

**United States Extractive Industries Transparency Initiative  
Multi-Stakeholder Group Advisory Committee Meeting  
June 12-13, 2013**

**Summary of Proceedings**

U.S. Department of the Interior  
Prepared: November 2013

**I. Introduction**

The U.S. Department of the Interior (DOI) convened the fourth meeting of the U.S. Extractive Industries Transparency Initiative (USEITI) Multi-Stakeholder Group (MSG) Advisory Committee in Washington, DC on June 12 and 13, 2013. The purpose of the meeting was to discuss the scope and materiality that would need to be addressed in the U.S. Candidacy Application to the International EITI, and to determine the timeline for completing the application. The meeting included several presentations, each followed by discussion with EITI members, as well as working sessions.

Presentations and discussions included the following:

- **Welcoming remarks** by Karen Senhadji, Acting Designated Federal Officer for the Multi-Stakeholder Group Advisory Committee and Senior Advisor to Assistant Secretary of the Department of the Interior (DOI) Rhea Suh
- **Legal Analysis of Revenue Disclosures** by Lance Wenger, Office of the Solicitor, DOI
- **EITI International Update** by Marti Flachs, U.S. State Department
- **Timeline for Candidacy Application** by Danielle Brian, Project on Government Oversight
- **Additional Federal Revenue Collections** by Margaret Coleman, Office of Oil, Gas and Coal Supply Statistics, U.S. Energy Information Administration (EIA); Greg Gould, Director, Office of Natural Resources Revenue (ONRR); Mitchell Leverette, Bureau of Land Management (BLM), Solid Minerals Division; Steven Wells, Chief, Bureau of Land Management's (BLM) Division of Fluid Minerals, DOI; and Curtis Carlson, Acting Director, Business Revenue Division, Office of Tax Analysis
- **Scope and Materiality** by Rachel Milner Gillers, Consensus Building Institute
- **Subnational Review** by Greg Conrad, Executive Director, Interstate Mining Compact Commission; and John Tysseling, Chief Economist, New Mexico Taxation and Revenue Department
- **Scope and Materiality Consensus and Next Steps** by Rachel Milner Gillers, Consensus Building Institute

**II. Summary of Action Items and Decisions**

Action Items

- Mr. Romig will provide the MSG with information regarding how the publication of data at the EIA has changed over time.
- Mr. Leverette will provide the MSG with a list of hard rock mineral commodities and categorize them by BLM program.

- Mr. Carlson will provide specific information and examples explaining the difference between SEC and Treasury taxes at the next meeting of the MSG.
- Mr. Gould and Mr. Carlson will acquire more information from the International Secretariat regarding how taxes are reported in the 32 countries implementing EITI.
- Civil society and government sectors will work with the industry sector to draft compelling arguments to encourage participation by companies in voluntary reporting for the EITI program.
- ONRR, with assistance from the industry sector, will produce further information about how many companies would be implicated for reporting at different revenue thresholds (80%, 85%, 90%, 95%).
- Civil society will provide more information about its areas of concern with regards to the completeness of federal data, particularly around locatable and saleable minerals.
- DOI will consult with its lawyers to clarify whether there are any rules or restrictions around public communication under the Federal Advisory Committee Act (FACA).
- Ms. Suh will work with the sector co-chairs to discuss how the MSG should move forward with a communications strategy so that responsibility for it is shared.
- MSG members will populate a master calendar of opportunities for public outreach efforts.

#### Decisions

- The MSG agreed to a goal of submitting the United States Candidacy Application to the International EITI by December 2013. If public consultation needs and goals are not met, the MSG will submit the application in March 2014.
- The MSG made preliminary decisions about which types of commodities should be included in the scope of US EITI:
  - Include/Reconcile: Oil, Gas, and Coal
  - More discussion required: Mining
  - Not reconciled: Geothermal, Renewables, Fisheries, Timber and Agriculture

### **III. Presentations and Key Discussion Points**

Ms. Karen Senhadji, Acting Designated Federal Officer for the Multi-Stakeholder Group Advisory Committee, thanked everyone for attending the meeting, and particularly her co-chairs Ms. Danielle Brian, Project on Government Oversight, and Ms. Veronika Kohler, National Mining Association for their outstanding work and assistance moving the process forward. She asked the meeting participants to introduce themselves. Ms. Senhadji reported that minutes from the May meeting of the U.S. EITI MSG were not yet available, and thanked everyone for their patience.

Ms. Senhadji informed the MSG of the status of the open call for nominations to replace the vacancy in the industry sector. The purpose of the open call was to solicit nominees and to create a roster of available individuals to replace vacancies going forward. She expected the vetting process to take a few weeks; the goal was to seat the new industry sector nominee by the July meeting of the MSG. She asked the MSG for their comments and questions.

Ms. Danielle Brian, Project on Government Oversight, asked what the process would be to reopen the nominations process. Ms. Senhadji responded that she would take recommendations

from the sectors. The Federal Register notice process requires at least thirty days for nominees. Ms. Senhadji also informed the MSG that the government sector notified tribes of the opportunity to participate and submit nominees for the government sector, as there were vacant seats in that sector. Ms. Veronica Slajer, North Star Group, asked that the MSG be notified of such outreach in future, so that they could assist with that engagement. Ms. Senhadji responded that a portion of the July MSG meeting would be devoted to tribal engagement.

#### **A. Legal Analysis on Revenue Disclosures**

Mr. Lance Wenger, Office of the Solicitor, Department of the Interior, provided the MSG with an overview of the different legal parameters, conditions, considerations and impediments to EITI implementation in the United States. He limited his discussion to federal mineral leases, federal lands, and the mineral revenue streams that come through the Department of the Interior; he did not discuss Native American leases or taxes. As part of the legal analysis, DOI considered the new EITI requirements released in May 2013, analyzed how materiality could be defined in a way that would meet the requirements of U.S. law, and analyzed what level of aggregation or disaggregation would be possible. They also analyzed what kind of information companies could voluntarily disclose.

Mr. Wenger and his colleagues at DOI discovered no major legal impediments to the publication by the government of aggregated payments at any of several different levels. The government could publish leases and other contracts and agreements because those documents only contained publicly available information. Mr. Wenger explained that the new EITI rules required the disclosure of contracts and other licenses and types of agreements and that there would be no legal impediment to government publication of that documentation.

The Trade Secrets Act would be the primary potential legal impediment to government publication of company information. Mr. Wenger added that it only prohibited publication causing competitive harm, which meant that at a sufficiently aggregated level, there would be no violation. The EITI's disaggregation requirement could be achieved in the U.S. by disaggregating different revenue streams. For example, at the multi-lease level the royalty stream, rental stream, stream of bonus bids and other such fees could be published. Lastly, Mr. Wenger and his team did not identify any federal statutory or regulatory requirements or impediments to a company voluntarily disclosing its own payment information to the government or to a third party reconciler.

The slides shown by Mr. Wenger for his presentation can be found at the following URL: <http://www.doi.gov/eiti/FACA/upload/SOL-Presentation.pdf>. The MSG responded to Mr. Wenger's presentation. *Responses from Mr. Wenger and other DOI officials are italicized.*

- Ms. Brian observed that the new EITI requirements required disclosure of production data. She asked Mr. Wenger whether it would be possible for the government to unilaterally disclose production data by project/lease. *Mr. Wenger responded that it could be published as long as that information would not cause competitive harm to a company.*
- Mr. Paul Bugala, Calvert Investments, asked whether unilateral disclosure was possible for production relative to all the commodities that had benefit streams to the DOI, including production under the purview of BLM and the Forest Service. *Mr. Wenger*

*answered affirmatively for mineral products, adding that if there were an instance where a product came from a single lease, further investigation would be needed to determine whether publishing would be in violation of the Trade Secrets Act. In response to a question from Mr. Bugala about whether the Report of Sales and Royalty Remittance Forms (Form 2014) could be published, Mr. Wenger responded that they would need to be rolled-up to the payor code. Even if the data was gathered annually and not monthly, a competitor or customer could ascertain information about prices.*

- *Mr. Greg Conrad, Interstate Mining Compact Commission, asked what implications Mr. Wenger's investigation had for state data. Mr. Wenger replied that the states were not considered; the Trade Secrets Act only applies to the federal government. Mr. Wenger responded to questions from Mr. Peter Tolsdorf, American Petroleum Institute, and Ms. Kohler about the relation of this analysis to the SEC, and he explained that whether or not a company was subject to the Securities and Exchange Commission (SEC), all companies' data required equal protection. He added that should the MSG wish to define the term 'multi-lease project,' it would require some discussion as the SEC has not defined a 'project.' Generally, the publication of multi-lease project data would not cause a Trade Secrets Act violation, but there could be a rare instance where an individual analysis would need to be completed.*
- *Mr. Jim Roman, ConocoPhillips, asked how a reconciliation process could operate without a standardized definition of a 'project.' Mr. Wenger responded that it would be difficult, as the SEC allowed entities the flexibility to choose different ways of defining 'project.' Ms. Morse asked that it be noted that the SEC has given clear guidance linking projects to the contracts and legal agreements that establish the terms of payments to governments. She added that the EITI rules cited the European definition of 'project' and recommended project reporting which would offer an explicit proactive definition of projects at the lease, license or contract level.*

## **B. State Department Update on International EITI**

Ms. Marti Flachs, U.S. State Department, presented the MSG with an update on the International EITI, which had its global conference in May 2013. Before the presentation, Ms. Kohler thanked the State Department for organizing an event that allowed civil society and industry sector individuals to engage with the Australian multi-stakeholder group and share ideas about how the U.S. could best move forward and learn from their experiences.

Ms. Flachs shared that the United Kingdom and France would be implementing EITI domestically, an important development. She stated that the most important activity of the conference was the approval of new EITI rules that would affect the U.S. Candidacy Application. Ms. Flachs added that while the timeline had not been confirmed, it was very likely that the rules would take effect immediately, and affect countries applying for candidacy in 2013. She shared that a proposal was in progress to allow countries applying for candidacy in 2013 to be given additional time (six months per stage) for their implementation because the rules changed midway through these countries' processes. Ms. Flachs stated that the timeline for the implementation of new rules should be shared with the U.S. MSG before their next meeting in October 2013.

Ms. Flachs explained that the new rules were established as the result of an internal evaluation that looked at the impact of the International EITI on the overall transparency and accountability of implementing countries. The rules also reflected the diverse group of countries in the process of joining the EITI. She added that the board was hoping to increase both impact and flexibility, which was challenging to do simultaneously.

Ms. Flachs provided an overview of the most pertinent new rules, adding that most of the rule changes are quite helpful.

- The sign-up requirements remained the same, but were reorganized.
- The rules regarding Terms of Reference changed, but DOI considered these new rules when the U.S. MSG was developing and approving its terms.
- The deadline for the first report and validation report was advanced by 6 months (1.5 years for the first report and 2.5 years for the validation report).
- The International EITI could authorize countries in their candidacy application to request adapted implementation of certain rules under exceptional circumstances. 'Exceptional circumstances' was not defined. If a country's ability to implement the EITI program required great financial or legislative change, for example, that could be considered an exceptional circumstance. Ms. Flachs noted that the U.S. could need adapted implementation for sub-national reporting; if so, that request should be included in the candidacy application.
- Reports must be made on time, and a country's reconciliation report must include data from within the past two years.
- There is a 5-year time limit on candidacy status.
- The MSG must agree on the accounting; all data from different sources must be aligned.
- Background information is required as to a sector's legal framework, fiscal regime, and level of contribution to the economy.
- Production data is required at the macro level, meaning production volumes and value by commodity and, when relevant, by state. This is aggregate level reporting.
- Distribution of revenues is required at the macro level.
- Basic information about licenses is required, including their purpose, duration, person(s) receiving the licenses, and the commodity being produced.
- Unless there are significant barriers to doing so, the government is required to provide aggregated information regarding the amount of total revenues received from benefit streams. This rule assists the International EITI Secretariat in understanding what percentage of all extractives revenues was represented by the reported data from each country.
- The independent administrator is identified by the MSG and has certain authorities and responsibilities.
- EITI reports must be comprehensible, actively promoted, publicly accessible, contribute to the public debate, and should be able to be manipulated.
- Validation occurs every three years by an independent company.
- Encouraged, but not required: information regarding how the government spends the revenue they receive from extractive industries.

- Encouraged, but not required: information about beneficial ownership, i.e. disclosure of the owners of a company that hold a particular license. This could be implemented as a requirement in the future, and was implemented to target nepotism and corruption.
- Encouraged, but not required: the disclosure of contracts and licenses that provide the terms attached to exploitation of oil, gas, and minerals.

The slides shown by Ms. Flachs for her presentation can be found at the following URL:  
<http://www.doi.gov/eiti/FACA/upload/EITI-STANDARD.pdf>.

The MSG responded to the presentation throughout with questions. *Responses from Ms. Flachs and other government officials are italicized.*

- Mr. Brent Roper, Rio Tinto, asked Ms. Flachs if the process for requesting adapted implementation was formal or informal and what timeline was required. *Ms. Flachs responded that the request for adapted implementation would be included in the candidacy application. The International Secretariat would read the application, followed by the candidacy committee of the EITI board, which would make a recommendation to the full board. The EITI board requests that candidacy applications be received two months before a board meeting to allow time for that process. Adapted implementation would then be approved as part of the candidacy application. If the U.S. MSG needs to ask for adapted implementation later in the process, the EITI board would consider requests on a case-by-case basis. Ms. Flachs stated that the Secretariat and board committees were diligent about communication with applicant countries if they perceived obstacles to approval. She noted that there would be many opportunities to formally and informally consult with the International EITI before the candidacy application would be submitted. Mr. Gould added that members of the Secretariat would be invited to future MSG meetings.*
- Ms. Rebecca Morse, Revenue Watch, asked for examples of instances when a country implementing EITI had confronted legal issues and solved them through the candidacy process. *Ms. Flachs responded that the most frequent example of legal issues within EITI countries was tax confidentiality. In Australia, where the relevant law could not be changed, the MSG crafted a creative solution involving a password-protected seal and a third-party. In some countries there had been issues with freedom of expression that would not apply in the U.S.*
- Ms. Morse also asked whether the production data required was from lands deemed material by the MSG, or all lands. *Ms. Flachs responded that the goal was to make that less complicated, and so the International EITI was looking for the volume generally produced by the country and by states.*

Ms. Flachs also shared information about new rules on sub-national payments. 'Sub-national payments' were deemed to be direct payments from companies to sub-national governments, and 'sub-national transfers' were deemed to be payments from the federal government to a state government. It was ruled by the EITI Board that if sub-national payments were deemed material, they should be included and reconciled in the reconciliation report. Sub-national transfers from extractive revenues are required to be disclosed.

- Ms. Brian inquired whether other countries with sub-national entities applied the same materiality standard at both the federal and sub-national level. *Ms. Flachs responded that not many EITI countries have engaged in sub-national reporting yet. In the U.S., each state would have to define its own materiality threshold.*

Ms. Flachs concluded by discussing the new rule that data should be disaggregated. She explained that data needed to be presented by individual company, government entity and revenue stream, and that reporting at project level was acceptable as long as it was consistent with SEC rules. Ms. Flachs cautioned that making project-level reporting happen would require significant thought.

- Mr. Bugala asked if the MSG was responsible for paying for the validator, or whether the International EITI was responsible for the expense. *Ms. Flachs responded that the MSG would pay for the reconciliation report, and the Secretariat or another entity would pay for the validation.*

### **C. Timeline for U.S. Candidacy Application**

Ms. Brian opened the discussion regarding the timeline for the U.S. to submit its candidacy application, and presented four timeline options, which can be found in part VII of this document. Ms. Brian explained that if the MSG submitted its candidacy application in 2013, it would have 2 years to complete its first report; if the application were submitted in 2014, the MSG would have 1.5 years to complete the first report. Ms. Brian strongly encouraged the MSG to commit to a timeline because the bulk of the difficult work would need to be completed in the window between the candidacy application being approved and the first report being due. The MSG responded with questions. *Responses from Ms. Brian and others are italicized.*

- Ms. Susan Ginsberg, Independent Petroleum Association of America, asked for clarification on when the MSG would complete the draft candidacy application and make it available to the public. *Ms. Brian responded that the dates would be determined by the MSG. Ms. Senhadji added that the subcommittee would create a draft candidacy application (underway) and then have a public comment period of 45-60 days. During that time tribal consultation, public outreach, public comment, and public listening sessions would occur, and Ms. Senhadji noted that she would prefer at least 2 months for that work. She believed it would take at least a month to make adjustments from the comment period. Mr. Levine and Mr. Senhadji discussed that it would be necessary for the MSG to vet the final, adjusted candidacy application.*

### **D. Additional Federal Revenues**

Mr. Gould introduced Ms. Meg Coleman from the U.S. Department of Energy's Energy Information Administration (EIA) to provide an overview of energy across the country.

#### EIA Presentation

Ms. Coleman introduced herself and explained that she was responsible for the Office of Oil, Gas, and Coal Supply Statistics' estimates for monthly and weekly oil production for the states and the federal offshore areas. Ms. Coleman shared that the EIA did not collect revenue data but did collect supply, consumption, and price data from extractive industries.

Ms. Coleman shared that combined petroleum, natural gas and coal make up over 80 percent of U.S. demand. She noted that four main sectors utilize that energy: electric power, transportation, industrial use, and residential and commercial. She explained that natural gas was more evenly divided between electric power, residential, commercial, and industrial uses. For coal, 92 percent was attributed to electric power and the rest to industrial. Ms. Coleman stated that U.S. domestic supplies provide over 50 percent of the U.S. demand for petroleum, 94 percent of natural gas and more than 100 percent of coal (coal was a U.S. export). She then outlined the number of active companies and producing wells in the U.S.

Ms. Coleman added that the U.S. is the third largest oil producer, with the most oil coming from 31 states and offshore areas. Horizontal drilling and hydraulic fracturing were contributing to increases (a doubling or tripling of production) in both oil and gas, particularly in states such as Oklahoma, New Mexico, Wyoming, Colorado and Utah.

The slides shown by Ms. Coleman for her presentation can be found at the following URL: [http://www.doi.gov/eiti/FACA/upload/USEITI\\_6\\_10\\_2013.pdf](http://www.doi.gov/eiti/FACA/upload/USEITI_6_10_2013.pdf). The MSG responded to the presentation with questions. *Responses from Ms. Coleman and others are italicized.*

- Ms. Brian asked for more information on the source of the production data. *Ms. Coleman responded that information on oil is gathered from state oil and gas commissions. How the states provide information (aggregated, by company, or by project) varied from state to state. The EIA is working with the Groundwater Protection Council to aggregate state data for the EIA, and to make the collection of data more efficient.*
- Mr. Romig commented that there was less transparency of EIA data, and that data was less available on the website. *Ms. Coleman responded that there was a desire to be more transparent in sharing oil and gas data. Mr. Baer added that there had always been a two-year period between the Annual Energy Outlook and the publication of data at the EIA. Mr. Romig disagreed. Ms. Senhadji recommended that Mr. Romig return with detailed information as to the differences between previous and current publications so that it could be more fully addressed, and added that sequestration could have affected the EIA.*

➤ **Action Item: Mr. Romig will provide the MSG with information regarding how the publication of data at the EIA has changed over time.**

#### ONRR Presentation

Mr. Greg Gould, Director, Office of Natural Resources Revenue (ONRR), provided a high-level overview of both ONRR and DOI extractive revenue collections. He informed the MSG that 90 percent of the revenue that ONRR collected from federal land came from natural gas and oil, 8 percent from coal, and 2 percent from other products. The other products included royalties from sulfur, salt, and other small minerals as well as rents and bonuses. ONRR's FY 2012 federal revenue collections totaled \$11.3 billion; approximately 90 percent of those extractive revenue collections resulted from 90 payors. Extractive revenue collections from other DOI bureaus and offices totaled \$316.1 Million for the Bureau of Land Management; \$250 Million for the Office

of Surface Mining; \$65.4 for the Bureau of Safety and Environmental Energy; and \$2.1 Million for the Bureau of Ocean Energy Management. Mr. Gould explained that the United States Geological Survey did not collect revenue, but did have estimates available as to the quantity, quality and distribution of undiscovered energy resources and what the possible value of those resources might be.

The slides shown by Mr. Gould for his presentation can be found at the following URL: <http://www.doi.gov/eiti/FACA/upload/ONRR-DOI-Revenues-Presentation-061013.pdf>. The MSG responded with comments. *Responses from Mr. Gould and others are italicized.*

- Mr. Roman asked what percentage of total government receipts were represented by the \$11.3 billion in revenue collected by ONRR. *Mr. Gould estimated approximately 2 percent. Mr. Ross added that in order to get an accurate picture of how extractive industries contribute to the national budget, the taxes paid by extractive companies would need to be considered. Mr. Gould agreed.*

#### BLM Presentation: Mineral Estate

Mr. Mitchell Leverette, Bureau of Land Management (BLM) Solid Minerals Division, provided an overview of the bureau's program authority and processes governing BLM's management of lands, including over 700 million acres of subsurface minerals. He provided a high-level overview of mining law, coal leasing, non-energy leasables, and mineral materials at the BLM.

- *Mining Law* - Mr. Leverette noted that the Mining Law of 1872 as Amended covered most metallic mineral deposits and certain nonmetallic and industrial minerals, allowing US citizens and corporations to explore for, discover, and purchase mineral rights on Federal lands open for mineral entry. In accordance with the Law, fees were paid for mining claims, but not royalties for minerals. Mr. Leverette explained the three levels of activity on the ground: casual use, notice, and plan of operations. Reclamation bonds were required for notices and plans, and BLM and others hold \$2.2 billion in bonds. In 2012 BLM collected \$64 million in location and maintenance mining claim fees; \$29.7 million was appropriated back to BLM for program management, and the remaining went into the Treasury General Fund. As of 2012 there were 406,000 active mining claims on BLM and Forest Service lands. Since 1995, there has been a moratorium on the receipt and processing of mineral patent applications.
- *Coal Leasing Program* - Mr. Leverette explained the coal leasing program, including processes for applying for an exploration permit and license, and leasing. Authority for coal leasing was granted by the Mineral Leasing Act of 1920, the Federal Coal Leasing Amendments Act of 1976 and the Surface Mining Control and Reclamation Act (SMCRA) of 1977. In FY 2012, the amount of federal coal leased was approximately the same as the amount mined.
- *Non-Energy Leasable Program* - Mr. Leverette also described the non-energy leasable program, authorized by the Mineral Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands of 1947, and Reorganization Plan No. 3 of 1946. The commodities for that program are sodium, potassium, phosphate, potash, soda ash, and others. In addition, some "hard rock" minerals on acquired lands do not fall under the Mining Law category, but fall into this "non-energy leasable" category. In FY 2012 BLM managed

over 491 leases with \$100 million in revenue, 50 percent of which is given to state, and 50 percent to the Treasury.

- *Mineral Materials Program* - Mr. Leverette concluded with an overview of the Mineral Material Program, authorized by the 1947 Materials Act as Amended. Commodities include sand and gravel, stone, rock, and pumice. Unlike the previous two programs, the royalty payments for the Mineral Materials Program were distributed with 4 percent to state, 20 percent to Treasury, and 76 percent to the reclamation fund; the state receives less revenue in this program than with non-energy leasables.

The slides shown by Mr. Leverette for his presentation can be found at the following URL: <http://www.doi.gov/eiti/FACA/upload/BLM-Solids-101-PowerPoint-abbreviated-EITI.pdf> The MSG responded to Mr. Leverette's presentation with questions. *Responses from Mr. Leverette and others are italicized.*

- Mr. Bugala requested information on the reclamation bond calculation process, and at what rate the bonds are redeemed. *Mr. Leverette responded that the rate was based on the BLM's cost estimate of what it would cost for a third-party to reclaim the site. The BLM has Memorandums of Understanding with states so that the bond can be utilized if needed. Mr. Bugala responded with an additional request for information concerning how royalty rates were calculated for hard rock minerals on leasable land.*
  - Ms. Sherman asked for more information regarding how market value was calculated. *Mr. Leverette responded that an appraiser considered many sources such as COALdat and Global Insight, and previous sales in close proximity.*
  - Ms. Brian asked for clarification on the term 'claim' and how much land it represented. *Mr. Leverette responded that a lode claim would be generally 20 acres, and a placer claim could be as much as 160 acres - it would depend on the claim. A claim is the right to claim that land for a period of time. Ms. Brian thanked Mr. Leverette, and also inquired if there was a relationship between revenue collected and the value of production for commodities other than coal. Mr. Leverette responded that non-energy leasables had that relationship as well. For mineral materials an appraisal would be done. Mr. Leverette emphasized that BLM determined royalty, and ONRR determined valuation. Ms. Brian lastly asked Mr. Leverette for assistance in developing a list of hard rock minerals. Mr. Leverette offered to provide lists of what commodities were included in each BLM program.*
  - Ms. Kohler asked what commodities fell under the locatable minerals program. *Mr. Leverette responded that gypsum, lithium, uncommon clays like bentonite, special use stone and other metallic minerals were included.*
  - Mr. Bugala inquired whether the BLM had production information related to the minerals included in the Mining Law of 1872. *Mr. Leverette responded that since BLM does not collect the royalty, they do not track production. Ms. Coleman detailed how production was estimated. At the USGS, there is a probabilistic approach to undiscovered resources, with geologic information and extrapolation; the EIA works to determine economic reserves.*
- **Action Item: Mr. Leverette will provide the MSG with a list of hard rock mineral commodities, and categorize them by BLM program.**

### BLM Presentation: Oil and Gas

Steven Wells, Chief, Bureau of Land Management's (BLM) Division of Fluid Minerals, DOI, presented an overview of the BLM's oil and gas program—from land use planning through leasing, permitting and development, and ultimately, to final reclamation. The BLM oil and gas program is funded at \$125 million annually and generates \$2.7 billion in royalties, \$245 million in bonuses, and \$47 million in rentals; The program achieves a 24:1 return on its appropriation by Congress. The BLM accounts for 6% of domestically produced oil and 13% of domestically produced natural gas. BLM's oil and gas program has leases in 34 states. In addition to managing surface lands, BLM is also responsible for all federal minerals – approximately 440 million acres of mineral estate—where the surface is managed by other federal agencies, states, or private surface owners. BLM manages 58 million acres of split estate, non-Federal surface over Federal minerals.

Mr. Wells explained that all leases begin with an ownership map, which is used to build land use plans. There is a very public process of bringing a lease or drilling permit to market, and there are often protests. Three years ago BLM established Master Leasing Plans, an effort to front-load analysis and unencumber leases from protest. Beyond the language of the lease itself, lease stipulations protect the landscape and address protests and appeals. The lease sale process begins with BLM conducting an interdisciplinary environmental review of nominated parcels, providing opportunities for public comment and protest. The BLM State Offices conduct quarterly lease sales, and parcels are offered through competitive, oral auctions with bidding starting at \$2/acre. Mr. Wells commented on the permit fees paid by industry, and the analysis needed to approve drilling permits.

Mr. Wells also explained that the BLM captures its best practices. The goal of the best practices is to reduce overall costs and have better reclamation of each site. Lastly, Mr. Wells gave an overview of the inspection work of the division, which is one-third of its work and is based on a risk-based strategy.

The slides shown by Mr. Wells for his presentation can be found at the following URL:  
<http://www.doi.gov/eiti/FACA/upload/BLM-Oil-and-Gas-Overview-USEITI-Stakeholder-Outreach-June-10-2013.pdf>

### Treasury Presentation

Mr. Curtis Carlson, Acting Director, Business Revenue Division, Office of Tax Analysis provided a scenario for voluntary reporting and reconciliation of Federal income taxes. Mr. Carlson reminded the MSG that the IRS did not have the authority to unilaterally disclose tax information. However, the IRS could release tax information to a third party designated by the taxpayer. Mr. Carlson suggested that corporations meeting the materiality threshold could request that the IRS release the total amount of their federal income tax payments made each tax year to a third party reconciler. If this occurred, the reconciliation for consolidated groups could be very difficult. Due to differing rules, the financial reporting and tax reporting for what appeared to be the same firm could be very different. Income taxes for consolidated groups would include taxes for activities completely unrelated to minerals, and the different sources of income could not be differentiated.

Mr. Carlson noted that many very large firms did not pay income tax, as the income and deductions passed through to the individuals. In order to reconcile tax payments those individuals' tax returns would be needed, and their tax liability would be dependent upon all their sources of income, not just their income from oil and gas. Mr. Carlson also emphasized that any reporting mechanism would have to be appropriately structured to provide consistent entity-level reporting for both income taxes and non-tax payments such as royalties. He concluded that the payor codes provided by ONRR would need to be mapped into the consolidated tax return in order to learn how much each entity paid in taxes, royalties, etc.

The slides shown by Mr. Carlson for his presentation can be found at the following URL:

<http://www.doi.gov/eiti/FACA/upload/USEITI-June-12-2013-to-DOI.pdf>

The MSG responded with their comments. *Responses from Mr. Carlson and others are italicized.*

- Ms. Ginsburg asked how income taxes affected extractive industries in other countries implementing EITI. *Ms. Flachs responded that in many countries implementing EITI the companies were headquartered abroad. The companies were only in that country because of extractive industry, so it was easier to connect the company's tax revenues to extractives. Mr. Harrington supported Ms. Flachs' statement. Mr. Carlson added that the industry classifications he shared at the May meeting of the U.S. MSG were based on North American industry classification codes, self-identified by the taxpayer. As the codes are self-identified, it could be difficult to distinguish the percentage of the company that is oil and gas, and the percentage that is 'other.'*
- Ms. Rogers asked for clarification between SEC booked taxes and what the Treasury collected. *Mr. Carlson responded that the SEC was aiming to tax the economic profits for the individuals who might be investing in that firm. The Treasury aims to uncover the tax liability of that company, which may differ from economic profitability in any given year. Ms. Rogers expressed concern that the difference be better understood. Mr. Carlson will provide specific information and examples explaining the difference between SEC and Treasury taxes at the next meeting of the MSG.*
- Mr. Levine asked Mr. Carlson whether he believed voluntary disclosures of tax returns would yield useful information that would serve the implementation of EITI. Additionally, he asked the MSG whether there was information from the companies that would be useful. *Mr. Carlson responded that because tax liability is determined for a company as a whole, it could be very difficult, especially with large companies, to find useful data within that bulk of information. Mr. Roper noted that while, with time and effort, useful data could be found in those tax returns, the allocations would differ from company to company, and would be difficult to compare. Representing Rio Tinto, Mr. Roper also expressed a concern that the sharing of this data would affect competitiveness. Mr. Harrington added that while it would be valuable to understand how extractive industries that meet the materiality threshold contribute to the various sources of revenue to the government. He did not believe, however, that it would be possible to tie that data back to individual production operations. Mr. Carlson noted that the Treasury continually audits large corporations.*

- Mr. Tysseling noted that attempting to incorporate state taxes into the discussion would be very difficult, as the scope of particular taxes varies from state to state. He also added that an attempt at reconciliation would require agreement at the outset about what kind of template of reporting would be used. Lastly, he suggested that multiple transparency compliance filings may be necessary for the industry so that it can be more easily reconciled.
- Ms. Brian established that Mr. Carlson's definition of a consolidated group was an IRS concept, but not an SEC concept. *Mr. Carlson agreed that SEC data could be utilized for public companies and the beneficial ownership. Mr. Roper added that while the consolidated tax return reflects operations in the U.S., the SEC financial statements would reflect Rio Tinto's efforts worldwide.*
- The discussion ended with Mr. Carlson, Mr. Roper, and Mr. Bugala determining the degree to which the U.S. could learn from other EITI countries, and how much the U.S. would need to start fresh with its approach.

➤ **Action Item: Mr. Carlson will provide specific information and examples explaining the difference between SEC and Treasury taxes at the next meeting of the MSG.**

#### **E. Timeline for U.S. Candidacy Application (Continued)**

Mr. Ross, speaking on behalf of the civil society sector, proposed a timeline to the MSG. The proposal was that the MSG have a goal of submitting the U.S. candidacy application by December 2013, but if public consultation needs and goals were not met, to submit the application in March 2014. Other members of the MSG responded to the timeline:

- Ms. Kohler commented that the industry sector agreed strongly with the proposal, with the understanding that the following two MSG meetings would be important to keeping the timeline.

➤ **Decision: The MSG agreed to a goal of submitting the United States Candidacy Application to the International EITI by December 2013. If public consultation needs and goals are not met, the MSG will submit the application in March 2014.**

#### **F. Scope and Materiality: Commodities**

Ms. Milner-Gillers, facilitator, began the discussion on commodities. Ms. Kohler introduced the matrix of commodities and revenue streams to be included, excluded, or discussed that was created at the May 2013 meeting. Ms. Milner-Gillers asked each sector to give their approach as well as a rationale for that approach. *Responses are italicized.*

- Government: Mr. Gould began by defining terms/categorizations (*terms in italics*). A *public source narrative* is information available from the government or a public source that would be useful as background information. *Unilateral disclosure* was defined as the government reporting out at either a company or a project level (if possible). When *reconciling the material*, both government and industry would report to a third party reconciler. *Legal analysis* covered any legal concerns, issues or perceived constraints, and Mr. Gould noted the column for *resources and feasibility*.

Mr. Gould stated on behalf of the government sector that oil, gas, and coal should be reconciled if material, as those commodities are the bulk of the federal government's revenues from extractive industries. Other leasable materials, locatable minerals and salable minerals should be unilaterally disclosed, as those commodities make up only 2 percent of the government's revenues from extractive industries. Mr. Gould added that geothermal and renewables should be represented with a publicly sourced narrative as there is not significant government revenue collected from those commodities. Fisheries, timber and agriculture should be excluded. *Ms. Kohler and Mr. Carlson emphasized the importance of a public source narrative for all commodities included to properly contextualize the data, and Mr. Gould agreed.*

- Civil Society: Ms. Brian stated on behalf of civil society that oil, gas and coal should be reconciled if material. She added that other leasable minerals, locatable minerals and salable minerals that are material should be reconciled. Ms. Brian noted that the small revenues of those commodities could affect their materiality, and so the civil society sector wished to keep those reconciled for the time being. Ms. Brian added that the government should unilaterally disclose geothermal, renewables, timber and fisheries in order to contribute information into the public discourse. Agriculture could be excluded.
- Industry: Ms. Kohler stated on behalf of the industry sector that oil, gas and coal should be reconciled. Leasable minerals, locatable minerals and salable minerals should be unilaterally disclosed, have a public source narrative, or both. Ms. Kohler added that it would not be cost-effective to reconcile those commodities, but that they are an important part of the extractive industry that should be included in the narrative or unilateral disclosure. Ms. Kohler concluded by stating that for the remaining geothermal, renewables, timber, fisheries and agriculture, industry did not feel it had the right to make a decision without representation of those industries in the room, and deferred to the MSG or to the opinions of the other sectors. *Mr. Harrington added that geothermal and renewables could be helpful in putting together a high-level context discussion around the state of energy in the U.S., but that material descriptions of those industries would not be the best choice.*

Ms. Milner-Gillers reminded the MSG that the goal was to reach consensus, and she began discussion of areas where there was some alignment.

The MSG discussed how mineral mining payments should be included. Mr. Bugala noted that EITI requirement #4 states that production of comprehensive EITI reports should include full government disclosure of extractive industries revenues and disclosure of all material payments to government by oil, gas, and mining companies. He emphasized that mining was part of that requirement. Mr. Bugala also stated that 26 out of the 32 countries that have submitted reports to the EITI have included mining. He concluded by emphasizing that the EITI defined a revenue stream as material if its omission or misstatement could materially affect the final EITI report. Given that the United States production of copper, gold, and silver is a large part of the U.S. and global economy, he stated that including material mining payments would be important. Ms. Kohler commented that she viewed the EITI statement as guidance, and that question was not whether mining was being omitted, but how it was being included in the framework. She noted

that the United States was not a mineral rich country in the same way that other EITI countries are. Mr. Carlson added that if mineral payments were given unilateral disclosure, there would be information shared at the most disaggregated level, which would be a very detailed picture of the sector.

Mr. Romig posited that any commodity that had a payment or project above the agreed materiality threshold should be reported regardless of the type of commodity. Categorical exclusion from reconciliation then, should not be part of the discussion. Mr. Levine added that material payments would be reconciled, and everything else that was not material would be unilaterally disclosed, so the question of whether to reconcile mining payments could be answered by the materiality conversation. Mr. Bugala requested that the MSG be cognizant of the questions they would have to answer from the International EITI should they decide to exclude mining. Ms. Brian noted that commodities like gold were not a major part of the revenue of the U.S., but when U.S. production of those commodities was compared with that of the rest of the world, the U.S. production was material. Mr. Flannigan noted that minerals were being categorized together, when each one was distinctive. Mr. Gould noted that materiality should only be considered within the United States, not globally, and added that the government had articulated that it would unilaterally disclose the mineral mining payments because they made an assumption that those commodities would not reach the materiality threshold. Ms. Kohler added that if mineral mining payments were included as material, it would be making a statement that a commodity that provided less than 1 percent of 1 percent of revenue for the United States was material, which would neither be cost-effective nor realistic.

Mr. Bugala added further information to the discussion of whether reconciling mineral mining payment data would be cumbersome. The disclosures that would be reconciled and required would already be made under the Dodd-Frank Act or EU regulations, and would not be a new exercise. Mr. Bugala emphasized the need for a clear materiality analysis, and that the decision would likely be closely scrutinized internationally. Mr. Flannigan requested that the MSG clarify whether the question was to exclude mineral mining, or whether the question was how to include mineral mining (reconciliation or unilateral disclosure). He urged the MSG to categorize mineral mining in unilateral disclosure until the materiality conversation.

Mr. Carlson clarified that adapted implementation would not be needed if a commodity was determined to be immaterial. Adapted implementation occurs when a commodity is agreed to be material and then excluded. Mr. Carlson added that Dodd-Frank 1504 could not be utilized for reconciliation. Ms. Kohler underscored the importance of the narrative portions of the report, and that they had great value to public understanding. She stated that the discussion was not about exclusions, but about framing the most successful fit for implementing EITI in the United States.

- **Decision: The MSG made preliminary decisions about which types of commodities should be included in the scope of US EITI:**
- **Include/Reconcile: Oil, Gas, and Coal**
  - **More discussion required: Mining**
  - **Not reconciled: Geothermal, Renewables, Fisheries, Timber and Agriculture**

## **G. Day One Conclusions**

Ms. Milner-Gillers asked the MSG what additional information they needed to move forward.

Tax Information - Ms. Sherman requested information on the tax reporting of the 32 countries implementing EITI to be used as an example. Mr. Gould responded that as it was different in every country, the Secretariat would encourage the U.S. to discuss it within the MSG. However, both Mr. Gould and Mr. Carlson echoed that more in-depth information from the Secretariat would be useful.

Clarification on Mineral Mining Data - Ms. Brian asked, if data was available for geothermal and renewables, why it would be an option to exclude unilateral disclosure. Mr. Gould explained that while data was available, disaggregating to the company or project level might not be possible in all of the areas across the country. Ms. Brian responded that her sector had the impression that data was more easily available. Ms. Kohler reminded the MSG that many countries had difficulty becoming EITI compliant because they could not execute the scope they envisioned, and did not start out gradually.

Ms. Milner-Gillers announced the agenda for the following day together with Ms. Senhadji. She encouraged the MSG to discuss materiality concretely in their caucus meetings. Ms. Suh recommended that the group conversation begin with materiality and then return to commodities.

- **Action Item: Mr. Gould and Mr. Carlson will acquire more information from the International Secretariat regarding how taxes are reported in the 32 countries implementing EITI.**

## **H. Defining Materiality and a Materiality Threshold for Reconciliation Reporting**

To begin Day 2, after an introduction by Ms. Suh, Mr. Gould summarized a packet of data provided by DOI to the MSG members. Mr. Gould explained that one approach to defining materiality that the government is contemplating is to consider the percentages of overall revenue that a given company provides to the government within a sector as opposed to setting fixed thresholds of X million dollars in payments from a company. This is significant because a small number of companies, maybe 40 or 50, make up 80 to 85 percent of the revenues collected by DOI. Thus, focusing on companies that pay at the greatest scale would yield an appropriate balance between appropriate coverage of revenues collected by the federal government and making sure that the data is manageable. In addition to these companies disclosing payment information for reconciliation, the federal government would unilaterally disclose as much information about payment data as it legally can. This disclosure can be at the company level, or at the project level, as the MSG decides and once the MSG defines what constitutes a 'project.'

In response to Mr. Gould's comments, Mr. Roman asked about the percentage of ONRR revenue collected from other minerals and geothermal and what that percentage is of total federal fiscal revenues. Mr. Gould responded that 0.11% of total federal extractives revenue is derived from DOI collections on geothermal extraction.

Ms. Kohler stated that the industry sector generally agrees with the government's perspective on materiality and that, specifically, capturing 80 percent of extractive industry revenue across the

board would be a successful framework for reconciled data. In addition to this reconciled data, the industry sector would also be supportive of a broad range of unilateral disclosure and public reporting so that the public can better understand what extractive industries provide for the United States. Mr. Wilkinson added that keeping the number of companies that are asked to disclose reconcilable data limited to larger companies would likely improve compliance rates. Mr. Reynolds added that the 80% figure would include parent companies, whom would also report on their subsidiaries, thereby putting the effective reporting rate higher than 80%.

Mr. Gould responded that the government sector agrees with the industry sector's general approach, and would support 85% of revenues being reconciled and is also cognizant that reporting can be an iterative process such that the threshold evolves over time.

Mr. LeVine and Ms. Brian, representing the civil society sector, stated that the CSO's goal is to create a process that works and that creates a good precedent for other countries that follow the U.S. Civil society is not interested in creating a process that is more expensive than it should be. The civil society sector thought about materiality as having three components: first, an annual payment threshold of \$1 million; second, individual payments to the government in quantities over \$100,000; and third, thinking further about differentiating materiality standards between different industries based on industry size. The unilateral disclosure proposed by the government is also very promising and would be very important as is the proposal by industry to have parent companies report on their subsidiaries.

MSG members discussed the feasibility and practicality of having approximately 60 or 80 unique entities reporting revenues for reconciliation (as per the industry and government materiality thresholds) versus having approximately 350 reporting entities (as per the civil society reporting threshold). Participants noted that it might be more difficult for some of the smaller companies to participate in reporting. Some also noted that, with unilateral disclosure by ONRR, all of the payment information included in a reconciled report would already be publicly available. Some participants stated that, while it would take more effort to include more companies, it is not clear how much more work it would actually require. Having this information, especially in terms of the marginal cost of greater participation, would be critical to making a decision. Mr. LeVine posited that including a wider range of commodities and companies in reporting would set an important example internationally. Representatives of the civil society sector expressed concern that including only the largest payers would exclude most disclosure on hard rock mining, which is economically very important in many communities and that represents a smaller portion of government revenues in part because the federal government disproportionately collects greater rents and royalties from oil and gas development.

Mr. Roper noted that the International EITI's guidance on materiality emphasizes the size of the revenue streams relative to total revenues. Mr. Gould and Ms. Flachs stated that the marginal cost and effort of increasing the number of payers that are subject to reconciliation from 30 to 40 payers would be incremental, but that increasing the number of payers by an order of magnitude, from 30 to 300 payers, would make a significant difference in cost and effort. Collectively, participants noted that the factors to consider in creating a materiality threshold include: having meaningful coverage, high compliance, likelihood of successful implementation, a defensible rationale, setting a positive example internationally, and cost effectiveness.

Mr. Bugala and Ms. Flachs noted that, among EITI countries, there is significant variation in the number of payers that are included in reconciliation on reporting. Each country sets a materiality threshold depending on the sectors included, the sizes of the sectors, the sizes of the companies, and in terms of the percentage of revenues that the country is trying to capture. Assuming that a materiality standard is justifiable and accepted by the EITI International Board, the validator will consider the level of compliance with the defined standard. As such, it is important that the MSG set a materiality standard that it believes can achieve a high level of compliance. Ms. Kohler expressed agreement with Ms. Flachs' statements about compliance and suggested that the largest extractives companies would be the most likely to have the experience with the types of reporting requirements contained in EITI and be willing to participate. Mr. Denning added that reporting data to EITI will involve a cost to companies and so the MSG will have to be able to make a compelling argument to each company as to why it should voluntarily participate in reporting, which will be challenging. Various participants noted that the MSG would have to work to create a compelling case for voluntary disclosure by companies. Ms. Morse suggested that companies could be incentivized to participate in EITI by DOI, perhaps by excluding non-participating companies from certain bidding processes.

A number of participants requested that DOI provide information about how many, and which, companies would be considered large-capitalization companies versus mid-capitalization companies in order to better understand how many companies should be included in the US EITI materiality threshold. In response to questions from civil society representatives about the number of companies that are likely to participate in voluntary reporting, Mr. Harrington explained that there are maybe a dozen of the largest companies that tend to participate in public policy issues, many of which are represented on the MSG, but that beyond those, industry representatives would need to conduct outreach to companies to gauge levels of interest.

Mr. Reynolds and Ms. Flachs suggested that the MSG begin with a materiality threshold at which it is confident it can achieve close to 100% compliance and, assuming that this is successful, the threshold could be expanded over time, even between the first and second years of filing reports. Mr. Ross noted that US EITI could have a definition for materiality that is distinct from its materiality threshold and suggested that the definition could be more broadly encompassing than the threshold would be, thereby highlighting the importance of extractive industries in the United States economically and socially. A number of industry sector and government representatives emphasized that all of the data contained in reconciliation, and more, would be released by the federal government through unilateral disclosure, thereby making the information available to the public, and that individual states could also opt in to participate in EITI and could set different materiality thresholds that would include more hard rock mining, for example.

After lunch, the civil society sector presented a straw-dog definition of materiality and a context for the definition. Members of the sector reiterated that the definition was intended to present a more broadly encompassing perspective on how US EITI views the importance of the extractives sectors in the United States and then present an accompanying materiality threshold for which payers would be included in reconciliation reporting. Mr. Harrington expressed his support for the effort by the civil society sector to define materiality broadly in order to reflect the sector's

importance, but also expressed a concern that the Secretariat could hold US EITI to conduct reconciliation at the higher standard set by the definition, and not the narrower materiality threshold. He suggested that the MSG could retain the language of the straw-dog definition created by the civil society sector but could substitute out the word ‘materiality’ for other, synonymous words. Mr. Bugala responded that the definition of ‘materiality’ in the context of EITI would also set a precedent within the broader U.S. federal context, and therefore he would be concerned about removing the word ‘materiality’ from the definition.

Representatives from the government and industry sectors also articulated their respective definitions of materiality and explained the context of their discussions. Both sectors spoke about the importance of US EITI’s unilateral reporting as a comprehensive disclosure of all of the extractives revenue that is collected by the federal government and about having data reported for reconciliation be both meaningful and manageable. Both the government and industry sectors suggested a materiality threshold of 85% of revenues for payment data that is reported by both government and industry payers and is independently reconciled. The government sector also noted that it would like to add language about the possibility of states opting into the EITI process.

Speaking on behalf of the civil society sector, Mr. Romig stated that civil society would like to explore the possibility of having a higher materiality threshold for reconciliation, one that includes perhaps 90% or 95% of revenues paid by the extractives industry to ONRR. He noted that a 90% threshold would increase the number of companies covered by the reconciliation reporting by 50% over the 85% threshold proposed by the government and industry sectors, and that a 95% threshold would double the number of companies covered by the reconciliation over the 85% threshold option. Therefore, while more companies would be included, the increase would not be by the order of magnitude that would significantly increase costs, as was discussed earlier in the day. Mr. Romig asked for responses from the government and industry sectors as to whether the 90% and 95% thresholds would be feasible. He also added that the civil society sector was proposing including the top ten companies, by revenue (the method of calculating such revenue would have to be defined) of each locatable material in reconciliation reporting.

Responding to Mr. Romig’s suggestions and question, Mr. Gould responded by noting that, under unilateral disclosure, close to 100% of federal extractives revenues that are collected by DOI would be reported. In addition, he noted that each additional company that is added for voluntary reconciliation reporting increases the risk of noncompliance and that many EITI countries actually started with a much smaller number of companies included in reconciliation and that those numbers have grown over time as more companies have voluntarily signed up to participate. He reiterated the importance of starting the US EITI program with a manageable number of companies providing data for reconciliation and, based on initial success, expanding the program over time. Mr. Carlson added that, by expanding the voluntary reporting threshold to 90% or 95% of revenues, US EITI would be pulling in companies that are privately held and it may be more difficult to secure cooperation from these companies. Mr. Brian pointed out that there are privately-held companies even within the largest 20 oil and gas companies and that the risk of noncompliance is not necessarily linked to this factor. Mr. Harrington requested that DOI determine how many companies would be included in reporting at the 85%, 90%, and 95% of

federal revenues levels, respectively, and then the MSG could have a more informed discussion about setting a materiality threshold.

Different parties suggested different frames for appropriately defining a materiality threshold:

- Mr. Gould suggested that definition of a materiality threshold should be driven by consideration of “the right amount of revenue” that is being covered, since EITI is a revenue program.
- Mr. LeVine suggested that another driver is the appropriate number of companies that should be asked to participate.
- Ms. Suh encouraged participants to focus on the meaning and purpose of EITI as opposed to focusing on percentages of revenues and the number of companies. She emphasized that unilateral disclosure of revenue information by the Department of Interior would make a very significant difference in transparency and accessibility of information to the public and that, in many ways, the exact nature of participation in reconciliation is secondary to that.

Ms. Brian asked Mr. Gould to further explain the data that would be subject to independent reconciliation (at whatever reporting threshold the MSG eventually sets). Mr. Gould began by reiterating that ONRR would unilaterally disclose 100% of the data that it is legally allowed to disclose. Mr. Gould and Mr. Carlson then explained that, at whatever materiality threshold the MSG sets, payers would report rents, royalties, bonuses, and fees and also consolidated federal income tax returns to an independent reconciler. In response to expressions of concern by industry sector representatives that the MSG had not yet agreed to include corporate income tax reporting in the reconciliation process, Mr. Gould noted that reconciliation of tax payments is a key tenant of EITI reporting, as defined by the Secretariat, and would therefore need to be included in the US EITI program.

In response to questions, Mr. Gould proceeded to provide further detail to MSG members about the nature and significance of DOI’s planned unilateral disclosure. At present, ONRR discloses revenue information at a very high, aggregated level. Under the planned unilateral disclosure, DOI would report out at a company level, providing information about annual payments made to the government for all of the products for which the government receives revenue (as long as such disclosure is legal – if there is only one payer for a product, disclosure may not be legal). Mr. Gould also noted that all of the revenue that DOI collects is reviewed through rigorous data-checking and, as warranted, an auditing process. In response to a question from Ms. Rogers about DOI’s presence on the Government Accountability Office’s high-risk list of government agencies, Mr. Gould and Ms. Suh explained that the GAO reports are released every two years and that, since the GAO’s previous report, DOI has implemented a very significant number of reforms, including the creation of ONRR, and has significantly improved on past performance.

In response to the encouragement by Ms. Suh to remember the larger context of EITI and the importance of the government’s unilateral disclosure, as well as Mr. Gould’s explanation of the unilateral disclosure, a number of civil society representatives emphasized that they understood and appreciated the significance of the government’s planned reporting. They also stated that the reason that they would like to include both a preamble to a materiality definition, as well as a definition itself, before actually getting to the materiality threshold that is reconciled, is because

they understand the importance of transparency in the extractives industries and understand the importance of defining materiality broadly. The civil society members noted that they are interested in crafting a robust, defensible justification for the materiality threshold, in addition to a materiality definition and statement that would accompany the threshold, and that is why they are pushing the MSG to consider different thresholds.

Ms. Kohler noted that the significance of the reconciliation threshold is much more significant, in terms of materiality and transparency and disclosure of revenues, in many countries other than the United States because their governments' record-keeping and institutional structures are not as robust. In contrast, US EITI will already be providing 100% disclosure and transparency of all DOI revenues through the government's unilateral disclosure, thereby reducing the primary significance of the reconciled revenues. Ms. Kohler added that she is in favor of having a uniform materiality threshold for all commodities as opposed to having a revenue-based threshold and also a threshold by which the top ten companies in each commodity are also subject to reconciliation. In response to Ms. Kohler's assertion that the Department of Interior's unilateral disclosure program would provide 100% disclosure, Ms. Brian disagreed by noting that unilateral disclosure only covers DOI revenues and does not include income taxes – which would be included in the reconcilable reporting. She also added that, while ONRR's operations are much improved compared to its predecessor agency, the Minerals Management Service, the government also collects smaller amounts of revenue on a number of commodities, such as locatable and saleable minerals, and members of the civil society sector do not believe that the government has very robust information on these commodities. This is why civil society is pushing for reconciliation of revenues from the top ten producers of each commodity.

Ms. Suh noted that there is actually a lot of overlap between what different parties are saying in terms of the importance of disclosure and transparency and that the percentages of revenues that the different parties are proposing are close. She suggested that the additional information that various parties are requesting in terms of the number of companies that would be included in reporting at different disclosure levels may help the parties come to an agreement. She also suggested that civil society's suggestion to include the different reporting thresholds implicates questions about the scope of EITI. Mr. Bugala agreed that there are grounds for agreement between the three sectors on questions of materiality but emphasized that the civil society sector is interested in incorporating context and qualitative considerations into materiality. There are various types of precedence for incorporating these elements into materiality, including SEC staff accounting guidance, Financial Accounting Standards Board's guidance and even Supreme Court case law. Mr. Roper acknowledged Mr. Bugala's point that materiality can be defined broadly but noted that the EITI International Secretariat has provided guidance that materiality should be defined around revenue streams and not in relation to production quantities or various qualitative measures.

Mr. Flannigan observed that he, and other industry sector members, may be sensing 'mission creep' in the push by civil society members to include qualitative aspects in materiality or to substitute production quantities for revenues; the mission of EITI is to focus on revenues, and it concerns industry when it sounds like the program is being pushed to include other elements that were not previously agreed upon. Mr. Ross responded to Mr. Flannigan by saying that he understood the latter's concern about mission creep, but that the purpose of the proposal to use

an alternative standard to include locatable and saleable minerals is driven by an effort to faithfully meet the intentions of EITI. Mr. Ross noted that the Department of Interior collects significant revenues from fuel-based extractives such as oil, natural gas, and coal, but that most revenue collection on other minerals is conducted by sub-national entities (especially states). As such, if a large company with significant activity in the U.S., such as a gold-mining company, is not included in EITI reconciliation and tax reporting because it pays more significant revenues to states than to ONRR, the comprehensiveness of US EITI would be negatively impacted.

Mr. Tysseling responded that, while the civil society sector would like to include the top ten producers of locatable and saleable materials in the scope of US EITI, since much of the revenue data is not reflected at the federal level for these commodities, the scope of US EITI would expand to production data and the top ten companies by production would be included in reconcilable disclosure. However, since most of the revenue for these commodities is collected by the states, not the federal government, and states have not yet agreed to participate in US EITI, the independent reconciler may not actually be able to conduct reconciliation because the states have not provided their revenue data. Mr. Tysseling advocated for limiting the scope of US EITI to data that the program actually can control and, in the future, once states opt in to participate in the program, the scope could be expanded. Mr. Roper suggested that, if the civil society sector's interest in including the top ten producers of locatable and saleable minerals is primarily to encourage reporting of income taxes, he would hope that the MSG is able to find a way to encourage this without subjecting firms to unnecessary reconciliation reporting – if the latter is not really the goal.

Ms. Kohler requested assistance from the civil society and government sectors in coming up with compelling arguments to encourage participation by companies in voluntary reporting for the EITI program. Having a compelling business case to make to companies would help with the question of where to set the materiality threshold and may make it easier to try to include more companies in voluntary reporting. Mr. Gould requested assistance from Ms. Kohler and the industry sector in providing him with compiled data that ONRR could then analyze to provide the MSG with the information that it requested.

Ms. Milner-Gillers, the facilitator, noted that the sectors are in general agreement that language articulating the importance of the government's unilateral disclosure as a key aspect of the description and/or definition of materiality.

- **Action Item: Civil society and government sectors will work with the industry sector to draft compelling arguments to encourage participation by companies in voluntary reporting for the EITI program.**
- **Action Item: ONRR, with assistance from the industry sector, will produce further information about how many companies would be implicated for reporting at different revenue thresholds (80%, 85%, 90%, 95%).**

## **I. Sub-national Revenue from States**

Mr. Greg Conrad and Mr. John Tysseling provided some comment about the reporting or sub-national revenue from states and about potential involvement by states in US EITI. Mr. Conrad noted that many of the issues that the MSG was discussing implicate state revenues and suggested that it would take significant effort to involve even a subset of the most relevant states due to issues such as compatibility, practicality, reconciliation and compliance, and threshold materiality levels. He stated that, while states clearly see the value of EITI in terms of its overall objective of transparency, the states are still not convinced what the value would be to them to actively participate in the EITI program. In particular, US EITI's data requirements in terms of quality, quantity, compatibility, and unilateral disclosure, would be a challenge for many states. Mr. Conrad reported that his agency, the Interstate Mining Compact Commission, has begun informing different levels of government in various states about EITI and the MSG's process and progress, and hopes to inform governors and their staff at the upcoming Western Governors Association meeting. He stated that the MSG's consideration of adapted implementation, which would allow states to opt into the EITI program over time, would allow them to see how the process works at the federal level and would encourage them to join in the future.

Mr. Conrad noted that it would be helpful if the civil society sector could provide more information about its areas of concern with regards to the completeness of federal data, particularly around locatable and saleable minerals. He also suggested that it would be helpful, in terms of securing state buy-in, for the MSG to begin articulating the commodities and threshold materiality reporting levels for state governments that the MSG would be seeking, acknowledging that the states will have to make these decisions themselves and that the decisions they make may be different from the decisions that the MSG makes for federal reporting. Mr. Conrad closed by noting that he and other members of the government sector who are working to collect data about state revenues are relying mostly on publicly-available data sources, although they hope to engage more states in this effort in the future.

Mr. Tysseling, echoing Mr. Conrad's comments, explained that while state officials who he has spoken with have expressed interest in EITI, most remain unclear about implications of EITI for them. He expressed appreciation for the work of the civil society sector in identifying available state-level data and agreed with that sector's conclusion that there is significant inconsistency in the availability of data at the state level. He noted that the compilation and presentation of state-level data for the draft candidacy application would largely consist of publicly available information. Questions about materiality for state-level reporting will have to be resolved in the future. Finally, Mr. Tysseling explained that, while most states would probably not refuse to provide requested revenue information to the MSG, requests for data that go beyond basic information, at this point, may raise red flags for states about the burden of future reporting and may turn them off from voluntary participation in EITI. It would be better to proceed slowly with the states and allow them to increase their involvement at their own pace.

Ms. Rebecca Morse presented information about the level of materiality of state level revenues. Ms. Morse highlighted the very significant levels of production on non-federal lands of various extractive resources, including oil, natural gas, coal, gold, copper, and iron ore. She noted the states where extraction of these resources is concentrated and emphasized that extraction in these

states surpasses production of any of these commodities on federal lands or under federal waters offshore. Ms. Morse continued by explaining that revenues from extractives industries can form a very significant portion of state budgets and highlighted the large percentage of state budget revenues provided by severance taxes on oil, natural gas, and coal in states such as Alaska, North Dakota, Wyoming, and others. She provided further detail about how West Virginia allocates the revenues collected from severance taxes, including the significant portion that is disbursed to counties and municipalities. Ms. Morse also noted that a number of companies are publicly disclosing payments that they make at both the state and county levels.

Ms. Morse noted that a number of other countries also face challenges related to subnational reporting; while countries such as Peru, Nigeria, and Mongolia do not face the same sub-national sovereignty issues that the United States faces, there is still a wide variety of fiscal regimes and other issues and differences in data quality at the sub-national level in these and other countries. Ms. Morse closed by asking that the MSG consider not only the challenges of sub-national reporting but also what is material at the sub-national level, particularly as the commodities and related payments at the state and local levels have an even greater impact on state and local budgets than they may at the federal level. The slides shown by Ms. Morse for her presentation can be found at the following URL:

Ms. Senhadji summarized the work of the subcommittee around the issue of subnational reporting. She recounted that the United States would be seeking adapted implementation in its EITI candidacy application for sub-national reporting due to the sovereignty of U.S. states. US EITI would nevertheless be able to provide valuable information about state-level data from publicly sourced information. Over time, US EITI would also continue to conduct outreach to the states and would provide them with the opportunity to opt into the federal process. Ms. Senhadji noted that the subcommittee had generally opted against creating separate MSGs or separate processes state-by-state in favor of, instead, following the same overarching US EITI federal processing with the same scope but potentially different materiality thresholds on a state-by-state basis.

In response to Ms. Senhadji's summary of the subcommittee's recommendation with regards to sub-national reporting, Mr. Bugala suggested that the MSG also incorporate data provided by companies at the sub-national level.

- **Action Item: Civil society will provide more information about its areas of concern with regards to the completeness of federal data, particularly around locatable and saleable minerals.**

## **J. Communication with Tribes, States, and the General Public**

Members of the MSG discussed possible communication structures and strategies. Ms. Slajer suggested that the MSG begin considering how it can engage with both states and tribes at every MSG meeting. She also suggested that the MSG consider creating a subcommittee on communication. MSG members discussed the pros and cons of members of each sector continuing to speak independently to their own constituencies and what would be an appropriate

time for the MSG to begin coordinating its messaging. A number of MSG members expressed interest in beginning to create a broader, shared communications strategy. Ms. Suh noted that DOI would need to work with its internal lawyers to clarify whether there are any rules or restrictions around public communication under the Federal Advisory Committee Act (FACA). She also suggested that she work with the sector co-chairs to discuss how the MSG should move forward with a communications strategy so that responsibility for it is shared.

MSG members also discussed specific outreach opportunities to engage tribes and states, such as meetings of the National Congress of American Indians, Western Governors Association, Southern Governors Association, State and Tribal Royalty Audit Committee, and Western Land Commissioners. In addition, MSG members discussed spreading the word about US EITI at, and inviting target groups to participate in meetings of, the associations in which MSG members already participate, such as annual meetings of trade associations in the extractives industries. Ms. Suh suggested that MSG members try to populate a master calendar of opportunities of this nature. MSG members also discussed the development of shared briefing materials so that members could speak from a shared script about EITI and about the progress of the process.

- **Action Item: DOI will consult with its lawyers to clarify whether there are any rules or restrictions around public communication under the Federal Advisory Committee Act (FACA).**
- **Action Item: Ms. Suh will work with the sector co-chairs to discuss how the MSG should move forward with a communications strategy so that responsibility for it is shared.**
- **Action Item: MSG members will populate a master calendar of opportunities for public outreach efforts.**

## V. Public Comment

There following are public comments made during this meeting:

- *Ms. Rebecca Morse, Revenue Watch.* Thanks. I'm actually an alternate on the advisory committee. Just to make a couple of points on materiality because we had that discussion today a little bit. One is that I had a conversation with the Secretariat, with Eddie Rich in the EITI Secretariat a few months ago on materiality and he made the point to me that many EITI implementing countries are considering non-financial issues when talking about materiality. So obviously there is a clear sort of investor definition of what materiality means and we all sort of have a concept of what that means. But I also don't think it's outlandish to think about issues that might not have to do with percentage contributing to federal government coffers when you talk about what we want to include in the report. Although obviously taking into account the very real considerations of cost and cost-benefit that we are all thinking about. The second thing is that when we're talking about these commodities we're talking about the payments that are remitted to ONRR and we aren't talking about income tax. But there are plenty of hard rock mining companies and other companies that pay large amounts in tax to the federal government. So, to add that too would be good.
- *Ms. Pamela Twiss, Ph.D., MSW,* I live and work in Pennsylvania. I'm an academic by training but I'm calling as a citizen. Much of my state, Pennsylvania, sits atop the

Marcellus shale. And the reason I was calling was I noticed from the notice regarding public comment that you would be discussing whether to include state and county revenue flows. And Pennsylvania is a state that has chosen not to have a state severance tax. But we do have a local impact fee that is assessed in part in relationship to the amount of drilling activity taking place in a locality. And the counties that are most dramatically affected by drilling are -- obviously this is a very important revenue stream for them. And so I wanted to call in and make sure that as you're discussing what to look at that the local level is not overlooked. Because that is a very important level for consideration. And if it's not included that very important revenue stream for my state will be lost.

- *Sharon Bell, University of Kentucky.* My name is Sharon Bell and I'm a Sociology professor at the University of Kentucky. My main area of research is the social-environmental impact of the extractive industry, particularly coal and natural gas. What I would like to know, and I haven't been on the call very long so I'm not exactly sure where you are in this process, but (telephonic interference) she told me you might be talking today about (telephonic interference) resource extraction in your initiative, so I want to speak to that. So in the case of coal mines, I'm asking for you to include upstream and downstream impacts, which looks at six factors.

In the case of coal mining for instance, there are tremendous environmental public health impacts on the local communities. So active coal mines have to be washed in order to clean out the harmful material, such as sulfur, it is crushed and then washed. And a huge amount of coal dust is generated in this process which affects communities nearby because these processing plants typically are very close to the coal mine sites, mountain top mines or sometimes underground mines. So there have been a number of communities such as Sylvester in southern West Virginia that have been completely covered in coal dust and the processing plants have done very little on their own in order to protect communities from the damage that this coal dust causes, public health impacts.

In addition to that, after crushed, it has to be cleaned and so cleaning the coal creates a huge amount of liquid coal waste which is called cold slurry or sludge and this liquid waste is highly toxic. It contains a host of heavy metals that are present in coal already and also carcinogenic chemicals used in the coal washing process. And this coal waste has to go somewhere and so it is stored in multi million or multi billion gallon impoundments on top of mountaintop or movable mines often situated above communities, small communities. Or else it's injected underground into abandoned coal mines. And then there have been numerous instances of breaches in these impoundments and also well water contamination from the underground impoundment injection sites, particularly in West Virginia and eastern Kentucky. And I've worked with a few of the communities in southern West Virginia that their well water has been contaminated with this toxic waste.

As part of my research I initiated a photo-voice project where I gave cameras to local people living in coal mining communities and the photo stories they created which were photographs and words are on a website if any of you want to view it. It's [wvphotovoice.org](http://wvphotovoice.org). And so I think that would be another way to bring in civil society's voice into this process by trying to bring in some of the voices of people who wouldn't know how to get on this phone call. I am an academic and of course I have different

resources and different knowledge about this, being able to communicate with you all. And there's a lot of people who don't. And so I would be willing to share more of that research with you all if you're interested. So I'll stop there.

- *Mary Hufford, Virginia Polytechnic Institute and State University (Virginia Tech).* My name is Mary Hufford and my affiliation is Virginia Tech where I'm a research scientist. I just wanted to thank you for the opportunity to participate in this process. I've been a scholar of Appalachian history and culture for about 30 years now and I grew up in the coalfields of western Pennsylvania and so I've been following the process with great interest on both fronts.

My concern today is with how the program you craft will optimize our capacity to track the flow of revenues and commodities to and from localities most affected by extractive industries. I suppose this is another way of saying upstream and downstream. Communities living in the coal fields are often unincorporated and governed at the county level, so tracking revenue flows only to the state level won't give us the information we need to determine how and whether communities at sites of extraction are benefitting from the revenue flowing into the states.

So I'm hoping that you will incorporate county level revenues. And just to illustrate, I call your attention to an article that came out in this week's Lexington Herald- Leader on the State of Kentucky's use of -- or designation of \$2.5 million of coal severance tax money to renovate the University of Kentucky's Rupp Arena in Lexington, a city that is not in the coal fields.

Okay, and I also would like to add that we should do a -- yeah, we need to what commodities are taken from the regions including not only coal, gas, and oil, but I understand hard rock and forest products are on the table and hope that they will stay in there, especially forest products, an example I'm more familiar and which we talk about as extracting. And they are resources on which coalfield communities have traditionally depended for income as well for ecological services that support and complement agricultural practices. Moreover forest products represent an environmental justice issue that I think the Department of the Interior should bear in mind while crafting a program for USEITI. You no doubt are aware that Executive Order 12898, the environmental justice memorandum of 1993 directs all federal agencies to take environmental justice issues into consideration when implementing programs and policies. Subsequently, the US EPA identified non-timber forest products as an important focus for environmental justice efforts by federal agencies.

Non-timber forest products on which local communities rely include fruits, nuts, fish, and wildlife for household consumption as well as roots and herbs gathered and sold for cash. This economy is... over many generations and persists at the nexus of the particular culture.... Thank you so much for the opportunity to comment and I hope that you will include forests.

- *Daniel Taylor. Pendleton County, West Virginia.* Thank you very much. I apologize. My name is Daniel Taylor. I'm in Pendleton County, West Virginia at the headwaters of the Potomac River and as you know, West Virginia is a state that is very concerned about the issues. And I, as a member of the Economic Development Authority for the county,

we're dealing with a couple of major issues, hard rock mining and wind generation and neighboring counties, of course, we have coal-related issues. And we're very frustrated at the county level being an economic development authority that our ability to have voice is difficult in some of these national forums. So I want to thank you for the opportunity presented here. And I want to encourage a broader window, if it is possible, for local agencies to join such discussions because one county is different from another, but yet they're life and death issues at this level that we would appreciate the chance to advise on policy. I can go on and on. I'm glad -- I appreciate very much you making this opportunity and I'm sorry I joined the call late.

- *Christina Peterson, University of New Orleans, Center for Hazard Assessment, Response and Technology.* This is Christina Peterson. I'm at the University of New Orleans, Center for Hazard Assessment, Response and Technology and I live along the coast of Louisiana in the southeast section and on a daily basis we see land disappearing as a direct result of the oil companies laying lines that has not been refilled as far as the canal. And what this has done with the thousands of miles of line that has been put into the marsh it caused fragmentation and pooling in the marsh that has caused the amount of land the size of the State of Delaware to disappear within the last 50 years. As a direct result of that, we have communities that have to relocate. We have communities that are contemplating relocation. We have an incredible impact on both the environmental and human systems within our reach and that also impacts the rest of the country. We need to have some type of way where citizens and communities, as Daniel Taylor has just mentioned, to have greater input into oversight of production and the ways in which corporations conduct their business with the oversight of dredging and so forth of the canals; and also to make sure that the companies are held responsible for cleaning up their mess afterwards. There is so much that is at risk and it's in peril because of the inadequate oversight and the inadequate monitoring of these gas and oil pipelines throughout our region.

## **VI. Meeting Participants**

The following is a list of attendees from the June 12-13, 2013 EITI meeting.

**Chaired by Rhea Suh**, Assistant Secretary, Policy, Management and Budget, and Designated Federal Officer for the USEITI Advisory Committee, U.S. Department of the Interior and acting chair Karen Senhadji, Senior Advisor to the Assistant Secretary, Policy, Management and Budget, and alternate Designated Federal Officer for the USEITI Advisory Committee, U.S. Department of the Interior.

### **Participating Committee Members**

#### Government

Mitch Baer, Office of Oil and Gas Policy, Energy Department

Curtis Carlson, Office of Tax Policy, Treasury Department

Greg Conrad, Interstate Mining Compact Commission

Greg Gould, Office of Natural Resource Revenue, Interior Department

John Tysseling, New Mexico Taxation and Revenue Department

### Civil Society Representatives

Danielle Brian, Project on Government Oversight  
Paul Bugala, Calvert Investments  
Michael LeVine, First Peoples Worldwide  
Rebecca Morse, Revenue Watch  
Deborah Rogers, Energy Policy Forum  
Keith Romig, United Steelworkers  
Michael Ross, Revenue Watch Institute  
Veronica Slajer, North Star Group

### Industry

Phillip Edward Denning, Shell Oil Company  
Michael John Flannigan, Peabody Energy  
Susan Ginsberg, Independent Petroleum Association of America  
Veronika Kohler, National Mining Association  
Brent Roper, Rio Tinto  
Mr. Jim Roman, ConocoPhillips

### **Committee Alternates in Attendance**

#### Civil Society

Laurie Sherman, Transparency International USA

#### Government

Blair Mersinger, Office of Oil and Gas Policy, Energy Department

#### Industry

Chris Chambers, Freeport-McMoran Copper & Gold  
John Harrington, ExxonMobil Corporation  
Amanda Lawson, Walter Energy  
Walt Retzsch, American Petroleum Institute  
Bob Wilkinson, ConocoPhillips  
Mr. Peter Tolsdorf, American Petroleum Institute

### **Government and Members of the Public in Attendance**

Margaret Coleman, US Department of Energy (Energy Information Administration)  
Jeffrey Collins, Chevron  
Nicholas Cotts, Newmont Mining  
Sean Derosa, US Department of Energy  
Will Donahue, Columbian Center for Advocacy Outreach  
Ryan Ellis, Interstate Mining Compact Commission  
Marti Flachs, US Department of State  
Cory Gill, Goldwyn Global Strategies, LLC  
Surya Gunasekara, American Petroleum Institute  
Mike Jasutis, Peabody Energy Corporation  
Emily Kennedy, American Petroleum Institute

Diego Mets, US Office on Colombia  
Reggie McKnight, BP America  
Clare Murphy, US Department of State  
Paul Mussenden, Deputy Assistant Secretary, Natural Resource Revenue Management (DOI)  
Liz Nye, Columbian Center for Advocacy Outreach  
Chris Phalen, Rio Tinto  
Robert Schmitt, US Department of Energy (EIA)  
Chloe Schwabe, Columbian Center for Advocacy Outreach  
Misty Seemans, Publish What You Pay, US  
Mia Steinle, Project On Government Oversight  
Katie Sweeney, National Mining Association  
Ray Wung, West Africa Oil Watch

### **Facilitation Team**

Rachel Milner Gillers, Consensus Building Institute

## **VII. Documents Distributed**

- Draft Agenda ([PDF](#))
- EITI Standard ([PDF](#))
- USEITI Preliminary Reporting Options ([PDF](#)) ([EXCEL](#))
- SOL Presentation ([PPT](#)) ([PDF](#))
- New EITI Requirements Chart 2013 ([PDF](#))
- EIA Presentation ([PPT](#)) ([PDF](#))
- ONRR Presentation ([PPT](#)) ([PDF](#))
- BLM Presentations
  - Solid Minerals Programs ([PPT](#)) ([PDF](#))
  - Managing Oil and Natural Gas Development on Federal Onshore Lands ([PPT](#)) ([PDF](#))
- Treasury Presentation ([PPT](#)) ([PDF](#))
- USEITI Candidacy Timeline ([PDF](#))
- Revised Timeline ([PDF](#))

## **VIII. Certification**

Interested parties are asked to contact USEITI at [useiti@ios.doi.gov](mailto:useiti@ios.doi.gov) or 202-208-0272 with any questions, comments, or concerns regarding the content of this meeting summary.