I'll email out the letter to Peter and we'll get the email blast out to the reporters no later than Friday afternoon.

How does that sound?

Thanks again for all the help with this.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 1:44 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

As a point of clarification, these are not the final versions of the documents. Mr. Huagrud and/or Mr. McKeown may still make

edits to the documents. Please do not sign, file or edit anything until I send an email with the final versions of the documents.

Matthew J. Wheeler
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On Tue, Feb 21, 2017 at 1:27 PM, Gidner, Jerold
<jerold.gidner@onrr.gov> wrote:

Hi Matt et al, I am forwarding these versions to Armand, Luis (in Denver) and Matt Williams (in DC). Armand and Luis will make sure its in the proper form for the FRN and get it signed here in Denver.

Greg plans to sign it before he leaves for DC tomorrow morning. We may have him hand carry it to DC.

So the earliest it will get to Exec Sec in DOI is Thursday, and the earliest it will get out to the Fed Reg is Friday as I understand it. So publication next week. We will speed it as much as possible but much of the timing is out of our hands once it goes to Exec Sec.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrrresource/> for employee news, resources, and events.

And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

On Tue, Feb 21, 2017 at 2:54 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Attached are the most recent versions of both documents. Both are still being revised and not in final form. I have no concerns with responding to Peter and sending out the Dear Reporter Letter, so long as the FR notice is approved by the Department and heading

towards publication. That said, I am not familiar with the FR publication process. Is there anything (or anyone) that could reject the notice to before it is published?

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
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matthew.wheeler@sol.doi.gov
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Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 12:47 PM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Thanks, please send me the latest draft of the FR and Letter I'm going to sign, so I can take another look as well. Do you have any concerns with me emailing the signed letter back to Peter once it is signed and then sending out the email blast to the reporters prior to the actual publication of the FR notice?

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:43 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

I just sent everything off to Jack for his review. I'm not sure what his schedule looks like, but assuming he approves them with some minor edits, it won't take me long to get them in final form to send to ONRR.

Matthew J. Wheeler
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Office of the Solicitor, Rocky Mountain Region

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matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 12:41 PM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Thanks Matt Williams, that's our goal and we will make adjustments as needed.

Matt Wheeler, when do you think you'll have the final letter to the petitioners and FR notice for me to sign? Should we just plan to have me sign it all tomorrow morning before I leave for the airport? Also, as soon as I sign the letter and the FR notice, I assume we are then cleared to do our email blast to our reporters, correct? I think the goal is to make sure the reporters know about the stay, the actual publication in the FR is more a formality, correct?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:31 PM, Williams, Matt
<matt.williams@onrr.gov> wrote:

That's good to hear. We'll need Jim's surname after you Amy (according to Exec Sec). If we get it in an email today, I told Exec Sec that I'll get them an advance copy (to grease the wheels). If we get it first thing tomorrow morning, I will find a way to get Amy's and Jim's surname on the clearance record, then have it up to Exec Sec

immediately thereafter. If we get all of that before 10:30 EST, Exec Sec can take it to the morning meeting on the 6th floor and, maybe, get it cleared to go by 1:45pm. If we are set for a miracle, we may be able to get it to OFR by the 2pm deadline to be on the docket for that day's intake.

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:24 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Matt,

Jim has already cleared this to go out tomorrow, so at this point I need to get it signed tonight and to Amy in the morning if possible. If we don't get it out this afternoon, then I'll sign all of it in the morning and bring it with me to DC for everyone to clear first thing Thursday morning.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:19 PM, Williams, Matt <matt.williams@onrr.gov> wrote:

Hey,

Overnighting it may not help. Greg is headed to DC tomorrow evening for a meeting with Jim Cason on Thursday. Cason will want Greg to brief him before sunaming (after Greg and Amy's signature and surname, respectively). Even if we somehow got Cason's surname tomorrow, Exec Sec won't clear it for at least 24 hours. Likely, we won't get this off to OFR until Friday afternoon...and that is if we get the FRN and briefing paper in the next 5 minutes.

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:12 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

Matt Wheeler,

When documents are sent over from Solicitor's Office to ONRR, please send to all on this email. I will be out of communication and unable to move the documents to the next step between 12:30-3 pm today.

Luis is going to work with Christina Mathers to prepare a FedEx overnight ASAP earliest possible delivery envelope in which we can mail three copies of the FR notice signed by Greg. Luis and Christina will also figure out what FedEx offices accept super-rush envelopes and to what hour tonight.

If the FR comes from SOL before Christina leaves today, she will print 3 copies, have Greg sign, and FedEx overnight for early morning super-rush delivery. If the FR comes from SOL after Christina leaves today, Peter, Amy, or I will print 3 copies, get Greg's signatures, and send the FedEx from a FedEx location that is still accepting for earliest possible tomorrow morning delivery.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue

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Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg**

<greg.gould@onrr.gov>

Date: Tue, Feb 21, 2017 at 11:51 AM

Subject: Re: Valuation Rule Stay

Supporting Documents

To: "Wheeler, Matthew"

<matthew.wheeler@sol.doi.gov>, Kevin

Haugrud <jack.haugrud@sol.doi.gov>,

Amy Holley <Amy_Holley@ios.doi.gov>,

Matthew McKeown

<Matthew.McKeown@sol.doi.gov>,

"Steward, Jim" <Jim.Steward@onrr.gov>,

Jerold Gidner <jerold.gidner@onrr.gov>,

Bonnie Robson

<bonnie.robson@onrr.gov>, John

Mehlhoff <john.mehlhoff@onrr.gov>,

"DeBerard, Michael"

<michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 9:51 AM,
Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:
Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and sending it back for a final sign off. We will have everything to you today.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain
Region
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Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 9:50 AM,
Gould, Greg <greg.gould@onrr.gov>
wrote:

Matt,

I reviewed all the material this weekend and have no additional comments, etc. What is the status of the package?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, Feb 17, 2017 at 5:55 PM,
Wheeler, Matthew
<matthew.wheeler@sol.doi.gov>
wrote:

Greg:

Attached are the documents I sent to Matt this evening, all of which have been heavily revised. Please note that, for some reason, the FR notice was locked for editing by someone at ONRR, so I cannot accept the changes I made. However, under the review tab, you can change "Final: Show Markup" to "Final." It will allow you to read the document without the tracked changes, even though the changes cannot be accepted.

Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
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755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

--

From: **Wheeler, Matthew**

<matthew.wheeler@sol.doi.gov>

Date: Fri, Feb 17, 2017 at 5:28 PM

Subject: Valuation Rule Stay

Supporting Documents

To: Matthew McKeown

<matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

- (1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;
- (2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;
- (3) Director Gould's response to the Petitioner's letter, which I revised per your request.
- (4) ONRR's FR notice, which I revised per your request, and;
- (5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6). I will also be available by email.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky
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755 Parfet St., Suite 151

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matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

"Williams, Matt" <matthew.williams@onrr.gov>

From: "Williams, Matt" <matthew.williams@onrr.gov>
Sent: Wed Feb 22 2017 11:48:24 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Peter Christnacht <peter.christnacht@onrr.gov>, "Southall,
CC: Armand" <armand.southall@onrr.gov>, Luis Aguilar
<luis.aguilar@onrr.gov>, Jerold Gidner
<jerold.gidner@onrr.gov>
Subject: Re: FR Notice and Valuation Rule Stay Supporting
Documents

Oh. Thanks for the clarification.

Regards,

Matthew Williams
Office of Natural Resources Revenue

Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664

On Wed, Feb 22, 2017 at 1:46 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:
Peter's briefing paper is not to get the stay, but for next steps following the stay. It should not go with the FR notice as it moves through MIB surnaming.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
E-Mail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Wed, Feb 22, 2017 at 11:42 AM, Williams, Matt <matt.williams@onrr.gov> wrote:
Peter,
Jerry mentioned that you were working on a briefing paper. What is the status, please? I am at a stand-still until I have one to go with the FRN to AS-PMB. Thanks!

Regards,

Matthew Williams

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On Wed, Feb 22, 2017 at 1:38 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Attached is the briefing Memo that the Solicitor's Office prepared for Mr. Haugrud. Per the Regional Solicitor, our office will not update this beyond was sent, reviewed and approved by Mr. Haugrud last week. We suggest that ONRR draft a separate supplement, or updating the briefing memo that ONRR prepared, to include the proposed edits to the extent they are not already included.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
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matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Wed, Feb 22, 2017 at 11:26 AM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:
Hi Matt (Wheeler),

ONRR is required to have a briefing memo in the surnaming package that contains the FR notice. Greg has now signed the FR notice, but Matt Williams must present (or obtain through DTS) the FR and a memo to Amy Holley and Jim Cason to get their surnames. A memo also must accompany the signed, surnamed FR notice when it goes to Ex. Sec. for approval to publish.

Bonnie Robson

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On Wed, Feb 22, 2017 at 11:21 AM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Thanks Bonnie, but this memo was prepared for, and reviewed by Acting Secretary Haugrud at his request. Since he has already approved those documents, I do not plan on sending him an updated version of the memorandum. Was ONRR planning to circulate this memo outside of this email chain? If so, I will need to clear it with both Mr. McKeown and Mr. Haugrud.

Matthew J. Wheeler
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On Wed, Feb 22, 2017 at 11:16 AM, Robson, Bonnie
<bonnie.robson@onrr.gov> wrote:

Matt,

My edits to the SOL version are shown **in red** below. Additions are **in red**, deletions are the text between the **{ }** red marks.

I'm copying Matt Wheeler so he is aware of how ONRR will update the memo to accompany the FR notice as it goes through the final surnaming process.

Bonnie Robson

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On Wed, Feb 22, 2017 at 11:06 AM, Williams, Matt

<matt.williams@onrr.gov> wrote:

Good catch, Bonnie! Okay, then, I'll hold off on this until I get a copy that you sign off on as good to go.

Regards,

Matthew Williams

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On Wed, Feb 22, 2017 at 1:04 PM, Robson, Bonnie

<bonnie.robson@onrr.gov> wrote:

As I read through the SOL memo below, I notice two things that have changed: 1) The SOL advised us that the FR notice of stay should not explicitly walk through the four factors, and 2) ONRR does not intend to proceed with a repeal of the rule; rather, if approved, it will issue a new advanced notice of proposed rulemaking, with an eye toward further improving on ONRR regulations as amended by the Consolidated Valuation Rule.

Bonnie Robson

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----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>

Date: Wed, Feb 22, 2017 at 8:52 AM

Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

To: "Robson, Bonnie" <bonnie.robson@onrr.gov>

Cc: "Gould, Greg" <greg.gould@onrr.gov>, "Gidner, Jerold"

<jerold.gidner@onrr.gov>, Armand Southall

<armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov> ,

Matt Williams <matt.williams@onrr.gov>, Peter

Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff

<john.mehlhoff@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

See briefing memo below.

I. Issue

Whether the Office of Natural Resources Revenue (ONRR) may postpone the effective date of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform rule under Section 705 of the Administrative Procedure Act (APA).

II. Background

On July 1, 2016, ONRR published in the Federal Register the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform final rule (Valuation Rule). 81 Fed. Reg. 43,338. The Valuation Rule took effect on January 1, 2017. The Valuation Rule changes how lessees value their production for royalty purposes and revises revenue-reporting requirements. Federal and Indian lessees must begin reporting under the Valuation Rule for the first time on or before February 28, 2017, for the January 2017 production month.[1]

On December 29, 2016, Cloud Peak Energy, Inc. and other entities filed a petition for review in the United States District Court for the District of Wyoming challenging the Valuation Rule.[2] That same day the American Petroleum Institute[3] and Tri-State Generation and Transmission Association[4] filed separate petitions for review in the same district court. The petitions allege that multiple provisions of the Valuation Rule are arbitrary, capricious and contrary to the law.

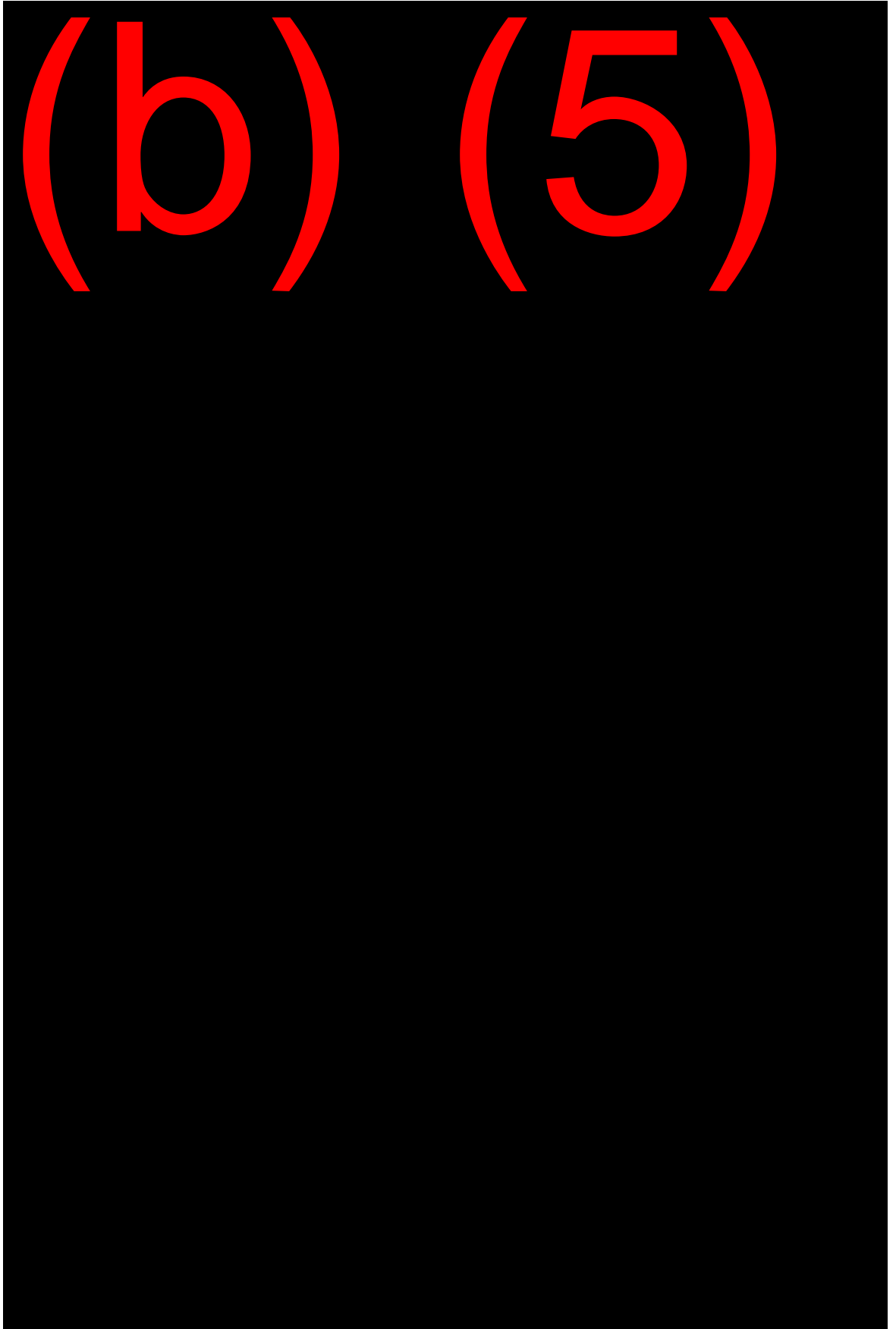
On February 6, 2017, ONRR determined that postponing the effective date of the Valuation Rule was in the best interest of regulated community, the general public, and ONRR itself.

On February 13, 2017, Representative Scott Tipton (R-Colo.) introduced a Joint Resolution providing for congressional disapproval of the Valuation Rule under the Congressional Review Act.

On February 17, 2017, the petitioners sent ONRR a letter requesting that

ONRR postpone the effective date of the Valuation Rule under Section 705 of the APA.

III. Applicable law



(b) (5)

(b) (5)

(b) (5)

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On Tue, Feb 21, 2017 at 7:16 PM, Robson, Bonnie
<bonnie.robson@onrr.gov> wrote:

Thanks, Matt. We understand there is also a briefing memo prepared by the Solicitor's Office related to this matter (the fifth of five products). Can you share that with us?

Thank you.

Bonnie Robson
Program Manager, Appeals & Regulations
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On Tue, Feb 21, 2017 at 6:44 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Attached to this email are the Department-approved Federal Register Notice, Dear Reporter Letter and Director Letter to the petitioners. DOJ will complete their review of the FR notice and Director Letter as soon as possible tomorrow morning and will try to provide written confirmation of the same by 11 a.m. eastern time. The FR Notice should not be filed until DOJ signs off. That said, based on their initial comments, and because their review is limited to the impact of the FR Notice and Director Letter on the pending litigation, I do not expect they will make any significant revisions.

Once everything is a go, ONRR can file the FR notice, and send the Director's Letter and Dear Reporter letter out, as discussed below. In the meantime, the technical experts can review the attached documents for formatting, etc.. Please do not make any substantive edits to the documents without consulting me first, as any such edits may need to be cleared through the Department and Solicitor's Office.

Please contact me with any questions, comments or concerns. I have forwarded my phone and will have access to email, should anything come up tonight or early tomorrow morning.

Thanks,

Matt

Matthew J. Wheeler
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On Tue, Feb 21, 2017 at 6:03 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

We are in the final stages. We have a Department-approved FR notice that DOJ is now reviewing. We also a Department-

approved letter to the petitioner's and Dear Reporter letter. DOJ is also reviewing the letter to the Petitioner's for any conflicts. Both will be sent to you tonight in final form.

As far as process, I would suggest that you sign both the FR Notice and the letter to the petitioner's when I send the final versions after DOJ completes its review. Both the letter to the petitioner's and the Dear Reporter letter anticipate that they will be issued before the FR Notice is published. That way ONRR can send the letter to the petitioner's and the Dear Reporter letter out this week, even if the FR notice has not published yet.

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On Tue, Feb 21, 2017 at 3:51 PM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Hey Matt (Wheeler),

A quick check-in and update on timing. At this point in the day, if we do not hear back from Jack by 4:30 here in Denver, then I'll plan to sign the FR Notice tomorrow morning and bring it with me to DC when I leave at noon. We will then finish up the FR process on Thursday and Friday and I'll email out the letter to Peter and we'll get the email blast out to the reporters no later than Friday afternoon.

How does that sound?

Thanks again for all the help with this.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 1:44 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

As a point of clarification, these are not the final versions of the documents. Mr. Huagrud and/or Mr. McKeown may still make edits to the documents. Please do not sign, file or edit anything until I send an email with the final versions of the documents.

Matthew J. Wheeler
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On Tue, Feb 21, 2017 at 1:27 PM, Gidner, Jerold
<jerold.gidner@onrr.gov> wrote:

Hi Matt et al, I am forwarding these versions to Armand, Luis (in Denver) and Matt Williams (in DC). Armand and Luis will make sure its in the proper form for the FRN and get it signed here in Denver.

Greg plans to sign it before he leaves for DC tomorrow morning. We may have him hand carry it to DC.

So the earliest it will get to Exec Sec in DOI is Thursday, and the earliest it will get out to the Fed Reg is Friday as I understand it. So publication next week. We will speed it as much as possible but much of the timing is out of our hands once it goes to Exec Sec.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

Be sure to visit <http://onrresource/> for employee news, resources, and events.

And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

On Tue, Feb 21, 2017 at 2:54 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Attached are the most recent versions of both documents. Both are still being revised and not in final form. I have no concerns with responding to Peter and sending out the Dear Reporter Letter, so long as the FR notice is approved by the Department and heading towards publication. That said, I am not familiar with the FR publication process. Is there anything (or anyone) that could reject the notice to before it is published?

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On Tue, Feb 21, 2017 at 12:47 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks, please send me the latest draft of the FR and Letter I'm going to sign, so I can take another look as well. Do you have any concerns with me emailing the signed letter back to Peter once it is signed and then sending out the email blast to the reporters prior to the actual publication of the FR notice?

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:43 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:
I just sent everything off to Jack for his review. I'm

not sure what his schedule looks like, but assuming he approves them with some minor edits, it won't take me long to get them in final form to send to ONRR.

Matthew J. Wheeler
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On Tue, Feb 21, 2017 at 12:41 PM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Thanks Matt Williams, that's our goal and we will make adjustments as needed.

Matt Wheeler, when do you think you'll have the final letter to the petitioners and FR notice for me to sign? Should we just plan to have me sign it all tomorrow morning before I leave for the airport? Also, as soon as I sign the letter and the FR notice, I assume we are then cleared to do our email blast to our reporters, correct? I think the goal is to make sure the reporters know about the stay, the actual publication in the FR is more a formality, correct?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:31 PM, Williams, Matt <matt.williams@onrr.gov> wrote:

That's good to hear. We'll need Jim's surname after you Amy (according to Exec Sec). If we get it in an email today, I told Exec Sec that I'll get them an advance copy (to grease the wheels). If we get it first thing tomorrow morning, I will find a way to get Amy's and Jim's surname on the clearance record, then have it up to Exec Sec immediately thereafter. If we get all of that before 10:30 EST, Exec Sec can take it to the morning meeting on the 6th floor and, maybe, get it cleared to go by 1:45pm. If we are set for a miracle, we may be able to get it to OFR by the 2pm deadline to be on the docket for that day's intake.

Regards,

Matthew Williams

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On Tue, Feb 21, 2017 at 2:24 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Matt,

Jim has already cleared this to go out tomorrow, so at this point I need to get it signed tonight and to Amy in the morning if possible. If we don't get it out this afternoon, then I'll sign all of it in the morning and bring it with me to DC for everyone to clear first thing Thursday morning.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
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intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail.

On Tue, Feb 21, 2017 at 12:19 PM,
Williams, Matt <matt.williams@onrr.gov>
wrote:

Hey,
Overnighting it may not help. Greg is headed to DC tomorrow evening for a meeting with Jim Cason on Thursday. Cason will want Greg to brief him before sunaming (after Greg and Amy's signature and surname, respectively). Even if we somehow got Cason's surname tomorrow, Exec Sec won't clear it for at least 24 hours. Likely, we won't get this off to OFR until Friday afternoon...and that is if we get the FRN and briefing paper in the next 5 minutes.

Regards,

Matthew Williams

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(202) 513-0664*

On Tue, Feb 21, 2017 at 2:12 PM,
Robson, Bonnie
<bonnie.robson@onrr.gov> wrote:

Matt Wheeler,

When documents are sent over from Solicitor's Office to ONRR, please send to all on this email. I will be out of communication and unable to move the documents to the next step between 12:30-3 pm today.

Luis is going to work with Christina Mathers to prepare a FedEx overnight ASAP earliest possible delivery envelope in which we can mail three copies of the FR notice signed by Greg. Luis and Christina will also figure out what FedEx offices accept super-rush envelopes and to what hour tonight.

If the FR comes from SOL before Christina leaves today, she will print 3

copies, have Greg sign, and FedEx overnight for early morning super-rush delivery. If the FR comes from SOL after Christina leaves today, Peter, Amy, or I will print 3 copies, get Greg's signatures, and send the FedEx from a FedEx location that is still accepting for earliest possible tomorrow morning delivery.

Bonnie Robson

Program Manager, Appeals & Regulations
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----- Forwarded message -----

From: **Gould, Greg**

<greg.gould@onrr.gov>

Date: Tue, Feb 21, 2017 at 11:51 AM

Subject: Re: Valuation Rule Stay
Supporting Documents

To: "Wheeler, Matthew"

<matthew.wheeler@sol.doi.gov>, Kevin
Haugrud <jack.haugrud@sol.doi.gov>,
Amy Holley

<Amy_Holley@ios.doi.gov>, Matthew
McKeown

<Matthew.McKeown@sol.doi.gov>,
"Steward, Jim"

<Jim.Steward@onrr.gov>, Jerold
Gidner <jerold.gidner@onrr.gov>,
Bonnie Robson

<bonnie.robson@onrr.gov>, John
Mehlhoff <john.mehlhoff@onrr.gov>,
"DeBerard, Michael"

<michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please

send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 9:51 AM,
Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and sending it back for a final sign off. We will have everything to you today.

Matthew J. Wheeler
U.S. Department of the Interior
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On Tue, Feb 21, 2017 at 9:50 AM,
Gould, Greg <greg.gould@onrr.gov>
wrote:

Matt,

I reviewed all the material this weekend and have no additional comments, etc. What is the status of the package?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, Feb 17, 2017 at 5:55 PM,
Wheeler, Matthew
<matthew.wheeler@sol.doi.gov>
wrote:

Greg:

Attached are the documents I sent to Matt this evening, all of which have been heavily revised. Please note that, for some reason, the FR notice was locked for editing by someone at ONRR, so I cannot accept the changes I

made. However, under the review tab, you can change "Final: Show Markup" to "Final."

It will allow you to read the document without the tracked changes, even though the changes cannot be accepted.

Have a good weekend,

Matthew J. Wheeler
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----- Forwarded message -----

From: **Wheeler, Matthew**
<matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28
PM
Subject: Valuation Rule Stay
Supporting Documents
To: Matthew McKeown
<matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

(1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;

(2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;

(3) Director Gould's response to the Petitioner's letter, which I revised per your request.

(4) ONRR's FR notice, which I

revised per your request, and;

(5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6) I will also be available by email.

Thanks,

Matthew J. Wheeler
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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Thu Feb 23 2017 08:17:37 GMT-0700 (MST)
To: Robert Malandri <robert.malandri@onrr.gov>
Subject: Fwd: FR Notice and Valuation Rule Stay Supporting Documents
Federal Register Notice Postponing Valuation Rule.docx
Attachments: ONRR Director Letter RE 705 Stay.docx Dear Reporter letter Final.docx

Rob,

This email contains the FR notice, the letter to the petitioners and the DR letter

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

This message serves as guidance for determining value for Federal royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Wed, Feb 22, 2017 at 8:48 AM
Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents
To: "Gould, Greg" <greg.gould@onrr.gov>
Cc: "Gidner, Jerold" <jerold.gidner@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

Good Morning:

DOJ has officially signed off on the documents. I've attached the final version here again for clarification. (The attached are identical to the documents I sent last night)

My understanding is that all FR notices must be submitted to the Exec Sec and surnamed by the Chief of Staff, and in this instance, the Acting Assistant Secretary for PMB. Has ONRR coordinated already with PMB and Exec Sec to facilitate this process?

Please confirm what the next steps look like so I can close the loop with Mr. Haugrud and Mr. McKeown.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 6:44 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Attached to this email are the Department-approved Federal Register Notice, Dear Reporter Letter and Director Letter to the petitioners. DOJ will complete their review of the FR notice and Director Letter as soon as possible tomorrow morning and will try to provide written confirmation of the same by 11 a.m. eastern time. The FR Notice should not be filed until DOJ signs off. That said, based on their initial comments, and because their review is limited to the impact of the FR Notice and Director Letter on the pending litigation, I do not expect they will make any significant revisions.

Once everything is a go, ONRR can file the FR notice, and send the Director's Letter and Dear Reporter letter out, as discussed below. In the meantime, the technical experts can review the attached documents for formatting, etc.. Please do not make any substantive edits to the documents without consulting me first, as any such edits may need to be cleared through the Department and Solicitor's Office.

Please contact me with any questions, comments or concerns. I have forwarded my phone and will have access to email, should anything come up tonight or early tomorrow morning.

Thanks,

Matt

Matthew J. Wheeler

U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 6:03 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

We are in the final stages. We have a Department-approved FR notice that DOJ is now reviewing. We also a Department-approved letter to the petitioner's and Dear Reporter letter. DOJ is also reviewing the letter to the Petitioner's for any conflicts. Both will be sent to you tonight in final form.

As far as process, I would suggest that you sign both the FR Notice and the letter to the petitioner's when I send the final versions after DOJ completes its review. Both the letter to the petitioner's and the Dear Reporter letter anticipate that they will be issued before the FR Notice is published. That way ONRR can send the letter to the petitioner's and the Dear Reporter letter out this week, even if the FR notice has not published yet.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 3:51 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Hey Matt (Wheeler),

A quick check-in and update on timing. At this point in the day, if we do not hear back from Jack by 4:30 here in Denver, then I'll plan to sign the FR Notice tomorrow morning and bring it with me to DC when I leave at noon. We will then finish up the FR process on Thursday and Friday and I'll email out the letter to Peter and we'll get the email blast out to the reporters no later than Friday afternoon.

How does that sound?

Thanks again for all the help with this.

Greg

Gregory J. Gould

Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior

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On Tue, Feb 21, 2017 at 1:44 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

As a point of clarification, these are not the final versions of the documents. Mr. Huagrud and/or Mr. McKeown may still make edits to the documents. Please do not sign, file or edit anything until I send an email with the final versions of the documents.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
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matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 1:27 PM, Gidner, Jerold <jerold.gidner@onrr.gov>
wrote:

Hi Matt et al, I am forwarding these versions to Armand, Luis (in Denver) and Matt Williams (in DC). Armand and Luis will make sure its in the proper form for the FRN and get it signed here in Denver.

Greg plans to sign it before he leaves for DC tomorrow morning. We may have him hand carry it to DC.

So the earliest it will get to Exec Sec in DOI is Thursday, and the earliest it will get out to the Fed Reg is Friday as I understand it. So publication next week. We will speed it as much as possible but much of the timing is out of our hands once it goes to Exec Sec.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB

202-302-9731

Be sure to visit <http://onrresource/> for employee news, resources, and events.

And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

On Tue, Feb 21, 2017 at 2:54 PM, Wheeler, Matthew

<matthew.wheeler@sol.doi.gov> wrote:

Attached are the most recent versions of both documents. Both are still being revised and not in final form. I have no concerns with responding to Peter and sending out the Dear Reporter Letter, so long as the FR notice is approved by the Department and heading towards publication. That said, I am not familiar with the FR publication process. Is there anything (or anyone) that could reject the notice to before it is published?

Matthew J. Wheeler

U.S. Department of the Interior

Office of the Solicitor, Rocky Mountain Region

755 Parfet St., Suite 151

Lakewood, CO 80215

matthew.wheeler@sol.doi.gov

Phone: (303) 445-0595

Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 12:47 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks, please send me the latest draft of the FR and Letter I'm going to sign, so I can take another look as well. Do you have any concerns with me emailing the signed letter back to Peter once it is signed and then sending out the email blast to the reporters prior to the actual publication of the FR notice?

Greg

Gregory J. Gould

Acting Deputy Assistant Secretary/Director

Office of Natural Resources Revenue

U.S. Department of the Interior

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On Tue, Feb 21, 2017 at 12:43 PM, Wheeler, Matthew

<matthew.wheeler@sol.doi.gov> wrote:

I just sent everything off to Jack for his review. I'm not sure what his

schedule looks like, but assuming he approves them with some minor edits, it won't take me long to get them in final form to send to ONRR.

Matthew J. Wheeler
U.S. Department of the Interior
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On Tue, Feb 21, 2017 at 12:41 PM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Thanks Matt Williams, that's our goal and we will make adjustments as needed.

Matt Wheeler, when do you think you'll have the final letter to the petitioners and FR notice for me to sign? Should we just plan to have me sign it all tomorrow morning before I leave for the airport? Also, as soon as I sign the letter and the FR notice, I assume we are then cleared to do our email blast to our reporters, correct? I think the goal is to make sure the reporters know about the stay, the actual publication in the FR is more a formality, correct?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:31 PM, Williams, Matt
<matt.williams@onrr.gov> wrote:

That's good to hear. We'll need Jim's surname after you Amy (according to Exec Sec). If we get it in an email today, I told Exec Sec that I'll get them an advance copy (to grease the wheels). If we get it first thing tomorrow morning, I will find a way to get Amy's

and Jim's surname on the clearance record, then have it up to Exec Sec immediately thereafter. If we get all of that before 10:30 EST, Exec Sec can take it to the morning meeting on the 6th floor and, maybe, get it cleared to go by 1:45pm. If we are set for a miracle, we may be able to get it to OFR by the 2pm deadline to be on the docket for that day's intake.

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:24 PM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Matt,

Jim has already cleared this to go out tomorrow, so at this point I need to get it signed tonight and to Amy in the morning if possible. If we don't get it out this afternoon, then I'll sign all of it in the morning and bring it with me to DC for everyone to clear first thing Thursday morning.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 12:19 PM, Williams, Matt
<matt.williams@onrr.gov> wrote:

Hey,

Overnighting it may not help. Greg is headed to DC tomorrow evening for a meeting with Jim Cason on Thursday. Cason will want Greg to brief him before sunaming (after Greg and Amy's signature and surname, respectively). Even if we somehow got Cason's surname tomorrow, Exec Sec won't clear it for at least

24 hours. Likely, we won't get this off to OFR until Friday afternoon...and that is if we get the FRN and briefing paper in the next 5 minutes.

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 2:12 PM, Robson, Bonnie
<bonnie.robson@onrr.gov> wrote:

Matt Wheeler,

When documents are sent over from Solicitor's Office to ONRR, please send to all on this email. I will be out of communication and unable to move the documents to the next step between 12:30-3 pm today.

Luis is going to work with Christina Mathers to prepare a FedEx overnight ASAP earliest possible delivery envelope in which we can mail three copies of the FR notice signed by Greg. Luis and Christina will also figure out what FedEx offices accept super-rush envelopes and to what hour tonight.

If the FR comes from SOL before Christina leaves today, she will print 3 copies, have Greg sign, and FedEx overnight for early morning super-rush delivery. If the FR comes from SOL after Christina leaves today, Peter, Amy, or I will print 3 copies, get Greg's signatures, and send the FedEx from a FedEx location that is still accepting for earliest possible tomorrow morning delivery.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>

Date: Tue, Feb 21, 2017 at 11:51 AM

Subject: Re: Valuation Rule Stay Supporting Documents

To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Kevin Haugrud <jack.haugrud@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown

<Matthew.McKeown@sol.doi.gov>, "Steward, Jim"
<Jim.Steward@onrr.gov>, Jerold Gidner
<jerold.gidner@onrr.gov>, Bonnie Robson
<bonnie.robson@onrr.gov>, John Mehlhoff
<john.mehlhoff@onrr.gov>, "DeBerard, Michael"
<michael.deberard@onrr.gov>

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 9:51 AM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and sending it back for a final sign off. We will have everything to you

today.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 9:50 AM, Gould, Greg
<greg.gould@onrr.gov> wrote:

Matt,

I reviewed all the material this weekend and have no additional comments, etc. What is the status of the package?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, Feb 17, 2017 at 5:55 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

Greg:

Attached are the documents I sent to Matt this evening, all of which have been heavily revised. Please note that, for some reason, the FR notice was locked for editing by someone at ONRR, so I cannot accept the changes I made. However, under the review tab, you can change "Final: Show Markup" to "Final." It will allow you to read the document without the tracked changes, even though the changes cannot be accepted.

Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew**
<matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown
<matthew.mckeown@sol.doi.gov>

Matt:


Attached to this email are the following documents:

- (1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;
- (2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;
- (3) Director Gould's response to the Petitioner's letter, which I revised per your request.
- (4) ONRR's FR notice, which I revised per your request, and;
- (5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6) . I will also be available by email.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior



Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
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Conversation Contents

Fwd: Valuation Rule Stay Supporting Documents

Attachments:

/10. Fwd: Valuation Rule Stay Supporting Documents/12.1 INFORMATION Briefing for the Secretary Template 2017.docx

/10. Fwd: Valuation Rule Stay Supporting Documents/13.1 INFORMATION Briefing for the Secretary Template 2017.docx

/10. Fwd: Valuation Rule Stay Supporting Documents/14.1 INFORMATION Briefing for the Secretary Template 2017.docx

"DeBerard, Michael" <michael.deberard@onrr.gov>

From: "DeBerard, Michael" <michael.deberard@onrr.gov>
Sent: Tue Feb 21 2017 10:25:22 GMT-0700 (MST)
To: ONRR CEVA AV Staff <onrrcevaavstaff@onrr.gov>
Subject: Fwd: Valuation Rule Stay Supporting Documents

I need your help with the list Greg is asking for. High priority given that he wants it before 10:30 tomorrow. (b) (5)

Mike DeBerard
Program Manager, Asset Valuation
Office of Natural Resources Revenue
Phone: 303-231-3884

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 10:14 AM
Subject: Fwd: Valuation Rule Stay Supporting Documents
To: ONRR ELT <onrrelt@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

It looks like we are all set to move forward with the stay this week. I received the go ahead from Jim a few minutes ago. I have a meeting Thursday morning in DC to discuss next steps. I talked with Matt this weekend and the leadership wants to move quickly with publishing a new proposed rule. With that said, we need to pull the Valuation Rule team back together today to draft the proposed rule. I plan to discuss this with Jim on Thursday, so let me know what we plan to change in the proposed rule, a list would be

very helpful. I need that list before I leave for the airport tomorrow at 10:30.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
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Subject: Re: Valuation Rule Stay Supporting Documents
To: "Gould, Greg" <greg.gould@onrr.gov>

Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and sending it back for a final sign off. We will have everything to you today.

Matthew J. Wheeler
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matthew.wheeler@sol.doi.gov
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On Tue, Feb 21, 2017 at 9:50 AM, Gould, Greg <greg.gould@onrr.gov> wrote:

Matt,

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Thanks,

Greg

Gregory J. Gould

Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior

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Have a good weekend,

Matthew J. Wheeler
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Matt:

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- (3) Director Gould's response to the Petitioner's letter, which I revised per your

request.

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Thanks,

Matthew J. Wheeler
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Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

Amy Lunt <amy.lunt@onrr.gov>

From: Amy Lunt <amy.lunt@onrr.gov>
Sent: Tue Feb 21 2017 10:32:34 GMT-0700 (MST)
To: Michael DeBerard <michael.deberard@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>
Subject: Fwd: Valuation Rule Stay Supporting Documents

FYI

Sent from my iPhone

Begin forwarded message:


From: Amy Lunt <amy.lunt@onrr.gov>
Date: February 21, 2017 at 10:28:03 AM MST
To: Chris E Carey <Chris.Carey@onrr.gov>, Megan Hessee <Megan.Hessee@onrr.gov>, Lisa A Dawson <lisa.dawson@onrr.gov>
Subject: Fwd: Valuation Rule Stay Supporting Documents

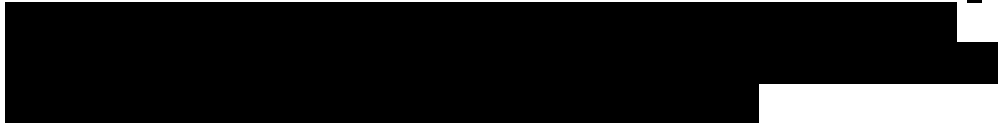
Hi all,
Can we put our heads together on this later today?

Sent from my iPhone

Begin forwarded message:

From: "DeBerard, Michael" <michael.deberard@onrr.gov>
Date: February 21, 2017 at 10:25:22 AM MST
To: ONRR CEVA AV Staff <onrrcevaavstaff@onrr.gov>
Subject: Fwd: Valuation Rule Stay Supporting Documents

I need your help with the list Greg is asking for. High priority given that he wants it before 10:30 tomorrow. 



Mike DeBerard
Program Manager, Asset Valuation
Office of Natural Resources Revenue
Phone: 303-231-3884

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Subject: Fwd: Valuation Rule Stay Supporting Documents
To: ONRR ELT <onrrelt@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

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Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
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Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown <matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

(1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;

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"DeBerard, Michael" <michael.deberard@onrr.gov>

From: "DeBerard, Michael" <michael.deberard@onrr.gov>
Sent: Tue Feb 21 2017 11:32:50 GMT-0700 (MST)
To: Amy Lunt <amy.lunt@onrr.gov>
CC: Peter Christnacht <peter.christnacht@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>
Subject: Re: Valuation Rule Stay Supporting Documents

We had a meeting with John, Bonnie and Greg and have a little more direction. Peter is taking the lead in preparing a briefing paper and will bring you guys up to speed this afternoon.

Mike DeBerard
Program Manager, Asset Valuation
Office of Natural Resources Revenue
Phone: 303-231-3884

On Tue, Feb 21, 2017 at 10:32 AM, Amy Lunt <amy.lunt@onrr.gov> wrote:
FYI

Sent from my iPhone

Begin forwarded message:

From: Amy Lunt <amy.lunt@onrr.gov>
Date: February 21, 2017 at 10:28:03 AM MST
To: Chris E Carey <Chris.Carey@onrr.gov>, Megan Hessee <Megan.Hessee@onrr.gov>, Lisa A Dawson <lisa.dawson@onrr.gov>
Subject: Fwd: Valuation Rule Stay Supporting Documents

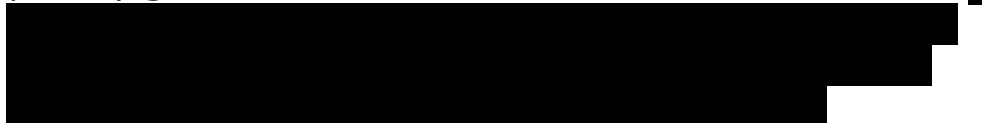
Hi all,
Can we put our heads together on this later today?

Sent from my iPhone

Begin forwarded message:

From: "DeBerard, Michael" <michael.deberard@onrr.gov>
Date: February 21, 2017 at 10:25:22 AM MST
To: ONRR CEVA AV Staff <onrrcevaavstaff@onrr.gov>
Subject: Fwd: Valuation Rule Stay Supporting Documents

I need your help with the list Greg is asking for. High priority given that he wants it before 10:30 tomorrow.



Mike DeBerard
Program Manager, Asset Valuation
Office of Natural Resources Revenue
Phone: 303-231-3884

----- Forwarded message -----

From: Gould, Greg <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 10:14 AM
Subject: Fwd: Valuation Rule Stay Supporting Documents
To: ONRR ELT <onrrrelt@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

It looks like we are all set to move forward with the stay this

week. I received the go ahead from Jim a few minutes ago. I have a meeting Thursday morning in DC to discuss next steps. I talked with Matt this weekend and the leadership wants to move quickly with publishing a new proposed rule. With that said, we need to pull the Valuation Rule team back together today to draft the proposed rule. I plan to discuss this with Jim on Thursday, so let me know what we plan to change in the proposed rule, a list would be very helpful. I need that list before I leave for the airport tomorrow at 10:30.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
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Date: Tue, Feb 21, 2017 at 9:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Gould, Greg" <greg.gould@onrr.gov>

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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Tue Feb 21 2017 12:15:25 GMT-0700 (MST)
To: Luis Aguilar <luis.aguilar@onrr.gov>, "Southall, Armand" <armand.southall@onrr.gov>, Christina Anderson <christina.anderson@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
CC: Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>
Subject: Fwd: Valuation Rule Stay Supporting Documents

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Thank you.

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"Anderson, Christina" <christina.anderson@onrr.gov>

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Sent: Tue Feb 21 2017 13:09:21 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
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Office of Natural Resources Revenue

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Christina Anderson
Administrative Assistant
Office of Natural Resources Revenue
303-231-3198 (O)
303-231-3362 (F)
christina.anderson@onrr.gov

Bonnie Robson <bonnie.robson@onrr.gov>

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Sent: Tue Feb 21 2017 13:26:44 GMT-0700 (MST)
To: "Anderson, Christina" <christina.anderson@onrr.gov>, christina.mathers@onrr.gov
Luis Aguilar <luis.aguilar@onrr.gov>, "Southall, Armand" <armand.southall@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>
CC:

Subject:

Re: Valuation Rule Stay Supporting Documents

And if Christina Mathers can leave the FEDEX mailing envelope on Christina Anderson's desk with the letterhead so that the rest of us have the tools should we need them late today. Also, please leave info on FEDEX drop-off locations and times.

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Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
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Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, Feb 17, 2017 at 5:55 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Greg:

Attached are the documents I sent to Matt this evening, all of which have been heavily revised. Please note that, for some reason, the FR notice was locked for editing by someone at ONRR, so I cannot

accept the changes I made. However, under the review tab, you can change "Final: Show Markup" to "Final." It will allow you to read the document without the tracked changes, even though the changes cannot be accepted.

Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown <matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

- (1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;
- (2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;
- (3) Director Gould's response to the Petitioner's letter, which I revised per your request.
- (4) ONRR's FR notice, which I revised per your request, and;
- (5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6). I will also be available by email.

Thanks,

Matthew J. Wheeler
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Lakewood, CO 80215
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--

Christina Anderson
Administrative Assistant
Office of Natural Resources Revenue
303-231-3198 (O)
303-231-3362 (F)
christina.anderson@onrr.gov

"Mathers, Christina" <christina.mathers@onrr.gov>

From: "Mathers, Christina" <christina.mathers@onrr.gov>
Sent: Tue Feb 21 2017 13:28:24 GMT-0700 (MST)
To: Bonnie Robson <bonnie.robson@onrr.gov>
"Anderson, Christina" <christina.anderson@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, "Southall, Armand" <armand.southall@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>
CC:
Subject: Re: Valuation Rule Stay Supporting Documents

The FedEx drop box outside of bldg. 53 E-20 entrance picks up about 4:30 pm. I am here until then, so if we get everything signed, I can send it priority FedEx.

Thanks,

Christina

On Tue, Feb 21, 2017 at 1:26 PM, Bonnie Robson <bonnie.robson@onrr.gov> wrote:
And if Christina Mathers can leave the FEDEX mailing envelope on Christina Anderson's desk with the letterhead so that the rest of us have the tools should we need them late today. Also, please leave info on FEDEX drop-off locations and times.

Thanks.

Bonnie Robson
Program Manager, Appeals & Regulations

Office of Natural Resources Revenue
U.S. Department of the Interior

On Feb 21, 2017, at 1:09 PM, Anderson, Christina <christina.anderson@onrr.gov> wrote:

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I can leave out some letter head on my desk. When it's ready to be printed just put it in the printer and print as you normally would. For my desk printer I put it in top first, face up. I would do the same for the other printers but I will leave a few letterhead pages out for you just in case it comes out incorrectly. If you are still having issues Christina Mathers will be here and she is always happy to help.

v/r,
Christina

On Tue, Feb 21, 2017 at 12:15 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

If ONRR receives the letter to petitioners attorney from SOL today, we need to pull together to get it printed on ONRR stationery and signed by Greg. Christina, after you leave, how can we print a letter to outside counsel on ONRR Director stationery? I'm out from 12:30-3. Can you let the others on this email know?

Thank you.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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From: **Haugrud, Kevin** <jack.haugrud@sol.doi.gov>
Date: Tue, Feb 21, 2017 at 11:59 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Gould, Greg" <greg.gould@onrr.gov>
Cc: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Thanks Greg. I will want to quickly look over the notice. I don't think it has to be done before you get on the plane tomorrow, but we will also need the decision letter on the 705 request signed by you, Greg. I have asked that the decision letter be substantively similar to the FR notice (so they both will contain the full reasoning for granting the 705 request).

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Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

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Christina Mathers
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Deputy Director's Office
Office of Natural Resources Revenue
303-231-3429 (O)
303-231-3194 (F)
Christina.Mathers@onrr.gov

Bonnie Robson <bonnie.robson@onrr.gov>

From: Bonnie Robson <bonnie.robson@onrr.gov>
Sent: Tue Feb 21 2017 13:32:10 GMT-0700 (MST)
To: "Mathers, Christina" <christina.mathers@onrr.gov>
"Anderson, Christina" <christina.anderson@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, "Southall, Armand" <armand.southall@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>
CC:
Subject: Re: Valuation Rule Stay Supporting Documents

If it gets close to 4:30 without movement, where can we mail later for early next morning delivery?

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior

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Christina Mathers

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Christina.Mathers@onrr.gov

"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Tue Feb 21 2017 13:54:09 GMT-0700 (MST)
To: Karen Osborne <karen.osborne@onrr.gov>
"Williams, Matt" <matt.williams@onrr.gov>, ONRR ELT
<onrrelt@onrr.gov>, Bonnie Robson
<bonnie.robson@onrr.gov>, "DeBerard, Michael"
CC: <michael.deberard@onrr.gov>, Peter Christnacht
<Peter.Christnacht@onrr.gov>, Judith Wilson
<judith.wilson@onrr.gov>
Subject: Re: Valuation Rule Stay Supporting Documents

Thanks Karen, no need to come in. With that said, can you make sure that Peter and Bonnie have the latest template for a briefing paper for Jim Cason from me.

Peter, in the Valuation Next Steps Paper, please make sure that one of the recommended next steps is to set-up a Valuation Subcommittee under the new RPC to evaluate the comments received from the ANOPR and make recommendations to the Secretary, etc.

Thanks again everyone!

Greg

Gregory J. Gould

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On Tue, Feb 21, 2017 at 1:34 PM, Karen Osborne <karen.osborne@onrr.gov> wrote:
| Just got home from the airport. If you need me to come into the office today, please call

me and (b) (6) otw I will be back at work in the morning.

Sent from my iPhone

(b) (6)

On Feb 21, 2017, at 10:24 AM, Williams, Matt <matt.williams@onrr.gov> wrote:

I'm on it. I'll let Exec Sec know.

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Tue, Feb 21, 2017 at 12:22 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Bonnie,

Sorry for all the emails on this this morning. Can you take the lead, working with Karen on format, on adding the list I just requested in my last email to a briefing paper related to next steps for the valuation rule. Note that I will need to sign the Fed Reg notice either later today or first thing tomorrow morning so we can get it to the Fed Reg tomorrow. I'm adding Matt Williams to this reply so he can give Exec Sec a heads-up that this FR notice is a go for tomorrow.

Thanks,

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On Tue, Feb 21, 2017 at 10:14 AM, Gould, Greg <greg.gould@onrr.gov> wrote:

It looks like we are all set to move forward with the stay this week. I

received the go ahead from Jim a few minutes ago. I have a meeting Thursday morning in DC to discuss next steps. I talked with Matt this weekend and the leadership wants to move quickly with publishing a new proposed rule. With that said, we need to pull the Valuation Rule team back together today to draft the proposed rule. I plan to discuss this with Jim on Thursday, so let me know what we plan to change in the proposed rule, a list would be very helpful. I need that list before I leave for the airport tomorrow at 10:30.

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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Tue Feb 21 2017 17:33:30 GMT-0700 (MST)
To: Bonnie Robson <bonnie.robson@onrr.gov>

Subject: Fwd: Valuation Rule Stay Supporting Documents

Bonnie,

In the flurry of emails today, I missed Greg's request to mention the RPC in the paper. If you haven't yet added this, please see Greg's request. Thanks.

-Peter A Christnacht-

Supervisor, Royalty Valuation, Team B

Office of Natural Resource Revenue

303 231-3651 Desk

303 565-9513 Cell

Fax 303 231-3744

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From: **Gould, Greg** <greg.gould@onrr.gov>

Date: Tue, Feb 21, 2017 at 1:54 PM

Subject: Re: Valuation Rule Stay Supporting Documents

To: Karen Osborne <karen.osborne@onrr.gov>

Cc: "Williams, Matt" <matt.williams@onrr.gov>, ONRR ELT <onrrelt@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>, Peter Christnacht <Peter.Christnacht@onrr.gov>, Judith Wilson <judith.wilson@onrr.gov>

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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Tue Feb 21 2017 18:20:57 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Subject: Re: Valuation Rule Stay Supporting Documents

Yep, I've put in it!

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Tue, Feb 21, 2017 at 5:33 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

Bonnie,

In the flurry of emails today, I missed Greg's request to mention the RPC in the paper. If you haven't yet added this, please see Greg's request. Thanks.

-Peter A Christnacht-

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"Osborne, Karen" <karen.osborne@onrr.gov>

From: "Osborne, Karen" <karen.osborne@onrr.gov>
Sent: Wed Feb 22 2017 06:16:01 GMT-0700 (MST)
To: "Gould, Greg" <greg.gould@onrr.gov>
"Williams, Matt" <matt.williams@onrr.gov>, ONRR ELT
<onrrelt@onrr.gov>, Bonnie Robson
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CC: <michael.deberard@onrr.gov>, Peter Christnacht
<Peter.Christnacht@onrr.gov>, Judith Wilson
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Subject: Re: Valuation Rule Stay Supporting Documents
Attachments: INFORMATION Briefing for the Secretary Template
2017.docx

Good morning,

Attached is the template I use for Greg's briefing papers to Jim Cason. Notice that it does not include 'to the Secretary' in the title; we can adjust this as needed for other recipients. If you have any questions, please let me know.

Thanks,
Karen

Karen L. Osborne
Senior Program Analyst, Financial Management
Office of Natural Resources Revenue
(303) 231-3739
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Sent: Wed Feb 22 2017 08:12:16 GMT-0700 (MST)
To: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>
CC: Amy Lunt <amy.lunt@onrr.gov>
Subject: Fwd: Valuation Rule Stay Supporting Documents
Attachments: INFORMATION Briefing for the Secretary Template 2017.docx

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Cc: "Williams, Matt" <matt.williams@onrr.gov>, ONRR ELT <onrrelt@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>, Peter Christnacht <Peter.Christnacht@onrr.gov>, Judith Wilson <judith.wilson@onrr.gov>

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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Wed Feb 22 2017 08:31:13 GMT-0700 (MST)
To: Bonnie Robson <bonnie.robson@onrr.gov>
CC: John Mehlhoff <john.mehlhoff@onrr.gov>
Subject: Fwd: Valuation Rule Stay Supporting Documents
Attachments: INFORMATION Briefing for the Secretary Template 2017.docx

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From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Wed Feb 22 2017 08:50:40 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
CC: John Mehlhoff <john.mehlhoff@onrr.gov>
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Program Manager, Appeals & Regulations
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Denver Federal Center Bldg. 53
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<matthew.wheeler@sol.doi.gov> wrote:

Greg:

Attached are the documents I sent to Matt this evening, all of which have been heavily revised. Please note that, for some reason, the FR notice was locked for editing by someone at ONRR, so I cannot accept the changes I made. However, under the review tab, you can change "Final: Show Markup" to "Final." It will allow you to read the document without the tracked changes, even though the changes cannot be accepted.

Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown <matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

- (1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;
- (2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;
- (3) Director Gould's response to the Petitioner's letter, which I revised per your request.
- (4) ONRR's FR notice, which I revised per your request, and;
- (5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6) I will also be available by email.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

Conversation Contents

Draft Director Response on Petitioners' Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

Attachments:

/11. Draft Director Response on Petitioners' Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule/1.1 2017-02-17 Signed Letter to ONRR.PDF

/11. Draft Director Response on Petitioners' Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule/1.2 Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule - 2-17-2017.docx

/11. Draft Director Response on Petitioners' Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule/4.1 2017-02-17 Signed Letter to ONRR.PDF

/11. Draft Director Response on Petitioners' Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule/4.2 Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule - 2-17-2017.docx

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Fri Feb 17 2017 16:34:08 GMT-0700 (MST)
To: "Gould, Greg" <greg.gould@onrr.gov>, ONRR ELT <onrrrelt@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Matthew McKeown <matthew.mckeown@sol.doi.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Chris Carey <chris.carey@onrr.gov>
Subject: Draft Director Response on Petitioners' Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule
Attachments: 2017-02-17 Signed Letter to ONRR.PDF Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule - 2-17-2017.docx

Attached are both the petitioners' letter received this afternoon and a draft Director letter responding to the petitioners' letter.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
E-Mail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Greg Gould** <greg.gould@onrr.gov>
Date: Fri, Feb 17, 2017 at 2:39 PM
Subject: Fwd: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule
To: onrrrelt@onrr.gov, bonnie.robson@onrr.gov, matthew.wheeler@sol.doi.gov, Matthew McKeown <Matthew.McKeown@sol.doi.gov>

Bonnie,

See below and attached. Please work with Matt Wheeler on next steps.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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Begin forwarded message:

From: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>
To: "Greg.Gould@onrr.gov" <Greg.Gould@onrr.gov>
Cc: "Matthew.wheeler@sol.doi.gov" <Matthew.wheeler@sol.doi.gov>, "John F. Shepherd" <JShepherd@hollandhart.com>, "gail.wurtzler@dgsllaw.com" <gail.wurtzler@dgsllaw.com>, "Rex Johnson (rex@ssjwyolaw.com)" <rex@ssjwyolaw.com>, "Jack Haugrud (jack.haugrud@sol.doi.gov)" <jack.haugrud@sol.doi.gov>, "Rebecca.Jaffe@usdoj.gov" <Rebecca.Jaffe@usdoj.gov>, "Nick.Vassallo@usdoj.gov" <Nick.Vassallo@usdoj.gov>
Subject: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

Dear Director Gould:

Attached is a letter on behalf of the Petitioners in the Wyoming District Court litigation challenging the Final ONRR Oil, Gas and Coal Valuation Rule requesting that you postpone the rule's implementation pursuant to 5 U.S.C. § 705 for the reasons set forth in the letter. Petitioners request that you take action to postpone implementation of the Final Rule before February 28, 2017, the date the first royalty reports under the Final Rule are due to ONRR.

If you have any questions regarding the Petitioners request for postponement of the Final Rule's implementation, please do not hesitate to contact me.

Sincerely,

Peter Schaumberg

Peter J. Schaumberg

Principal

BEVERIDGE & DIAMOND, P.C.

1350 I Street, NW, Suite 700, Washington, DC 20005

Office 202.789.6043 **Cell** 301.518.2901 PSchaumberg@bdlaw.com

[>vCard](#) [>Bio](#)

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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Tue Feb 21 2017 12:20:42 GMT-0700 (MST)
To: "Mathers, Christina" <christina.mathers@onrr.gov>
CC: Christina Anderson <christina.anderson@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>
Subject: Re: Draft Director Response on Petitioners' Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

When we get it, we will have Greg sign 3 copies in hard copy and FedEx by the fastest means possible as soon as possible to Matt Williams in ONRR's D.C. Office. Can we get that envelope ready? And if you leave today, please leave it with Peter Chrisnaught, Amy Lunt, or Bonnie Robson.

Peter and Amy, sorry I have to step out from 12:30-3, but I can cover any late night piece, if it comes to that.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Email: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Tue, Feb 21, 2017 at 11:19 AM, Mathers, Christina <christina.mathers@onrr.gov> wrote:

Hi Bonnie,

Just let Christina and I know when this is ready and we will load it into DTS and route for surname.

Thanks!

Christina

On Fri, Feb 17, 2017 at 4:34 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

Attached are both the petitioners' letter received this afternoon and a draft Director letter responding to the petitioners' letter.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Greg Gould** <greg.gould@onrr.gov>

Date: Fri, Feb 17, 2017 at 2:39 PM

Subject: Fwd: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

To: onrrelt@onrr.gov, bonnie.robson@onrr.gov, matthew.wheeler@sol.doi.gov, Matthew McKeown <Matthew.McKeown@sol.doi.gov>

Bonnie,

See below and attached. Please work with Matt Wheeler on next steps.

Thanks,

Greg

Gregory J. Gould

Director

*Office of Natural Resources Revenue
U.S. Department of the Interior
(202) 513-0600*

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Begin forwarded message:

From: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>

To: "Greg.Gould@onrr.gov" <Greg.Gould@onrr.gov>

Cc: "Matthew.wheeler@sol.doi.gov" <Matthew.wheeler@sol.doi.gov>, "John F. Shepherd" <JShepherd@hollandhart.com>, "gail.wurtzler@dgslaw.com" <gail.wurtzler@dgslaw.com>, "Rex Johnson (rex@ssjwyolaw.com)" <rex@ssjwyolaw.com>, "Jack Haugrud (jack.haugrud@sol.doi.gov)" <jack.haugrud@sol.doi.gov>, "Rebecca.Jaffe@usdoj.gov" <Rebecca.Jaffe@usdoj.gov>,

["Nick.Vassallo@usdoj.gov"](mailto:Nick.Vassallo@usdoj.gov) <Nick.Vassallo@usdoj.gov>

Subject: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

Dear Director Gould:

Attached is a letter on behalf of the Petitioners in the Wyoming District Court litigation challenging the Final ONRR Oil, Gas and Coal Valuation Rule requesting that you postpone the rule's implementation pursuant to 5 U.S.C. § 705 for the reasons set forth in the letter. Petitioners request that you take action to postpone implementation of the Final Rule before February 28, 2017, the date the first royalty reports under the Final Rule are due to ONRR.

If you have any questions regarding the Petitioners request for postponement of the Final Rule's implementation, please do not hesitate to contact me.

Sincerely,

Peter Schaumberg

Peter J. Schaumberg

Principal

BEVERIDGE & DIAMOND, P.C.

1350 I Street, NW, Suite 700, Washington, DC 20005

Office 202.789.6043 **Cell** 301.518.2901 PSchaumberg@bdlaw.com

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--

Christina Mathers
Staff Assistant
Deputy Director's Office
Office of Natural Resources Revenue
303-231-3429 (O)

303-231-3194 (F)

Christina.Mathers@onrr.gov

"Mathers, Christina" <christina.mathers@onrr.gov>

From: "Mathers, Christina" <christina.mathers@onrr.gov>
Sent: Tue Feb 21 2017 12:24:27 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
CC: Christina Anderson <christina.anderson@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>
Subject: Re: Draft Director Response on Petitioners' Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

I will have the package ready for FedEx once the final comes through

Thanks!

Christina

On Tue, Feb 21, 2017 at 12:20 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

When we get it, we will have Greg sign 3 copies in hard copy and FedEx by the fastest means possible as soon as possible to Matt Williams in ONRR's D.C. Office. Can we get that envelope ready? And if you leave today, please leave it with Peter Chrisnaught, Amy Lunt, or Bonnie Robson.

Peter and Amy, sorry I have to step out from 12:30-3, but I can cover any late night piece, if it comes to that.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EEmail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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Hi Bonnie,

Just let Christina and I know when this is ready and we will load it into DTS and route for surname.

Thanks!

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On Fri, Feb 17, 2017 at 4:34 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

Attached are both the petitioners' letter received this afternoon and a draft Director letter responding to the petitioners' letter.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53

PO Box 25165
Denver, CO 80225
E-Mail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Greg Gould** <greg.gould@onrr.gov>
Date: Fri, Feb 17, 2017 at 2:39 PM
Subject: Fwd: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule
To: onrrelt@onrr.gov, bonnie.robson@onrr.gov, matthew.wheeler@sol.doi.gov, Matthew McKeown <Matthew.McKeown@sol.doi.gov>

Bonnie,

See below and attached. Please work with Matt Wheeler on next steps.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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Begin forwarded message:

From: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>
To: "Greg.Gould@onrr.gov" <Greg.Gould@onrr.gov>
Cc: "Matthew.wheeler@sol.doi.gov" <Matthew.wheeler@sol.doi.gov>, "John F. Shepherd" <JShepherd@hollandhart.com>, "gail.wurtzler@dgslaw.com" <gail.wurtzler@dgslaw.com>, "Rex Johnson (rex@ssjwyolaw.com)" <rex@ssjwyolaw.com>, "Jack Haugrud (jack.haugrud@sol.doi.gov)" <jack.haugrud@sol.doi.gov>, "Rebecca.Jaffe@usdoj.gov" <Rebecca.Jaffe@usdoj.gov>, "Nick.Vassallo@usdoj.gov" <Nick.Vassallo@usdoj.gov>
Subject: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

Dear Director Gould:

Attached is a letter on behalf of the Petitioners in the Wyoming District Court litigation challenging the Final ONRR Oil, Gas and Coal Valuation Rule requesting that you postpone the rule's implementation pursuant to 5 U.S.C. § 705 for the reasons set

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If you have any questions regarding the Petitioners request for postponement of the Final Rule's implementation, please do not hesitate to contact me.

Sincerely,

Peter Schaumberg

Peter J. Schaumberg

Principal

BEVERIDGE & DIAMOND, P.C.

1350 I Street, NW, Suite 700, Washington, DC 20005

Office 202.789.6043 **Cell** 301.518.2901 PSchaumberg@bdlaw.com

>[vCard](#) >[Bio](#)

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--

Christina Mathers
Staff Assistant
Deputy Director's Office
Office of Natural Resources Revenue
303-231-3429 (O)
303-231-3194 (F)
Christina.Mathers@onrr.gov

--

Christina Mathers
Staff Assistant
Deputy Director's Office

Office of Natural Resources Revenue
303-231-3429 (O)
303-231-3194 (F)
Christina.Mathers@onrr.gov

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Wed Feb 22 2017 07:37:34 GMT-0700 (MST)
To: "DeBerard, Michael" <michael.deberard@onrr.gov>
Subject: Fwd: Draft Director Response on Petitioners' Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule
Attachments: 2017-02-17 Signed Letter to ONRR.PDF Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule - 2-17-2017.docx

Mike,

Here is the letter to Greg from the petitioners. Let me know if you need anything else. Looks like we did not use the latest format for the briefing paper. I will see if that is significant enough to change.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

This message serves as guidance for determining value for Federal royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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----- Forwarded message -----

From: Robson, Bonnie <bonnie.robson@onrr.gov>
Date: Fri, Feb 17, 2017 at 4:34 PM
Subject: Draft Director Response on Petitioners' Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule
To: "Gould, Greg" <greg.gould@onrr.gov>, ONRR ELT <onrrrelt@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Matthew McKeown <matthew.mckeown@sol.doi.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Chris Carey <chris.carey@onrr.gov>

Attached are both the petitioners' letter received this afternoon and a draft Director letter responding to the petitioners' letter.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53

PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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From: **Greg Gould** <greg.gould@onrr.gov>
Date: Fri, Feb 17, 2017 at 2:39 PM
Subject: Fwd: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule
To: onrrelt@onrr.gov, bonnie.robson@onrr.gov, matthew.wheeler@sol.doi.gov, Matthew McKeown <Matthew.McKeown@sol.doi.gov>

Bonnie,

See below and attached. Please work with Matt Wheeler on next steps.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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Begin forwarded message:

From: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>
To: "Greg.Gould@onrr.gov" <Greg.Gould@onrr.gov>
Cc: "Matthew.wheeler@sol.doi.gov" <Matthew.wheeler@sol.doi.gov>, "John F. Shepherd" <JShepherd@hollandhart.com>, "gail.wurtzler@dgsllaw.com" <gail.wurtzler@dgsllaw.com>, "Rex Johnson (rex@ssjwyolaw.com)" <rex@ssjwyolaw.com>, "Jack Haugrud (jack.haugrud@sol.doi.gov)" <jack.haugrud@sol.doi.gov>, "Rebecca.Jaffe@usdoj.gov" <Rebecca.Jaffe@usdoj.gov>, "Nick.Vassallo@usdoj.gov" <Nick.Vassallo@usdoj.gov>
Subject: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

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February 28, 2017, the date the first royalty reports under the Final Rule are due to ONRR.

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Sincerely,

Peter Schaumberg

Peter J. Schaumberg

Principal

BEVERIDGE & DIAMOND, P.C.

1350 I Street, NW, Suite 700, Washington, DC 20005

Office 202.789.6043 Cell 301.518.2901 PSchaumberg@bdlaw.com

[>vCard](#) [>Bio](#)

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"DeBerard, Michael" <michael.deberard@onrr.gov>

From: "DeBerard, Michael" <michael.deberard@onrr.gov>
Sent: Wed Feb 22 2017 07:49:52 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Subject: Re: Draft Director Response on Petitioners' Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

thanks!

Mike DeBerard
Program Manager, Asset Valuation
Office of Natural Resources Revenue
Phone: 303-231-3884

On Wed, Feb 22, 2017 at 7:37 AM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

Mike,

Here is the letter to Greg from the petitioners. Let me know if you need anything else. Looks like we did not use the latest format for the briefing paper. I will see if that is significant enough to change.

-Peter A Christnacht-

Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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From: **Robson, Bonnie** <bonnie.robson@onrr.gov>

Date: Fri, Feb 17, 2017 at 4:34 PM

Subject: Draft Director Response on Petitioners' Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

To: "Gould, Greg" <greg.gould@onrr.gov>, ONRR ELT <onrrelt@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Matthew McKeown <matthew.mckeown@sol.doi.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Chris Carey <chris.carey@onrr.gov>

Attached are both the petitioners' letter received this afternoon and a draft Director letter responding to the petitioners' letter.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Email: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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From: **Greg Gould** <greg.gould@onrr.gov>

Date: Fri, Feb 17, 2017 at 2:39 PM

Subject: Fwd: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

To: onrrelt@onrr.gov, bonnie.robson@onrr.gov, matthew.wheeler@sol.doi.gov, Matthew McKeown <Matthew.McKeown@sol.doi.gov>

Bonnie,

See below and attached. Please work with Matt Wheeler on next steps.

Thanks,

Greg

Gregory J. Gould

Director

Office of Natural Resources Revenue

U.S. Department of the Interior

[*\(202\) 513-0600*](tel:(202)513-0600)

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Begin forwarded message:

From: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>
To: "Greg.Gould@onrr.gov" <Greg.Gould@onrr.gov>
Cc: "Matthew.wheeler@sol.doi.gov" <Matthew.wheeler@sol.doi.gov>, "John F. Shepherd" <JShepherd@hollandhart.com>, "gail.wurtzler@dgslaw.com" <gail.wurtzler@dgslaw.com>, "Rex Johnson (rex@ssjwyolaw.com)" <rex@ssjwyolaw.com>, "Jack Haugrud (jack.haugrud@sol.doi.gov)" <jack.haugrud@sol.doi.gov>, "Rebecca.Jaffe@usdoj.gov" <Rebecca.Jaffe@usdoj.gov>, "Nick.Vassallo@usdoj.gov" <Nick.Vassallo@usdoj.gov>
Subject: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

Dear Director Gould:

Attached is a letter on behalf of the Petitioners in the Wyoming District Court litigation challenging the Final ONRR Oil, Gas and Coal Valuation Rule requesting that you postpone the rule's implementation pursuant to 5 U.S.C. § 705 for the reasons set forth in the letter. Petitioners request that you take action to postpone implementation of the Final Rule before February 28, 2017, the date the first royalty reports under the Final Rule are due to ONRR.

If you have any questions regarding the Petitioners request for postponement of the Final Rule's implementation, please do not hesitate to contact me.

Sincerely,

Peter Schaumberg

Peter J. Schaumberg

Principal

BEVERIDGE & DIAMOND, P.C.

1350 I Street, NW, Suite 700, Washington, DC 20005

Office 202.789.6043 **Cell** 301.518.2901 PSchaumberg@bdlaw.com

[>vCard](#) [>Bio](#)

Beveridge & Diamond P.C.

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Conversation Contents

Status of the Rule Stay

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Tue Feb 21 2017 09:57:47 GMT-0700 (MST)
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
Subject: Status of the Rule Stay

Kim,

Can you call me and we can discuss the timing of the email blast and dear reporter letter send out. Thanks.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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"Jackson, Kimberly" <kimberly.jackson@onrr.gov>

From: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Sent: Tue Feb 21 2017 09:58:37 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Subject: Re: Status of the Rule Stay

I'm calling you right now....

On Tue, Feb 21, 2017 at 9:57 AM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

Kim,

Can you call me and we can discuss the timing of the email blast and dear reporter letter send out. Thanks.

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--

Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

Royalty Valuation | Consistent Answers To Complex Questions

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Conversation Contents

COB Drafts for Stay 02-16-2017

Attachments:

/13. COB Drafts for Stay 02-16-2017/1.1 Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_ONRR draft.docx
/13. COB Drafts for Stay 02-16-2017/1.2 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017.docx
/13. COB Drafts for Stay 02-16-2017/1.3 2017 Rule Stay Reporter Letter DRAFT for SOL 20170216 (1).docx
/13. COB Drafts for Stay 02-16-2017/11.1 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02172017_1546cc.docx
/13. COB Drafts for Stay 02-16-2017/13.1 Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_ONRR draft.docx
/13. COB Drafts for Stay 02-16-2017/13.2 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017.docx
/13. COB Drafts for Stay 02-16-2017/13.3 2017 Rule Stay Reporter Letter DRAFT for SOL 20170216 (1).docx
/13. COB Drafts for Stay 02-16-2017/16.1 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02172017_1546cc.docx

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Thu Feb 16 2017 16:31:08 GMT-0700 (MST)
To: Matthew Wheeler <matthew.wheeler@sol.doi.gov>
CC: Greg Gould <greg.gould@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>
Subject: COB Drafts for Stay 02-16-2017
Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_ONRR draft.docx AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017.docx 2017 Rule Stay Reporter Letter DRAFT for SOL 20170216 (1).docx

Attachments:

Matt,

Greg just weighed in with edits on the Director letter. I am re-sending the three documents so that you only have one email to access. Again, thanks for all of your support on this.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B

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"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Thu Feb 16 2017 16:46:30 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Matthew Wheeler <matthew.wheeler@sol.doi.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>
CC:
Subject: Re: COB Drafts for Stay 02-16-2017

Great team work!

Matt W, can you let me take a look at the briefing paper prior to it going to Jim and Jack.

Thanks again for all the work on this.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Thu, Feb 16, 2017 at 4:31 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

Matt,

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"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Fri Feb 17 2017 06:51:49 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Matthew Wheeler <matthew.wheeler@sol.doi.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>
CC:
Subject: Re: COB Drafts for Stay 02-16-2017

Matt,

(b) (5)

Peter will work with the Rules Team to make the change and send you back a clean version of the FR Notice.

Thanks and Happy Friday everyone!

Grg

Gregory J. Gould

Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior

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On Thu, Feb 16, 2017 at 4:31 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

Matt,

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-Peter A Christnacht-
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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Fri Feb 17 2017 08:12:57 GMT-0700 (MST)

To: "Southall, Armand" <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>
CC: Peter Christnacht <peter.christnacht@onrr.gov>
Subject: Fwd: COB Drafts for Stay 02-16-2017

Luis,

Would you please work with Peter on this?

Thank you.

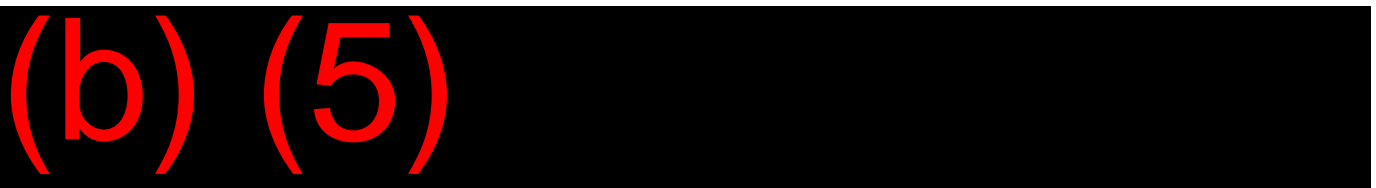
Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EEmail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Fri, Feb 17, 2017 at 6:51 AM
Subject: Re: COB Drafts for Stay 02-16-2017
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Cc: Matthew Wheeler <matthew.wheeler@sol.doi.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

Matt,



Peter will work with the Rules Team to make the change and send you back a clean version of the FR Notice.

Thanks and Happy Friday everyone!

Grg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
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-Peter A Christnacht-

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"Aguilar, Luis" <luis.aguilar@onrr.gov>

From: "Aguilar, Luis" <luis.aguilar@onrr.gov>
Sent: Fri Feb 17 2017 08:20:30 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
CC: "Southall, Armand" <armand.southall@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>
Subject: Re: COB Drafts for Stay 02-16-2017

Will do, thanks!

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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On Fri, Feb 17, 2017 at 8:12 AM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

Luis,

Would you please work with Peter on this?

Thank you.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Email: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Fri, Feb 17, 2017 at 6:51 AM
Subject: Re: COB Drafts for Stay 02-16-2017
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Cc: Matthew Wheeler <matthew.wheeler@sol.doi.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

Matt,

(b) (5)

Peter will work with the Rules Team to make the change and send you back a clean version of the FR Notice.

Thanks and Happy Friday everyone!

Grg

Gregory J. Gould

Acting Deputy Assistant Secretary/Director
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"Aguilar, Luis" <luis.aguilar@onrr.gov>

From: "Aguilar, Luis" <luis.aguilar@onrr.gov>

Sent: Fri Feb 17 2017 08:39:50 GMT-0700 (MST)
To: Matthew Wheeler <matthew.wheeler@sol.doi.gov>
CC: "Southall, Armand" <armand.southall@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, "Robson, Bonnie" <bonnie.robson@onrr.gov>
Subject: Re: COB Drafts for Stay 02-16-2017

Matt,

It seems like Peter sent you all required documents and we only need to change the signature block on the FRN to Greg's signature. Feel free to make the signature block change and please send me the final copy for our records. Let me know if you need anything else from this side of the world.

Cheers

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
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Program Manager, Appeals & Regulations
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U.S. Department of the Interior
Denver Federal Center Bldg. 53
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EMail: bonnie.robson@onrr.gov
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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Fri Feb 17 2017 08:58:14 GMT-0700 (MST)
To: "Aguilar, Luis" <luis.aguilar@onrr.gov>
CC: Matthew Wheeler <matthew.wheeler@sol.doi.gov>, "Southall, Armand" <armand.southall@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>
Subject: Re: COB Drafts for Stay 02-16-2017

Hi Luis. Can you let Matt know how Greg's name is printed on FR notices? Is it Greg or Gregory? And does he use a middle initial? If so, what is that middle initial?

Thank you.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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Luis Aguilar

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Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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Luis,

Would you please work with Peter on this?

Thank you.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>

Date: Fri, Feb 17, 2017 at 6:51 AM

Subject: Re: COB Drafts for Stay 02-16-2017

To: "Christnacht, Peter" <peter.christnacht@onrr.gov>

Cc: Matthew Wheeler <matthew.wheeler@sol.doi.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

Matt,

(b) (5)

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Thanks and Happy Friday everyone!

Grg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
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-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
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Fax 303 231-3744

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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Fri Feb 17 2017 09:10:38 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
CC: "Aguilar, Luis" <luis.aguilar@onrr.gov>, "Southall, Armand" <armand.southall@onrr.gov>
Subject: Re: COB Drafts for Stay 02-16-2017

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Cheers

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Date: Fri, Feb 17, 2017 at 6:51 AM
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To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
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"Aguilar, Luis" <luis.aguilar@onrr.gov>

From: "Aguilar, Luis" <luis.aguilar@onrr.gov>
Sent: Fri Feb 17 2017 09:16:57 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
CC: Matthew Wheeler <matthew.wheeler@sol.doi.gov>, "Southall, Armand" <armand.southall@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>
Subject: Re: COB Drafts for Stay 02-16-2017

I apologize, I assumed we were talking about Matt Williams, not Matt Wheeler! Of course, I will take care of it right now.

Thanks

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
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From: **Gould, Greg** <greg.gould@onrr.gov>

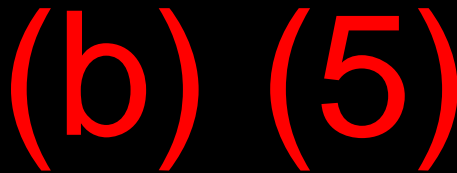
Date: Fri, Feb 17, 2017 at 6:51 AM

Subject: Re: COB Drafts for Stay 02-16-2017

To: "Christnacht, Peter" <peter.christnacht@onrr.gov>

Cc: Matthew Wheeler <matthew.wheeler@sol.doi.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

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"Aguilar, Luis" <luis.aguilar@onrr.gov>

From: "Aguilar, Luis" <luis.aguilar@onrr.gov>
Sent: Fri Feb 17 2017 09:34:12 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
CC: "Robson, Bonnie" <bonnie.robson@onrr.gov>, "Southall, Armand" <armand.southall@onrr.gov>
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Cc: Matthew Wheeler <matthew.wheeler@sol.doi.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

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From: "Aguilar, Luis" <luis.aguilar@onrr.gov>
Sent: Fri Feb 17 2017 10:22:40 GMT-0700 (MST)
To: Matthew Wheeler <matthew.wheeler@sol.doi.gov>
"Southall, Armand" <armand.southall@onrr.gov>, Peter
Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff
CC: <john.mehlhoff@onrr.gov>, Bonnie Robson
<bonnie.robson@onrr.gov>, "Steward, Jim"
<Jim.Steward@onrr.gov>
Subject: Re: COB Drafts for Stay 02-16-2017
Attachments: AA13_Draft-FRN_Staying_Consolidated-Valuation-
Rule_02172017_1546cc.docx

Matt,

Per email from Greg, I'm sending you the latest draft of the Federal Register Notice (FRN) - **Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule (AA13)**. This FRN contains Greg's signature block instead of the Acting Assistant Secretary's signature block. Please let me know if there is anything else you need from us.

Thanks

Luis Aguilar

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Sent: Fri Feb 17 2017 10:25:51 GMT-0700 (MST)
To: "Aguilar, Luis" <luis.aguilar@onrr.gov>
Subject: Re: COB Drafts for Stay 02-16-2017

Luis,

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Phone: 303-231-3418

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On Fri, Feb 17, 2017 at 9:10 AM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

Luis,

It appears you have matters well attended to here. Let me know if you

need further assistance. Thanks very much!

-Peter A Christnacht-

Supervisor, Royalty Valuation, Team B

Office of Natural Resource Revenue

303 231-3651 Desk

303 565-9513 Cell

Fax 303 231-3744

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On Fri, Feb 17, 2017 at 8:58 AM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

Hi Luis. Can you let Matt know how Greg's name is printed on FR notices? Is it Greg or Gregory? And does he use a middle initial? If so, what is that middle initial?

Thank you.

Bonnie Robson

Program Manager, Appeals & Regulations

Office of Natural Resources Revenue

U.S. Department of the Interior

Denver Federal Center Bldg. 53

PO Box 25165

Denver, CO 80225

E-Mail: bonnie.robson@onrr.gov

Office: (303) 231-3729

Cell: (720) 440-4500

On Fri, Feb 17, 2017 at 8:39 AM, Aguilar, Luis <luis.aguilar@onrr.gov> wrote:

Matt,

It seems like Peter sent you all required documents and we only need to change the signature block on the FRN to Greg's signature. Feel free to make the signature block change and please send me the final copy for our records. Let me know if you need anything else from this side of the world.

Cheers

Luis Aguilar

Regulatory Specialist

*Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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On Fri, Feb 17, 2017 at 8:12 AM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

Luis,

Would you please work with Peter on this?

Thank you.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Fri, Feb 17, 2017 at 6:51 AM
Subject: Re: COB Drafts for Stay 02-16-2017
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Cc: Matthew Wheeler <matthew.wheeler@sol.doi.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

Matt,

(b) (5)

A large black rectangular redaction box covers the majority of the text in this section, starting below the salutation and ending above the final paragraph.

Peter will work with the Rules Team to make the change and send you back a clean version of the FR Notice.

Thanks and Happy Friday everyone!

Grg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Thu, Feb 16, 2017 at 4:31 PM, Christnacht, Peter
<peter.christnacht@onrr.gov> wrote:

Matt,

Greg just weighed in with edits on the Director letter. I am re-sending the three documents so that you only have one email to access. Again, thanks for all of your support on this.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Fri Feb 17 2017 10:26:38 GMT-0700 (MST)
To: Luis Aguilar <luis.aguilar@onrr.gov>
Subject: Fwd: COB Drafts for Stay 02-16-2017
Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_ONRR draft.docx AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017.docx 2017 Rule Stay Reporter Letter DRAFT for SOL 20170216 (1).docx

Attachments:

Luis,

Here is what I sent out late yesterday.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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----- Forwarded message -----

From: Christnacht, Peter <peter.christnacht@onrr.gov>
Date: Thu, Feb 16, 2017 at 4:31 PM
Subject: COB Drafts for Stay 02-16-2017
To: Matthew Wheeler <matthew.wheeler@sol.doi.gov>
Cc: Greg Gould <greg.gould@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>

Matt,

Greg just weighed in with edits on the Director letter. I am re-sending the three documents so that you only have one email to access. Again, thanks for all of your support on this.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B

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"Aguilar, Luis" <luis.aguilar@onrr.gov>

From: "Aguilar, Luis" <luis.aguilar@onrr.gov>
Sent: Fri Feb 17 2017 10:30:33 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Subject: Re: COB Drafts for Stay 02-16-2017

Great, thanks

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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On Fri, Feb 17, 2017 at 10:26 AM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

Luis,

Here is what I sent out late yesterday.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
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From: **Christnacht, Peter** <peter.christnacht@onrr.gov>

Date: Thu, Feb 16, 2017 at 4:31 PM

Subject: COB Drafts for Stay 02-16-2017

To: Matthew Wheeler <matthew.wheeler@sol.doi.gov>

Cc: Greg Gould <greg.gould@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>

Matt,

Greg just weighed in with edits on the Director letter. I am re-sending the three documents so that you only have one email to access. Again, thanks for all of your support on this.

-Peter A Christnacht-
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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Fri Feb 17 2017 14:06:00 GMT-0700 (MST)
To: "Carey, Chris E" <Chris.Carey@onrr.gov>
Subject: Fwd: COB Drafts for Stay 02-16-2017

Chris,

I just left you a voice mail. You can ignore it. It's the Federal Register notice that now Greg will sign not the Federal Register notice. Matt knows all this. For now, Jim is still the signatory on the Dear Reporter letter.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
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Fax 303 231-3744

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From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Fri, Feb 17, 2017 at 6:51 AM
Subject: Re: COB Drafts for Stay 02-16-2017
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Cc: Matthew Wheeler <matthew.wheeler@sol.doi.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

Matt,

(b) (5)

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Peter will work with the Rules Team to make the change and send you back a clean version of the FR Notice.

Thanks and Happy Friday everyone!

Grg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Thu, Feb 16, 2017 at 4:31 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

Matt,

Greg just weighed in with edits on the Director letter. I am re-sending the three documents so that you only have one email to access. Again, thanks for all of your support on this.

-Peter A Christnacht-
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"Aguilar, Luis" <luis.aguilar@onrr.gov>

From: "Aguilar, Luis" <luis.aguilar@onrr.gov>

Sent: Sat Feb 18 2017 15:42:18 GMT-0700 (MST)
To: Matthew Wheeler <matthew.wheeler@sol.doi.gov>
"Southall, Armand" <armand.southall@onrr.gov>, Peter
Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff
CC: <john.mehlhoff@onrr.gov>, Bonnie Robson
<bonnie.robson@onrr.gov>, "Steward, Jim"
<Jim.Steward@onrr.gov>
Subject: Re: COB Drafts for Stay 02-16-2017
Attachments: AA13_Draft-FRN_Staying_Consolidated-Valuation-
Rule_02172017_1546cc.docx

Matt,

I understand you need an unlock version of the FRN - **Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule**

(AA13). Please see attached unlocked version and let me know if you need anything else; do not hesitate to call my work number at 303-231-3418 regardless of being the weekend, I will answer (my work phone number is routed to my personal cell for the weekend).

Cheers

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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On Fri, Feb 17, 2017 at 10:22 AM, Aguilar, Luis <luis.aguilar@onrr.gov> wrote:

Matt,

Per email from Greg, I'm sending you the latest draft of the Federal Register Notice (FRN) - **Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule (AA13)**. This FRN contains

Greg's signature block instead of the Acting Assistant Secretary's signature block. Please let me know if there is anything else you need from us.

Thanks

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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On Fri, Feb 17, 2017 at 8:12 AM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:
Luis,

Would you please work with Peter on this?

Thank you.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Fri, Feb 17, 2017 at 6:51 AM
Subject: Re: COB Drafts for Stay 02-16-2017
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Cc: Matthew Wheeler <matthew.wheeler@sol.doi.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

Matt,

(b) (5)

Peter will work with the Rules Team to make the change and send you back a clean version of the FR Notice.

Thanks and Happy Friday everyone!

Grg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
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U.S. Department of the Interior*

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Matt,

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-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
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[USE DIRECTOR LETTERHEAD]

[Name]
[Title]
[Organization]
[Address]
[City, State ZIP]

Dear Mr. [XXX],

Thank you for your letter dated February 17, 2017 (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sincerely,

Gregory J. Gould
Director

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Parts 1202 and 1206

[Docket No. ONRR–2012–0004; DS63644000 DR2000000.CH7000 178D0102R2]

RIN 1012–AA13

**Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform
Final Rule**

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Notice.

SUMMARY: On July 1, 2016, ONRR published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Final Rule (Final Rule) in the Federal Register at 81 FR 43338. On December 29, 2016, members of industry filed three separate petitions for review (Petitions) in the U.S. District Court for the District of Wyoming. (b) (5)

DATE: This notice is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Peter Christnacht, Royalty Valuation team B, at 303-231-3651 or email to *peter.christnacht@onrr.gov*.

SUPPLEMENTARY INFORMATION: On July 1, 2016, ONRR published the Final Rule in the Federal Register at 81 FR 43338. (b) (5)

(b) (5) [Redacted]

[Redacted]

[Redacted]

(b) (5) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5)

Date

Gregory J. Gould
Director,
Office of Natural Resources Revenue

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Parts 1202 and 1206

[Docket No. ONRR–2012–0004; DS63644000 DR2000000.CH7000 178D0102R2]

RIN 1012–AA13

**Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform
Final Rule**

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Notice.

SUMMARY: : On July 1, 2016, ONRR published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Final Rule (Final Rule) in the Federal Register at 81 FR 43338. On December 29, 2016, members of industry filed three separate petitions for review (Petitions) in the U.S. District Court for the District of Wyoming. (b) (5)

DATE: This notice is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Peter Christnacht, Royalty Valuation team B, at 303-231-3651 or email to peter.christnacht@onrr.gov.

SUPPLEMENTARY INFORMATION: On July 1, 2016, ONRR published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Final Rule (Final Rule) in the Federal Register at 81 FR 43338. (b) (5)

(b) (5)

(b) (5)

Dated: _____

Amy Holley
*Acting Assistant Secretary
for Policy, Management and Budget*

Conversation Contents

Fwd: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

Attachments:

/15. Fwd: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule/1.1 2017-02-17 Signed Letter to ONRR.PDF

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Fri Feb 17 2017 15:44:02 GMT-0700 (MST)
To: Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Chris Carey <chris.carey@onrr.gov>
Subject: Fwd: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule
Attachments: 2017-02-17 Signed Letter to ONRR.PDF

----- Forwarded message -----

From: **Greg Gould** <greg.gould@onrr.gov>
Date: Fri, Feb 17, 2017 at 2:39 PM
Subject: Fwd: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule
To: onrrelt@onrr.gov, bonnie.robson@onrr.gov, matthew.wheeler@sol.doi.gov, Matthew McKeown <Matthew.McKeown@sol.doi.gov>

Bonnie,

See below and attached. Please work with Matt Wheeler on next steps.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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Begin forwarded message:

From: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>
To: "Greg.Gould@onrr.gov" <Greg.Gould@onrr.gov>
Cc: "Matthew.wheeler@sol.doi.gov" <Matthew.wheeler@sol.doi.gov>, "John F. Shepherd" <JShepherd@hollandhart.com>, "gail.wurtzler@dgslaw.com" <gail.wurtzler@dgslaw.com>, "Rex Johnson (rex@ssjwyolaw.com)" <rex@ssjwyolaw.com>, "Jack Haugrud (jack.haugrud@sol.doi.gov)" <jack.haugrud@sol.doi.gov>, "Rebecca.Jaffe@usdoj.gov" <Rebecca.Jaffe@usdoj.gov>, "Nick.Vassallo@usdoj.gov" <Nick.Vassallo@usdoj.gov>
Subject: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

Dear Director Gould:

Attached is a letter on behalf of the Petitioners in the Wyoming District Court litigation challenging the Final ONRR Oil, Gas and Coal Valuation Rule requesting that you postpone the rule's implementation pursuant to 5 U.S.C. § 705 for the reasons set forth in the letter. Petitioners request that you take action to postpone implementation of the Final Rule before February 28, 2017, the date the first royalty reports under the Final Rule are due to ONRR.

If you have any questions regarding the Petitioners request for postponement of the Final Rule's implementation, please do not hesitate to contact me.

Sincerely,

Peter Schaumberg

Peter J. Schaumberg

Principal

BEVERIDGE & DIAMOND, P.C.

1350 I Street, NW, Suite 700, Washington, DC 20005

Office 202.789.6043 Cell 301.518.2901 PSchaumberg@bdlaw.com

>[vCard](#) >[Bio](#)

Beveridge & Diamond P.C.

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"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Fri Feb 17 2017 15:47:56 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
CC: Peter Christnacht <peter.christnacht@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Chris Carey <chris.carey@onrr.gov>
Subject: Re: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

Thank you Bonnie!

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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On Fri, Feb 17, 2017 at 3:44 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

----- Forwarded message -----

From: **Greg Gould** <greg.gould@onrr.gov>
Date: Fri, Feb 17, 2017 at 2:39 PM
Subject: Fwd: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule
To: onrrelt@onrr.gov, bonnie.robson@onrr.gov, matthew.wheeler@sol.doi.gov, Matthew McKeown <Matthew.McKeown@sol.doi.gov>

Bonnie,

See below and attached. Please work with Matt Wheeler on next steps.

Thanks,

Greg

Gregory J. Gould

*Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)*

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Begin forwarded message:

From: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>
To: "Greg.Gould@onrr.gov" <Greg.Gould@onrr.gov>
Cc: "Matthew.wheeler@sol.doi.gov" <Matthew.wheeler@sol.doi.gov>, "John F. Shepherd" <JShepherd@hollandhart.com>, "gail.wurtzler@dgslaw.com" <gail.wurtzler@dgslaw.com>, "Rex Johnson (rex@ssjwyolaw.com)" <rex@ssjwyolaw.com>, "Jack Haugrud (jack.haugrud@sol.doi.gov)" <jack.haugrud@sol.doi.gov>, "Rebecca.Jaffe@usdoj.gov" <Rebecca.Jaffe@usdoj.gov>, "Nick.Vassallo@usdoj.gov" <Nick.Vassallo@usdoj.gov>
Subject: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

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Sincerely,

Peter Schaumberg

Peter J. Schaumberg

Principal

BEVERIDGE & DIAMOND, P.C.

1350 I Street, NW, Suite 700, Washington, DC 20005

Office 202.789.6043 **Cell** 301.518.2901 PSchaumberg@bdlaw.com

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"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Fri Feb 17 2017 15:51:47 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
CC: Peter Christnacht <peter.christnacht@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Chris Carey <chris.carey@onrr.gov>
Subject: Re: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

Thank you Bonnie!

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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Subject: Fwd: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

To: onrrelt@onrr.gov, bonnie.robson@onrr.gov, matthew.wheeler@sol.doi.gov, Matthew McKeown <Matthew.McKeown@sol.doi.gov>

Bonnie,

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Thanks,

Greg

Gregory J. Gould

Director

Office of Natural Resources Revenue

U.S. Department of the Interior

[\(202\) 513-0600](tel:(202)513-0600)

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From: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>
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Cc: "Matthew.wheeler@sol.doi.gov" <Matthew.wheeler@sol.doi.gov>, "John F. Shepherd" <JShepherd@hollandhart.com>, "gail.wurtzler@dgslaw.com" <gail.wurtzler@dgslaw.com>, "Rex Johnson (rex@ssjwyolaw.com)" <rex@ssjwyolaw.com>, "Jack Haugrud (jack.haugrud@sol.doi.gov)" <jack.haugrud@sol.doi.gov>, "Rebecca.Jaffe@usdoj.gov" <Rebecca.Jaffe@usdoj.gov>, "Nick.Vassallo@usdoj.gov" <Nick.Vassallo@usdoj.gov>
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Sincerely,

Peter Schaumberg

Peter J. Schaumberg

Principal

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Office 202.789.6043 **Cell** 301.518.2901 PSchaumberg@bdlaw.com

[>vCard](#) [>Bio](#)

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Conversation Contents

[Update] URGENT - Rule Stay Reporting Guidance

peter.christnacht@onrr.gov

From: peter.christnacht@onrr.gov
Sent: Fri Feb 17 2017 12:53:37 GMT-0700 (MST)
leeann.martin@onrr.gov, sarah.sellar@onrr.gov,
matthew.wheeler@sol.doi.gov, bonnie.robson@onrr.gov,
roman.geissel@onrr.gov, karen.garza@onrr.gov,
To: amy.lunt@onrr.gov, john.mehlhoff@onrr.gov,
jim.steward@onrr.gov, chris.carey@onrr.gov,
peter.christnacht@onrr.gov, karl.wunderlich@onrr.gov,
paul.tyler@onrr.gov, mary.dietrick@onrr.gov,
michael.anspach@onrr.gov, michael.rausch@onrr.gov,
sonny.betancourt@onrr.gov
Subject: [Update] URGENT - Rule Stay Reporting Guidance

call in number is (b) (5), participant code (b) (5)

URGENT - Rule Stay Reporting Guidance

Hi All,

As most of you know, we are staying the valuation rule, which means we don't want companies it report under it for January 2017 production. We have a near-final draft of a reporter letter but need to clean up and agree on language about how we guide companies to report if/when they are already set up to report under the new rule and cannot change back before the Feb 28 reporting deadline. Please join us in the Director's Conference Room if you can, or via telephone using the following call-in information:

Number: (b) (5)
Participant Code: (b) (5)
Leader Code: (b) (5)

Attached is the draft of the reporter letter. Thanks all!

When Fri Feb 17, 2017 1pm – 2pm Mountain Time
Where ONRR-CR-B53 Directors Conf Rm ([map](#))
Video call https://plus.google.com/hangouts/_/doi.gov/chris-carey
Who

- chris.carey@onrr.gov - organizer
- peter.christnacht@onrr.gov
- sarah.sellar@onrr.gov
- john.mehlhoff@onrr.gov
- glen.reese@onrr.gov
- jim.steward@onrr.gov
- paul.tyler@onrr.gov

- amy.lunt@onrr.gov
- bonnie.robson@onrr.gov
- roman.geissel@onrr.gov
- mary.dietrick@onrr.gov
- leeann.martin@onrr.gov
- sonny.betancourt@onrr.gov
- matthew.wheeler@sol.doi.gov
- karl.wunderlich@onrr.gov
- karen.garza@onrr.gov

Attachments [2017 Rule Stay Reporter Letter DRAFT for SOL 20170216.docx](#)

Conversation Contents

Invitation: URGENT - Rule Stay Reporting Guidance @ Fri Feb 17, 2017 1pm - 2pm (peter.christnacht@onrr.gov)

Attachments:

/18. Invitation: URGENT - Rule Stay Reporting Guidance @ Fri Feb 17, 2017 1pm - 2pm (peter.christnacht@onrr.gov)/1.1 invite.ics

/18. Invitation: URGENT - Rule Stay Reporting Guidance @ Fri Feb 17, 2017 1pm - 2pm (peter.christnacht@onrr.gov)/1.2 invite.ics

Chris Carey <chris.carey@onrr.gov>

From: Chris Carey <chris.carey@onrr.gov>
Sent: Fri Feb 17 2017 12:26:19 GMT-0700 (MST)
peter.christnacht@onrr.gov, amy.lunt@onrr.gov, roman.geissel@onrr.gov, john.mehlhoff@onrr.gov,
To: matthew.wheeler@sol.doi.gov, leeann.martin@onrr.gov, karl.wunderlich@onrr.gov, mary.dietrick@onrr.gov, jim.steward@onrr.gov
Subject: Invitation: URGENT - Rule Stay Reporting Guidance @ Fri Feb 17, 2017 1pm - 2pm (peter.christnacht@onrr.gov)
Attachments: invite.ics invite.ics

URGENT - Rule Stay Reporting Guidance

[more details »](#)

Hi All,

As most of you know, we are staying the valuation rule, which means we don't want companies it report under it for January 2017 production. We have a near-final draft of a reporter letter but need to clean up and agree on language about how we guide companies to report if/when they are already set up to report under the new rule and cannot change back before the Feb 28 reporting deadline. Please join us in the Director's Conference Room if you can, or via telephone using the following call-in information:

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Participant Code: (b) (5)
Leader Code: (b) (5)

Attached is the draft of the reporter letter. Thanks all!

When Fri Feb 17, 2017 1pm – 2pm Mountain Time
Where ONRR-CR-B53 Directors Conf Rm ([map](#))
Video call https://plus.google.com/hangouts/_/doi.gov/chris-carey
Calendar peter.christnacht@onrr.gov
Who

- chris.carey@onrr.gov - organizer
- amy.lunt@onrr.gov

- roman.geissel@onrr.gov
- john.mehlhoff@onrr.gov
- matthew.wheeler@sol.doi.gov
- leeann.martin@onrr.gov
- karl.wunderlich@onrr.gov
- mary.dietrick@onrr.gov
- jim.steward@onrr.gov
- peter.christnacht@onrr.gov

Attachments [2017 Rule Stay Reporter Letter DRAFT for SOL 20170216.docx](#)

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account peter.christnacht@onrr.gov because you are subscribed for invitations on calendar peter.christnacht@onrr.gov.

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

Conversation Contents

Fwd: Reporter Letter

Attachments:

/19. Fwd: Reporter Letter/1.1 2017 Rule Stay Reporter Letter DRAFT for SOL 20170216.docx

"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Fri Feb 17 2017 10:24:44 GMT-0700 (MST)
To: "Wunderlich, Karl" <Karl.Wunderlich@onrr.gov>, "Christnacht, Peter" <peter.christnacht@onrr.gov>
Subject: Fwd: Reporter Letter
Attachments: 2017 Rule Stay Reporter Letter DRAFT for SOL 20170216.docx

Apparently there is an FAQ list as well!

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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From: Carey, Chris <chris.carey@onrr.gov>
Date: Fri, Feb 17, 2017 at 10:05 AM
Subject: Re: Reporter Letter
To: Treci Johnson <treci.johnson@onrr.gov>
Cc: Amy Lunt <amy.lunt@onrr.gov>

Hi Treci,

The draft reporter letter is attached. It is currently under review by the Solicitor, so it could change slightly. I am working on the FAQ list, and will send that draft over later today or early next week. Thanks so much for helping us out with this. If you have any questions or concerns feel free to call me.

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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On Fri, Feb 17, 2017 at 9:47 AM, Treci Johnson <treci.johnson@onrr.gov> wrote:

Hi Chris,

Jodie let me know that a reporter letter and FAQs are scheduled for the website next week. Could I get a copy of the materials?

Thanks,

Treci Johnson
Public Affairs Specialist
Office of Natural Resources Revenue
202-469-2258 (Mobile)
202-513-0611 (Office)
Treci.Johnson@onrr.gov

Conversation Contents

PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule

Attachments:

/21. PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule/1.1 Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule.docx

/21. PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule/2.1 Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_CCredits.docx

/21. PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule/3.1 Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_KWcomments.docx

/21. PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule/4.1 Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_KWcomments.docx

/21. PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule/5.1 Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_KWcomments ggedt.docx

/21. PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule/6.1 Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_KWcomments ggedt.docx

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Thu Feb 16 2017 15:18:08 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Greg Gould <greg.gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>
CC:
Subject: PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule
Attachments: Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule.docx

Please review and edit the attached draft letter at your soonest opportunity.

Peter Christnacht will send drafts of this letter, the FR notice, and the Dear Reporter Letter to the Solicitor's Office later today.

Thank you.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Thu, Feb 16, 2017 at 12:16 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

Hi All,

Attached is the draft of the reporter letter. Please let me know if you have changes/comments etc ASAP so Matt Wheeler can look at it this afternoon before we provide it to Matt McKeown by COB today.

Two things to know/consider:

- (b) (5)

-

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Thu Feb 16 2017 16:05:27 GMT-0700 (MST)

To: Peter Christnacht <peter.christnacht@onrr.gov>
Subject: Fwd: PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule
Attachments: Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_CCredits.docx

Chris suggested spelling out that we are using "Rule" in the letter to refer to the rule at issue (see attached). I consciously did not do so, figuring it would be obvious, but I'm happy with whatever you decide to do--include the "(Rule)" or not.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Carey, Chris** <chris.carey@onrr.gov>
Date: Thu, Feb 16, 2017 at 3:58 PM
Subject: Re: PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>

Great draft, Bonnie! My minor addition is in the attached version. Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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Thank you.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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- (b) (5)

-

Thanks!

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Petroleum Engineer
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"Wunderlich, Karl" <karl.wunderlich@onrr.gov>

From: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>

Sent: Thu Feb 16 2017 16:09:30 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
"Carey, Chris" <chris.carey@onrr.gov>, Peter Christnacht
<peter.christnacht@onrr.gov>, Amy Lunt
<amy.lunt@onrr.gov>, John Mehlhoff
CC: <john.mehlhoff@onrr.gov>, Greg Gould
<greg.gould@onrr.gov>, Jim Steward
<jim.steward@onrr.gov>
Subject: Re: PLEASE REVIEW ASAP: Draft Responsive Letter -
Consolidated Valuation Rule
Attachments: Director Letter Responding to Petitioners Letter Requesting
Stay of Valuation Rule_KWcomments.docx

My comments attached.
-Karl

On Thu, Feb 16, 2017 at 3:18 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:
Please review and edit the attached draft letter at your soonest opportunity.

Peter Christnacht will send drafts of this letter, the FR notice, and the Dear Reporter Letter to the Solicitor's Office later today.

Thank you.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Thu, Feb 16, 2017 at 12:16 PM, Carey, Chris <chris.carey@onrr.gov> wrote:
Hi All,

Attached is the draft of the reporter letter. Please let me know if you have changes/comments etc ASAP so Matt Wheeler can look at it this afternoon before we provide it to Matt McKeown by COB today.

Two things to know/consider:

- (b) (5)

-

Thanks!

Chris Carey
Petroleum Engineer

Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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Karl Wunderlich

Supervisor, Royalty Valuation Team C

Office of Natural Resources Revenue

U.S. Department of the Interior

303-231-3663 (office)

karl.wunderlich@onrr.gov

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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Thu Feb 16 2017 16:14:39 GMT-0700 (MST)
To: Peter Christnacht <peter.christnacht@onrr.gov>
CC: Karl Wunderlich <karl.wunderlich@onrr.gov>
Subject: Fwd: PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule
Attachments: Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_KWcomments.docx

Peter,

I'm fine with or without Karl's edits, except that I don't want to break the adverse consequences of no stay into two paragraphs.

Thanks, Karl, for your edits.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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From: **Wunderlich, Karl** <karl.wunderlich@onrr.gov>

Date: Thu, Feb 16, 2017 at 4:09 PM

Subject: Re: PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule

To: "Robson, Bonnie" <bonnie.robson@onrr.gov>

Cc: "Carey, Chris" <chris.carey@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Greg Gould <greg.gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>

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- (b) (5)

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Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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Karl Wunderlich

Supervisor, Royalty Valuation Team C

Office of Natural Resources Revenue

U.S. Department of the Interior

303-231-3663 (office)

karl.wunderlich@onrr.gov

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"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Thu Feb 16 2017 16:16:50 GMT-0700 (MST)
To: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
"Robson, Bonnie" <bonnie.robson@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Jim Steward <jim.steward@onrr.gov>
CC:
Subject: Re: PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule
Attachments: Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_KWcomments ggedt.docx

I have added a minor edit to Karl's edits, see attached. I'm all set with this draft for SOL review.

Thanks again everyone!

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Letter to the Solicitor's Office later today.

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Thanks!

Chris Carey
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Royalty Valuation Office
Office of Natural Resources Revenue

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Karl Wunderlich

Supervisor, Royalty Valuation Team C

Office of Natural Resources Revenue

U.S. Department of the Interior

303-231-3663 (office)

karl.wunderlich@onrr.gov

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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Thu Feb 16 2017 16:22:06 GMT-0700 (MST)
To: Peter Christnacht <peter.christnacht@onrr.gov>
Subject: Fwd: PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule
Attachments: Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule_KWcomments ggedt.docx

OK, Peter, I'm going to assume you are running with the attached, including Greg's edits, as final (he's the boss!).

I think I'm done with today's exercise, but let me know if you think otherwise.

Bonnie Robson

Program Manager, Appeals & Regulations

Office of Natural Resources Revenue

U.S. Department of the Interior

Denver Federal Center Bldg. 53

PO Box 25165

Denver, CO 80225

E-Mail: bonnie.robson@onrr.gov

Office: (303) 231-3729

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From: **Gould, Greg** <greg.gould@onrr.gov>

Date: Thu, Feb 16, 2017 at 4:16 PM

Subject: Re: PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule

To: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>

Cc: "Robson, Bonnie" <bonnie.robson@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Jim Steward <jim.steward@onrr.gov>

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Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
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-Karl

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Bonnie Robson

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Two things to know/consider:

- (b) (5)

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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Karl Wunderlich

Supervisor, Royalty Valuation Team C

Office of Natural Resources Revenue

U.S. Department of the Interior

303-231-3663 (office)

karl.wunderlich@onrr.gov

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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Thu Feb 16 2017 16:31:30 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Subject: Re: PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule

Yes, thanks.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
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Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov

Office: (303) 231-3729
Cell: (720) 440-4500

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From: **Gould, Greg** <greg.gould@onrr.gov>

Date: Thu, Feb 16, 2017 at 4:16 PM

Subject: Re: PLEASE REVIEW ASAP: Draft Responsive Letter - Consolidated Valuation Rule

To: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>

Cc: "Robson, Bonnie" <bonnie.robson@onrr.gov>, "Carey, Chris"

<chris.carey@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt

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Two things to know/consider:

- (b) (5)

Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

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Karl Wunderlich

Supervisor, Royalty Valuation Team C

Office of Natural Resources Revenue

U.S. Department of the Interior

303-231-3663 (office)

karl.wunderlich@onrr.gov

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Conversation Contents

Stay Documents

Attachments:

/22. Stay Documents/1.1 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017.docx
/22. Stay Documents/1.2 Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule.docx
/22. Stay Documents/1.3 2017 Rule Stay Reporter Letter DRAFT for SOL 20170216 (1).docx

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Thu Feb 16 2017 16:05:32 GMT-0700 (MST)
To: Matthew Wheeler <matthew.wheeler@sol.doi.gov>
CC: John Mehlhoff <john.mehlhoff@onrr.gov>
Subject: Stay Documents
AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017.docx Director Letter Responding to Petitioners Letter Requesting Stay of Valuation Rule.docx
Attachments: 2017 Rule Stay Reporter Letter DRAFT for SOL 20170216 (1).docx

Matt,

Here are ONRR's drafts for the action items you requested from us to support the stay efforts. I will be in the office Friday should you have any questions or concerns. I want to thank you again for all of your great support on this effort. It has been fabulous working with you.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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Conversation Contents

Technical Language for the Federal Register Notice Draft

Attachments:

/23. Technical Language for the Federal Register Notice Draft/1.1 Section 705 FR Notice (w ONRR edits 2-15-17).docx
/23. Technical Language for the Federal Register Notice Draft/2.1 Section 705 FR Notice (w ONRR edits 2-15-17) - BR added.docx
/23. Technical Language for the Federal Register Notice Draft/3.1 Section 705 FR Notice (w ONRR edits 2-15-17) - BR added.docx
/23. Technical Language for the Federal Register Notice Draft/4.1 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017cc.docx
/23. Technical Language for the Federal Register Notice Draft/4.2 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017tc.docx
/23. Technical Language for the Federal Register Notice Draft/5.1 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017_1504cc.docx
/23. Technical Language for the Federal Register Notice Draft/5.2 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017_1504tc.docx
/23. Technical Language for the Federal Register Notice Draft/9.1 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017_1504cc.docx
/23. Technical Language for the Federal Register Notice Draft/9.2 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017_1504tc.docx

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Wed Feb 15 2017 15:07:10 GMT-0700 (MST)
Greg Gould <greg.gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>
To: Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, "Gonzales-Evans, Anita" <anita.gonzales-evans@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>
CC:
Subject: Technical Language for the Federal Register Notice Draft
Attachments: Section 705 FR Notice (w ONRR edits 2-15-17).docx

ONRR Executive Committee and Bonnie,

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-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Wed Feb 15 2017 20:09:38 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Greg Gould <greg.gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>,
CC: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, "Gonzales-Evans, Anita" <anita.gonzales-evans@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>
Subject: Re: Technical Language for the Federal Register Notice Draft
Attachments: Section 705 FR Notice (w ONRR edits 2-15-17) - BR added.docx

My comments and suggested edits are attached.

Armand and Luis, please add the necessary FR format/header to the attached using track changes first thing Thursday morning, then email to Peter w/ cc to me.

Thank you.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Wed Feb 15 2017 20:13:46 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Greg Gould <greg.gould@onrr.gov>, Jim Steward
<jim.steward@onrr.gov>, John Mehlhoff
<john.mehlhoff@onrr.gov>, "Gidner, Jerold"
<jerold.gidner@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>,
CC: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey,
Chris E" <Chris.Carey@onrr.gov>, Matt Williams
<matt.williams@onrr.gov>, "Gonzales-Evans, Anita"
<anita.gonzales-evans@onrr.gov>, Armand Southall
<armand.southall@onrr.gov>, Luis Aguilar
<luis.aguilar@onrr.gov>
Subject: Re: Technical Language for the Federal Register Notice
Draft
Attachments: Section 705 FR Notice (w ONRR edits 2-15-17) - BR
added.docx

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Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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"Aguilar, Luis" <luis.aguilar@onrr.gov>

From: "Aguilar, Luis" <luis.aguilar@onrr.gov>
Sent: Thu Feb 16 2017 08:11:22 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Greg Gould <greg.gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey,
CC:

Chris E" <Chris.Carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, "Gonzales-Evans, Anita" <anita.gonzales-evans@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>

Subject:

Re: Technical Language for the Federal Register Notice Draft

Attachments:

AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017cc.docx AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017tc.docx

Peter,

Attached are a clean copy and a track changes copy of the updated FRN for the Stay of AA13 with all requested updates and proper format. Please review and let us know if you need anything else.

Cheers

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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On Wed, Feb 15, 2017 at 8:13 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:
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Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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Thank you.

Bonnie Robson

Program Manager, Appeals & Regulations

Office of Natural Resources Revenue

U.S. Department of the Interior

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Denver, CO 80225

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"Southall, Armand" <armand.southall@onrr.gov>

From: "Southall, Armand" <armand.southall@onrr.gov>
Sent: Thu Feb 16 2017 15:13:41 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Greg Gould <greg.gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, "Gonzales-Evans, Anita" <anita.gonzales-evans@onrr.gov>, "Aguilar, Luis" <luis.aguilar@onrr.gov>
CC:
Subject: Re: Technical Language for the Federal Register Notice Draft
AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017_1504cc.docx AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017_1504tc.docx
Attachments:

Hello, All--

I've attached the latest "track change" and "clean copy" versions that show some minor edits from Peter.

Please let us know if you have any questions.

Thanks,

L. Armand Southall

*Regulatory Specialist
Rules & Regs Team / Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals
Office of Natural Resources Revenue
Denver Federal Center / Bldg 53, Cube 50
P.O. Box 25165, MS 64400
Denver, Colorado 80225-0165
303.231.3221 | 303.231.3362 (fax)*

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On Thu, Feb 16, 2017 at 8:11 AM, Aguilar, Luis <luis.aguilar@onrr.gov> wrote:
Peter,

Attached are a clean copy and a track changes copy of the updated FRN for the Stay of AA13 with all requested updates and proper format. Please review and let us know if you need anything else.

Cheers

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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On Wed, Feb 15, 2017 at 8:13 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:
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Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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"Gould, Greg" <greg.gould@onrr.gov>

From: "Gould, Greg" <greg.gould@onrr.gov>
Sent: Thu Feb 16 2017 15:18:29 GMT-0700 (MST)
To: "Southall, Armand" <armand.southall@onrr.gov>
"Christnacht, Peter" <peter.christnacht@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, "Gonzales-Evans, Anita" <anita.gonzales-evans@onrr.gov>, "Aguilar, Luis" <luis.aguilar@onrr.gov>
CC:
Subject: Re: Technical Language for the Federal Register Notice Draft

Looks like the package is coming together!

Thanks!

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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Rules & Regs Team / Appeals & Regulations
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Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
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Denver Federal Center Bldg. 53
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"Southall, Armand" <armand.southall@onrr.gov>

From: "Southall, Armand" <armand.southall@onrr.gov>
Sent: Thu Feb 16 2017 15:20:31 GMT-0700 (MST)
To: "Gould, Greg" <greg.gould@onrr.gov>
"Christnacht, Peter" <peter.christnacht@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, "Gonzales-Evans, Anita" <anita.gonzales-evans@onrr.gov>, "Aguilar, Luis" <luis.aguilar@onrr.gov>
CC:
Subject: Re: Technical Language for the Federal Register Notice Draft

Yes, you're welcome, Greg!

Thanks,

L. Armand Southall

*Regulatory Specialist
Rules & Regs Team / Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals
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Denver, Colorado 80225-0165
303.231.3221 | 303.231.3362 (fax)*

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On Thu, Feb 16, 2017 at 3:18 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Looks like the package is coming together!

Thanks!

Greg

Gregory J. Gould

Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior

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Hello, All--

I've attached the latest "track change" and "clean copy" versions that show some minor edits from Peter.

Please let us know if you have any questions.

Thanks,

L. Armand Southall

*Regulatory Specialist
Rules & Regs Team / Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals
Office of Natural Resources Revenue
Denver Federal Center / Bldg 53, Cube 50
P.O. Box 25165, MS 64400
Denver, Colorado 80225-0165
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Cheers

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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On Wed, Feb 15, 2017 at 8:13 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

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Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

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Thank you.

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Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
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-Peter A Christnacht-

Supervisor, Royalty Valuation, Team B

Office of Natural Resource Revenue

303 231-3651 Desk

303 565-9513 Cell

Fax 303 231-3744

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Peter Christnacht <peter.christnacht@onrr.gov>

From: Peter Christnacht <peter.christnacht@onrr.gov>
Sent: Sat Feb 18 2017 10:28:15 GMT-0700 (MST)
To: cchristnac@earthlink.net
Subject: Fwd: Technical Language for the Federal Register Notice Draft

Sent from my iPhone

Begin forwarded message:

From: "Southall, Armand" <armand.southall@onrr.gov>
Date: February 16, 2017 at 3:20:31 PM MST
To: "Gould, Greg" <greg.gould@onrr.gov>
Cc: "Christnacht, Peter" <peter.christnacht@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, "Gonzales-Evans, Anita" <anita.gonzales-evans@onrr.gov>, "Aguilar, Luis" <luis.aguilar@onrr.gov>
Subject: Re: Technical Language for the Federal Register Notice Draft

Yes, you're welcome, Greg!

Thanks,

L. Armand Southall

*Regulatory Specialist
Rules & Regs Team / Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals
Office of Natural Resources Revenue
Denver Federal Center / Bldg 53, Cube 50
P.O. Box 25165, MS 64400
Denver, Colorado 80225-0165
303.231.3221 | 303.231.3362 (fax)*

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Please let us know if you have any questions.

Thanks,

L. Armand Southall

*Regulatory Specialist
Rules & Regs Team / Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals
Office of Natural Resources Revenue
Denver Federal Center / Bldg 53, Cube 50
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Cheers

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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<bonnie.robson@onrr.gov> wrote:

Sorry, wrong attachment with last email. Correct attachment this time!

Bonnie Robson

Program Manager, Appeals & Regulations

Office of Natural Resources Revenue

U.S. Department of the Interior

Denver Federal Center Bldg. 53

PO Box 25165

Denver, CO 80225

EEmail: bonnie.robson@onrr.gov

Office: (303) 231-3729

Cell: (720) 440-4500

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<bonnie.robson@onrr.gov> wrote:

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Bonnie Robson

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-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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Peter Christnacht <peter.christnacht@onrr.gov>

From: Peter Christnacht <peter.christnacht@onrr.gov>
Sent: Sat Feb 18 2017 10:39:11 GMT-0700 (MST)
To: cchristnac@earthlink.net
Subject: Fwd: Technical Language for the Federal Register Notice Draft
AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017_1504cc.docx AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017_1504tc.docx
Attachments:

Sent from my iPhone

Begin forwarded message:

From: "Southall, Armand" <armand.southall@onrr.gov>
Date: February 16, 2017 at 3:13:41 PM MST
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Cc: Greg Gould <greg.gould@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, "Gonzales-Evans, Anita" <anita.gonzales-evans@onrr.gov>, "Aguilar, Luis" <luis.aguilar@onrr.gov>
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<bonnie.robson@onrr.gov> wrote:

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Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
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-Peter A Christnacht-

Supervisor, Royalty Valuation, Team B

Office of Natural Resource Revenue

303 231-3651 Desk

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Conversation Contents

Latest FR version

Attachments:

/25. Latest FR version/1.1 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017.docx

/25. Latest FR version/2.1 AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017.docx

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Thu Feb 16 2017 12:59:30 GMT-0700 (MST)
To: Bonnie Robson <bonnie.robson@onrr.gov>
Subject: Latest FR version
Attachments: AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017.docx

Bonnie,

Here is the FR language

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Thu Feb 16 2017 14:55:02 GMT-0700 (MST)
To: Megan Hessee <megan.hessee@onrr.gov>
Subject: Fwd: Latest FR version
Attachments: AA13_Draft-FRN_Staying_Consolidated-Valuation-Rule_02162017.docx

Megan,

Here is the latest version. Please read for understanding and clarity. Thanks.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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----- Forwarded message -----

From: Christnacht, Peter <peter.christnacht@onrr.gov>
Date: Thu, Feb 16, 2017 at 12:59 PM
Subject: Latest FR version
To: Bonnie Robson <bonnie.robson@onrr.gov>

Bonnie,

Here is the FR language

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
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DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

30 CFR Parts 1202 and 1206

[Docket No. ONRR–2012–0004; DS63644000 DR2000000.CH7000 178D0102R2]

RIN 1012–AA13

**Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform
Final Rule**

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Notice.

SUMMARY: : On July 1, 2016, ONRR published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Final Rule (Final Rule) in the Federal Register at 81 FR 43338. On December 29, 2016, members of industry filed three separate petitions for review (Petitions) in the U.S. District Court for the District of Wyoming. (b) (5)

DATE: This notice is effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Peter Christnacht, Royalty Valuation team B, at 303-231-3651 or email to peter.christnacht@onrr.gov.

SUPPLEMENTARY INFORMATION: On July 1, 2016, ONRR published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Final Rule (Final Rule) in the Federal Register at 81 FR 43338. (b) (5)

(b) (5)

(b) (5)

Dated: _____

Amy Holley
*Acting Assistant Secretary
for Policy, Management and Budget*

Conversation Contents

Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

Attachments:

/27. Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule/1.1 Notice of Potential Stay of First Reporting Under Consolidated Valuation Rule - 2-14-17.docx

/27. Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule/2.1 Notice of Potential Stay of First Reporting Under Consolidated Valuation Rule - 2-14-17_CECcomments1240pm.docx

/27. Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule/3.1 Notice of Potential Stay of First Reporting Under Consolidated Valuation Rule - 2-14-17_CECcomments1240pm.docx

/27. Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule/8.1 Notice of Potential Stay of First Reporting Under Consolidated Valuation Rule - 2-14-17_CECcomments1240pm ASL CMTS 400P.docx

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Tue Feb 14 2017 12:06:37 GMT-0700 (MST)
To: Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Chris Carey <chris.carey@onrr.gov>
CC: "Mehlhoff, John" <john.mehlhoff@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Subject: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule
Attachments: Notice of Potential Stay of First Reporting Under Consolidated Valuation Rule - 2-14-17.docx

Attached please find a first draft of an E-Blast notifying all interested parties of a potential stay in the Consolidated Valuation Rule. Please provide any comments by the end of the day today, and also let me know if you have a change of mind on using an E-Blast rather than a Dear Reporter Letter to notify industry of the possibility of a stay.

(b) (5)



Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Tue Feb 14 2017 12:43:14 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt
<amy.lunt@onrr.gov>, Karl Wunderlich
CC: <karl.wunderlich@onrr.gov>, "Mehlhoff, John"
<john.mehlhoff@onrr.gov>, "Wheeler, Matthew"
<matthew.wheeler@sol.doi.gov>
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of
Potential Stay of Valuation Rule
Notice of Potential Stay of First Reporting Under
Attachments: Consolidated Valuation Rule - 2-14-
17_CECcomments1240pm.docx

Thanks for drafting this up, Bonnie! My comments and changes are in the attached version. I'm planning to take the rest of the day off, but if you need me later this afternoon feel free to call - my phone is forwarded. Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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On Tue, Feb 14, 2017 at 12:06 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:
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E-Blast rather than a Dear Reporter Letter to notify industry of the possibility of a stay.

(b) (5)

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Tue Feb 14 2017 14:56:37 GMT-0700 (MST)
To: Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Chris Carey <chris.carey@onrr.gov>
Subject: Fwd: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule
Attachments: Notice of Potential Stay of First Reporting Under Consolidated Valuation Rule - 2-14-17_CECcomments1240pm.docx

Oh, and I like Chris's edits! Nice work!

Bonnie Robson

Program Manager, Appeals & Regulations
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Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Carey, Chris** <chris.carey@onrr.gov>
Date: Tue, Feb 14, 2017 at 12:43 PM
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of

Valuation Rule

To: "Robson, Bonnie" <bonnie.robson@onrr.gov>

Cc: Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, "Mehlhoff, John" <john.mehlhoff@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

Thanks for drafting this up, Bonnie! My comments and changes are in the attached version. I'm planning to take the rest of the day off, but if you need me later this afternoon feel free to call - my phone is forwarded. Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460

Chris.Carey@onrr.gov

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(b) (5)

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Bonnie Robson

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"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Tue Feb 14 2017 14:54:12 GMT-0700 (MST)
To: Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>
CC: "Mehlhoff, John" <john.mehlhoff@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

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Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Tue Feb 14 2017 15:34:31 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter
CC: Christnacht <peter.christnacht@onrr.gov>, "Carey, Chris"
<chris.carey@onrr.gov>, "Mehlhoff, John"
<john.mehlhoff@onrr.gov>
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of
Potential Stay of Valuation Rule

We should probably also send an email internally to coincide with the messages to industry to ameliorate any confusion when payors ask their ONRR contacts for additional information.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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Bonnie Robson

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EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Tue Feb 14 2017 15:47:56 GMT-0700 (MST)
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
Subject: Fwd: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

Kim,

Have you seen this?

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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Date: Tue, Feb 14, 2017 at 2:54 PM

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To: Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>

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Program Manager, Appeals & Regulations

Office of Natural Resources Revenue

U.S. Department of the Interior

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E-Mail: bonnie.robson@onrr.gov

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Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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Program Manager, Appeals & Regulations
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U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

"Jackson, Kimberly" <kimberly.jackson@onrr.gov>

From: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Sent: Tue Feb 14 2017 15:58:36 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

I haven't been looped into this at all. I've already got 4500 envelopes in my cube and a label template that will print out addresses in 20 minutes.

If you don't mind alerting folks to this, then perhaps we can avoid duplication of tasks.

Thanks,

Kim

On Tue, Feb 14, 2017 at 3:47 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

Kim,

Have you seen this?

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B

Office of Natural Resource Revenue

303 231-3651 Desk

303 565-9513 Cell

Fax 303 231-3744

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To: Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>

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Program Manager, Appeals & Regulations

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U.S. Department of the Interior

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Office of Natural Resources Revenue

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Program Manager, Appeals & Regulations
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Denver, CO 80225
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--
Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

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"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Tue Feb 14 2017 16:06:53 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
"Robson, Bonnie" <bonnie.robson@onrr.gov>, Peter
Christnacht <peter.christnacht@onrr.gov>, Karl Wunderlich
CC: <karl.wunderlich@onrr.gov>, "Mehlhoff, John"
<john.mehlhoff@onrr.gov>, "Wheeler, Matthew"
<matthew.wheeler@sol.doi.gov>
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of
Potential Stay of Valuation Rule
Attachments: Notice of Potential Stay of First Reporting Under
Consolidated Valuation Rule - 2-14-
17_CECcomments1240pm ASL CMTS 400P.docx

I added a couple of comments to Chris's comments. I concur with Chris's changes as well.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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Sent: Tue Feb 14 2017 16:07:20 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Karl Wunderlich <karl.wunderlich@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>, "Mehlhoff, John" <john.mehlhoff@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
CC:
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

Bonnie, et al,

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-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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On Tue, Feb 14, 2017 at 2:54 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:
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Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Tue, Feb 14, 2017 at 12:43 PM, Carey, Chris <chris.carey@onrr.gov> wrote:
Thanks for drafting this up, Bonnie! My comments and changes are in the attached version. I'm planning to take the rest of the day off, but if you need me later this

afternoon feel free to call - my phone is forwarded. Thanks!

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Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

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(b) (5)



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"Mehlhoff, John" <john.mehlhoff@onrr.gov>

From: "Mehlhoff, John" <john.mehlhoff@onrr.gov>
Sent: Tue Feb 14 2017 16:16:28 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>

Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

Excellent.

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You will note that the draft mentions not only the three petitions filed in Federal Court challenging the Rule, but also the API/COPAS request to delay the effective date of the rule. If you think that a bad idea, please say so! We could go with as little as the last paragraph after augmenting it to fully identify the rule.

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"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

From: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Sent: Wed Feb 15 2017 10:55:31 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
"Robson, Bonnie" <bonnie.robson@onrr.gov>, Karl
Wunderlich <karl.wunderlich@onrr.gov>, Amy Lunt
CC: <amy.lunt@onrr.gov>, "Carey, Chris"
<chris.carey@onrr.gov>, "Mehlhoff, John"
<john.mehlhoff@onrr.gov>
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of
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A large black rectangular redaction box covers the majority of the content in this section, starting below the '(b) (5)' label and extending across the width of the text area.

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Sent: Wed Feb 15 2017 16:57:00 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
"Robson, Bonnie" <bonnie.robson@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>, "Mehlhoff, John" <john.mehlhoff@onrr.gov>
CC:
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

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Thanks,

Matt

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From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Wed Feb 15 2017 17:01:46 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

Matt,

To get a start on this letter, sans seeing it, do you think we can look at the filings to address the points they make in their petitions? Or do you think we should wait until we see the letter?

-Peter A Christnacht-
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Office: (303) 231-3729
Cell: (720) 440-4500

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Thanks for drafting this up, Bonnie! My comments and changes are in the attached version. I'm planning to take the rest of the day off, but if you need me later this afternoon feel free to call - my phone is forwarded. Thanks!

Chris Carey
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Royalty Valuation Office
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(b) (5)

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Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
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"Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

From: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Sent: Wed Feb 15 2017 17:02:52 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

I think the letter can be largely generic. We can draft it, and then plug in a few sentences to finalize it.

Matthew J. Wheeler
U.S. Department of the Interior

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755 Parfet St., Suite 151
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Sent: Wed Feb 15 2017 17:12:55 GMT-0700 (MST)
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson
<bonnie.robson@onrr.gov>, Amy Lunt
CC: <amy.lunt@onrr.gov>, "Wunderlich, Karl"
<karl.wunderlich@onrr.gov>, "Carey, Chris E"
<Chris.Carey@onrr.gov>
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of
Potential Stay of Valuation Rule

Okay, Thanks. John Mehlhoff has directed for us to have a meeting in the morning to assign the tasks you have identified. We can fill you in how we intend to execute the action items after we meet.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
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"Christnacht, Peter" <peter.christnacht@onrr.gov>, Karl
Wunderlich <karl.wunderlich@onrr.gov>, Amy Lunt
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EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

Matthew Wheeler <matthew.wheeler@sol.doi.gov>

From: Matthew Wheeler <matthew.wheeler@sol.doi.gov>
Sent: Thu Feb 16 2017 07:19:52 GMT-0700 (MST)
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
"Christnacht, Peter" <peter.christnacht@onrr.gov>, Karl
Wunderlich <karl.wunderlich@onrr.gov>, Amy Lunt
CC: <amy.lunt@onrr.gov>, "Carey, Chris"
<chris.carey@onrr.gov>, "Mehlhoff, John"
<john.mehlhoff@onrr.gov>
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of
Potential Stay of Valuation Rule

(b) (5)

Sent from my iPhone

On Feb 15, 2017, at 7:39 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

(b) (5)

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
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On Wed, Feb 15, 2017 at 4:57 PM, Wheeler, Matthew
<matthew.wheeler@sol.doi.gov> wrote:

(b) (5) [REDACTED], Mr. Huagrud has specifically asked ONRR to prepare a formal written response to the Petitioner's letter. (b) (5) [REDACTED]

To that end, who will be drafting the letter? And who will be signing it? We should be prepared to have that letter in final form by Friday so can present it to the Acting Secretary along with the other documents.

Thanks,

Matt

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U.S. Department of the Interior
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755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

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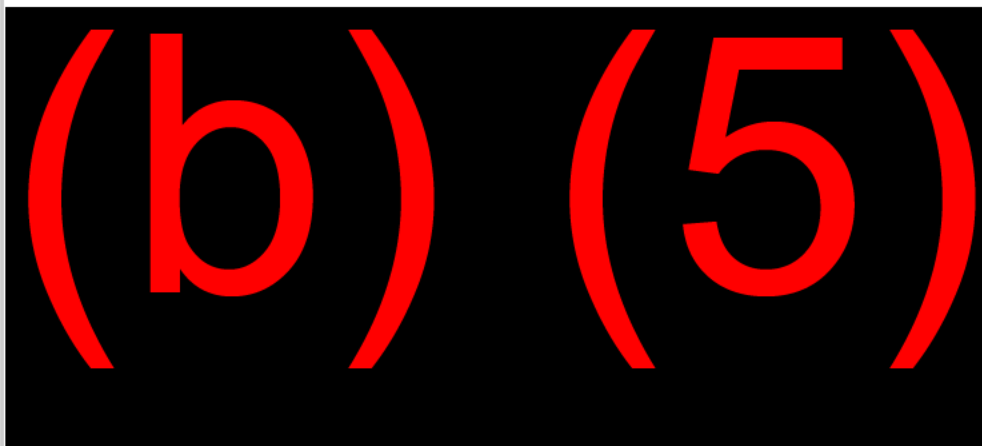
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Conversation Contents

Consolidated edits of FR Notice

Attachments:

/28. Consolidated edits of FR Notice/1.1 Section 705 FR Notice (w ONRR edits).docx

/28. Consolidated edits of FR Notice/2.1 Section 705 FR Notice (w ONRR edits).docx

/28. Consolidated edits of FR Notice/3.1 Section 705 FR Notice (w ONRR edits).docx

"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Tue Feb 14 2017 10:16:36 GMT-0700 (MST)
To: Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>
CC: "DeBerard, Michael" <michael.deberard@onrr.gov>
Subject: Consolidated edits of FR Notice
Attachments: Section 705 FR Notice (w ONRR edits).docx

All,

I have cobbled together each of your edits to the best of my ability and are offering you a chance to review before I send this to Matt. I intend to do this as soon as I get your comments or by 11:30 AM (whichever is sooner).

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Please review this asap so if I need to make adjustments, I can do so before our deadline. Thanks to all for your input. It is much improved from before.

-Peter A Christnacht-
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From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Tue Feb 14 2017 11:43:27 GMT-0700 (MST)
To: Matthew Wheeler <matthew.wheeler@sol.doi.gov>
Subject: Fwd: Consolidated edits of FR Notice
Attachments: Section 705 FR Notice (w ONRR edits).docx

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Date: Tue, Feb 14, 2017 at 10:16 AM

Subject: Consolidated edits of FR Notice

To: Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>,

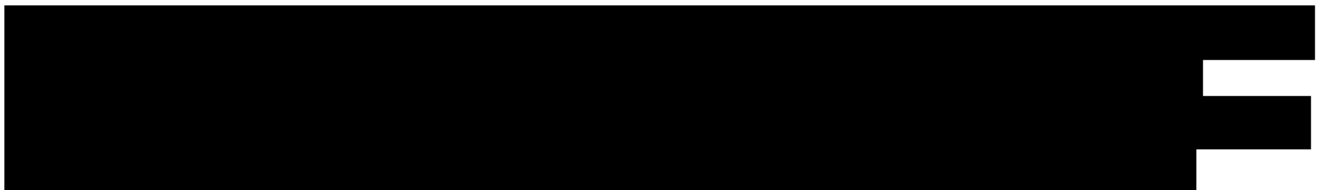
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Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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----- Forwarded message -----

From: **Christnacht, Peter** <peter.christnacht@onrr.gov>

Date: Tue, Feb 14, 2017 at 11:43 AM

Subject: Fwd: Consolidated edits of FR Notice

To: Matthew Wheeler <matthew.wheeler@sol.doi.gov>

Matt,

Bonnie just informed me about the current direction of efforts to move through the process. She said the draft is now obsolete. I've attached our latest version in case it will be of some benefit to you. Let us know if we can be of further assistance. Thanks.

-Peter A Christnacht-

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----- Forwarded message -----

From: **Christnacht, Peter** <peter.christnacht@onrr.gov>

Date: Tue, Feb 14, 2017 at 10:16 AM

Subject: Consolidated edits of FR Notice

To: Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>,

Bonnie Robson <bonnie.robson@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>

Cc: "DeBerard, Michael" <michael.deberard@onrr.gov>

All,

I have cobbled together each of your edits to the best of my ability and are offering you a chance to review before I send this to Matt. I intend to do this as soon as I get your comments or by 11:30 AM (whichever is sooner).

Amy, I did not change the quoted language for obvious reasons. I don't think

(b) (5)

Please review this asap so if I need to make adjustments, I can do so before our deadline. Thanks to all for your input. It is much improved from before.

-Peter A Christnacht-

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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>

Sent: Wed Feb 15 2017 14:47:50 GMT-0700 (MST)

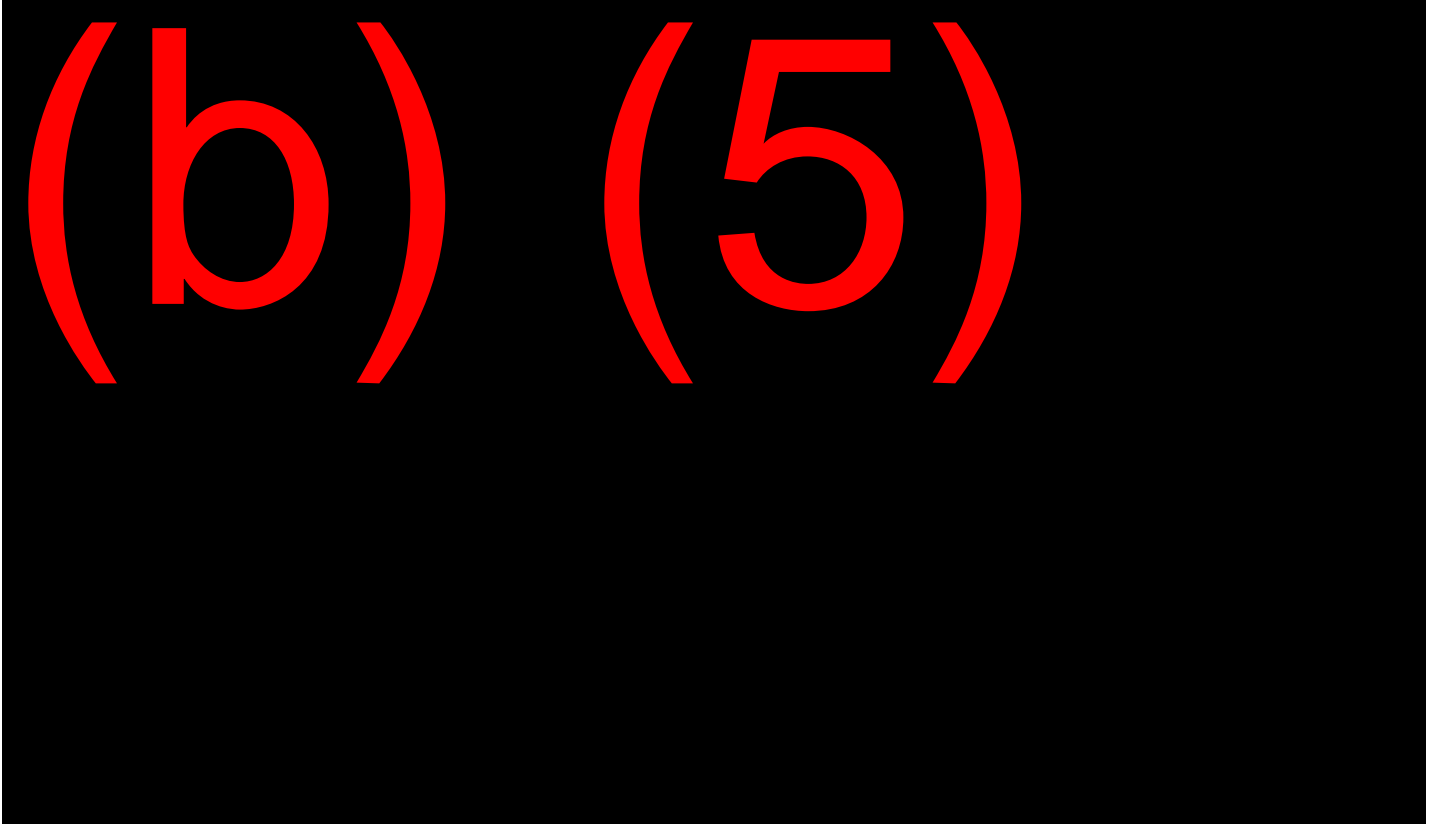
"Robson, Bonnie" <bonnie.robson@onrr.gov>, Amy Lunt

To: <amy.lunt@onrr.gov>, "Wunderlich, Karl"
<karl.wunderlich@onrr.gov>
CC: "DeBerard, Michael" <michael.deberard@onrr.gov>
Subject: Re: Consolidated edits of FR Notice

Bonnie,

I am going to address your statements with updated information as we have been talking to Matt Wheeler just before we got your email.

Yikes, let's see if I understand who is doing what now:



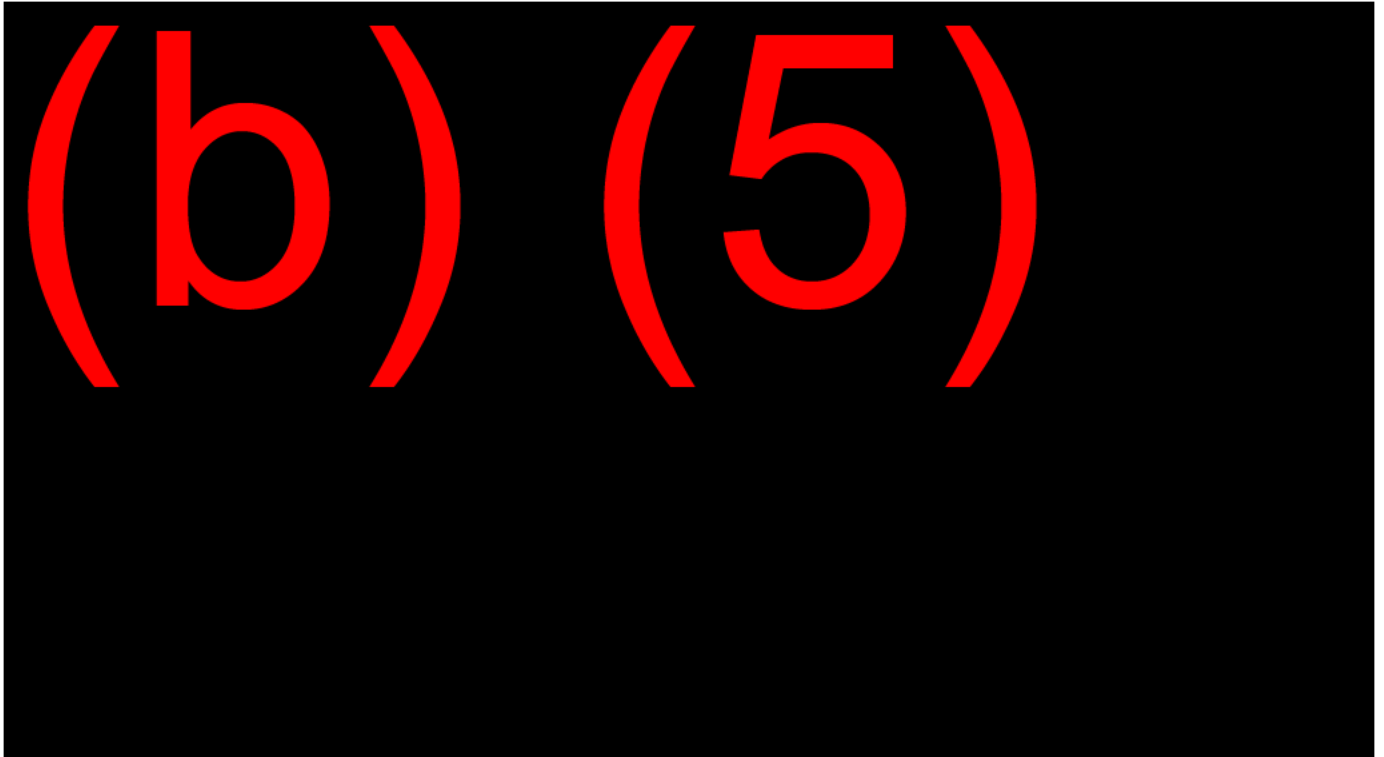
-Peter A Christnacht-
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On Wed, Feb 15, 2017 at 1:55 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:
Yikes, let's see if I understand who is doing what now:



Agree? Make sense?

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Wed, Feb 15, 2017 at 10:16 AM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

All,

Matt just called. I sent him a courtesy copy of the draft we came up with yesterday and he wants us to continue to work it. This latest version is attached.

Bonnie. (b) (5)



-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
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Date: Tue, Feb 14, 2017 at 10:16 AM
Subject: Consolidated edits of FR Notice
To: Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Carey, Chris E" <Chris.Carey@onrr.gov>
Cc: "DeBerard, Michael" <michael.deberard@onrr.gov>

All,

I have cobbled together each of your edits to the best of my ability and are offering you a chance to review before I send this to Matt. I intend to do this as soon as I get your comments or by 11:30 AM (whichever is sooner).

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Please review this asap so if I need to make adjustments, I can do so before our deadline. Thanks to all for your input. It is much improved from before.

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Conversation Contents

How does this sound?

Attachments:

/29. How does this sound?/7.1 Section 705 FR Notice (w ONRR edits 2-15-17).docx

/29. How does this sound?/8.1 Section 705 FR Notice (w ONRR edits 2-15-17).docx

"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Wed Feb 15 2017 11:29:40 GMT-0700 (MST)
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>, "Wunderlich, Karl" <Karl.Wunderlich@onrr.gov>
Subject: How does this sound?

Staying the effective date will avoid placing a significant financial and accounting burden on Federal and Indian lessees and ONRR. If some or all of the Final Rule is eventually invalidated or repealed, ONRR and affected lessees would have to reprogram, reenter, resubmit, and verify an average of 450,000 reporting lines for each production month that the Final rule was fully in effect.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Wed Feb 15 2017 11:32:06 GMT-0700 (MST)

To: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>,
"Christnacht, Peter" <peter.christnacht@onrr.gov>
Subject: Re: How does this sound?

Yep. Let me adjust.

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
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On Wed, Feb 15, 2017 at 11:31 AM, Wunderlich, Karl <karl.wunderlich@onrr.gov> wrote:
How about "...eventually invalidated, revised, or repealed..."?

On Wed, Feb 15, 2017 at 11:29 AM, Lunt, Amy <amy.lunt@onrr.gov> wrote:
Staying the effective date will avoid placing a significant financial and accounting burden on Federal and Indian lessees and ONRR. If some or all of the Final Rule is eventually invalidated or repealed, ONRR and affected lessees would have to reprogram, reenter, resubmit, and verify an average of 450,000 reporting lines for each production month that the Final rule was fully in effect.

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--

Karl Wunderlich

Supervisor, Royalty Valuation Team C

Office of Natural Resources Revenue

U.S. Department of the Interior

303-231-3663 (office)

karl.wunderlich@onrr.gov

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"Wunderlich, Karl" <karl.wunderlich@onrr.gov>

From: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
Sent: Wed Feb 15 2017 11:32:14 GMT-0700 (MST)
To: Peter Christnacht <Peter.Christnacht@onrr.gov>
Subject: Fwd: How does this sound?

oops, forgot to hit reply all.

----- Forwarded message -----

From: **Wunderlich, Karl** <karl.wunderlich@onrr.gov>
Date: Wed, Feb 15, 2017 at 11:31 AM
Subject: Re: How does this sound?
To: "Lunt, Amy" <amy.lunt@onrr.gov>

How about "...eventually invalidated, revised, or repealed..."?

On Wed, Feb 15, 2017 at 11:29 AM, Lunt, Amy <amy.lunt@onrr.gov> wrote:

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Office of Natural Resources Revenue

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"Lunt, Amy" <amy.lunt@onrr.gov>

From: "Lunt, Amy" <amy.lunt@onrr.gov>
Sent: Wed Feb 15 2017 11:33:07 GMT-0700 (MST)
To: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>, "Christnacht, Peter" <peter.christnacht@onrr.gov>
Subject: Re: How does this sound?

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How about "...eventually invalidated, revised, or repealed...?"

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"Wunderlich, Karl" <karl.wunderlich@onrr.gov>

From: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
Sent: Wed Feb 15 2017 11:41:51 GMT-0700 (MST)
To: "Lunt, Amy" <amy.lunt@onrr.gov>
CC: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Subject: Re: How does this sound?

I'm good w it.
-K

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--

*Karl Wunderlich
Supervisor, Royalty Valuation Team C
Office of Natural Resources Revenue
U.S. Department of the Interior*

303-231-3663 (office)

karl.wunderlich@onrr.gov

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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Wed Feb 15 2017 11:43:55 GMT-0700 (MST)
To: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
CC: "Lunt, Amy" <amy.lunt@onrr.gov>
Subject: Re: How does this sound?

I like it. I will incorporate it in the document and send it out shortly. Thanks to both of you.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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-K

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Amy S. Lunt
Royalty Valuation Team A
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(303) 231-3746 (office)
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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Wed Feb 15 2017 12:02:54 GMT-0700 (MST)
To: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
CC: "Lunt, Amy" <amy.lunt@onrr.gov>
Subject: Re: How does this sound?
Attachments: Section 705 FR Notice (w ONRR edits 2-15-17).docx

Here are the edits we came up with. I also added to Karl's edits of the sentence Amy composed. Please let me know if I missed something or if you have any improvements; I will then send to Bonnie and Matt.

-Peter A Christnacht-
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Office of Natural Resources Revenue
U.S. Department of the Interior
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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Wed Feb 15 2017 12:57:40 GMT-0700 (MST)
To: "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
CC: "Lunt, Amy" <amy.lunt@onrr.gov>
Subject: Re: How does this sound?
Attachments: Section 705 FR Notice (w ONRR edits 2-15-17).docx

Amy and Karl,

Just after I hit the sent button, it occurred to me that my changes to your edits are wrong. Potential impact to ONRR understates the reality that some compliance activities are affected, line reviews and data mining's efforts will occur so I am changing my edits of the sentence to better reflect your and my concerns . Attached is the version you should review. Thanks.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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On Wed, Feb 15, 2017 at 12:02 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

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-Peter A Christnacht-
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Conversation Contents

Fwd: From Greenwire -- REGULATIONS: Trump to sign CRA resolution as Republicans tee up others

Michael DeBerard <michael.deberard@onrr.gov>

From: Michael DeBerard <michael.deberard@onrr.gov>
Sent: Tue Feb 14 2017 15:28:09 GMT-0700 (MST)
To: ONRR CEVA AV Staff <onrrcevaavstaff@onrr.gov>
Subject: Fwd: From Greenwire -- REGULATIONS: Trump to sign CRA resolution as Republicans tee up others

In case you haven't seen this, we finally made the hit list

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: "anita.gonzales-evans" <email_this@eenews.net>
Date: 2/14/17 11:34 AM (GMT-07:00)
To: ONRROLT@onrr.gov, KAREN.OSBORNE@onrr.gov, ONRRDCAREA@onrr.gov
Subject: From Greenwire -- REGULATIONS: Trump to sign CRA resolution as Republicans tee up others

This Greenwire story was sent to you by: anita.gonzales-evans@onrr.gov

Personal message: FYI: Trump to sign CRA resolution as Republicans tee up others--AT 2:00 P.M.
TODAY HJ RES. 41 WILL BE SIGNED

Thanks--Anita

GREENWIRE

AN E&E NEWS PUBLICATION

REGULATIONS

Trump to sign CRA resolution as Republicans tee up others

Dylan Brown, E&E News reporter

Published: Tuesday, February 14, 2017

The list of environmental regulations congressional Republicans want to repeal got longer with the addition of the Interior Department's recent change to how it values federal fossil fuels.

Rep. Scott Tipton (R-Colo.) introduced [H.J. Res. 71](#) yesterday along with House Majority Whip Steve Scalise (R-La.) to undo the Office of Natural Resources Revenue's rule for calculating the value of oil, gas and coal extracted on public lands.

ONRR finished the rule June 30. That means it is recent enough for lawmakers to use the Congressional Review Act to undo it.

The Obama administration updated the valuation standards to stop companies from gaming the system to avoid royalty payments.

But fossil fuel companies and advocacy groups have sued Interior twice over the new standards, which they call unnecessary, vague and overly complex ([Greenwire](#), Jan. 9).

"The regulation creates uncertainty for businesses, a disincentive for responsible development of our natural resources on federal land, and ultimately hurts hardworking Americans, their families, and their communities the most," Tipton said in a statement.

Environmentalists and government watchdogs, however, pressed for change and are vowing to defend the ONRR rule in court and as Tipton's resolution moves through Congress.

"It is dumbfounding and indefensible that a United States congressman would use his power to try to enable self-dealing among energy companies at the expense of taxpayers," said Matt Lee-Ashley, senior fellow at the Center for American Progress. "This is pay-to-play politics at its worst."

Montana Republican Rep. Ryan Zinke, President Trump's nominee to lead the Interior Department, has long spoken out against the ONRR rule.

Trump takes action

President Trump plans to sign his first CRA resolution today, [H.J. Res. 41](#), to overturn the Securities and Exchange Commission rule mandating that oil, gas and coal companies disclose payments made to governments.

The rule, once loathed by Secretary of State Rex Tillerson during his time leading Exxon Mobil Corp., would become only the second regulation ever repealed via the 1996 law ([E&E Daily](#), Feb. 10).

Next, sources tell E&E News, Trump will sign [H.J. Res. 38](#) to eliminate the Stream Protection Rule as soon as tomorrow ([E&E Daily](#), Feb. 2).

Congress voted to kill both the SEC and stream rules earlier this month. Observers were wondering when the White House would act.

Trump canceled a trip to Ohio this week to sign the stream rule repeal. The White House did not give a reason for the cancellation to local news outlets, which reported on it, and did not respond to E&E News requests for comment.

Tomorrow is Trump's last day to sign the resolution before it becomes law without his

involvement. The Constitution gives presidents 10 days to act on legislation passed by Congress.

Republicans and business groups have rallied behind the rollbacks, identifying more than 40 Obama administration energy and environmental actions eligible for repeal.

Left-leaning CAP, however, argues that campaign contributions appear to be dictating the order of congressional actions against regulations.

According to the center's [analysis](#), sponsors of successful resolutions have received an average of \$2.3 million from concerned industries.

"This frenzy over the CRA will be unseemly and unsavory — a grim form of March Madness in which some industries' lobbyists will win, some lobbyists will lose," wrote Lee-Ashley and CAP researcher Jenny Rowland, "and every American will be saddled with the costs of more pollution and weaker consumer protections."

The Senate today moved to take up a resolution, H.J. Res. 40, against a rule related to the Social Security Administration and gun background checks.

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122 C Street NW 7th Floor Washington, DC 20001
Phone: 202-628-6500 Fax: 202-737-5299
www.eenews.net

Conversation Contents

Fwd: From Greenwire -- REGULATIONS: Trump to sign CRA resolution as Republicans tee up others

"Robson, Bonnie" <bonnie.robson@onrr.gov>

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Sent: Tue Feb 14 2017 12:56:25 GMT-0700 (MST)
Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Chris Carey <chris.carey@onrr.gov>, "Southall, Armand" <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>
To:
Subject: Fwd: From Greenwire -- REGULATIONS: Trump to sign CRA resolution as Republicans tee up others

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **anita.gonzales-evans** <email_this@eenews.net>
Date: Tue, Feb 14, 2017 at 11:33 AM
Subject: From Greenwire -- REGULATIONS: Trump to sign CRA resolution as Republicans tee up others
To: ONRROLT@onrr.gov, KAREN.OSBORNE@onrr.gov, ONRRDCAREA@onrr.gov

This Greenwire story was sent to you by: anita.gonzales-evans@onrr.gov

Personal message: FYI: Trump to sign CRA resolution as Republicans tee up others--AT 2:00 P.M.
TODAY HJ RES. 41 WILL BE SIGNED

Thanks--Anita

REGULATIONS

Trump to sign CRA resolution as Republicans tee up others

Dylan Brown, E&E News reporter

Published: Tuesday, February 14, 2017

The list of environmental regulations congressional Republicans want to repeal got longer with the addition of the Interior Department's recent change to how it values federal fossil fuels.

Rep. Scott Tipton (R-Colo.) introduced [H.J. Res. 71](#) yesterday along with House Majority Whip Steve Scalise (R-La.) to undo the Office of Natural Resources Revenue's rule for calculating the value of oil, gas and coal extracted on public lands.

ONRR finished the rule June 30. That means it is recent enough for lawmakers to use the Congressional Review Act to undo it.

The Obama administration updated the valuation standards to stop companies from gaming the system to avoid royalty payments.

But fossil fuel companies and advocacy groups have sued Interior twice over the new standards, which they call unnecessary, vague and overly complex ([Greenwire](#), Jan. 9).

"The regulation creates uncertainty for businesses, a disincentive for responsible development of our natural resources on federal land, and ultimately hurts hardworking Americans, their families, and their communities the most," Tipton said in a statement.

Environmentalists and government watchdogs, however, pressed for change and are vowing to defend the ONRR rule in court and as Tipton's resolution moves through Congress.

"It is dumbfounding and indefensible that a United States congressman would use his power to try to enable self-dealing among energy companies at the expense of taxpayers," said Matt Lee-Ashley, senior fellow at the Center for American Progress. "This is pay-to-play politics at its worst."

Montana Republican Rep. Ryan Zinke, President Trump's nominee to lead the Interior Department, has long spoken out against the ONRR rule.

Trump takes action

President Trump plans to sign his first CRA resolution today, [H.J. Res. 41](#), to overturn the Securities and Exchange Commission rule mandating that oil, gas and coal companies disclose payments made to governments.

The rule, once loathed by Secretary of State Rex Tillerson during his time leading Exxon Mobil Corp., would become only the second regulation ever repealed via the 1996 law ([E&E Daily](#), Feb. 10).

Next, sources tell E&E News, Trump will sign [H.J. Res. 38](#) to eliminate the Stream Protection Rule as soon as tomorrow ([E&E Daily](#), Feb. 2).

Congress voted to kill both the SEC and stream rules earlier this month. Observers were wondering when the White House would act.

Trump canceled a trip to Ohio this week to sign the stream rule repeal. The White House did not give a reason for the cancellation to local news outlets, which reported on it, and did not respond to E&E News requests for comment.

Tomorrow is Trump's last day to sign the resolution before it becomes law without his involvement. The Constitution gives presidents 10 days to act on legislation passed by Congress.

Republicans and business groups have rallied behind the rollbacks, identifying more than 40 Obama administration energy and environmental actions eligible for repeal.

Left-leaning CAP, however, argues that campaign contributions appear to be dictating the order of congressional actions against regulations.

According to the center's [analysis](#), sponsors of successful resolutions have received an average of \$2.3 million from concerned industries.

"This frenzy over the CRA will be unseemly and unsavory — a grim form of March Madness in which some industries' lobbyists will win, some lobbyists will lose," wrote Lee-Ashley and CAP researcher Jenny Rowland, "and every American will be saddled with the costs of more pollution and weaker consumer protections."

The Senate today moved to take up a resolution, H.J. Res. 40, against a rule related to the Social Security Administration and gun background checks.

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Conversation Contents

Fwd: Invitation: (No Subject) @ Mon Feb 13, 2017 3pm - 4pm
(john.mehlhoff@onrr.gov)

Attachments:

/38. Fwd: Invitation: (No Subject) @ Mon Feb 13, 2017 3pm - 4pm
(john.mehlhoff@onrr.gov)/1.1 invite.ics

"Mehlhoff, John" <john.mehlhoff@onrr.gov>

From: "Mehlhoff, John" <john.mehlhoff@onrr.gov>
Sent: Mon Feb 13 2017 11:22:42 GMT-0700 (MST)
To: Karl Wunderlich <karl.wunderlich@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>
Subject: Fwd: Invitation: (No Subject) @ Mon Feb 13, 2017 3pm - 4pm (john.mehlhoff@onrr.gov)
Attachments: invite.ics

Forwarding for your attendance.
JM

----- Forwarded message -----

From: **Jerold Gidner** <jerold.gidner@onrr.gov>
Date: Mon, Feb 13, 2017 at 10:56 AM
Subject: Invitation: (No Subject) @ Mon Feb 13, 2017 3pm - 4pm
(john.mehlhoff@onrr.gov)
To: john.mehlhoff@onrr.gov, matt.williams@onrr.gov, jim.steward@onrr.gov,
matthew.wheeler@sol.doi.gov, matthew.mckeown@sol.doi.gov,
bonnie.robson@onrr.gov, chris.carey@onrr.gov

(No Subject)

[more details »](#)

Discuss stay of valuation rule

When Mon Feb 13, 2017 3pm – 4pm Mountain Time

Where Teleconference: Call in # **(b) (5)**, participant code **(b) (5)** ([map](#))

Video call https://plus.google.com/hangouts/_/doi.gov/jerold-gidner

Calendar john.mehlhoff@onrr.gov

Who

- jerold.gidner@onrr.gov - organizer
- matt.williams@onrr.gov
- jim.steward@onrr.gov
- john.mehlhoff@onrr.gov

- matthew.wheeler@sol.doi.gov
- matthew.mckeown@sol.doi.gov
- bonnie.robson@onrr.gov
- chris.carey@onrr.gov

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account john.mehlhoff@onrr.gov because you are subscribed for invitations on calendar john.mehlhoff@onrr.gov.

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

Conversation Contents

Invitation: (No Subject) @ Mon Feb 13, 2017 3pm - 4pm
(peter.christnacht@onrr.gov)

Attachments:

/39. Invitation: (No Subject) @ Mon Feb 13, 2017 3pm - 4pm
(peter.christnacht@onrr.gov)/1.1 invite.ics

/39. Invitation: (No Subject) @ Mon Feb 13, 2017 3pm - 4pm
(peter.christnacht@onrr.gov)/1.2 invite.ics

Chris Carey <chris.carey@onrr.gov>

From: Chris Carey <chris.carey@onrr.gov>
Sent: Mon Feb 13 2017 11:22:03 GMT-0700 (MST)
To: peter.christnacht@onrr.gov, jerold.gidner@onrr.gov, karl.wunderlich@onrr.gov, john.mehlhoff@onrr.gov, amy.lunt@onrr.gov, matthew.wheeler@sol.doi.gov, matt.williams@onrr.gov, bonnie.robson@onrr.gov, jim.steward@onrr.gov, matthew.mckeown@sol.doi.gov
Subject: Invitation: (No Subject) @ Mon Feb 13, 2017 3pm - 4pm (peter.christnacht@onrr.gov)
Attachments: invite.ics invite.ics

(No Subject)

[more details »](#)

Discuss stay of valuation rule

When Mon Feb 13, 2017 3pm – 4pm Mountain Time

Where Teleconference: Call in # (b) (5), participant code (b) (5) ([map](#))

Video call https://plus.google.com/hangouts/_/doi.gov/jerold-gidner

Calendar peter.christnacht@onrr.gov

Who

- jerold.gidner@onrr.gov - organizer
- karl.wunderlich@onrr.gov
- john.mehlhoff@onrr.gov
- amy.lunt@onrr.gov
- matthew.wheeler@sol.doi.gov
- peter.christnacht@onrr.gov
- matt.williams@onrr.gov
- chris.carey@onrr.gov
- bonnie.robson@onrr.gov
- jim.steward@onrr.gov
- matthew.mckeown@sol.doi.gov

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

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Conversation Contents

Reporter Letter Draft - Please Review by 10am Friday!

Attachments:

/41. Reporter Letter Draft - Please Review by 10am Friday!/2.1 2017 Rule Stay Reporter Letter DRAFT 20170209.docx

/41. Reporter Letter Draft - Please Review by 10am Friday!/3.1 2017 Rule Stay Reporter Letter DRAFT 20170209 Malandri comments.docx

"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Thu Feb 09 2017 13:59:59 GMT-0700 (MST)
Karl Wunderlich <karl.wunderlich@onrr.gov>, "Dawson, Lisa A" <lisa.dawson@onrr.gov>, Megan Hessee <megan.hessee@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Robert Malandri <robert.malandri@onrr.gov>
To:
Subject: Reporter Letter Draft - Please Review by 10am Friday!

Hey team,

Will you please take a look at this draft and provide any feedback by 10am tomorrow (Friday) morning? I'd like your thoughts before I send it to the ELT. Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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"Carey, Chris" <chris.carey@onrr.gov>

From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Thu Feb 09 2017 14:01:19 GMT-0700 (MST)
To: Karl Wunderlich <karl.wunderlich@onrr.gov>, "Dawson, Lisa A" <lisa.dawson@onrr.gov>, Megan Hesse <megan.hesse@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Robert Malandri <robert.malandri@onrr.gov>
Subject: Re: Reporter Letter Draft - Please Review by 10am Friday!
Attachments: 2017 Rule Stay Reporter Letter DRAFT 20170209.docx

And here's the letter! Whoops :)

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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On Thu, Feb 9, 2017 at 1:59 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

Hey team,

Will you please take a look at this draft and provide any feedback by 10am tomorrow (Friday) morning? I'd like your thoughts before I send it to the ELT. Thanks!

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"Malandri, Robert" <robert.malandri@onrr.gov>

From: "Malandri, Robert" <robert.malandri@onrr.gov>
Sent: Thu Feb 09 2017 14:10:54 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
Karl Wunderlich <karl.wunderlich@onrr.gov>, "Dawson, Lisa A" <lisa.dawson@onrr.gov>, Megan Hesse <megan.hesse@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>
CC:
Subject: Re: Reporter Letter Draft - Please Review by 10am Friday!
Attachments: 2017 Rule Stay Reporter Letter DRAFT 20170209 Malandri comments.docx

Chris,

Here are my comments.

Rob

On Thu, Feb 9, 2017 at 2:01 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

And here's the letter! Whoops :)

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

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Chris.Carey@onrr.gov

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Robert Malandri
Mining Engineer
Office of Natural Resources Revenue (ONRR)
(303) 231-3396

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"Jackson, Kimberly" <kimberly.jackson@onrr.gov>

From: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Sent: Fri Feb 10 2017 10:15:34 GMT-0700 (MST)
To:
CC: "Carey, Chris" <chris.carey@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>
Subject: Re: Reporter Letter Draft - Please Review by 10am Friday!

Hi Chris,

Thanks for working on this!! I don't have any suggested modifications. Short and sweet seems like a fantastic idea.

Keep in mind that I have contact information in the form of email addresses for every payor that attended our rule training sessions both in person and via WebEx for oil/gas and coal. I'm under the impression that we will have to mail these letters to all affected parties, but we can also email them in addition to posting it to ONRR.gov if you think that would be a more expedient and "customer service friendly" approach. I don't mind being the "AV point person" for these emailed communications between industry and ONRR, as my guess is that the Solicitor's office may tell us what we can/can't/should/shouldn't say regarding this change.

Let me know what your thoughts are. My flight back to Denver has been delayed (ugh!!), so I should be able to field emails and calls until my flight leaves at 2:30 CST.

Thanks!

Kim

On Thu, Feb 9, 2017 at 2:10 PM, Malandri, Robert <robert.malandri@onrr.gov> wrote:

Chris,

Here are my comments.

Rob

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And here's the letter! Whoops :)

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

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Mining Engineer
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--

Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior

(303) 231-3449

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From: "Carey, Chris" <chris.carey@onrr.gov>
Sent: Fri Feb 10 2017 12:24:54 GMT-0700 (MST)
To: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
CC: Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>
Subject: Re: Reporter Letter Draft - Please Review by 10am Friday!

Great. Forwarding the eCommerce blast about the rule stay to all of the training attendees and other contacts we have is probably a good idea.

Kim, can you get the ball rolling on what we need to get out the physical reporter letters - acquiring envelopes, labels, etc? Also, is there a way to grease the skids with our mailing folks so this can get out ASAP? We'll probably need to set up an envelope-stuffing party in the middle of next week. Since this is an ONRR-wide thing, I'm not opposed to asking for other groups to help too. Can you look for some conference room space to reserve for all or part of the day on Tues, Wed, and Thurs next week? Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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Here are my comments.

Rob

On Thu, Feb 9, 2017 at 2:01 PM, Carey, Chris <chris.carey@onrr.gov> wrote:
And here's the letter! Whoops :)

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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On Thu, Feb 9, 2017 at 1:59 PM, Carey, Chris <chris.carey@onrr.gov> wrote:
Hey team,

Will you please take a look at this draft and provide any feedback by 10am tomorrow (Friday) morning? I'd like your thoughts before I send it to the ELT. Thanks!

Chris Carey
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--

Robert Malandri
Mining Engineer
Office of Natural Resources Revenue (ONRR)
(303) 231-3396

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--

Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior

(303) 231-3449

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"Jackson, Kimberly" <kimberly.jackson@onrr.gov>

From: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>
Sent: Sat Feb 11 2017 18:27:24 GMT-0700 (MST)
To: "Carey, Chris" <chris.carey@onrr.gov>
CC: Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>
Subject: Re: Reporter Letter Draft - Please Review by 10am Friday!

Sounds good. I'll work on setting up a room for our ONRR-wide mailing party. David Garcia has been helpful in getting envelopes, and I think we should have enough in our supply closet already. I'll double check.

I can drop off the letters to FedEx as soon as we have an approved draft with a signature. They usually have a 24-48 hour turnaround. so I can submit the order as soon as that is done. Just let me know and I can make that happen.

Let me know when the letter is given the final okay, then I'll take it to have them copied and folded. I'll work on the other internal logistics.

--Kim

On Fri, Feb 10, 2017 at 12:24 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

Great. Forwarding the eCommerce blast about the rule stay to all of the training attendees and other contacts we have is probably a good idea.

Kim, can you get the ball rolling on what we need to get out the physical reporter letters - acquiring envelopes, labels, etc? Also, is there a way to grease the skids with our mailing folks so this can get out ASAP? We'll probably need to set up an envelope-stuffing party in the middle of next week. Since this is an ONRR-wide thing, I'm not opposed to asking for other groups to help too. Can you look for some conference room space to reserve for all or part of the day on Tues, Wed, and Thurs next week? Thanks!

Chris Carey

Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

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On Fri, Feb 10, 2017 at 10:15 AM, Jackson, Kimberly <kimberly.jackson@onrr.gov> wrote:

Hi Chris,

Thanks for working on this!! I don't have any suggested modifications. Short and sweet seems like a fantastic idea.

Keep in mind that I have contact information in the form of email addresses for every payor that attended our rule training sessions both in person and via WebEx for oil/gas and coal. I'm under the impression that we will have to mail these letters to all affected parties, but we can also email them in addition to posting it to ONRR.gov if you think that would be a more expedient and "customer service friendly" approach. I don't mind being the "AV point person" for these emailed communications between industry and ONRR, as my guess is that the Solicitor's office may tell us what we can/can't/should/shouldn't say regarding this change.

Let me know what your thoughts are. My flight back to Denver has been delayed (ugh!!), so I should be able to field emails and calls until my flight leaves at 2:30 CST.

Thanks!

Kim

On Thu, Feb 9, 2017 at 2:10 PM, Malandri, Robert <robert.malandri@onrr.gov> wrote:

Chris,

Here are my comments.

Rob

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And here's the letter! Whoops :)

Chris Carey

Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

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Chris.Carey@onrr.gov

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Thanks!

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Office of Natural Resources Revenue

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Mining Engineer
Office of Natural Resources Revenue (ONRR)
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Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

Royalty Valuation | Consistent Answers To Complex Questions

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Conversation Contents

Lawsuit Filed - Federal Oil and Gas and Federal and Indian Coal Rule

Attachments:

/43. Lawsuit Filed - Federal Oil and Gas and Federal and Indian Coal Rule/1.1
Cloud Peak - Petition for Review - 2.16-cv-00315-NDF.pdf

/43. Lawsuit Filed - Federal Oil and Gas and Federal and Indian Coal Rule/1.2
API - Petition for Review - 2.16-cv-00316-NDF.pdf

/43. Lawsuit Filed - Federal Oil and Gas and Federal and Indian Coal Rule/2.1
Cloud Peak - Petition for Review - 2.16-cv-00315-NDF.pdf

/43. Lawsuit Filed - Federal Oil and Gas and Federal and Indian Coal Rule/2.2
API - Petition for Review - 2.16-cv-00316-NDF.pdf

"Dawson, Elizabeth" <lisa.dawson@onrr.gov>

From: "Dawson, Elizabeth" <lisa.dawson@onrr.gov>
Sent: Tue Jan 03 2017 10:41:27 GMT-0700 (MST)
Greg Gould <greg.gould@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Alex Vady <alex.vady@onrr.gov>, Matthew Collins <matthew.collins@onrr.gov>, Jennifer Miller <jennifer.miller@onrr.gov>, "DeBerard, Michael" <Michael.DeBerard@onrr.gov>
To: Robert Malandri <robert.malandri@onrr.gov>, Robert Sudar <robert.sudar@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, "Lunt, Amy" <Amy.Lunt@onrr.gov>, Megan Hesse <megan.hessee@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, Hillary Smith <hillary.smith@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, "Wallace, Carrie" <carrie.wallace@sol.doi.gov>, "Carey, Chris" <chris.carey@onrr.gov>
CC: Robert Malandri <robert.malandri@onrr.gov>, Robert Sudar <robert.sudar@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, "Lunt, Amy" <Amy.Lunt@onrr.gov>, Megan Hesse <megan.hessee@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, Hillary Smith <hillary.smith@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, "Wallace, Carrie" <carrie.wallace@sol.doi.gov>, "Carey, Chris" <chris.carey@onrr.gov>
Subject: Lawsuit Filed - Federal Oil and Gas and Federal and Indian Coal Rule
Attachments: Cloud Peak - Petition for Review - 2.16-cv-00315-NDF.pdf
API - Petition for Review - 2.16-cv-00316-NDF.pdf

Hello All,

Attached to this email you will find the initial pleadings for the two cases filed in the District Court of Wyoming on December 29, 2016. API and Cloud Peak have petitioned the Court to review final agency action in the new Federal Oil & Gas and Federal & Indian

Coal Valuation Rule.

To date there are no motions seeking any remedies or injunctions.

If you have any questions, please free to contact me.

Thank you,

Lisa

Lisa A. Dawson

Appeals Analyst, Appeals
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Office: (303) 231-3653
Email: Lisa.Dawson@onrr.gov

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"Christnacht, Peter" <peter.christnacht@onrr.gov>

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Sent: Tue Jan 03 2017 11:14:32 GMT-0700 (MST)
Gina Liles <gina.liles@onrr.gov>, Yasmien Faied <yasmien.faied@onrr.gov>, "Black, Herb" <herb.black@onrr.gov>, Brian Bencivengo <brian.bencivengo@onrr.gov>, "Briggs, Bonnie" <bonnie.briggs@onrr.gov>, Cindy Gothberg <cindy.gothberg@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, "Mouton, Michel T" <Michel.Mouton@onrr.gov>, Amanda Garrison <amanda.garrison@onrr.gov>, "Corman, Sara" <sara.corman@onrr.gov>, "Fairbairn, Jonathan" <jonathan.fairbairn@onrr.gov>, Meghan Trujillo <meghan.trujillo@onrr.gov>, Brian Bex <brian.bex@onrr.gov>
To:
CC: Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>
Subject: Fwd: Lawsuit Filed - Federal Oil and Gas and Federal and Indian Coal Rule
Attachments: Cloud Peak - Petition for Review - 2.16-cv-00315-NDF.pdf
API - Petition for Review - 2.16-cv-00316-NDF.pdf

All,

All of you should know that API and Cloud Peak have challenged the new rule. Here are the petitions to the US District Court of Wyoming. Everyone in RV should have this now. Stay tuned.

-Peter A Christnacht-
Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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----- Forwarded message -----

From: **Dawson, Elizabeth** <lisa.dawson@onrr.gov>

Date: Tue, Jan 3, 2017 at 10:41 AM

Subject: Lawsuit Filed - Federal Oil and Gas and Federal and Indian Coal Rule

To: Greg Gould <greg.gould@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Alex Vady <alex.vady@onrr.gov>, Matthew Collins <matthew.collins@onrr.gov>, Jennifer Miller <jennifer.miller@onrr.gov>, "DeBerard, Michael" <Michael.DeBerard@onrr.gov>

Cc: Robert Malandri <robert.malandri@onrr.gov>, Robert Sudar <robert.sudar@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, "Lunt, Amy" <Amy.Lunt@onrr.gov>, Megan Hesse <megan.hesse@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, Hillary Smith <hillary.smith@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, "Wallace, Carrie" <carrie.wallace@sol.doi.gov>, "Carey, Chris" <chris.carey@onrr.gov>

Hello All,

Attached to this email you will find the initial pleadings for the two cases filed in the District Court of Wyoming on December 29, 2016. API and Cloud Peak have petitioned the Court to review final agency action in the new Federal Oil & Gas and Federal & Indian Coal Valuation Rule.

To date there are no motions seeking any remedies or injunctions.

If you have any questions, please free to contact me.

Thank you,

Lisa

[Lisa A. Dawson](#)

Appeals Analyst, Appeals
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
Office: (303) 231-3653
Email: Lisa.Dawson@onrr.gov

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Greg Gould <greg.gould@onrr.gov>

From: Greg Gould <greg.gould@onrr.gov>
Sent: Wed Jan 04 2017 03:36:19 GMT-0700 (MST)
To: "Dawson, Elizabeth" <lisa.dawson@onrr.gov>
John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Alex Vady <alex.vady@onrr.gov>, Matthew Collins <matthew.collins@onrr.gov>, Jennifer Miller <jennifer.miller@onrr.gov>, "DeBerard, Michael" <Michael.DeBerard@onrr.gov>, Robert Malandri <robert.malandri@onrr.gov>, Robert Sudar <robert.sudar@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, "Lunt, Amy" <Amy.Lunt@onrr.gov>, Megan Hesse <megan.hessee@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, Hillary Smith <hillary.smith@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, "Wallace, Carrie" <carrie.wallace@sol.doi.gov>, chris.carey@onrr.gov, jim.steward@onrr.gov
CC:
Subject: Re: Lawsuit Filed - Federal Oil and Gas and Federal and Indian Coal Rule

Thanks Lisa. As you note below, I didn't see any request for relief, or delay in implementing the regs, so I assume at this point the regs are effective as of Jan 1, correct? With that said, does it make any sense for us to delay implementing while we work through this?

Greg

Gregory J. Gould

Director
Office of Natural Resources Revenue
U.S. Department of the Interior
[\(202\) 513-0600](tel:(202)513-0600)

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On Jan 3, 2017, at 12:42 PM, Dawson, Elizabeth <lisa.dawson@onrr.gov> wrote:

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PO Box 25165
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<Cloud Peak - Petition for Review - 2.16-cv-00315-NDF.pdf>

<API - Petition for Review - 2.16-cv-00316-NDF.pdf>

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2016 DEC 29 AM 9:31
STEPHAN HARRIS, CLERK
CHEYENNE

Walter F. Eggers, III, P.C., WSB No. 6-3150
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jauslander@bdlaw.com

Attorneys for Petitioner Cloud Peak Energy Inc.

*Attorneys for Petitioners National Mining Association,
Wyoming Mining Association, and Black Hills
Corporation*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

CLOUD PEAK ENERGY INC.; NATIONAL)
MINING ASSOCIATION; WYOMING)
MINING ASSOCIATION; and BLACK HILLS)
CORPORATION;)

Petitioners,)

v.)

UNITED STATES DEPARTMENT OF THE)
INTERIOR; SALLY JEWELL, in her official)
capacity as Secretary of the U.S. Department of)
the Interior; OFFICE OF NATURAL)
RESOURCES REVENUE; and GREGORY)
GOULD, in his official capacity as Director of)
the Office of Natural Resources Revenue,)

Respondents.)

Case No. 16CV315-F

PETITION FOR REVIEW OF FINAL AGENCY ACTION

Petitioners Cloud Peak Energy Inc. (Cloud Peak), National Mining Association (NMA), Wyoming Mining Association (WMA), and Black Hills Corporation submit this Petition under the Administrative Procedure Act (APA), 5 U.S.C.A. §§ 701-706 and U.S.D.C.L.R. 83.6. On

July 1, 2016, the U.S. Department of the Interior's Office of Natural Resources Revenue (ONRR) issued a final rule radically changing how federal and Indian coal production, as well as federal oil and gas production, are valued for royalty purposes. *See Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform*, 81 Fed. Reg. 43,338 (July 1, 2016) (the Final Rule). The Final Rule is part of the outgoing administration's war on coal, intended in particular to punish lessees that seek international customers for their coal. It purports to promote "greater simplicity, certainty, clarity, and consistency in product valuation," but does the exact opposite. It is invalid and must be set aside because it exceeds ONRR's authority under applicable statutes and lease terms, is arbitrary and capricious, and violates the Export Clause of the Constitution. 5 U.S.C.A. § 706.

PARTIES

Cloud Peak is one of the largest and safest producers of low sulfur, high quality subbituminous coal in the United States. The company has two distinct businesses. It wholly owns and operates three Powder River Basin coal mines (two in Wyoming and one in Montana), which have been mining and shipping coal since the mid-1970s. It also provides logistics services to some of its domestic and international customers, which requires Cloud Peak to incur substantial risk and costs wholly distinct from its coal mining business. Cloud Peak has received awards for its commitment to safety and environmental compliance and initiatives.

NMA is a national trade association representing America's mining industry. NMA's members are producers of most of America's coal, metals, industrial and agricultural minerals; manufacturers of mining and mineral processing machinery and supplies; transporters; financial and engineering firms; and other businesses related to mining. A significant number of NMA's

members operate leases on federal and Indian lands with royalty obligations in Wyoming and other states.

WMA is a trade organization that represents the interests of mining companies, including coal producers, that operate mining properties in the State of Wyoming. WMA's coal membership is made up of coal companies (Coal Members) producing in the Powder River Basin and Southwest Wyoming. WMA promotes the interests of its Coal Members, including those interests in the present and future economic viability of the coal industry and in the consistent, rational and prudent regulation of that industry.

Black Hills Corporation is the parent corporation of Wyodak Resource Development Corporation, which is the oldest continuously operating surface coal mine in the United States and the oldest coal mine in the Powder River Basin. Black Hills is also the parent corporation of subsidiaries with interests in coal-fired power plants in Gillette that burn coal mined at Wyodak, as well as two Wyoming electric utilities that serve customers with the power generated at those plants.

LEGAL BACKGROUND

Under the Mineral Leasing Act of 1920, as amended by the Federal Coal Leasing Amendments Act of 1976, the value of coal production for royalty purposes is based on the "value of coal," not some other energy commodity like electricity or certain services that may increase the value of the coal. Moreover, as ONRR concedes, pursuant to statutory and lease terms, value is determined at or near the mine where the coal is produced. For decades, ONRR's regulations have followed these basic principles. Thus, where a lessee sells or transfers coal to an affiliated entity, the regulations have employed a series of hierarchical "benchmarks" designed to determine the value of the coal at or near the mine, principally by comparison to

prices paid for comparable coal under arm's-length contracts and index prices in the area where the mine is located. Only if all the preferred benchmarks were inapplicable could ONRR require a lessee to calculate a value of the coal based on a netback method.

A netback method starts with an arm's-length based sale price for the coal (even if the sale occurs several thousand miles from the source mine), and subtracts certain costs incurred to deliver the coal to that sales point. The courts and the Department of the Interior have long recognized that a netback method is complex, difficult to implement, and far less reliable than comparable sales, index prices, and other indicia of value at or near the mine. That is why, for many decades, the ONRR regulations have imposed a netback method only as a "last resort."

OVERVIEW OF THE FINAL RULE

Arbitrarily discarding longstanding and well-functioning rules for valuation of federal and Indian coal for royalty purposes, the Final Rule instead creates widespread uncertainty and in many cases makes compliance impossible.

The Final Rule deprives lessees of the ability to use well-established, reliable methodologies such as the comparable sales approach or index prices to determine a value of the coal at or near the mine, and requires instead the uniform use of a netback method starting with the first arm's-length sale of the coal by the lessee's affiliate. In the case of international resales of coal, which often require a lessee's logistics affiliate to incur substantial risk and costs to provide logistics services, that resale and delivery of the coal could occur at ports on the Pacific Ocean or even in foreign countries in Asia or elsewhere. The Final Rule does not provide an adequate methodology to yield the value of the coal at or near the mine. Determining the value of the coal resold at a distant location necessarily requires adjustment for the value added by logistics services, including transportation, to deliver the coal to that location. The Final Rule

fails to specify the costs that ONRR will allow a lessee to deduct in circumstances involving international resales to arrive at a value of coal at or near the mine.

For certain dispositions of coal production from federal and Indian leases, the Final Rule also values the wrong energy commodity. Contrary to the Mineral Leasing Act which requires payment of a royalty based on the value of coal, under the Final Rule a coal lessee that delivers coal to an affiliated power plant which then sells the electricity at arm's length must calculate royalty based on the price for the electricity generated by "the" coal. The proceeds received from the sale of electricity do not represent the value of the coal at or near the mine. Electricity sales prices are highly regulated and determined based on unique regulatory factors and market forces rather than the value of any particular coal feedstock. Moreover, the allowed deductions do not account for all of the value added by converting coal to electricity, so the Final Rule effectively places a royalty on the value that an electricity generation business adds to the value of the coal at or near the mine. Most importantly, it is infeasible to determine the price of electricity produced from "the" coal due to, *e.g.*, the mix of fuel sources at a given power plant, unavailability of utility and electricity customer information to a coal lessee, stockpiling, accounting limitations, and multiple methods for selling electricity.

ONRR also is improperly applying to the price of electricity a statutorily directed royalty rate percentage applicable only to coal. Moreover, ONRR made no effort to explain how the generation and transmission allowances applicable to geothermal steam power plants, which the Final Rule simply incorporates, apply equally to coal-fired plants. Finally, if the disposition of electricity is not arm's-length, in derogation of ONRR's express statutory responsibility to specify value by rule, the Final Rule specifies no valuation method, and instead unilaterally reserves to ONRR complete discretion to later determine royalty value. Tellingly, ONRR does

not include the price of electricity among the factors it would consider, consistent with its admission that it has “limited experience” with this methodology.

ONRR’s Final Rule also adopts what it calls a “default” provision, by which ONRR can retroactively increase the amount of royalty due even if the lessee followed ONRR’s valuation regulations to a tee in initially paying its royalties. This gives the agency virtually unlimited power and defeats the very purpose and need of having regulations for lessee valuation in the first instance. ONRR introduces an unreasonably broad “misconduct” trigger, and even this term does not limit ONRR; for example, ONRR can invoke the default provision if “for any reason” ONRR cannot determine that a lessee properly paid royalty. Further, ONRR claims it can demand additional royalty if the lessee’s sales price is 10% lower than the “lowest reasonable price,” or if transportation or processing allowances are 10% higher than the “highest reasonable measures” of such costs—facially circular and arbitrary standards.

Under the Final Rule, years after a sales contract is made, coal is produced, and royalty is paid, ONRR can arbitrarily demand additional royalty, and substantial late payment interest. Moreover, in doing these unilateral calculations, ONRR ironically would utilize the very benchmarks and metrics proximate to the mine that ONRR is not permitting lessees to use. This reservation of unilateral valuation authority divorced from any predictable, objective criteria observable by lessees is neither fair nor consistent with the statutory authority Congress has delegated to the agency or the lease contract that the lessee entered into.

The Final Rule contains several other legally problematic provisions. For example, many of its shortcomings are exacerbated in its provisions singling out coal cooperatives without support. ONRR also fails to justify its erroneous conclusion that its Final Rule will somehow have a neutral or even positive economic effect on the coal industry.

LACK OF STATUTORY AUTHORITY

The Final Rule exceeds ONRR's statutory authority because, under the applicable statutes and binding corresponding lease terms, the government's royalty must be based on the "value of coal" determined at or near the mine. *See* 30 U.S.C.A. § 207(a); Senate Rep. No. 94-296, 49 (1976). ONRR violated those principles by (i) requiring lessees to value sales or resales based on a netback method which ONRR concedes is unworkable, with no option to value coal based on prices in the mine area, and (ii) requiring lessees that transfer coal production to an affiliated power plant to pay royalty based on the value of electricity, an entirely different commodity than coal. The rule's broad reservation of discretion to ONRR to second guess a lessee's valuation based on vague and unworkable standards violates the Mineral Leasing Act's directive that the Secretary define value by rule.

THE FINAL RULE IS ARBITRARY AND CAPRICIOUS

The Final Rule is arbitrary and capricious for numerous reasons, including: (i) lessees face perpetual uncertainty on whether their royalty payments are correct, or whether ONRR will interject its own black box valuation under its default provision many years in the future; (ii) ONRR prohibits coal lessees from valuing coal based on a published or adjusted index price proximate to the mine, yet in the same Final Rule grants oil and gas lessees the ability to use index prices instead of limiting valuation to a netback method; (iii) ONRR does not identify deductible transportation costs for coal lessees, but does so for oil and gas lessees, leaving coal lessees to speculate on deductible costs at their peril; and (iv) while ONRR claims the Final Rule provides "greater simplicity, certainty, clarity, and consistency in product valuation for mineral lessees," the Final Rule is anything but simple, certain, clear or consistent. ONRR does not

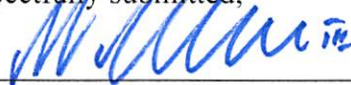
articulate any reasoned basis for why wholesale changes are needed to the existing royalty valuation system which is already subject to robust audits by regulatory authorities.

JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C.A. § 1331. Respondent Department of the Interior is a federal agency of the United States within the scope of 5 U.S.C.A. § 701(b)(1) (APA) and 28 U.S.C.A. § 1391 (venue). Respondent Office of Natural Resources Revenue is a federal agency within the U.S. Department of the Interior with responsibility for implementing the federal and Indian royalty program. Respondents Jewell and Gould are respondents in their official capacities and officers of the United States, which has waived its sovereign immunity under the APA, 5 U.S.C.A. § 702. Venue is proper under 28 U.S.C.A. § 1391(e) because multiple petitioners and their members have their principal place of business in Wyoming and the Final Rule will directly and adversely affect their mining and operations involving federal coal leases in Wyoming.

Dated this 29th day of December, 2016.

Respectfully submitted,



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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

AMERICAN PETROLEUM INSTITUTE,)
)
Petitioner,)
)
v.)
)
UNITED STATES DEPARTMENT OF THE)
INTERIOR; SALLY JEWELL, in her official)
capacity as Secretary of the U.S. Department of)
the Interior; OFFICE OF NATURAL)
RESOURCES REVENUE; and GREGORY)
GOULD, in his official capacity as Director of)
the Office of Natural Resources Revenue,)

16CV316-1

Case No. _____

Respondents.

PETITION FOR REVIEW OF FINAL AGENCY ACTION

Pursuant to the Administrative Procedure Act (APA), 5 U.S.C. §§ 701-706 and Local Rule 83.6, Petitioner American Petroleum Institute (API) submits this Petition challenging the U.S. Department of the Interior's Office of Natural Resources Revenue's (ONRR) recent final

rule on valuation for royalty purposes of federal oil and gas production, as well as federal and Indian coal production. *See Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform*, 81 Fed. Reg. 43,338 (July 1, 2016) (the Final Rule). ONRR purports to promote “greater simplicity, certainty, clarity, and consistency in product valuation,” but its Final Rule is anything but simple, certain, clear, or consistent. With no reasoned basis, the Final Rule upends a longstanding valuation system and replaces it with widespread uncertainty and unconstrained agency “discretion,” thereby placing both offshore and onshore federal oil and gas lessees in an untenable position going forward with respect to their royalty reporting and payment obligations. Its net effect is an attempt to inflate royalty demands beyond what is fairly, and legally, due from federal lessees based on the value of the oil or gas production at or near the lease. The Final Rule is arbitrary and capricious and exceeds ONRR’s authority under applicable statutes and lease terms, and must be set aside. 5 U.S.C. § 706.

Parties. API is a national trade association that represents over 625 members involved in all aspects of the oil and natural gas industry, including the exploration and production of both onshore and offshore resources. The U.S. oil and natural gas industry supports 9.8 million U.S. jobs and more than 8 percent of the U.S. economy. The industry has paid more than \$150 billion in royalty revenues to the federal treasury. Several of API’s members operate leases on federal and Indian lands with royalty obligations in Wyoming, other states, and on the Outer Continental Shelf (OCS). API, on behalf of its members, submitted detailed comments on ONRR’s proposed rule that became the Final Rule—comments which ONRR largely ignored in making almost no changes between its proposed and Final Rule. *See* 80 Fed. Reg. 608 (Jan. 6, 2015).

Respondent Department of the Interior is a federal agency of the United States within the scope of 5 U.S.C. § 701(b)(1) (APA) and 28 U.S.C. § 1391 (venue). Respondent Office of

Natural Resources Revenue is a federal agency within the U.S. Department of the Interior with responsibility for implementing the federal and Indian royalty program. Respondents Jewell and Gould are respondents in their official capacities and officers of the United States, which has waived its sovereign immunity under the APA, 5 U.S.C. § 702.

Legal Background. The Mineral Leasing Act and the Outer Continental Shelf Lands Act, and lease terms, limit the royalty owed to a specified percentage of the “value of the production removed or sold” from an onshore lease, or “saved, removed, or sold” from an offshore lease, in each case determined at or near the lease. *See* 30 U.S.C. § 226(b); 43 U.S.C. § 1334(a)(1). Since 1988, the oil and gas industry has operated under a comprehensive regulatory regime for valuing oil and gas production from federal leases. Those regulations were the product of a multi-year, collaborative effort specifically intended to resolve uncertainty and standardless agency discretion that had plagued valuation for royalty purposes prior to 1988. Many companies, large and small, relied on those regulations and implementing agency guidance and agreements over many years in investing the enormous resources necessary to undertake commercially risky and expensive leasing, exploration, and development of federal oil and gas resources.

Several foundational legal principles emerged from the underlying statutes, lease terms, and ONRR’s and its predecessor agency’s years of administering royalties from federal onshore and offshore oil and gas leases. For example, ONRR may not second-guess fairly-reached arm’s-length prices, and should not substitute wholesale its own values for lessees’ valuations. Moreover, value for royalty purposes must be established at or near the lease. Relatedly, ONRR must permit lessees to deduct reasonable, actual, and necessary transportation and processing costs to reflect value at the lease. One prime example is ONRR’s longtime treatment of

movement of bulk production from subsea manifolds to platforms many miles away as deductible transportation costs. Other examples include existing agreements approving higher allowances where warranted by individual operations.

Summary of Final Rule Defects. It is well-established that an agency cannot summarily disavow and cast aside prior regulations. Rather, ONRR must provide a compelling justification to change its regulations. The Final Rule easily fails this requirement. Discarding longstanding regulations for valuation of federal oil and gas for royalty purposes, and with no proffered evidence or meaningful justification, the Final Rule instead creates widespread uncertainty and in many cases makes compliance impossible, placing lessees at risk for enforcement actions and substantial penalties.

Through its so-called “default” provision, and numerous triggers throughout the Final Rule, ONRR defeats the very purpose and need of having regulations for lessee valuation in the first instance. Indeed, the Final Rule gives ONRR almost limitless power to retroactively increase the amount of royalty due, with corresponding late payment interest, even if the lessee fully complied with ONRR’s valuation regulations in initially paying its royalties. The Final Rule provides no indication of when ONRR will (or will not) substitute its judgment for the lessee, how ONRR would (or would not) wield such “discretion,” or what factors ONRR would (or would not) utilize. ONRR introduces an unreasonably broad “misconduct” trigger for ONRR’s application of the default provision, and even this term does not limit ONRR; for example, ONRR can invoke the default provision if “for any reason” ONRR cannot determine that a lessee properly paid royalty. Further, ONRR claims it can demand additional royalty if the lessee’s arm’s-length sales price is 10% lower than the “lowest reasonable price,” or if arm’s-length transportation or processing allowances are 10% higher than the “highest reasonable

measures” of such costs—facially circular and arbitrary standards. In sum, valuation devolves into a guessing game for lessees, at their sole risk of determining a royalty value that ONRR may later deem “wrong.”

Moreover, ONRR’s disagreement with a lessee on valuation would produce far more drastic consequences under the new regulations than the lessee’s opportunity to fix reporting or payment errors that had been available under the longstanding regulations. Under the Final Rule, years after a sales contract is executed, oil and gas is produced, and royalty is paid, ONRR can arbitrarily demand additional royalty, and substantial late payment interest. ONRR can substitute whatever it believes the value of particular oil and gas should be, with no transparent rationale or accountability to lessees or reviewing bodies. For example, if ONRR believes a lessee’s oil or gas price is more than 10% below what ONRR deems “reasonable,” ONRR in its unilateral revaluation can proceed to disregard the 10% floor altogether. Moreover, in doing these unilateral calculations, ONRR ironically would utilize benchmarks and metrics that ONRR is not permitting lessees to use, and its calculations likely would not be replicable by lessees due to ONRR’s reliance on confidential information of other lessees. This reservation of unilateral valuation authority divorced from any predictable, objective criteria observable by lessees is neither fair nor consistent with the statutory authority Congress has delegated to the agency or the lease contract that the lessee entered into.

ONRR’s newly announced freedom to reset oil and gas values especially contravenes the agency’s longstanding recognition of the reliability of arm’s-length contracts. While the Final Rule’s preamble “reaffirms” that “gross proceeds from arm’s-length contracts are the best indication of market value,” in reality the Final Rule silently deletes longstanding provisions in the existing regulations specifically protecting against ONRR’s substituting its judgment for an

arm's-length sales price. Moreover, the Final Rule disregards any contract that is not in writing and signed by all of the parties, an artificial distinction that fails to reflect the realities of modern business transactions and black letter law. Indeed, the Final Rule at the same time defines "contract" and "arm's-length contract" as any written or oral agreement that is enforceable by law, and not requiring a writing or signature. Nevertheless, now ONRR may unilaterally determine the royalty value under the default provision despite a valid unwritten arm's-length contract or addendum thereto.

The Final Rule impermissibly seeks to extract additional financial consideration also through blanket denials of allowances to which lessees are legally entitled. ONRR's preamble to its Final Rule states that "for purposes of determining royalty, the value of crude oil produced from Federal leases is determined at or near the lease," and incorporates the same statement for federal gas. But this is mere lip service. The Final Rule imposes a number of new, arbitrary limits on transportation and processing allowances, including but not limited to the circular 10% above what is "reasonable" threshold noted above; hard caps on allowances as a percentage of the total value of oil, gas, or natural gas liquids; vague constraints on transportation allowances for costs lessees purportedly did not "incur"; and elimination of any ability to net transportation factors in reporting royalty value for oil and gas production. These artificial limitations are significant since substantial volumes of gas are now being liquefied and transported long distances. ONRR also is terminating all existing agreements that provide for higher allowance exceptions, notwithstanding ONRR's prior recognition that some operations justifiably incur such higher costs as allowable deductions.

ONRR's sudden reversal on offshore subsea transportation serves as the most blatant example of the Final Rule's arbitrary denial of transportation costs. The Final Rule now defines

non-deductible “gathering” to categorically include all movement of offshore oil or gas over many miles. This rescinds over 15 years of guidance and extensive analysis of this issue, whereby ONRR determined that most movement of oil or gas over long distances (e.g., to some platforms 50 or more miles away) in the deepwater OCS is transportation, and thus deductible as a transportation allowance to realize the value of oil and gas at the lease. After two decades of industry reliance, ONRR without justification purports to reach the opposite conclusion. The Final Rule’s contradiction of years of consistent precedent ignores the realities of OCS development, upsets settled investment-backed expectations, and vastly understates the associated cost to industry.

Similarly, though it allows more lessees to use index pricing to value gas production from federal leases, the Final Rule demands an arbitrary premium for that privilege and ignores how oil and gas actually flowed and was sold. For example, a lessee inexorably must use the “highest” reported monthly bidweek price at the market center. In addition, a lessee must use the highest index among multiple index pricing points to which the lessee’s gas hypothetically could flow, even if the gas does not or could not physically flow to those other index pricing points due to pipeline constraints or other factors.

The Final Rule contains several other legally problematic facets. For example, the Final Rule affords no way for lessees to obtain meaningful oil or gas valuation assistance from ONRR. Further, it relies on outdated cost information, and fails to reflect the significant effect of the new price environment.

Lack of statutory authority. The Final Rule exceeds ONRR’s statutory authority because, under the applicable statutes and binding corresponding lease terms, the government’s royalty must be based on “value of the production” of oil or gas from federal leases. The Final Rule

concedes these principles, but then proceeds to violate them by asserting unilateral authority to cast aside lessees' valuations, particularly those based on arm's-length contract prices, at whim and based on vague and unworkable standards; by imposing inflexible blanket rules denying lessees' ability to deduct all appropriate transportation and processing costs; and by requiring an inflated premium to utilize index pricing.

The Final Rule is Arbitrary and Capricious. ONRR does not articulate any reasoned basis for why wholesale changes are needed to the existing royalty valuation system which is already subject to robust audits by regulatory authorities. The Final Rule is arbitrary and capricious for numerous reasons, including: (i) lessees face uncertainty on whether their royalty payments are correct, or whether ONRR will interject its own black box valuation under its default provision; (ii) ONRR prohibits certain lessees from valuing gas based on a published or adjusted index price proximate to the lease, and in other instances requires use of index prices that are unattainable for that gas; (iii) ONRR arbitrarily limits transportation and processing costs for oil and gas lessees; and (iv) while ONRR claims the Final Rule provides "greater simplicity, certainty, clarity, and consistency in product valuation for mineral lessees," the Final Rule yields precisely the opposite outcome.

Jurisdiction and Venue. This Court has jurisdiction under 28 U.S.C. § 1331. Venue is proper under 28 U.S.C. 1391(e) because Defendants are either agencies of the United States or officers or employees of the United States or agencies thereof acting in their official capacities or under color of legal authority; several of Petitioner's members have federal oil and gas leases and substantial operations in Wyoming; and the Final Rule will directly and adversely affect their oil and gas operations involving their federal leases in Wyoming.

Dated this 29th day of December, 2016.

Respectfully submitted,



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PETROLEUM INSTITUTE**

16-CV-316-F

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS American Petroleum Institute</p> <p>(b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) (See Attachment)</p>	<p>DEFENDANTS U.S. DEPT OF THE INTERIOR; SALLY JEWELL, as Sec. of the U.S. Dept. of the Interior; OFC OF NATURAL RESOURCES REVENUE; and GREGORY GOULD, Dir of Ofc. Natural Resources Revenue</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act (Excludes Veterans) <input type="checkbox"/> 152 Recovery of Defaulted Student Loans <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
			<p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
			<p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input checked="" type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<p>REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 5 U.S.C. § 701-706

Brief description of cause:
 Final agency action issued in excess of agency's statutory authority and not in accordance with law

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE Nancy D. Freudenthal DOCKET NUMBER 16-CV-315-F

DATE 12/29/2016 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY

RECEIPT # 25786 AMOUNT \$ 400.00 APPLYING IFP NO JUDGE NDF MAG. JUDGE Kelly H. Rankin

5 Summons issued

Attachment to Civil Cover Sheet API et al. v. USDOJ, et al.

I (c): Attorneys for Petitioners:

Keith S. Burron, WSB # 5-2884
Crowley Fleck PLLP
237 Storey Boulevard, Suite 110
Cheyenne, WY 82009
Phone: 307-426-4100
kburron@crowleyfleck.com

Peter J. Schaumberg, *pro hac vice* pending
James M. Auslander, *pro hac vice* pending
BEVERIDGE & DIAMOND, P.C.
1350 I St., N.W., Suite 700
Washington, DC 20005
Phone: (202) 789-6043
pschaumberg@bdlaw.com
jauslander@bdlaw.com

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.



Jackson, Kimberly <kimberly.jackson@onrr.gov>

Dear Reporter Letter and Email Text For Mass Emailing To Oil/Gas/Coal Payors

1 message

Jackson, Kimberly <kimberly.jackson@onrr.gov>

Thu, Feb 23, 2017 at 8:28 AM

To: Mary Dietrick <mary.dietrick@onrr.gov>

Good Morning Mary,

As promised, we have attached the Dear Reporter Letter that we would like to have you send to all Oil, Gas, and Coal Payors this morning. Please use the following text in the body of your email:

The Office of Natural Resources Revenue (ONRR) is staying the Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule. Please see the attached Dear Reporter Letter for details on the stay and how to report royalties going forward.

Please let me know if you have any questions or need any additional information. Also, if you could let us know when the email has been sent, that would be incredibly helpful.

Thanks again for *all* of your help, Mary!

--Kim

--

Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

Royalty Valuation | Consistent Answers To Complex Questions

This message serves as guidance for determining value for royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

Warning: This message is intended only for use of the individual or entity to which it is addressed and may contain information that is privileged or confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by return e-mail.

Dear Reporter Letter Stay Valuation 2-2017.pdf
354K



United States Department of the Interior

OFFICE OF NATURAL RESOURCES REVENUE

P.O. Box 25165
Denver, Colorado 80225-0165

FEB 22 2017

Subject: Stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule

Dear Reporter:

The Office of Natural Resources Revenue (ONRR) published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule (2017 Valuation Rule) on July 1, 2016.¹ The 2017 Valuation Rule took effect on January 1, 2017, with first reports due on February 28, 2017. On December 29, 2016, several petitioners filed separate petitions challenging the rule in U.S. District Court for the District of Wyoming.² In light of the pending litigation, ONRR has decided to postpone the effective date of the 2017 Valuation Rule until the litigation is resolved pursuant to Section 705 of the Administrative Procedure Act, 5 U.S.C. 705. ONRR will publish a Federal Register notice to this effect as soon as possible.

Federal and Indian Lessees should continue to value, report, and pay royalties under the rules that were in effect prior to January 1, 2017. This applies to the January 2017 production month reports due on February 28, 2017, and continues until the litigation is resolved and ONRR provides notice of the result.

ONRR has prepared a Frequently Asked Questions (FAQ) document to help affected Federal and Indian lessees navigate the stay process. The FAQ document will be posted on ONRR's website at www.onrr.gov as soon as possible.

ONRR understands that some lessees have already converted their accounting systems to comply with the 2017 Valuation Rule. ONRR also understands that it may be difficult to reconvert those systems to report and pay royalties under the prior rules by the February 28, 2017 deadline. As such, ONRR provides the following interim guidance on how to report and pay royalties in light of the postponement.

- Lessees should report and pay royalties under the prior rules as soon as possible to avoid potential misreporting and royalty underpayments.

¹ See 81 FR 43338 – July 1, 2016

² *Cloud Peak Energy, Inc. v. United States Dep't of the Interior*, Case No. 16CV315-F (D. Wyo.); *American Petroleum Inst. V. United States Dep't of the Interior*, Case No. 16CV316-F (D. Wyo.); *Tri-State Generation and transmission Ass'n, Inc., Basin Electric Power Cooperative, and Western Fuels-Wyoming, Inc., v. United States Dep't of the Interior*, Case No. 16CV319-F (D. Wyo.)

- Lessees that have not converted their accounting systems to comply with the 2017 Valuation Rule should continue reporting and paying royalties under the prior rules.
- Lessees that are able to convert their accounting systems to report and pay royalties under the prior rules by the February 28, 2017, deadline should report and pay royalties under the prior rules.
- Lessees that cannot convert their accounting systems to report and pay January 2017 production month royalties under the prior rules before the February 28, 2017, deadline should report and pay royalties as their accounting system allows by February 28, 2017. ONRR will not assess a civil penalty for any reporting issue that results from the postponement of the 2017 Valuation Rule as long as the lessee corrects the reporting issue by August 31, 2017. ONRR will also work with affected lessees to correct their reporting. Lessees should convert their accounting systems to report and pay royalties under the prior rules as soon as possible to avoid royalty underpayments.

If you have questions about the status of the 2017 Valuation Rule or the effect of this stay, please visit ONRR's website at www.onrr.gov.

Sincerely,

A handwritten signature in blue ink that reads "J D Steward". The signature is written in a cursive style with a large initial "J" and "D".

James D. Steward
Deputy Director



Jackson, Kimberly <kimberly.jackson@onrr.gov>

Fwd: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule

1 message

Dietrick, Mary <mary.dietrick@onrr.gov> Thu, Feb 23, 2017 at 11:25 AM
To: Greg Gould <greg.gould@onrr.gov>, Kimbra Davis <kimbra.davis@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>, "Lambert, Barbara" <Barbara.Lambert@onrr.gov>, Glen Reese <glen.reese@onrr.gov>, Jim Steward <jim.steward@onrr.gov>

I sent the solids reporters the email regarding the Stay. See message below. They were bcc'd so each person received their own copy.

I am waiting for the Oil and Gas distribution address and will send it as soon as it is received. I will keep you informed when it goes out.

----- Forwarded message -----

From: **Dietrick, Mary** <mary.dietrick@onrr.gov>
Date: Thu, Feb 23, 2017 at 11:18 AM
Subject: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule
To: Mary Dietrick <Mary.Dietrick@onrr.gov>

The Office of Natural Resources Revenue (ONRR) is staying the Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule. Please see the attached Dear Reporter Letter for details on the stay and how to report royalties going forward.

--

Mary Dietrick
Supervisory, Minerals Revenue Specialist
Reporting Services
303-231-3318
1-800-525-0309 x13318
FAX: 303-231-3700

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www.twitter.com/DOIONRR

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Mary Dietrick
Supervisory, Minerals Revenue Specialist
Reporting Services
303-231-3318
1-800-525-0309 x13318
FAX: 303-231-3700

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www.facebook.com/DOIONRR

www.twitter.com/DOIONRR



Dear Reporter Letter Stay Valuation 2-2017.pdf

354K



Jackson, Kimberly <kimberly.jackson@onrr.gov>

Fwd: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

1 message

Christnacht, Peter <peter.christnacht@onrr.gov>
To: Kimberly Jackson <kimberly.jackson@onrr.gov>

Tue, Feb 14, 2017 at 3:47 PM

Kim,

Have you seen this?

-Peter A Christnacht-

Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

This message serves as guidance for determining value for Federal royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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----- Forwarded message -----

From: **Robson, Bonnie** <bonnie.robson@onrr.gov>
Date: Tue, Feb 14, 2017 at 2:54 PM
Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule
To: Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>
Cc: "Mehlhoff, John" <john.mehlhoff@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

As I understand the latest from John, we will not be sending an EBlast to oil and gas reporters nor a Dear Reporter Letter to coal reporters until later in the week, after we've received some additional information through the Solicitor's Office. For that reason, we're putting the EBlast/DRL drafting on hold until at least tomorrow, maybe Thursday. But if we have to notify coal reporters by mail, should someone be preparing the envelopes in the interim?

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729

Cell: (720) 440-4500

On Tue, Feb 14, 2017 at 12:43 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

Thanks for drafting this up, Bonnie! My comments and changes are in the attached version. (b)(5) [redacted] but if you need me later this afternoon feel free to call - my phone is forwarded. Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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On Tue, Feb 14, 2017 at 12:06 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

Attached please find a first draft of an E-Blast notifying all interested parties of a potential stay in the Consolidated Valuation Rule. Please provide any comments by the end of the day today, and also let me know if you have a change of mind on using an E-Blast rather than a Dear Reporter Letter to notify industry of the possibility of a stay.

You will note that the draft mentions not only the three petitions filed in Federal Court challenging the Rule, but also the API/COPAS request to delay the effective date of the rule. If you think that a bad idea, please say so! We could go with as little as the last paragraph after augmenting it to fully identify the rule.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500



Jackson, Kimberly <kimberly.jackson@onrr.gov>

Fwd: Language for Large Notice on website front page

1 message

Lunt, Amy <amy.lunt@onrr.gov>

Thu, Feb 23, 2017 at 11:21 AM

To: "Peterson, Jodie" <jodie.peterson@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>

Hi Jodie,
Kim is at FedEx, so I'm forwarding this to you so that we can get the ball rolling as soon as possible. Thanks for all of your help!!

Amy

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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----- Forwarded message -----

From: **Carey, Chris** <chris.carey@onrr.gov>
Date: Thu, Feb 23, 2017 at 10:31 AM
Subject: Language for Large Notice on website front page
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
Cc: Amy Lunt <amy.lunt@onrr.gov>

Hi Kim!

I've been in touch with Jodie, so she should be ready for this. On the front page of the website, I'm picturing the language below in a special attention-grabber box. Clicking on the box will lead to the reporter letter and a list of FAQs (for now I think we just have a place-holder or something that says, "FAQ coming soon.") Here is the language we came up with, which was vetted by the Solicitor:

Attention: The 2017 Valuation Rule has been stayed!!!

Lessees should value, report, and pay royalties for January, 2017 production forward under the rules that were in effect prior to January 1, 2017 (click here for more information).

I'm not picky about the formatting, other than the first bit be nice a big and bold so people see it. Thanks so much Kim!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460

Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

This message serves as guidance for determining value for royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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Jackson, Kimberly <kimberly.jackson@onrr.gov>

Fwd: ONRR Response to Request to Postpone Implementation of Oil, Gas, and Coal Valuation Rule

1 message

Bonnie Robson <bonnie.robson@onrr.gov> Thu, Feb 23, 2017 at 9:04 AM
To: peter.christnacht@onrr.gov, amy.lunt@onrr.gov, karl.wunderlich@onrr.gov, kimberly.jackson@onrr.gov

Lead counsel has received and read letter (below).

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior

Begin forwarded message:

From: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>
Date: February 23, 2017 at 8:59:21 AM MST
To: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Subject: RE: ONRR Response to Request to Postpone Implementation of Oil, Gas, and Coal Valuation Rule

Thanks Bonnie.

Peter

----- Original message -----

From: "Robson, Bonnie" <bonnie.robson@onrr.gov>
Date: 2/23/17 10:35 AM (GMT-05:00)
To: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>, "James M. Auslander" <JAuslander@bdlaw.com>, "John F. Shepherd" <jshepherd@hollandhart.com>, "Walter F. Eggers" <weggers@hollandhart.com>, Tina Van Bockern <trvanbockern@hollandhart.com>, "Rex E. Johnson" <rex@ssjwyolaw.com>, "Brian D. Artery" <brian@ssjwyolaw.com>, "Gail L. Wurtzler" <gail.wurtzler@dgsllaw.com>, "Kathleen C. Schroder" <katie.schroder@dgsllaw.com>
Cc: "Gould, Greg" <greg.gould@onrr.gov>
Subject: ONRR Response to Request to Postpone Implementation of Oil, Gas, and Coal Valuation Rule

Dear Msrs. Schaumberg, Auslander, Shepherd, Eggers, Johnson, and Artery, and Mes. Wurtzler, Schroder, and Van Bockern:

Thank you for your February 17, 2017 letter to ONRR's Director Gould requesting a stay of the effective date of ONRR's Consolidated Federal Oil & Gas and Federal & Indian Valuation Rule, which was published in the Federal Register on July 1, 2016. Attached is Director Gould's response.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
E-Mail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

From: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>
To: "Greg.Gould@onrr.gov" <Greg.Gould@onrr.gov>
Cc: "Matthew.wheeler@sol.doi.gov" <Matthew.wheeler@sol.doi.gov>, "John F. Shepherd" <JShepherd@hollandhart.com>, "gail.wurtzler@dgsllaw.com" <gail.wurtzler@dgsllaw.com>, "Rex Johnson" <rex@ssjwyolaw.com>, "Jack Haugrud" <jack.haugrud@sol.doi.gov>, "Rebecca.Jaffe@usdoj.gov" <Rebecca.Jaffe@usdoj.gov>, "Nick.Vassallo@usdoj.gov" <Nick.Vassallo@usdoj.gov>
Subject: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

Dear Director Gould:

Attached is a letter on behalf of the Petitioners in the Wyoming District Court litigation challenging the Final ONRR Oil, Gas and Coal Valuation Rule requesting that you postpone the rule's implementation pursuant to 5 U.S.C. § 705 for the reasons set forth in the letter. Petitioners request that you take action to postpone implementation of the Final Rule before February 28, 2017, the date the first royalty reports under the Final Rule are due to ONRR.

If you have any questions regarding the Petitioners request for postponement of the Final Rule's implementation, please do not hesitate to contact me.

Sincerely,

Peter Schaumberg

Peter J. Schaumberg

Principal

BEVERIDGE & DIAMOND, P.C.

1350 I Street, NW, Suite 700, Washington, DC 20005

Office 202.789.6043 **Cell** 301.518.2901 PSchaumberg@bdlaw.com

>vCard >Bio

[Beveridge & Diamond P.C.](#)

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Jackson, Kimberly <kimberly.jackson@onrr.gov>

Fwd: ONRR Response to Request to Postpone Implementation of Oil, Gas, and Coal Valuation Rule

1 message

Robson, Bonnie <bonnie.robson@onrr.gov>
To: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>

Thu, Feb 23, 2017 at 8:40 AM

----- Forwarded message -----

From: **Robson, Bonnie** <bonnie.robson@onrr.gov>
Date: Thu, Feb 23, 2017 at 8:35 AM
Subject: ONRR Response to Request to Postpone Implementation of Oil, Gas, and Coal Valuation Rule
To: "Peter J. Schaumberg" <pschaumberg@bdlaw.com>, "James M. Auslander" <jauslander@bdlaw.com>, "John F. Shepherd" <jshepherd@hollandhart.com>, "Walter F. Eggers" <weggers@hollandhart.com>, Tina Van Bockern <trvanbockern@hollandhart.com>, "Rex E. Johnson" <rex@ssjwyolaw.com>, "Brian D. Artery" <brian@ssjwyolaw.com>, "Gail L. Wurtzler" <gail.wurtzler@dgsllaw.com>, "Kathleen C. Schroder" <katie.schroder@dgsllaw.com>
Cc: "Gould, Greg" <greg.gould@onrr.gov>

Dear Mssrs. Schaumberg, Auslander, Shepherd, Eggers, Johnson, and Artery, and Mses. Wurtzler, Schroder, and Van Bockern:

Thank you for your February 17, 2017 letter to ONRR's Director Gould requesting a stay of the effective date of ONRR's Consolidated Federal Oil & Gas and Federal & Indian Valuation Rule, which was published in the Federal Register on July 1, 2016. Attached is Director Gould's response.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

From: "Peter J. Schaumberg" <PSchaumberg@bdlaw.com>
To: "Greg. Gould@onrr.gov" <Greg.Gould@onrr.gov>
Cc: "Matthew.wheeler@sol.doi.gov" <Matthew.wheeler@sol.doi.gov>, "John F. Shepherd" <JShepherd@hollandhart.com>, "gail.wurtzler@dgsllaw.com" <gail.wurtzler@dgsllaw.com>, "Rex Johnson (rex@ssjwyolaw.com)" <rex@ssjwyolaw.com>, "Jack Haugrud (jack.haugrud@sol.doi.gov)" <jack.haugrud@sol.doi.gov>, "Rebecca.Jaffe@usdoj.gov" <Rebecca.Jaffe@usdoj.gov>, "Nick.Vassallo@usdoj.gov" <Nick.Vassallo@usdoj.gov>
Subject: Request to Postpone Implementation of ONRR Oil, Gas, and Coal Valuation Rule

Dear Director Gould:

Attached is a letter on behalf of the Petitioners in the Wyoming District Court litigation challenging the Final ONRR Oil, Gas and Coal Valuation Rule requesting that you postpone the rule's implementation pursuant to 5 U.S.C. § 705 for the reasons set forth in the letter. Petitioners request that you take action to postpone implementation of the Final Rule before February 28, 2017, the date the first royalty reports under the Final Rule are due to ONRR.

If you have any questions regarding the Petitioners request for postponement of the Final Rule's implementation, please do to hesitate to contact me.

Sincerely,

Peter Schaumberg

Peter J. Schaumberg

Principal

BEVERIDGE & DIAMOND, P.C.

1350 I Street, NW, Suite 700, Washington, DC 20005





Office 202.789.6043 Cell (b)(5) PSchaumberg@bdlaw.com

>vCard >Bio



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4 attachments

-  **Response to Request for Stay 1 - Schaumberg-Auslander.pdf**
197K
-  **Response to Request for Stay 2 - Shepherd-Eggers-VanBockern.pdf**
194K
-  **Response to Request for Stay 3 - Johnson-Artery.pdf**
196K
-  **Response to Request for Stay 4 - Wurtzler-Schroder.pdf**
196K



Jackson, Kimberly <kimberly.jackson@onrr.gov>

Fwd: Sending the DR Letter and Director Response to the Petitioner

1 message

Christnacht, Peter <peter.christnacht@onrr.gov>
To: Kimberly Jackson <kimberly.jackson@onrr.gov>

Wed, Feb 22, 2017 at 6:00 PM

Looks like 8:00 AM is the target time.

*-Peter A Christnacht-***Supervisor, Royalty Valuation, Team B**
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell**Fax 303 231-3744**

This message serves as guidance for determining value for Federal royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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----- Forwarded message -----

From: **Greg Gould** <greg.gould@onrr.gov>

Date: Wed, Feb 22, 2017 at 4:36 PM

Subject: Re: Sending the DR Letter and Director Response to the Petitioner

To: Matthew Wheeler <matthew.wheeler@sol.doi.gov>

Cc: "Steward, Jim" <jim.steward@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Christina Mathers <Christina.Mathers@onrr.gov>

I just arrived in DC and talked to Amy, we should be all set to go at around 10:00 DC time.

I'll keep you posted if that changes.

Thanks,

Greg

Gregory J. Gould

Director
Office of Natural Resources Revenue
U.S. Department of the Interior
(202) 513-0600

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On Feb 22, 2017, at 6:31 PM, Matthew Wheeler <matthew.wheeler@sol.doi.gov> wrote:

Thank you. I confirmed the same with Matt and Jack.

Sent from my iPhone

On Feb 22, 2017, at 4:11 PM, Steward, Jim <jim.steward@onrr.gov> wrote:

Matt,

I am confirming that ONRR is prepared to accomplish both items (1) and (2) immediately following the February 23 morning briefing.

I attached scanned copies of all referenced correspondence.

Thanks,

Jim

On Wed, Feb 22, 2017 at 3:05 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Jim:

Per our discussion, please confirm the following today, as soon as everything is in place and ready to go:

(1) ONRR is prepared to send the signed Dear Reporter Letter to all lessees affected by the Stay via an email blast, and prepared to post the signed Dear Reporter Letter on its website, tomorrow morning immediately after ONRR's 9 a.m. briefing.

(2) ONRR is prepared to send the signed Director Letter to the Petitioners attorneys, by email and FedEx, tomorrow morning immediately

4/4/2017

DEPARTMENT OF THE INTERIOR Mail - Fwd: Sending the DR Letter and Director Response to the Petitioner after ONRR's 9 a.m. briefing. I attached the letter so you can see to whom the letter should be distributed.

Thanks,

Matthew J. Wheeler

U.S. Department of the Interior

Office of the Solicitor, Rocky Mountain Region

755 Parfet St., Suite 151

Lakewood, CO 80215

matthew.wheeler@sol.doi.gov

Phone: (303) 445-0595

Fax: (303) 231-5363

<Dear Reporter Letter Stay Valuation 2-2017.pdf>

<Signed Response Valuation Rule 2-17.pdf>

<Signed Valuation Rule Response 2.pdf>

<Signed Valuation Rule Response3.pdf>

<Signed Valuation Rule Response 4.pdf>



Jackson, Kimberly <kimberly.jackson@onrr.gov>

Fwd: Sending the DR Letter and Director Response to the Petitioner

1 message

Lunt, Amy <amy.lunt@onrr.gov>

Wed, Feb 22, 2017 at 4:50 PM

To: "Wunderlich, Karl" <Karl.Wunderlich@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>

FYI

Amy S. Lunt
 Royalty Valuation Team A
 Office of Natural Resources Revenue
 (303) 231-3746 (office)
 (720) 498-3914 (work cell)

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From: **Matthew Wheeler** <matthew.wheeler@sol.doi.gov>

Date: Wed, Feb 22, 2017 at 4:30 PM

Subject: Re: Sending the DR Letter and Director Response to the Petitioner

To: "Steward, Jim" <jim.steward@onrr.gov>

Cc: Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Greg Gould <greg.gould@onrr.gov>, Christina Mathers <Christina.Mathers@onrr.gov>

Thank you. I confirmed the same with Matt and Jack.

Sent from my iPhone

> On Feb 22, 2017, at 4:11 PM, Steward, Jim <jim.steward@onrr.gov> wrote:

>

> Matt,

> I am confirming that ONRR is prepared to accomplish both items (1) and (2)

> immediately following the February 23 morning briefing.

>

> I attached scanned copies of all referenced correspondence.

>

> Thanks,

> Jim

>

> On Wed, Feb 22, 2017 at 3:05 PM, Wheeler, Matthew <

> matthew.wheeler@sol.doi.gov> wrote:

>

>> Jim:

>>

>> Per our discussion, please confirm the following today, as soon as

>> everything is in place and ready to go:

>>

>> (1) ONRR is prepared to send the signed Dear Reporter Letter to all

>> lessees affected by the Stay via an email blast, and prepared to post the
>> signed Dear Reporter Letter on its website, tomorrow morning immediately
>> after ONRR's 9 a.m. briefing.
>>
>> (2) ONRR is prepared to send the signed Director Letter to the
>> Petitioners attorneys, by email and FedEx, tomorrow morning immediately
>> after ONRR's 9 a.m. briefing. I attached the letter so you can see to whom
>> the letter should be distributed.
>>
>> Thanks,
>>
>> Matthew J. Wheeler
>> U.S. Department of the Interior
>> Office of the Solicitor, Rocky Mountain Region
>> 755 Parfet St., Suite 151
>> Lakewood, CO 80215
>> matthew.wheeler@sol.doi.gov
>> Phone: (303) 445-0595
>> Fax: (303) 231-5363
>>
> <Dear Reporter Letter Stay Valuation 2-2017.pdf>
> <Signed Response Valuation Rule 2-17.pdf>
> <Signed Valuation Rule Response 2.pdf>
> <Signed Valuation Rule Response3.pdf>
> <Signed Valuation Rule Response 4.pdf>



Jackson, Kimberly <kimberly.jackson@onrr.gov>

Fwd: Signed Dear Reporter Letter

1 message

Christnacht, Peter <peter.christnacht@onrr.gov>
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
Cc: Amy Lunt <amy.lunt@onrr.gov>, "Wunderlich, Karl" <karl.wunderlich@onrr.gov>

Wed, Feb 22, 2017 at 4:02 PM

Kim,

Here is the letter we will be sending out to our email list once we get the go ahead. Let's talk before you leave for the day. Thanks.

-Peter A Christnacht-

Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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----- Forwarded message -----

From: **Mathers, Christina** <christina.mathers@onrr.gov>
Date: Wed, Feb 22, 2017 at 3:14 PM
Subject: Signed Dear Reporter Letter
To: Peter Christnacht <peter.christnacht@onrr.gov>
Cc: "Robson, Bonnie" <bonnie.robson@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Michael DeBerard <michael.deberard@onrr.gov>

Hi All,

Please see attached.

Thank you,

Christina

--

Christina Mathers
Staff Assistant
Deputy Director's Office
Office of Natural Resources Revenue

4/4/2017

DEPARTMENT OF THE INTERIOR Mail - Fwd: Signed Dear Reporter Letter

303-231-3429 (O)

303-231-3194 (F)

Christina.Mathers@onrr.gov



Dear Reporter Letter Stay Valuation 2-2017.pdf

354K



Jackson, Kimberly <kimberly.jackson@onrr.gov>

Language for Large Notice on website front page

1 message

Carey, Chris <chris.carey@onrr.gov>
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
Cc: Amy Lunt <amy.lunt@onrr.gov>

Thu, Feb 23, 2017 at 10:31 AM

Hi Kim!

I've been in touch with Jodie, so she should be ready for this. On the front page of the website, I'm picturing the language below in a special attention-grabber box. Clicking on the box will lead to the reporter letter and a list of FAQs (for now I think we just have a place-holder or something that says, "FAQ coming soon.") Here is the language we came up with, which was vetted by the Solicitor:

Attention: The 2017 Valuation Rule has been stayed!!!

Lessees should value, report, and pay royalties for January, 2017 production forward under the rules that were in effect prior to January 1, 2017 (click here for more information).

I'm not picky about the formatting, other than the first bit be nice a big and bold so people see it. Thanks so much Kim!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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Jackson, Kimberly <kimberly.jackson@onrr.gov>

Re: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule

1 message

Dietrick, Mary <mary.dietrick@onrr.gov>

Thu, Feb 23, 2017 at 1:59 PM

To: Greg Gould <greg.gould@onrr.gov>, Kimbra Davis <kimbra.davis@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, "Jackson, Kimberly" <kimberly.jackson@onrr.gov>, "Lambert, Barbara" <Barbara.Lambert@onrr.gov>, Glen Reese <glen.reese@onrr.gov>, Jim Steward <jim.steward@onrr.gov>

I wanted to keep everyone update. I had the Dear Reporter Letter posted to the ONRR website.

On Thu, Feb 23, 2017 at 11:25 AM, Dietrick, Mary <mary.dietrick@onrr.gov> wrote:

I sent the solids reporters the email regarding the Stay. See message below. They were bcc'd so each person received their own copy.

I am waiting for the Oil and Gas distribution address and will send it as soon as it is received. I will keep you informed when it goes out.

----- Forwarded message -----

From: **Dietrick, Mary** <mary.dietrick@onrr.gov>

Date: Thu, Feb 23, 2017 at 11:18 AM

Subject: Dear Reporter Letter Stay of Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule

To: Mary Dietrick <Mary.Dietrick@onrr.gov>

The Office of Natural Resources Revenue (ONRR) is staying the Consolidated Federal Oil and Gas and Indian and Federal Coal Valuation Reform Final Rule. Please see the attached Dear Reporter Letter for details on the stay and how to report royalties going forward.

--

Mary Dietrick
Supervisory, Minerals Revenue Specialist
Reporting Services
303-231-3318
1-800-525-0309 x13318
FAX: 303-231-3700

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--

Mary Dietrick
Supervisory, Minerals Revenue Specialist
Reporting Services
303-231-3318
1-800-525-0309 x13318
FAX: 303-231-3700

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www.facebook.com/DOIONRR
www.twitter.com/DOIONRR

--

Mary Dietrick
Supervisory, Minerals Revenue Specialist
Reporting Services
303-231-3318
1-800-525-0309 x13318
FAX: 303-231-3700

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www.twitter.com/DOIONRR



Jackson, Kimberly <kimberly.jackson@onrr.gov>

Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

1 message

Jackson, Kimberly <kimberly.jackson@onrr.gov>
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>

Tue, Feb 14, 2017 at 3:58 PM

I haven't been looped into this at all. I've already got 4500 envelopes in my cube and a label template that will print out addresses in 20 minutes.

If you don't mind alerting folks to this, then perhaps we can avoid duplication of tasks.

Thanks,

Kim

On Tue, Feb 14, 2017 at 3:47 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

Kim,

Have you seen this?

-Peter A Christnacht-

Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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----- Forwarded message -----

From: **Robson, Bonnie** <bonnie.robson@onrr.gov>

Date: Tue, Feb 14, 2017 at 2:54 PM

Subject: Re: Draft E-Blast in Lieu of Dear Reporter Letter Advising of Potential Stay of Valuation Rule

To: Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, "Carey, Chris" <chris.carey@onrr.gov>

Cc: "Mehlhoff, John" <john.mehlhoff@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

As I understand the latest from John, we will not be sending an EBlast to oil and gas reporters nor a Dear Reporter Letter to coal reporters until later in the week, after we've received some additional information through the Solicitor's Office. For that reason, we're putting the EBlast/DRL drafting on hold until at least tomorrow, maybe Thursday. But if we have to notify coal reporters by mail, should someone be preparing the envelopes in the interim?

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

On Tue, Feb 14, 2017 at 12:43 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

Thanks for drafting this up, Bonnie! My comments and changes are in the attached version. (b)(5) but if you need me later this afternoon feel free to call - my phone is forwarded. Thanks!

Chris Carey
Petroleum Engineer
Royalty Valuation Office
Office of Natural Resources Revenue

(303) 231-3460
Chris.Carey@onrr.gov

Royalty Valuation | Consistent answers to complex questions

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On Tue, Feb 14, 2017 at 12:06 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

Attached please find a first draft of an E-Blast notifying all interested parties of a potential stay in the Consolidated Valuation Rule. Please provide any comments by the end of the day today, and also let me know if you have a change of mind on using an E-Blast rather than a Dear Reporter Letter to notify industry of the possibility of a stay.

You will note that the draft mentions not only the three petitions filed in Federal Court challenging the Rule, but also the API/COPAS request to delay the effective date of the rule. If you think that a bad idea, please say so! We could go with as little as the last paragraph after augmenting it to fully identify the rule.

Bonnie Robson

Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
EMail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

—
Kimberly A. Jackson
Royalty Valuation Team A

Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

Royalty Valuation | Consistent Answers To Complex Questions

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Jackson, Kimberly <kimberly.jackson@onrr.gov>

Re: Language for Large Notice on website front page

1 message

Lunt, Amy <amy.lunt@onrr.gov>

Thu, Feb 23, 2017 at 11:26 AM

To: "Peterson, Jodie" <jodie.peterson@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>

Looks great to me - we may want to say something about the FAQ page coming soon? Thank you both!!!

Amy S. Lunt
Royalty Valuation Team A
Office of Natural Resources Revenue
(303) 231-3746 (office)
(720) 498-3914 (work cell)

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On Thu, Feb 23, 2017 at 11:24 AM, Peterson, Jodie <jodie.peterson@onrr.gov> wrote:

Will this work? I'll land it on the home page as well. With links of course, but just for a start.

<http://devonrr/Valuation/default.htm>

Jodie Peterson
Librarian and Social Media Coordinator
Office of Natural Resources Revenue
jodie.peterson@onrr.gov
(303)231-3719

Follow us on [Twitter](#) and [Facebook](#)!
For the latest in employee news, check out [ONRRResource](#)!

On Thu, Feb 23, 2017 at 11:21 AM, Lunt, Amy <amy.lunt@onrr.gov> wrote:

Hi Jodie,
Kim is at FedEx, so I'm forwarding this to you so that we can get the ball rolling as soon as possible. Thanks for all of your help!!

Amy

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----- Forwarded message -----

From: **Carey, Chris** <chris.carey@onrr.gov>
Date: Thu, Feb 23, 2017 at 10:31 AM
Subject: Language for Large Notice on website front page
To: Kimberly Jackson <kimberly.jackson@onrr.gov>
Cc: Amy Lunt <amy.lunt@onrr.gov>

Hi Kim!

I've been in touch with Jodie, so she should be ready for this. On the front page of the website, I'm picturing the language below in a special attention-grabber box. Clicking on the box will lead to the reporter letter and a list of FAQs (for now I think we just have a place-holder or something that says, "FAQ coming soon.") Here is the language we came up with, which was vetted by the Solicitor:

Attention: The 2017 Valuation Rule has been stayed!!!

Lessees should value, report, and pay royalties for January, 2017 production forward under the rules that were in effect prior to January 1, 2017 (click here for more information).

I'm not picky about the formatting, other than the first bit be nice a big and bold so people see it. Thanks so much Kim!

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Jackson, Kimberly <kimberly.jackson@onrr.gov>

Re: Language for Large Notice on website front page

1 message

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Thu, Feb 23, 2017 at 11:27 AM

To: "Lunt, Amy" <amy.lunt@onrr.gov>Cc: "Peterson, Jodie" <jodie.peterson@onrr.gov>

That's perfect, Amy! I just got the same language from Chris, so I think we're all set there.

I've attached the Dear Reporter Letter for you, Jodie. Let me know if you need anything else!

--Kim

On Thu, Feb 23, 2017 at 11:21 AM, Lunt, Amy <amy.lunt@onrr.gov> wrote:

Hi Jodie,

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 **Dear Reporter Letter_Valuation Rule Stay_2.22.2017.pdf**
354K



Jackson, Kimberly <kimberly.jackson@onrr.gov>

Re: Reporter Letter Draft - Please Review by 10am Friday!

1 message

Carey, Chris <chris.carey@onrr.gov>

Fri, Feb 10, 2017 at 12:24 PM

To: "Jackson, Kimberly" <kimberly.jackson@onrr.gov>

Cc: Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>

Great. Forwarding the eCommerce blast about the rule stay to all of the training attendees and other contacts we have is probably a good idea.

Kim, can you get the ball rolling on what we need to get out the physical reporter letters - acquiring envelopes, labels, etc? Also, is there a way to grease the skids with our mailing folks so this can get out ASAP? We'll probably need to set up an envelope-stuffing party in the middle of next week. Since this is an ONRR-wide thing, I'm not opposed to asking for other groups to help too. Can you look for some conference room space to reserve for all or part of the day on Tues, Wed, and Thurs next week? Thanks!

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On Fri, Feb 10, 2017 at 10:15 AM, Jackson, Kimberly <kimberly.jackson@onrr.gov> wrote:

Hi Chris,

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Keep in mind that I have contact information in the form of email addresses for every payor that attended our rule training sessions both in person and via WebEx for oil/gas and coal. I'm under the impression that we will have to mail these letters to all affected parties, but we can also email them in addition to posting it to ONRR.gov if you think that would be a more expedient and "customer service friendly" approach. I don't mind being the "AV point person" for these emailed communications between industry and ONRR, as my guess is that the Solicitor's office may tell us what we can/can't/should/shouldn't say regarding this change.

Let me know what your thoughts are. My flight back to Denver has been delayed (ugh!!), so I should be able to field emails and calls until my flight leaves at 2:30 CST.

Thanks!

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On Thu, Feb 9, 2017 at 2:10 PM, Malandri, Robert <robert.malandri@onrr.gov> wrote:

Chris,

Here are my comments.

Rob

On Thu, Feb 9, 2017 at 2:01 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

And here's the letter! Whoops :)

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On Thu, Feb 9, 2017 at 1:59 PM, Carey, Chris <chris.carey@onrr.gov> wrote:

Hey team,

Will you please take a look at this draft and provide any feedback by 10am tomorrow (Friday) morning? I'd like your thoughts before I send it to the ELT. Thanks!

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Jackson, Kimberly <kimberly.jackson@onrr.gov>

Re: Reporter Letter Draft - Please Review by 10am Friday!

1 message

Jackson, Kimberly <kimberly.jackson@onrr.gov>

Sat, Feb 11, 2017 at 6:27 PM

To: "Carey, Chris" <chris.carey@onrr.gov>

Cc: Karl Wunderlich <karl.wunderlich@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>

Sounds good. I'll work on setting up a room for our ONRR-wide mailing party. David Garcia has been helpful in getting envelopes, and I think we should have enough in our supply closet already. I'll double check.

I can drop off the letters to FedEx as soon as we have an approved draft with a signature. They usually have a 24-48 hour turnaround, so I can submit the order as soon as that is done. Just let me know and I can make that happen.

Let me know when the letter is given the final okay, then I'll take it to have them copied and folded. I'll work on the other internal logistics.

--Kim

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Carey, Chris <chris.carey@onrr.gov>

Thu, Feb 9, 2017 at 2:01 PM

To: Karl Wunderlich <karl.wunderlich@onrr.gov>, "Dawson, Lisa A" <lisa.dawson@onrr.gov>, Megan Hesse <megan.hesse@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Kimberly Jackson <kimberly.jackson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Robert Malandri <robert.malandri@onrr.gov>

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Chris.Carey@onrr.gov

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 2017 Rule Stay Reporter Letter DRAFT 20170209.docx

4/4/2017

DEPARTMENT OF THE INTERIOR Mail - Re: Reporter Letter Draft - Please Review by 10am Friday!

49K



Jackson, Kimberly <kimberly.jackson@onrr.gov>

Re: Sending the DR Letter and Director Response to the Petitioner

1 message

Jackson, Kimberly <kimberly.jackson@onrr.gov>
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>

Wed, Feb 22, 2017 at 6:35 PM

Perfect. I'll be in tomorrow no later than 7:30am.

--Kimberly

On Wed, Feb 22, 2017 at 6:00 PM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

Looks like 8:00 AM is the target time.

-Peter A Christnacht

Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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----- Forwarded message -----

From: **Greg Gould** <greg.gould@onrr.gov>
Date: Wed, Feb 22, 2017 at 4:36 PM
Subject: Re: Sending the DR Letter and Director Response to the Petitioner
To: Matthew Wheeler <matthew.wheeler@sol.doi.gov>
Cc: "Steward, Jim" <jim.steward@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Christina Mathers <Christina.Mathers@onrr.gov>

I just arrived in DC and talked to Amy, we should be all set to go at around 10:00 DC time.

I'll keep you posted if that changes.

Thanks,

Greg

Gregory J. Gould

Director

Office of Natural Resources Revenue
U.S. Department of the Interior
(202) 513-0600

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On Feb 22, 2017, at 6:31 PM, Matthew Wheeler <matthew.wheeler@sol.doi.gov> wrote:

Thank you. I confirmed the same with Matt and Jack.

Sent from my iPhone

On Feb 22, 2017, at 4:11 PM, Steward, Jim <jim.steward@onrr.gov> wrote:

Matt,

I am confirming that ONRR is prepared to accomplish both items (1) and (2) immediately following the February 23 morning briefing.

I attached scanned copies of all referenced correspondence.

Thanks,

Jim

On Wed, Feb 22, 2017 at 3:05 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Jim:

Per our discussion, please confirm the following today, as soon as everything is in place and ready to go:

(1) ONRR is prepared to send the signed Dear Reporter Letter to all lessees affected by the Stay via an email blast, and prepared to post the signed Dear Reporter Letter on its website, tomorrow morning immediately after ONRR's 9 a.m. briefing.

(2) ONRR is prepared to send the signed Director Letter to the
Petitioners attorneys, by email and FedEx, tomorrow morning immediately
after ONRR's 9 a.m. briefing. I attached the letter so you can see to whom
the letter should be distributed.

Thanks,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

- <Dear Reporter Letter Stay Valuation 2-2017.pdf>
- <Signed Response Valuation Rule 2-17.pdf>
- <Signed Valuation Rule Response 2.pdf>
- <Signed Valuation Rule Response3.pdf>
- <Signed Valuation Rule Response 4.pdf>

--
Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

Royalty Valuation | Consistent Answers To Complex Questions

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Jackson, Kimberly <kimberly.jackson@onrr.gov>

Re: Status of the Rule Stay

1 message

Jackson, Kimberly <kimberly.jackson@onrr.gov>
To: "Christnacht, Peter" <peter.christnacht@onrr.gov>

Tue, Feb 21, 2017 at 9:58 AM

I'm calling you right now....

On Tue, Feb 21, 2017 at 9:57 AM, Christnacht, Peter <peter.christnacht@onrr.gov> wrote:

Kim,

Can you call me and we can discuss the timing of the email blast and dear reporter letter send out. Thanks.

-Peter A Christnacht-

Supervisor, Royalty Valuation, Team B
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

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--
Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

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4/4/2017

DEPARTMENT OF THE INTERIOR Mail - Re: Status of the Rule Stay

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Jackson, Kimberly <kimberly.jackson@onrr.gov>

Status of the Rule Stay

1 message

Christnacht, Peter <peter.christnacht@onrr.gov>
To: Kimberly Jackson <kimberly.jackson@onrr.gov>

Tue, Feb 21, 2017 at 9:57 AM

Kim,

Can you call me and we can discuss the timing of the email blast and dear reporter letter send out. Thanks.

-Peter A Christnacht-

Supervisor, Royalty Valuation, Team B
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Jackson, Kimberly <kimberly.jackson@onrr.gov>

STATUS UPDATE: ONRR Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule

1 message

Jackson, Kimberly <kimberly.jackson@onrr.gov>

Thu, Feb 23, 2017 at 8:39 AM

To: "Potter, Jeff" <jeff.potter@pacificorp.com>, Mike Sorensen <mgsorensen@tristategt.org>, "Donald S. Swartz II [BOYD Company]" <d-swartz@jtboyd.com>, "[BOYD COMPANY]Ronald L. Lewis" <r-lewis@jtboyd.com>, Trevor Johnson <t.johnson@lhr-inc.com>, Tim Brown <t.brown@deckercoal.com>, "Matthew P. Castelli" <mpcastelli@hollandhart.com>, Blythe Mason <b.mason@lhr-inc.com>, "Perkins, Melany" <mperkins@rwpc.us>, "Benally, Virgil D" <vbenally@rwpc.us>, Juliana Jim-Johnson <jjimjohnson@rwpc.us>, Debra Neuser <debra.manana.gas@gmail.com>, Naomi Parker <naomieparker@msn.com>, Mike Palmer <mpalmer@cog-fmn.com>, GHamilton <gburke@read-stevens.com>, "Turley, Jennifer L" <jturley@read-stevens.com>, Diana Velasquez <dvelasquez@matadorresources.com>, arowland@matadorresources.com, Pat Oldham <pat.oldham@walsheng.net>, Marisa <marisa@walsheng.net>, Nancy Walden <nwalden@djsimmons.com>, Rod Seale <rseale@djsimmons.com>, Lynn Collier <lynn.collier@duganproduction.com>, gerri.woodside@duganproduction.com, Rhonda Marquez <rmarquez@ebresources.com>, James Cessar <jcessar@ebresources.com>, mlauner@ebresources.com, karin@ipanm.org, gcharboneau@stratanm.com, Kevin Wilcox <kwilcox@merrion.bz>, Don Miszkiel <dmiszkiel@merrion.bz>, Laurie Canfield <basinoperations@gmail.com>, dncanf <dncanf@earthlink.net>, david_taylor2@eogresources.com, debbie_smith@eogresources.com, jennifer_alcocer@eogresources.com, "Diana S. Voss" <diana_voss@eogresources.com>, Steve Schalk <(b) (6) @yahoo.com>, cshortsdc@aol.com, Wale Ayoola <wayoola@yatespetroleum.com>, "Satches, Robert L" <robert.satches@state.nm.us>, "Holt, Crystalyn S" <crysta.holt@state.nm.us>, "Lujan, Vincent P" <vincent.lujan@state.nm.us>, Josh Randall <josh@carbon-creek.com>, Rhonda Padilla <rpadilla@crowquest.com>, "Baysinger, Staci M" <sbaysinger@crowquest.com>, Shelby Dutton <sdutton@armstrongenergycorp.com>, rhillman@aecn.com, vsexton@aecn.com, Enid Grubb <regrptspec@gmail.com>, Misty Denney <misty.denney@wapitisvc.com>, relledge@wapitisvc.com, "Winkelman, Brent" <bwinkelman@westmoreland.com>, "McNaney, Connie" <cmcnaney@westmoreland.com>, "Adams, Matthew A. (CPE)" <matthew.adams@cldpk.com>, "St John, Jason D. (CPE)" <jason.stjohn@cldpk.com>, "Leegaard, Angel (CPE)" <angel.leegaard@cldpk.com>, "Spragg, Ann M. (CPE)" <ann.spragg@cldpk.com>, "Charlton, Van" <vcharlton@mt.gov>, Cliff Pinkerton <cpinkerton@signalpeakenergy.com>, "McDowell, Heather" <heather.mcdowell@blackhillscorp.com>, Shelley Perdue <Sperdue@chargerllc.com>, Renee DiGirolamo <Rdigirolamo@mspartner.com>, Kelly Gammel <Kelly.Gammel@denbury.com>, "Clute, Sharon" <Sclute@elandenergy.com>, "Spinner, Kristine" <Kspinner@elandenergy.com>, David Kemp <David.Kemp@denbury.com>, Charlie Smitherman <Csmitherman@burnettoil.com>, William Rather <Wrather@burnettoil.com>, Heather Dissmore <Hdissmore@burnettoil.com>, "Farney, Cindy" <Cindy_Farney@xtoenergy.com>, Terry_Whistler@xtoenergy.com, "Massis, Mort" <Mort_Massis@xtoenergy.com>, Wally_Martin@xtoenergy.com, Brenda_Robbins@xtoenergy.com, Suzanne_Miller@xtoenergy.com, Bruce_Bowers@xtoenergy.com, Michelle_Ross@xtoenergy.com, Terry_Wallace@xtoenergy.com, "Geckler, Keli" <Keli_Geckler@xtoenergy.com>, Chase_Glass@xtoenergy.com, Craig Dunn <CDunn@mec.com>, BDBartek@mec.com, Bruce Roberson <Broberson@mewbourne.com>, Evelyne DeLong <Edelong@mewbourne.com>, Susan Cook <Scook@halconresources.com>, Lisa Ingraham <lingraham@helisoil.com>, SALOMON TRISTAN <isolde7@usa.net>, Mary McMahan <mmcmahan@tristargas.com>, "Dossett, Jennifer" <jennifer.dossett@meritenergy.com>, Larry White <larry.white@meritenergy.com>, Raman Sharma <raman.sharma@meritenergy.com>, Sheila Payne <sheilap@forl.com>, Samantha Rodriguez <samanthar@forl.com>, Teresa Webb <teresaw@forl.com>, monical@forl.com, Cathy Ramirez <ramirez@highmark-energy.com>, Leslie Garvis <lgarvis@burnettoil.com>, Michelle Ullom <mullom@cincoog.com>, Leigh Prieto <lprieto@cincoog.com>, Jogina Murphy <jmurphy@cincoog.com>, B J Frazier <bjfrazier@matadorresources.com>, Bridget Dalzell <bdalzell@huntoil.com>, kcoleman@huntconsolidated.com, Scott Higbee <shigbee@sndenergy.com>, Robin Swanner <robinswanner@sbcglobal.net>, Christa Cooper <ccooper@sndenergy.com>, Gary Maxwell <gmaxwell@elmrIDGE.net>, Ray Miller III <ramiller@cablelynx.com>, ramiller@cablelynx.com, "Harmier, Karen L" <karen.harmier@petroharvester.com>, traci.wisdom@petroharvester.com, Shellie Davis <sdavis@seelyoil.com>, Suzanne Sommerfelt <suzanne.sommerfelt@denbury.com>, Sherri Allen <sallen@concho.com>, "Quiroz, Adela" <aquiroz@concho.com>, marguello@concho.com, bleonard@concho.com, sspeegle@huntconsolidated.com, Katy Wilson <katy_wilson@omimexgroup.com>, jguzman@concho.com, Sana Hines <shines@jdmii.com>, "Del Hierro, Alva" <alva.delhierro@pxd.com>, Mark Lambert <mark.lambert@watsonmillican.com>, Christine Noyes <cnoyes@rangeresources.com>, Renee Matthews <rmatthews@rangeresources.com>, Allen J Hobbs <(b) (6) @yahoo.com>, Brenda Chavers <brenda.chavers@breitburn.com>, John Byers <jbyers@txpetinv.com>, rbrown@txpetinv.com, Diane Johnson <djohnson@txpetinv.com>, Kathy Wayne <kwayne@matadorresources.com>, Valerie Celaya <valerie@eeronline.com>, Kasey Gonzales <kasey@eeronline.com>, Amber Jackson <ajackson@jettaoperating.com>, "McFarland, Stephanie" <smcfarland@bass-net.com>, "Hopper, Paul"

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<Ccastille@rockcliffenergy.com>, jmarquar <Jmarquar@cogc.com>, "Veasley, Kenneth A (Ken)" <Ken.Veasley@epenergy.com>, "Pierson, Todd C" <Todd.Pierson@epenergy.com>, Hong Bin Kong <Daniel.Kong@epenergy.com>, Robert Bellows <robert_bellows@swn.com>, Maggie Buhler <maggie.buhler@carrizo.com>, hannah.little@carrizo.com, Linda Chambers <linda.chambers@carrizo.com>, Kim Allen <kmallen@halconresources.com>, Gloria Collins <gcollins@halconresources.com>, tstruble@halconresources.com, khunt@halconresources.com, Bonnie Jackson <bjackson@halconresources.com>, Vanessa Molina <vmolina@halconresources.com>, Jeneria Rhodes <jrhodes@terraep.com>, Tashia Powell <tpowell@terraep.com>, Cathy Smith <csmith@terraep.com>, Elisa Rodriguez <erodriguez@talosenergyllc.com>, Paul Wagner <pwagner@talosenergyllc.com>, Linda Barrett <lbarrett@energyxxi.com>, Bethany Wilson <bethany_wilson@swn.com>, sandra_ghanem@swn.com, Amanda Hays <amanda_hays@swn.com>, Rhonda Blount <rblount@energyxxi.com>, Cheryl Harris <charris@energyxxi.com>, "Storts, Daniel" <gstorts@hess.com>, Frank Latimer <flatimer@hess.com>, Carver Jack <jack.carver@enipetroleum.com>, Vivian Dinh <vivian.dinh@enipetroleum.com>, "Weishuhn, Christine" <cweishuhn@enervest.net>, "Jones, Dennis" <djones@enervest.net>, "Carr, Karen" <kcarr@enervest.net>, "Bench, Austin" <abench@enervest.net>, Janet Sprain <jsprain@enven.com>, Nikole Duarte <nikole.duarte@energyquest.us>, erika.perez@energyquest.us, Jim ODonnell <jodonnell@maritechresources.com>, "Scott, Jennifer" <jscott@ridgewoodenergy.com>, mmuller@ridgewood.com, adambrosio@ridgewood.com, Collin Fritz <CFRI@statoil.com>, Aundrea Moore <AUNM@statoil.com>, Jennifer Reese

<JEREE@statoil.com>, "Jimenez, Esther E" <Ejimenez@chevron.com>, Janis Vollmer <janis.vollmer@cobaltintl.com>, linda.montantes@inpx.co.ip, "Turner, Williamson L" <williamson.turner@bp.com>, terri.wesley@bp.com, "Smart, Bette" <bette.smart@bp.com>, "Brooks, Lindsey" <lindsey.brooks@bp.com>, melissa.hernandez2@bp.com, karen.adamcik@bp.com, daniel.marinez@bp.com, jeremy.barker@bp.com, "Seim, Erik O" <erik.seim@bp.com>, patti.sullivan@bp.com, Tracy Whitt <twhitt@contango.com>, Tere Ramirez <tramirez@hillcrestpetroleum.com>, Sonny Cantu <sonny_cantu@swn.com>, Ryan King <ryan_king@swn.com>, Jackson Pruitt <jackson_pruitt@swn.com>, Aubrey McDaniell <Aubrey_mcdaniell@swn.com>, "Joseph, Larry" <ljoseph@repsol.com>, "Tina L. Taylor" <ttaylor@vnrlc.com>, r.e.riddle@riddle-eng.com, "Vu, Anh" <anh.vu@bhpbilliton.com>, kathryn.larson@enipetroleum.com, Lindsay Pham <lpham@vnrlc.com>, P Thompson <pthompson@matrix-companies.com>, mparsons@matrix-companies.com, Phyllis Nassour <pnassour@petroquest.com>, "Lo, Jerry (US - Houston)" <jerlo@deloitte.com>, "Bolding, Marc (US - Houston)" <mbolding@deloitte.com>, "Thomas, Tanya (US - Houston)" <tanthomas@deloitte.com>, "Osborn, Nick (US - Houston)" <nosborn@deloitte.com>, Eric Fox <efox@hilcorp.com>, Jonathan Goodwin <jgoodwin@sheridanproduction.com>, Bridget Demby <bridget.demby@sheridanproduction.com>, Darrell Lewis <darrell.lewis@sheridanproduction.com>, Diane Cerny <dcerny@cogc.com>, Bonnie Briggs <bonnie.briggs@onrr.gov>, "Victor, Brenda" <brenda.victor@onrr.gov>, Mary Graham <mary.graham@onrr.gov>, Jeremiah Anderson <janderson@creelus.com>, mbroughton@creelus.com, Richard Cortez <rcortez@creelus.com>, Kristy Karm <kkarm@creelus.com>, jshockney@creelus.com, cory_crow@oxy.com, atutia@petrobras.com, Shelley Thompson <sthompson@oasispetroleum.com>, "Chai, Tatt T" <tchai@oasispetroleum.com>, "Griffith, Kern" <kern.griffith@bhpbilliton.com>, "Gayle Cheatham (Contractor)" <gayle.cheatham@fwelc.com>, Sheila Denton <sdenton@hilcorp.com>, patti.carlos@shell.com, "Cummings, Glinda R" <cummigr@chevron.com>, rcrosby@chevron.com, jdix@chevron.com, Ashley.Cunningham@chevron.com, StephenOsborn@chevron.com, KZievert@chevron.com, tatomjd@chevron.com, DWashington@chevron.com, "Owens, Robert F." <RobertOwens@chevron.com>, "White-Martinez, Jessica" <Jessica.WhiteMartinez@chevron.com>, "Burg, Patty A" <Patty.Burg@bp.com>, Stephen.Bailey@bp.com, Pam.Williams@shell.com, Triscilla.Taylor@bp.com, Percill.Griffin@shell.com, "Alvarado, Stella" <Stella.Alvarado@anadarko.com>, Harvey.Graeve@anadarko.com, Mike.Arredondo@bp.com, "Mosley, Mary" <Mary.Mosley@bp.com>, Pam.Downes@bp.com, Alberta.Harris@bp.com, Fay Lascelle <Flascelle@wtffshore.com>, Carolyn Broomfield <Cbroomfield@wtffshore.com>, Michelle Etter <Metter@gmtexploration.com>, Brandon Haywood <Bhaywood@newfield.com>, Angie Barnes <Abarnes@newfield.com>, Dena Vaughan <dvaughan@newfield.com>, Brian Smith <BriSmith@newfield.com>, Eric Schultz <Eschultz@newfield.com>, Deidre Carrier <Deidre.Carrier@fwelc.com>, "Eustice, Cathy S" <Cathy.S.Eustice@exxonmobil.com>, "Weick, Ruthie /C" <Ruthie.Weick@exxonmobil.com>, Janiqua Lewis <Janiqua.Lewis@fwelc.com>, "Kirkpatrick, Tonya L" <Tonya.L.Kirkpatrick@exxonmobil.com>, James Walker <James.Walker@fwelc.com>, "Deren, Chris" <Chris.Deren@exxonmobil.com>, "Salinas, Marianne W" <Marianne.W.Salinas@exxonmobil.com>, "Peggy Bazile (Contractor)" <Peggy.Bazile@fwelc.com>, Lorraine Ferguson <Lorraine.Ferguson@fwelc.com>, "Leonard, Sandra" <Sandra.Leonard@apachecorp.com>, Zoe.Beinart@apachecorp.com, Hannah Ma <Hannah.Ma@apachecorp.com>, Cybil Shepherd <Cybil.Shepherd@apachecorp.com>, "Obasuyi, Victor" <Victor.Obasuyi@apachecorp.com>, Josh Perez <Josh.Perez@apachecorp.com>, Janie.Soley@apachecorp.com, Ken.Moore@apachecorp.com, Walter.Latchley@apachecorp.com, Tomika.Samuels@apachecorp.com, Kathy.Powell@apachecorp.com, Glen.Brimmage@apachecorp.com, Chrishelle.Stevens@apachecorp.com, Deanna.Doxakis@apachecorp.com, Don Quintero <Don.Quintero@fwelc.com>, "Wetuski, Jaime N" <Jaime.N.Wetuski@exxonmobil.com>, George Edwards <George.Edwards@exxonmobil.com>, Mitzi Morrison <Mitzi.D.Morrison@exxonmobil.com>, "Toy, Stephanie" <Stoy@linnenergy.com>, Shannon Saxby <Ssaxby@linnenergy.com>, Richard Ta <Rta@linnenergy.com>, Cathy Williams <ra@peregrineoilandgas.com>, Terry Lanier <terry@peregrineoilandgas.com>, "Dudgeon, Steve" <Steve.Dudgeon@ryan.com>, Jeremy Abel <Jeremy.Abel@ryan.com>, Matt.Travis@ryan.com, Joseph Landry <Joseph_Landry@eogresources.com>, Martin Johnson <Martin_Johnson@eogresources.com>, Misty MCDOWELL <Misty_Mcdowell@eogresources.com>, John_Rasul@eogresources.com, Daisy Miranda <Daisy_Miranda@eogresources.com>, Daniel Tate <Daniel_Tate@eogresources.com>, Debra Herring <Dherring@newfield.com>, "Richard E. Smith" <Richard_Smith@eogresources.com>, May_Lin@oxy.com
 Bcc: "DeBerard, Michael" <michael.deberard@onrr.gov>, "Lunt, Amy" <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Robert Sudar <robert.sudar@onrr.gov>, "Dawson, Lisa A" <lisa.dawson@onrr.gov>

Good Morning Everyone,

This is Kimberly Jackson from Royalty Valuation here at the ONRR offices in Denver, Colorado. I had the opportunity to engage with most of you last year as part of our valuation rule training sessions, and I wanted to contact each of you directly to let you know about a change in the status of that rule.

The Office of Natural Resources Revenue (ONRR) is **staying the Consolidated Federal Oil & Gas and Indian & Federal Coal Valuation Reform Final Rule**. Please refer to the attached Dear Reporter Letter for details on the stay as well as additional information as to how you should report royalties going forward.

As always, please feel free to contact me—or any member of our Royalty Valuation team—if you have any questions.

Thank you,

Kimberly


--

Kimberly A. Jackson
Royalty Valuation Team A
Office of Natural Resources Revenue
U.S. Department of the Interior
(303) 231-3449

Royalty Valuation | Consistent Answers To Complex Questions

This message serves as guidance for determining value for royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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 **Dear Reporter Letter_Valuation Rule Stay_2.22.2017.pdf**
354K



Mathers, Christina <christina.mathers@onrr.gov>

FR Notice and Valuation Rule Stay Supporting Documents

Steward, Jim <jim.steward@onrr.gov>
To: Christina Mathers <Christina.Mathers@onrr.gov>

Tue, Apr 4, 2017 at 4:03 PM

FOIA

----- Forwarded message -----

From: **Greg Gould** <greg.gould@onrr.gov>

Date: Tue, Feb 21, 2017 at 7:42 PM

Subject: Re: FR Notice and Valuation Rule Stay Supporting Documents

To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

Cc: "Gidner, Jerold" <jerold.gidner@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Matt Williams Matt Williams <matt.williams@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>

Matt,

Thanks again for all the help and coordination. Sound like a good plan.

Greg

Gregory J. Gould

*Director**Office of Natural Resources Revenue**U.S. Department of the Interior**(202) 513-0600*

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On Feb 21, 2017, at 6:03 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Hi Greg:

We are in the final stages. We have a Department-approved FR notice that DOJ is now reviewing. We also a Department-approved letter to the petitioner's and Dear Reporter letter. DOJ is also reviewing the letter to the Petitioner's for any conflicts. Both will be sent to you tonight in final form.

As far as process, I would suggest that you sign both the FR Notice and the letter to the petitioner's when I send the final versions after DOJ completes its review. Both the letter to the petitioner's and the Dear Reporter letter anticipate that they will be issued before the FR Notice is published. That way ONRR can send the letter to the petitioner's and the Dear Reporter letter out this week, even if the FR notice has not published yet.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151

Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 3:51 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Hey Matt (Wheeler),

A quick check-in and update on timing. At this point in the day, if we do not hear back from Jack by 4:30 here in Denver, then I'll plan to sign the FR Notice tomorrow morning and bring it with me to DC when I leave at noon. We will then finish up the FR process on Thursday and Friday and I'll email out the letter to Peter and we'll get the email blast out to the reporters no later than Friday afternoon.

How does that sound?

Thanks again for all the help with this.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 1:44 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

As a point of clarification, these are not the final versions of the documents. Mr. Huagrud and/or Mr. McKeown may still make edits to the documents. Please do not sign, file or edit anything until I send an email with the final versions of the documents.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 1:27 PM, Gidner, Jerold <jerold.gidner@onrr.gov> wrote:

Hi Matt et al, I am forwarding these versions to Armand, Luis (in Denver) and Matt Williams (in DC). Armand and Luis will make sure its in the proper form for the FRN and get it signed here in Denver.

Greg plans to sign it before he leaves for DC tomorrow morning. We may have him hand carry it to DC.

So the earliest it will get to Exec Sec in DOI is Thursday, and the earliest it will get out to the Fed Reg is Friday as I understand it. So publication next week. We will speed it as much as possible but much of the timing is out of our hands once it goes to Exec Sec.

Jerry Gidner

Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

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And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

On Tue, Feb 21, 2017 at 2:54 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Attached are the most recent versions of both documents. Both are still being revised and not in final form. I have no concerns with responding to Peter and sending out the Dear Reporter Letter, so long as the FR notice is approved by the Department and heading towards publication. That said, I am not familiar with the FR publication process. Is there anything (or anyone) that could reject the notice to before it is published?

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 12:47 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Thanks, please send me the latest draft of the FR and Letter I'm going to sign, so I can take another look as well. Do you have any concerns with me emailing the signed letter back to Peter once it is signed and then sending out the email blast to the reporters prior to the actual publication of the FR notice?

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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[Quoted text hidden]



Mathers, Christina <christina.mathers@onrr.gov>

Fwd: Briefing Material for 9:00 Thursday meeting

2 messages

Gould, Greg <greg.gould@onrr.gov>

Wed, Feb 22, 2017 at 10:40 AM

To: ONRR ELT <onrrelt@onrr.gov>, Judith Wilson <judith.wilson@onrr.gov>, Karen Osborne <Karen.Osborne@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, Peter Christnacht <Peter.Christnacht@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

See below and attached. Thank you again for all the hard work and quick turn-around, I'll keep you all posted.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>

Date: Wed, Feb 22, 2017 at 10:38 AM

Subject: Briefing Material for 9:00 Thursday meeting

To: "Rees, Gareth" <gareth_rees@ios.doi.gov>

Cc: Amy Holley <Amy_Holley@ios.doi.gov>, "Cruickshank, Walter" <walter.cruickshank@boem.gov>, "margaret.schneider@bsee.gov" <margaret.schneider@bsee.gov>, "Nedd, Mike" <mnedd@blm.gov>

Gareth,

Attached are the briefing materials for tomorrow mornings discussion. Please let me know if you have any questions or need additional information.

Do you want me to send the material to Jim and the other political's, or will to take care of that. Note that I included Amy, Walter, Margaret, and Mike on this email.

Thanks,

Greg




Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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3 attachments

-  **InfoBriefing_Secretary_StayRule.docx**
19K
-  **INFORMATION Briefing RPC Comparison.docx**
22K
-  **INFORMATION Memo Evolution of USEITI final.docx**
24K

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:36 PM

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue




and

Tribal Liaison Officer
Office of Policy, Management, and Budget
5136 MIB
703-508-2655

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----- Forwarded message -----
From: **Gould, Greg** <greg.gould@onrr.gov>
[Quoted text hidden]

3 attachments

-  **InfoBriefing_Secretary_StayRule.docx**
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-  **INFORMATION Memo Evolution of USEITI final.docx**
24K

INFORMATION/ BRIEFING MEMORANDUM

DATE: February 23, 2017

FROM: Gregory J. Gould
Director, Office of Natural Resources Revenue

SUBJECT: ANPR and RPC as Next Steps Following Stay of ONRR's Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Rule

As a next step following its stay of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Rule (Rule), the Office of Natural Resources Revenue (ONRR) proposes to prepare within a week, then publish, an advanced notice of proposed rulemaking (ANPR) to invite the public to submit suggestions for possible changes to ONRR valuation regulations as amended by the Rule. The 90-day period for comment announced in the ANPR could be extended at a later date to allow suggestions from the Royalty Policy Committee (RPC), if reconstituted.

BACKGROUND

The Office of Natural Resources Revenue (ONRR) published the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform Final Rule (2017 Valuation Rule) on July 1, 2016, effective January 1, 2017. On December 29, 2016, industry members and trade organizations filed three lawsuits challenging the Rule. In the near future, we anticipate organizations favoring the Rule may sue to challenge the stay of the Rule. Further, members of the House of Representatives recently introduced a bill to disapprove the Rule under the Congressional Review Act (CRA).

DISCUSSION

If ONRR does not quickly act toward a constructive resolution of outstanding valuation issues, both controversial provisions and those well-received by industry could be invalidated under the Congressional Review Act. Alternatively, ONRR, the Solicitor's Office, and the Department of Justice may be forced to commit significant resources to complex litigation unlikely to result in sound, improved valuation regulations. Stakeholders include industry, States, Tribes, and public interest groups. ONRR's rapid publication of an ANPR will provide all stakeholders a forum to suggest improvements to the valuation regulations and constructively address concerns expressed by industry litigants. Some of the issues expressed by the industry litigants include:

- Valuation of and allowable deductions for coal sold into foreign markets
- Valuation of coal based on electricity sales
- Valuation of coal transferred to an affiliate based on the first arm's-length sale
- Treatment of coal cooperatives as affiliates for valuation based on first arm's-length sale
- Failure to allow valuation of coal transferred to an affiliate based on index prices
- Requirements that contracts be in writing and signed

- The "default provision," which defines when and how Secretarial discretion will be used to value production
- Limits on oil and gas transportation allowances and gas processing allowances
- Required valuation of Federal gas based on index prices
- Disallowance of deepwater gathering deductions

Further, the RPC, if reconstituted, could suggest solutions in areas of stakeholder disagreement. And ONRR, in the ensuing rulemaking, could consider or resolve other issues, such as:

- Allowing valuation of arm's-length sales based on index price
- Reintroducing and improving benchmarks for royalty valuation
- Addressing marketable condition and unbundling
- Separating the rules for oil, gas, and coal
- Updating the rule's economic impact analysis
- Other ONRR rulemakings in process, including takes vs. entitlements, service of official correspondence, and Form 4444 filing requirements

Finally, in the seven months since the Rule's publication, industry has raised and ONRR has discovered certain issues that could be clarified or fixed through a new rulemaking process.

ONRR could:

- Clarify the differences between guidance and determinations, including who has the authority to issue a determination and who is bound by a determination
- Simplify the valuation process for no-sale situations, such as production used for pipeline fuel, and gas vented or flared
- Clarify index-based gas valuation option election rules
- Add language limiting combined transportation and processing allowances to <100% of value
- Revisit whether S&P bond rates should be used in allowance calculations
- Remove language requiring ONRR to pay industry interest on overpayments, as interest is now prohibited by the FAST Act
- Revisit calculation of non-arm's-length transportation allowances based on FERC or State agency tariffs
- Fix typos, reference citations, and other technical glitches

NEXT STEPS

Subject to Departmental approval, ONRR plans to publish an ANPR within the next one to two months. After a 90-day comment period, which may be extended to allow input from a reconstituted RPC, ONRR will collect and consider all submissions.



Mathers, Christina <christina.mathers@onrr.gov>

Fwd: Docket No. ONRR-2012-0004; 17-03861

15 messages

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:23 PM

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
5136 MIB
703-508-2655Be sure to visit <http://onrresource/> for employee news, resources, and events.
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From: **Williams, Matt** <matt.williams@onrr.gov>
Date: Thu, Feb 23, 2017 at 2:33 PM
Subject: Re: Docket No. ONRR-2012-0004; 17-03861
To: "Giles, Kent H. (OFR)" <kgiles@gpo.gov>
Cc: "Lawyer, Mark" <Mark_Lawyer@ios.doi.gov>, Juliette Lillie <juliette_lillie@ios.doi.gov>, Timothy Murphy <timothy.murphy@sol.doi.gov>, "Gregory (Greg) Gould" <greg.gould@onrr.gov>Kent,
I sent the edits to our Exec Sec and Solicitor team to review ASAP. I will be back to you shortly.

Regards,

Matthew Williams
Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664On Thu, Feb 23, 2017 at 2:27 PM, Giles, Kent H. (OFR) <kgiles@gpo.gov> wrote:

Matt, updated markup is attached for your approval, with your edits incorporated (let me know if I missed anything).

If I have your approval ASAP, we still have a chance to publish this in the issue of February 27. Thanks --

Kent H. Giles

Office of the Federal Register

Scheduling Unit

(202) 741-6062

From: Williams, Matt [mailto:matt.williams@onrr.gov]
Sent: Thursday, February 23, 2017 2:14 PM
To: Giles, Kent H. (OFR)
Subject: Re: Docket No. ONRR-2012-0004; 17-03861

Here's the official edit from DOI. Thanks, Kent!

Regards,

Matthew Williams

Office of Natural Resources Revenue

Regulatory Liaison | Writer/Editor

1849 C Street N.W., Room 4216, MS 4211

Washington, D.C. 20240

(202) 513-0664

On Thu, Feb 23, 2017 at 2:02 PM, Giles, Kent H. (OFR) <kgiles@gpo.gov> wrote:

Sounds good – thanks for your help. Matt.

From: Williams, Matt [mailto:matt.williams@onrr.gov]
Sent: Thursday, February 23, 2017 2:01 PM
To: Giles, Kent H. (OFR)
Subject: Re: Docket No. ONRR-2012-0004; 17-03861

We are doing the edits right now and will have it to you in a moment

Regards,

Matthew Williams

Office of Natural Resources Revenue

Regulatory Liaison | Writer/Editor

1849 C Street N.W., Room 4216, MS 4211

Washington, D.C. 20240

(202) 513-0664

On Thu, Feb 23, 2017 at 1:57 PM, Giles, Kent H. (OFR) <kgiles@gpo.gov> wrote:

I don't know who at DOI/ONRR contacted and discussed this with Miriam. I am waiting to see the changes myself.

Kent H. Giles

Office of the Federal Register

Scheduling Unit

(202) 741-6062

From: Wheeler, Matthew [mailto:matthew.wheeler@sol.doi.gov]

Sent: Thursday, February 23, 2017 1:51 PM

To: Giles, Kent H. (OFR)

Cc: Williams, Matt; Lawyer, Mark; L. Southall; Luis Aguilar; Bonnie Robson; Gregory (Greg) Gould; Gidner, Jerold; Vincent, Miriam (OFR); Scott, Moja (OFR)

Subject: Re: Docket No. ONRR-2012-0004; 17-03861

Thanks for the update. Can you clarify what the changes are, and who authorized them, so I can close the loop on my end?

Matthew J. Wheeler

U.S. Department of the Interior

Office of the Solicitor, Rocky Mountain Region

755 Parfet St., Suite 151

Lakewood, CO 80215

matthew.wheeler@sol.doi.gov

Phone: (303) 445-0595

Fax: (303) 231-5363

On Thu, Feb 23, 2017 at 11:49 AM, Giles, Kent H. (OFR) <kgiles@gpo.gov> wrote:

Mr. Wheeler, Miriam Vincent of Federal Register Legal Unit had a phone discussion with Department of Interior staff; they agreed on an updated approach, and I anticipate receiving a markup from ONRR shortly.

Thanks,

Kent H. Giles

Office of the Federal Register

Scheduling Unit

(202) 741-6062

From: Wheeler, Matthew [mailto:matthew.wheeler@sol.doi.gov]

Sent: Thursday, February 23, 2017 1:46 PM

To: Giles, Kent H. (OFR)

Cc: Williams, Matt; Lawyer, Mark; L. Southall; Luis Aguilar; Bonnie Robson; Gregory (Greg) Gould; Gidner, Jerold; Vincent, Miriam (OFR); Scott, Moja (OFR)

Subject: Re: Docket No. ONRR-2012-0004; 17-03861

Mr. Giles:

I've sent your response to my Regional Solicitor and the Acting Secretary for their decision.

On a side note, 79 FR 26297, in which the SEC stayed a rule already in effect, appears to use virtually identical language to what ONRR has in its FR notice here, at least with respect to "effective date" versus "effectiveness."

I will contact you as soon as I hear back from Mr. McKeown and Mr. Haugrud.

Thanks,

Matthew J. Wheeler

U.S. Department of the Interior

Office of the Solicitor, Rocky Mountain Region

755 Parfet St., Suite 151

Lakewood, CO 80215

matthew.wheeler@sol.doi.gov

Phone: (303) 445-0595

Fax: (303) 231-5363

On Thu, Feb 23, 2017 at 11:19 AM, Giles, Kent H. (OFR) <kgiles@gpo.gov> wrote:

Also cc'ing Moja Scott since Mark cc'd her on a separate email.

Kent

From: Giles, Kent H. (OFR)
Sent: Thursday, February 23, 2017 1:15 PM
To: 'Williams, Matt'
Cc: Lawyer, Mark; L. Southall; Luis Aguilar; Bonnie Robson; Gregory (Greg) Gould; Gidner, Jerold; Matthew Wheeler; Vincent, Miriam (OFR)
Subject: RE: Docket No. ONRR-2012-0004; 17-03861

Hello, Matt. Federal Register defines the effective date as the date that the change is made in the Code of Federal Regulations. Since the rule that ONRR published July 1, 2016 (81 FR 43338) had an effective date of January 1, 2017, those amendments have been in effect since January 1, 2017.

So the effective date cannot be delayed or postponed at this point; but it can be stayed.(as discussed in pages 2-12 through 2-14 of chapter 2 of the Document Drafting Handbook)

I have cc'd Miriam Vincent of Federal Register Legal Unit to keep our legal staff in the loop.

Thanks,

Kent H. Giles

Office of the Federal Register

Scheduling Unit

(202) 741-6062

From: Williams, Matt [mailto:matt.williams@onrr.gov]
Sent: Thursday, February 23, 2017 1:05 PM
To: Giles, Kent H. (OFR)
Cc: Lawyer, Mark; L. Southall; Luis Aguilar; Bonnie Robson; Gregory (Greg) Gould; Gidner, Jerold; Matthew Wheeler
Subject: Fwd: Docket No. ONRR-2012-0004; 17-03861

Hey Kent,

Please see our Solicitor's response below and advise as to the impact.

Regards,

Matthew Williams

Office of Natural Resources Revenue

Regulatory Liaison | Writer/Editor

1849 C Street N.W., Room 4216, MS 4211

Washington, D.C. 20240

(202) 513-0664

----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>

Date: Thu, Feb 23, 2017 at 1:01 PM

Subject: Re: Docket No. ONRR-2012-0004; 17-03861

To: "Williams, Matt" <matt.williams@onrr.gov>, Robert Eaton <robert.eaton@sol.doi.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>

Why are we making edits to a document that was approved by the Acting Secretary of the Interior?

I have no authority to authorize these edits. That said, Section 705 specifically uses the phrase "postpone the effective date." As an initial matter, "effective date" (the date something takes effect) means something entirely different than "effectiveness" (whether something is effective or not). That change fundamentally departs from the language of the statute, and changes the meaning of the FR notice.

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Matthew J. Wheeler

U.S. Department of the Interior

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755 Parfet St., Suite 151

Lakewood, CO 80215

matthew.wheeler@sol.doi.gov

Phone: (303) 445-0595

Fax: (303) 231-5363

On Thu, Feb 23, 2017 at 10:35 AM, Williams, Matt <matt.williams@onrr.gov> wrote:

Here's the OFR copy with their edits.

Regards,

Matthew Williams

Office of Natural Resources Revenue

Regulatory Liaison | Writer/Editor

1849 C Street N.W., Room 4216, MS 4211

Washington, D.C. 20240

(202) 513-0664

----- Forwarded message -----

From: **Giles, Kent H. (OFR)** <kgiles@gpo.gov>

Date: Thu, Feb 23, 2017 at 12:06 PM

Subject: Docket No. ONRR-2012-0004; 17-03861

To: "matt.williams@onrr.gov" <matt.williams@onrr.gov>

Cc: "Rosita.ComptonChristian@onrr.gov" <Rosita.ComptonChristian@onrr.gov>

Hello, Matt – markup is attached for your review. The edits conform the format to Federal Register requirements for a stay of a final rule.

If I answer any questions you have, and have your approval of edits before 2:00 PM today, this could publish on Monday, February 27, as requested.

Thanks,

Kent

Kent H. Giles

Office of the Federal Register

Scheduling Unit

(202) 741-6062

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:23 PM

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
5136 MIB
703-508-2655

Be sure to visit <http://onrrresource/> for employee news, resources, and events.
And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

----- Forwarded message -----

From: **Williams, Matt** <matt.williams@onrr.gov>
Date: Thu, Feb 23, 2017 at 2:30 PM
Subject: Fwd: Docket No. ONRR-2012-0004; 17-03861
To: "Lawyer, Mark" <Mark_Lawyer@ios.doi.gov>, Juliette Lillie <juliette_lillie@ios.doi.gov>, Timothy Murphy <timothy.murphy@sol.doi.gov>
Cc: Bonnie Robson <bonnie.robson@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, "L. Southall" <armand.southall@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, "Gregory (Greg) Gould" <greg.gould@onrr.gov>


Please see below for additional edits. Response needed ASAP.

Regards,

Matthew Williams
Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664

----- Forwarded message -----

From: **Giles, Kent H. (OFR)** <kgiles@gpo.gov>
Date: Thu, Feb 23, 2017 at 2:27 PM
Subject: RE: Docket No. ONRR-2012-0004; 17-03861
[Quoted text hidden]

 **ONRR 2017-03861_1042931 (3).docx**
35K

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:24 PM

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget

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----- Forwarded message -----

From: **Vincent, Miriam (OFR)** <mvincent@gpo.gov>

Date: Thu, Feb 23, 2017 at 2:00 PM

Subject: RE: Docket No. ONRR-2012-0004; 17-03861

To: "Giles, Kent H. (OFR)" <kgiles@gpo.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

Cc: "Williams, Matt" <matt.williams@onrr.gov>, "Lawyer, Mark" <Mark_Lawyer@ios.doi.gov>, "L. Southall" <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Gregory (Greg) Gould" <greg.gould@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, "Scott, Moja (OFR)" <msscott@gpo.gov>

Mark&Co. and I agreed to the following changes. They were going to coordinate with Matt on approving the changes:

ACTION: Notification; postponement of effectiveness

DATES: [insert date of pub]

Body – everywhere that “postpone the effective date” was changed to “stay the effectiveness”, use “postpone the effectiveness”.

And move the footnote out of the SUMMARY.

Let me know if you have any questions.

Miriam

Miriam Vincent

Staff Attorney, Legal Affairs and Policy Division

Office of the Federal Register

National Archives and Records Administration

(o) 202.741.6024 (bb) 202.276.3219

From: Giles, Kent H. (OFR)
Sent: Thursday, February 23, 2017 1:58 PM
To: Wheeler, Matthew
Cc: Williams, Matt; Lawyer, Mark; L. Southall; Luis Aguilar; Bonnie Robson; Gregory (Greg) Gould; Gidner, Jerold; Vincent, Miriam (OFR); Scott, Moja (OFR)
Subject: RE: Docket No. ONRR-2012-0004; 17-03861

I don't know who at DOI/ONRR contacted and discussed this with Miriam. I am waiting to see the changes myself.

[Quoted text hidden]

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:24 PM

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
5136 MIB
703-508-2655

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----- Forwarded message -----
From: **Giles, Kent H. (OFR)** <kgiles@gpo.gov>
Date: Thu, Feb 23, 2017 at 1:57 PM
Subject: RE: Docket No. ONRR-2012-0004; 17-03861
[Quoted text hidden]

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:24 PM

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
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703-508-2655

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----- Forwarded message -----
From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Thu, Feb 23, 2017 at 1:51 PM
Subject: Re: Docket No. ONRR-2012-0004; 17-03861
To: "Giles, Kent H. (OFR)" <kgiles@gpo.gov>

Cc: "Williams, Matt" <matt.williams@onrr.gov>, "Lawyer, Mark" <Mark_Lawyer@ios.doi.gov>, "L. Southall" <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Gregory (Greg) Gould" <greg.gould@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, "Vincent, Miriam (OFR)" <mvincent@gpo.gov>, "Scott, Moja (OFR)" <msscott@gpo.gov>

[Quoted text hidden]

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:25 PM

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
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703-508-2655

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----- Forwarded message -----

From: **Giles, Kent H. (OFR)** <kgiles@gpo.gov>
Date: Thu, Feb 23, 2017 at 1:49 PM
Subject: RE: Docket No. ONRR-2012-0004; 17-03861
To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Cc: "Williams, Matt" <matt.williams@onrr.gov>, "Lawyer, Mark" <Mark_Lawyer@ios.doi.gov>, "L. Southall" <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Gregory (Greg) Gould" <greg.gould@onrr.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, "Vincent, Miriam (OFR)" <mvincent@gpo.gov>, "Scott, Moja (OFR)" <msscott@gpo.gov>

[Quoted text hidden]

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:27 PM

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

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----- Forwarded message -----

From: **Williams, Matt** <matt.williams@onrr.gov>
Date: Thu, Feb 23, 2017 at 1:05 PM
Subject: Fwd: Docket No. ONRR-2012-0004; 17-03861

[Quoted text hidden]

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:27 PM

Jerry Gidner
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Office of Natural Resources Revenue

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From: **Bonnie Robson** <bonnie.robson@onrr.gov>
Date: Thu, Feb 23, 2017 at 1:04 PM
Subject: Re: Docket No. ONRR-2012-0004; 17-03861
To: "Williams, Matt" <matt.williams@onrr.gov>
Cc: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>

Hi Matt Wheeler, we assume you will call FR now and work this to conclusion.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior

On Feb 23, 2017, at 10:51 AM, Williams, Matt <matt.williams@onrr.gov> wrote:

202-513-0664

Regards,

Matthew Williams
*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

On Thu, Feb 23, 2017 at 12:49 PM, Bonnie Robson <bonnie.robson@onrr.gov> wrote:
Matt Wheeler, can you call Matt Williams and make a final call ASAP? He may put you in touch with FR.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior

On Feb 23, 2017, at 10:44 AM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Why are we making edits to a document that was approved by the Acting Secretary of the Interior? Who is making the edits?

For my part, and I have no authority to authorize these edits, the edits are removing statutory language from the FR notice, which is generally not a wise thing. Section 705 uses the phrase "postpone the effective date," not "stay the effectiveness." I'm not entirely opposed to replacing postpone with stay, because they generally mean the same thing, and we use them interchangeably in the notice. But changing "effective date" to "effectiveness" means two entirely different things to me.

[Quoted text hidden]

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:28 PM

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
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To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:28 PM

Jerry Gidner
Senior Policy Advisor

Office of Natural Resources Revenue

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To: "Giles, Kent H." <kgiles@gpo.gov>
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Hey Kent,

Please see our Solicitor's response below and advise as to the impact.

[Quoted text hidden]

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:28 PM

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
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Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior

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202-513-0664

Regards,

Matthew Williams

*Office of Natural Resources Revenue
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(202) 513-0664*

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Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior

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[Quoted text hidden]

[Quoted text hidden]

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:29 PM

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
5136 MIB
703-508-2655

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Date: Thu, Feb 23, 2017 at 1:01 PM
Subject: Re: Docket No. ONRR-2012-0004; 17-03861
To: "Williams, Matt" <matt.williams@onrr.gov>, Robert Eaton <robert.eaton@sol.doi.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>

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[Quoted text hidden]

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:31 PM


Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

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[Quoted text hidden]

 **ONRR 2017-03861_1042931 (1).docx**
35K

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:31 PM

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
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----- Forwarded message -----

From: **Bonnie Robson** <bonnie.robson@onrr.gov>
Date: Thu, Feb 23, 2017 at 12:30 PM
Subject: Fwd: Docket No. ONRR-2012-0004; 17-03861
To: Matthew Wheeler <matthew.wheeler@sol.doi.gov>
Cc: matt.williams@onrr.gov, john.mehlhoff@onrr.gov, jerold.gidner@onrr.gov, carrie.wallace@sol.doi.gov

Matt Wheeler, can you confirm to Matt Williams ASAP that it is ok to change "postpone" to "stay" in two locations in the FR? I'm copying Carrie too, in case you are not available and she can answer.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior

Begin forwarded message:

From: "Williams, Matt" <matt.williams@onrr.gov>
Date: February 23, 2017 at 10:11:02 AM MST
To: Luis Aguilar <luis.aguilar@onrr.gov>, "L. Southall" <armand.southall@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Lawyer, Mark" <Mark_Lawyer@ios.doi.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, "Rodgers, Kerry" <kerry_rodgers@ios.doi.gov>
Subject: Fwd: Docket No. ONRR-2012-0004; 17-03861

All, please see below for OFR's edits to our FRN. They need our response ASAP to meet our publication schedule.

Regards,

Matthew Williams
Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664

----- Forwarded message -----

From: **Giles, Kent H. (OFR)** <kgiles@gpo.gov>
Date: Thu, Feb 23, 2017 at 12:06 PM
Subject: Docket No. ONRR-2012-0004; 17-03861
To: "matt.williams@onrr.gov" <matt.williams@onrr.gov>
Cc: "Rosita.ComptonChristian@onrr.gov" <Rosita.ComptonChristian@onrr.gov>

Hello, Matt – markup is attached for your review. The edits conform the format to Federal Register requirements for a stay of a final rule.

If I answer any questions you have, and have your approval of edits before 2:00 PM today, this could publish on Monday, February 27, as requested.

Thanks,

Kent

Kent H. Giles


Office of the Federal Register

Scheduling Unit

(202) 741-6062

2 attachments

 **noname.html**
1K

 **ONRR 2017-03861_1042931 (1).docx**
35K

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:32 PM

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
5136 MIB
703-508-2655

Be sure to visit <http://onresource/> for employee news, resources, and events.
And visit <https://useiti.doi.gov/> for the US Extractive Industries Transparency Initiative data portal

----- Forwarded message -----

From: **Aguilar, Luis** <luis.aguilar@onrr.gov>
Date: Thu, Feb 23, 2017 at 12:26 PM
Subject: Re: Docket No. ONRR-2012-0004; 17-03861
To: "Williams, Matt" <matt.williams@onrr.gov>
Cc: "L. Southall" <armand.southall@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Lawyer, Mark" <Mark_Lawyer@ios.doi.gov>, "Gidner, Jerold" <jerold.gidner@onrr.gov>, "Rodgers, Kerry" <kerry_rodgers@ios.doi.gov>

Matt,

Attached is the revised version. The suggested edits from the FR are not substantive so we just accepted it. Let us know if you need anything else.

Cheers

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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On Thu, Feb 23, 2017 at 10:21 AM, Aguilar, Luis <luis.aguilar@onrr.gov> wrote:

All,

Armand and I are working on this edits. These edits are not substantive, we will accept and send a corrected version to Matt.

Luis Aguilar

**Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals**

Phone: 303-231-3418

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On Thu, Feb 23, 2017 at 10:11 AM, Williams, Matt <matt.williams@onrr.gov> wrote:

All, please see below for OFR's edits to our FRN. They need our response ASAP to meet our publication schedule.

Regards,

Matthew Williams

Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664

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Date: Thu, Feb 23, 2017 at 12:06 PM
Subject: Docket No. ONRR-2012-0004; 17-03861
To: "matt.williams@onrr.gov" <matt.williams@onrr.gov>
Cc: "Rosita.ComptonChristian@onrr.gov" <Rosita.ComptonChristian@onrr.gov>

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If I answer any questions you have, and have your approval of edits before 2:00 PM today, this could publish on Monday, February 27, as requested.

Thanks,

Kent

Kent H. Giles

Office of the Federal Register

Scheduling Unit

(202) 741-6062



FRN_Stay_FREdits02232017cc.docx

33K



Mathers, Christina <christina.mathers@onrr.gov>

Fwd: FRN for Amy and Jim Cason's surname

1 message

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:33 PM

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
5136 MIB
703-508-2655

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----- Forwarded message -----

From: **Williams, Matt** <matt.williams@onrr.gov>
Date: Wed, Feb 22, 2017 at 2:14 PM
Subject: FRN for Amy and Jim Cason's surname
To: Yolanda Sanders <yolanda.sanders@onrr.gov>
Cc: "Gidner, Jerold" <jerold.gidner@onrr.gov>, Amy Holley <amy_holley@ios.doi.gov>, "Lawyer, Mark" <Mark_Lawyer@ios.doi.gov>, "L. Southall" <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "Gregory (Greg) Gould" <greg.gould@onrr.gov>, "Compton Christian, Rosita" <Rosita.ComptonChristian@onrr.gov>

Yolanda,

Attached are the FRN and clearance record, as well as the SOL briefing paper. Please print them out and bring them all down to Amy Holley for her surname and Jim Cason's surname on the clearance record. Thank you so much!

Amy,

Sorry for the last-minute notice on this. Mark Lawyer in OES just called and said to get it to you ASAP for your surname and Jim Cason's surname. From what he told me, the Solicitor needs this signed, sealed, and delivered to the Federal Register for publication on or before February 28th, which, when considering the processing time, leaves us with nearly no time left. Again, I'm very sorry for the rush and the short notice. If you would be so kind, could you review the package, surname it, and have Jim Cason surname it? Once that's done, please let us know so Yolanda or Rosita can come get it for immediate submission to Exec Sec. Thank you!

Regards,

Matthew Williams
Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664

2 attachments

Valuation Rule Stay Briefing Memorandum (1).pdf
68K

4/6/2017

DEPARTMENT OF THE INTERIOR Mail - Fwd: FRN for Amy and Jim Cason's surname



Signed Valuation FRN 2-2017.pdf

510K



Mathers, Christina <christina.mathers@onrr.gov>

Fwd: FYI--FRN re: Stay of valuation regulations

1 message

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:22 PM

For FOIA request. I may have additional emails and I am going through them now.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
5136 MIB
703-508-2655

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----- Forwarded message -----

From: **Anita Gonzales-Evans** <anita.gonzales-evans@onrr.gov>
Date: Thu, Feb 23, 2017 at 4:49 PM
Subject: FYI--FRN re: Stay of valuation regulations
To: Christopher Salotti <Chris_Salotti@ios.doi.gov>
Cc: jerold.gidner@onrr.gov

Chris: I am out of the office today, and tomorrow, but I wanted to let you know ONRR's FRN regarding the valuation regulations stay will be available tomorrow in the FR reading room and will be published on Monday.

If you have any questions please let me know I will be checking email.

Thanks
Anita

Sent from my iPhone



Mathers, Christina <christina.mathers@onrr.gov>

Fwd: Status of the Valuation Rule Stay - Feb 15 2017

1 message

Steward, Jim <jim.steward@onrr.gov>
To: Christina Mathers <Christina.Mathers@onrr.gov>

Tue, Apr 4, 2017 at 3:57 PM

FOIA

----- Forwarded message -----

From: **Robson, Bonnie** <bonnie.robson@onrr.gov>

Date: Wed, Feb 15, 2017 at 9:54 AM

Subject: Re: Status of the Valuation Rule Stay - Feb 15 2017

To: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>

Cc: "Gidner, Jerold" <jerold.gidner@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, "Mehlhoff, John" <john.mehlhoff@onrr.gov>, Greg Gould <greg.gould@onrr.gov>, Chris Carey <chris.carey@onrr.gov>, Matt Williams <matt.williams@onrr.gov>, Armand Southall <armand.southall@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Karl Wunderlich <karl.wunderlich@onrr.gov>, Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>

An additional tidbit: Instead of providing reporters with notice of intent to stay by mailing a Dear Reporter Letter, staff has suggested we notify oil and gas reporters of intent to stay by EBlast and coal reporters by email. A Dear Reporter Letter would not be sent until publication of the actual, official stay in the Federal Register.

Bonnie Robson

Program Manager, Appeals & Regulations

Office of Natural Resources Revenue

U.S. Department of the Interior

Denver Federal Center Bldg. 53

PO Box 25165

Denver, CO 80225

E-Mail: bonnie.robson@onrr.gov

Office: (303) 231-3729

Cell: (720) 440-4500

On Wed, Feb 15, 2017 at 9:26 AM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Good Morning Jerry:

Per Mr. Haugrud's request, we are in the process of building a record to support the stay. The Petitioners are sending ONRR a letter requesting a 705 stay and discussing their reasons for the stay in line with the case law interpreting it. ONRR will respond in writing agreeing to the stay. ONRR will also issue a Dear Reporter Letter notifying lessees of their intent to stay the rule. The FR notice, which is largely complete, will be updated to incorporate the Petitioner's rationale for requesting the stay, and then published in the Federal Register Notice after it is reviewed and cleared by Mr. Haugrud. The timing of all of this is triggered when ONRR receives the letter from the Petitioner's, which we assume will be today or tomorrow. When I spoke with the Petitioner's attorneys yesterday at 1pm, they agreed to start working on the letter immediately.

Please call me with any questions, comments or concerns.

Thanks,

Matt

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov

Phone: (303) 445-0595
Fax: (303) 231-5363

On Wed, Feb 15, 2017 at 9:11 AM, Gidner, Jerold <jerold.gidner@onrr.gov> wrote:

Good morning everyone - can anyone give me a status of the FRN for the stay? And should we have another conversation about strategy given the introduction of a bill to disapprove the regulation under the Congressional Review Act?

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

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On Tue, Feb 14, 2017 at 10:46 AM, Gidner, Jerold <jerold.gidner@onrr.gov> wrote:

Good morning everyone - I wanted to update everyone on the status of the Valuation Rule Stay, as I know it.

I spoke this a.m. with Amy Holley, the Acting AS-PMB. She will sign the FRN. So we just need to surname it. Jack Haugrud, the Acting Solicitor will need to surname it as well, and DOJ also needs to review it.

Matt Williams has been in touch with our Exec Sec contact to make sure they know about this.

Matt Wheeler has provided the substance of the FRN to Bonnie, who has shared it for review, and ask Armand and Luis to turn it into an actual FRN.

There was some talk yesterday about whether we need a briefing paper, which is a new requirement imposed by Exec Sec. Amy Holley suggests that we do have one.

And lastly, to be realistic on the timing, if we wanted this published this week, I believe it would have to be to the Federal Register by 2 pm TODAY. That clearly is not going to happen. So everyone just needs to understand that we can probably get it to the FR this week, but that means a publication date next week.

That is the latest as I know it.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

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Mathers, Christina <christina.mathers@onrr.gov>

Fwd: Stay of 2017 Consolidated Valuation Rule

1 message

Gidner, Jerold <jerold.gidner@onrr.gov>
To: Christina Mathers <christina.mathers@onrr.gov>

Thu, Apr 6, 2017 at 1:32 PM

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
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703-508-2655Be sure to visit <http://onrrresource/> for employee news, resources, and events.
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----- Forwarded message -----

From: Anita Gonzales-Evans <anita.gonzales-evans@onrr.gov>
Date: Thu, Feb 23, 2017 at 11:57 AM
Subject: Re: Stay of 2017 Consolidated Valuation Rule
To: Jerold Gidner <jerold.gidner@onrr.gov>
Cc: Matt Williams <matt.williams@onrr.gov>

Thank you!

Sent from my iPhone

On Feb 23, 2017, at 11:55 AM, Jerold Gidner <jerold.gidner@onrr.gov> wrote:

Anita and Matt - I think you probably got this forwarded to you from Jennifer. But just to make sure you are in the loop.

Sent from my iPhone

Begin forwarded message:

From: Jennifer Goldblatt <jennifer.goldblatt@onrr.gov>
Date: February 23, 2017 at 9:52:48 AM MST
To: ONRRDCArea@onrr.gov
Subject: Fwd: Stay of 2017 Consolidated Valuation Rule-----
Jennifer L. Goldblatt
ONRR Program Manager
202-513-0604
202-255-2932

Begin forwarded message:

From: "Christnacht, Peter" <peter.christnacht@onrr.gov>
Date: February 23, 2017 at 9:42:05 AM MST
To: ONRR ALL Denver Federals <onrralldenverfederals@onrr.gov>, ONRR STRAC Managers <onrrstracmanagers@onrr.gov>, ONRR STRAC All States <onrrstracallstates@onrr.gov>, ONRR STRAC All Tribes <onrrallstractribedl@onrr.gov>
Subject: Stay of 2017 Consolidated Valuation Rule

Good Morning All,

In light of pending litigation challenging ONRR's recent final valuation regulations, the Department of Interior has directed ONRR to postpone the effective date of the 2017 Valuation Rule until the litigation is resolved. Since royalties are not due for January production (the first production governed by the 2017 rule) until February 28, 2017, all Federal oil and gas and all Federal and Indian coal should continued to be valued under the rules in effect for December 2016 production. The attached Dear Reporter letter provides further details.

-Peter A Christnacht-

Acting Program Manager, Asset Valuation
Office of Natural Resource Revenue
303 231-3651 Desk
303 565-9513 Cell

Fax 303 231-3744

This message serves as guidance for determining value for Federal royalties and is not an appealable decision or order under 30 CFR Part 1290, Subpart B. If ONRR issues you an order to pay additional royalties or assesses civil penalties under 30 CFR Part 1241 at a later date based on this guidance, your appeal rights will be provided at that time. While this message is not appealable, ONRR may use this guidance in conducting audits and as a basis for demanding additional royalties.

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<Dear Reporter Letter Stay Valuation 2-2017 (1).pdf>



Mathers, Christina <christina.mathers@onrr.gov>

Fwd: Stay of Rule

2 messages

Jerold Gidner <jerold.gidner@onrr.gov>
To: onrrrelt@onrr.gov

Mon, Feb 13, 2017 at 10:33 AM

Here is my correspondence with Matt Wheeler this am.

Sent from my iPhone

Begin forwarded message:

From: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>
Date: February 13, 2017 at 10:52:25 AM EST
To: "Gidner, Jerold" <jerold.gidner@onrr.gov>
Cc: Greg Gould <greg.gould@onrr.gov>, Matt Williams Matt Williams <matthew.williams@onrr.gov>, Jim Steward <jim.steward@onrr.gov>, Chris Carey <chris.carey@onrr.gov>
Subject: Re: Stay of Rule

Hi Jerry. We are moving forward with the stay. I am drafting the Federal Register notice as we speak based on the case law guidance we were able to find. It is a bit of a delicate process.

We also developed a process to do the stay, as well as the next steps, in light the pending litigation and the Executive Order on repealing regulations. We believe the process will work, given all the moving parts. I presented a briefing paper summarizing the proposal last Thursday. Last I heard, Matt McKeown had elevated the proposed process in the department for approval, which I believe has been approved. I still need to confirm that. We have also coordinated through the Department of Justice who has agreed with the process we developed.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Mon, Feb 13, 2017 at 7:20 AM, Gidner, Jerold <jerold.gidner@onrr.gov> wrote:

Good morning, everyone - Just checking on the status of this project. Thursday we were in a flurry of activity regarding a stay of the valuation rule. Friday I was off, but got no emails. So just trying to find out if this is still a thing, or if we are going a different direction.

Thanks.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer
Office of Policy, Management, and Budget
4040 MIB
202-302-9731

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Steward, Jim <jim.steward@onrr.gov>
To: Christina Mathers <Christina.Mathers@onrr.gov>

Tue, Apr 4, 2017 at 3:56 PM

FOIA

[Quoted text hidden]



Mathers, Christina <christina.mathers@onrr.gov>

Fwd: Update on Stay

1 message

Steward, Jim <jim.steward@onrr.gov>
To: Christina Mathers <Christina.Mathers@onrr.gov>

Tue, Apr 4, 2017 at 3:59 PM

FOIA

----- Forwarded message -----

From: **Gidner, Jerold** <jerold.gidner@onrr.gov>

Date: Wed, Feb 15, 2017 at 1:40 PM

Subject: Update on Stay

To: Jim Steward <jim.steward@onrr.gov>, "Mehlhoff, John" <john.mehlhoff@onrr.gov>, Greg Gould <greg.gould@onrr.gov>

Hi guys - Executive level report out on the Valuation Rule.

There are now 2 tracks proceeding at the same time.

Track 1. The Stay. I think you saw the previous email from Matt Wheeler regarding discussions with the Petitioners, who are going to request DOI to stay the rule, and we will include their rationale in the FRN.

As of this a.m., Matt Wheeler was waiting for that, and we can't move the FRN until he gets it and edits the draft.

Matt Williams and I are on stand by to push the FRN out the door when it gets here. Matt confirmed with Exec Sec that Amy Holley has to sign it, and I have confirmed that she is aware of the issue and ready to do so. We have some wiggle room to get this published by the 28th, but not a lot. Of course, we want it published before then to give industry notice. But we can't move it here until the SOL does their thing and we get it from Denver.

Track 2. Disapproval Resolution. House Joint Resolution 71, introduced Monday or yesterday, would disapprove the regulation. That would make it more difficult to do a revised rule, as the Congressional Review Act prohibits the promulgation of "substantially similar" rules without Congressional Approval.

To make sure both sides of the DOI house are aware of what is happening, I talked to Amy Holley about the Resolution. She said she would inform Jim Cason. Anita and I also talked to Chris Salotti, the senior career employee in the office of Congressional Affairs. We let him know about the lawsuits and the efforts to stay the reg. He was unaware of those.

Lastly, I called Matt Wheeler, and let him know about my discussions with the OCL. He has informed Matt McKoewn and Jack Haugrud about the Resolution.

The consensus in all these discussions seems to be that ONRR would prefer for the reg not to be disapproved, so that we can start a process to revise it. It is likely, however, that the White House will support the Disapproval Resolution, and DOI may or may not be able to influence that. In addition, the timing for passage and signature of the Disapproval Resolution is uncertain, but is unlikely to be before the end of February given the Senate calendar for Secretarial confirmations and their recess next week.

So we should continue our efforts on the Stay, as an immediate solution, and action on the Disapproval Resolution will proceed, or not, on its own track and time schedule.

Questions? Let me know. If you want a strategy or update call, let me know that as well.

Jerry Gidner
Senior Policy Advisor
Office of Natural Resources Revenue

and

Tribal Liaison Officer

4/5/2017

DEPARTMENT OF THE INTERIOR Mail - Fwd: Update on Stay

Office of Policy, Management, and Budget

4040 MIB

202-302-9731

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Mathers, Christina <christina.mathers@onrr.gov>

Fwd: Valuation Rule Stay Supporting Documents

Steward, Jim <jim.steward@onrr.gov>
To: Christina Mathers <Christina.Mathers@onrr.gov>

Tue, Apr 4, 2017 at 4:00 PM

FOIA

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>

Date: Tue, Feb 21, 2017 at 12:09 PM

Subject: Re: Valuation Rule Stay Supporting Documents

To: "Haugrud, Kevin" <jack.haugrud@sol.doi.gov>

Cc: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Thanks Jack. I'll sign both the letter and the FR notice as soon as you and Matt Wheeler are ready.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 11:59 AM, Haugrud, Kevin <jack.haugrud@sol.doi.gov> wrote:

Thanks Greg. I will want to quickly look over the notice. I don't think it has to be done before you get on the plane tomorrow, but we will also need the decision letter on the 705 request signed by you, Greg. I have asked that the decision letter be substantively similar to the FR notice (so they both will contain the full reasoning for granting the 705 request).

On Tue, Feb 21, 2017 at 1:51 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 9:51 AM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:
[Quoted text hidden]



Mathers, Christina <christina.mathers@onrr.gov>

Fwd: Valuation Rule Stay Supporting Documents

13 messages

Gould, Greg <greg.gould@onrr.gov>

Tue, Feb 21, 2017 at 10:14 AM

To: ONRR ELT <onrrrelt@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

It looks like we are all set to move forward with the stay this week. I received the go ahead from Jim a few minutes ago. I have a meeting Thursday morning in DC to discuss next steps. I talked with Matt this weekend and the leadership wants to move quickly with publishing a new proposed rule. With that said, we need to pull the Valuation Rule team back together today to draft the proposed rule. I plan to discuss this with Jim on Thursday, so let me know what we plan to change in the proposed rule, a list would be very helpful. I need that list before I leave for the airport tomorrow at 10:30.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Tue, Feb 21, 2017 at 9:51 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Gould, Greg" <greg.gould@onrr.gov>

Hi Greg:

I received edits from Jack today. I am updating the documents with what he wants to incorporate and sending it back for a final sign off. We will have everything to you today.

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

On Tue, Feb 21, 2017 at 9:50 AM, Gould, Greg <greg.gould@onrr.gov> wrote:
| Matt,

I reviewed all the material this weekend and have no additional comments, etc. What is the status of the package?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Fri, Feb 17, 2017 at 5:55 PM, Wheeler, Matthew <matthew.wheeler@sol.doi.gov> wrote:

Greg:

Attached are the documents I sent to Matt this evening, all of which have been heavily revised. Please note that, for some reason, the FR notice was locked for editing by someone at ONRR, so I cannot accept the changes I made. However, under the review tab, you can change "Final: Show Markup" to "Final." It will allow you to read the document without the tracked changes, even though the changes cannot be accepted.

Have a good weekend,

Matthew J. Wheeler
U.S. Department of the Interior
Office of the Solicitor, Rocky Mountain Region
755 Parfet St., Suite 151
Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
Phone: (303) 445-0595
Fax: (303) 231-5363

----- Forwarded message -----

From: **Wheeler, Matthew** <matthew.wheeler@sol.doi.gov>
Date: Fri, Feb 17, 2017 at 5:28 PM
Subject: Valuation Rule Stay Supporting Documents
To: Matthew McKeown <matthew.mckeown@sol.doi.gov>

Matt:

Attached to this email are the following documents:

- (1) the Briefing memorandum, which I updated to include the FR research we found last night and to address the Petitioner's letter that we received today;
- (2) The Petitioner's letter requesting that ONRR stay the rule under Section 705;
- (3) Director Gould's response to the Petitioner's letter, which I revised per your request.
- (4) ONRR's FR notice, which I revised per your request, and;
- (5) ONRR's Dear Reporter Letter, which I revised per your request.

I will be available by cell phone and email all weekend should there be any additional changes that need to be made. You can call my office line (which is forwarded), my work cell (720) 245-5305 or my personal cell (b) (6). I will also be available by email.

Thanks,

Matthew J. Wheeler
 U.S. Department of the Interior
 Office of the Solicitor, Rocky Mountain Region
 755 Parfet St., Suite 151
 Lakewood, CO 80215
matthew.wheeler@sol.doi.gov
 Phone: (303) 445-0595
 Fax: (303) 231-5363

Gould, Greg <greg.gould@onrr.gov> Tue, Feb 21, 2017 at 10:22 AM
 To: ONRR ELT <onrrrelt@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>, "Williams, Matt" <matt.williams@onrr.gov>, Karen Osborne <Karen.Osborne@onrr.gov>

Bonnie,

Sorry for all the emails on this this morning. Can you take the lead, working with Karen on format, on adding the list I just requested in my last email to a briefing paper related to next steps for the valuation rule. Note that I will need to sign the Fed Reg notice either later today or first thing tomorrow morning so we can get it to the Fed Reg tomorrow. I'm adding Matt Williams to this reply so he can give Exec Sec a heads-up that this FR notice is a go for tomorrow.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
 Office of Natural Resources Revenue
 U.S. Department of the Interior*

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[Quoted text hidden]

Williams, Matt <matt.williams@onrr.gov> Tue, Feb 21, 2017 at 10:23 AM
 To: "Gould, Greg" <greg.gould@onrr.gov>
 Cc: ONRR ELT <onrrrelt@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>, Karen Osborne <Karen.Osborne@onrr.gov>

I'm on it. I'll let Exec Sec know.

Regards,

Matthew Williams

Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664
[Quoted text hidden]

Bonnie Robson <bonnie.robson@onrr.gov>

Tue, Feb 21, 2017 at 1:26 PM

To: "Anderson, Christina" <christina.anderson@onrr.gov>, christina.mathers@onrr.gov
Cc: Luis Aguilar <luis.aguilar@onrr.gov>, "Southall, Armand" <armand.southall@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>

And if Christina Mathers can leave the FEDEX mailing envelope on Christina Anderson's desk with the letterhead so that the rest of us have the tools should we need them late today. Also, please leave info on FEDEX drop-off locations and times.

Thanks.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior

On Feb 21, 2017, at 1:09 PM, Anderson, Christina <christina.anderson@onrr.gov> wrote:

Hello,

I can leave out some letter head on my desk. When it's ready to be printed just put it in the printer and print as you normally would. For my desk printer I put it in top first, face up. I would do the same for the other printers but I will leave a few letterhead pages out for you just in case it comes out incorrectly. If you are still having issues Christina Mathers will be here and she is always happy to help.

v/r,
Christina

On Tue, Feb 21, 2017 at 12:15 PM, Robson, Bonnie <bonnie.robson@onrr.gov> wrote:

If ONRR receives the letter to petitioners attorney from SOL today, we need to pull together to get it printed on ONRR stationery and signed by Greg. Christina, after you leave, how can we print a letter to outside counsel on ONRR Director stationery? I'm out from 12:30-3. Can you let the others on this email know?

Thank you.

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior
Denver Federal Center Bldg. 53
PO Box 25165
Denver, CO 80225
E-Mail: bonnie.robson@onrr.gov
Office: (303) 231-3729
Cell: (720) 440-4500

----- Forwarded message -----

From: **Haugrud, Kevin** <jack.haugrud@sol.doi.gov>
Date: Tue, Feb 21, 2017 at 11:59 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Gould, Greg" <greg.gould@onrr.gov>
Cc: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Thanks Greg. I will want to quickly look over the notice. I don't think it has to be done before you get on the plane tomorrow, but we will also need the decision letter on the 705 request signed by you, Greg. I have asked that the decision letter be substantively similar to the FR notice (so they both will contain the full reasoning for granting the 705 request).

On Tue, Feb 21, 2017 at 1:51 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Jack, do you want to see it again prior to me signing it?

Amy, we will get it to you as soon as we can tomorrow for your surname prior to going over to Exec Sec. for clearance to move to the FR.

All, is there anything else I need to do before I get on the plane to DC tomorrow?

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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[Quoted text hidden]

--
*Christina Anderson
Administrative Assistant
Office of Natural Resources Revenue
303-231-3198 (O)
303-231-3362 (F)
christina.anderson@onrr.gov*

Mathers, Christina <christina.mathers@onrr.gov>

Tue, Feb 21, 2017 at 1:28 PM

To: Bonnie Robson <bonnie.robson@onrr.gov>

Cc: "Anderson, Christina" <christina.anderson@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, "Southall, Armand" <armand.southall@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Peter Christnacht

<peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>

The FedEx drop box outside of bldg. 53 E-20 entrance picks up about 4:30 pm. I am here until then, so if we get everything signed, I can send it priority FedEx.

Thanks,

Christina

[Quoted text hidden]

--

Christina Mathers
Staff Assistant
Deputy Director's Office
Office of Natural Resources Revenue
303-231-3429 (O)
303-231-3194 (F)
Christina.Mathers@onrr.gov

Bonnie Robson <bonnie.robson@onrr.gov>

Tue, Feb 21, 2017 at 1:32 PM

To: "Mathers, Christina" <christina.mathers@onrr.gov>

Cc: "Anderson, Christina" <christina.anderson@onrr.gov>, Luis Aguilar <luis.aguilar@onrr.gov>, "Southall, Armand" <armand.southall@onrr.gov>, "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Peter Christnacht <peter.christnacht@onrr.gov>, Amy Lunt <amy.lunt@onrr.gov>

If it gets close to 4:30 without movement, where can we mail later for early next morning delivery?

Bonnie Robson
Program Manager, Appeals & Regulations
Office of Natural Resources Revenue
U.S. Department of the Interior

[Quoted text hidden]

Karen Osborne <karen.osborne@onrr.gov>

Tue, Feb 21, 2017 at 1:34 PM

To: "Williams, Matt" <matt.williams@onrr.gov>

Cc: "Gould, Greg" <greg.gould@onrr.gov>, ONRR ELT <onrrelt@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Just got home from the airport. If you need me to come into the office today, please call me and (b) (6), otw I will be back at work in the morning.

Sent from my iPhone

(b) (6)

[Quoted text hidden]

Mathers, Christina <christina.mathers@onrr.gov>

Tue, Feb 21, 2017 at 1:36 PM

To: Bonnie Robson <bonnie.robson@onrr.gov>

There is a FedEx office on Wadsworth and 1st Street. There last pick up is 6 pm.

[Quoted text hidden]

Gould, Greg <greg.gould@onrr.gov>

Tue, Feb 21, 2017 at 1:54 PM

To: Karen Osborne <karen.osborne@onrr.gov>

Cc: "Williams, Matt" <matt.williams@onrr.gov>, ONRR ELT <onrrelt@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>, Peter Christnacht <Peter.Christnacht@onrr.gov>, Judith Wilson <judith.wilson@onrr.gov>

Thanks Karen, no need to come in. With that said, can you make sure that Peter and Bonnie have the latest template for a briefing paper for Jim Cason from me.

Peter, in the Valuation Next Steps Paper, please make sure that one of the recommended next steps is to set-up a Valuation Subcommittee under the new RPC to evaluate the comments received from the ANOPR and make recommendations to the Secretary, etc.

Thanks again everyone!

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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[Quoted text hidden]

Osborne, Karen <karen.osborne@onrr.gov>

Wed, Feb 22, 2017 at 6:16 AM

To: "Gould, Greg" <greg.gould@onrr.gov>

Cc: "Williams, Matt" <matt.williams@onrr.gov>, ONRR ELT <onrrrelt@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>, Peter Christnacht <Peter.Christnacht@onrr.gov>, Judith Wilson <judith.wilson@onrr.gov>

Good morning,

Attached is the template I use for Greg's briefing papers to Jim Cason. Notice that it does not include 'to the Secretary' in the title; we can adjust this as needed for other recipients. If you have any questions, please let me know.

Thanks,
Karen

Karen L. Osborne
Senior Program Analyst, Financial Management
Office of Natural Resources Revenue
(303) 231-3739
karen.osborne@onrr.gov

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INFORMATION Briefing for the Secretary Template 2017.docx

14K

Mehlhoff, John <john.mehlhoff@onrr.gov>


Wed, Feb 22, 2017 at 7:28 AM

To: Christina Mathers <christina.mathers@onrr.gov>

----- Forwarded message -----

From: **Osborne, Karen** <karen.osborne@onrr.gov>
Date: Wed, Feb 22, 2017 at 6:16 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Gould, Greg" <greg.gould@onrr.gov>

[Quoted text hidden]

 **INFORMATION Briefing for the Secretary Template 2017.docx**
14K

Steward, Jim <jim.steward@onrr.gov>
To: Christina Mathers <Christina.Mathers@onrr.gov>

Tue, Apr 4, 2017 at 4:00 PM

FOIA

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>
Date: Tue, Feb 21, 2017 at 12:09 PM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Haugrud, Kevin" <jack.haugrud@sol.doi.gov>
Cc: "Wheeler, Matthew" <matthew.wheeler@sol.doi.gov>, Amy Holley <Amy_Holley@ios.doi.gov>, Matthew McKeown <Matthew.McKeown@sol.doi.gov>, "Steward, Jim" <Jim.Steward@onrr.gov>, Jerold Gidner <jerold.gidner@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, John Mehlhoff <john.mehlhoff@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>

Thanks Jack. I'll sign both the letter and the FR notice as soon as you and Matt Wheeler are ready.

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
Office of Natural Resources Revenue
U.S. Department of the Interior*

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On Tue, Feb 21, 2017 at 11:59 AM, Haugrud, Kevin <jack.haugrud@sol.doi.gov> wrote:

Thanks Greg. I will want to quickly look over the notice. I don't think it has to be done before you get on the plane tomorrow, but we will also need the decision letter on the 705 request signed by you, Greg. I have asked that the decision letter be substantively similar to the FR notice (so they both will contain the full reasoning for granting the 705 request).

On Tue, Feb 21, 2017 at 1:51 PM, Gould, Greg <greg.gould@onrr.gov> wrote:

Matt Wheeler,

Thanks again for all the work on pulling this all together. I was on a call with Jim Cason this morning and he noted we are working to get the FR notice to the FR tomorrow, so as soon as you have incorporated Jack's comments, please send the FR notice to Bonnie so that I can sign it and have it Fed Exed to DC today.

Attached are the 3 documents we received from SOL last night. Greg will sign the FRN and any related documents sent from SOL this morning and take it with him. Let me know if you need anything else.

Cheers

Luis Aguilar

*Regulatory Specialist
Appeals & Regulations
Coordination, Enforcement, Valuation, & Appeals*

Phone: 303-231-3418

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On Wed, Feb 22, 2017 at 6:43 AM, Williams, Matt <matt.williams@onrr.gov> wrote:

Hey boys,

Exec Sec wants to see the advance copy of the FRN and any other documents. I have bought us a little bit of time this morning until you guys are happy with the format and whatnot for all of them. Once you have that, can you send them in an email so I can send an advance copy to Exec Sec?

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

----- Forwarded message -----

From: **Lawyer, Mark** <mark_lawyer@ios.doi.gov>
Date: Wed, Feb 22, 2017 at 8:36 AM
Subject: Re: Valuation Rule Stay Supporting Documents
To: "Williams, Matt" <matt.williams@onrr.gov>
Cc: "Rodgers, Kerry" <kerry_rodgers@ios.doi.gov>

What's the RIN?

On Tue, Feb 21, 2017 at 12:56 PM, Williams, Matt <matt.williams@onrr.gov> wrote:

Hey Mark and Kerry,

Just looping you in on what is coming your way tomorrow. This will be an FRN with Greg's signature.

Regards,

Matthew Williams

*Office of Natural Resources Revenue
Regulatory Liaison | Writer/Editor
1849 C Street N.W., Room 4216, MS 4211
Washington, D.C. 20240
(202) 513-0664*

----- Forwarded message -----

From: **Gould, Greg** <greg.gould@onrr.gov>

Date: Tue, Feb 21, 2017 at 12:22 PM
Subject: Re: Valuation Rule Stay Supporting Documents
To: ONRR ELT <onrrelt@onrr.gov>, Bonnie Robson <bonnie.robson@onrr.gov>, "DeBerard, Michael" <michael.deberard@onrr.gov>, "Williams, Matt" <matt.williams@onrr.gov>, Karen Osborne <Karen.Osborne@onrr.gov>

Bonnie,

Sorry for all the emails on this this morning. Can you take the lead, working with Karen on format, on adding the list I just requested in my last email to a briefing paper related to next steps for the valuation rule. Note that I will need to sign the Fed Reg notice either later today or first thing tomorrow morning so we can get it to the Fed Reg tomorrow. I'm adding Matt Williams to this reply so he can give Exec Sec a heads-up that this FR notice is a go for tomorrow.

Thanks,

Greg

Gregory J. Gould

*Acting Deputy Assistant Secretary/Director
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--

Mark Lawyer

Deputy Director - Policy and Regulatory Affairs
Executive Secretariat and Regulatory Affairs
Office of the Secretary
Department of the Interior

Email: mark_lawyer@ios.doi.gov

Voice: (202) 208-5257

Fax: (202) 219-2100

3 attachments



FRN_SOL_Stay_Postponing Valution Rule02222017cc.docx
28K



ONRR Director Letter RE 705 Stay02222017.docx
22K



Dear Reporter letter Final02222017cc.docx
52K

