

Pollet, Jolie

From: Allard, Phil
Sent: Friday, June 29, 2012 3:30 PM
To: Pollet, Jolie
Cc: Lin, Janet H
Subject: RE: Potash

Jolie,

As I think I mentioned earlier we are not making any changes, including those needed to conform the Order to the GPO style Manual, at this time. The version on which you commented is still being reviewed by Jack Haugrud and I don't expect his review to be completed before Monday. Once his comments are returned I will use his version as the new control version and see if there are any remaining changes needed to conform to the style manual.

I think I should provide a little deeper background on the issue for you. The link below is to ALJ McDonald's decision on a series of Applications for Permit to Drill the BLM rejected under the 1986 Order. The introduction should help give a sense on how the BLM has been managing the area. You might want to skim the rest because it is a very comprehensive decision. The key point to take home from this is that the BLM has been managing under the 1986 Order on a reactive, APD by APD basis.

<http://www.oha.doi.gov:8080/isysquery/8f2f23bc-873f-4eda-b3a6-314bcb3dd321/7/doc/IBLA%2092-612%20IN%20RE%20YATES%20PETROLEUM%20CORP.%207-7-03.pdf#xml=http://www.oha.doi.gov:8080/isysquery/8f2f23bc-873f-4eda-b3a6-314bcb3dd321/7/hilite/>

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As I understand it you do not have an extensive background in potash. Here are a couple of documents that may be interesting. USGS commodity summary for potash.

<http://minerals.usgs.gov/minerals/pubs/commodity/potash/mcs-2012-potas.pdf>

Historic production and value information for potash.

<http://minerals.usgs.gov/ds/2005/140/ds140-potas.pdf>

There are a few stories to tell about this historic production document. Note that the US was 100% import reliant for potash up until 1915. Basically up until this time Germany was the sole producer of potash. When they shifted to a war footing imports stopped from Germany dramatically slowed.

That is all for now.

Phil

From: Pollet, Jolie
Sent: Thursday, June 28, 2012 9:33 AM
To: Allard, Phil
Cc: Lin, Janet H
Subject: RE: Potash

Phil – Attached is the electronic version with track changes; Marcilynn had asked me to forward these suggested changes to BLM. The vast majority of the suggested changes reflect the need to correct typos and formatting. As you know, we don't have the hard copy surname package up here yet, and so it's quite possible someone else has found these errors already. The other comments are those that Marcilynn wanted me to share with BLM.

Please let me know if I can provide additional information. Thanks.

Jolie

Jolie Pollet
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Renewable Resources Branch Chief
BLM - Alaska State Office, Anchorage, AK

From: Allard, Phil
Sent: Thursday, June 28, 2012 9:23 AM
To: Pollet, Jolie
Cc: Lin, Janet H
Subject: Potash

I would be happy to look at Marcilynn's comments. I believe that both Marcilynn and you have electronic versions of the order. Look for a message from me at 3:51 yesterday. I will take the comments on paper or electronically.

At this point the draft of the Order we sent out yesterday is "locked" and we won't make any changes until we hear back from Jack Haguard. Once his comments come in we may "unlock" the document.

Phil

**Oil, Gas and Potash Leasing and Development within the
Designated Potash Area of Eddy and Lea Counties, New Mexico**

September 24, 2012

1. 1986 Secretarial Order
2. 2012 Draft Secretarial Order
3. Oil and Gas Units and Leases/Potash Leases
4. Oil and Gas Production
5. Horizontal vs. Vertical Well Production
6. Current and Future Science and Technology
7. Comment Analysis

LEXSEE 51 FED. REG. 39425

DEPARTMENT OF THE INTERIOR

Office of the Secretary

51 FR 39425

October 28, 1986

Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

TEXT: Order

Section 1. *Purpose.* This order revises the rules for concurrent operations in prospecting for, development and production of oil and gas and potash deposits owned by the United States within the designated Potash Area and for revising the designated Potash Area to which the provisions of this Order are applicable.

Section 2. *Authority.* This order is issued in accordance with the authority vested in the Secretary of the Interior in the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 *et seq.*) and the Mineral Leasing Act for Acquired Land of 1947, as amended (43 U.S.C. 351-359).

Section 3. Restatement of Rules for Concurrent Operations in Prospecting for, Development and Production of Oil and Gas and Potash Deposits Owned by the United States within the Designated Potash Area and to Revise the Designated Potash Area as follows:

I

The Order of the Secretary of the Interior dated February 6, 1939 (4 FR 1012), withholding certain lands in New Mexico from application or lease under the provisions of the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181 *et seq.*), which Order was revoked by Order of the Secretary of the Interior dated October 16, 1951 (16 FR 10669), shall continue to be revoked. The lands described in the Order of February 6, 1939 (except the E1/2E 1/2, W 1/2 SE 1/4, sec. 25, T. 20 S., R. 20E, New Mexico Principal Meridian, which were withdrawn from all forms of entry by Public Land Order No. 569 (14 FR 1086)), which were opened for oil and gas leasing by the Order of October 16, 1951, shall continue to be open for oil and gas leasing. This Order shall not affect the current status of lands within respect to their being withdrawn from, or open for, entry or leasing.

II

Subject to the provisions of I above, the provisions of the Order of the Secretary of the Interior dated November 5, 1975 (40 FR 51486), are revised to change the Potash Area Designated therein as specified in this Order.

III. General Provisions**A. Issuance of Oil and Gas Leases**

The Department of the Interior reaffirms its position that the lease stipulations contained in the Order of November 5, 1975, adequately protect the rights of the oil and gas and potash lessees and operators. Therefore, each successful applicant for a noncompetitive oil and gas lease, and any party awarded a competitive lease, for lands included in the designated Potash Area is required, as a condition to the issuance of such lease, to execute a stipulation to the lease as follows:

51 FR 39425

1. Drilling for oil and gas shall be permitted only in the event that the lessee establishes to the satisfaction of the authorized officer, Bureau of Land Management, that such drilling will not interfere with the mining and recovery of potash deposits, or the interest of the United States will best be served by permitting such drilling.

2. No wells shall be drilled for oil or gas at a location which, in the opinion of the authorized officer, would result in undue waste of potash deposits or constitute a hazard to or unduly interfere with mining operations being conducted for the extraction of potash deposits.

3. When the authorized officer determines that unitization is necessary for orderly oil and gas development and proper protection of potash deposits, no well shall be drilled for oil or gas except pursuant to a unit plan approved by the authorized officer.

4. The drilling or the abandonment of any well on said lease shall be done in accordance with applicable oil and gas operating regulations (43 CFR 3160), including such requirements as the authorized officer may prescribe as necessary to prevent the infiltration of oil, gas or water into formations containing potash deposits or into mines or workings being utilized in the extraction of such deposits.

In taking any action under Part A, Items 1, 2, 3 and 4 of this Order, the authorized officer shall take into consideration the applicable rules and regulations of the Oil Conservation Division of the State of New Mexico.

B. Renewal or Extension of Oil and Gas Leases

As a condition to the granting of any discretionary renewal or extension of any existing lease embracing lands included in the designated Potash Area, the lessee shall execute a stipulation identical to that specified in Part A, Items 1, 2, 3 and 4 of this Order.

C. Potash Leases

All potash permits and leases hereafter issued or existing potash leases hereafter renewed for Federal lands within the designated Potash Area, shall be subject to a requirement either to be included in the lease or permit or imposed as a stipulation, to the effect that no mining or exploration operations shall be conducted that, in the opinion of the authorized officer, will constitute a hazard to oil or gas production, or that will unreasonably interfere with orderly development and production under any oil or gas lease issued for the same lands.

D. Mineable Reserves

1. Each potash lessee shall file annually by January 1, with the District Manager, Bureau of Land Management, a map(s) on which has been delineated the following information with respect to the Federal Potash leases which are then held:

- a. The areas where active mining operations are currently in progress in one or more ore zones;
- b. The area where operations have been completed in one or more ore zones;
- c. Those areas that are not presently being mined which are considered to contain a mineable reserve in one or more ore zone, i.e., those areas (enclaves) where potash ore is known to exist in sufficient thickness and quality to be mineable under existing technology and economics; and
- d. The areas within these enclaves which are believed to be barren of commercial ore.

The authorized officer shall review the information submitted in this regard and make any revisions in the boundaries or the proposed mineable reserves (potash enclaves) which are consistent with the data available at the time of such analyses. The authorized officer shall commit the initial findings to a map(s) of suitable scale and shall thereafter revise that map(s) as necessary to reflect the latest available information.

E. Oil and Gas Drilling

1. It is the policy of the Department of the Interior to deny approval of most applications for permits to drill oil and gas test wells from surface locations within the potash enclaves established in accordance with Part D, item 1 of this Order. Two exceptions to this policy shall be permitted under the following conditions.

a. Drilling of vertical or directional holes shall be allowed from barren areas within the potash enclaves when the authorized officer determines that such operations will not adversely affect active or planned mining operations in the immediate vicinity of the proposed drillsite;

b. Drilling of vertical or directional holes shall be permitted from a drilling island located within a potash enclave when: (1) There are no barren areas within the enclave or drilling is not permitted on the established barren area(s) within the enclave because of interference with mining operations; (2) the objective oil and gas formation beneath the lease cannot be reached by a well which is vertically or directionally drilled from a permitted location within the barren area(s); or (3) in the opinion of the authorized officer, the target formation beneath a remote interior lease cannot be reached by a well directionally drilled from a surface location outside the potash enclave. Under these circumstances, the authorized officer shall establish an island within the potash enclave from which the drilling of that well and subsequent wells will be permitted. The authorized officer, in establishing any such island, will, consistent with present directional drilling capabilities, select a site which shall minimize the loss of potash ore. No island shall be established within one mile of any area where approved mining operations will be conducted within three years. To assist the authorized officer in this regard, he/she may require affected potash mining operators to furnish a three-year mining plan.

2. In order to protect the equities between oil and gas lessees, while at the same time reducing the number of oil and gas wells which operators propose to drill in the Potash Area, the authorized officer shall make greater use of his/her prerogative to require unitization pursuant to the regulations in 43 CFR 3180. Unitization shall be mandatory in those cases where completion of the proposed well as a producer might result in the drainage of oil and gas from beneath other Federal lands within a potash enclave. This unitization will be a prerequisite to the approval of any well which is: (1) Located adjacent to a potash enclave (within one-quarter of a mile if an oil test well or one-half mile if a gas test well) and which is to be drilled vertically to the prospective formation; (2) to be directionally drilled from an adjacent surface location to bottom in a formation beneath an enclave; or (3) to be vertically or directionally drilled from a barren area or island within an enclave. Any unit plan hereafter approved or prescribed that includes oil and gas leases covered by this Order shall include a provision embodying in substance the requirements set forth in Part A, items, 1, 2, 3 and 4 of this Order.

3. The Department of the Interior shall cooperate with the New Mexico Oil Conservation Division in the implementation of that agency's rules and regulations. In that regard, the Federal potash lessees shall continue to have the right to protest to the New Mexico Oil Conservation Division the drilling of a proposed oil and gas test on Federal lands provided that the location of said well is within the State of New Mexico's "Oil-Potash Area" as that area is delineated by New Mexico Oil Conservation Division Order No. R-111, as amended. However, the Department shall exercise its prerogative to make the final decision of whether to approve the drilling or any proposed well on a Federal oil and gas lease within the Potash Area.

4. Applications for permits to drill vertical test wells for oil and gas at locations that are in the Potash Area but outside the State of New Mexico's "Oil-Potash Area" and which do not directly offset an enclave (within one-quarter mile if an oil test well or one-half mile if a gas test well) shall be routinely processed by the authorized officer.

F. Access to Maps and Surveys

1. Well records and survey plats that an oil and gas lessee is required to file pursuant to applicable operating regulations (43 CFR 3160), shall be available for inspection at the Roswell District Office, Bureau of Land Management, by any party holding a potash permit or lease on the lands on which the well is situated insofar as such records are pertinent to the mining and protection of potash deposits.

2. Maps of mine workings and surface installations and records of core analyses that a potash lessee is required to file pursuant to applicable operating regulations (43 CFR 3570), shall be available for inspection at the Roswell District Office, Bureau of Land Management, by any party holding an oil and gas lease on the same lands insofar as such records are pertinent to the development and protection of oil and gas deposits.

3. Maps of potash enclaves shall be available for inspection in the Roswell District Office and Carlsbad Resource Area, Bureau of Land Management. Copies of such maps shall be available at the same offices.

G. Definition

The term "potash" as used in this Order shall be deemed to embrace potassium and associated minerals as specified in the Act of February 27, 1927 (30 U.S.C. 281-287).

IV

The lessee of any existing lease in the designated Potash Area may make such lands subject to the rules and regulations of Part III of this Order by filing an election to do so, in duplicate, with the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico. Except to the extent modified by this Order, the general regulations contained in 43 CFR Parts 3100, 3160 and 3180 (governing the leasing and development of potash deposits) and 43 CFR Group 3500 (governing the leasing and development of potash deposits), shall be applicable to the lands covered by this Order.

V. The designated Potash Area is as follows

New Mexico Principal Meridian

T 22 S., R. 28 E.,
Secs. 25 and 36.

T. 23 S., R. 28 E.,
Sec. 1.

T. 19 S., R. 29 E.,
Secs. 1 and 2;
Secs 11 to 15 inclusive;
Secs. 22 to 27 inclusive;
Secs. 34 and 36.

T. 20 S., R. 29 E.,
Secs. 1 and 2;
Secs. 11 to 15 inclusive;
Secs. 22 to 27 inclusive;
Secs. 34 and 36 inclusive.

T. 21 S., R. 29 E.,
Secs. 1 to 5 inclusive;
Secs. 10 to 15 inclusive;
Secs. 22 to 27 inclusive;
Secs. 34 and 36 inclusive.

T. 22 S., R. 29 E.,
Secs. 1 to 5 inclusive;

Secs. 8 to 17 inclusive;
Secs. 19 to 36 inclusive.

T. 23 S., R. 29 E.,
Secs. 1 to 17 inclusive;
Secs. 21 to 28 inclusive;
Secs. 33 to 36 inclusive.

T. 24 S., R. 29 E.,
Secs. 1 to 4 inclusive.

T. 18 S., R. 30 E.,
Secs. 8 to 17 inclusive;
Secs 20 to 29 inclusive;
Secs. 32 to 36 inclusive.

T. 19 S., R. 30 E.,

T. 20 S., R. 30 E.,

T. 21 S., R. 30 E.,

T. 22 S., R. 30 E.,

T. 23 S., R. 30 E.,

T. 24 S., R. 30 E.,
Secs. 1 to 18 inclusive.

T. 19 S., R. 31 E.,
Secs. 7, 18;
Secs. 31 to 36 inclusive.

T. 20 S., R. 31 E.,

T. 21 S., R. 31 E.,

T. 22 S., R. 31 E.,

T. 24 S., R. 31 E.,
Secs. 1 to 18 inclusive;

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Secs. 35 and 36.

T. 25 S., R. 31 E.,

Secs. 1 and 2.

T. 19 S., R. 32 E.,

Secs. 25 to 28 inclusive;

Secs 31 to 36 inclusive.

T. 20 S., R. 32 E.,

T. 21 S., R. 32 E.,

T. 22 S., R. 32 E.,

Secs. 1 to 12 inclusive.

T. 19 S., R. 33 E.,

Secs. 21 and 36 inclusive.

T. 20 S., R. 33 E.,

T. 21 S., R. 33 E.,

T. 22 S., R. 33 E.,

Secs. 1 to 12 inclusive.

T. 19 S., R. 34 E.,

Secs. 19 and 20;

Secs. 29 to 32 inclusive.

T. 20 S., R. 34 E.,

Secs. 3 and 10 inclusive;

Secs. 15 and 36 inclusive.

T. 21 S., R. 34 E.,

Secs. 5 to 8 inclusive;

Secs. 17 to 20 inclusive;

Secs. 29 to 32 inclusive.

T. 22 S., R. 34 E.,

Sec. 6.

The area described, including public and non-public lands, aggregates 497,002.03 acres, more or less.

Section 4. *Administrative Provisions.* The Director, Bureau of Land Management, is authorized to delegate responsibilities herein as are determined appropriate.

Section 5. *Effective Date.* This Order is effective immediately.

Dated: October 21, 1986.

Donald Paul Hodel,

Secretary of the Interior.

[FR Doc. 86-24314 Filed 10-27-86; 8:45 am]

BILLING CODE 4310-10-M



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO.

Subject: Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

Sec. 1 Purpose and Effect. This Order revises and supersedes the Order of the Secretary of the Interior, dated, October 28, 1986 (51 FR 39425), corrected August 26, 1987 (52 FR 32171), and provides procedures and guidelines for fostering more orderly co-development of oil and gas and potash deposits owned by the United States within the Designated Potash Area through safe, concurrent operations.

Sec. 2 Authority. This Order is issued in accordance with the authority vested in the Secretary of the Interior in the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 *et seq.*); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351-359); the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 *et seq.*), and regulations and onshore orders implementing these statutes.

Sec. 3 Order Revised and Superseded. The Order of the Secretary of the Interior of October 28, 1986 (51 FR 39425), corrected August 26, 1987 (52 FR 32171), is hereby superseded and the following provisions will apply to concurrent operations in prospecting for, developing, and producing oil and gas and potash deposits owned by the United States within the Designated Potash Area.

Sec. 4. Definitions.

a. Authorized Officer - Any employee of the Bureau of Land Management (BLM) authorized to perform duties described in 43 CFR Parts 3000, 3100, and 3500, as delegated in the BLM Manual

b. Barren Area - An area established by the BLM within the Designated Potash Area for which sufficient data is available to establish a lack of potash mineralization in sufficient thickness and quality to be mineable under existing technology and economics.

c. Buffer Zone - Areas established by the BLM within the Designated Potash Area

(1) extending outward a certain distance from the perimeter of existing underground open mine workings within which oil or gas operations are generally not allowed due to a BLM determination that oil or gas drilling could constitute a hazard to or interfere with orderly potash mining operations, or

(2) extending outward a certain distance from operating oil or gas well(s) or established Drilling Islands within which potash operations are generally not allowed due to a BLM determination that potash mining or exploration operations could constitute a hazard to or interfere with orderly oil or gas operations.

d. Co-development - The concurrent development of oil and gas and potash resources within the Designated Potash Area. Co-development is a cooperative effort between industries under the guidelines of this order, as regulated by the BLM, to support production of potash and oil and gas from the lands within the Designated Potash Area. Co-development may require that the development of the resources occur at different times and from different places.

e. Designated Potash Area - The land area described at Section 8 of this Order.

f. Development Area - An area established by the BLM within the Designated Potash Area in consideration of appropriate oil and gas technology such that wells can be drilled from a Drilling Island capable of effectively extracting oil and gas resources while limiting the impact on potash resources. Each Development Area will typically have only one Drilling Island, subject to narrow exceptions based on specific facts and circumstances. All new oil and gas wells that penetrate the potash formations within a Development Area will be drilled from the Drilling Island(s) associated with that Development Area. The boundaries of each Development Area will be determined in conformity with Section 6.e.(2).

g. Drilling Island - An area established by the BLM associated with and usually within a Development Area from which all new drilling of vertical, directional, or horizontal wells that penetrate the potash formations can be performed.

h. Indicated Resources - Potash resources from which tonnage, grade, and mineral content are computed partly from specific measurements and samples, and partly from projection of geologic evidence. Indicated Resources are estimated at a lower level of confidence than Measured Reserves.

i. Inferred Resources - Potash resources which are probable, considering reasonably correlated data from lithologic descriptions and well logs, but for which tonnage and grade cannot be computed due to the absence of specific data.

j. Joint Industry Technical Committee - A committee established by, and subject to the management and control of, the potash mining industry and the oil and gas industry whose role is to study how concurrent development of potash and oil and gas can be safely performed in proximity to each other. While the committee may provide input to the BLM on such matters as indicated herein or otherwise at its discretion, it will not be subject to the BLM's management or control.

k. Measured Reserves (also known as "Potash Enclave") - Areas within the Designated Potash Area where potash is known to exist in sufficient thickness and quality to be mineable under existing technology and economics.

l. Potash - Potassium and associated minerals as specified in the Act of February 27, 1927 (30 U.S.C. §§ 281-287).

m. Unknown Area - An area within the Designated Potash Area where there is an absence of data for the BLM to classify the mineralization as Measured Reserves, Indicated Resources, Inferred Resources or Barren Area.

Sec. 5 Status of Lands. This Order will not affect the current status of lands with respect to their being withdrawn from or open to entry or leasing.

Sec. 6 General Provisions.

a. Issuance of Oil and Gas Leases. The Department of the Interior reaffirms its policy that the lease stipulations contained in the Order of the Secretary of the Interior dated October 28, 1986, corrected August 26, 1987 (52 FR 32171), are necessary to protect the rights of the oil and gas and potash lessees and operators. Therefore, each successful applicant for a noncompetitive oil and gas lease, and any party awarded a competitive lease, for lands included in the Designated Potash Area is required, as a condition to the issuance of such lease, to execute a stipulation to the lease as follows:

(1) Drilling for oil and gas shall be permitted only in the event that the lessee establishes to the satisfaction of the Authorized Officer, Bureau of Land Management, that such drilling will not interfere with the mining and recovery of potash deposits, or the interest of the United States will best be served by permitting such drilling.

(2) No wells shall be drilled for oil or gas at a location which, in the opinion of the Authorized Officer, would result in undue waste of potash deposits or constitute a hazard to or unduly interfere with mining operations being conducted for the extraction of potash deposits.

(3) When the Authorized Officer determines that unitization is necessary for orderly oil and gas development and proper protection of potash deposits, no well shall be drilled for oil or gas except pursuant to a unit plan approved by the Authorized Officer.

(4) The drilling or the abandonment of any well on said lease shall be done in accordance with applicable oil and gas operating regulations (43 CFR 3160), including such requirements as the Authorized Officer may prescribe as necessary to prevent the infiltration of oil, gas or water into formations containing potash deposits or into mines or workings being utilized in the extraction of such deposits.

In addition, the Authorized Officer will include a lease provision providing that drilling for and production of oil and gas will be subject to the terms of this Order, any subsequent revisions, and the orders of the Authorized Officer thereunder.

(b) Reinstatement or Renewal of Oil and Gas Leases. As a condition to the granting of any discretionary reinstatement or renewal of any existing lease embracing lands included in the Designated Potash Area, the BLM will impose stipulations identical to those specified in Section 6.a.

(c) Potash Leases.

(1) All potash permits, licenses and leases hereafter issued or existing potash leases hereafter readjusted for Federal lands within the Designated Potash Area, must be subject

to a requirement, either to be included in the lease, license or permit or imposed as a stipulation, that no mining or exploration operations may be conducted that, in the opinion of the Authorized Officer, will constitute a hazard to oil or gas production, or that will unreasonably interfere with orderly development and production under any oil and gas lease issued for the same lands.

(2) BLM will continue to include applicable due diligence stipulations in all potash leases issued or readjusted after the date of this Order.

(3) Before being allowed to participate in a competitive lease sale, all bidders must certify in writing that they have an identifiable, substantial and genuine interest in developing the potash resources and that they intend to develop the potash resources in accordance with the applicable diligence stipulations.

(4) In addition, the Authorized Officer will include a lease provision providing that potash mining operations will be subject to the terms of this Order, any subsequent revisions, and the orders of the Authorized Officer thereunder.

d. Delineation of Resource Areas. Each potash lessee must file annually by March 1, with the Authorized Officer, data and a map(s) on which has been delineated the following information with respect to the Federal, state, and private potash leases which are then held; and lands on which exploration activities have been conducted.

(1) The areas where active mining operations are currently in progress in one or more ore zones;

(2) The areas where operations have been completed in one or more ore zones;

(3) Those areas that are not presently being mined which are considered to contain Measured Reserves in one or more ore zones;

(4) Those areas that are not presently being mined which are considered to contain Indicated Resources in one or more ore zones;

(5) Those areas that are not presently being mined which are considered to contain Inferred Resources in one or more ore zones;

(6) Those areas that are considered to be Barren Areas;

(7) Those areas that are Unknown Areas; and

(8) Those areas that are planned to be mined as per a three year mine plan.

(9) The Authorized Officer will annually review the information submitted under this requirement and make any revisions to the boundaries of Measured Reserves, Indicated Resources, Inferred Resources, Barren Areas, and Unknown Areas. The Authorized Officer will commit the initial findings to a map(s) of suitable scale and will thereafter revise that map(s) as necessary to reflect the latest available information.

e. Oil and Gas Drilling.

(1) Drilling within the Designated Potash Area. It is the intent of the Department of the Interior to administer oil and gas operations throughout the Designated Potash Area in a manner which promotes safe, orderly co-development of oil and gas and potash resources. It is the policy of the Department of the Interior to deny approval of most applications for permits to drill oil and gas wells from surface locations within the Designated Potash Area. Three exceptions to this policy will be permitted if the drilling will occur under the following conditions from:

(a) a Drilling Island associated with a Development Area established under this Order or a prior Order;

(b) a Barren Area and the Authorized Officer determines that such operations will not adversely affect active or planned potash mining operations in the immediate vicinity of the proposed drill-site; or

(c) a single well site established under this Order by the approval and in the sole discretion of the Authorized Officer, provided that such site was jointly recommended to the Authorized Officer by the oil and gas lessee(s) and the nearest potash lessee(s).

(2) Development Areas.

(a) When processing an application for permit to drill (APD) an oil or gas well in the Designated Potash Area that complies with regulatory requirements, the Authorized Officer will determine whether to establish a Development Area in connection with the application, and if so, will determine the boundaries of the Development Area and the location within the Development Area of one or more Drilling Islands from which drilling will be permitted. The BLM may also designate a Development Area outside of the APD process based on information in its possession, and may modify the boundaries of a Development Area. Existing wells may be included within the boundaries of a Development Area. A Development Area may include Federal oil and gas leases and other Federal and non-Federal lands.

(b) After designating or modifying a Development Area, the BLM will issue a Notice to Lessees, consistent with its authorities under 43 CFR subpart 3105 and part 3180, informing lessees that future drilling on lands under an oil and gas lease within that Development Area will:

(i) occur, under most circumstances, from a Barren Area or a Drilling Island within the Development Area; and

(ii) be managed under a unit or communitization agreement, generally by a single operator, consistent with BLM regulations and this Order. Unit and communitization agreements will be negotiated among lessees. The BLM will consider whether a specific plan of development is necessary or advisable for a particular Drilling Island.

(c) The Authorized Officer reserves the right to approve an operator or successor operator of a Development Area and/or a Drilling Island, if applicable, to ensure that the operator has the resources to operate and extract the oil and gas resources consistent with the requirements of this Order and all applicable laws and regulations, and has provided financial assurance in the amount required by the Authorized Officer.

(d) The Authorized Officer will determine the appropriate designation of a Development Area in terms of location, shape and size. In most cases, a single Drilling Island will be established for each Development Area. In establishing the location, shape and size of a Development Area and an associated Drilling Island, the Authorized Officer will consider:

(i) The appropriate location, shape, and size of a Development Area and associated Drilling Island to allow effective extraction of oil and gas resources while limiting the impact on potash resources;

(ii) The application of available oil and gas drilling and production technology in the Permian Basin;

(iii) The applicable geology of the Designated Potash Area and optimal locations to minimize loss of potash ore while considering co-development of both resources;

(iv) Any long term exploration and/or mining plans provided by the potash industry;

(v) Whether a Barren Area may be the most appropriate area for a Drilling Island;

(vi) The requirements of this Order; and

(vii) Any other relevant factors.

(e) As the Authorized Officer establishes a Development Area, the Authorized Officer will more strictly apply the factors listed in Section 6.e.(2)(d), especially the appropriate application of the available oil and gas drilling and production technology in the Permian Basin, when closer to current traditional (non-solution) potash mining operations. Greater flexibility in the application of the factors listed in Section 6.e.(2)(d) will be applied further from current and near-term traditional (non-solution) potash mining operations. No Drilling Islands will be established within one mile of any area where approved potash mining operations will be conducted within three years consistent with the three year mine plan referenced above (Section 6.d.(8)) without the consent of the affected potash lessee(s).

(f) The Authorized Officer may establish a Development Area associated with a well or wells drilled from a Barren Area as appropriate and necessary.

(g) As part of the consideration for establishing Development Areas and Drilling Islands, the BLM will consider input from the potash lessees and the oil and gas

lessees or mineral right owners who would be potentially subject to a unitization agreement supporting the Development Area, provided that the input is provided timely.

(3) **Buffer Zones.** Buffer Zones of ¼ mile for oil wells and ½ mile for gas wells are hereby established. These Buffer Zones will stay in effect until such time as revised distances are adopted by the BLM Director or other BLM official, as delegated. However, the Authorized Officer may adjust the Buffer Zones in an individual case, when the facts and circumstances demonstrate that such adjustment would enhance conservation and would not compromise safety. The Director will base revised Buffer Zones on science, engineering, and new technology and will consider comments and reports from the Joint Industry Technical Committee and other interested parties in adopting any revisions.

(4) **Unitization and Communitization.** To more properly conserve the potash and oil and gas resources in the Designated Potash Area and to adequately protect the rights of all parties in interest, including the United States, it is the policy of the Department of the Interior that all Federal leases within a Development Area should be unitized or subject to an approved communitization agreement unless there is a compelling reason for another operating system. The Authorized Officer will make full use of his/her authorities wherever necessary or advisable to require unitization and/or communitization pursuant to the regulations in 43 CFR subparts 3105 and 3180. The Authorized Officer will use his/her discretion to the fullest extent possible to assure that any communitization agreement and any unit plan of operations hereafter approved or prescribed within the Designated Potash Area will adhere to the provisions of this Order. The Authorized Officer will work with Federal lessees, and with the State of New Mexico as provided below, to include non-Federal mineral rights owners in unit or communitization agreements to the extent possible.

(5) **Coordination with the State of New Mexico.**

(a) If the effective operation of any Development Area requires that the New Mexico Oil Conservation Division (NMOCD) revise the state's mandatory well spacing requirements, the BLM will participate as needed in such a process. The BLM may adopt the NMOCD spacing requirements and require lessees to enter into communitization agreements based on those requirements.

(b) The BLM will cooperate with the NMOCD in the implementation of that agency's rules and regulations. In that regard, the Federal potash lessees may protest to the NMOCD the drilling of a proposed oil and gas well on Federal lands provided that the location of said well is within the State of New Mexico's "Oil-Potash Area" as that area is delineated by NMOCD Order No. R-111, as amended. However, the BLM will exercise its prerogative to make the final decision about whether to approve the drilling of any proposed well on a Federal oil and gas lease within the Designated Potash Area.

(c) In taking any action under Section 6.e. of this Order, the Authorized Officer will take into consideration the applicable rules and regulations of the NMOCD.

(6) **Approvals of Exploration on Existing Potash Leases and Potash Exploration Licenses.**

(a) Exploration for potash on lands leased for potash is permitted only with approval by the BLM, in consultation and coordination with the potash lessee, of an exploration plan in accordance with 43 CFR subpart 3592 and subject to the terms and conditions of the potash lease.

(b) An oil and gas or potash operator may apply for an exploration license to drill core holes necessary to define the absence or existence and extent of mineable potash reserves in areas within the Designated Potash Area. Exploration licenses allow the exploration of known, unleased mineral deposits to obtain geologic, environmental, and other pertinent data concerning the deposit. See 43 CFR subpart 3506. These licenses can be obtained from the Carlsbad Field Office, BLM. Costs for such exploration may be shared consistent with the provisions of 43 CFR 3506.14, if applicable.

(c) Should an oil and gas or potash operator desire to attempt to gather sufficient data for the BLM to establish a Barren Area in any part of the Designated Potash Area not defined as Barren, provisions and protocols are included in this Order for the operator to review relevant data in the area to design a core acquisition program (see Section 6.f.(2) and (3) of this Order) and to obtain access to the land to acquire core data (see Section 6.e.(6)(b)). The BLM will develop and employ, as appropriate, data management protocols to protect the appropriate use of the data so obtained. The BLM will use such newly acquired data to determine the resulting potash ore quality and make any changes to potash reserves and resources maps indicated by the new data.

(7) Notice to Potash Lessees. An applicant for an APD, or a proponent of a plan of development for a unit or communitization area or a proposal for a Development Area or a Drilling Island, will provide notice of the application, plan, or proposal to the potash lessees and potash operators in the Designated Potash Area. A list of current potash lessees and potash operators will be available and maintained by the Carlsbad Field Office, BLM. This notice should be prior to or concurrent with the submission of the application, plan, or proposal to the BLM. The BLM will not authorize any action prior to this notice.

(8) Access to Maps and Surveys.

(a) Well records and survey plats that an oil and gas lessee is required to file pursuant to applicable operating regulations (43 CFR subpart 3160) will be available for inspection at the Carlsbad Field Office, BLM, by any party holding a potash permit or lease on the lands on which the well is situated insofar as such records are pertinent to the mining and protection of potash deposits.

(b) Maps of mine workings and surface installations and records of core analyses that a potash lessee is required to file pursuant to applicable operating regulations (43 CFR 3590) will be available for inspection at the Carlsbad Field Office, BLM. These records are available for viewing by any party holding an oil and gas lease on the same lands insofar as such records are pertinent to the development and protection of oil and gas deposits.

(c) In order for an oil and gas or potash operator to establish and design a core acquisition program for the purposes of proving a Barren Area, those records of core analyses in the area of the planned program that are necessary to design that program should be provided in

a timely fashion by the owner of the records to the operator of the planned program subject to the data management protocols as referenced in 6.e.(6)(c). Record owners are encouraged to comply as fully as possible with this paragraph so that the best available science may be used to define Barren Areas. The BLM will use all data available to it when delineating Barren Areas, even if some of the data was not available to the operator of the core acquisition program designed to prove the Barren Area.

(d) Maps of potash reserves and resources prepared under the provisions of Section 6.d. will be available for inspection in the Carlsbad Field Office, BLM. Digital copies of these maps will be available by mail or at these offices by May 1 of each year. Maps of established Development Areas will be updated as new Development Areas are established. Maps of Development Areas will be provided in a timely fashion by the BLM upon request.

Sec. 7 Regulatory and Administrative Matters.

(a) This Order applies to the exercise of all existing leases in the Designated Potash Area in conformity with lease stipulations and Federal law.

(b) Except to the extent otherwise provided by this Order, the regulations contained in 43 CFR Part 3100 and Subparts 3160 and 3180 (governing the leasing and development of oil and gas) and 43 CFR Part 3500 and Subpart 3590 (governing the leasing and development of potash deposits), remain applicable to the lands covered by this Order.

(c) In implementing this Order, the BLM is authorized to exercise its discretion through any and all appropriate means, including rulemaking, notices to lessees, and orders of the Authorized Officer.

(d) The BLM will obtain and use the best science available when administering this Order consistent with Departmental Manual chapters 305 DM 2 and 305 DM 3. The BLM will comply with the requirements of Secretarial Order 3305 on Scientific Integrity. The BLM has previously used Sandia National Laboratories to provide unbiased technical assistance in administering the Designated Potash Area and may continue to do so, if the BLM, consistent with all applicable laws, so chooses.

(e) The BLM will develop guidelines consistent with this Order for establishing Development Areas and Drilling Islands. In developing such guidelines, the BLM may consider comments and reports from the Joint Industry Technical Committee and other interested parties.

(f) The BLM will develop appropriate time-frame guidelines and requirements, as appropriate, to enable timely actions pursuant to this Order.

Sec. 8. The Designated Potash Area Legal Description.

New Mexico Principal Meridian

T. 22 S., R. 28 E.,
secs. 25 and 36.

T. 23 S., R. 28 E.,
sec. 1.

T. 19 S., R. 29 E.,
secs. 1 and 2;
secs. 11 to 15, inclusive;
secs. 22 to 27, inclusive;
secs. 35 and 36.

T. 20 S., R. 29 E.,
secs. 1 and 2;
secs. 11 to 15, inclusive;
secs. 22 to 27, inclusive;
secs. 34 to 36, inclusive.

T. 21 S., R. 29 E.,
secs. 1 to 5, inclusive;
secs. 10 to 15, inclusive;
secs. 22 to 27, inclusive;
secs. 34 to 36, inclusive.

T. 22 S., R. 29 E.,
secs. 1 to 5, inclusive;
secs. 8 to 17, inclusive;
secs. 19 to 36, inclusive.

T. 23 S., R. 29 E.,
secs. 1 to 17, inclusive;
secs. 21 to 28, inclusive;
secs. 33 to 36, inclusive.

T. 24 S., R. 29 E.,
secs. 1 to 4, inclusive.

T. 18 S., R. 30 E.,
secs. 8 to 17, inclusive;
secs. 20 to 29, inclusive;
secs. 32 to 36, inclusive.

T. 19 S., R. 30 E.

T. 20 S., R. 30 E.

T. 21 S., R. 30 E.

T. 22 S., R. 30 E.

T. 23 S., R. 30 E.

T. 24 S., R. 30 E.,
secs. 1 to 18, inclusive.

T. 19 S., R. 31 E.,
secs. 7 and 18;
secs. 31 to 36, inclusive.

T. 20 S., R. 31 E.

T. 21 S., R. 31 E.

T. 22 S., R. 31 E.

T. 23 S., R. 31 E.

T. 24 S., R. 31 E.,
secs. 1 to 18, inclusive;
secs. 35 and 36.

T. 25 S., R. 31 E.,
secs. 1 and 2.

T. 19 S., R. 32 E.,
secs. 25 to 28, inclusive;
secs. 31 to 36, inclusive.

T. 20 S., R. 32 E.

T. 21 S., R. 32 E.

T. 22 S., R. 32 E.,
secs. 1 to 12, inclusive.

T. 19 S., R. 33 E.,
secs. 21 to 36, inclusive.

T. 20 S., R. 33 E.

T. 21 S., R. 33 E.

T. 22 S., R. 33 E.,
secs. 1 to 12, inclusive.

T. 19 S., R. 34 E.,
secs. 19 and 20;
secs. 29 to 32, inclusive.

T. 20 S., R. 34 E.,
secs. 3 to 10, inclusive;
secs. 15 to 36, inclusive.

T. 21 S., R. 34 E.,
secs. 5 to 8, inclusive;
secs. 17 to 20, inclusive;
secs. 29 to 32, inclusive.

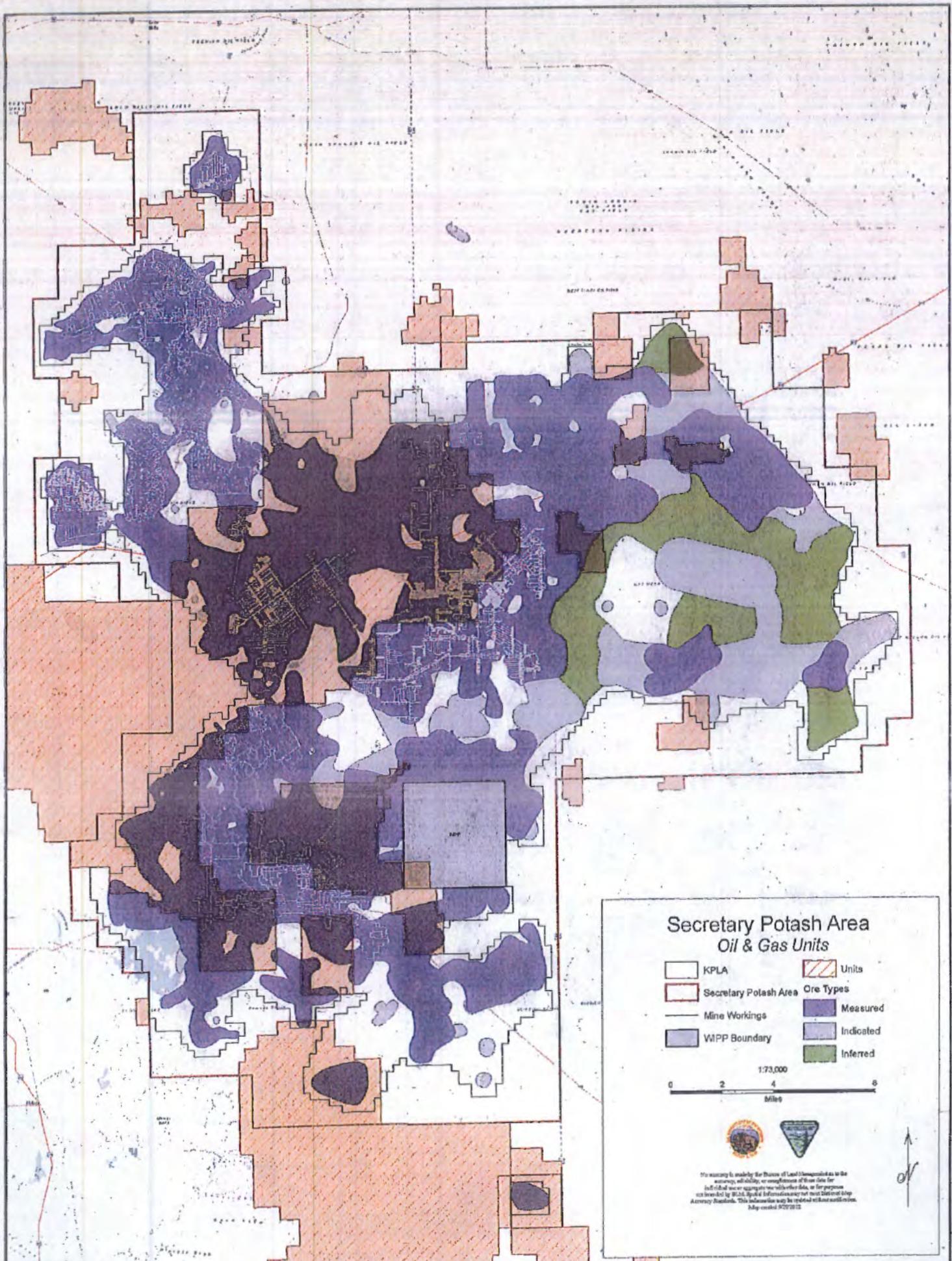
T. 22 S., R. 34 E.,
sec. 6.

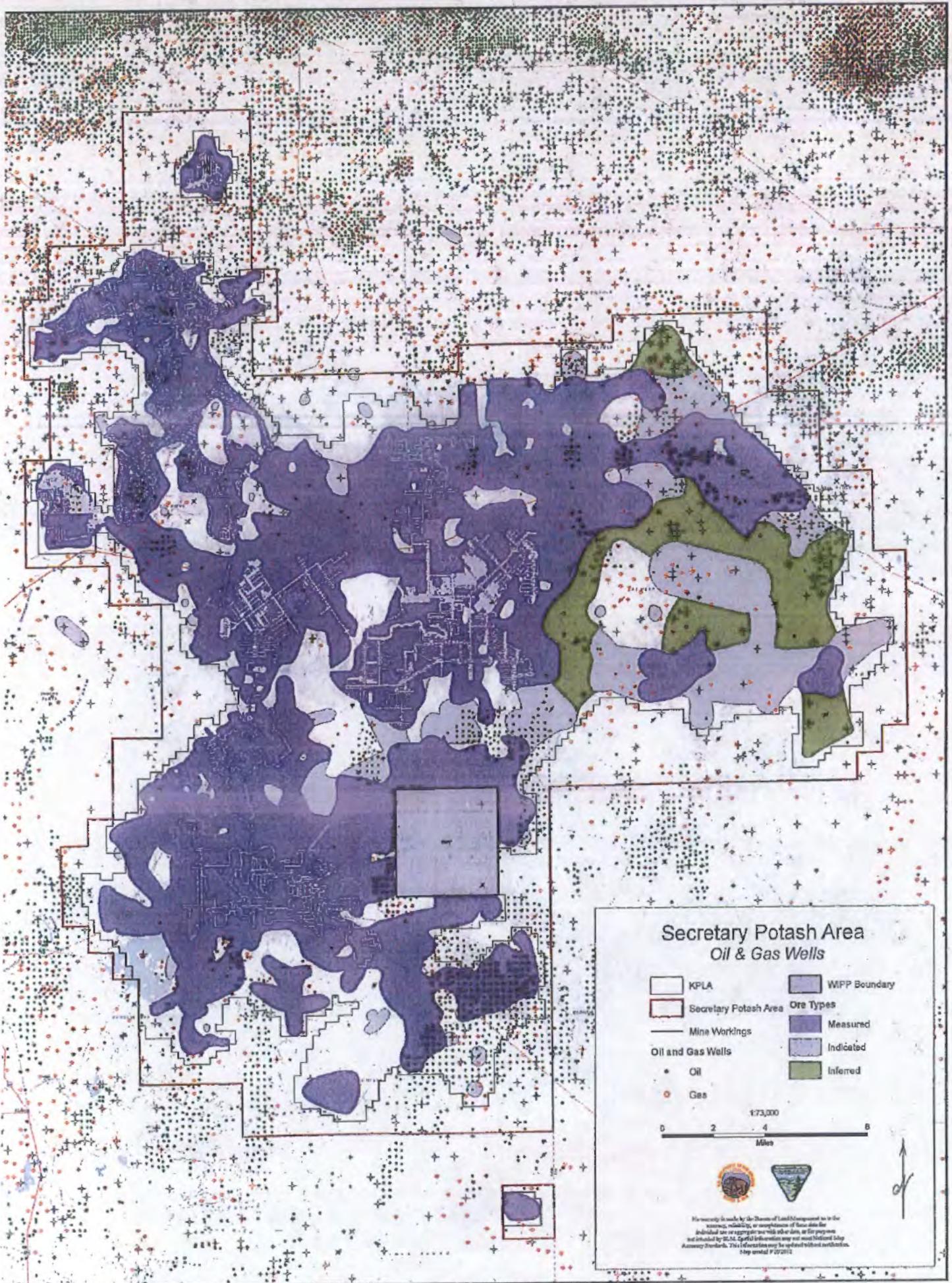
The area described, including public and non-public lands, aggregates 497,002.03 acres, more or less.

Sec. 9 Administrative Provisions. The Director, BLM, is authorized to delegate responsibilities herein as is determined appropriate. This Order will remain in effect until superseded, replaced, or incorporated into the Departmental Manual.

Secretary of the Interior

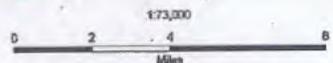
Date:





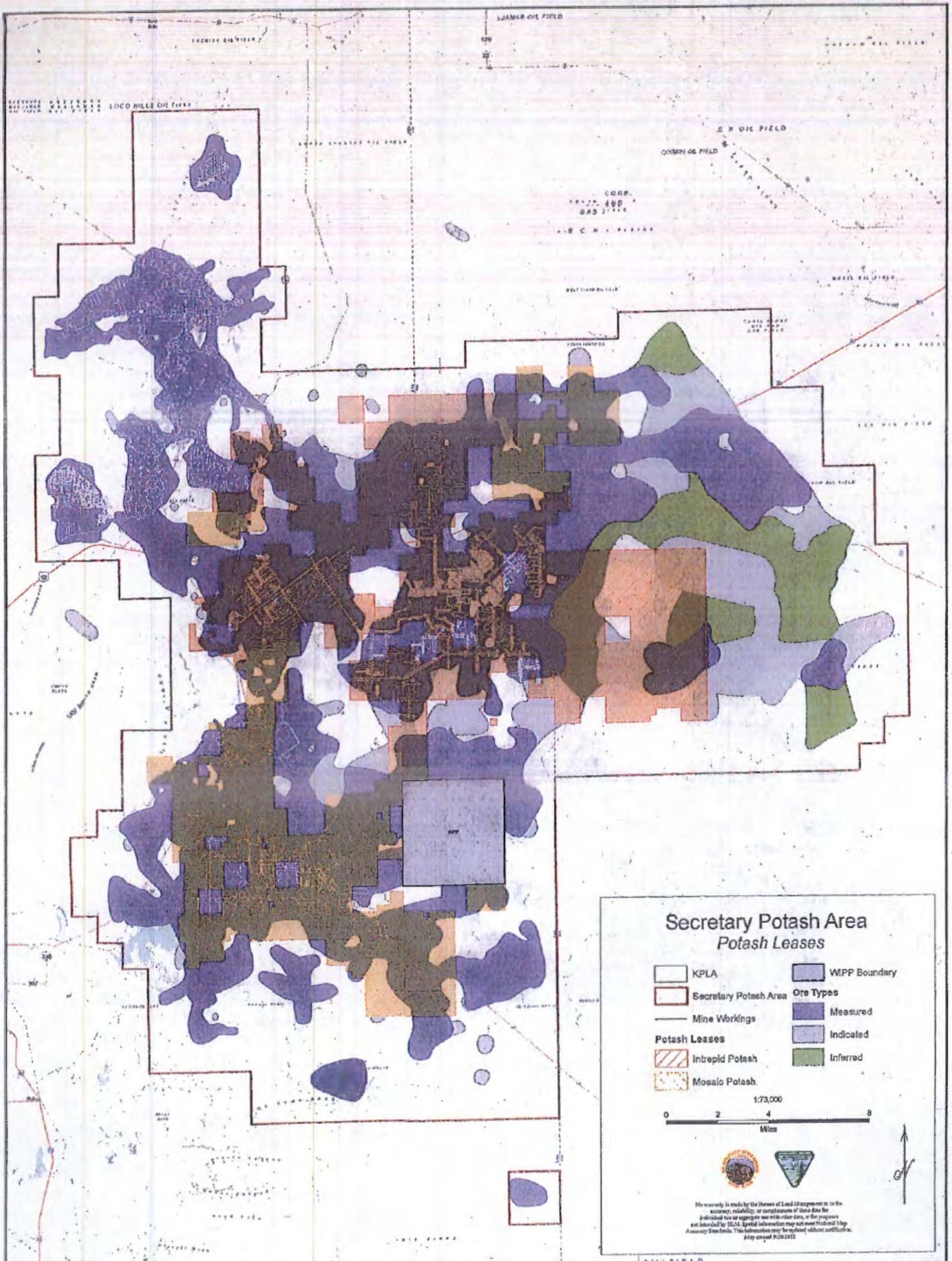
Secretary Potash Area Oil & Gas Wells

- | | |
|--------------------------|------------------|
| KPLA | WPP Boundary |
| Secretary Potash Area | Ore Types |
| Mine Workings | Measured |
| Oil and Gas Wells | Indicated |
| Oil | Inferred |
| Gas | |



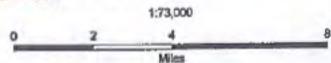
This map was made by the Bureau of Land Management as a result of a contract with the Utah Department of Natural Resources. It is not intended for use in any other way. All rights reserved. This information may be updated without notification. Map dated 7/2012.



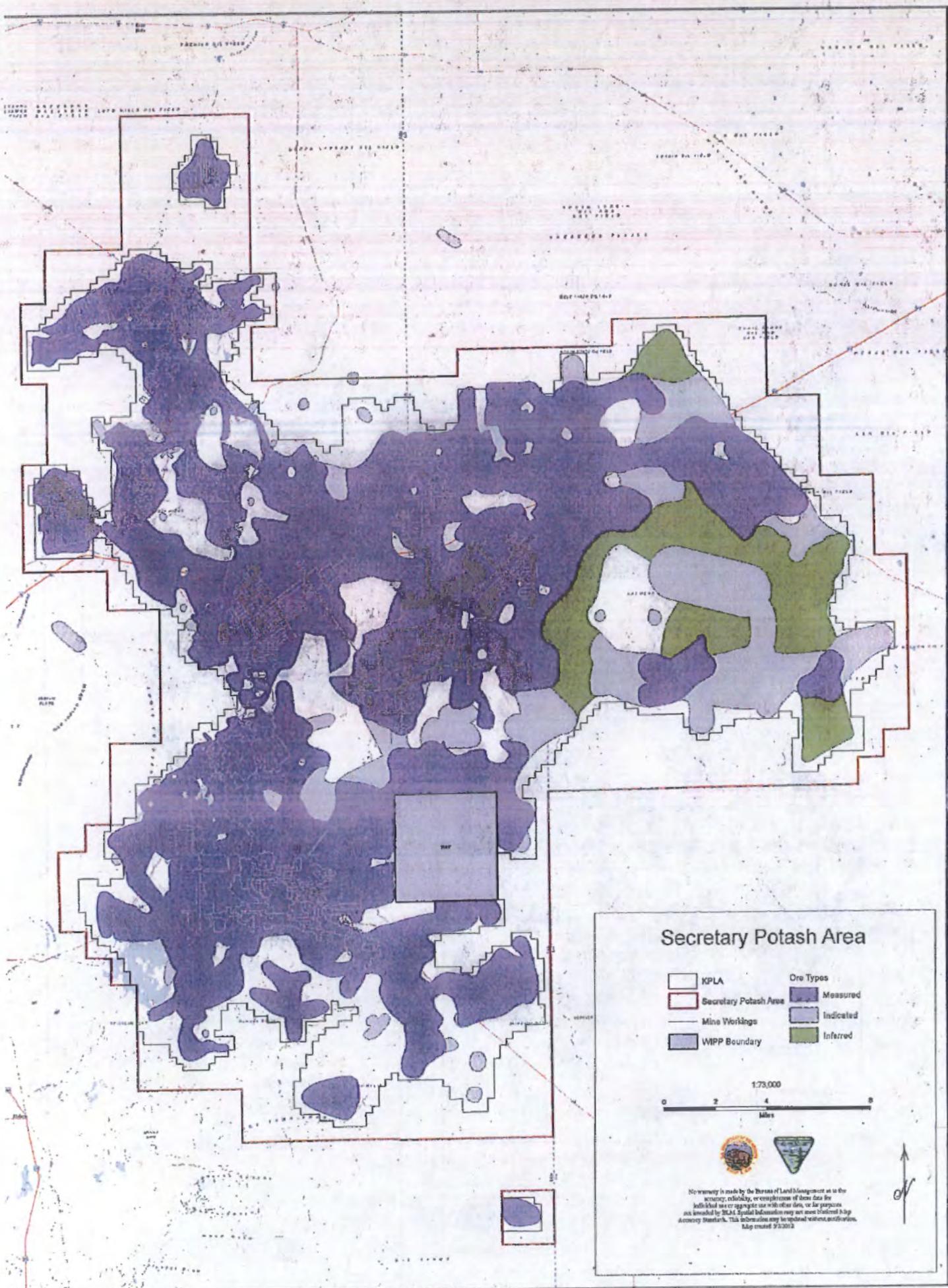


Secretary Potash Area Potash Leases

-  KPLA
-  Secretary Potash Area
-  Mine Workings
-  Intrepid Potash
-  Mosala Potash
-  WIPP Boundary
- Ore Types**
-  Measured
-  Indicated
-  Inferred



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or as guidance for use with other data, or for purposes not intended by BLM. Special information may exist under National Map Accuracy Standards. This information may be updated without notification. 4/97 revised 9/20/2002

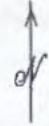


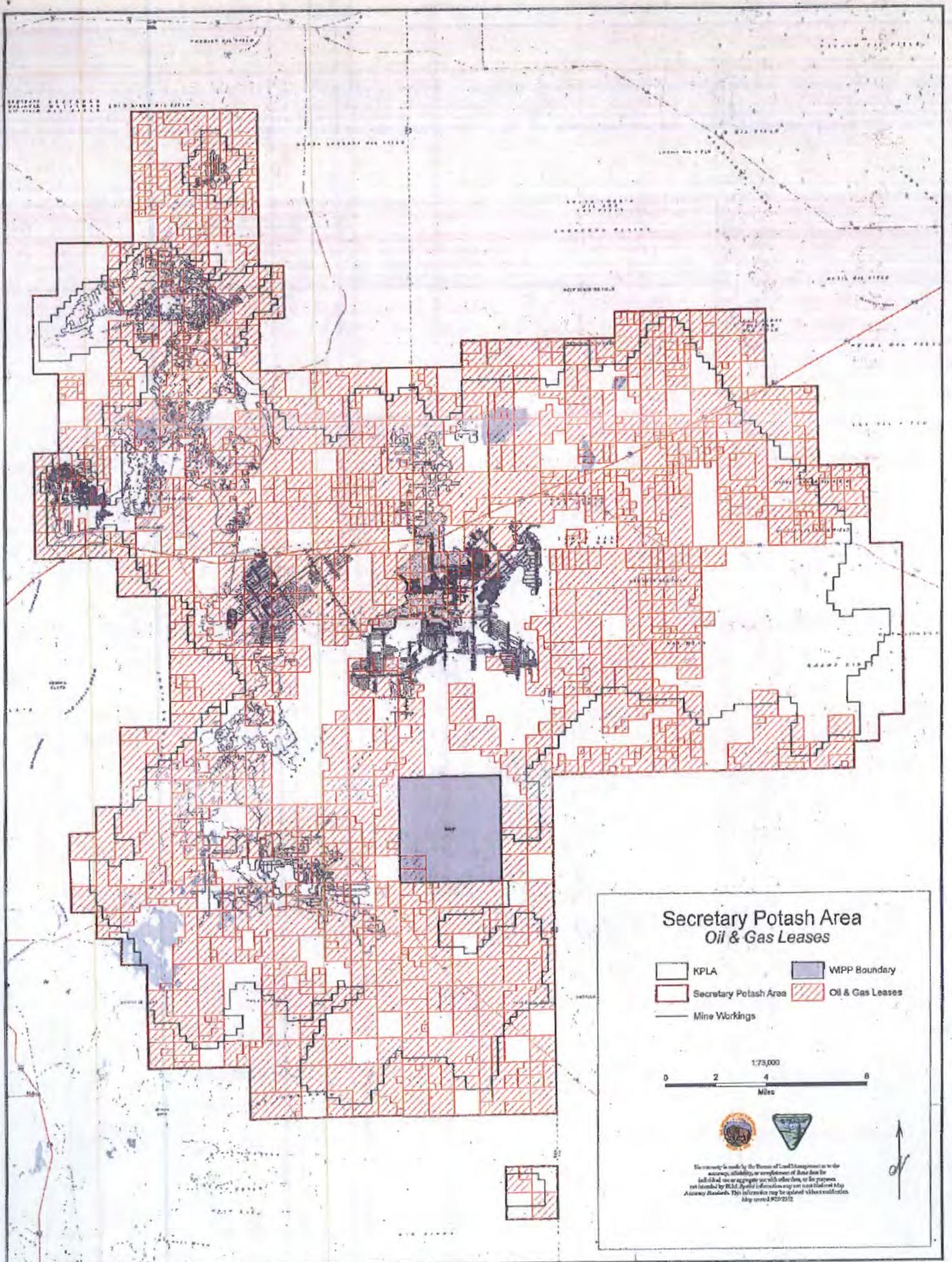
Secretary Potash Area

- | | | | |
|---|-----------------------|---|-----------|
|  | KPLA |  | Ore Types |
|  | Secretary Potash Area |  | Measured |
|  | Mine Workings |  | Inferred |
|  | WPP Boundary | | |



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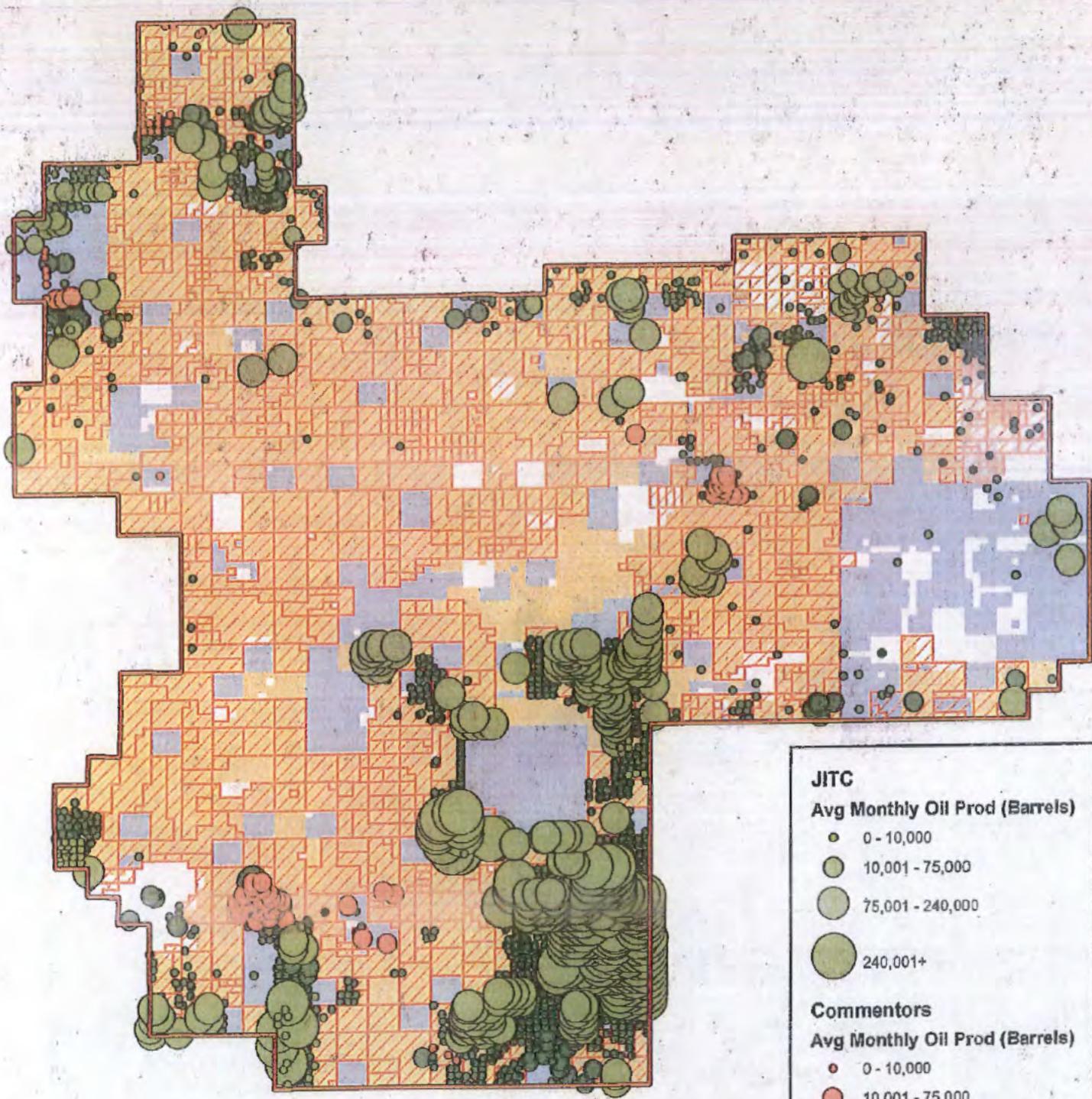
Secretary Potash Area Oil & Gas Leases

-  KPLA
-  Secretary Potash Area
-  WPP Boundary
-  Oil & Gas Leases
-  Mine Workings



The accuracy in this map is the responsibility of the Bureau of Land Management. It is not intended for use as a legal document or for purposes not intended by BLM. Spatial information may not meet the Agency Standard. This information may be updated without notification. BLM 000000000000





JITC

Avg Monthly Oil Prod (Barrels)

- 0 - 10,000
- 10,001 - 75,000
- 75,001 - 240,000
- 240,001+

Commentors

Avg Monthly Oil Prod (Barrels)

- 0 - 10,000
- 10,001 - 75,000
- 75,001 - 240,000
- 240,001+

Non-Commentors

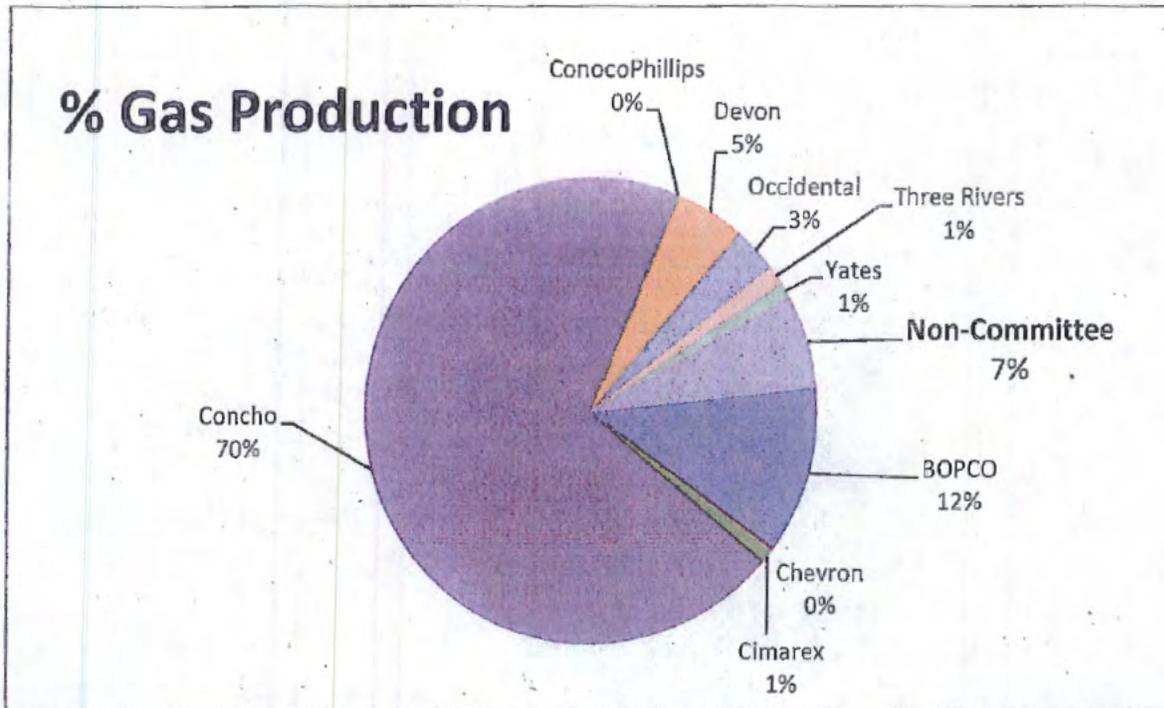
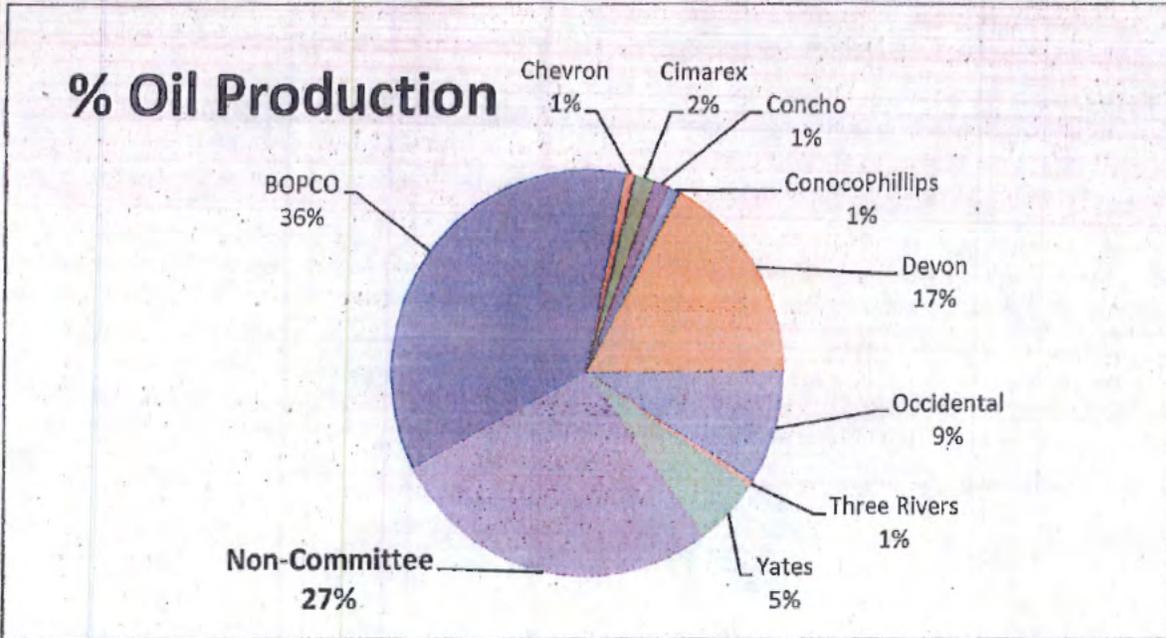
Avg Monthly Oil Prod (Barrels)

- 0 - 10,000
- 10,001 - 75,000
- 75,001 - 240,000
- 240,001+

F

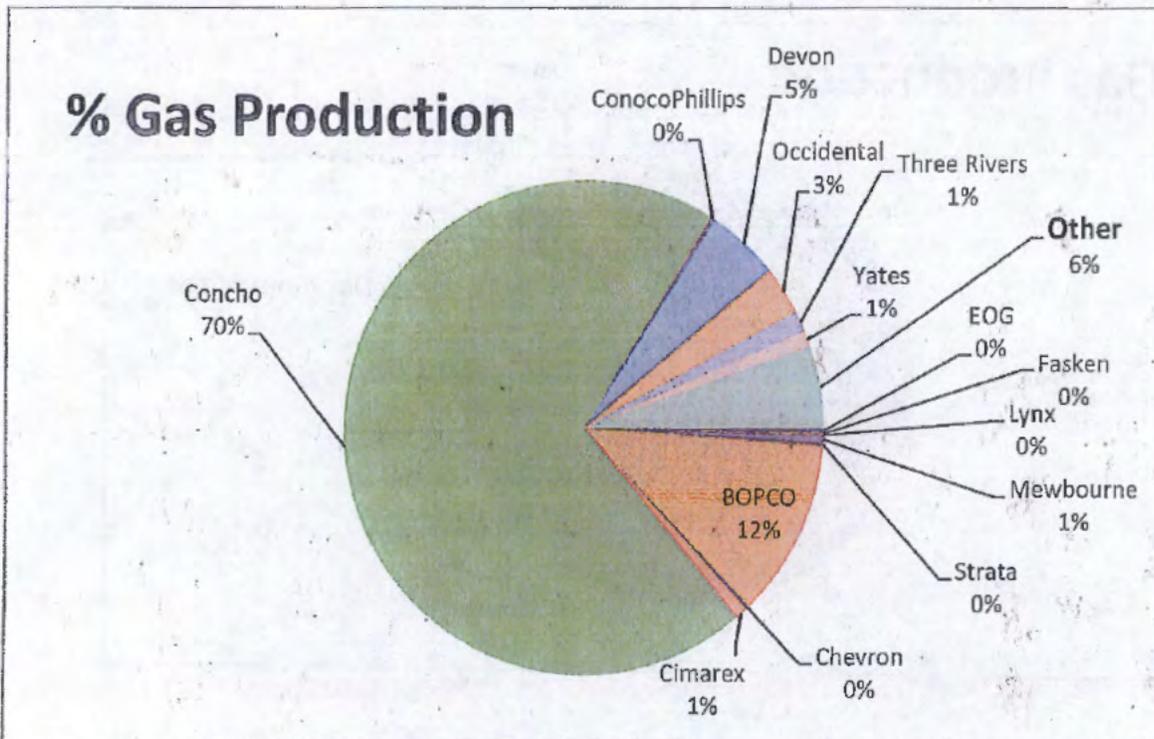
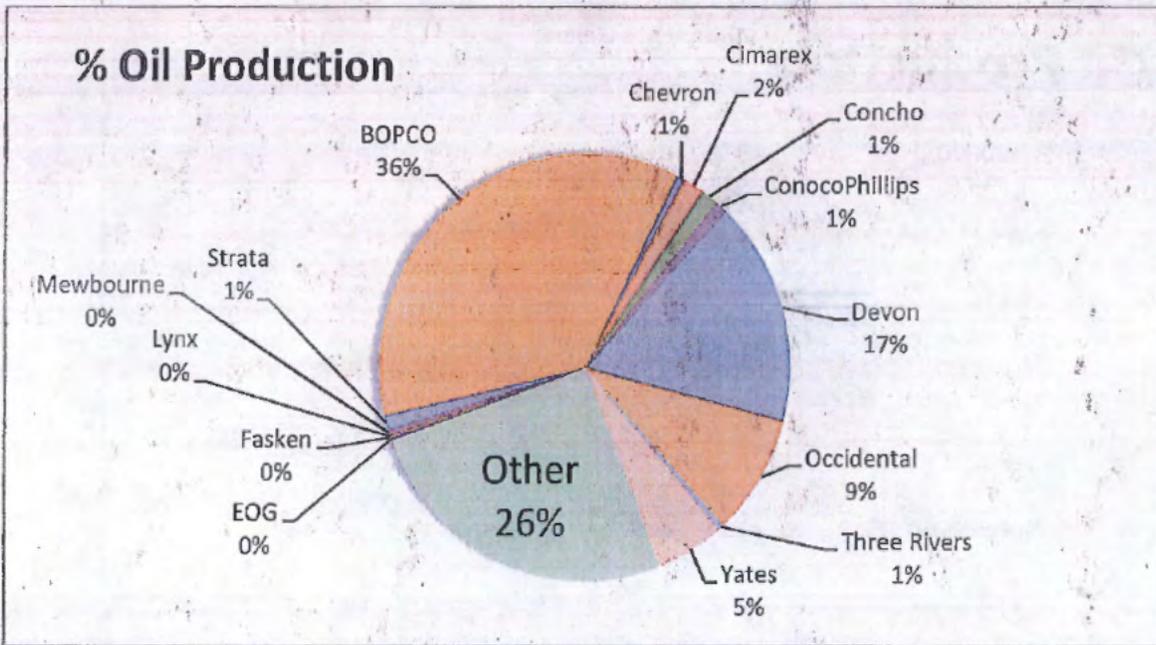
Of the total oil and gas production (2007-2011) in the Designated Secretary's Potash Area, this graph represents the percentages of production from the operators on the Steering Committee (for the DRAFT revision of the Secretary's Order) and the non-Steering Committee operators.

NOTE: 0% indicates it produces less than 1% production.



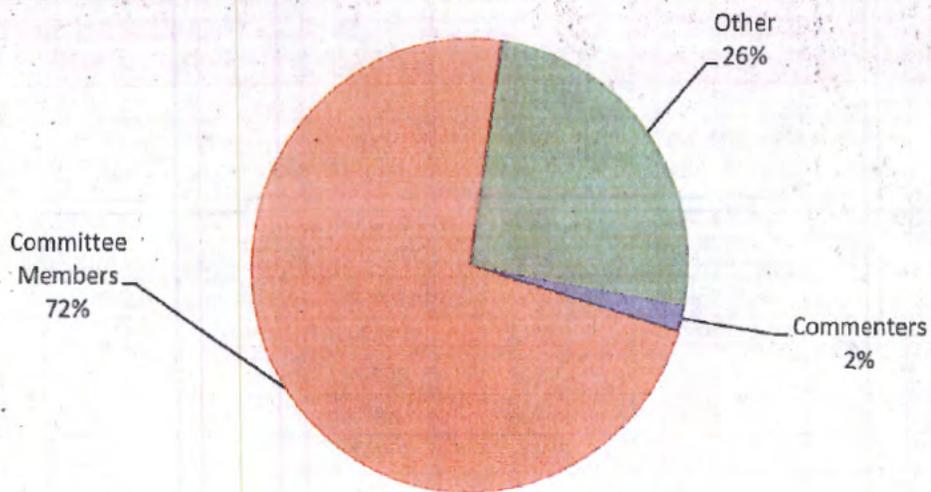
Of the total oil and gas production (2007-2011) in the Designated Secretary's Potash Area, this graph represents the percentages of production from the operators commenting on the DRAFT revision of the Secretary's Order, the operators on the Steering Committee, and all other operators.

NOTE: 0% indicates it produces less than 1% of the production.

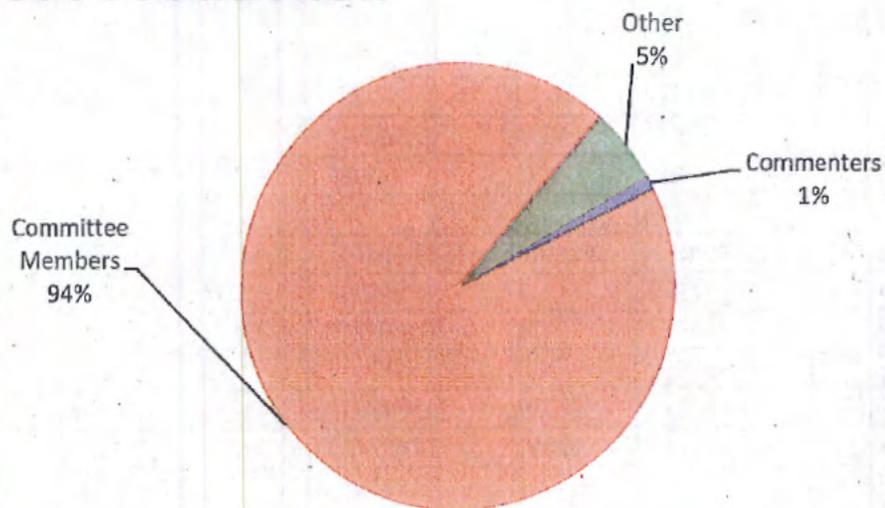


Of the total oil and gas production (2007-2011) in the Designated Secretary's Potash Area, this graph represents the percentages of total production from the operators commenting on the DRAFT revision of the Secretary's Order, total production from operators on the Steering Committee, and total production from all other operators.

% Oil Production



% Gas Production



Well Production in the Secretary Potash Area

For 2007-2011 (5 years):

84,796,676 total bbls oil produced
1,184,089,557 total mcf gas produced

15,362 average bbls/month produced
214,509 average mcf/month produced

91 operators producing during the time period

Operator	5-Year Total Oil Produced	Monthly Average Oil Produced	5-Year Total Gas Produced	Monthly Average Gas Produced	Percent of Overall Oil Produced	Percent of Overall Gas Produced
Apache Corporation	490503	8175	1762805	29380	0.5784	0.1489
ARCO Permian	72079	1201	226521	3775	0.0850	0.0191
Arena Resources Incorporated	988433	16474	5128	85	1.1657	0.0004
Asher Enterprises LTD Company	1152	19	191995	3200	0.0014	0.0162
Aspen Oil Incorporated	488	8	108763	1813	0.0006	0.0092
Beach Exploration incorporated	12043	201	557312	9289	0.0142	0.0471
BEPCO LP	23938	399	791981	13200	0.0282	0.0669
BOPCO LP	30429364	507156	138635624	2310594	35.8851	11.7082
Breck Operating Company	23938	399	791981	13200	0.0282	0.0669
BTA Oil Producers	24728	412	29839	497	0.0292	0.0025
Burk Royalty Company	154333	2572	1971	33	0.1820	0.0002
Caza Operating LLC	11024	184	63160	1053	0.0130	0.0053
CFM Oil Company	14207	237	0	0	0.0168	0.0000
Chaparral Energy LLC	54888	915	1224141	20402	0.0647	0.1034
Chesapeake Operating Inc	1019091	16985	3382250	56371	1.2018	0.2856
Chestnut Petroleum Inc	18349	306	0	0	0.0216	0.0000
Chevron Midcontinent LP	75168	1253	822401	13707	0.0886	0.0695
Chevron USA Incorporated	507765	8463	1321339	22022	0.5988	0.1116
CHI Operating Incorporated	2708194	45137	2617567	43626	3.1938	0.2211
Cimarex Energy Company of CO	1372190	22870	10990413	183174	1.6182	0.9282
COG Operating LLC	1138490	18975	827299826	13788330	1.3426	69.8680
Cone Tom R	337	6	0	0	0.0004	0.0000
Conoco Incorporated	862235	14371	3130556	52176	1.0168	0.2644
Dakota Resources Incorporated	16746	279	9490	158	0.0197	0.0008
Damson Oil Corporation	0	0	0	0	0.0000	0.0000
Devon Energy Production Co	14471738	241196	58508511	975142	17.0664	4.9412
Edge Petroleum Operating Co	119	2	6405	107	0.0001	0.0005
EGL Resources Incorporated	4626	77	986681	16445	0.0055	0.0833
Endurance Energy Resources	223804	3730	65524	1092	0.2639	0.0055
EOG Resources Incorporated	164323	2739	2964138	49402	0.1938	0.2503
Fasken Oil & Ranch Limited	126529	2109	1429540	23826	0.1492	0.1207
Fulfer Gregg	5657	94	5800	97	0.0067	0.0005
Fulfer Oil & Cattle Company LLC	3344	56	0	0	0.0039	0.0000
Great Western Drilling Co	32053	534	99715	1662	0.0378	0.0084
Hanley Petroleum Incorporated	1966	33	175984	2933	0.0023	0.0149
Harvard Petroleum Corporation	6152	103	322400	5373	0.0073	0.0272

Well Production in the Secretary Potash Area

Operator	5-Year Total Oil Produced	Monthly Average Oil Produced	5-Year Total Gas Produced	Monthly Average Gas Produced	Percent of Overall Oil Produced	Percent of Overall Gas Produced
Hudson Oil Company	16132	269	299	5	0.0190	0.0000
JKM Energy LLC	0	0	102428	1707	0.0000	0.0087
Judah Oil	22154	369	369	6	0.0261	0.0000
Kaiser Francis Oil Company	2812	47	1033837	17231	0.0033	0.0873
Knox Jack D	1268	21	0	0	0.0015	0.0000
Laguna Grande LLC	1978	33	9462	158	0.0023	0.0008
Legacy Reserves Operating LP	94141	1569	2518958	41983	0.1110	0.2127
Linn Operating Incorporated	1253064	20884	2197234	36621	1.4777	0.1856
Lynx Petroleum Company	14764	246	249112	4152	0.0174	0.0210
Marshal & Winston Inc	8484	141	0	0	0.0100	0.0000
MAS Operating Company	77378	1290	0	0	0.0913	0.0000
Matador Operating Company	61	1	23	0	0.0001	0.0000
McAdams J F	15282	255	0	0	0.0180	0.0000
Meadco Properties Limited	14616	244	105185	1753	0.0172	0.0089
Merit Energy Company	9449	157	155792	2597	0.0111	0.0132
Mewbourne Oil Company	380119	6335	6809533	113492	0.4483	0.5751
MNA Enterprises Limited	52	1	1	0	0.0001	0.0000
Momentum Operating Co Inc	271670	4528	0	0	0.3204	0.0000
Murchison Oil & Gas Inc	90	2	473191	7887	0.0001	0.0400
Nadell & Gussman HEYCO LLC	33306	555	65303	1088	0.0393	0.0055
Nearburg Producing Company	237866	3964	2620068	43668	0.2805	0.2213
New Tex Oil Company	171	3	390984	6516	0.0002	0.0330
OGX Resources LLC	1868	31	0	0	0.0022	0.0000
OXY USA Incorporated	7683225	128054	37812713	630212	9.0608	3.1934
Penroc Oil Corporation	12804	213	48448	807	0.0151	0.0041
Pogo Producing Company	25733	429	14	0	0.0303	0.0000
Pure Energy Operating Inc	38363	639	81356	1356	0.0452	0.0069
Read & Stevens Incorporated	459005	7650	1730880	28848	0.5413	0.1462
RCJ Enterprises	2676	45	3356	56	0.0032	0.0003
RKI Exploration & Production Inc	22590	377	72214	1204	0.0266	0.0061
Robinson Resource Dev	12508	208	235	4	0.0148	0.0000
Saber Oil & Gas Ventures LLC	6184	103	8078	135	0.0073	0.0007
Samson Resources Company	4	0	2144	36	0.0000	0.0002
Sandridge Expl & Prod LLC	119610	1994	15425	257	0.1411	0.0013
Scope Industries	2497	42	0	0	0.0029	0.0000
Shackelford Oil Company	101859	1698	21764	363	0.1201	0.0018
Sivley Thomas Ray	3467	58	689	11	0.0041	0.0001
SM Energy	6471160	107853	2780208	46337	7.6314	0.2348
Snow Oil & Gas Incorporated	1936	32	0	0	0.0023	0.0000
Southwestern Royalties Inc	48690	812	0	0	0.0574	0.0000
St Mary Land & Exploration	742757	12379	284068	4734	0.8759	0.0240
Strata Production Company	961738	16029	1395325	23255	1.1342	0.1178
Sundown Energy LP	34557	576	342659	5711	0.0408	0.0289

Well Production in the Secretary Potash Area

Operator	5-Year Total Oil Produced	Monthly Average Oil Produced	5-Year Total Gas Produced	Monthly Average Gas Produced	Percent of Overall Oil Produced	Percent of Overall Gas Produced
Tandem Energy Corporation	8818	147	0	0	0.0104	0.0000
The Eastland Oil Company	10757	179	4149	69	0.0127	0.0004
Three Rivers Operating Co LLC	445986	7433	15880473	264675	0.5259	1.3412
Trainer C W	0	0	0	0	0.0000	0.0000
Unit Petroleum Company	28900	482	110739	1846	0.0341	0.0094
V F Petroleum Incorporated	2906	48	527953	8799	0.0034	0.0446
Vanguard Permian LLC	8146	136	0	0	0.0096	0.0000
Vision Energy Incorporated	5860	98	41147	686	0.0069	0.0035
Wagner Oil Company	55660	928	346942	5782	0.0656	0.0293
Westbrook Oil Corporation	4066	68	322439	5374	0.0048	0.0272
XTO Energy Incorporated	5458305	90972	34019209	566987	6.4369	2.8730
Yates Petroleum Corporation	4492384	74873	12954323	215905	5.2978	1.0940
Zimmerman Oil & Gas Exp Inc	6806	113	21067	351	0.0080	0.0018

Total	Average	Total	Average	Total %	Total %
84796676	15362	1184089557	214509	100.0000	100.0000

Operators with 1% or more of overall production:

OIL

35% BOPCO
 17% Devon
 9% OXY
 7% SM Energy
 6% XTO
 5% Yates
 3% Chi
 1% Arena
 1% Chesapeake
 1% Cimarex
 1% COG
 1% Conoco
 1% Linn
 1% Strata

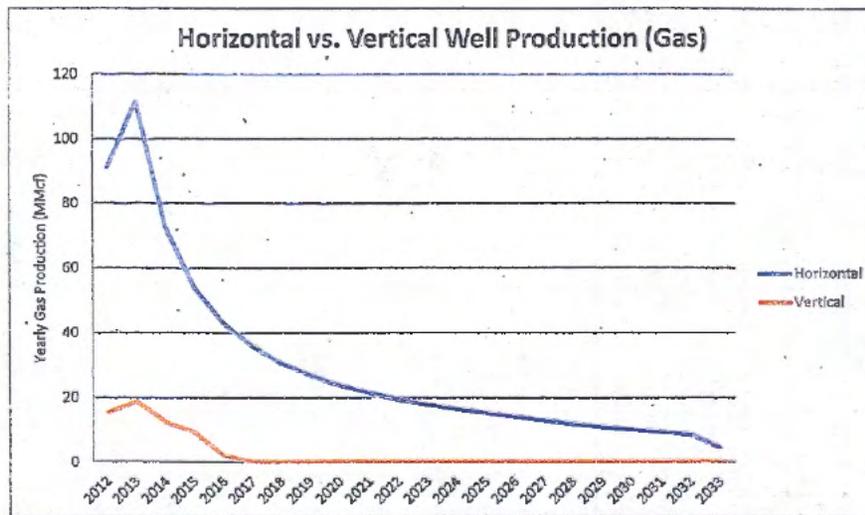
GAS

69% COG
 11% BOPCO
 4% Devon
 3% OXY
 2% XTO
 1% Three Rivers
 1% Yates
 9% Others

Year	Horizontal	Vertical
2012	91.46	15.27
2013	111.89	18.68
2014	72.87	12.17
2015	54.14	9.04
2016	43.2	1.96
2017	35.79	0
2018	30.62	0
2019	26.75	0
2020	23.82	0
2021	21.36	0
2022	19.41	0
2023	17.78	0
2024	16.45	0
2025	15.17	0
2026	14.03	0
2027	12.91	0
2028	11.87	0
2029	10.92	0
2030	10.05	0
2031	9.25	0
2032	8.51	0
2033	4.56	0
TOTAL	662.81	57.12

Vertical Abandoned

Horizontal Abandoned



Basic Economics Summary

Lifetime Cost	
TOTAL HORIZ	\$10,547,570
TOTAL VERT	\$3,722,400
Lifetime Revenue (pre-tax)	
TOTAL HORIZ	\$21,995,310
TOTAL VERT	\$2,293,830

Date: 09/21/2012 5:09:15PM

ECONOMIC PROJECTION

Project Name :
 Partner : All Cases
 Case Type : LEASE CASE
 Archive Set : CURRENT

As Of Date : 07/01/2012
 Discount Rate (%) : 10.00
 Vertical Well

Case : Vertical Well -
 Reserve Cat. : Probable Undeveloped
 Field :
 Operator :
 Reservoir : Delaware (LBC Y)
 Co., State : Eddy, NM

Cum Oil (Mbbbl) : 0.00
 Cum Gas (MMcf) : 0.00

Year	Gross Oil (Mbbbl)	Gross Gas (MMcf)	Net Oil (Mbbbl)	Net Gas (MMcf)	Oil Price (\$/bbl)	Gas Price (\$/Mcf)	Oil Revenue (M\$)	Gas Revenue (M\$)	Misc. Revenue (M\$)
2012	10.35	15.27	8.75	7.49	91.23	2.84	798.16	21.23	48.14
2013	7.84	18.68	6.63	9.16	95.99	3.44	636.21	31.50	58.89
2014	4.18	12.17	3.53	5.96	91.87	3.83	324.69	22.84	38.35
2015	2.87	9.04	2.43	4.43	87.97	4.04	213.35	17.89	28.49
2016	0.60	1.96	0.51	0.96	86.05	4.32	43.78	4.15	6.17

Rem	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	25.85	57.13	21.85	28.00	92.30	3.49	2,016.19	97.61	180.03
Ult	25.85	57.13							

Year	Well Count	Net Tax Production (M\$)	Net Tax AdValorem (M\$)	Net Investment (M\$)	Net Lease Costs (M\$)	Net Well Costs (M\$)	Other Costs (M\$)	Net Profits (M\$)	Annual Cash Flow (M\$)	Cum Disc. Cash Flow (M\$)
2012	1.00	69.96	1.74	2,980.00	0.00	90.00	17.56	0.00	-2,291.74	-2,308.80
2013	1.00	58.71	1.45	0.00	0.00	180.00	22.09	0.00	464.34	-1,886.42
2014	1.00	31.23	0.77	0.00	0.00	180.00	14.63	0.00	159.26	-1,755.49
2015	1.00	21.04	0.52	0.00	0.00	180.00	10.96	0.00	47.22	-1,720.21
2016	1.00	4.38	0.11	0.00	0.00	44.78	2.38	0.00	2.43	-1,718.52

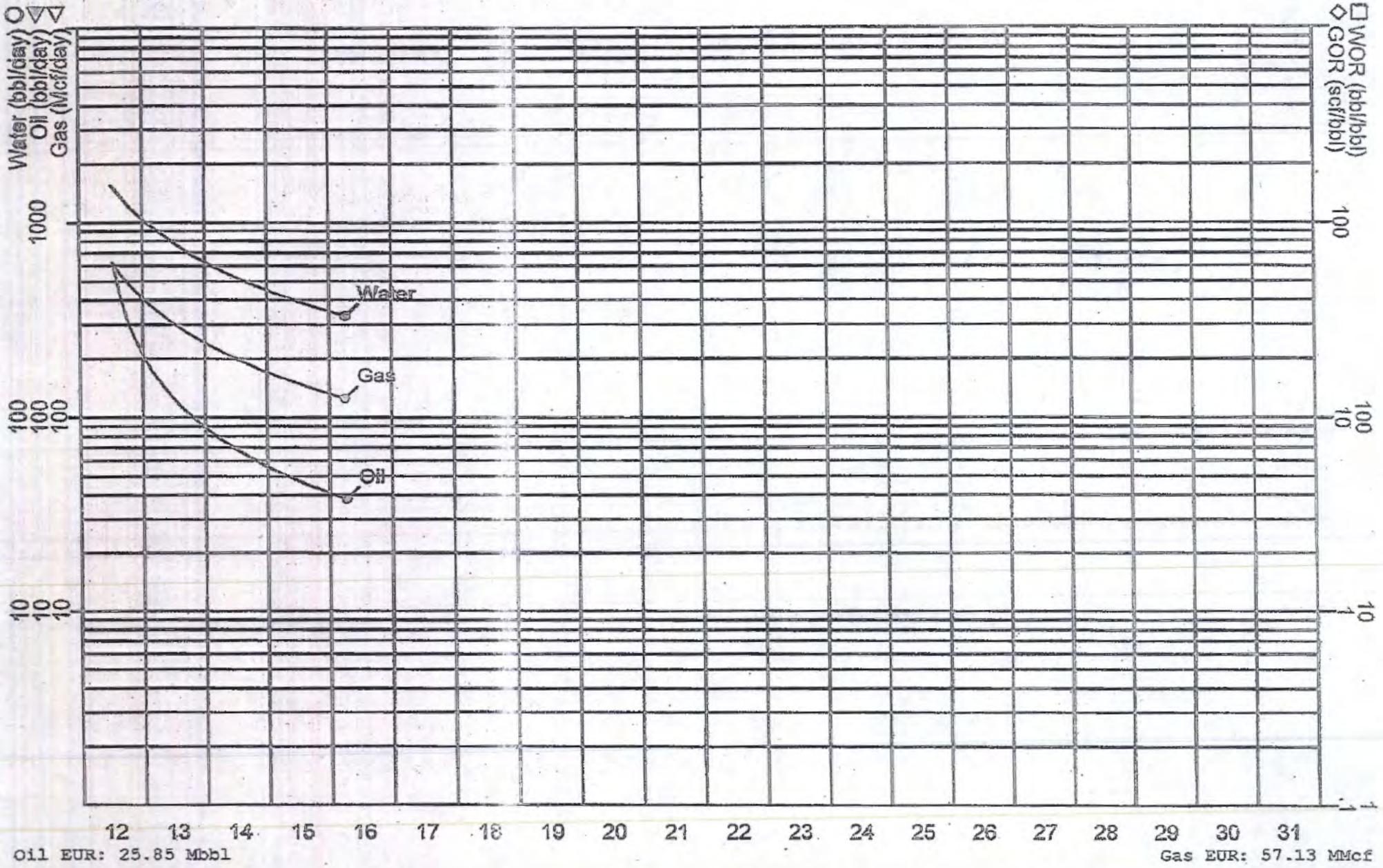
Rem.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	185.32	4.59	2,980.00	0.00	674.78	67.62	0.00	-1,618.48	-1,718.52

Major Phase : Oil
 Perfs : 0 - 0
 Initial Rate : 18,919.17 bbl/month
 Abandonment : 1,154.68 bbl/month
 Initial Decline : 98.35 % year b = 1.001
 Beg Ratio : 1.000
 End Ratio : 3.266

Abandonment Date : 4/1/2016
 Working Int : 1.00000000
 Revenue Int : 0.84500000
 Disc. Initial Invest. (M\$) : 2,980.00
 ROI Investment (disc/undisc) : 0.42 / 0.46
 Years to Payout : 0.00
 Internal ROR (%) : < 0

Present Worth Profile (M\$)
 PW 2.00% : -1,639.66
 PW 5.00% : -1,670.29
 PW 10.00% : -1,718.52
 PW 12.00% : -1,736.99
 PW 15.00% : -1,763.50
 PW 20.00% : -1,805.53

Case Name: Vertical Well
Oper:
County, State: Eddy, NM



Date: 09/21/2012 5:04:04PM

ECONOMIC PROJECTION

Horizontal

Project Name :
 Partner : All Cases
 Case Type : LEASE CASE
 Archive Set : CURRENT

As Of Date : 07/01/2012
 Discount Rate (%) : 10.00
 PLU Delaware 4500' Type Decline

Case : Delaware 4500' Type Decline - P
 Reserve Cat. : Probable Undeveloped
 Field :
 Operator :
 Reservoir : Delaware (LBC Y)
 Co., State : Eddy, NM

Cum Oil (Mbbbl) : 0.00
 Cum Gas (MMcf) : 0.00

Year	Gross Oil (Mbbbl)	Gross Gas (MMcf)	Net Oil (Mbbbl)	Net Gas (MMcf)	Oil Price (\$/bbl)	Gas Price (\$/Mcf)	Oil Revenue (M\$)	Gas Revenue (M\$)	Misc. Revenue (M\$)
2012	62.00	91.46	52.39	44.83	91.23	2.84	4,779.37	127.15	288.24
2013	46.97	111.89	39.69	54.84	95.99	3.44	3,809.66	188.61	352.61
2014	25.04	72.87	21.16	35.71	91.87	3.83	1,944.27	136.78	229.64
2015	17.19	54.14	14.52	26.53	87.97	4.04	1,277.57	107.11	170.62
2016	13.13	43.20	11.10	21.17	85.23	4.21	945.73	89.21	136.16
2017	10.58	35.79	8.94	17.54	83.60	4.40	747.65	77.22	112.79
2018	8.88	30.62	7.51	15.01	83.02	4.63	623.23	69.52	96.49
2019	7.66	26.75	6.47	13.11	82.69	4.92	534.88	64.46	84.32
2020	6.74	23.82	5.70	11.67	82.51	5.22	470.14	60.97	75.07
2021	6.00	21.36	5.07	10.47	82.43	5.55	417.66	58.07	67.32
2022	5.41	19.41	4.57	9.51	82.43	5.87	376.90	55.82	61.16
2023	4.93	17.78	4.17	8.71	82.43	6.19	343.39	53.97	56.04
2024	4.54	16.45	3.84	8.06	82.43	6.52	316.19	52.52	51.83
2025	4.18	15.17	3.53	7.44	82.43	6.52	291.28	48.45	47.81
2026	3.87	14.03	3.27	6.88	82.43	6.52	269.45	44.82	44.23
Rem	18.76	68.07	15.86	33.36	82.43	6.52	1,306.99	217.39	214.53
Total	245.88	662.81	207.77	324.84	88.82	4.47	18,454.37	1,452.08	2,088.86
Ult	245.88	662.81							

Year	Well Count	Net Tax Production (M\$)	Net Tax AdValorem (M\$)	Net Investment (M\$)	Net Lease Costs (M\$)	Net Well Costs (M\$)	Other Costs (M\$)	Net Profits (M\$)	Annual Cash Flow (M\$)	Cum Disc. Cash Flow (M\$)
2012	1.00	418.95	10.39	5,980.00	0.00	90.00	105.17	0.00	-1,409.74	-1,524.86
2013	1.00	351.55	8.70	0.00	0.00	180.00	132.29	0.00	3,678.35	1,813.61
2014	1.00	186.99	4.62	0.00	0.00	180.00	87.60	0.00	1,851.47	3,329.88
2015	1.00	125.98	3.11	0.00	0.00	180.00	65.61	0.00	1,180.60	4,203.80
2016	1.00	94.93	2.34	0.00	0.00	180.00	52.60	0.00	841.22	4,766.85
2017	1.00	76.05	1.88	0.00	0.00	180.00	43.71	0.00	636.02	5,151.82
2018	1.00	64.05	1.58	0.00	0.00	180.00	37.47	0.00	506.15	5,423.95
2019	1.00	55.52	1.37	0.00	0.00	180.00	32.80	0.00	413.97	5,634.03
2020	1.00	49.26	1.21	0.00	0.00	180.00	29.24	0.00	346.48	5,789.31
2021	1.00	44.15	1.09	0.00	0.00	180.00	26.25	0.00	291.57	5,907.51
2022	1.00	40.18	0.99	0.00	0.00	180.00	23.87	0.00	248.84	5,998.80
2023	1.00	36.91	0.91	0.00	0.00	180.00	21.88	0.00	213.70	6,069.73
2024	1.00	34.25	0.84	0.00	0.00	180.00	20.26	0.00	185.19	6,125.35
2025	1.00	31.57	0.78	0.00	0.00	180.00	18.76	0.00	156.44	6,167.86
2026	1.00	29.20	0.72	0.00	0.00	180.00	17.51	0.00	131.06	6,200.09
Rem.		141.64	3.48	0.00	0.00	1,151.65	90.92	0.00	351.23	67.49
Total		1,781.18	43.99	5,980.00	0.00	3,761.65	805.92	0.00	9,622.57	6,267.58

Major Phase : Oil
 Perfs : 0 - 0
 Initial Rate : 18,919.17 bbl/month
 Abandonment : 188.27 bbl/month
 Initial Decline : 98.35 % year b = 1.001
 Beg Ratio : 1.000
 End Ratio : 3.628

Abandonment Date : 5/27/2033
 Working Int : 1.00000000
 Revenue Int : 0.84500000
 Disc. Initial Invest. (M\$) : 5,980.00
 ROInvestment (disc/undisc) : 2.05 / 2.61
 Years to Payout : 0.79
 Internal ROR (%) : 81.16

Present Worth Profile (M\$)
 PW 2.00% : 8,755.39
 PW 5.00% : 7,668.81
 PW 10.00% : 6,267.58
 PW 12.00% : 5,811.11
 PW 15.00% : 5,208.98
 PW 20.00% : 4,374.48

Current and Future Science and Technology in the Secretary's Potash Area
Status of the Sandia National Laboratories Studies
September 24, 2012

Potash is a trade name for potassium bearing minerals used for fertilizer. The potash deposits in the Carlsbad area were originally discovered in the 1920s by a discovery well for oil and gas exploration, drilled by the founder of Yates Petroleum Corporation. Mining in the area began in 1930 and the Secretary's Potash Area (SPA) was established in 1939. A policy of concurrent development by both the potash and oil and gas industries, regulated by Orders of the Secretary, was originally established in 1951—a key difference from the 1939 Order, which preferred potash. The SPA was also significantly expanded in 1951 to approximately 298,000 acres, and expanded further in 1975 and 1986. To achieve concurrent development, the 1951 and subsequent Orders provided for the protection of correlative rights of each industry by placing stipulations in new leases issued for oil and gas, and potash.

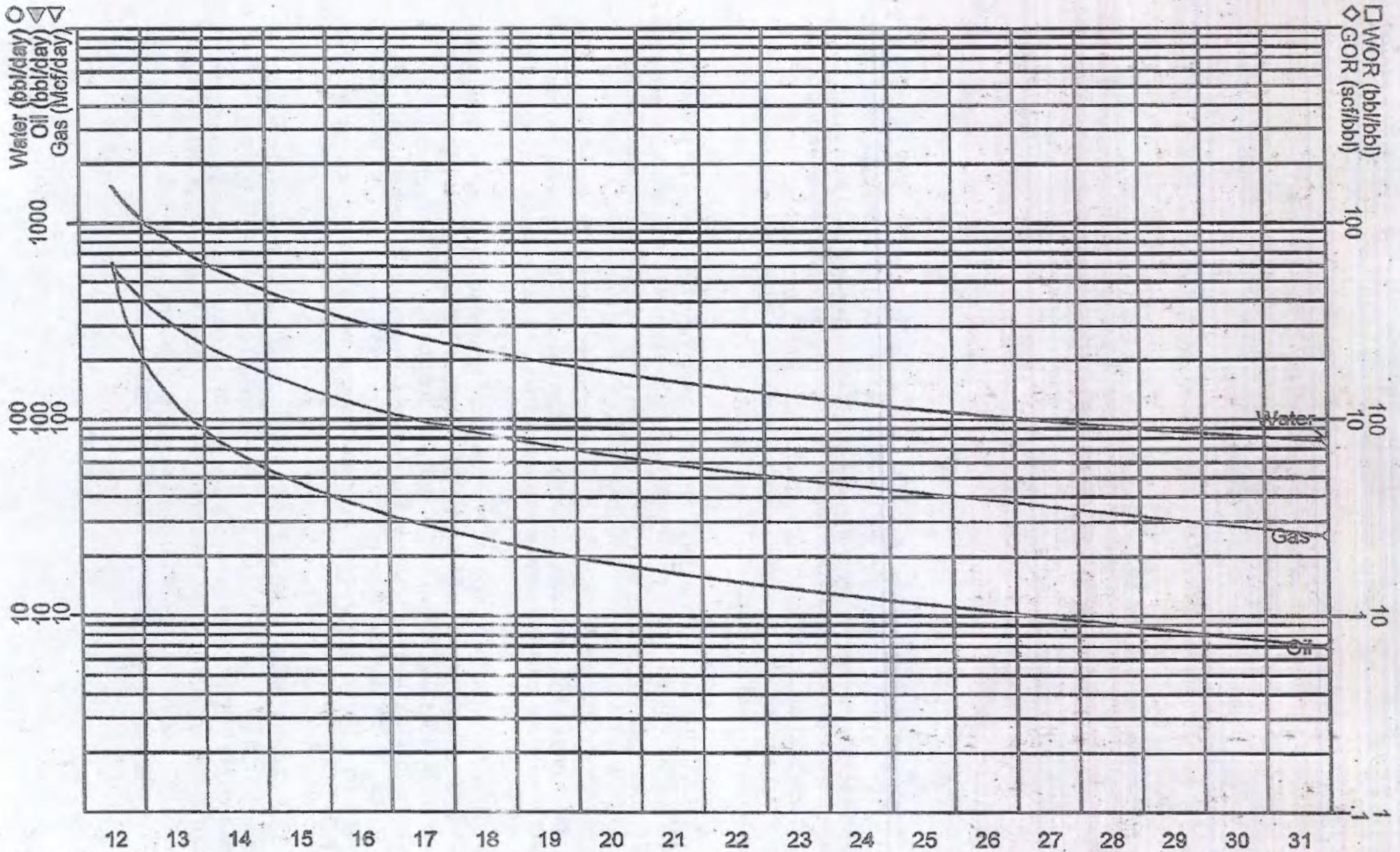
The conflict over mineral development in the Carlsbad Mining District is a result of the area's unique geology supporting oil, gas, and potash. This contentious issue extends back over 80 years and includes a long history of Interior Board of Land Appeals (IBLA) and Federal litigation. Issues raised and debated relating to the policy of concurrent development include safety, what constitutes undue waste of potash, standards used to define known economically mineable potash deposits, and what constitutes unreasonable interference with orderly development and production of oil and gas resources.

To help respond to these ongoing questions, the Bureau of Land Management (BLM) contracted with Sandia National Laboratories (SNL) to conduct three separate but related studies within the SPA. The first study, the e-log project, was issued in October 2009. This report focused on geophysical well logs and concluded that using existing oil and gas well logs in cased holes cannot provide sufficient information to meet the current ore standard. The second study, the gas migration project, will examine the impacts of underground potash mining on the integrity of oil and gas well bores and help determine a minimum distance between oil and gas drilling and safe underground mining. The third study, the SPA mapping project, is focused on determining the economical extraction costs (mineability) of potash and appropriate cutoff grade(s). This project included mapping of economically minable potash reserves (potash enclave) in light of today's economic market and technology, and an analysis of industry's use of X-ray diffraction technique for assaying potash resources. The study was completed in November of 2011. The oil and gas, and potash stakeholders expressed concerns to Congress about the scope and conduct of the studies. Leadership within both industries, however, moved forward to work proactively with the BLM.

In January of 2011, the oil and gas and potash industry formed the Joint Industry Technical Committee that was co-chaired by the Vice President from Intrepid Potash and the Vice President from BOPCO. The committee was formed in order to more proactively coordinate regarding on-going studies and to search for scientifically sound technical solutions in order to develop both resources safely. Both industries began providing expertise in order to look towards solutions in coordination with the BLM and SNL.

Delaware 4500' Type Decline

County, State: Eddy, NM



Oil EUR: 243.16 Mbbbl

Gas EUR: 652.93 MMcf

Initial research indicates that additional studies will be necessary to further our understanding of the hydrofracturing process of high pressure gas and other potential hazards that may be associated with the leakage of oil, gas, or water into the formation. Field verification of geomechanical modeling will also need to be performed. This is going to require an evaluation of existing potash mine plans as they relate to current on-going production of oil and gas in the basin to help us determine what wells may be at risk—conversely, producing oil and gas wells operating within these distances need to be evaluated for any indications of well deformation. Although the science is evolving, it is good that we can determine, assess, and evaluate risk in the areas where these well bore/mine face interactions occur.

In the spirit of coordination and realizing that future studies will be needed, the JITC understands that these studies are dynamic and will take time. While industry was working with the BLM and SNL regarding new studies, the Secretary of the Interior in January of 2012 challenged the committee to make recommendations to him to meet the changing technological advances in order to draft a new Order. Based on the JITC recommendations and concepts for a new Secretarial Order, the BLM is moving forward with the JITC and SNL in funding two studies. These studies will assist the BLM in creating Development Areas and Drilling Islands based off of the concepts from the JITC.

The first study will expand the recently completed Sandia e-log study within and around the SPA by including an additional 100 well e-logs to better define the potash resources. The second study will focus on potential Salt Water Disposal (SWD) wells within the SPA. This data will be used in conjunction with other information to better design and locate SWD wells in newly designated Development Areas. Appropriate areas, depths and formations will be identified to minimize impacts to the salt sections and ensure safety of open mine workings. Existing SWD wells will be analyzed to ensure that injected water is staying in the approved zones. A future unfunded study is to conduct microseismic analysis of fracing procedures in various formations/areas. This study would examine existing data and collect new microseismic data to better understand the rock fracture propagation and ensure protection of aquifers. The JITC is supportive and understands that although the studies will take time, and may be dynamic based on future recommendations and information, it is in the interest of both industries to continue their efforts towards communication, respect and data sharing.

The study was just the beginning
effort to gain more info

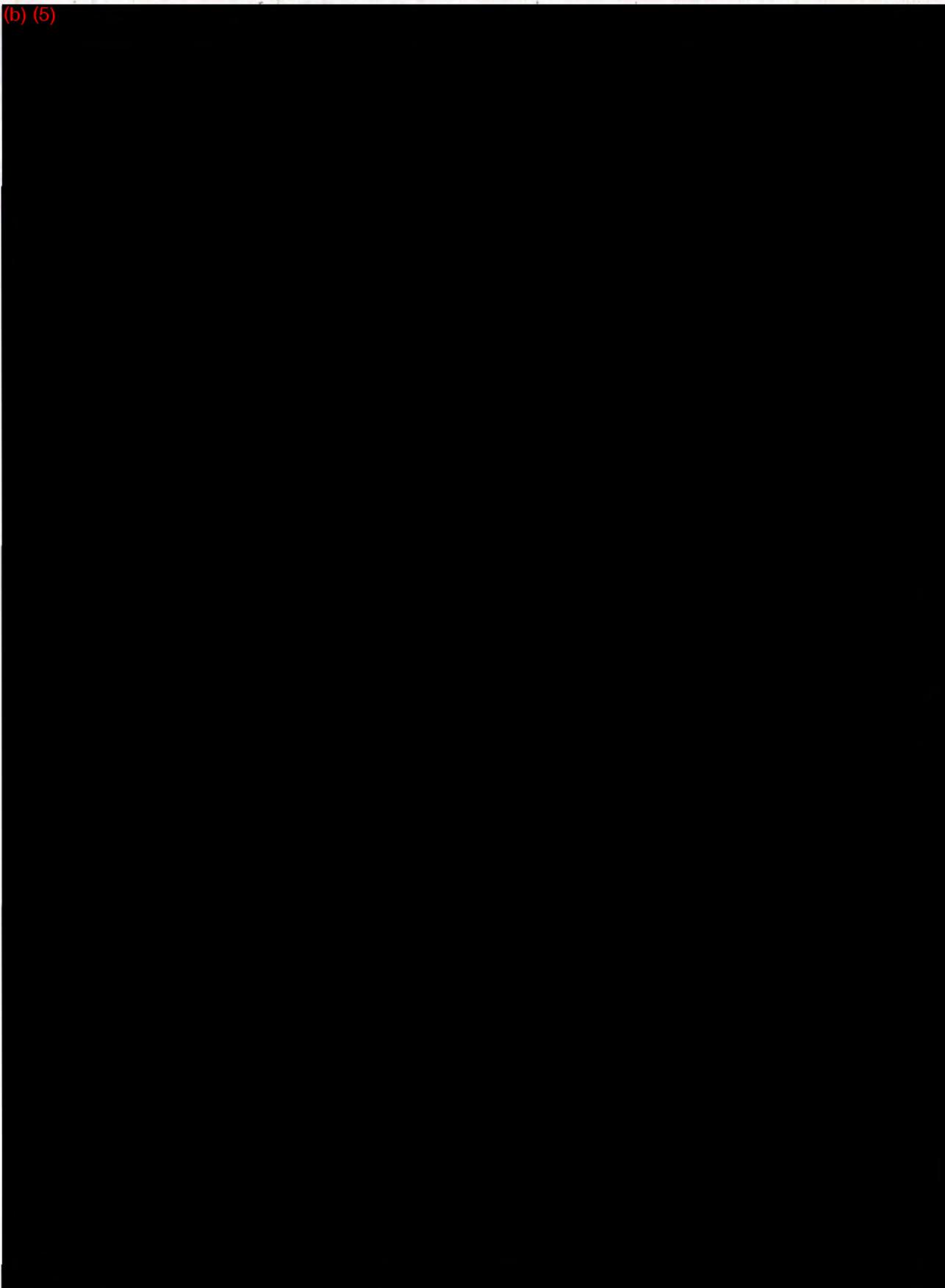
**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
of Eddy and Lea Counties, New Mexico
Comments on Proposed Secretarial Order**

COMMENT INDEX

#	General Subject
1	Def.: Co-Development
2	Joint Recommendation- Drilling Islands
3	Agreements between Potash and O&G
4	Access to Data
5	Def.: Development Area
6	Notice to Affected Parties
7	Authorities
8	Regulatory Conflict
9	Implementation of Order
10	Not Scientifically Based
11	Lack of Concurrent Development
12	Effect on Small Operators
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14	Redraft Purpose
15	NEPA
16	Def.: Drill Island
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18	Configuration of Buffer Zones
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22	Establishment of Development Areas/ Drilling Islands/Barren Areas
23	NM State Legislature Review
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26	Administration of APDs
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30	Economic Impact
31	Coordination with Local Governments
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33	Prior Commitment Made by DOI
34	Technology Requirements Unfair
35	JITC not Representative
36	Designation of Single Operator
37	Cost of Exploratory Work
38	Shared Drilling Island
39	Def.: Barren Area

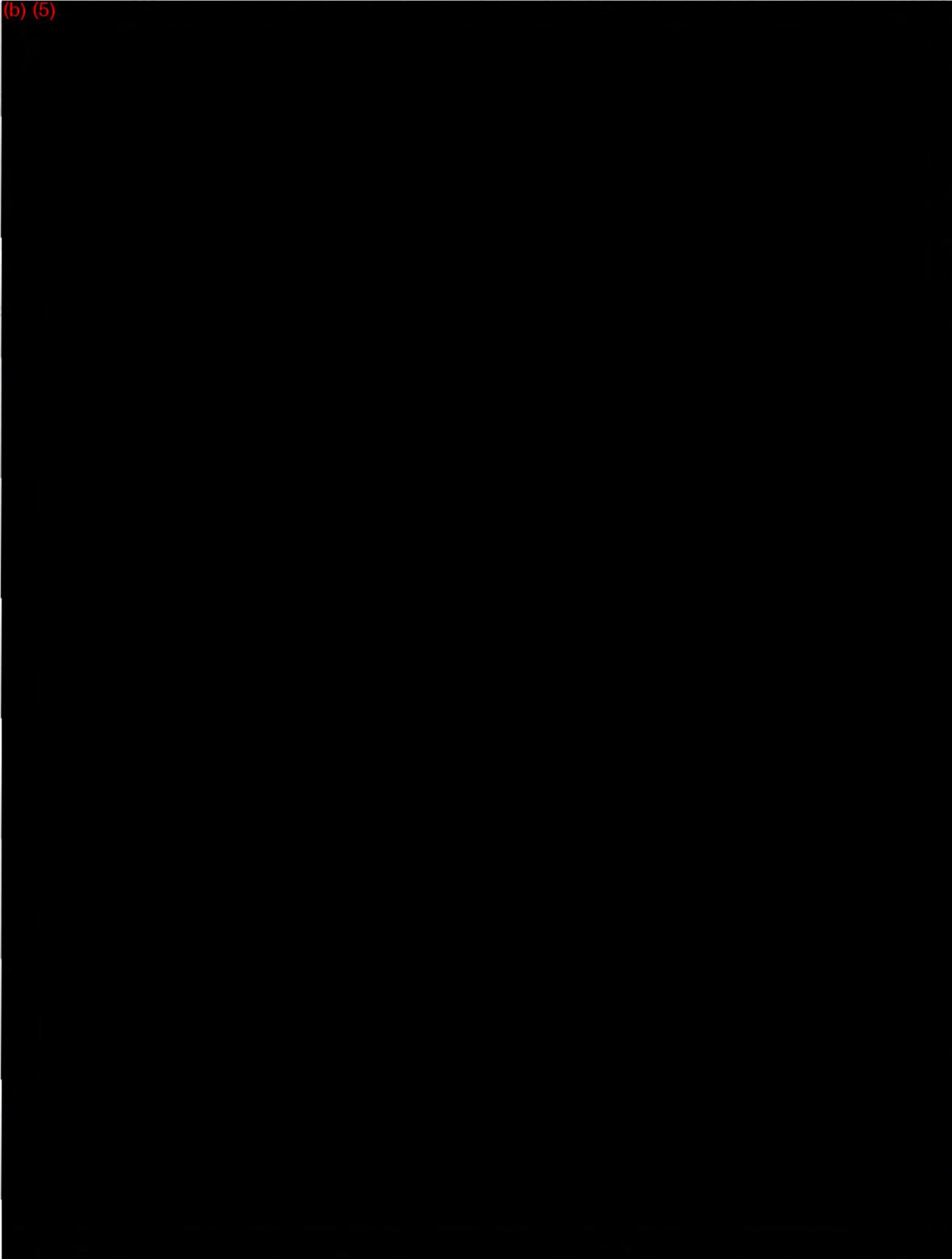
Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
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Comments on Proposed Secretarial Order

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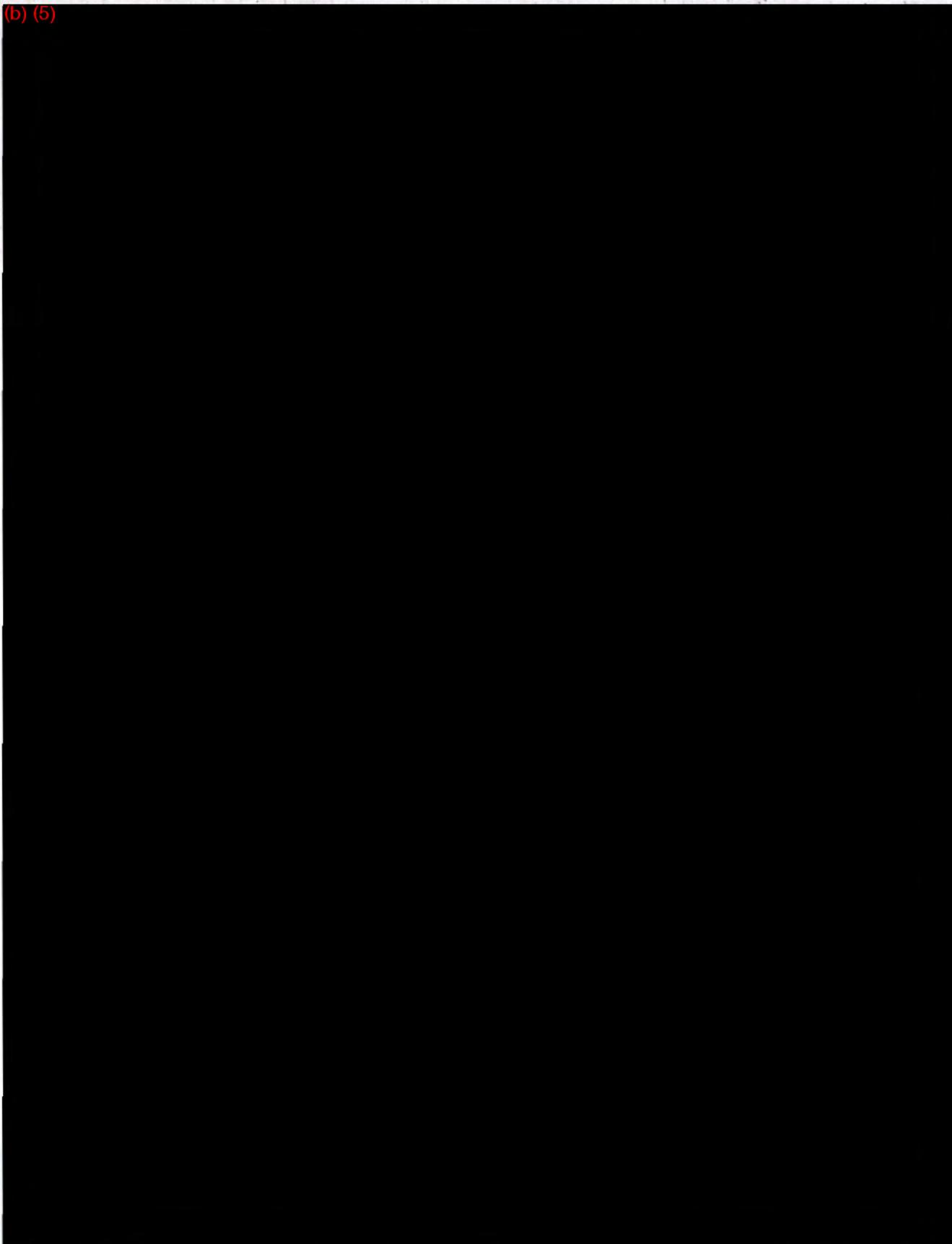
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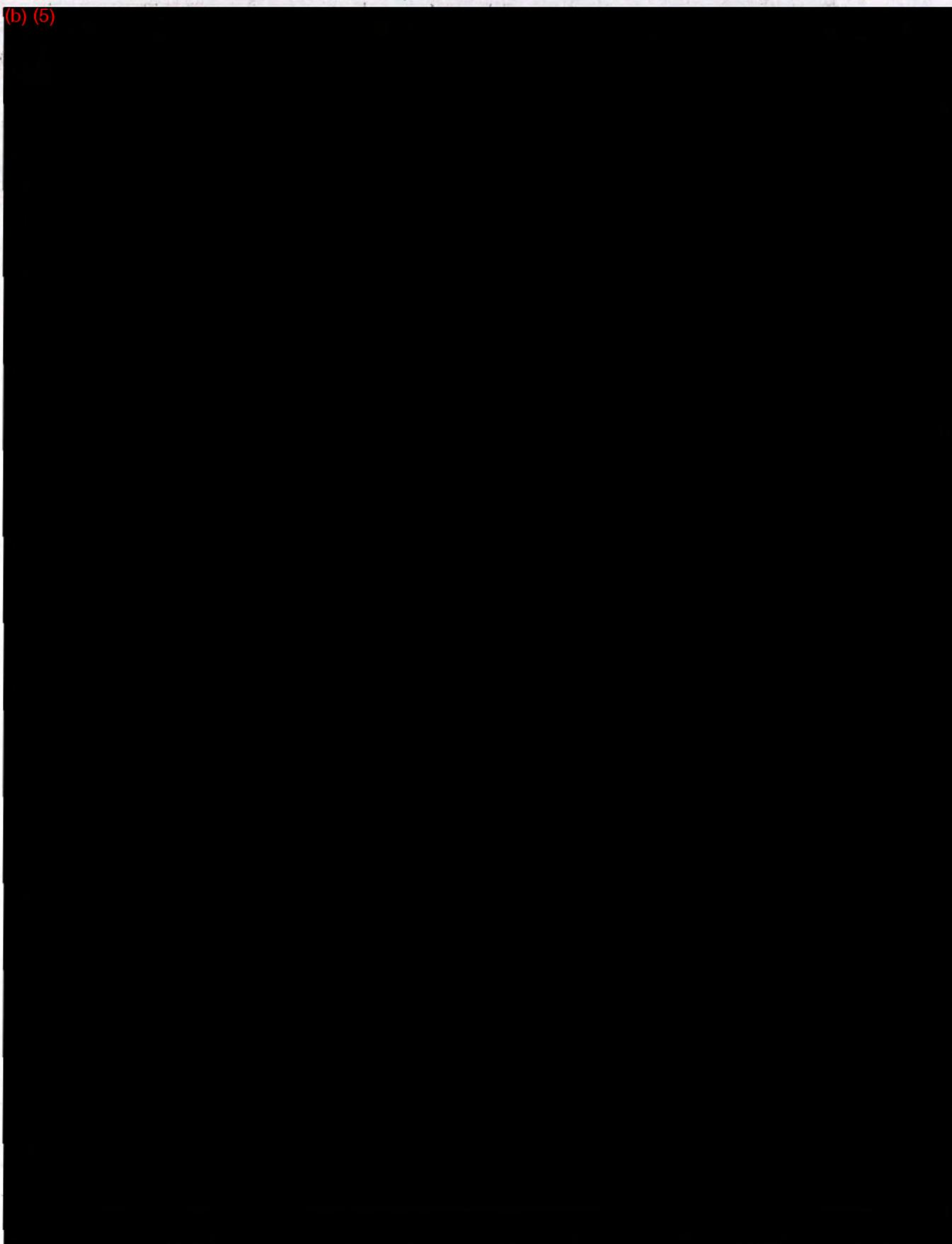
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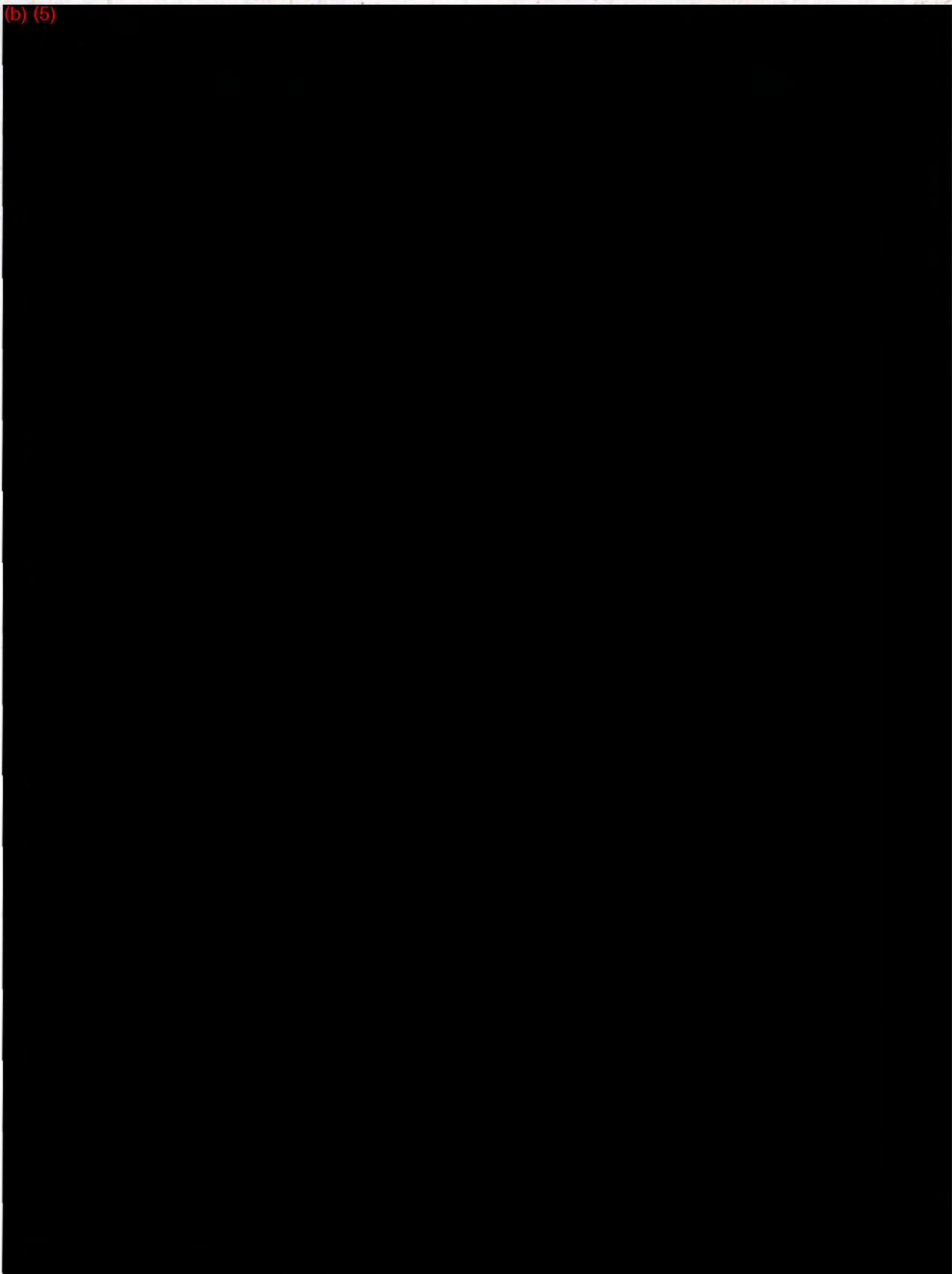
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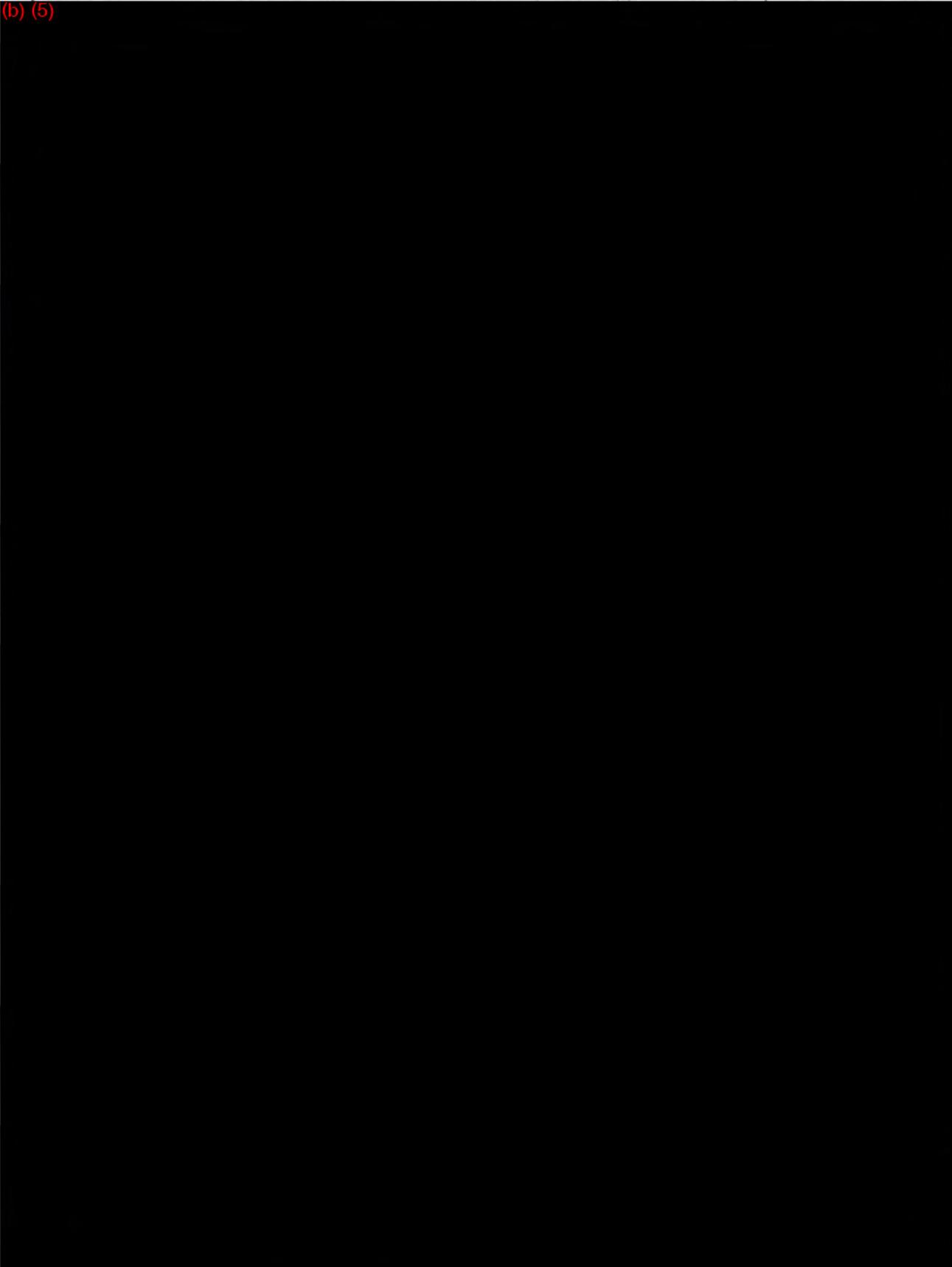
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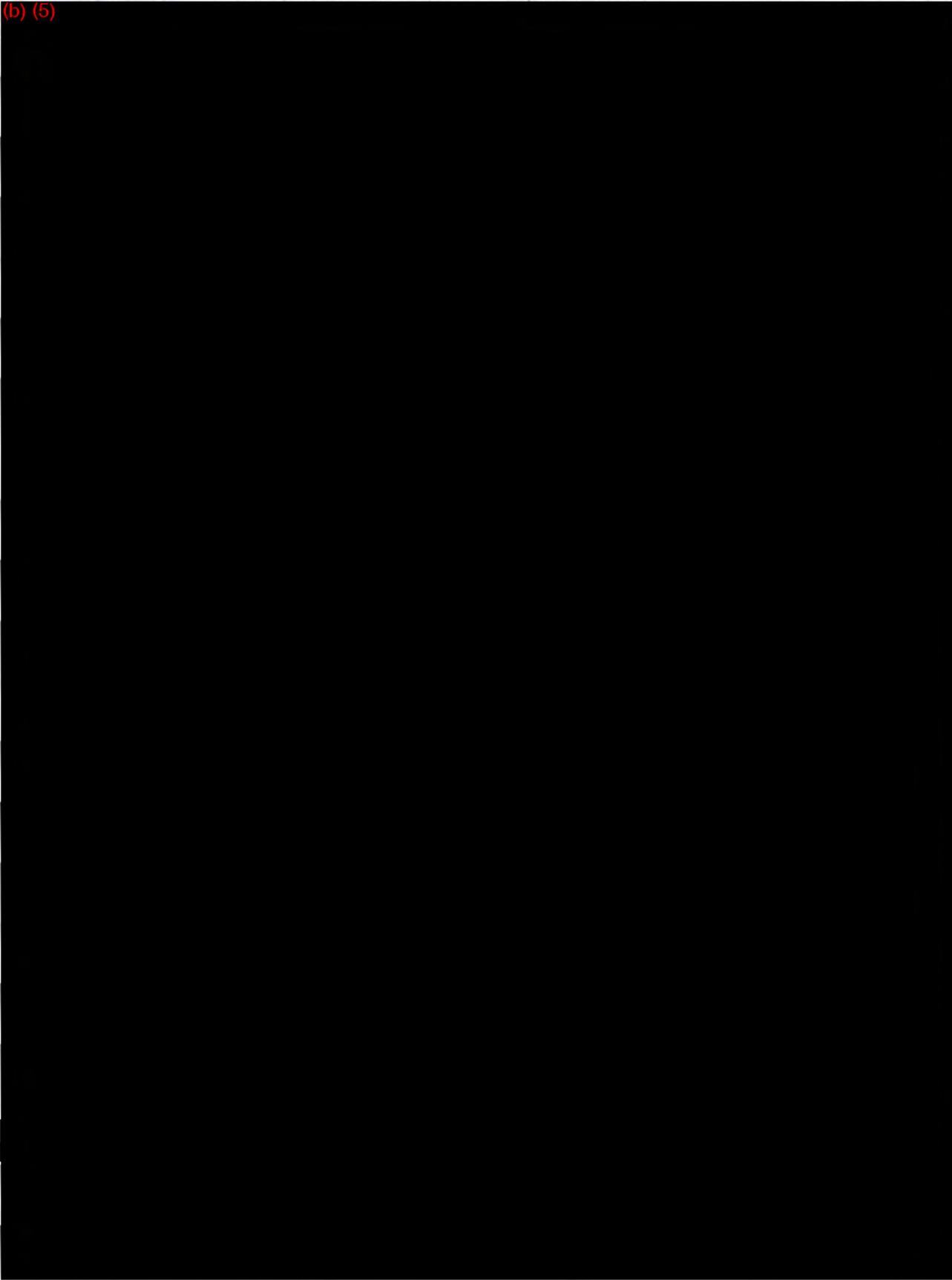
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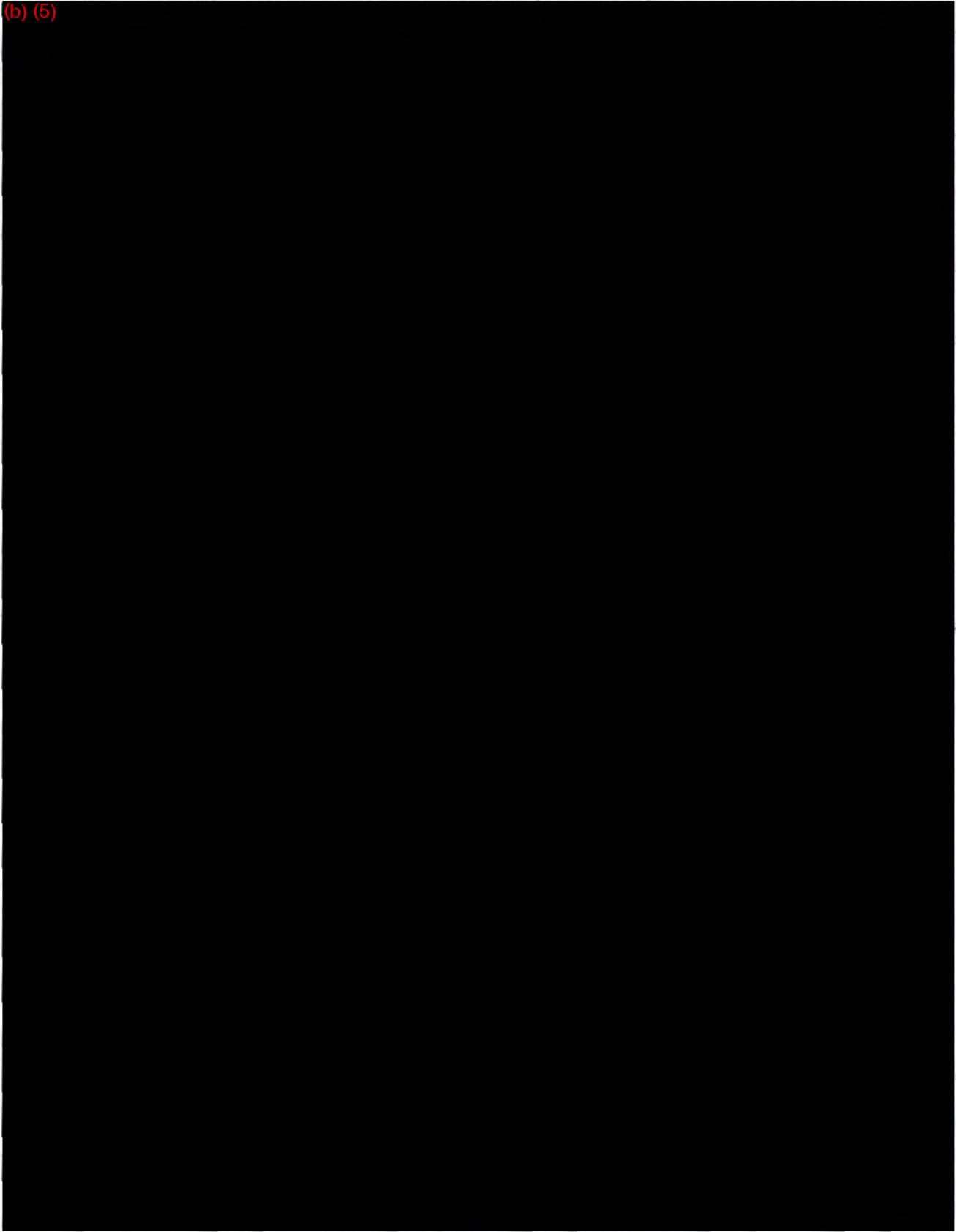
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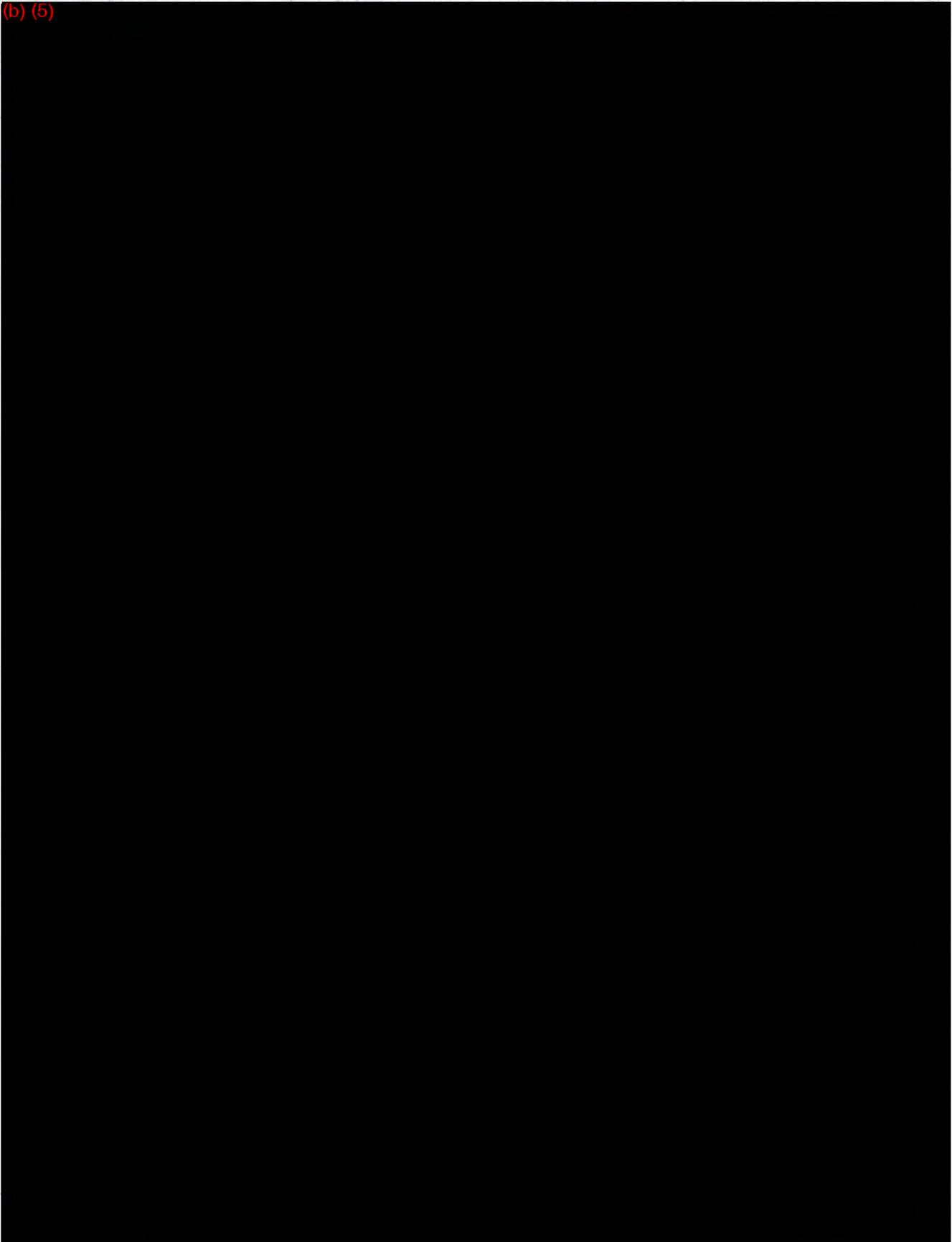
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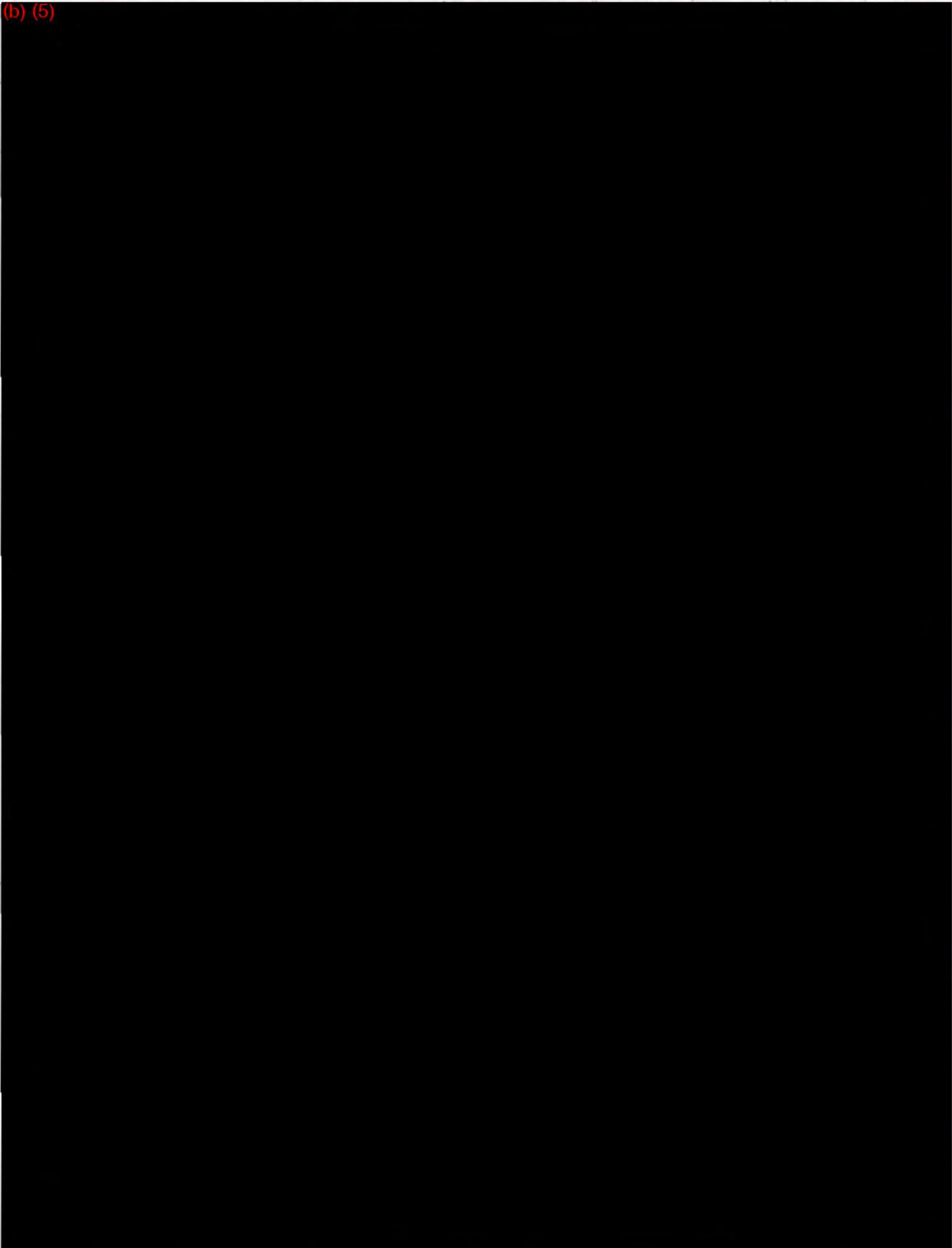
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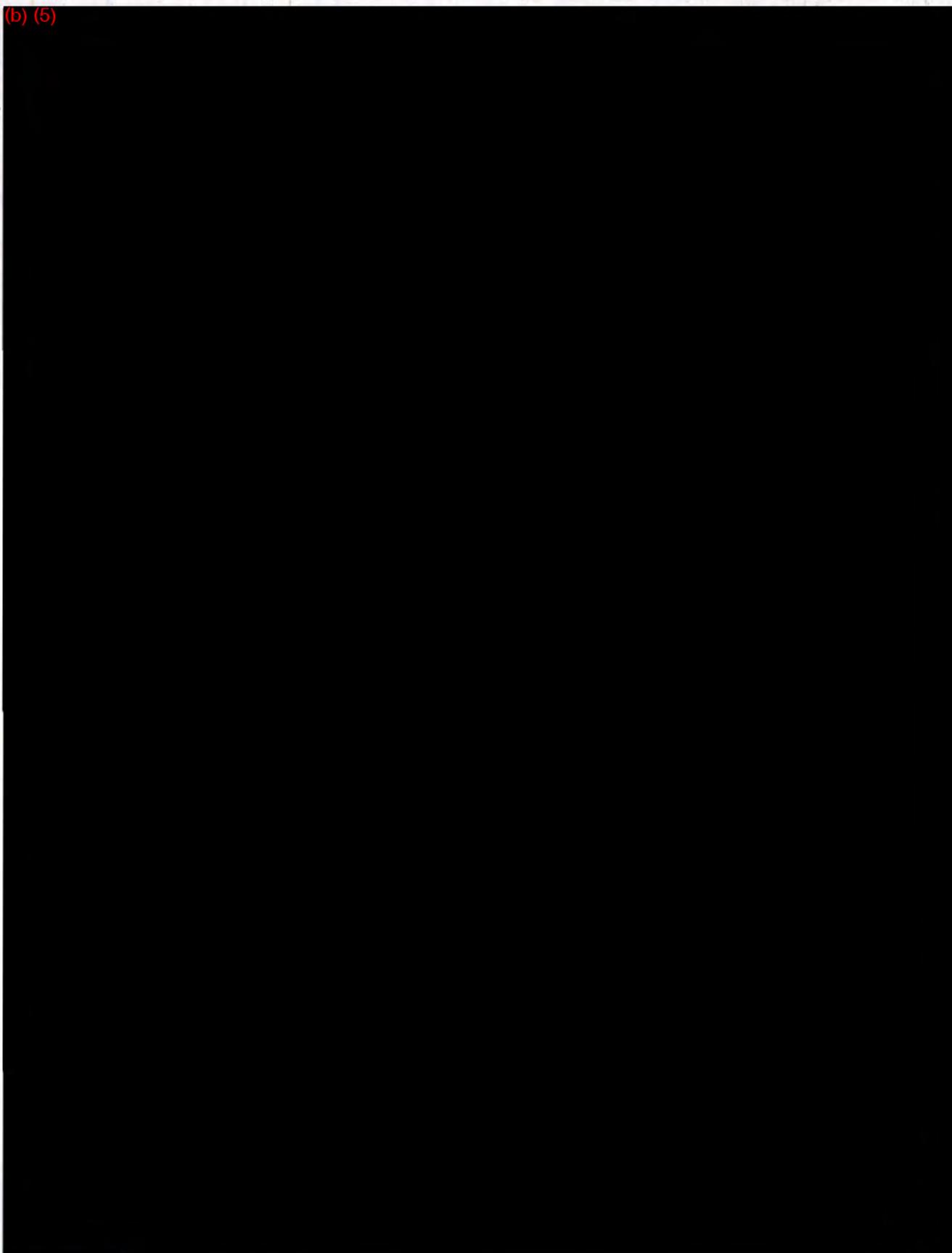
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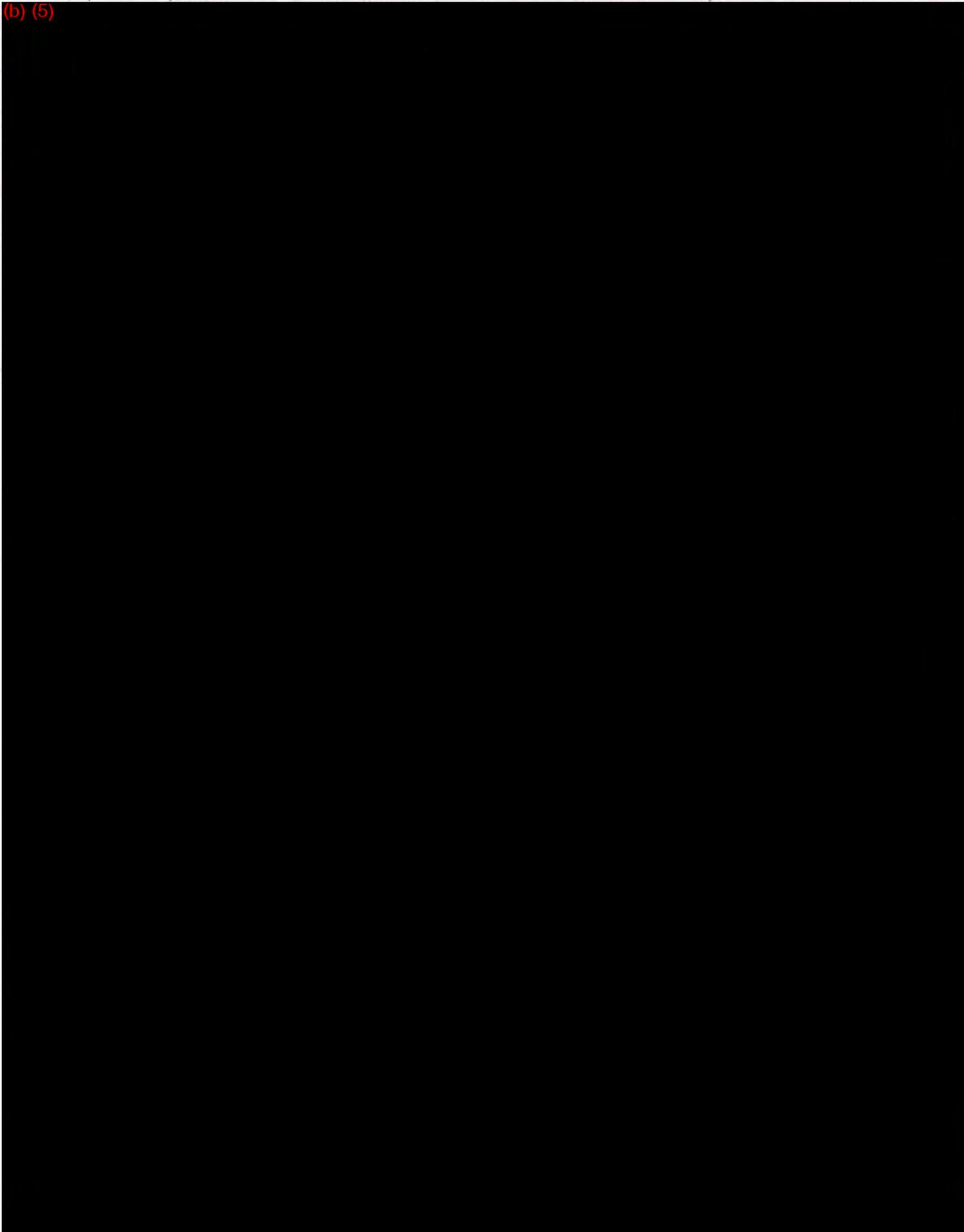
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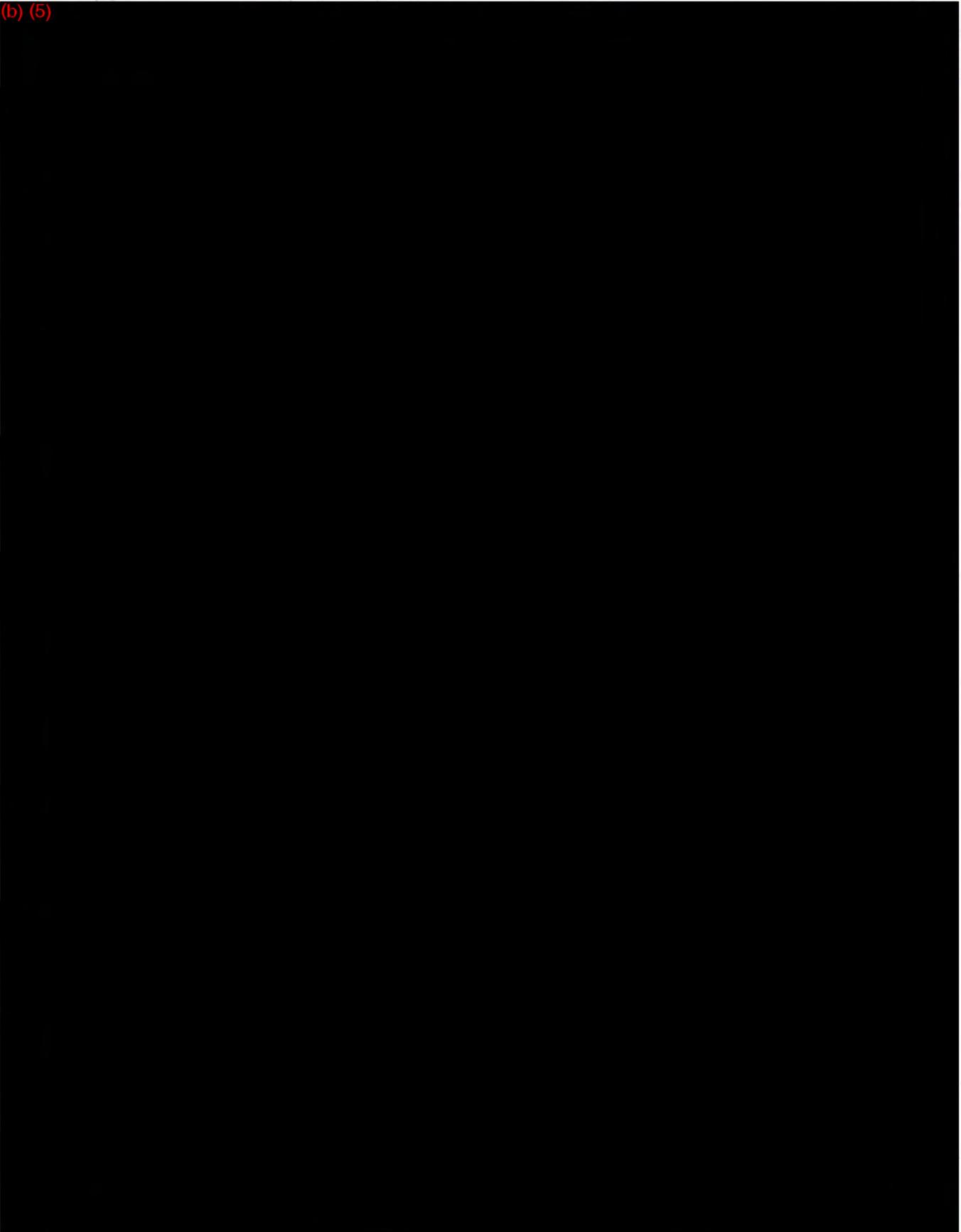
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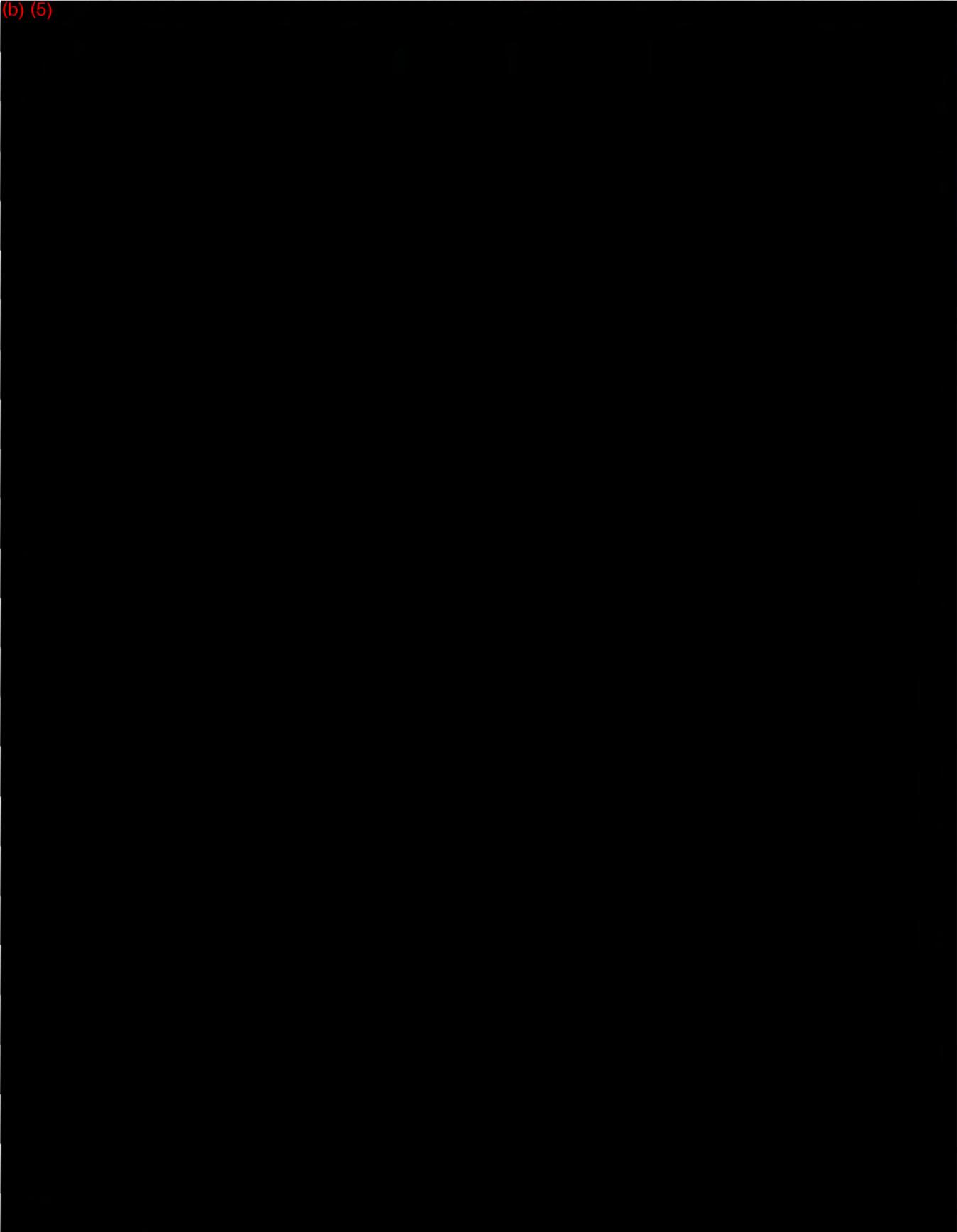
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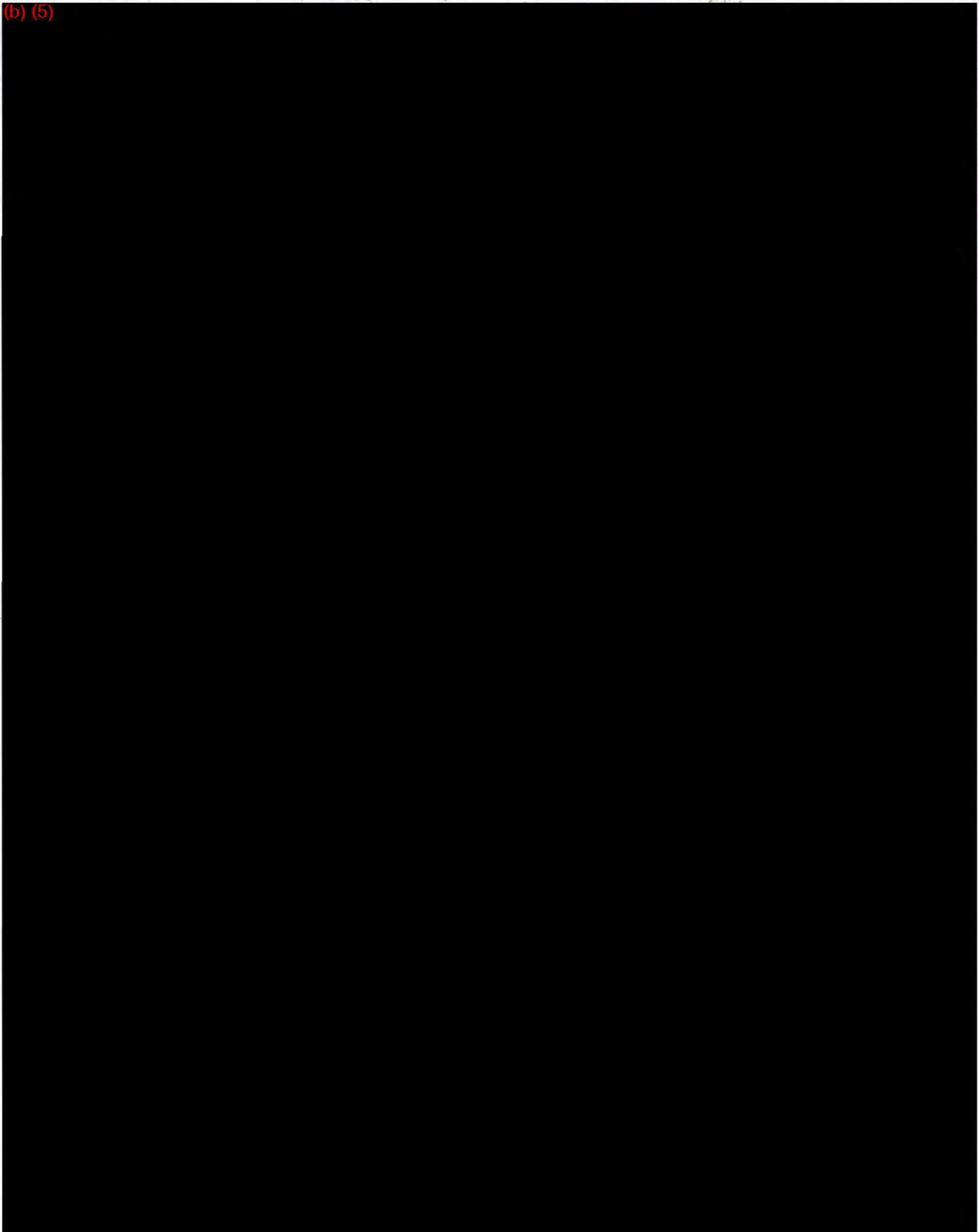
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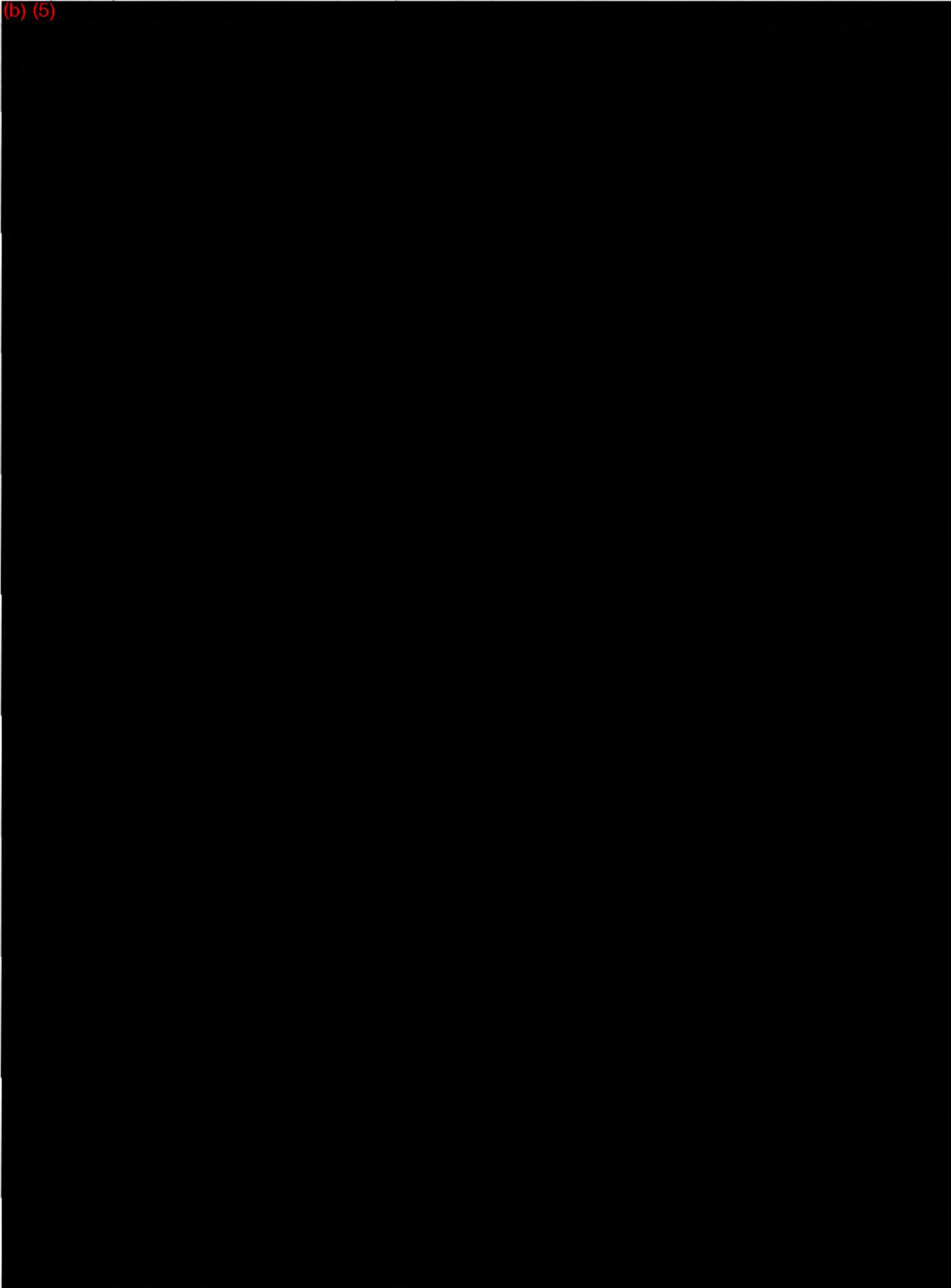
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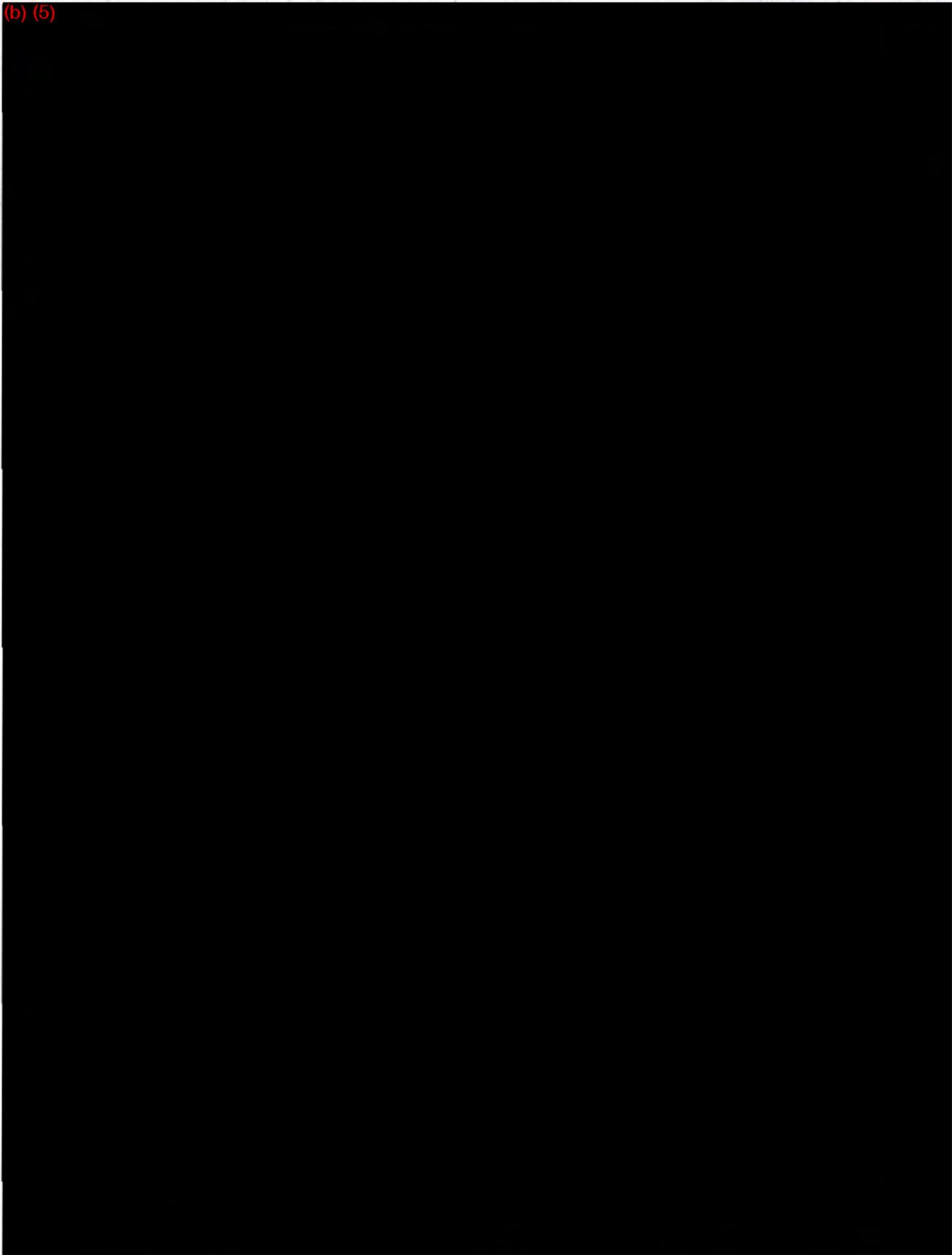
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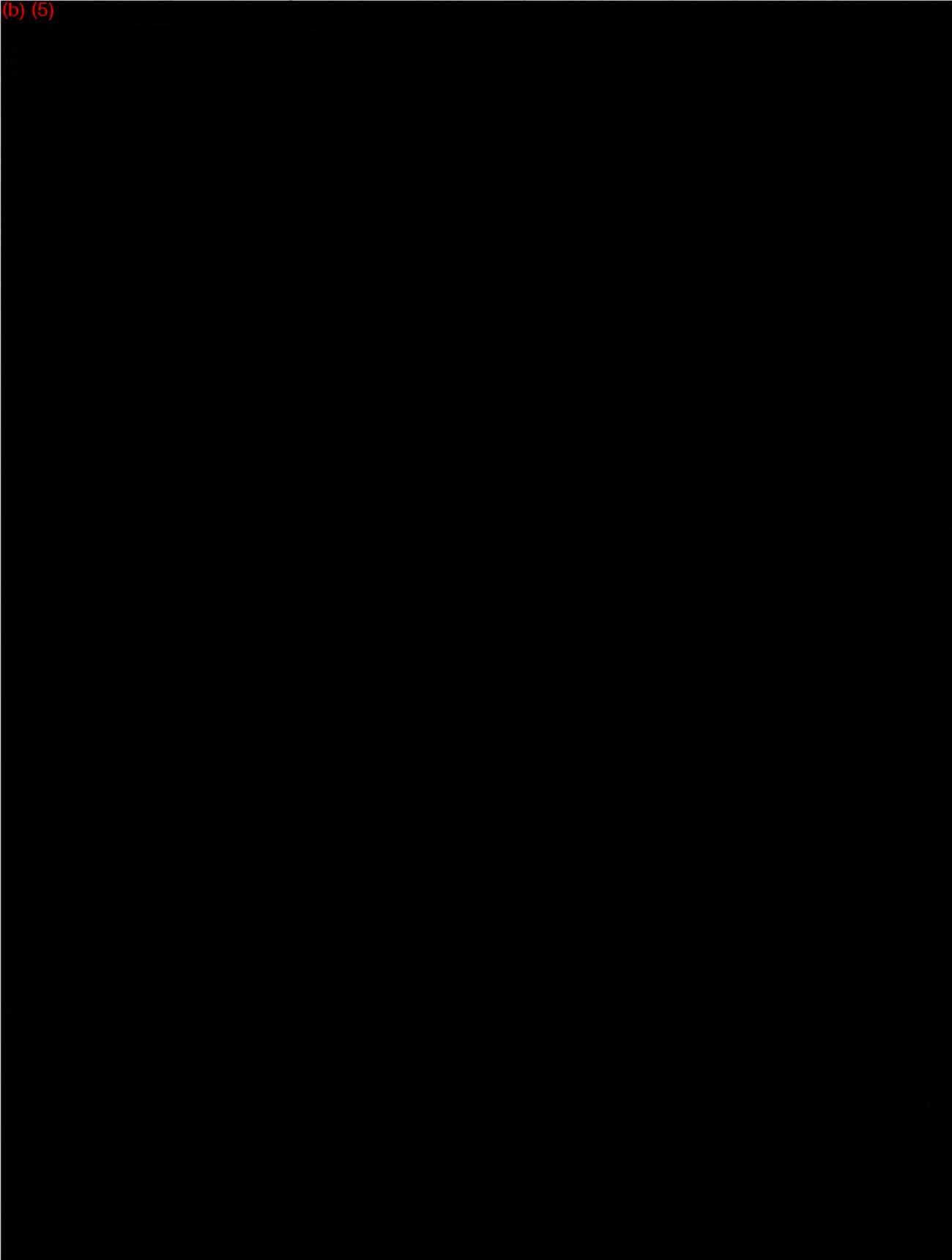
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Comments on Proposed Secretarial Order

(b) (5)



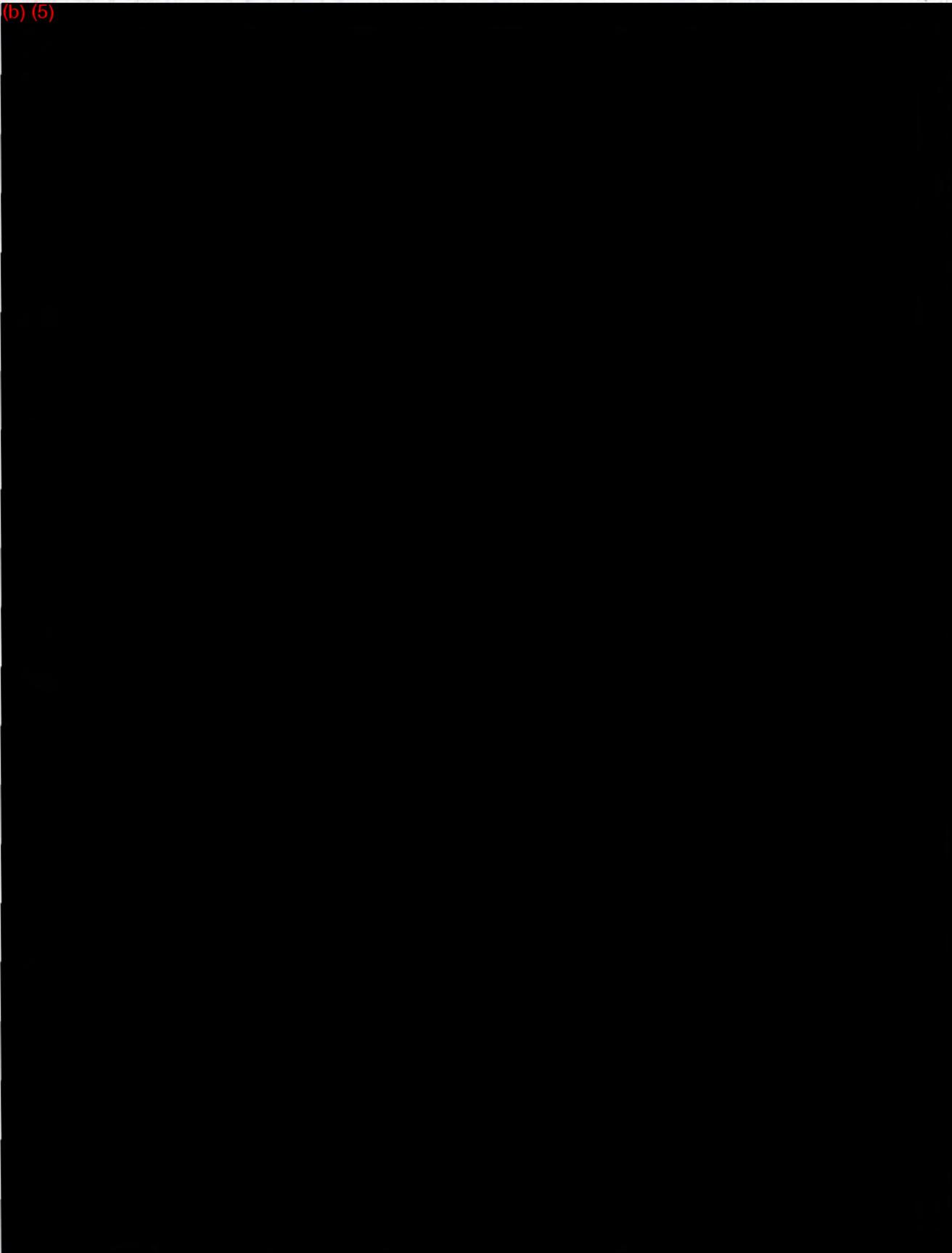
Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
of Eddy and Lea Counties, New Mexico
Comments on Proposed Secretarial Order

(b) (5)



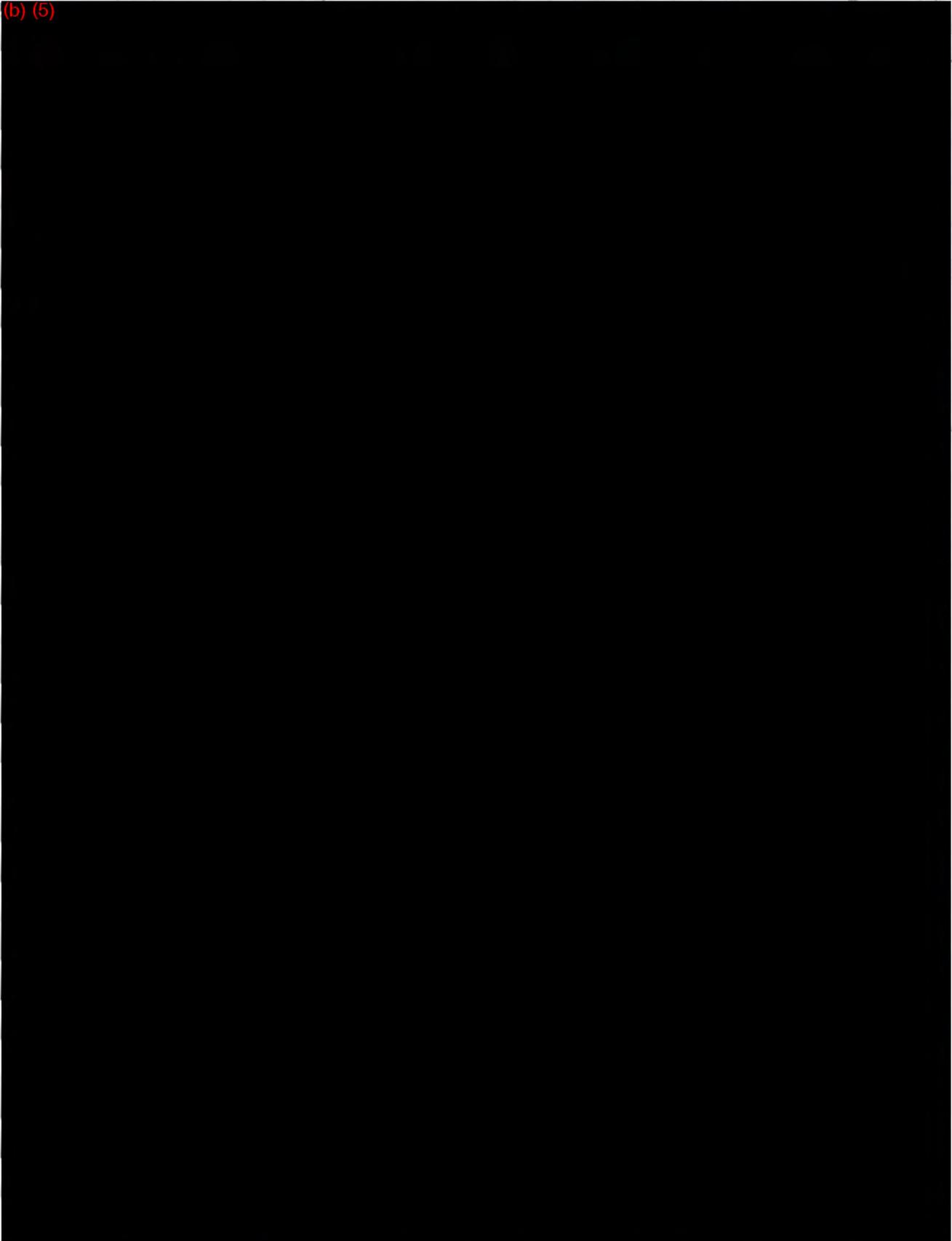
Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
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Comments on Proposed Secretarial Order

(b) (5)



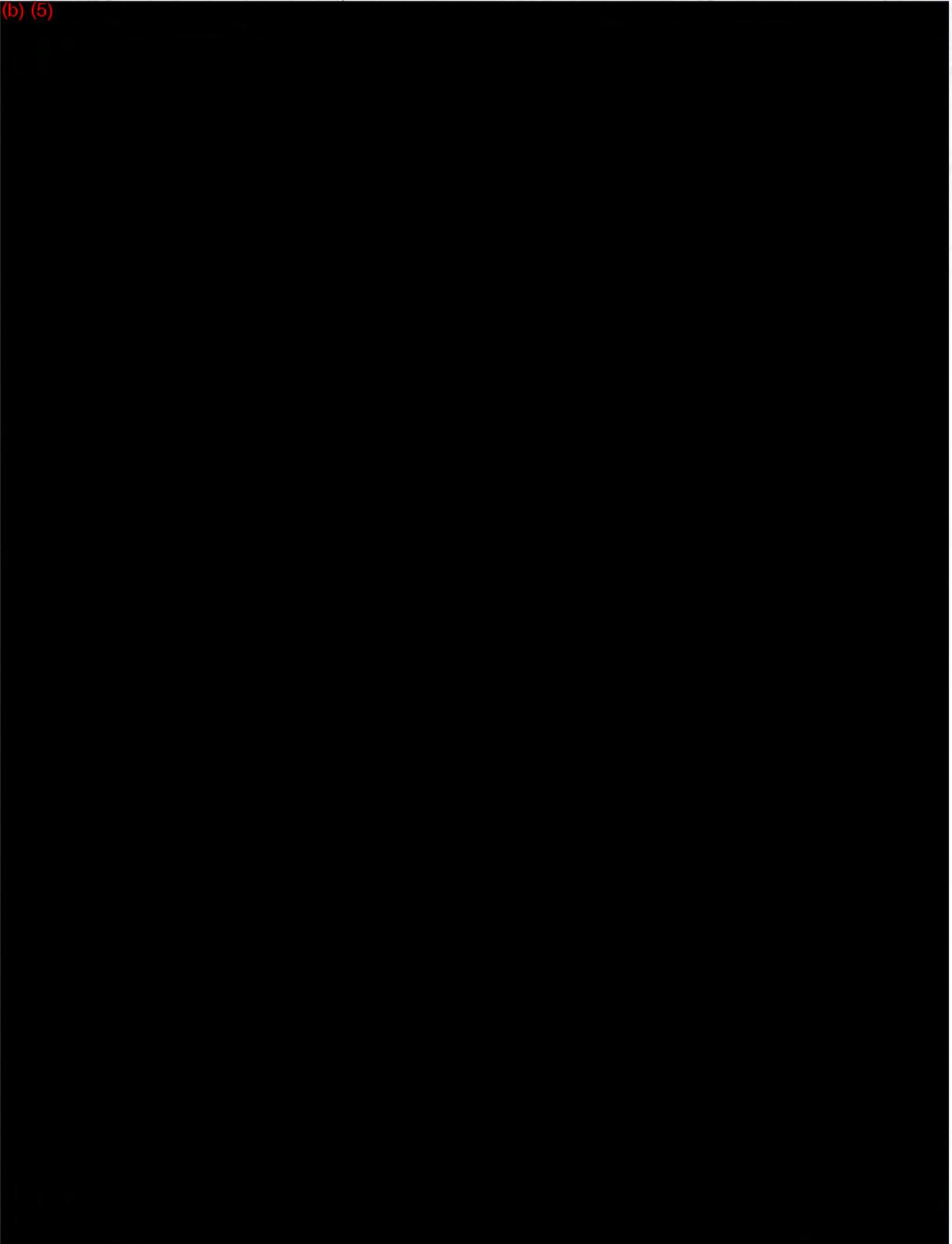
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Comments on Proposed Secretarial Order

(b) (5)



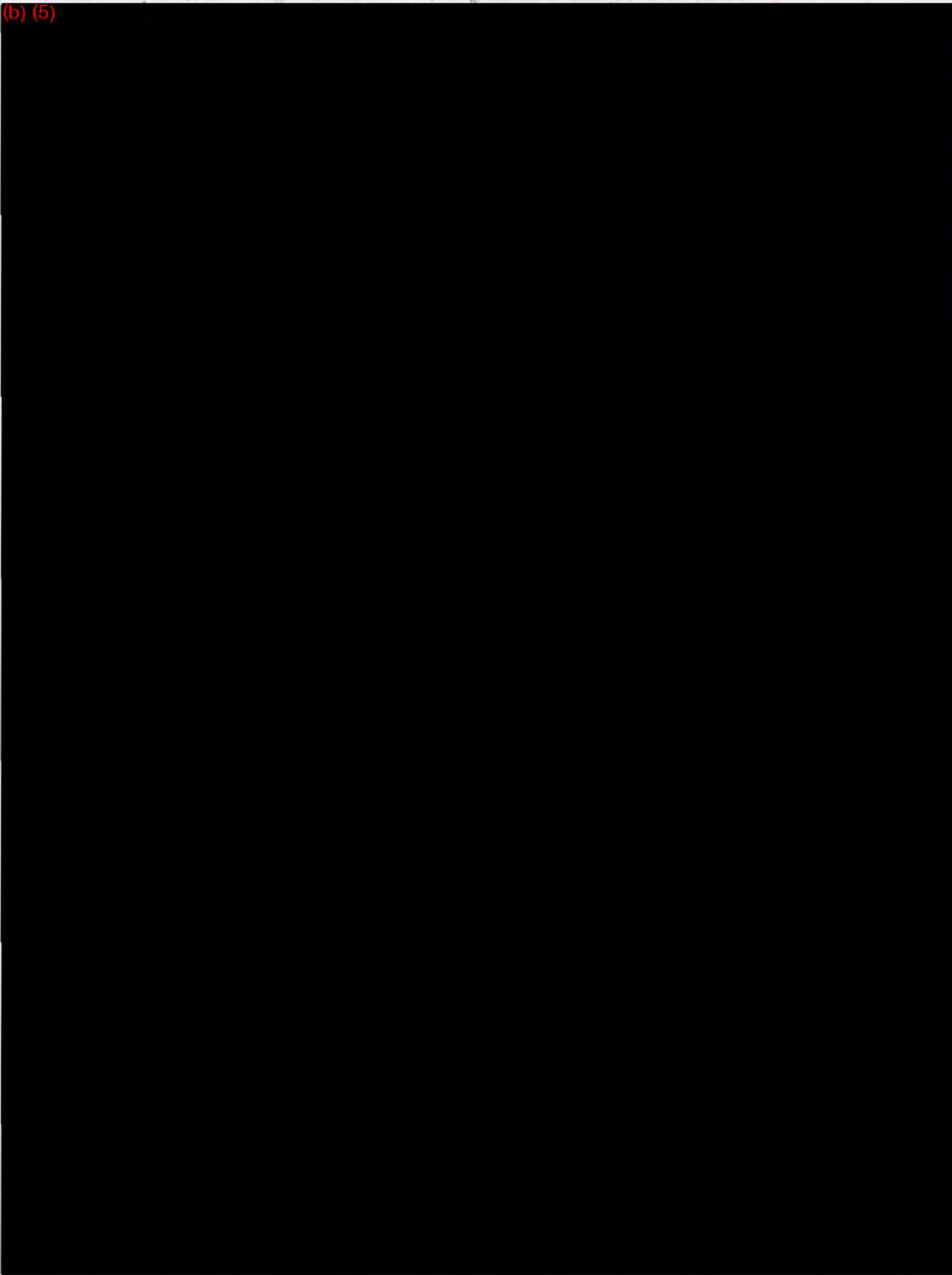
Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
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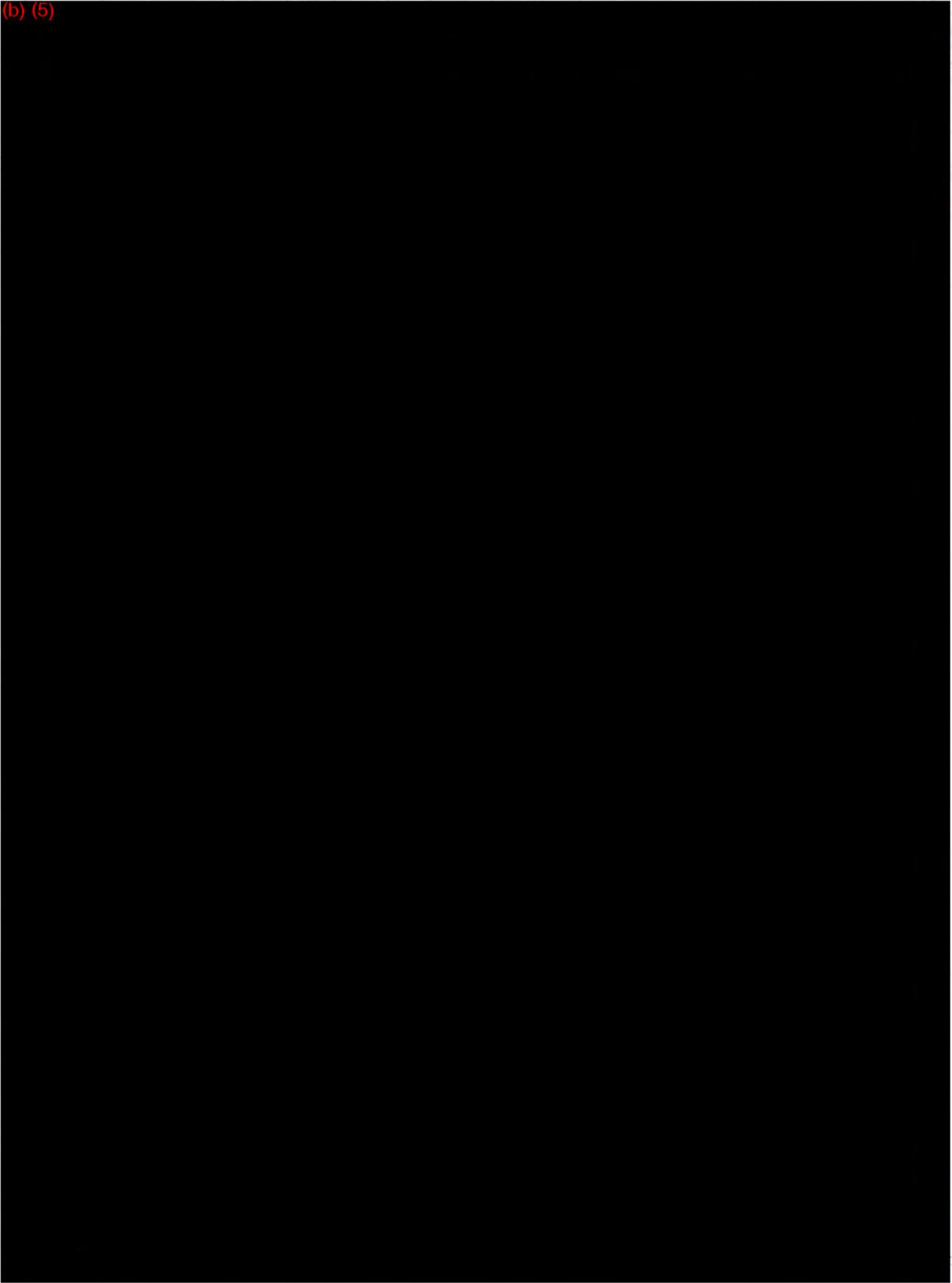
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Comments on Proposed Secretarial Order

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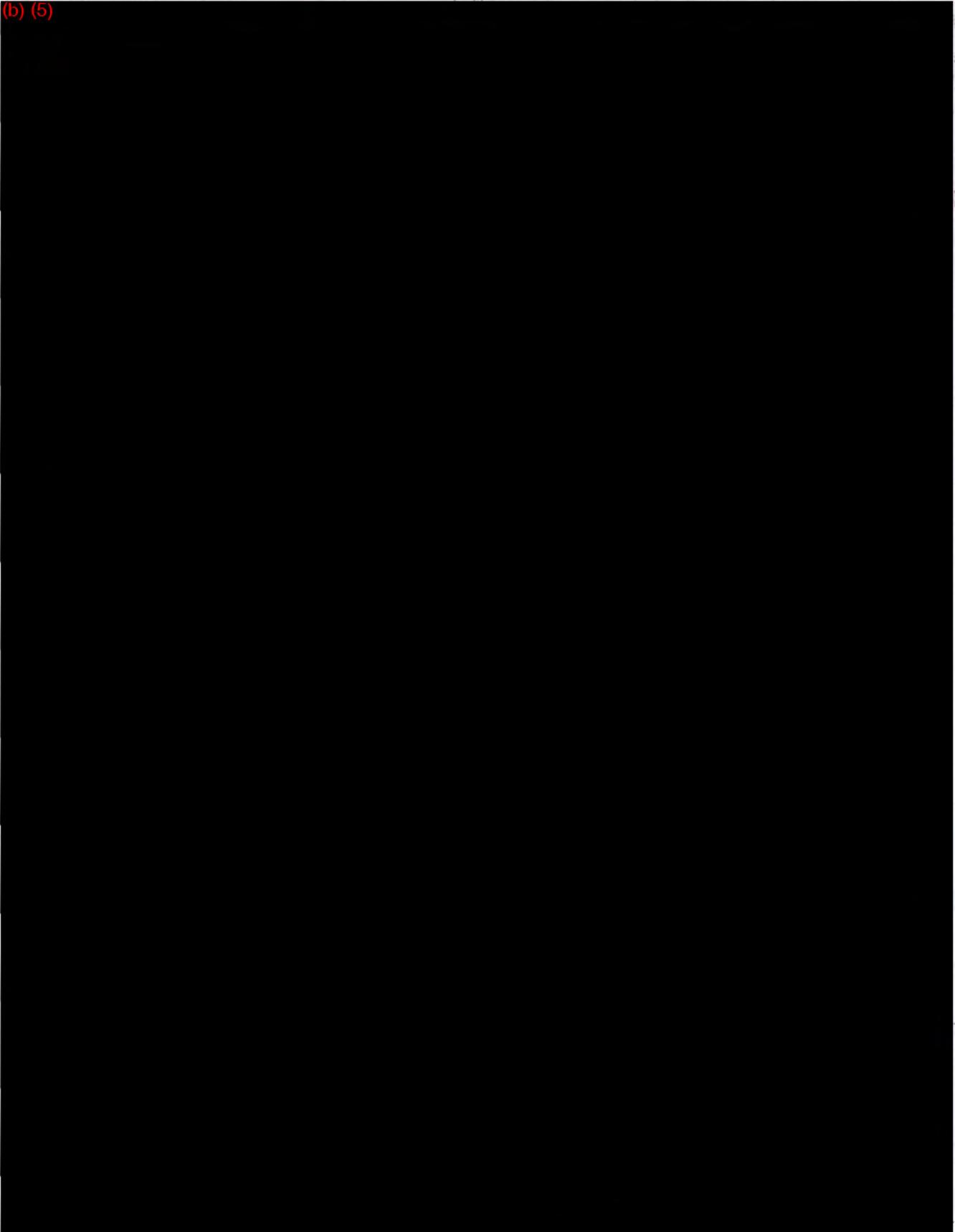
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Comments on Proposed Secretarial Order

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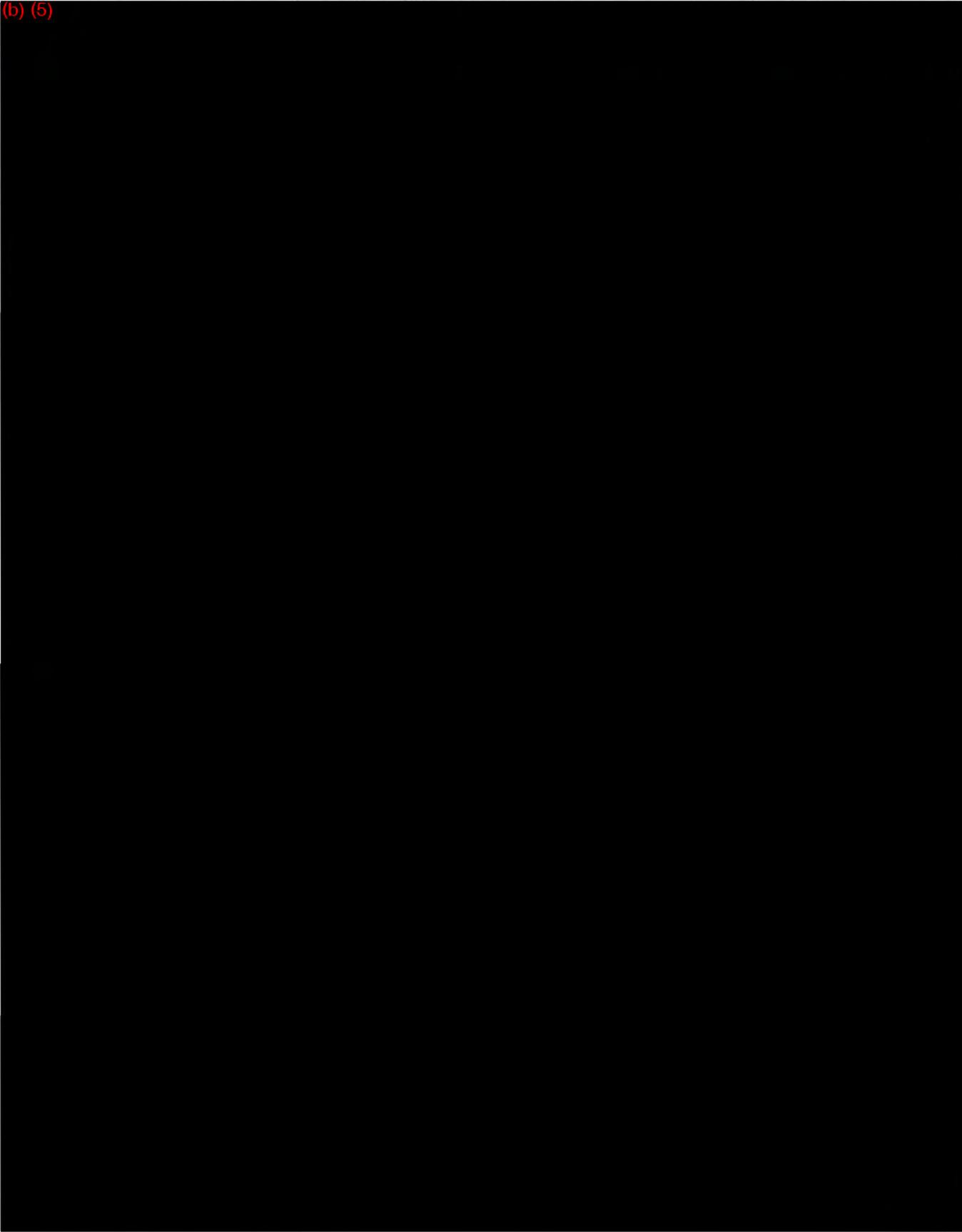
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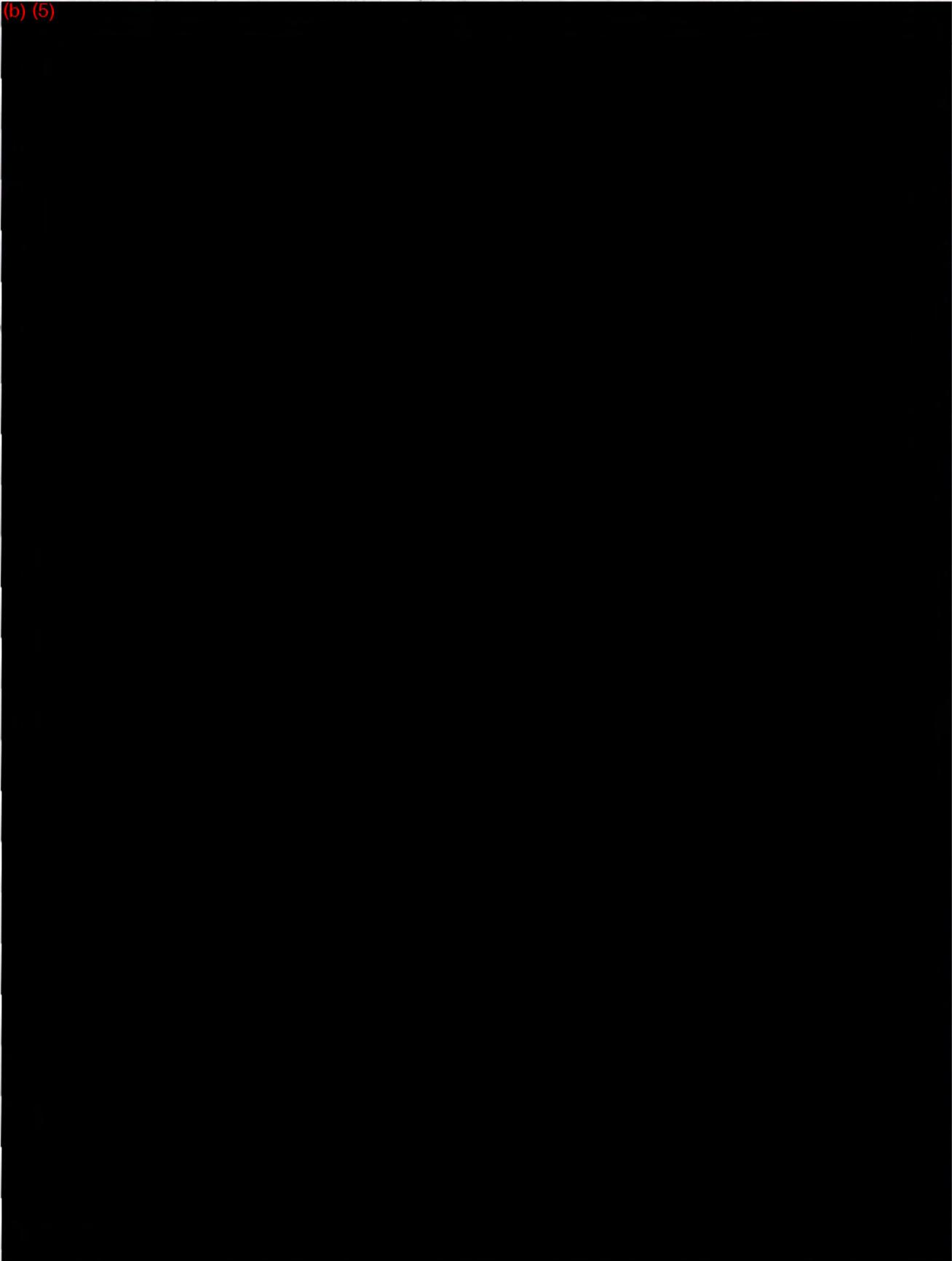
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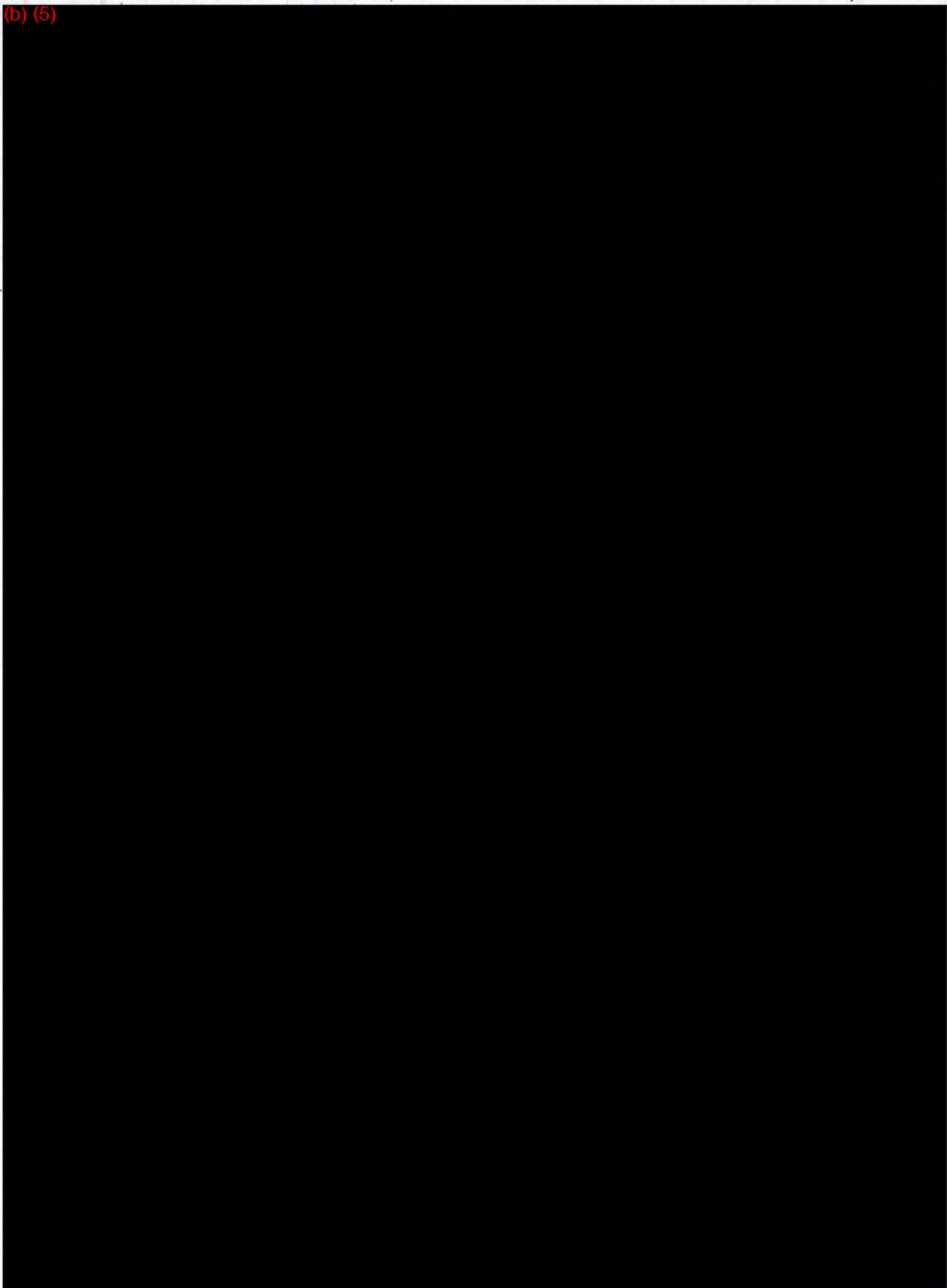
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Comments on Proposed Secretarial Order

(b) (5)



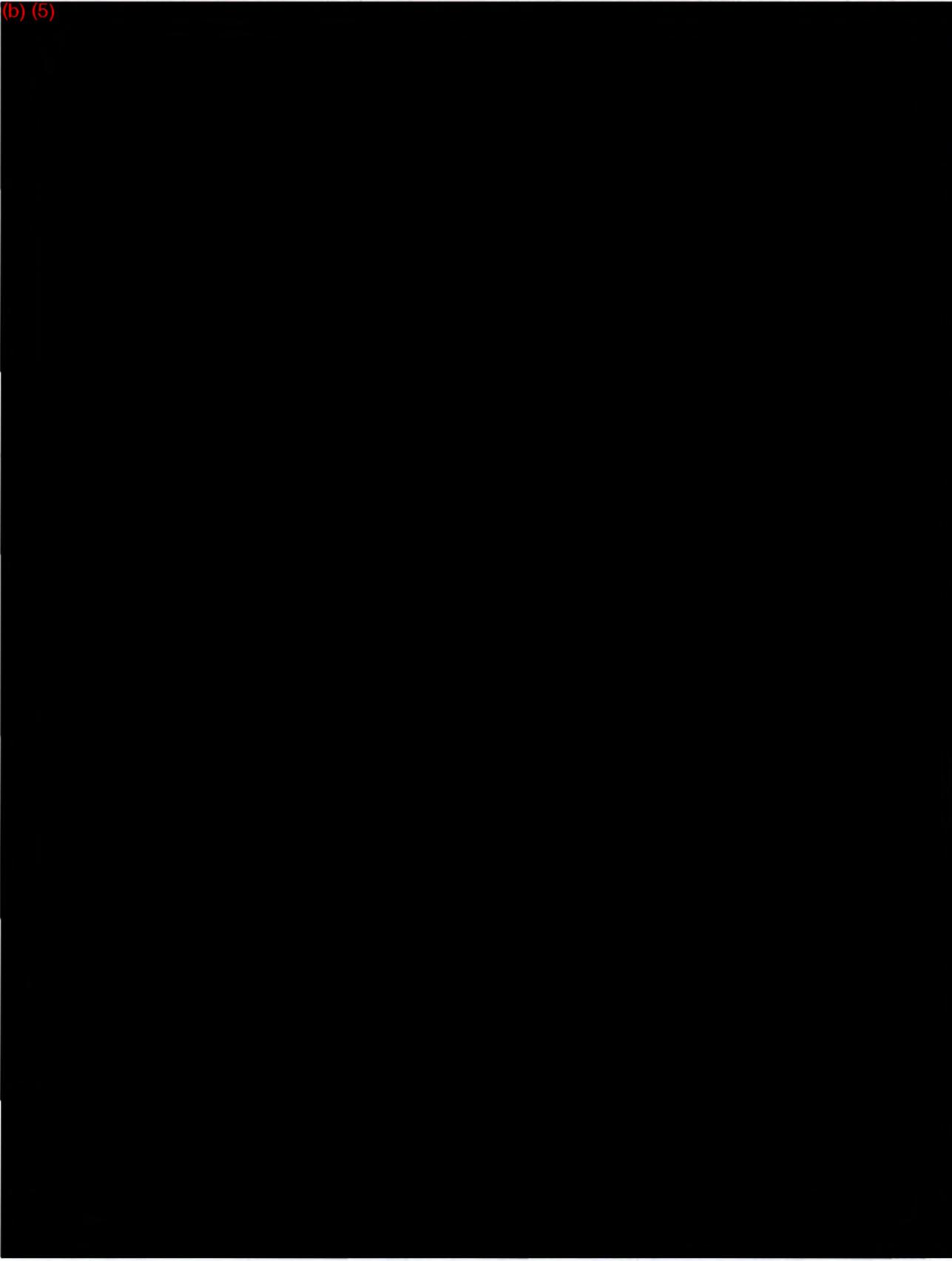
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Comments on Proposed Secretarial Order

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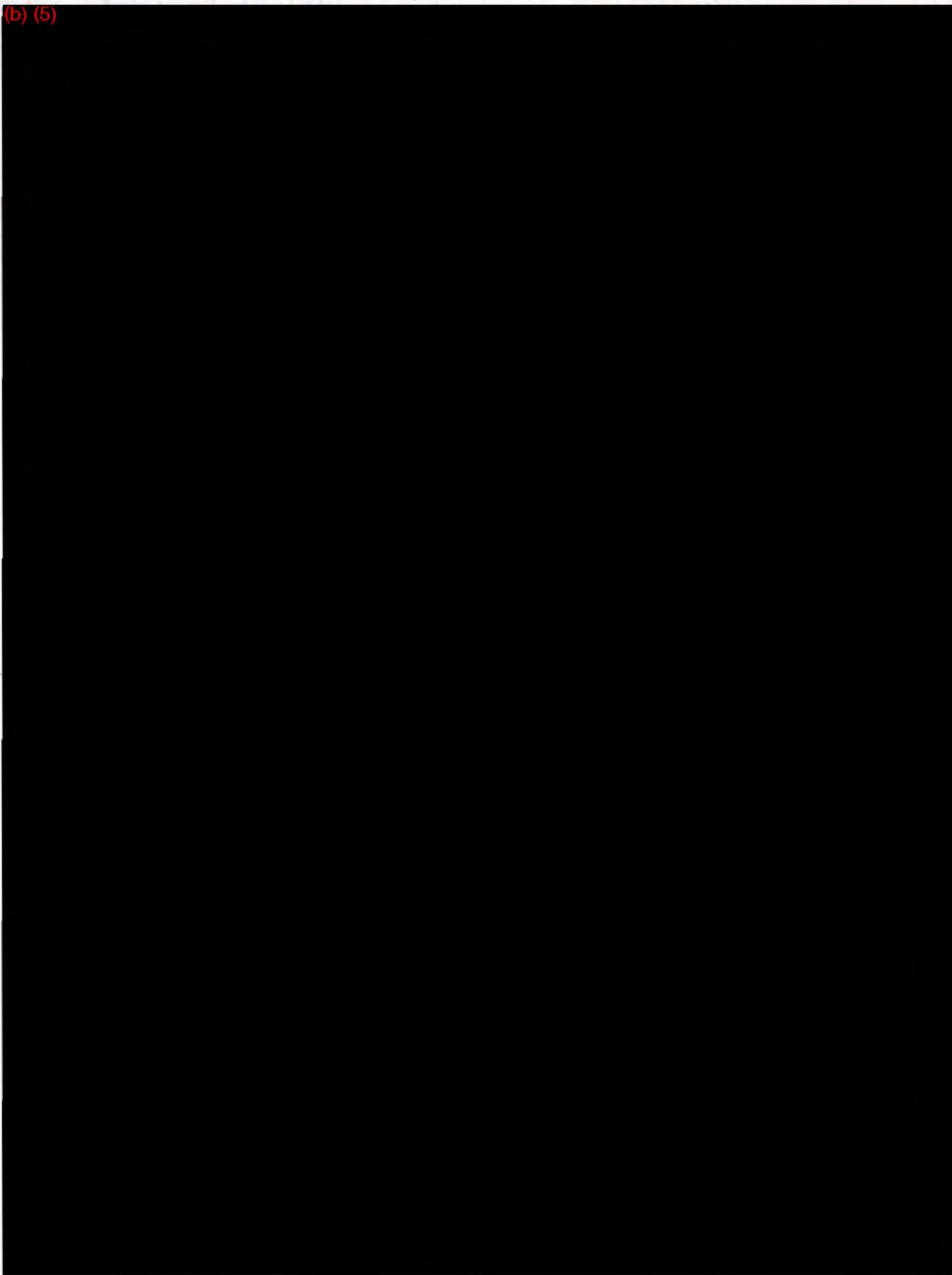
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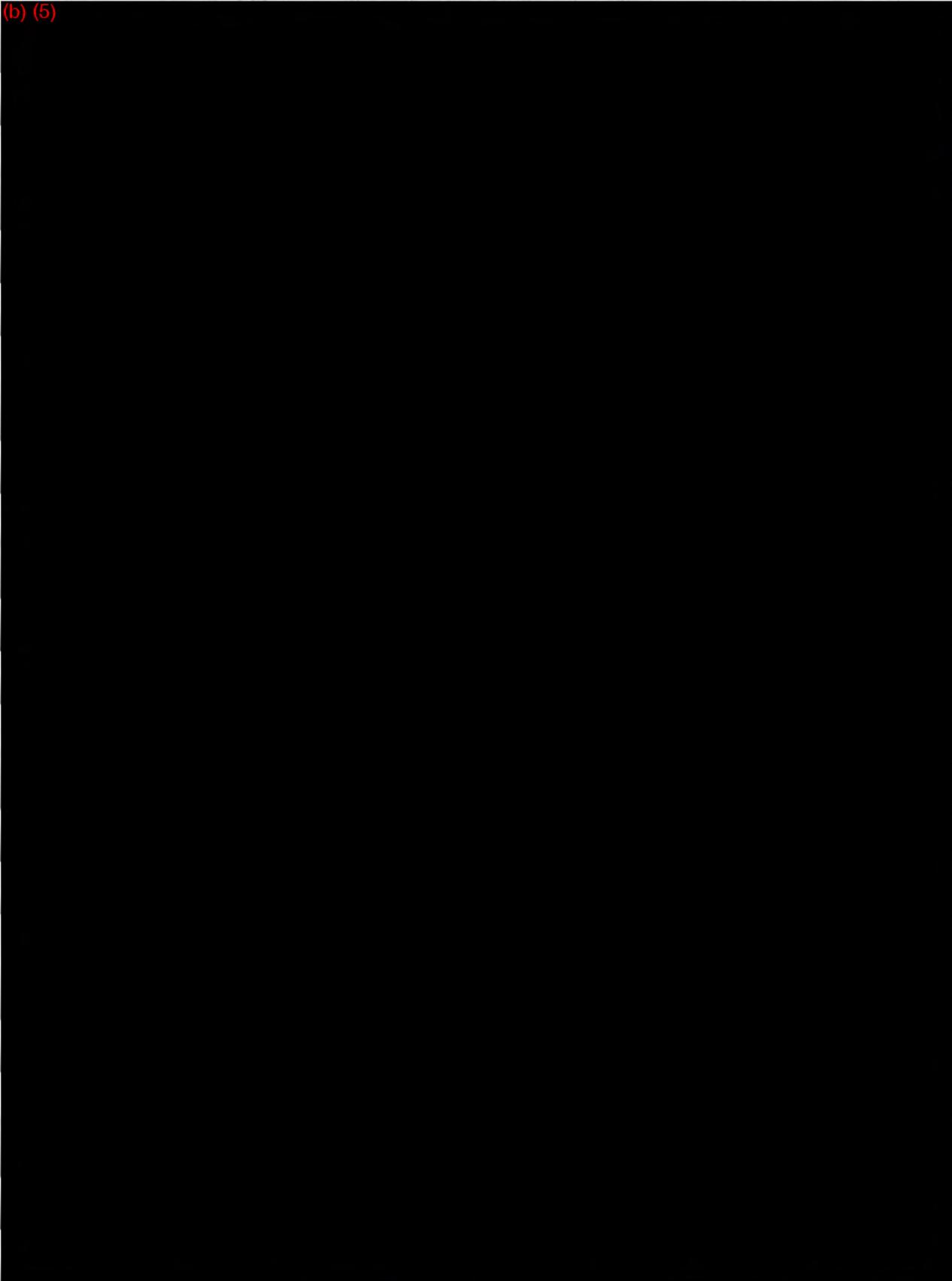
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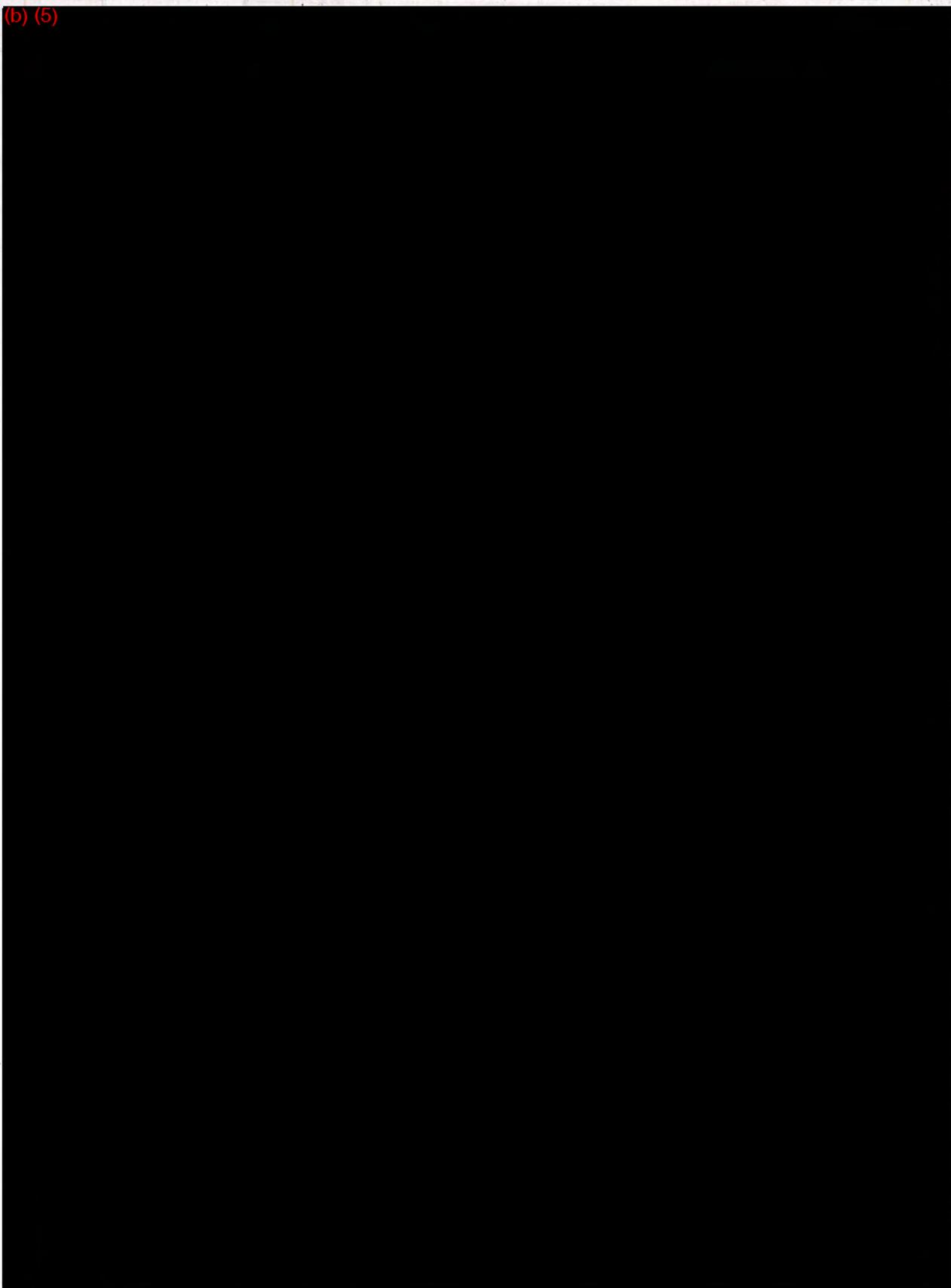
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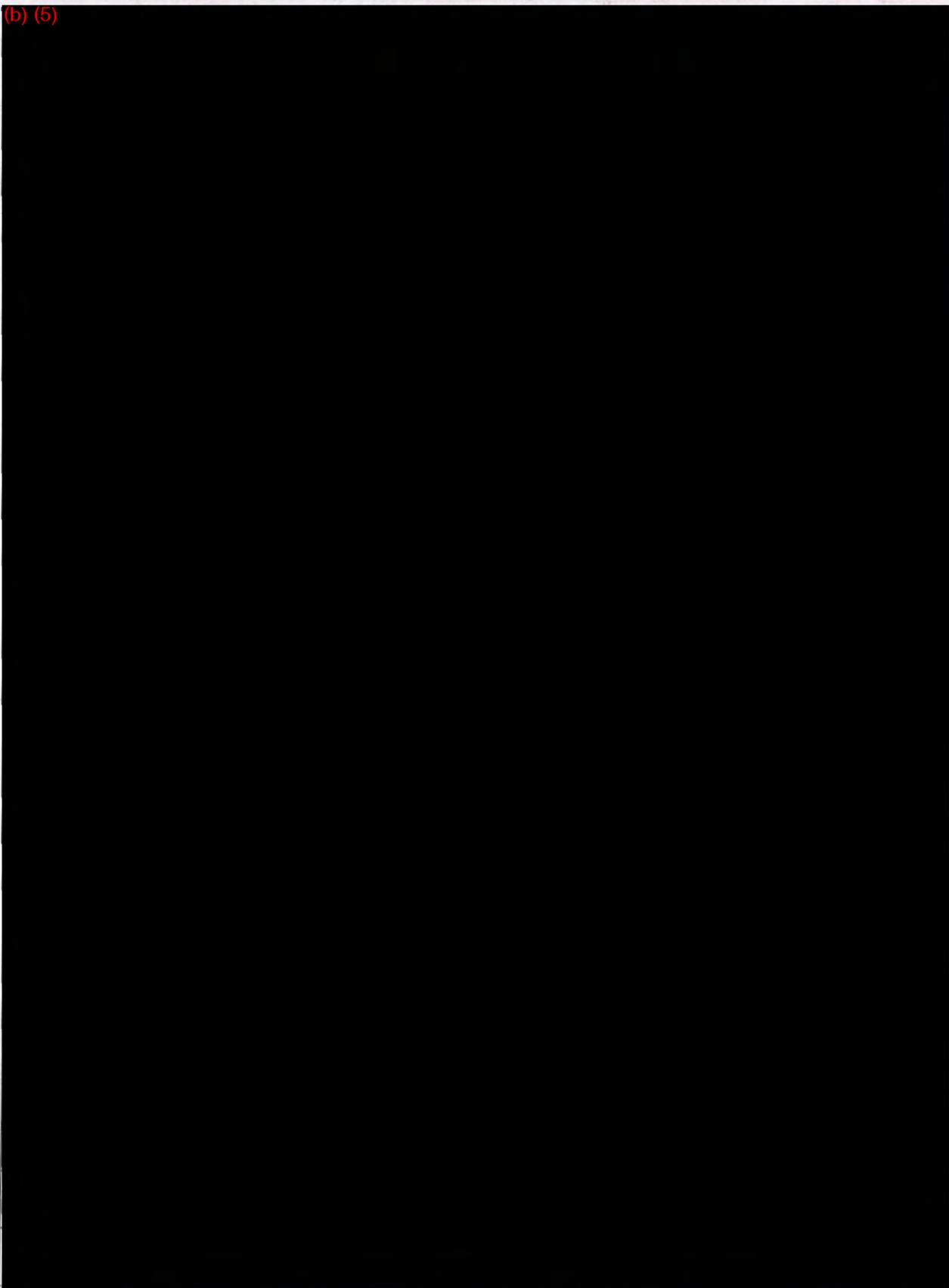
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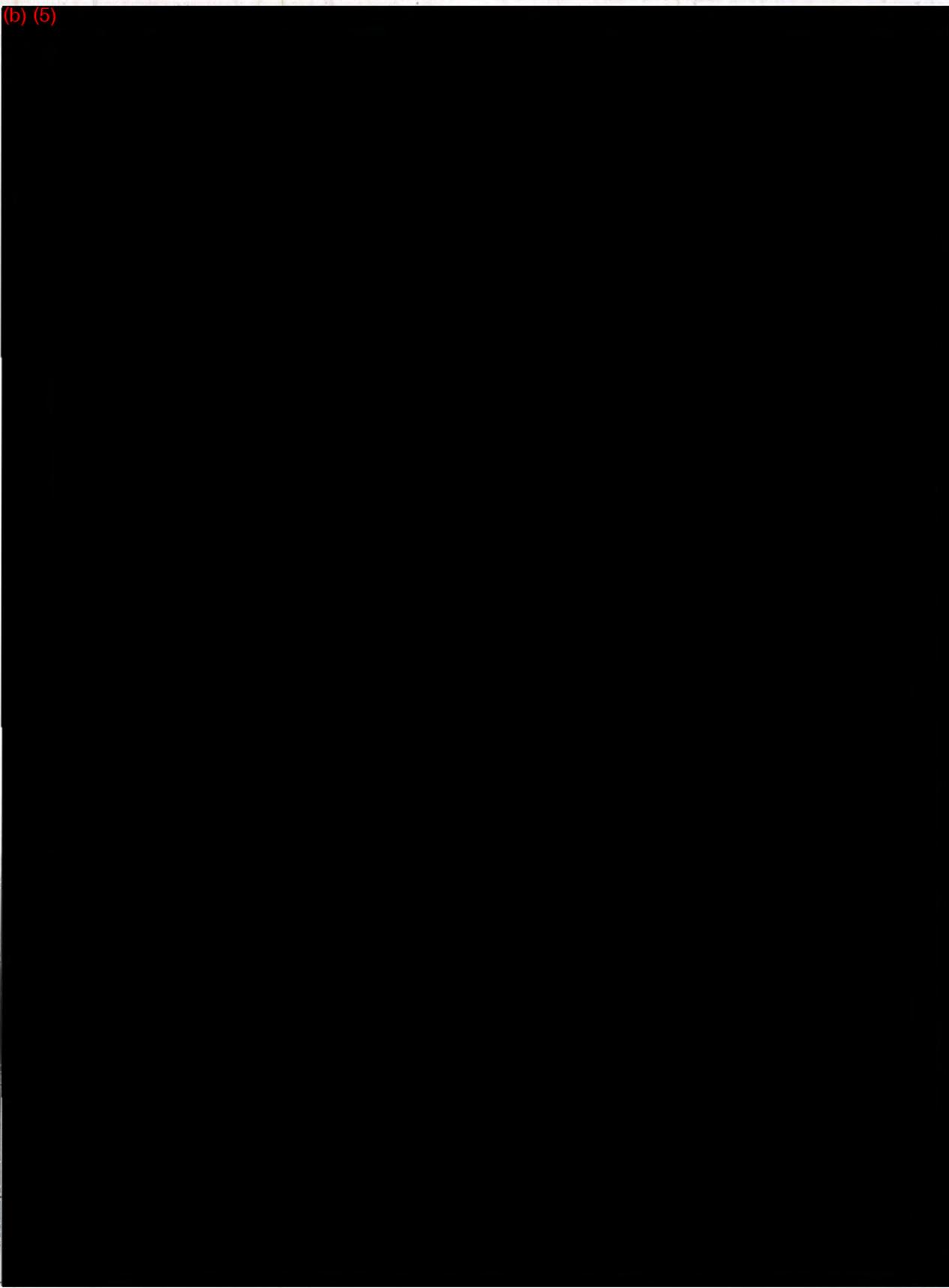
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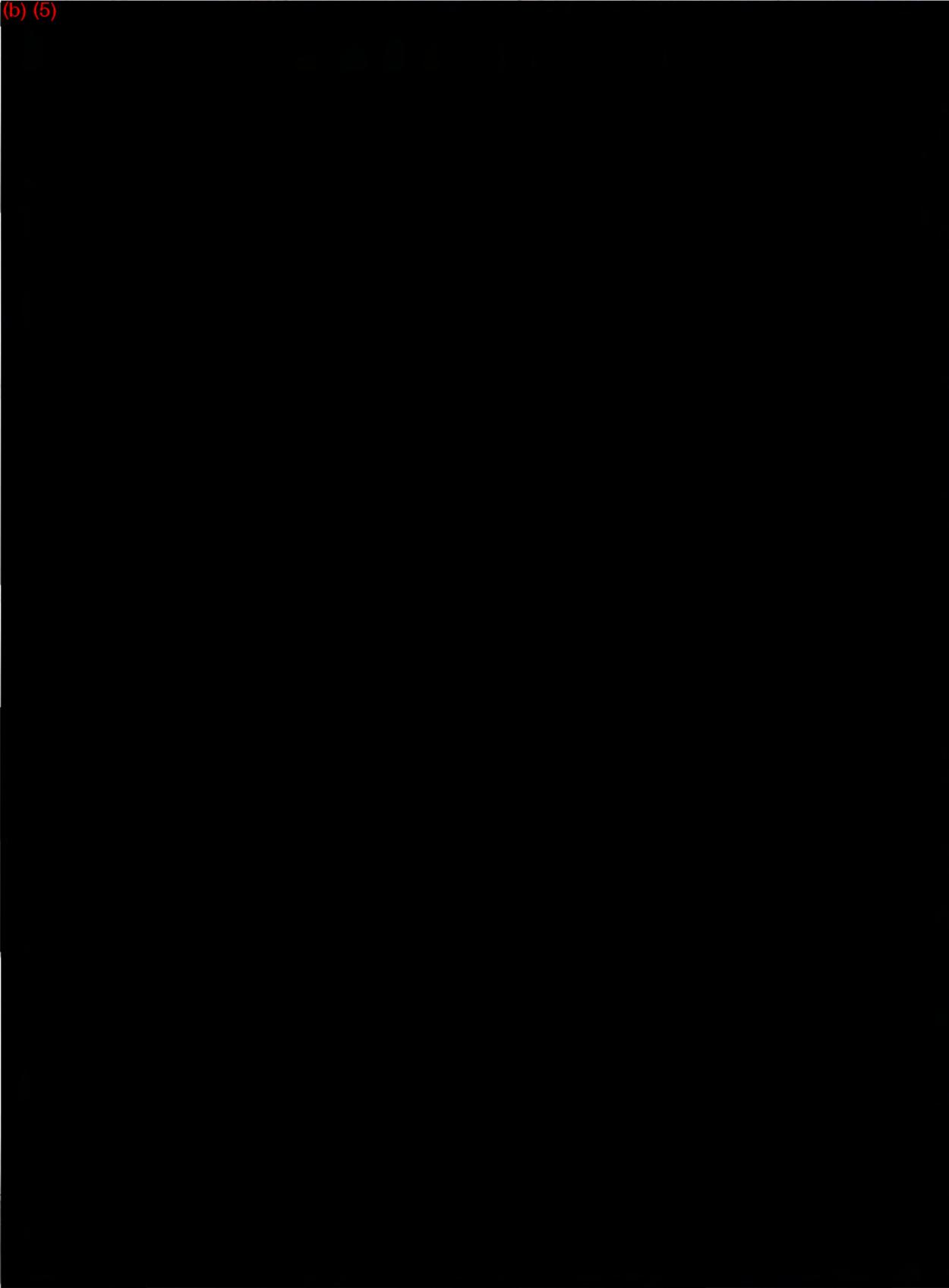
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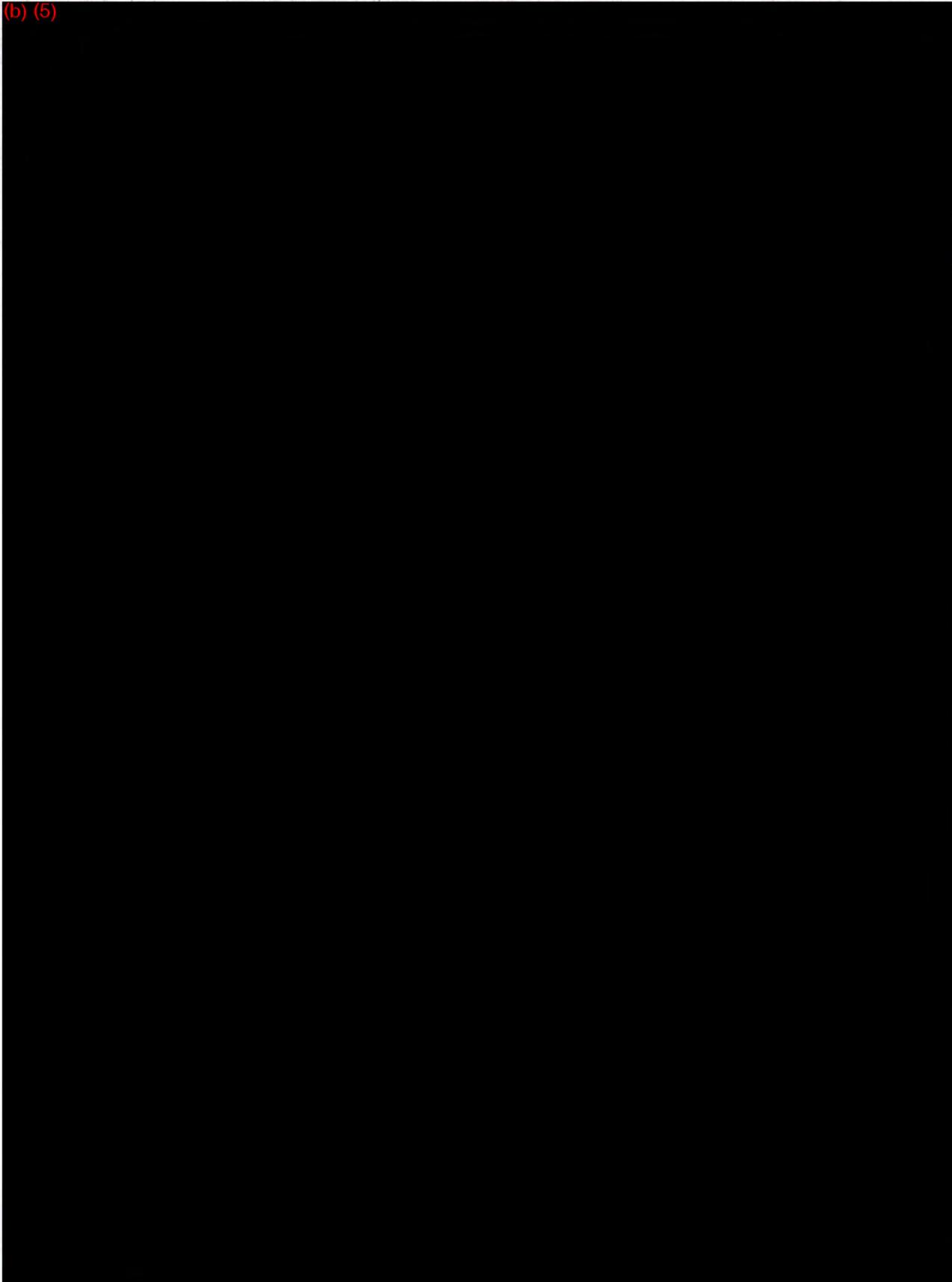
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Comments on Proposed Secretarial Order

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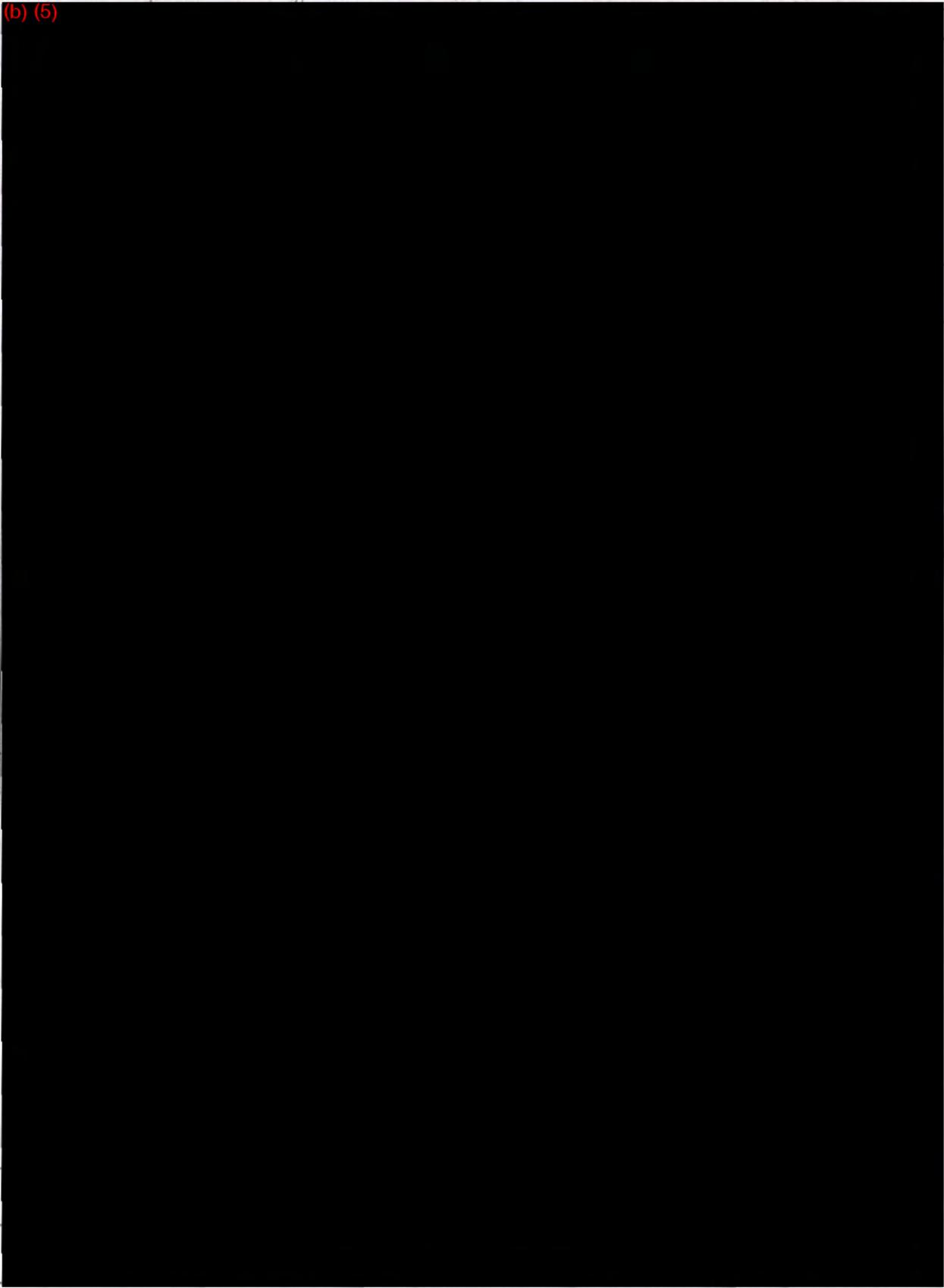
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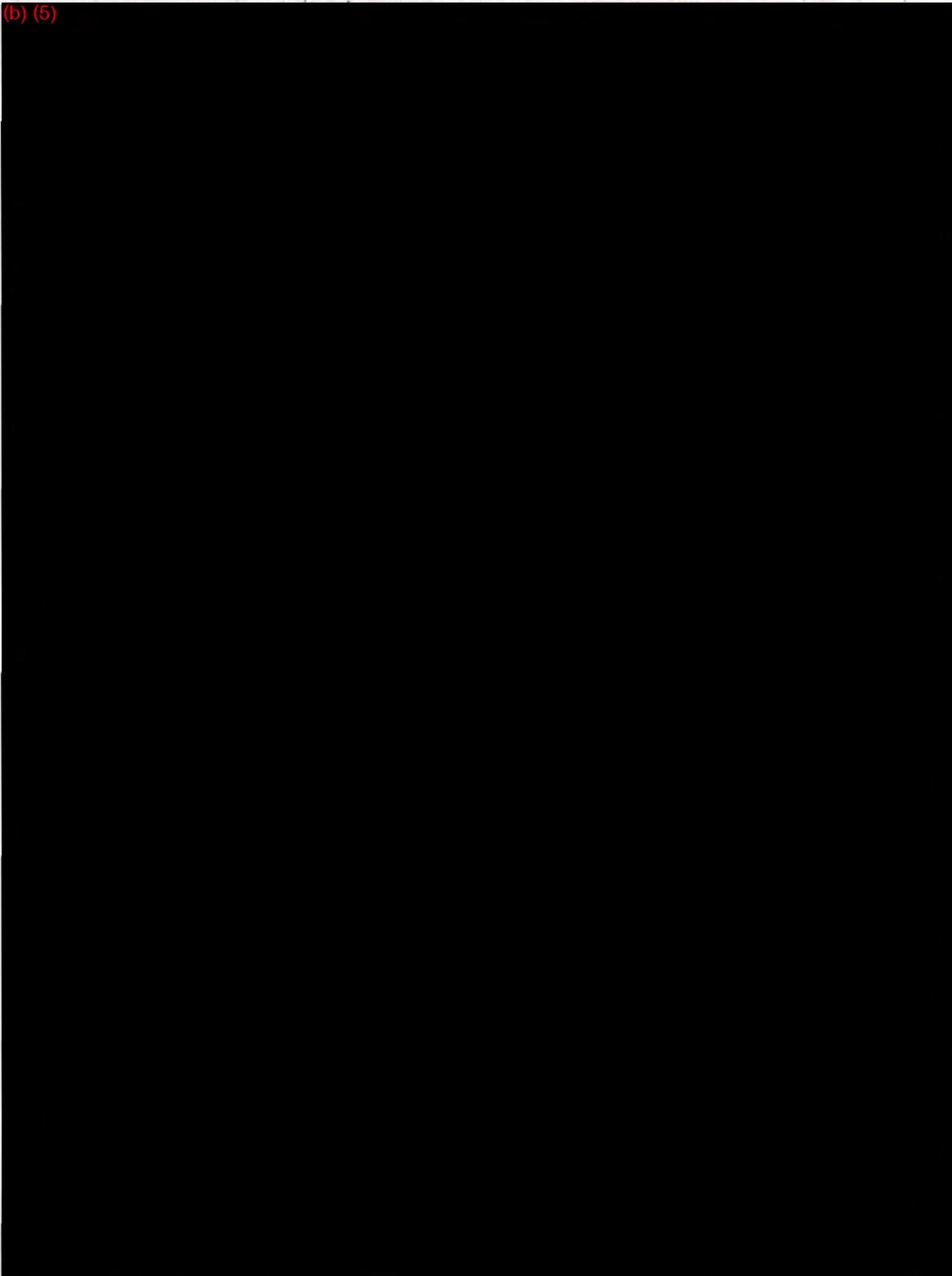
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Comments on Proposed Secretarial Order

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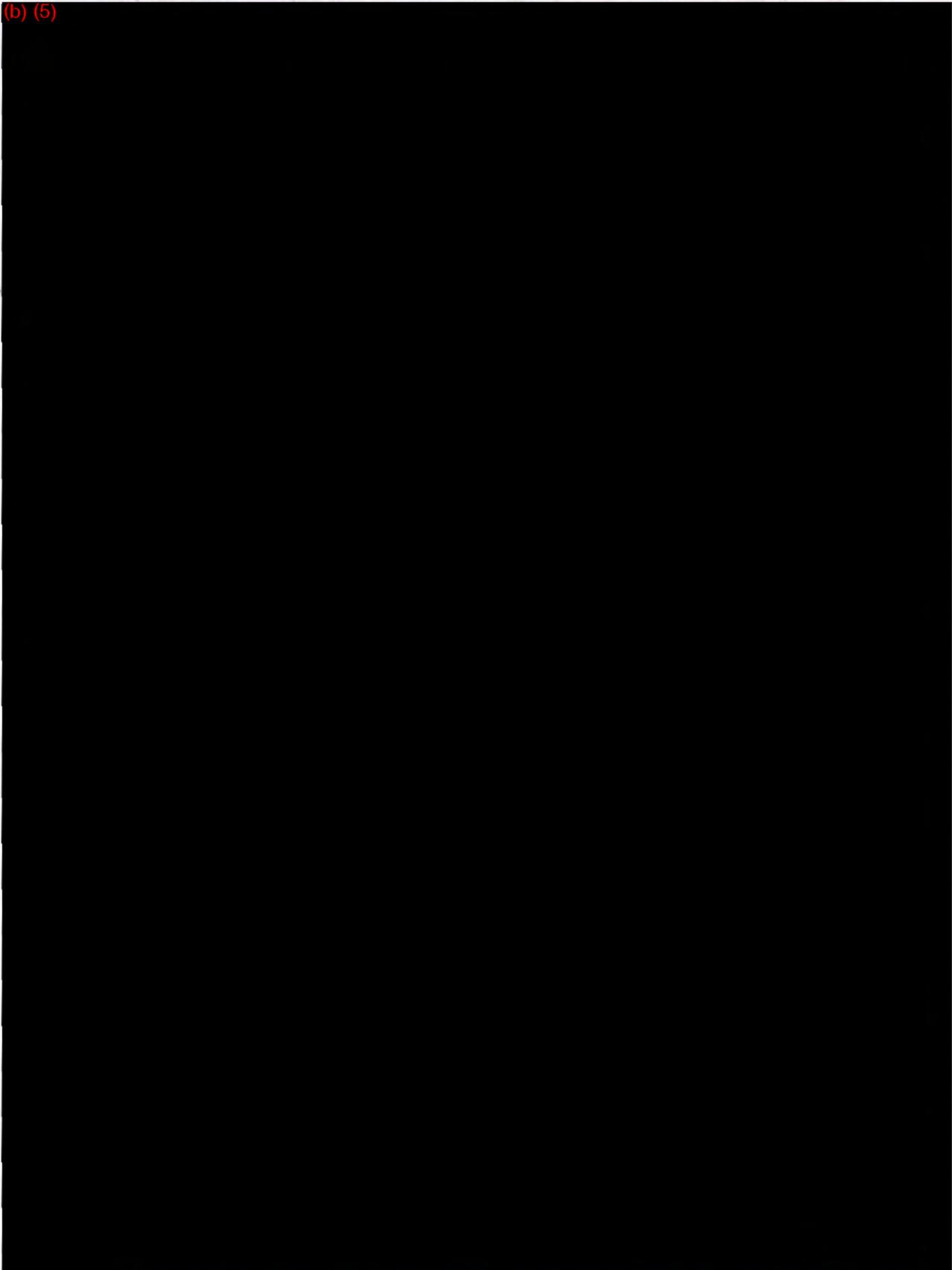
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Comments on Proposed Secretarial Order

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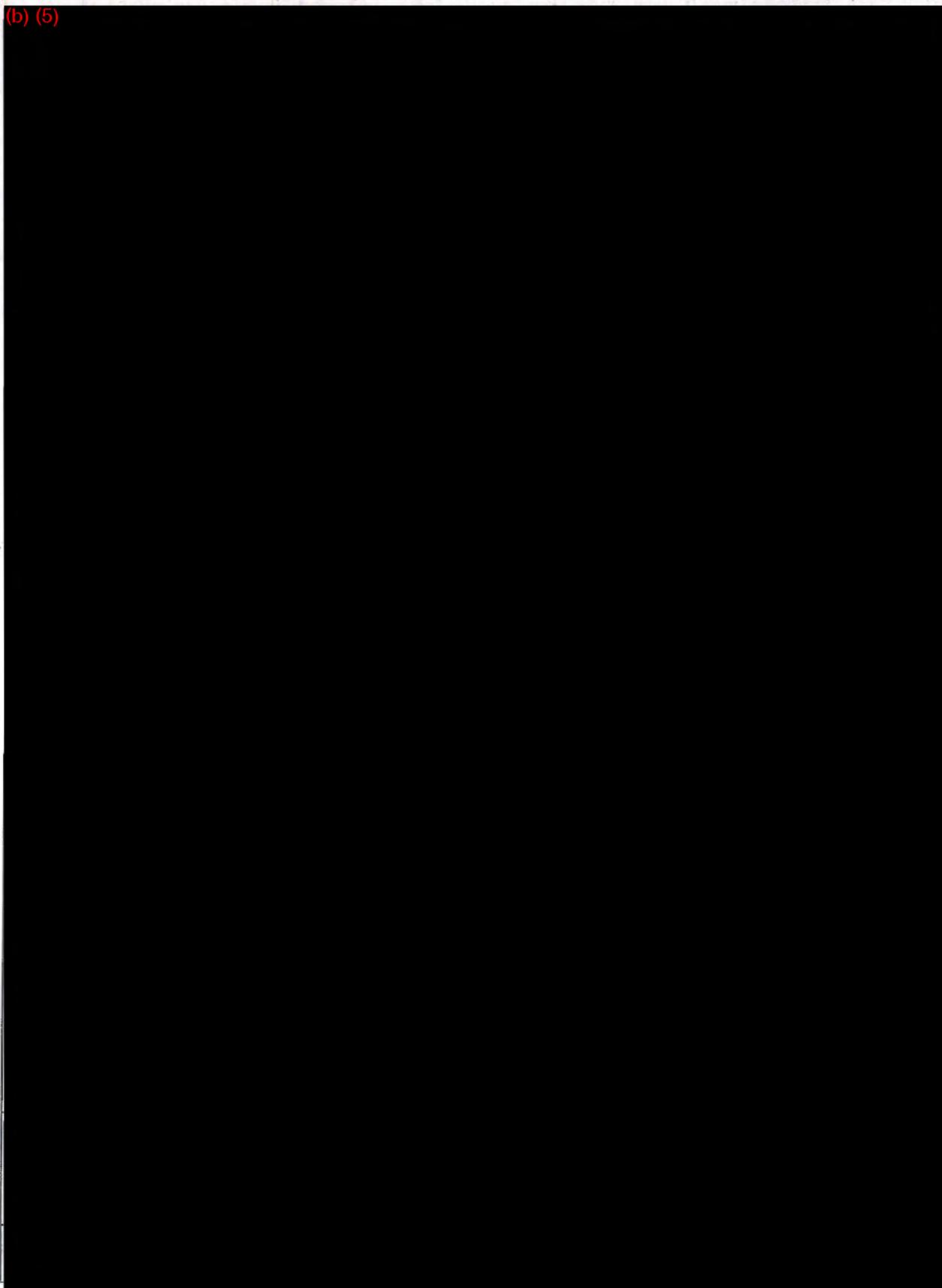
Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
of Eddy and Lea Counties, New Mexico
Comments on Proposed Secretarial Order

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Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
of Eddy and Lea Counties, New Mexico
Comments on Proposed Secretarial Order

(b) (5)



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Notes to ASLM Reviewers

Surname Version, 6-27-12, Internal Review draft only

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Order

Subject: Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

Sec. 1 Purpose and Effect. (b) (5)

[REDACTED]

Sec. 2 Authority. (b) (5)

[REDACTED]

Sec. 3 Order Revised and Superseded. (b) (5)

[REDACTED]

Sec. 4. Definitions.

(b) (5)

[REDACTED]

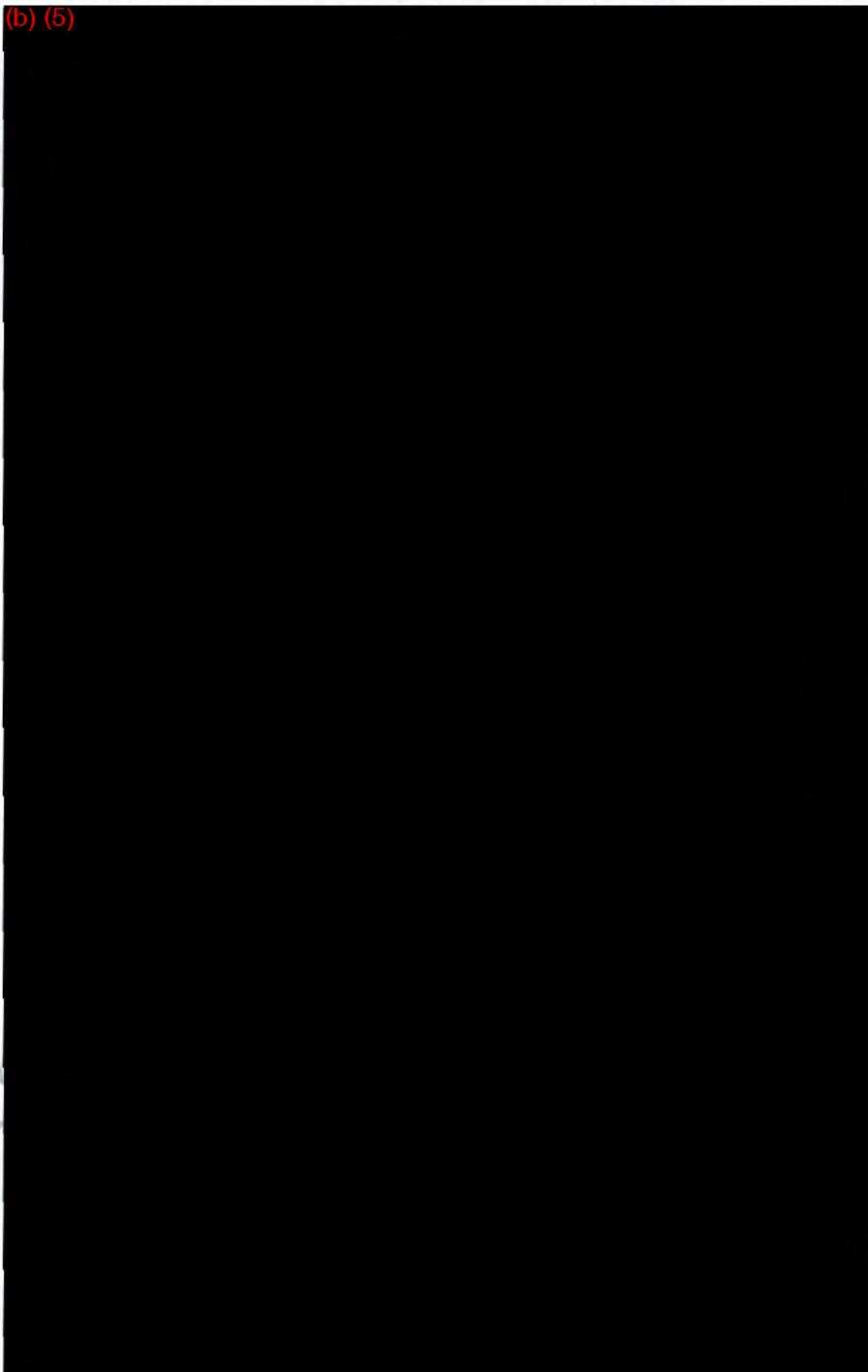
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Sec. 5 Status of Lands.

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Sec. 6 General Provisions.

a. Issuance of Oil and Gas Leases

(b) (5)

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b. Reinstatement or Renewal of Oil and Gas Leases

(b) (5)

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c. Potash Leases

(b) (5)

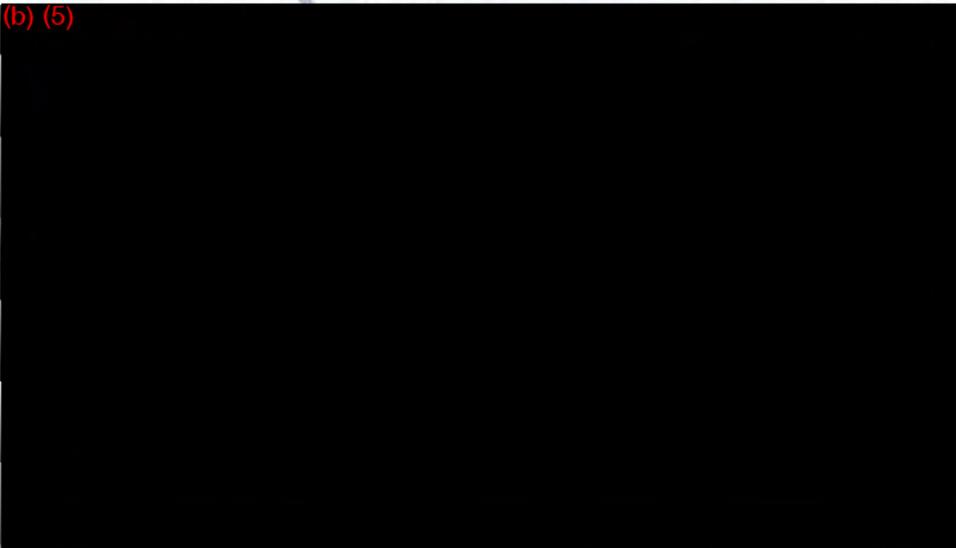
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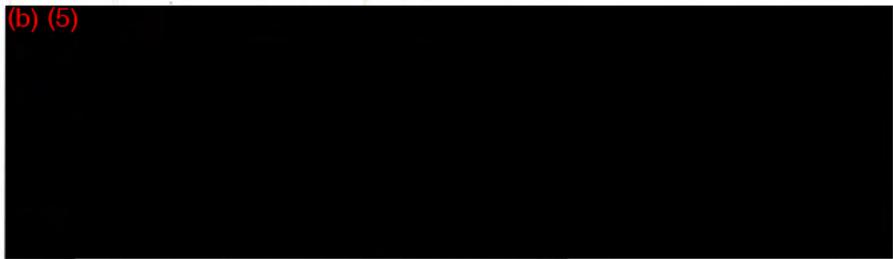
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d. Delineation of Resource Areas

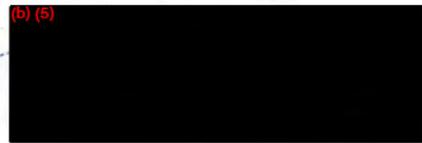
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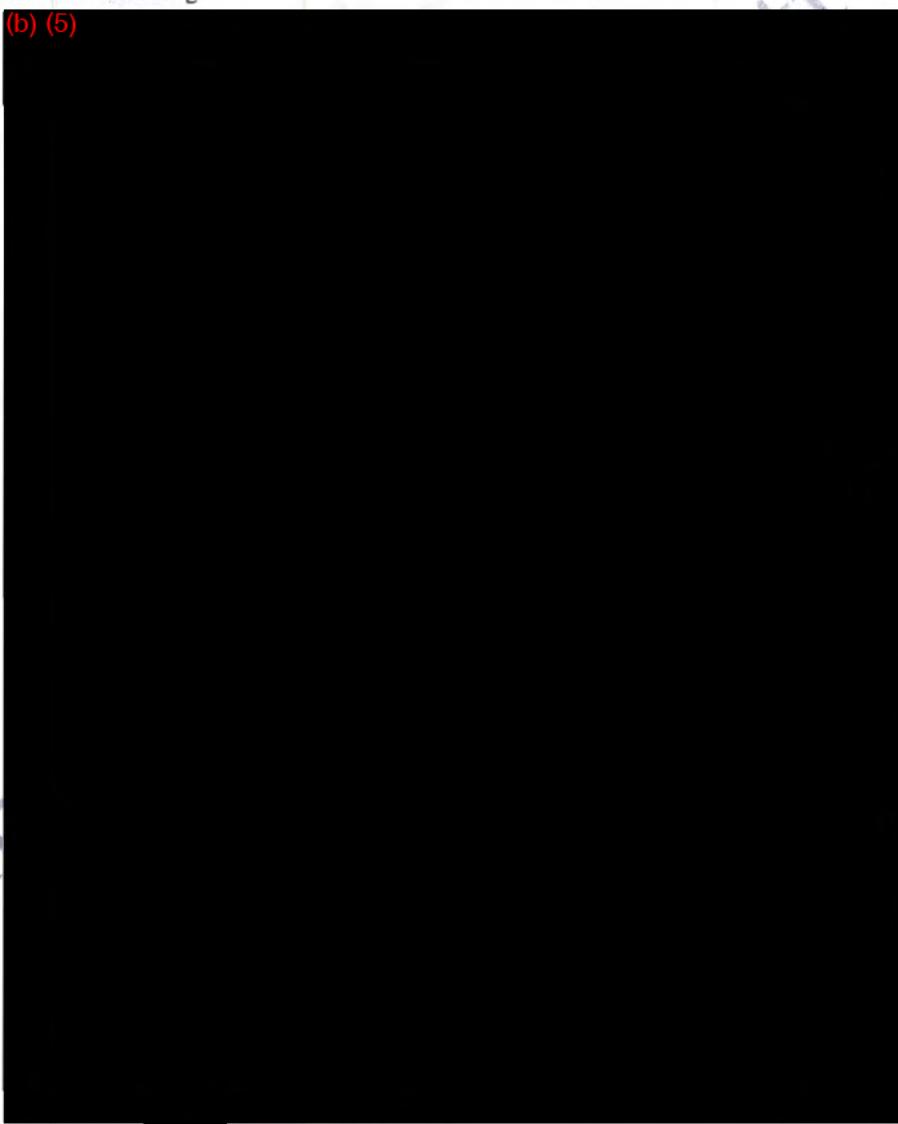


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e. -Oil and Gas Drilling

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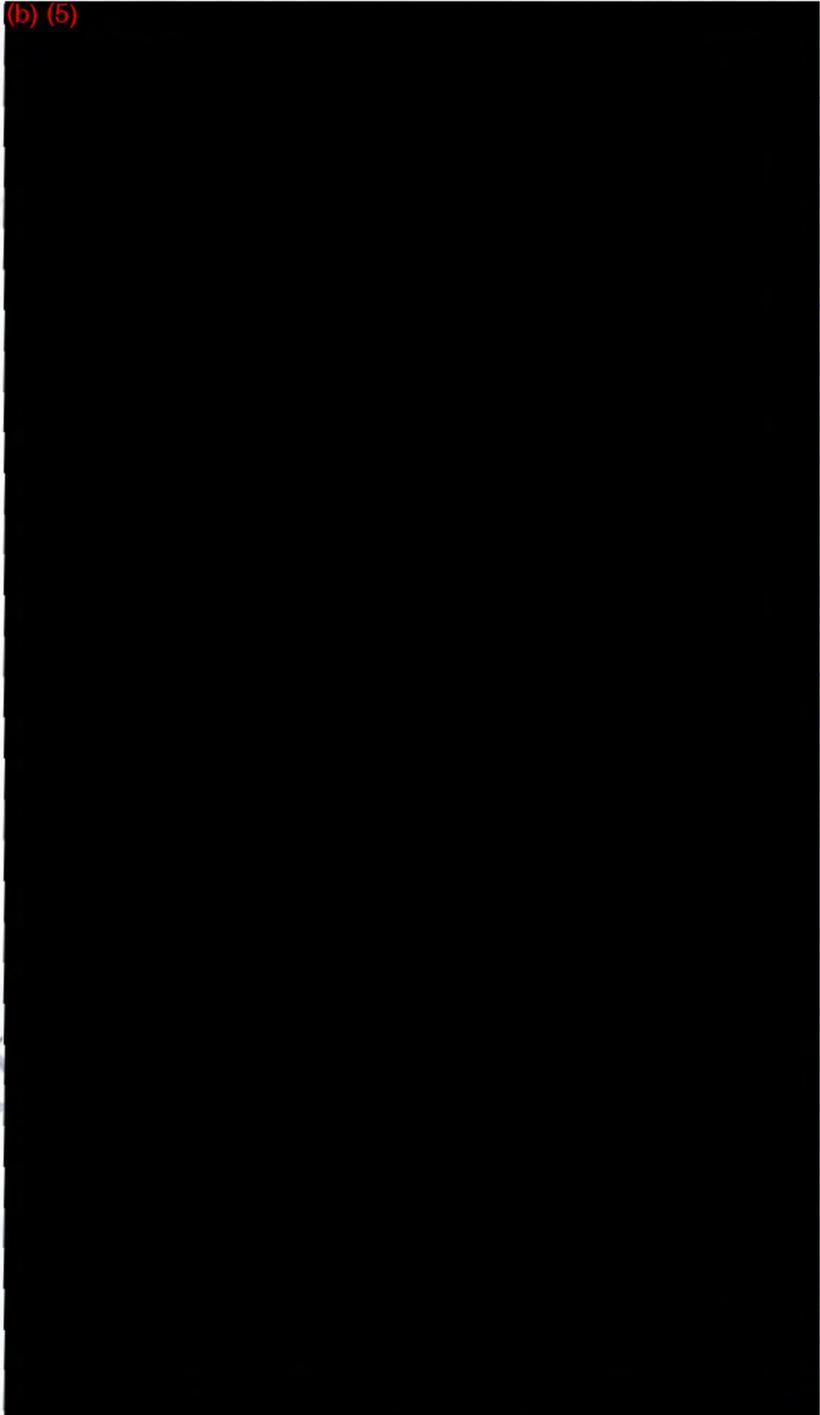
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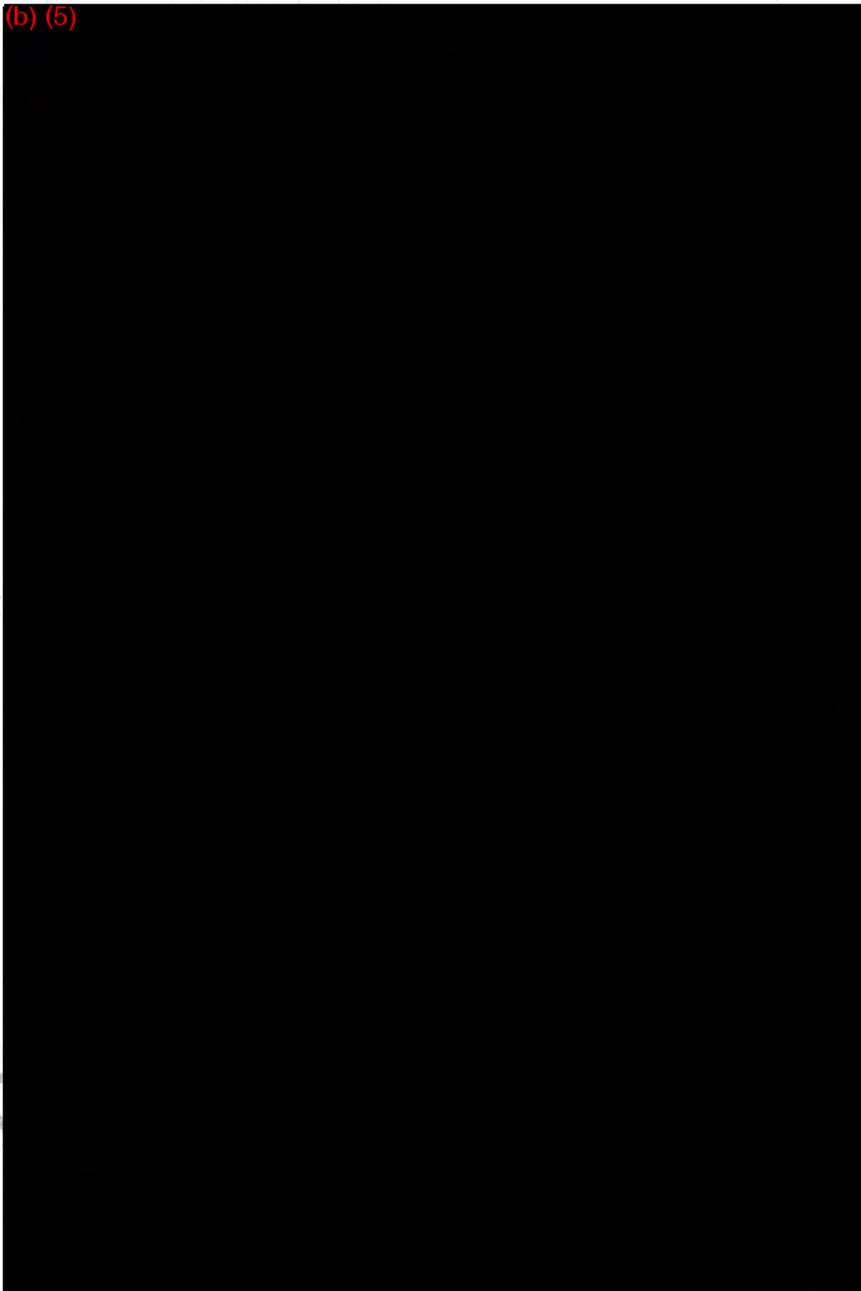


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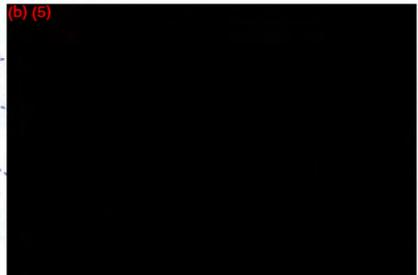
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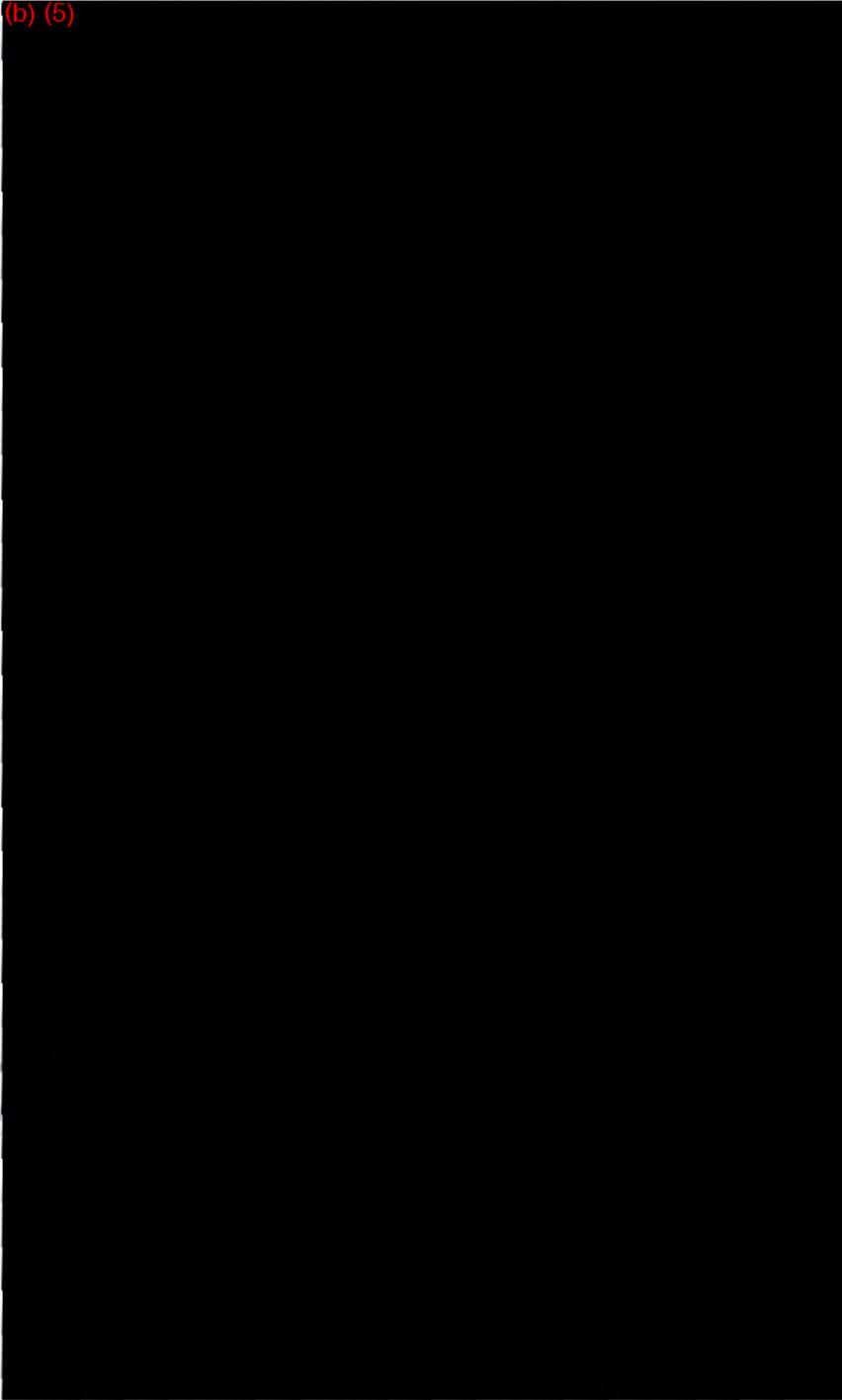
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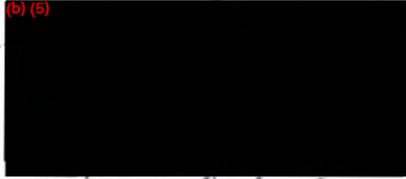


f. Access to Maps and Surveys

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Surname Version, 6-27-12, Internal Review draft only

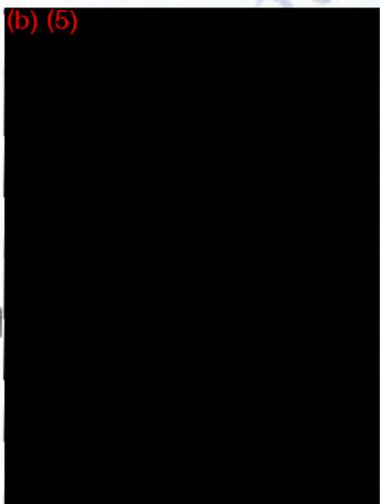
Sec. 7 Regulatory and Administrative Matters.

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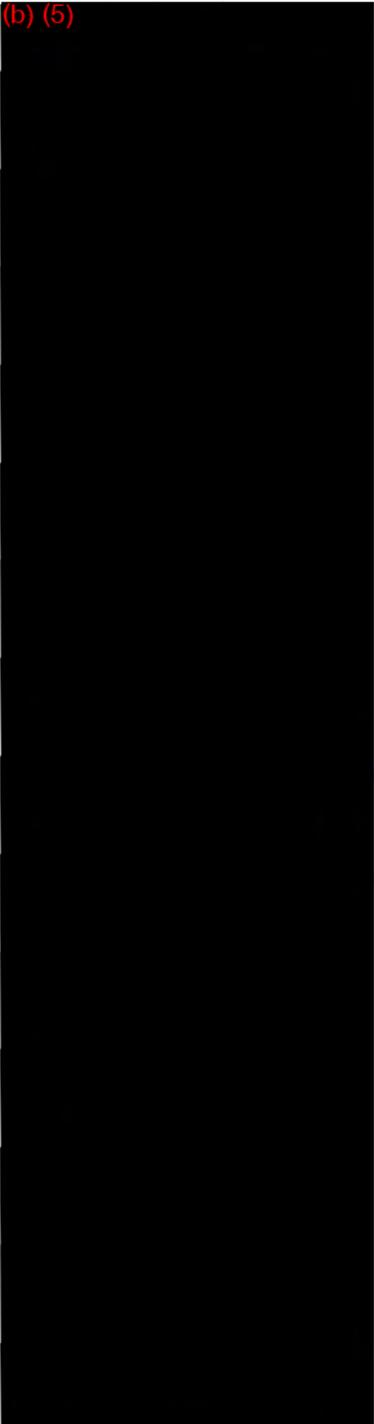


Sec. 8. The Designated Potash Area Legal Description.

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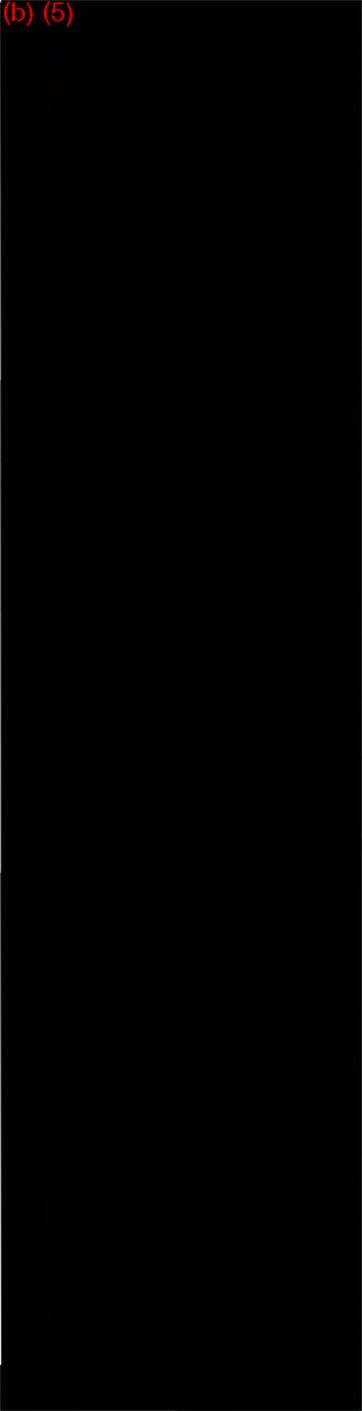


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Review Draft

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Review Draft

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Sec. 9 Administrative Provisions. (b) (5)

Internal Review Draft

DEPARTMENT OF THE INTERIOR
Office of the Secretary
Proposed Revision of 1986 Secretarial Potash Order

Oil, Gas and Potash Leasing and Development within the Designated Potash Area of Eddy
and Lea Counties, New Mexico

Order

Section 1.

(b) (5)

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Section 2. *Authority.* (b) (5)

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Section 3. *Order Revised and Superseded.* (b) (5)

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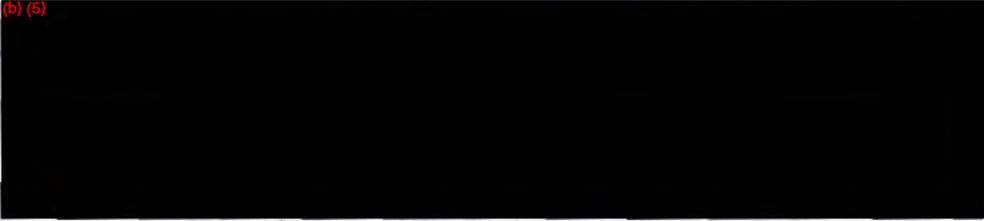
I. Definitions.

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(b) (5)



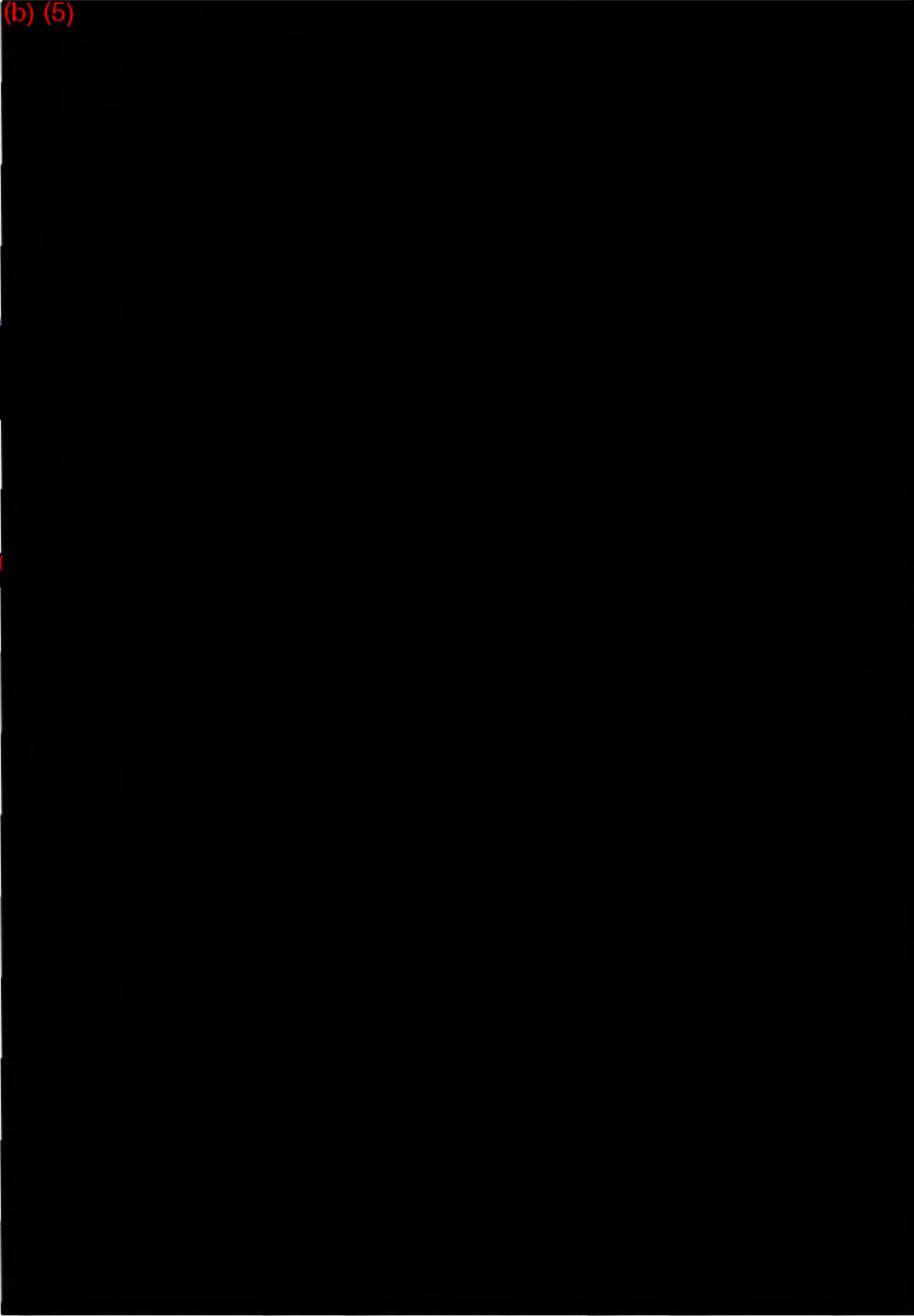
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6/872012 Draft Secretary's Potash Order revision ATTORNEY CLIENT PRIVILEGED: DO NOT RELEASE
JITC Comments

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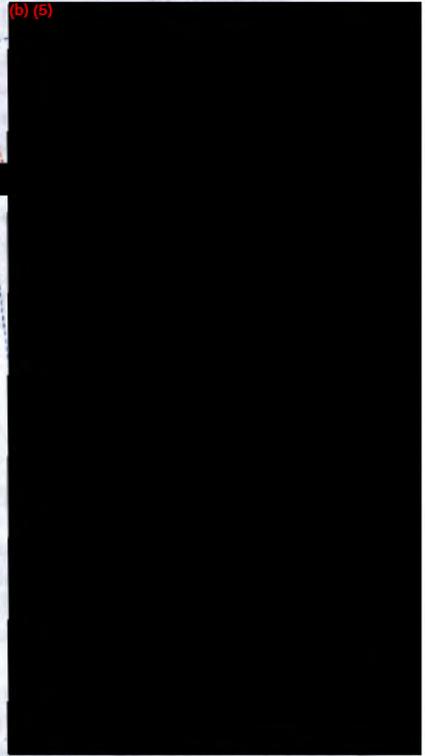
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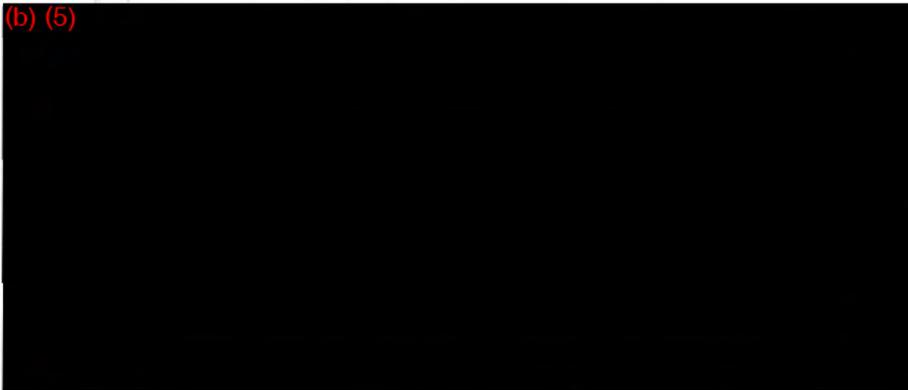


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JITC Comments

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II. Status of Lands

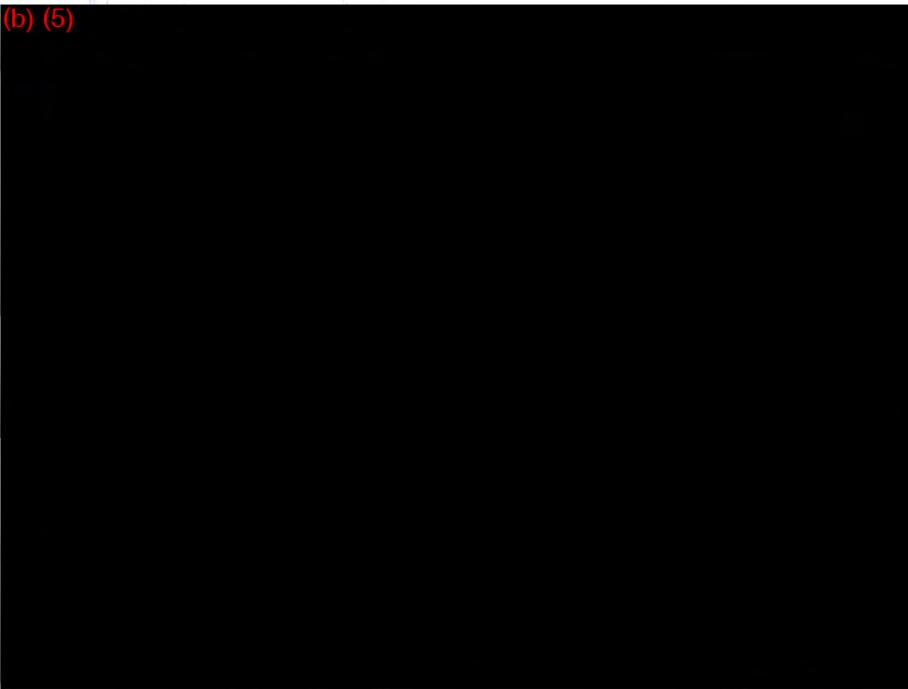
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III. General Provisions

A. Issuance of Oil and Gas Leases

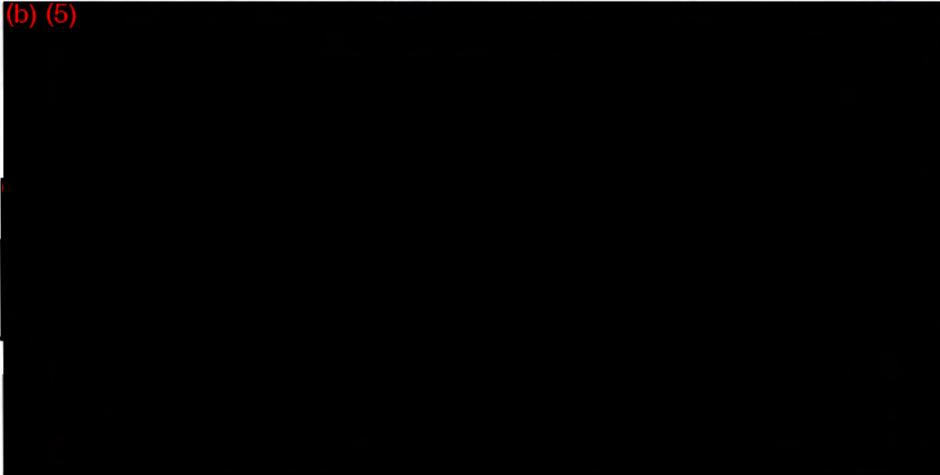
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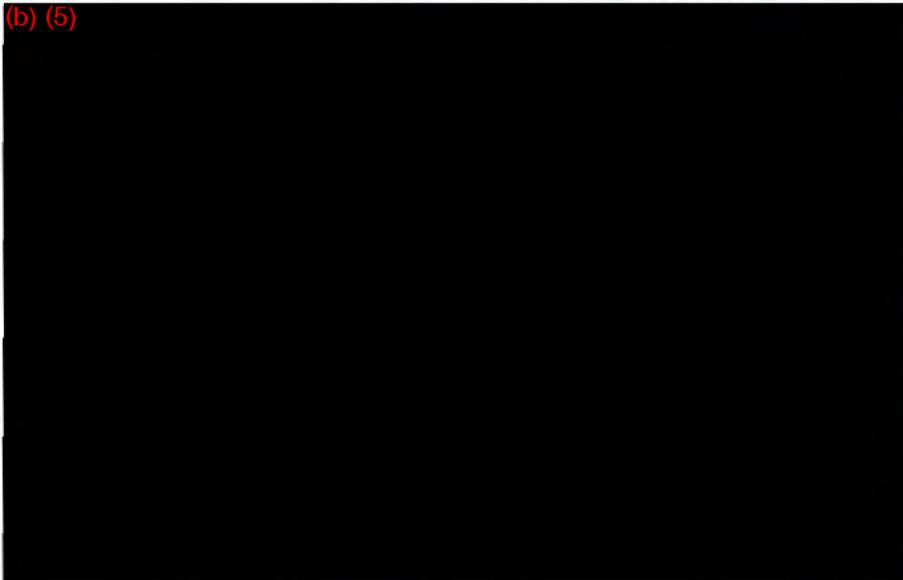
B. Reinstatement or Renewal of Oil and Gas Leases

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C. Potash Leases

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D. Delineation of Resource Areas and Areas of Operation

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E. Oil and Gas Drilling

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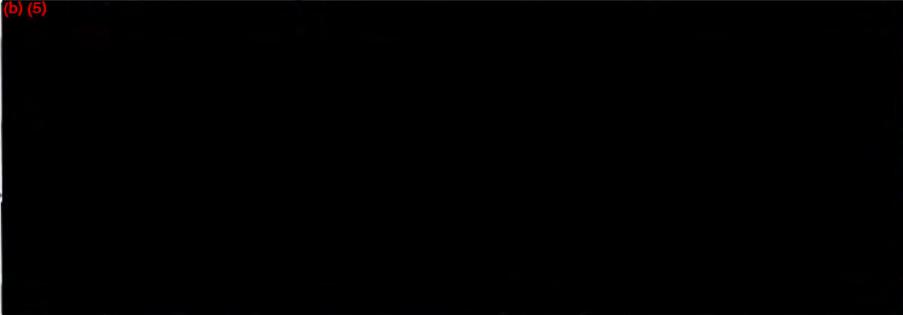
I Agree: Note

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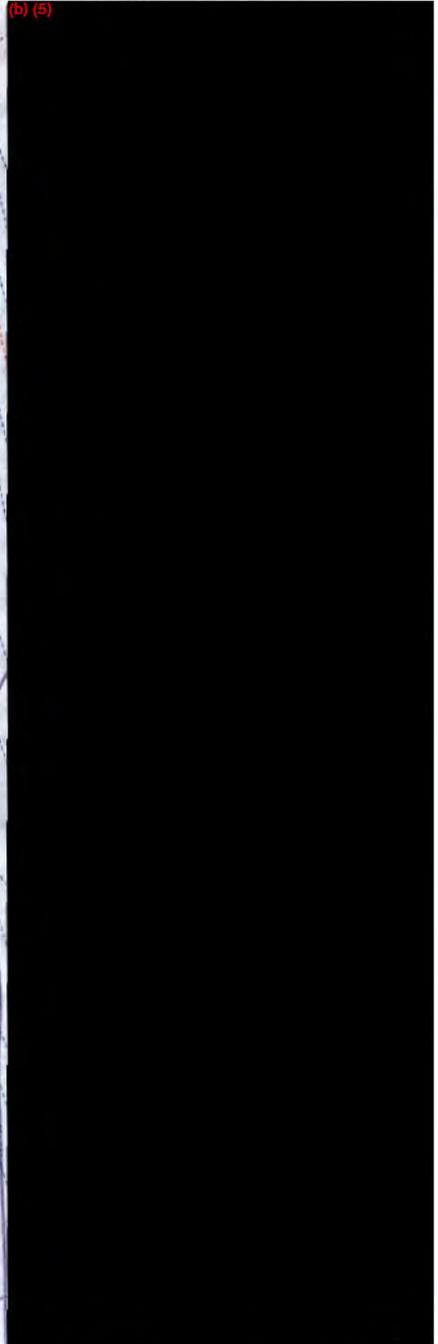


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JITC Comments

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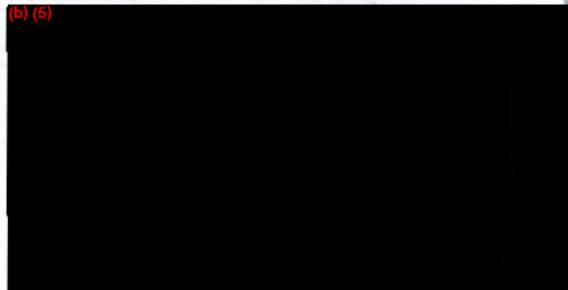
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6/872012 Draft Secretary's Potash Order revision · ATTORNEY CLIENT PRIVILEGED: DO NOT RELEASE
JITC Comments

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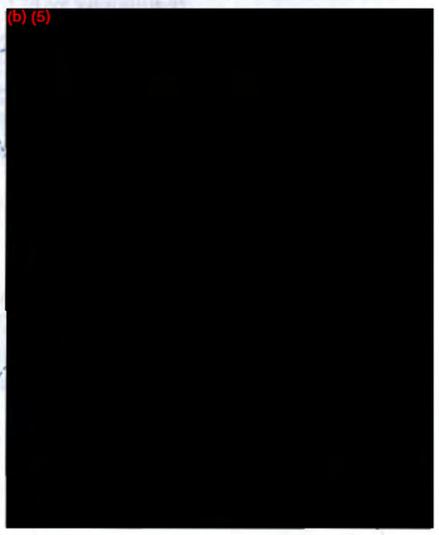
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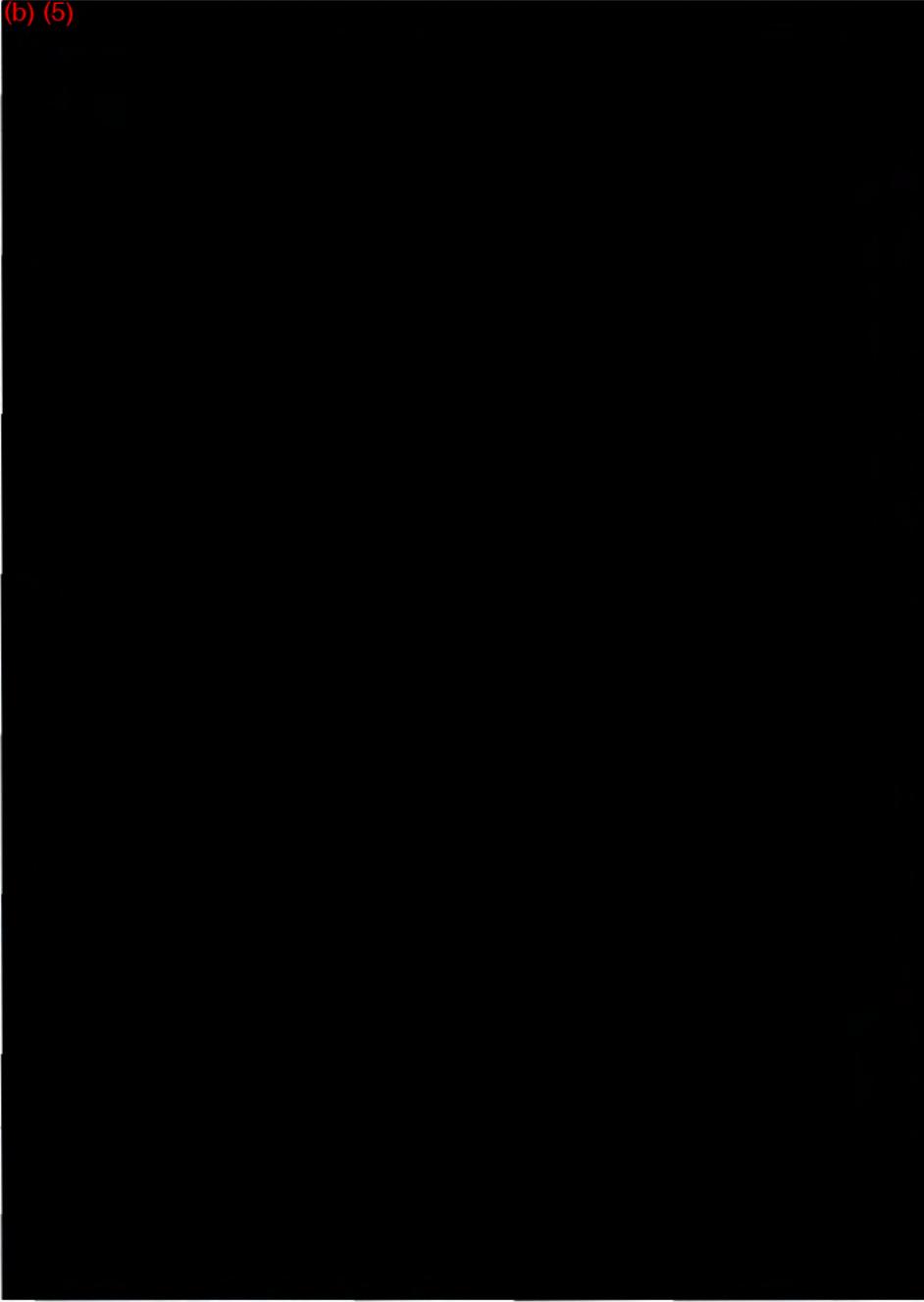
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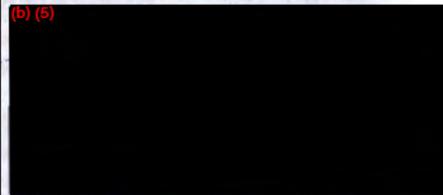
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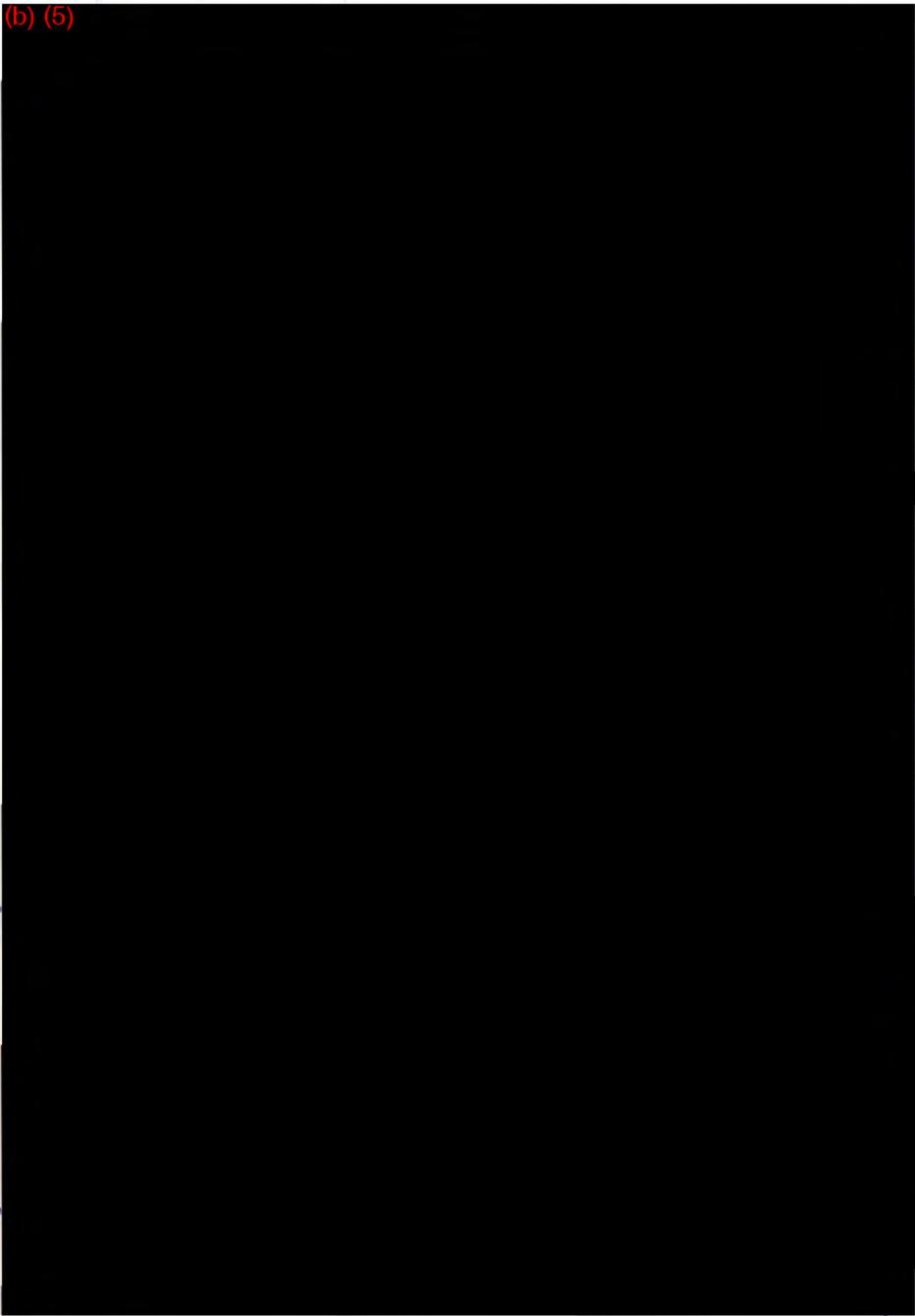
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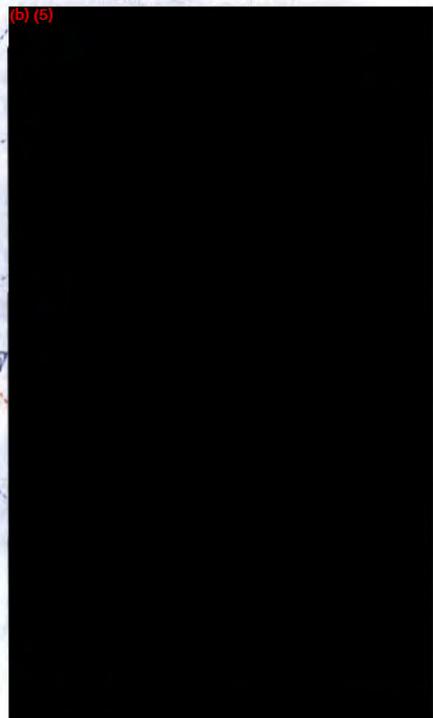
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(b) (5)

F. Access to Maps and Surveys and Core Data

(b) (5)

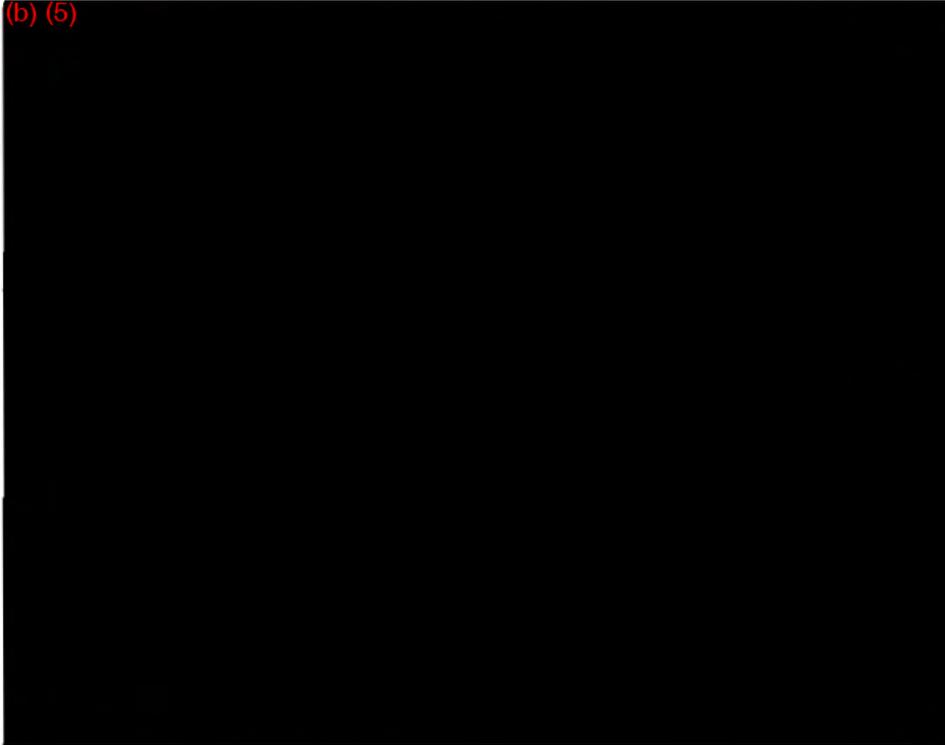
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IV. Regulatory and Administrative Matters

(b) (5)

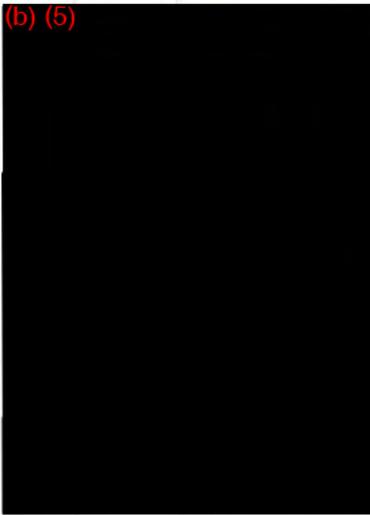


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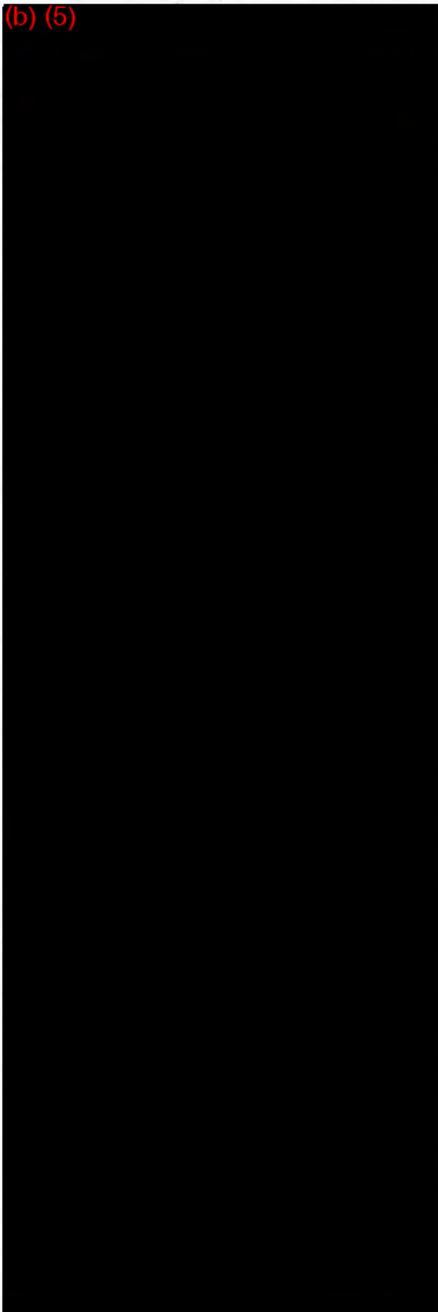


V. The Designated Potash Area is as follows:

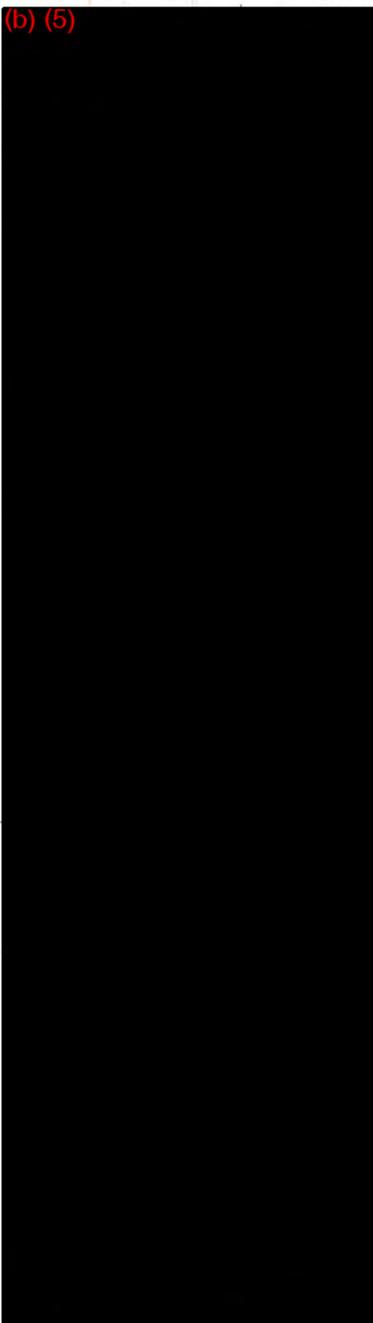
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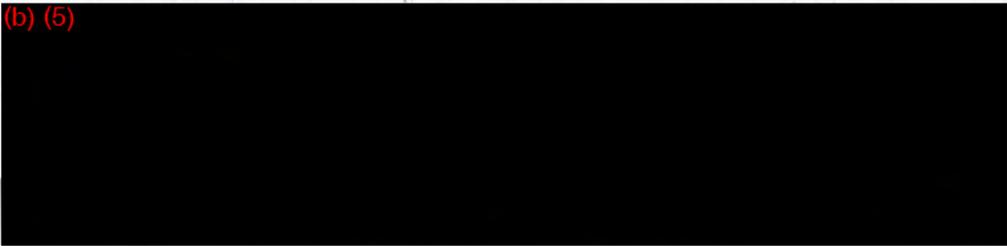
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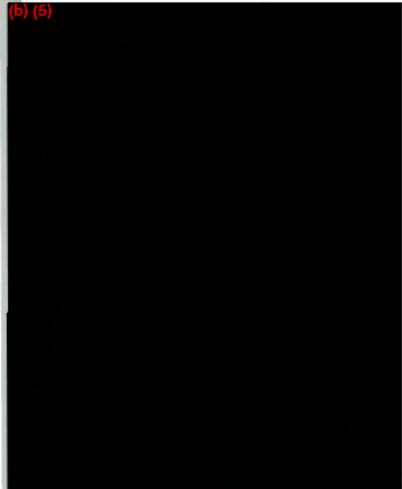
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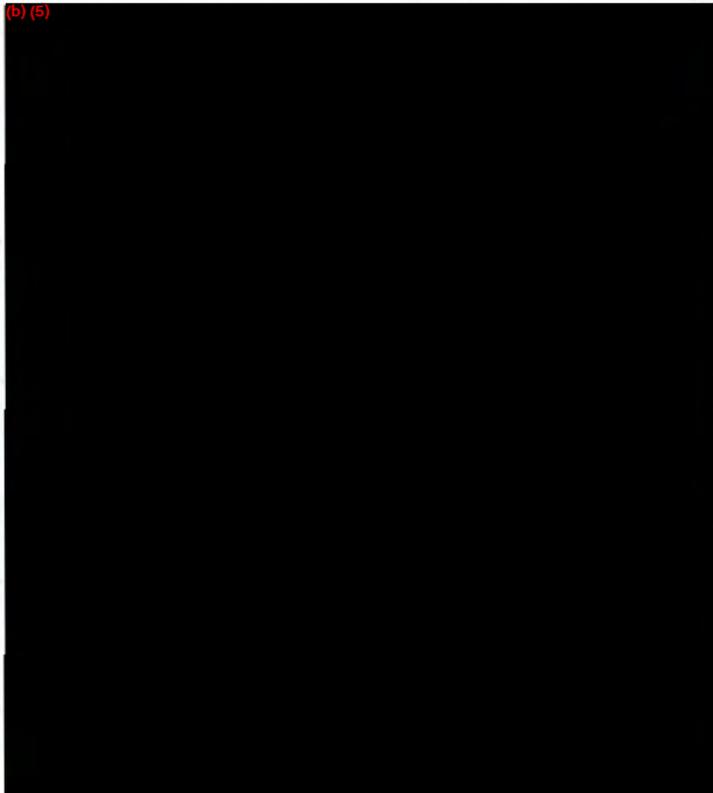
Section 4. *Administrative Provisions.* (b) (5)



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6-25-12

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Back to MAB

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

- NIA by 30th of July

Order

Subject: Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

Sec. 1 Purpose and Effect. (b) (5)

[Redacted]

Sec. 2 Authority. (b) (5)

[Redacted]

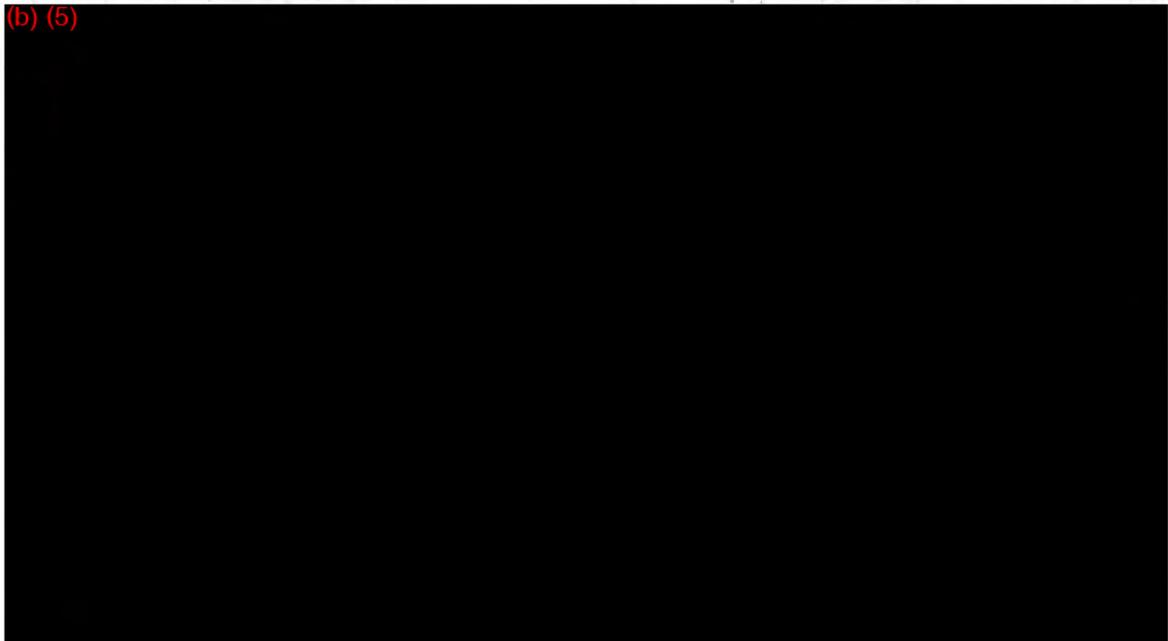
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[Redacted]

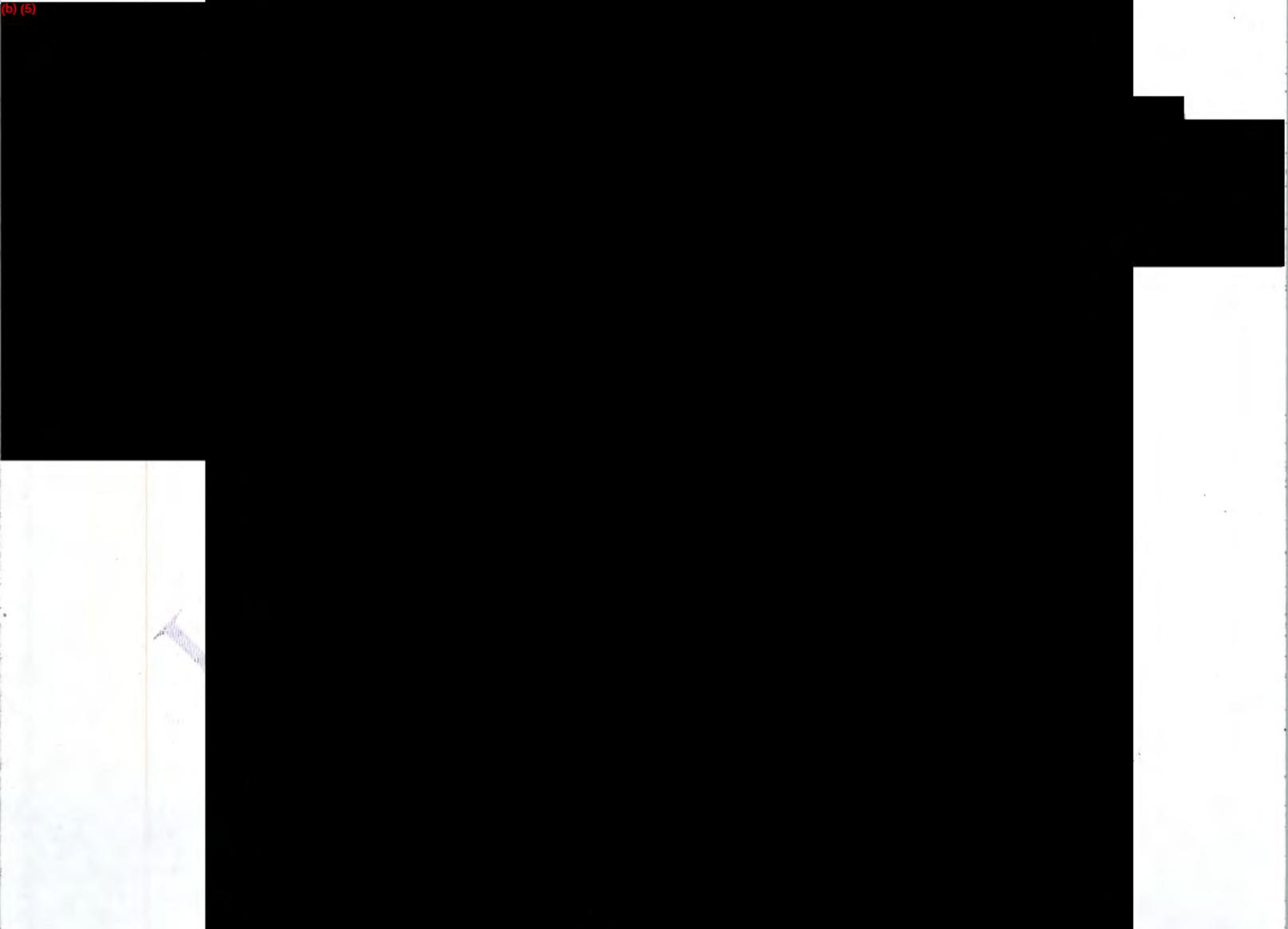
Sec. 4. Definitions.

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Sec. 5 Status of Lands.

(b) (5)

Sec. 6 General Provisions.

a. Issuance of Oil and Gas Leases

(b) (5)



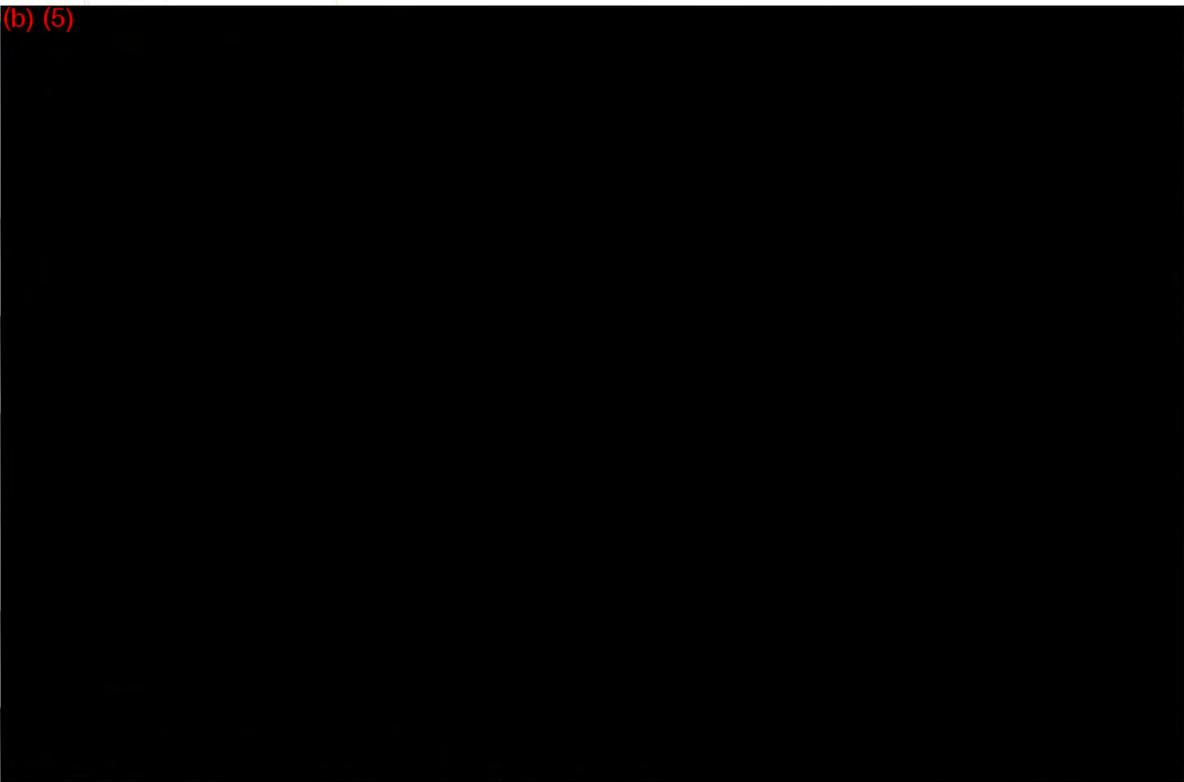
b. Reinstatement or Renewal of Oil and Gas Leases

(b) (5)



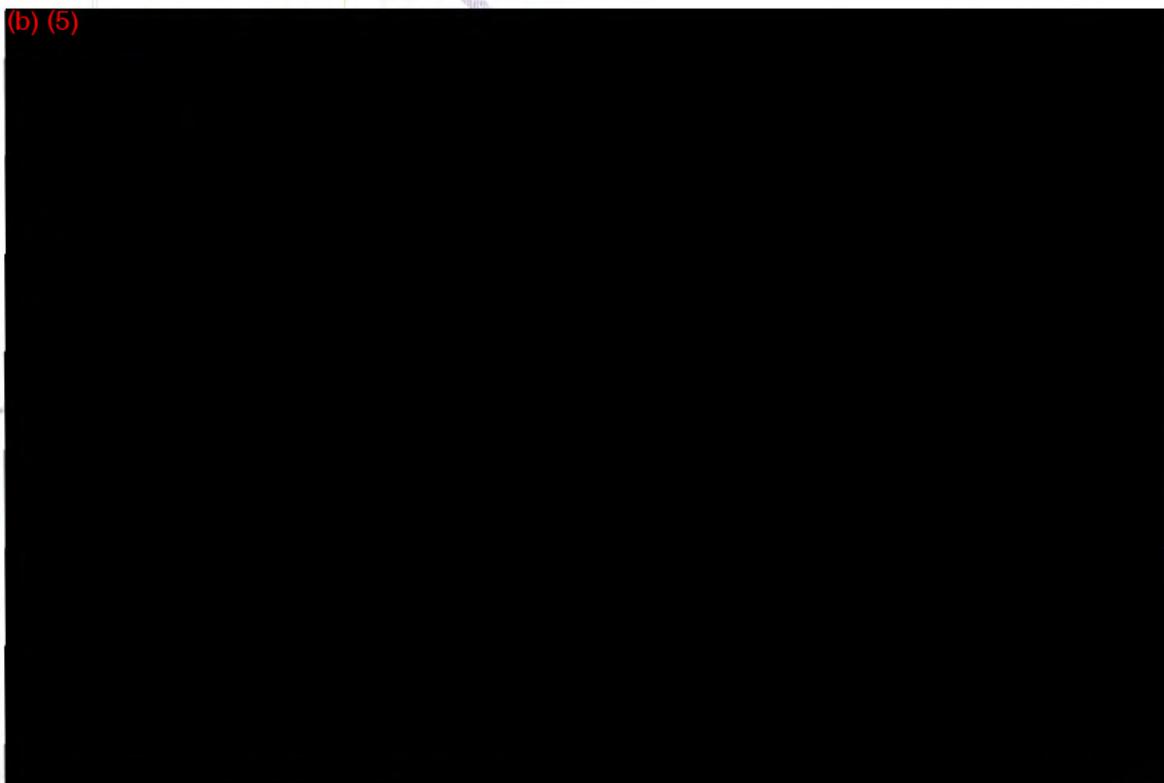
c. Potash Leases

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d. Delineation of Resource Areas

(b) (5)



(b) (5)

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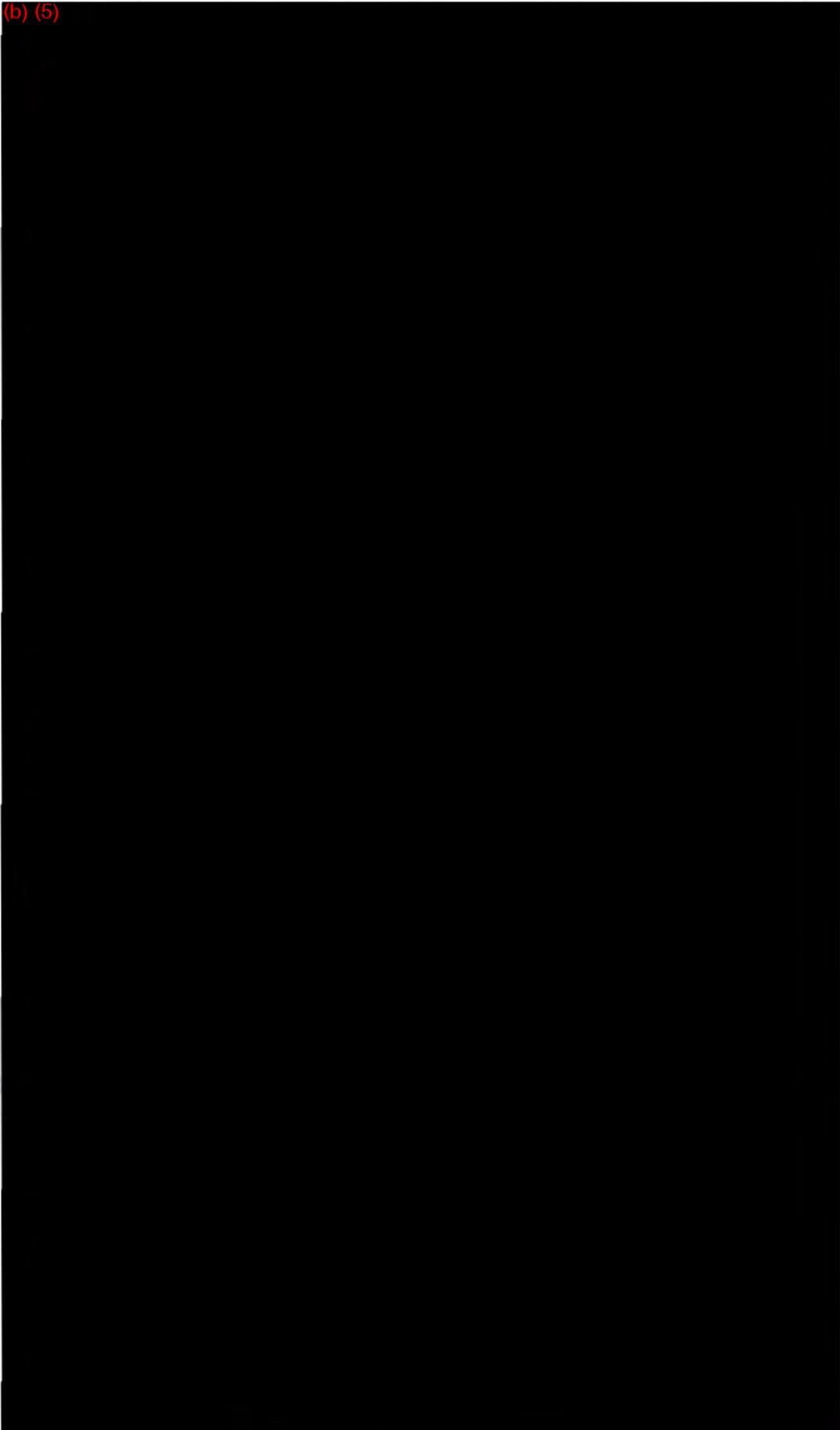
e. Oil and Gas Drilling

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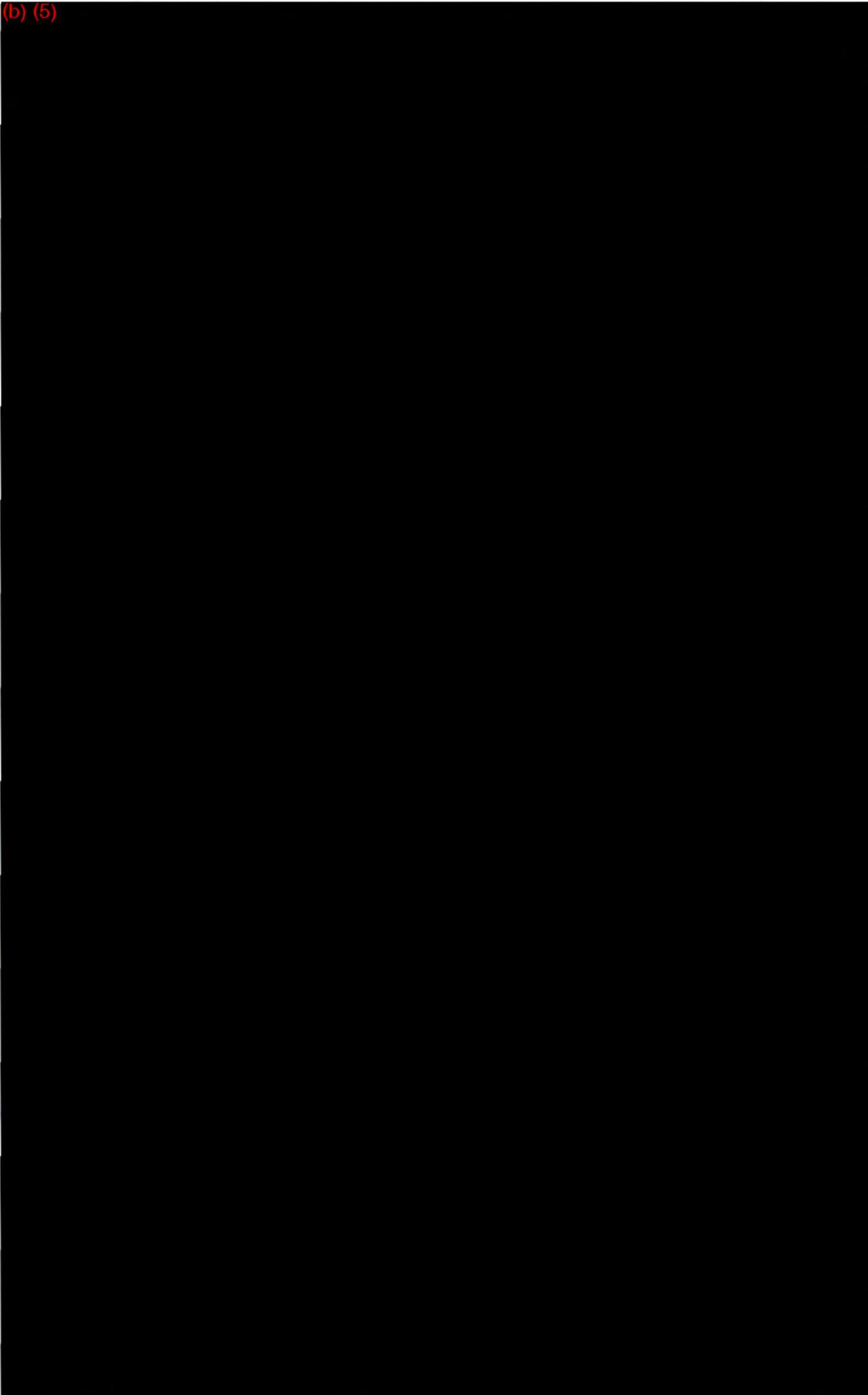
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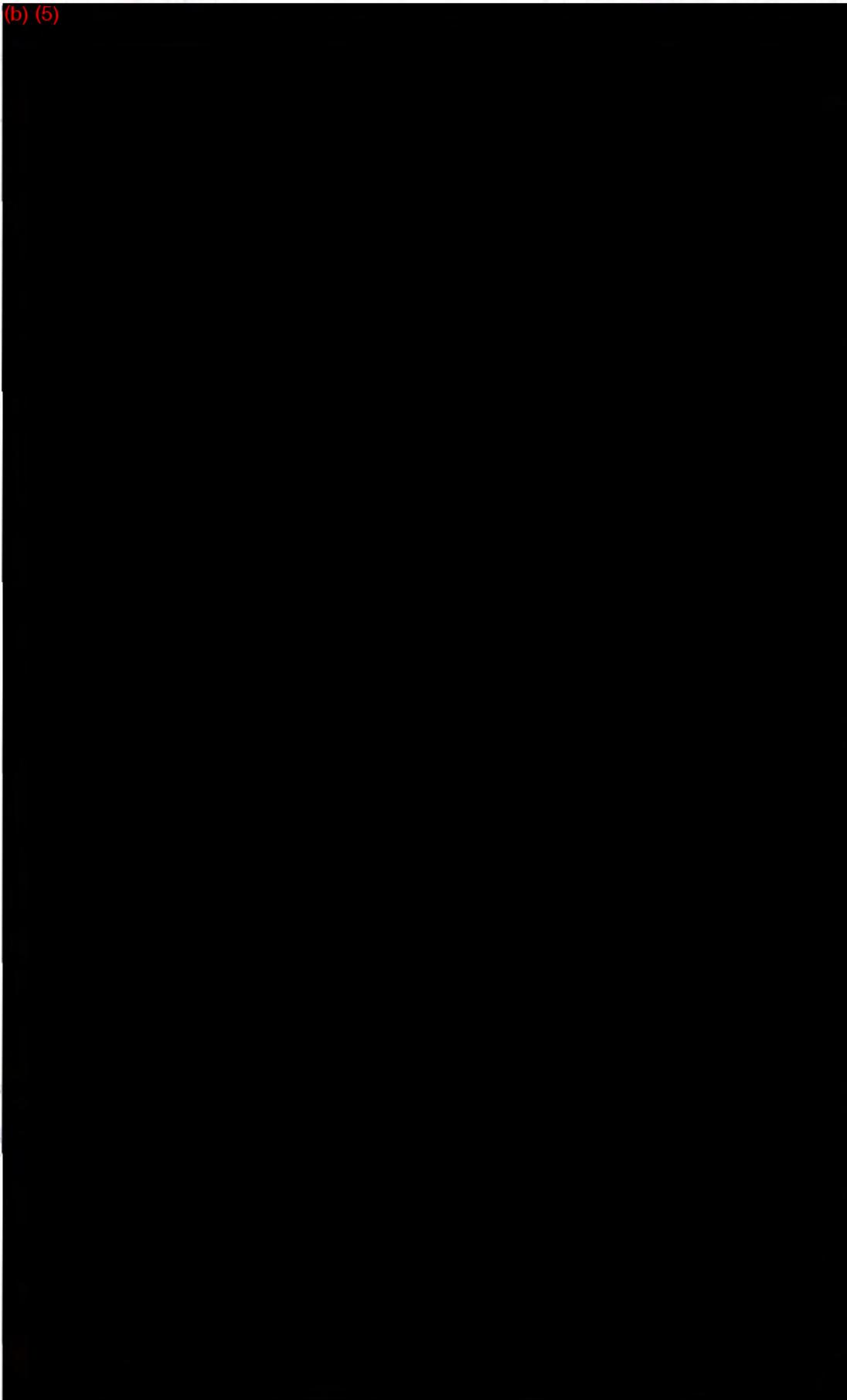
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(b) (5)

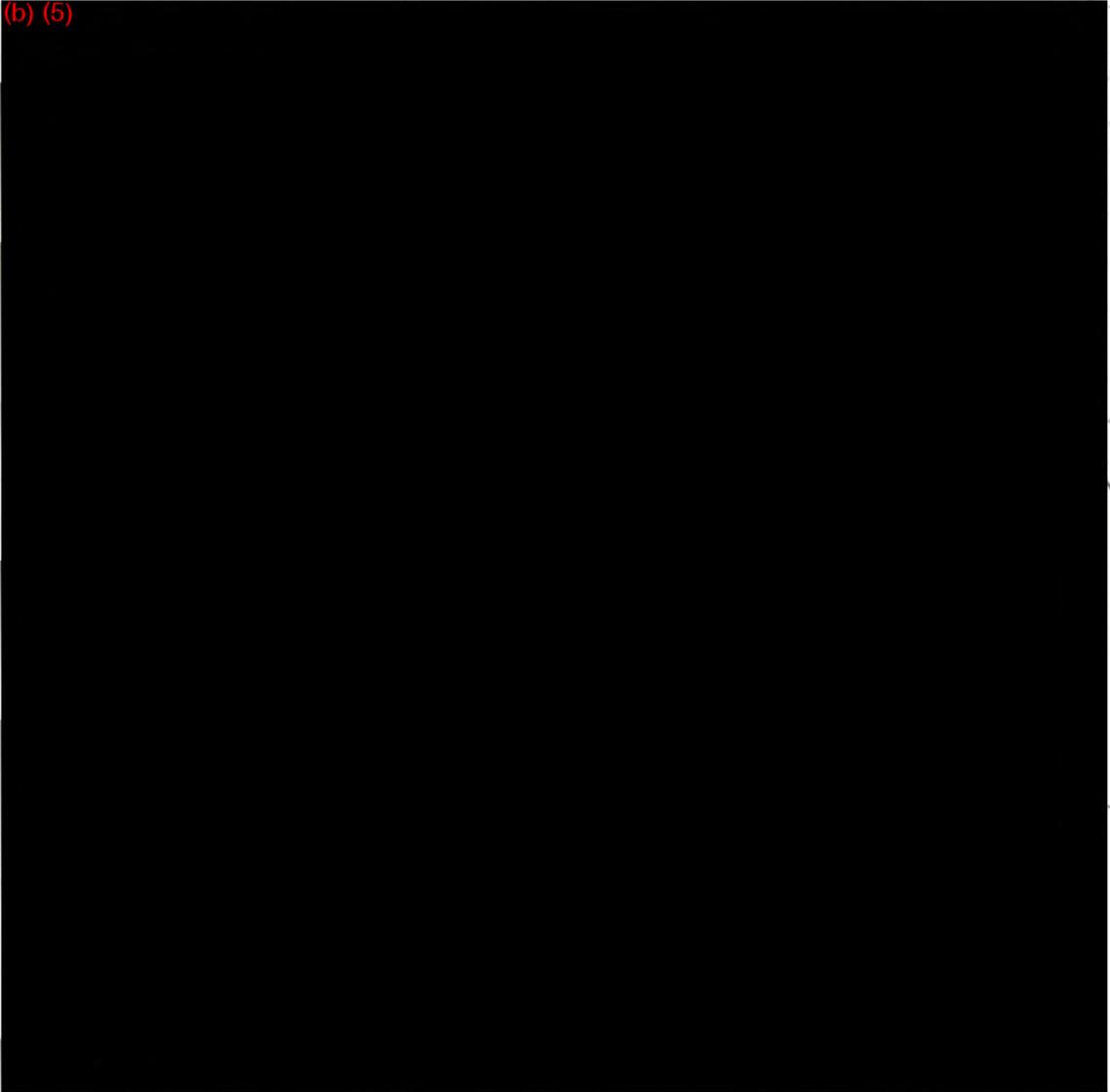


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f. Access to Maps and Surveys

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(b) (5)



Sec. 7 Regulatory and Administrative Matters.

(b) (5)

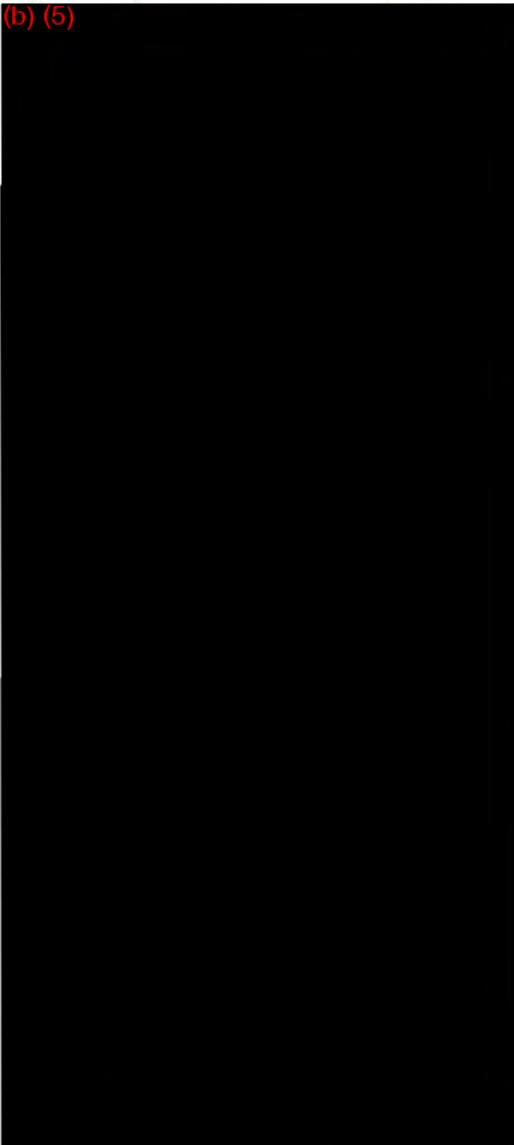


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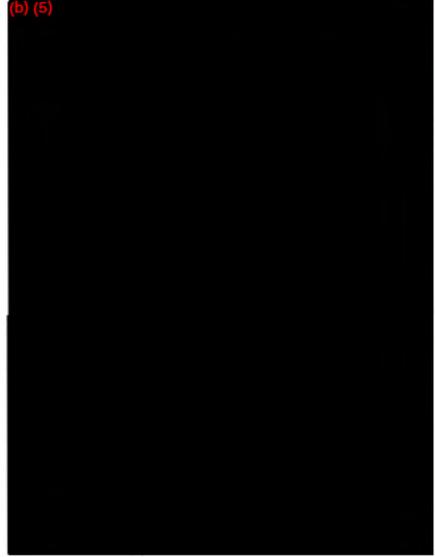


Sec. 8. The Designated Potash Area Legal Description.

(b) (5)

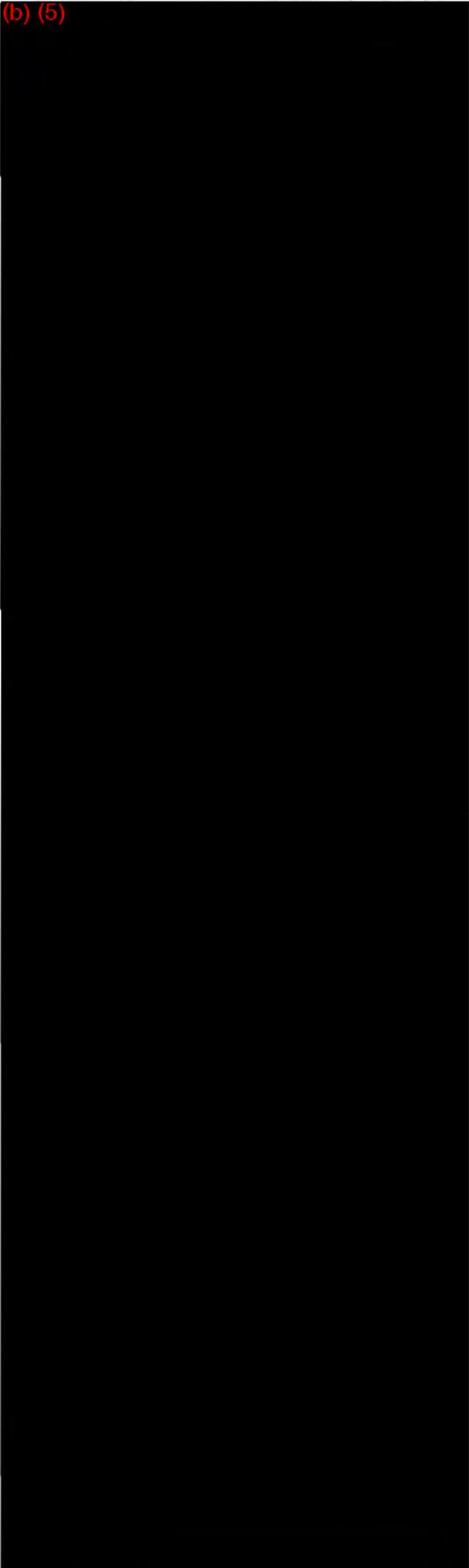


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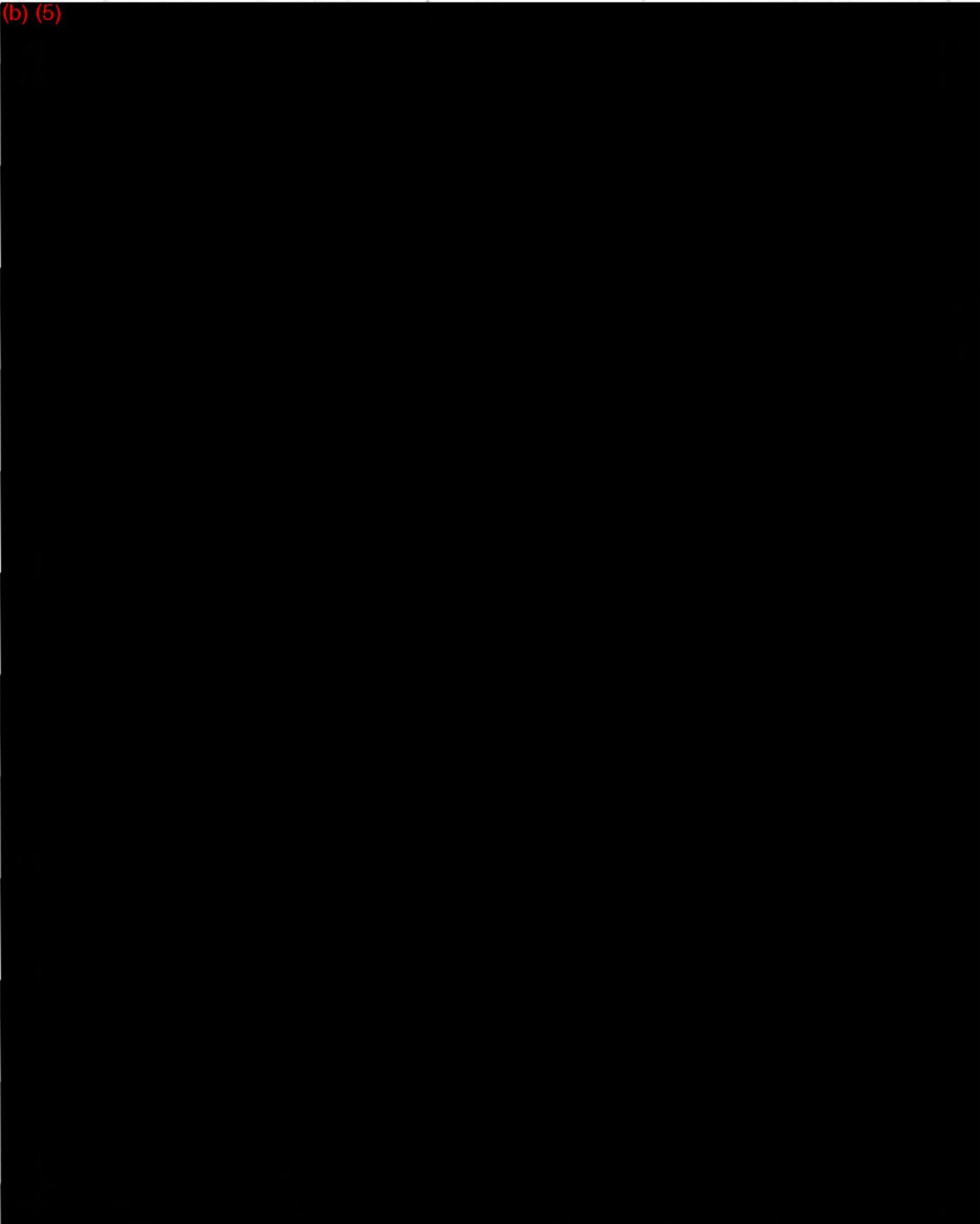
Review

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Review Draft

(b) (5)



Sec. 9 Administrative Provisions. (b) (5)

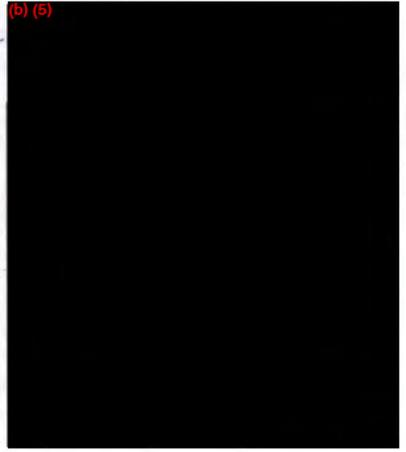


After MAB
reviews -
we'll send
her comments

Surname Version, 6-27-12, Internal Review draft only

DEPARTMENT OF THE INTERIOR
Office of the Secretary

(b) (5)



Order

Subject: Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

Sec. 1 Purpose and Effect (b) (5)



Sec. 2 Authority (b) (5)

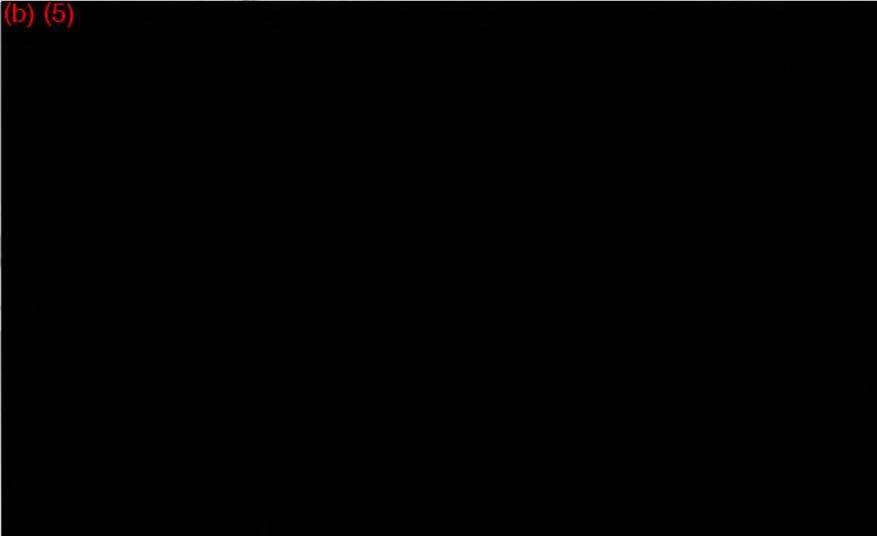


Sec. 3 Order Revised and Superseded (b) (5)

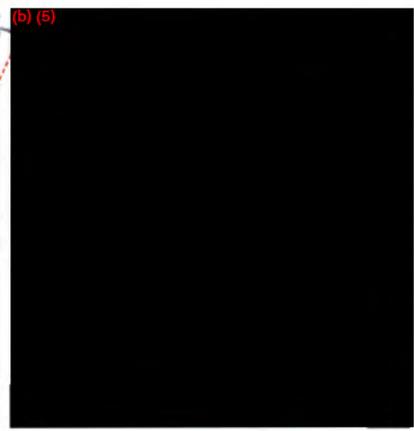


Sec. 4 Definitions.

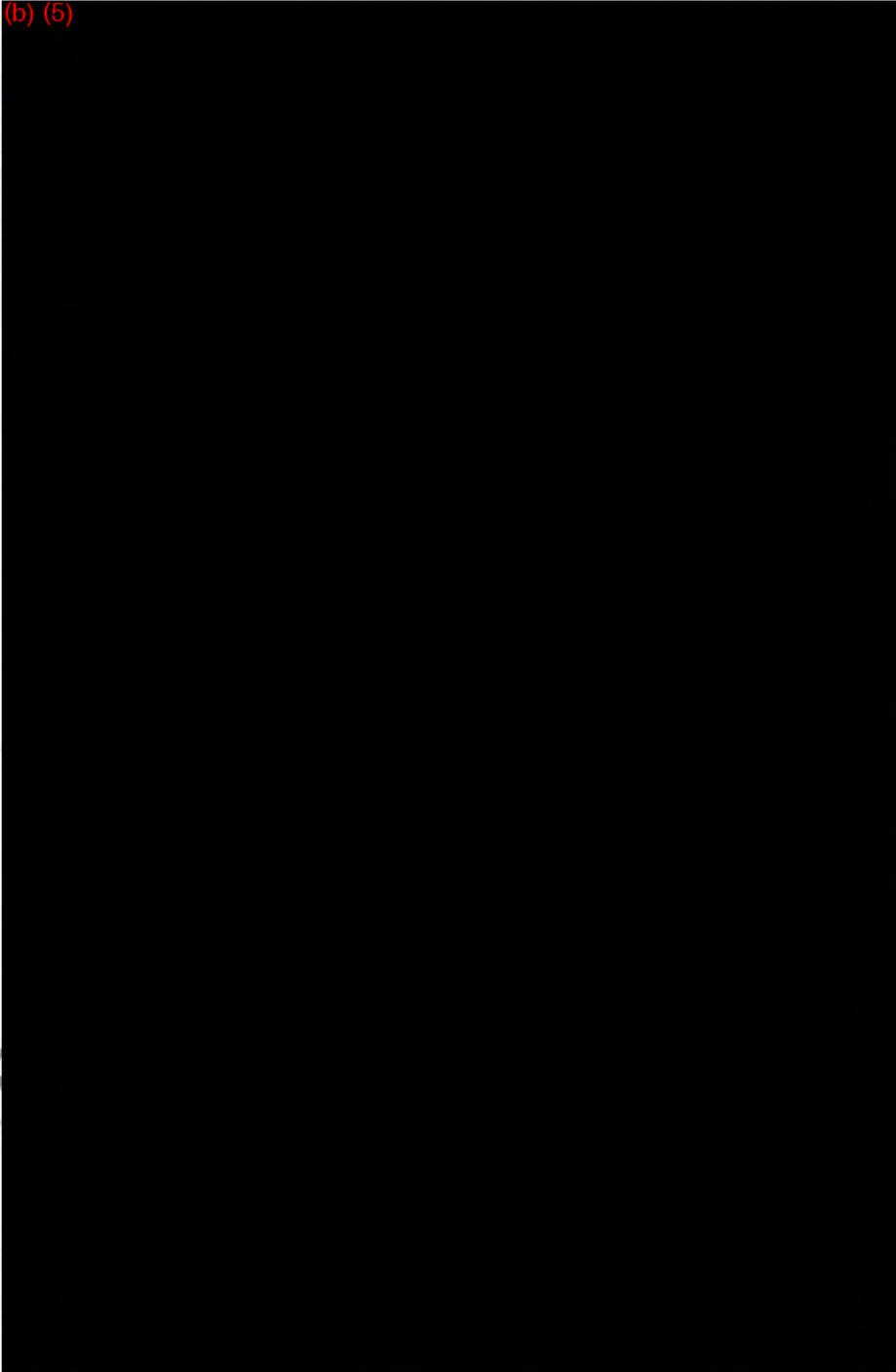
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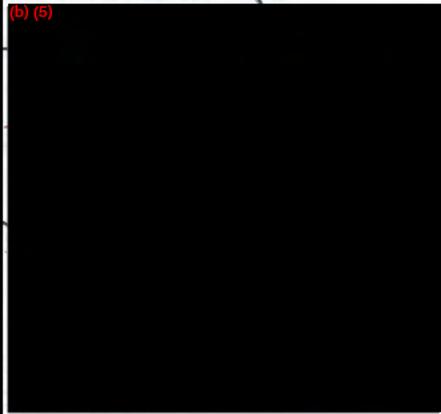
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Sec. 5 Status of Lands.

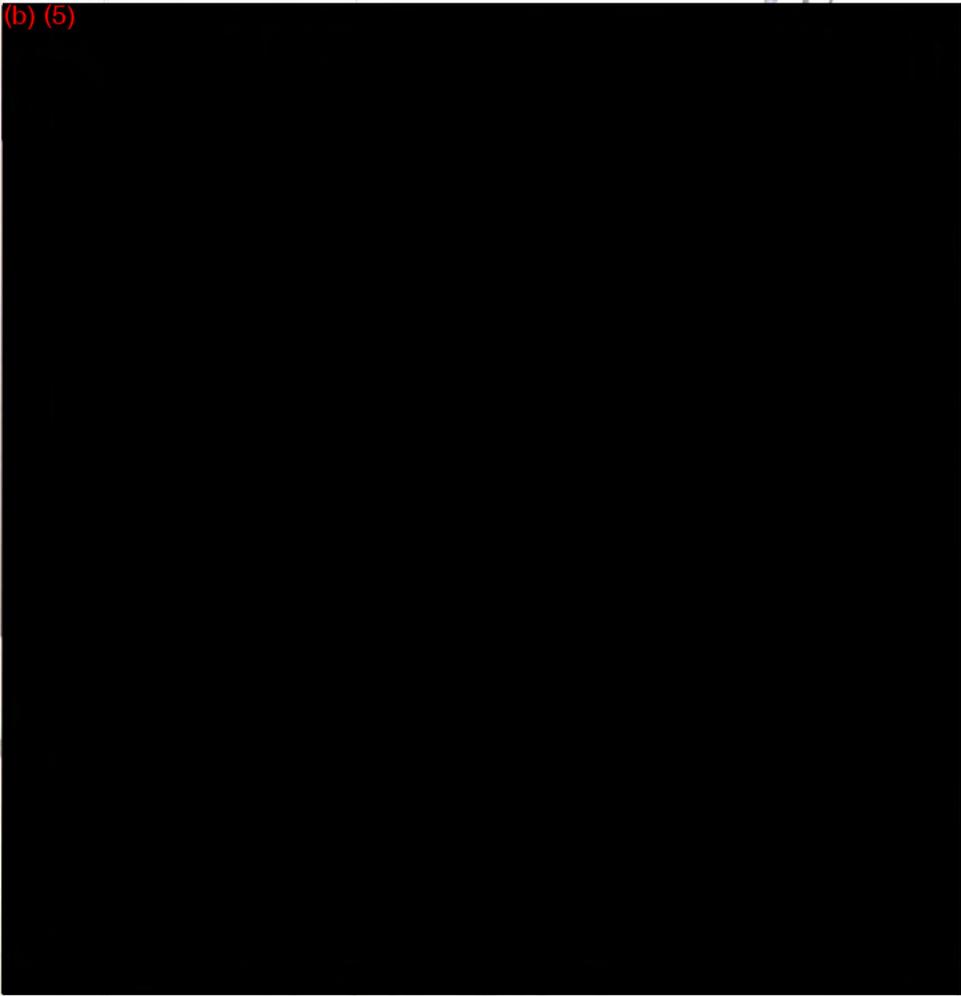
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Sec. 6 General Provisions.

a. Issuance of Oil and Gas Leases

(b) (5)

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(b) (5)

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c. Oil and Gas Drilling

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(b) (5)

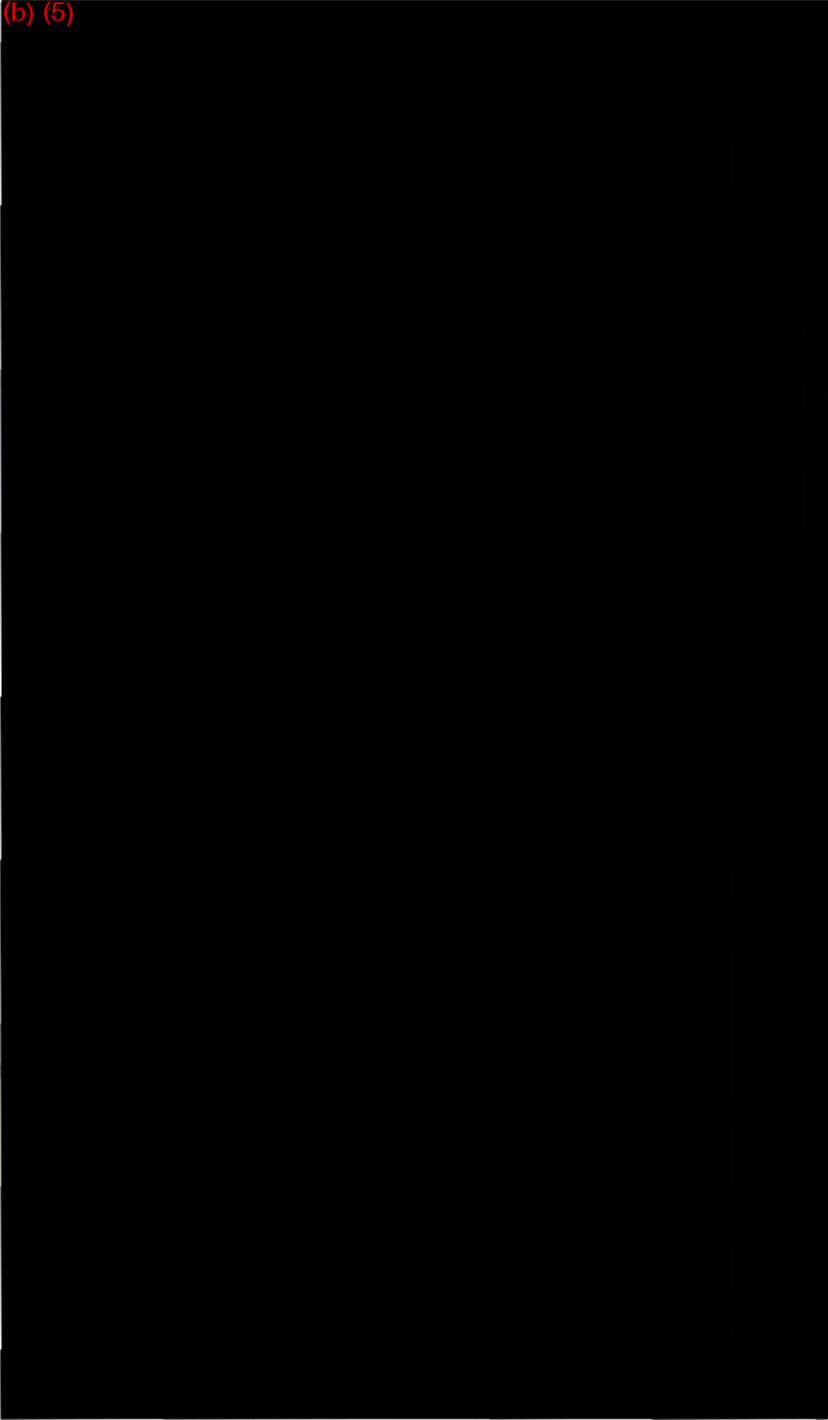
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potash

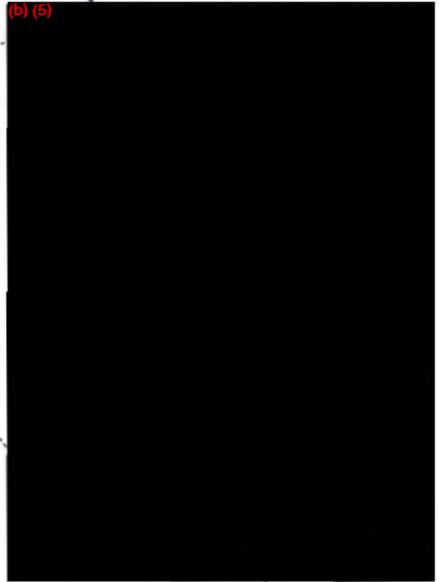
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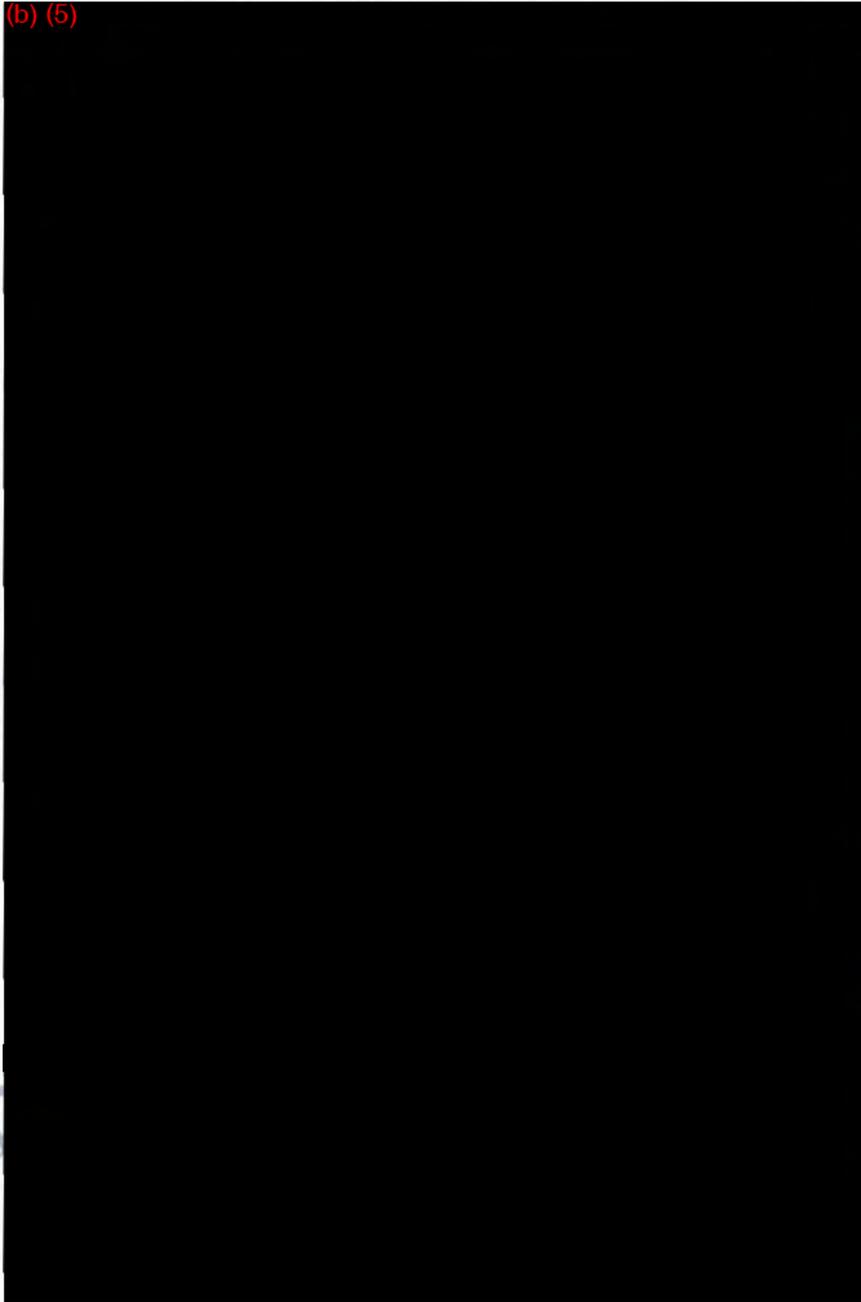


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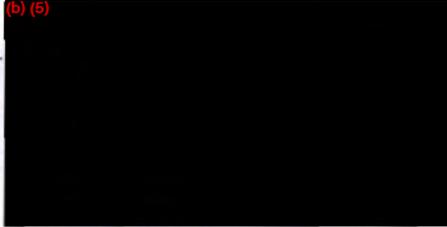
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space

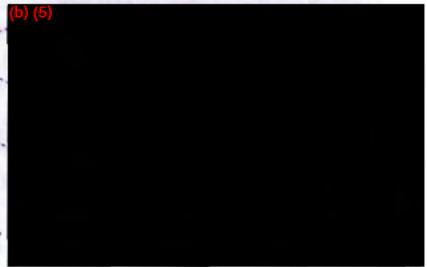
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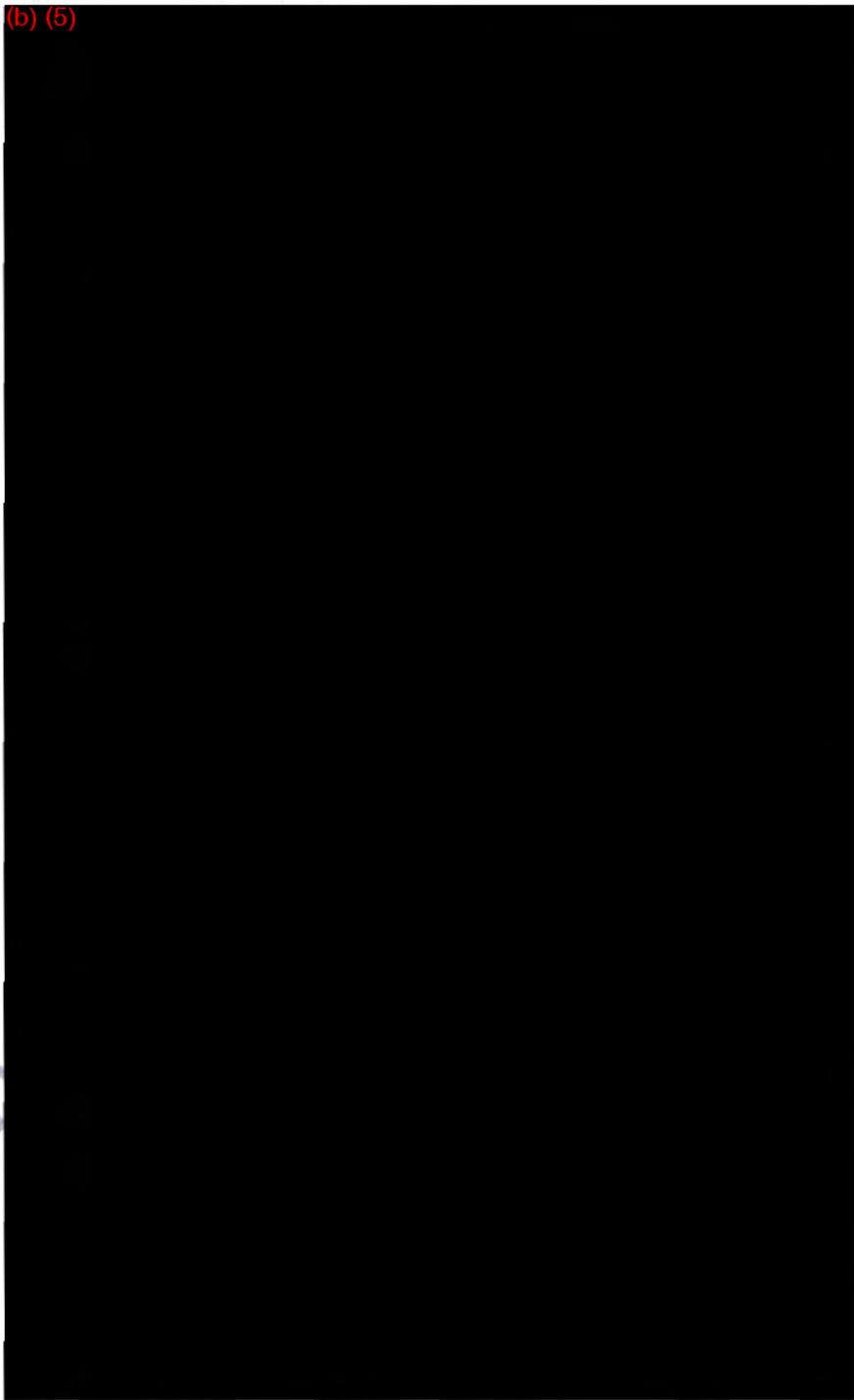
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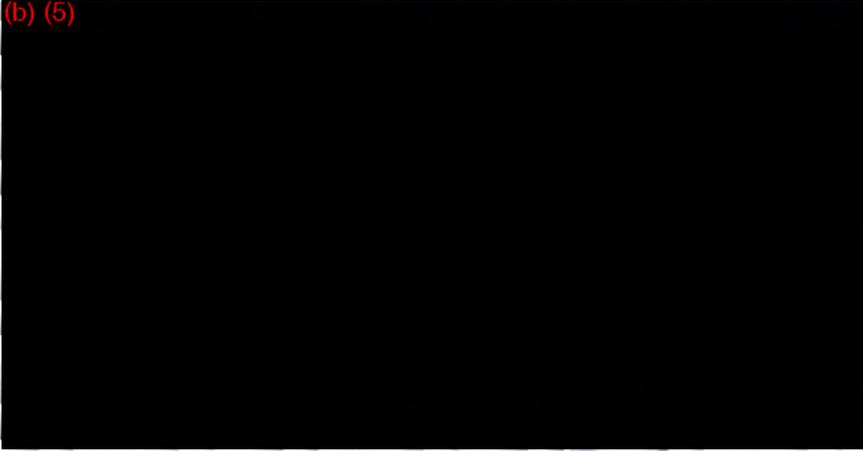


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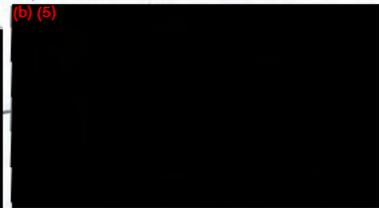


f. Access to Maps and Surveys

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Surname Version, 6-27-12, Internal Review draft only

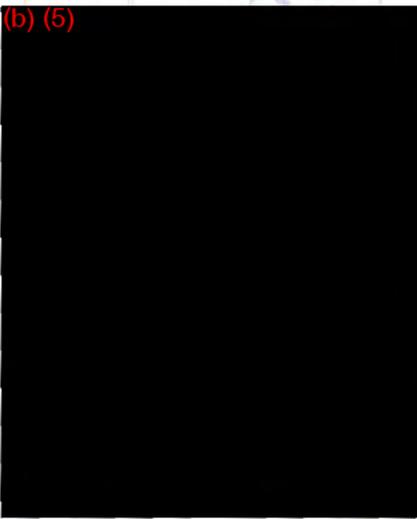
Sec. 7 Regulatory and Administrative Matters.

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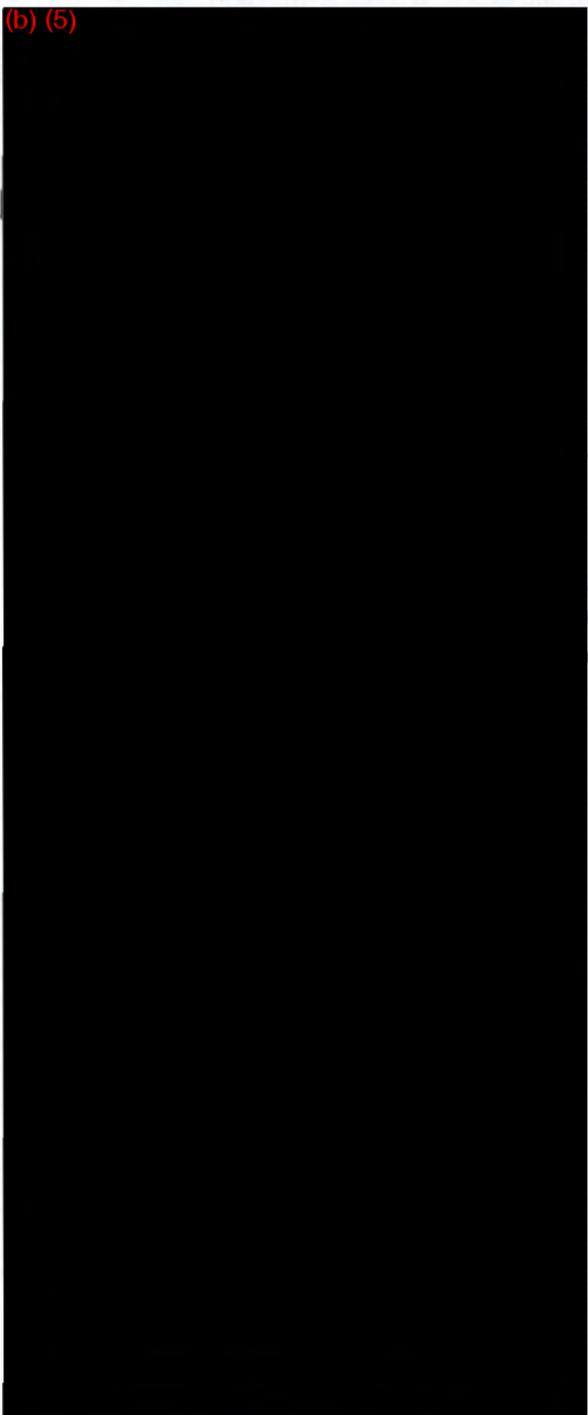


Sec. 8. The Designated Potash Area Legal Description.

(b) (5)

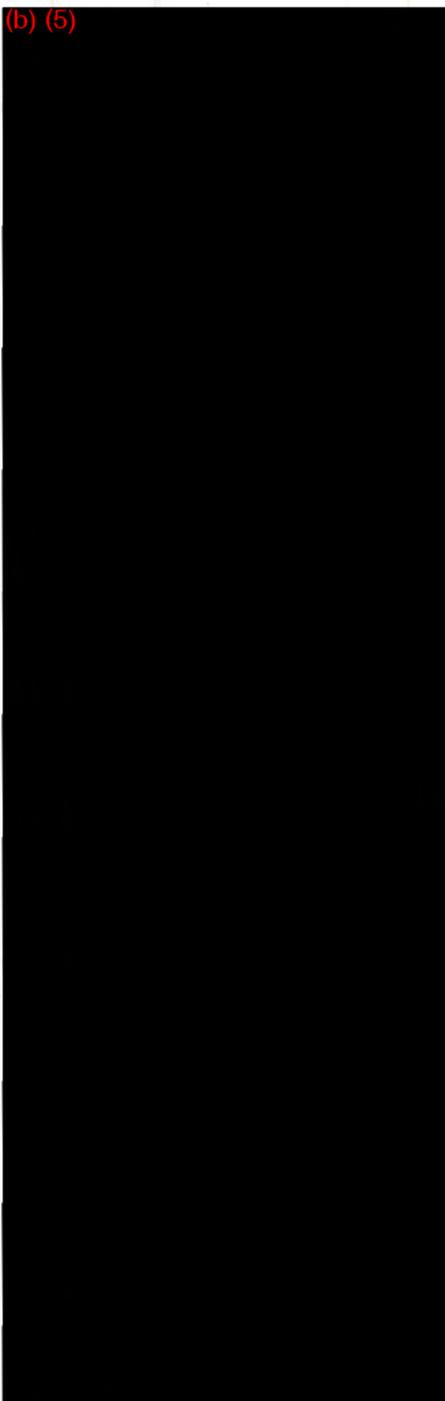


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Review Draft

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Sec. 9 Administrative Provisions.

(b) (5)

Internal Review Draft

DEPARTMENT OF THE INTERIOR

Office of the Secretary

(b) (5)

Order

Subject: Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

Sec. 1 Purpose and Effect. (b) (5)

[Redacted]

Sec. 2 Authority. (b) (5)

[Redacted]

Sec. 3 Order Revised and Superseded. (b) (5)

[Redacted]

Sec. 4 Definitions.

(b) (5)

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2 6/25/12

DEPARTMENT OF THE INTERIOR
Office of the Secretary

Order

Subject: Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

Sec. 1 Purpose and Effect. (b) (5)
[Redacted]

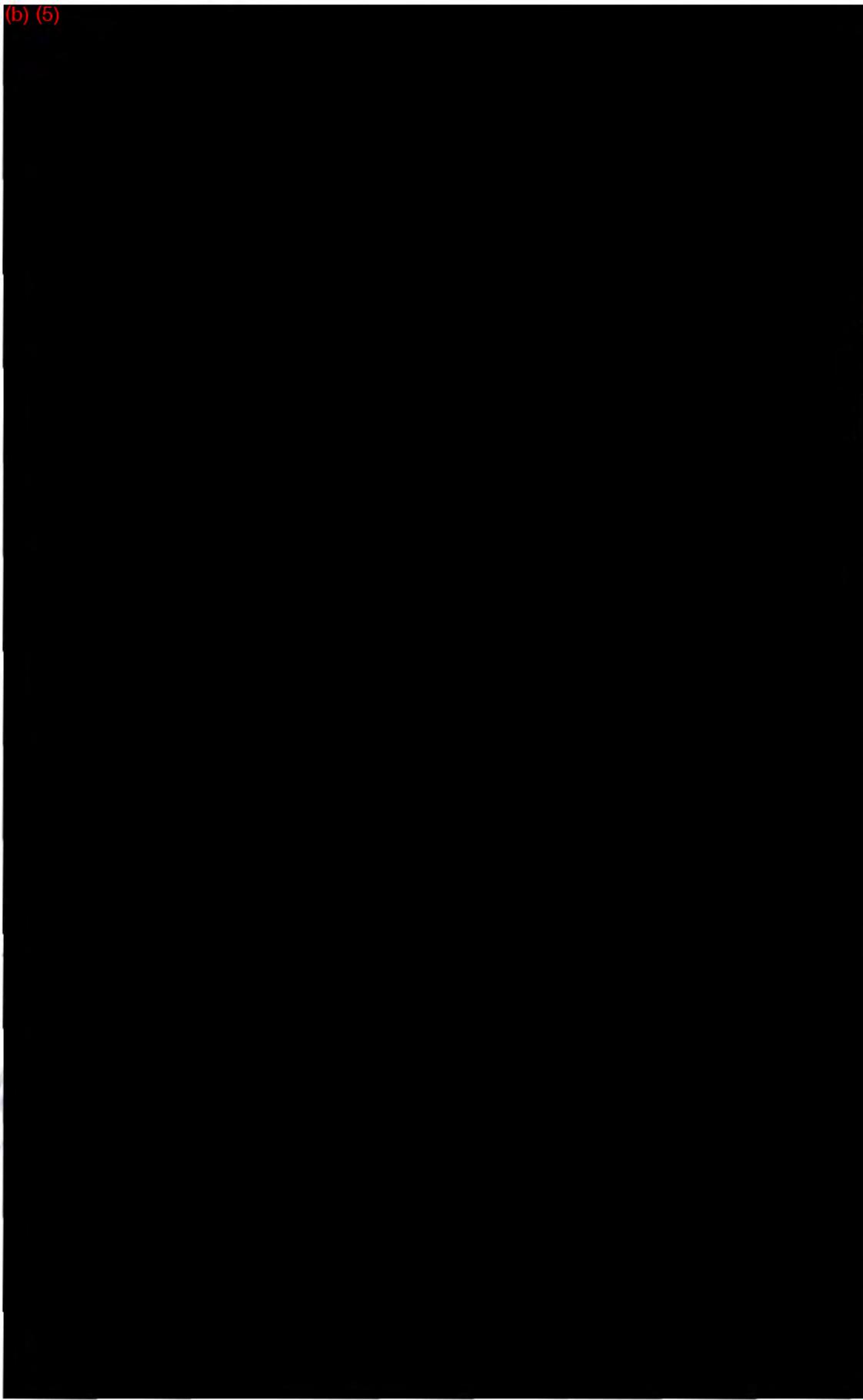
Sec. 2 Authority. (b) (5)
[Redacted]

Sec. 3 Order Revised and Superseded. (b) (5)
[Redacted]

Sec. 4. Definitions.

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Sec. 5 Status of Lands.

(b) (5)

Sec. 6 General Provisions.

a. Issuance of Oil and Gas Leases

(b) (5)

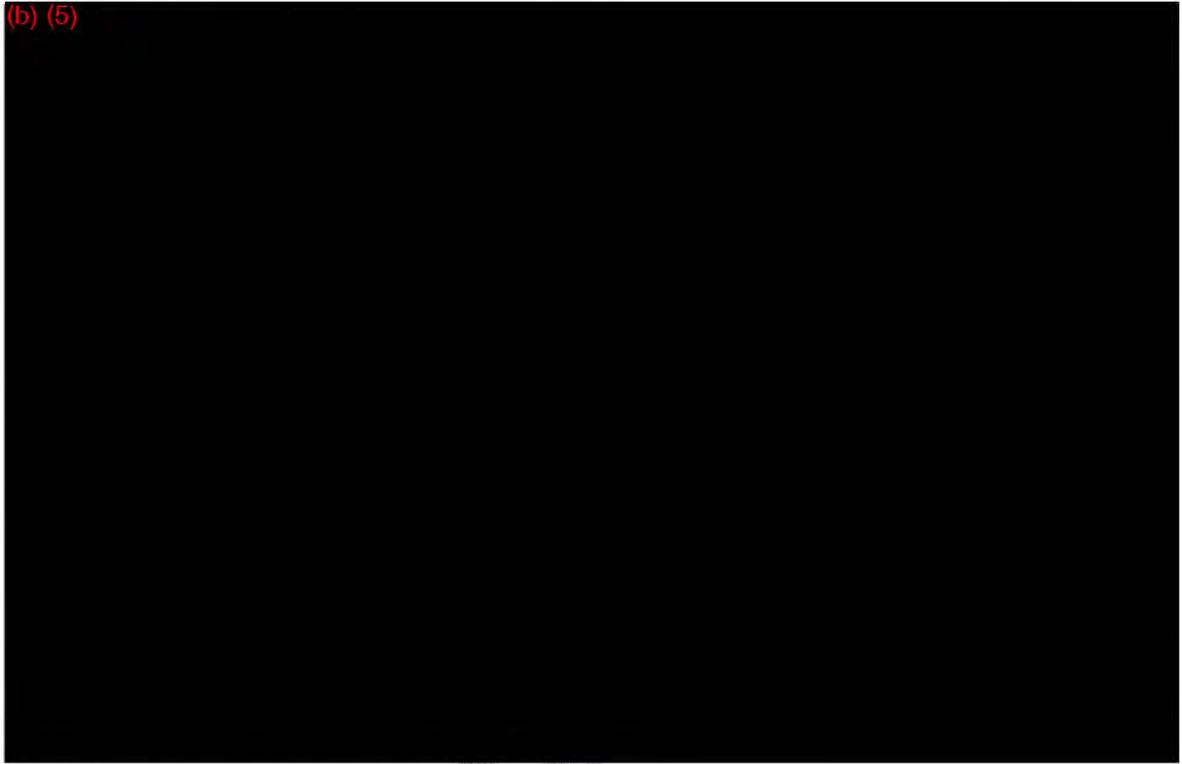
b. Reinstatement or Renewal of Oil and Gas Leases

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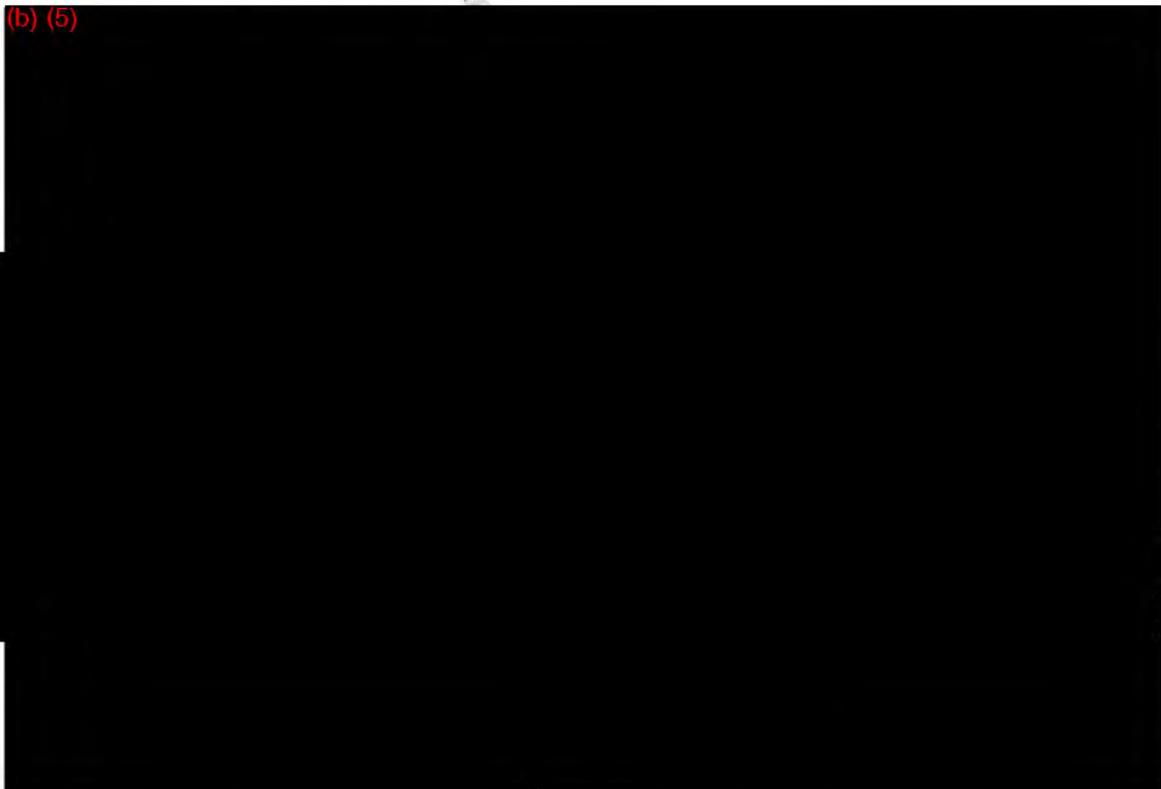
c. Potash Leases

(b) (5)

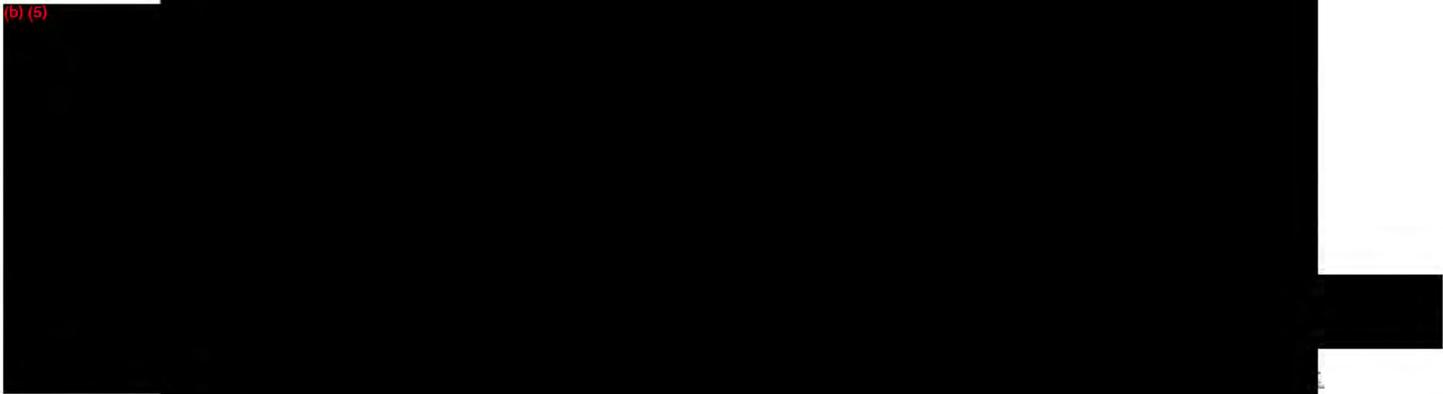
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d. Delineation of Resource Areas

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e. Oil and Gas Drilling

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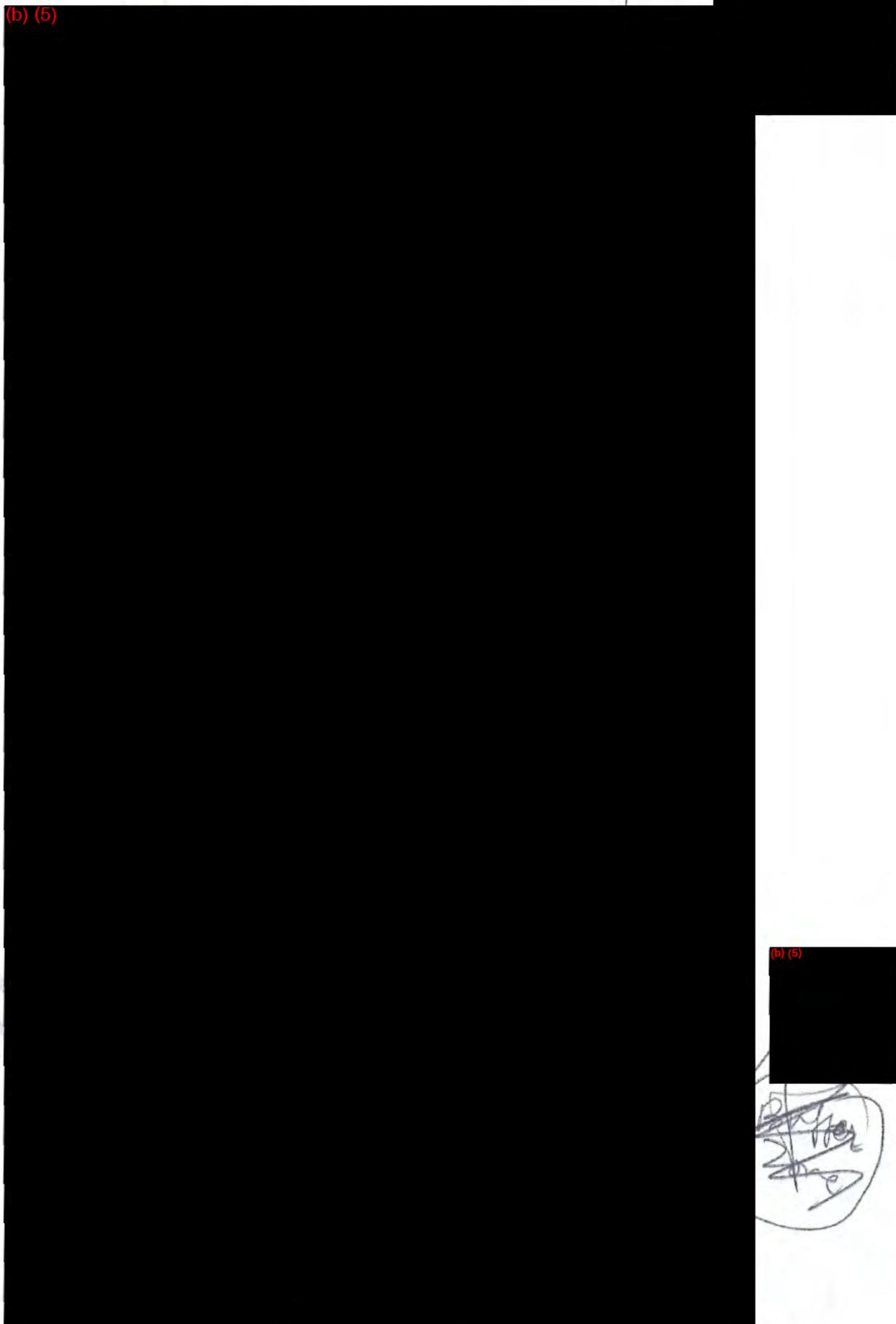
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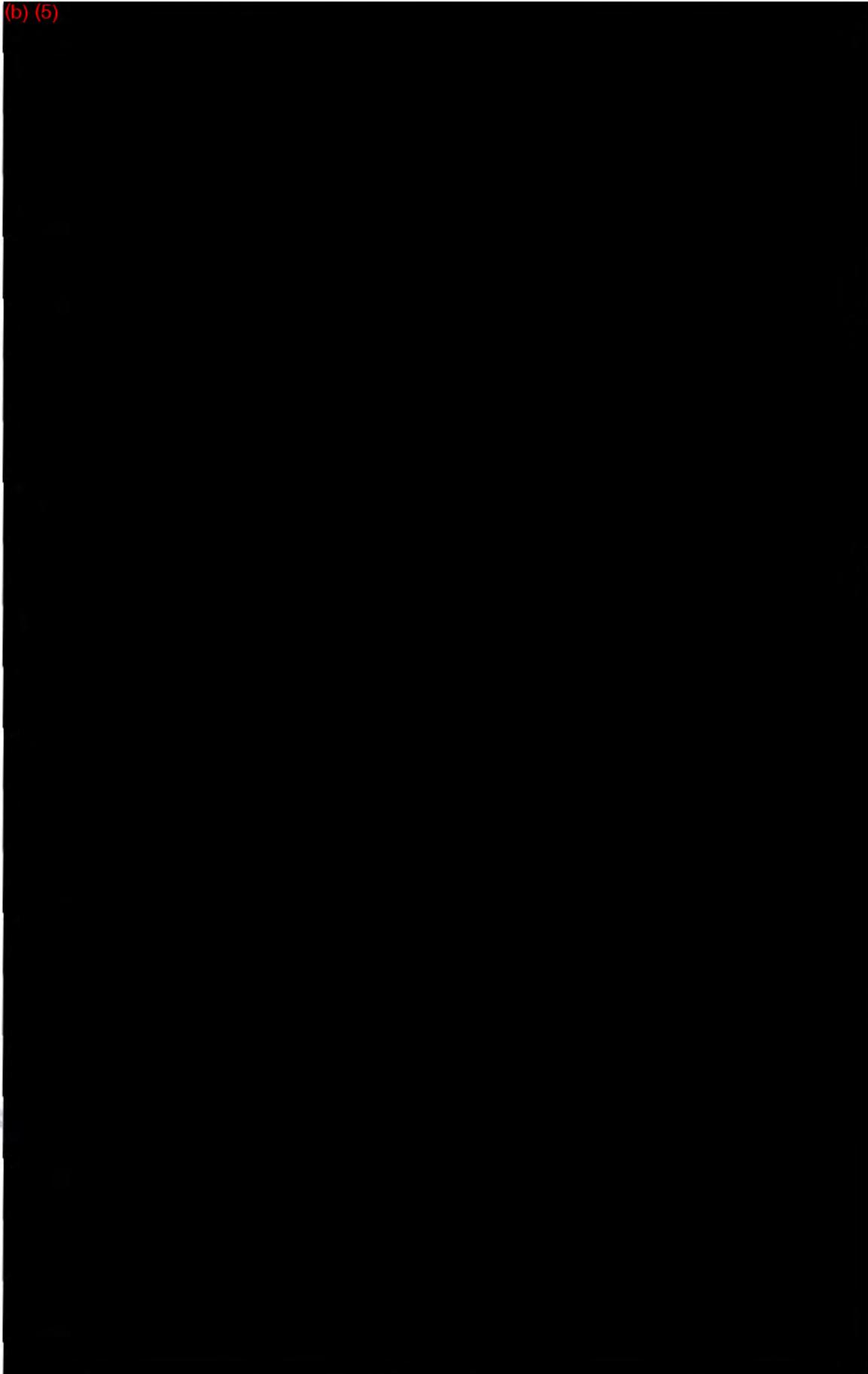
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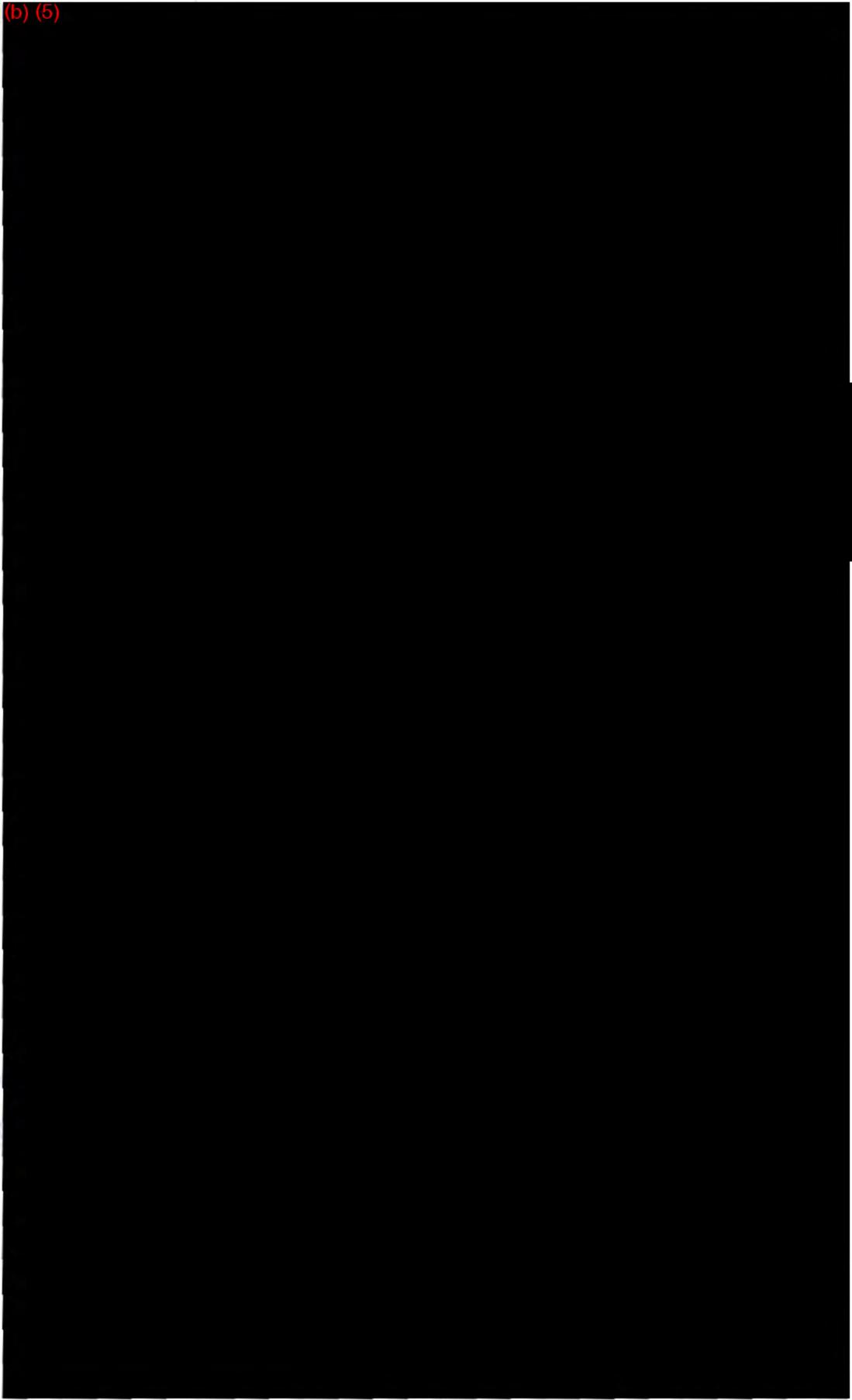
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f. Access to Maps and Surveys

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Sec. 7 Regulatory and Administrative Matters.

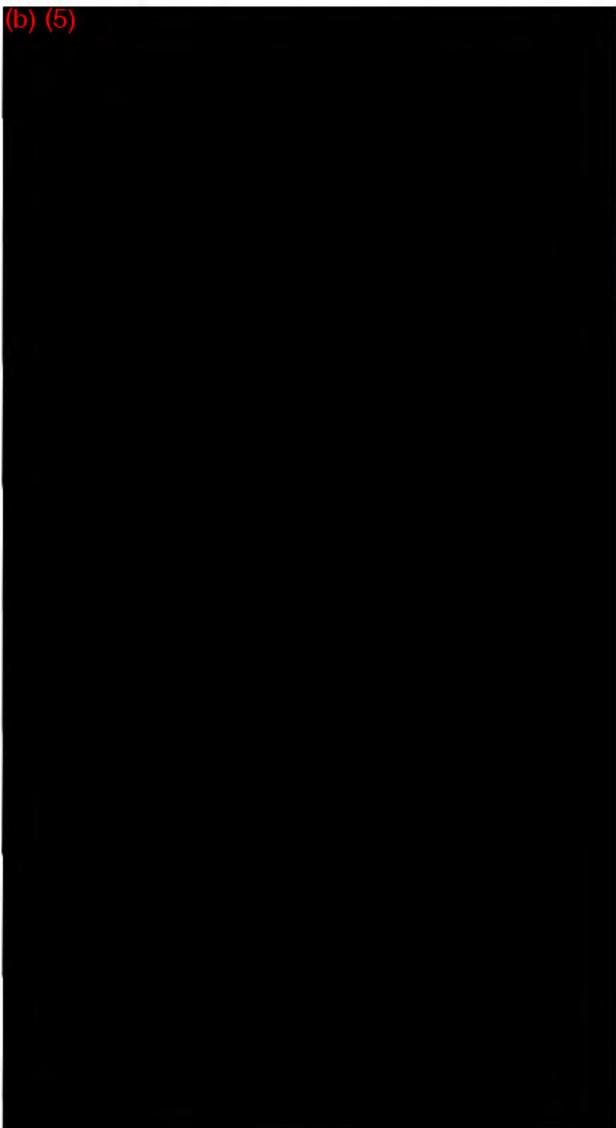
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(b) (5)

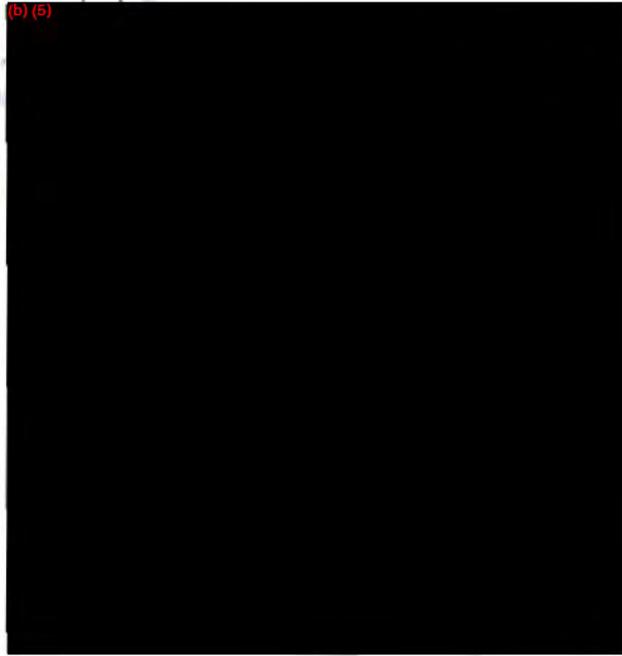


Sec. 8. The Designated Potash Area Legal Description.

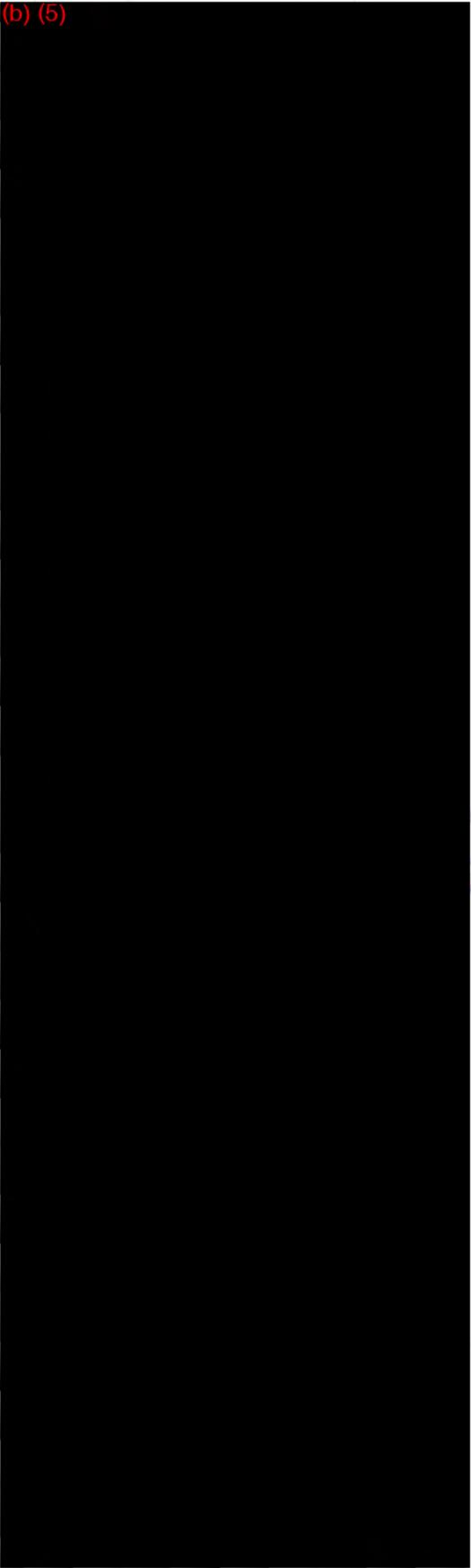
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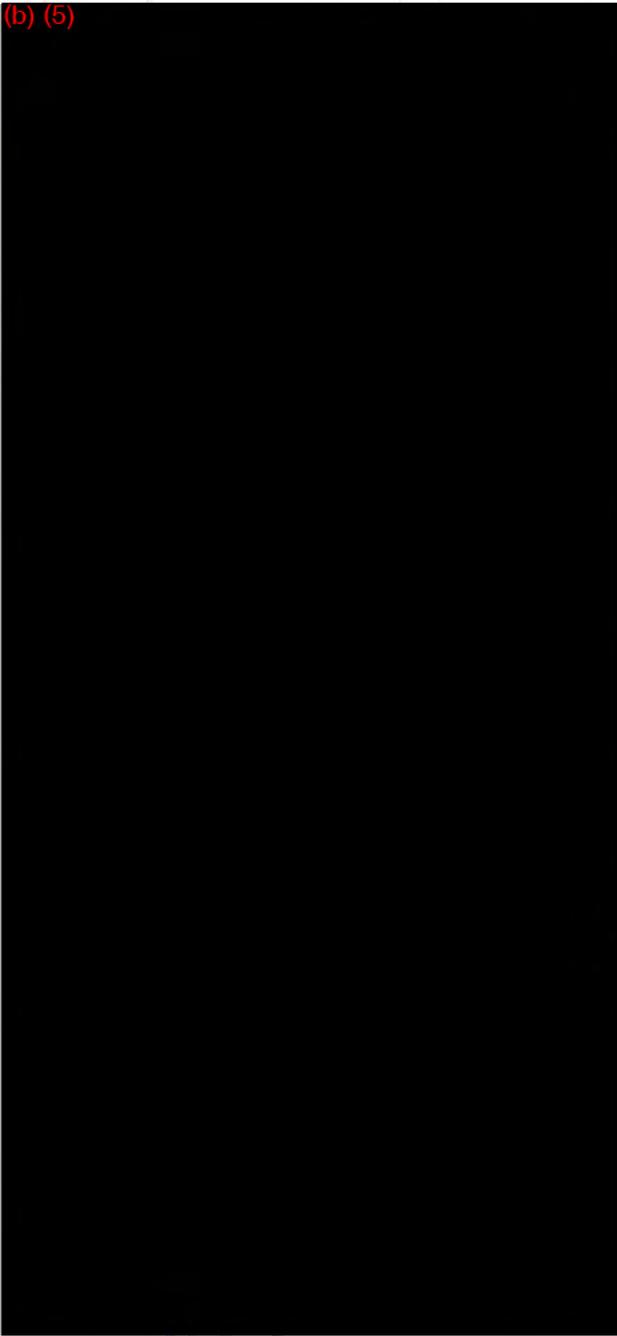


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Review Draft

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Review Draft

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Sec. 9 Administrative Provisions. (b) (5)



DEPARTMENT OF THE INTERIOR

Office of the Secretary

Proposed Revision of 1986 Secretarial Potash Order

Oil, Gas and Potash Leasing and Development within the Designated Potash Area of Eddy and Lea Counties, New Mexico

Order

Section 1. *Purpose and Effect.* (b) (5)

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Section 2. *Authority.* (b) (5)

[Redacted text]

Section 3. *Order Revised and Superseded.* (b) (5)

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I. Definitions.

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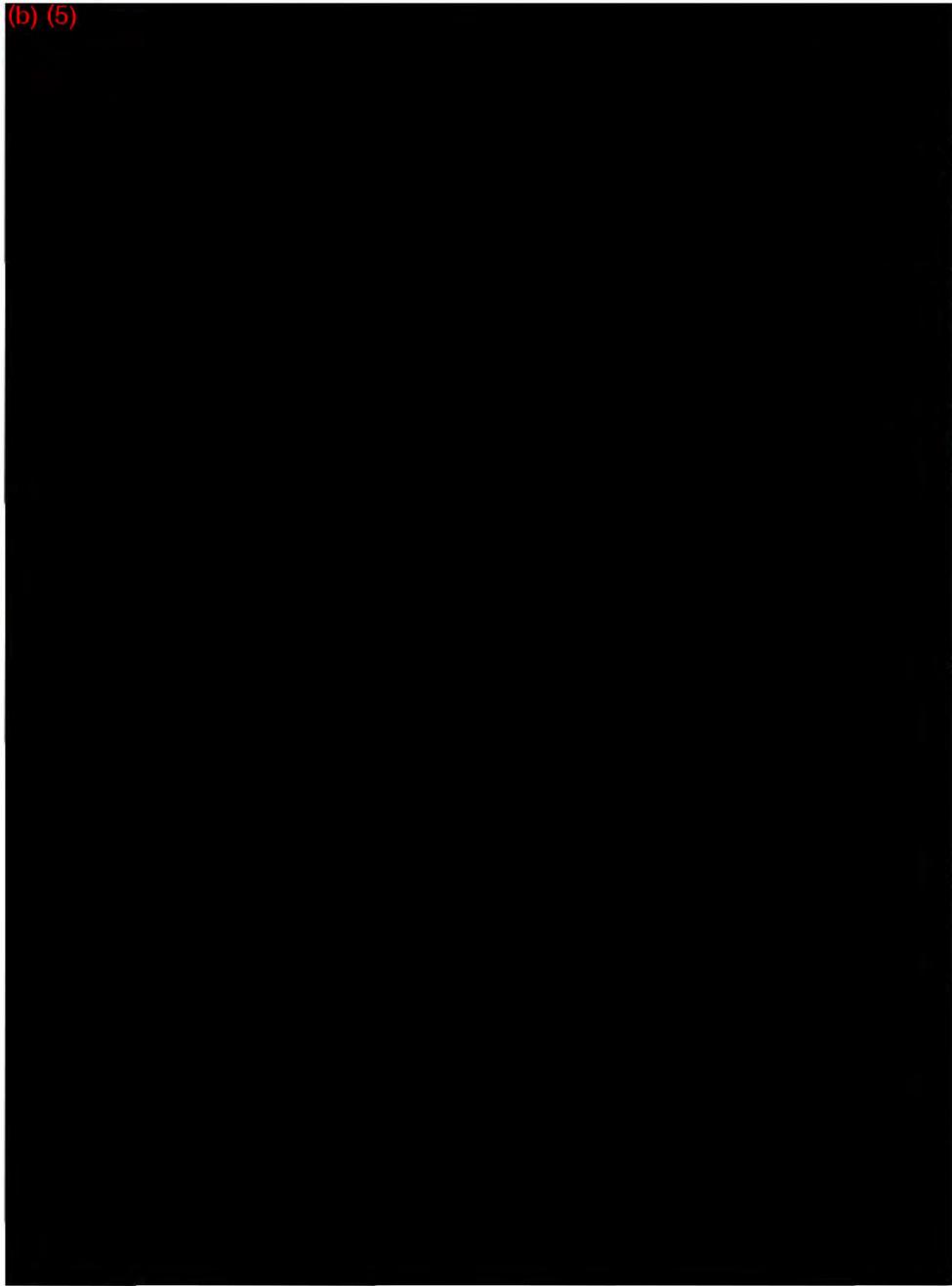
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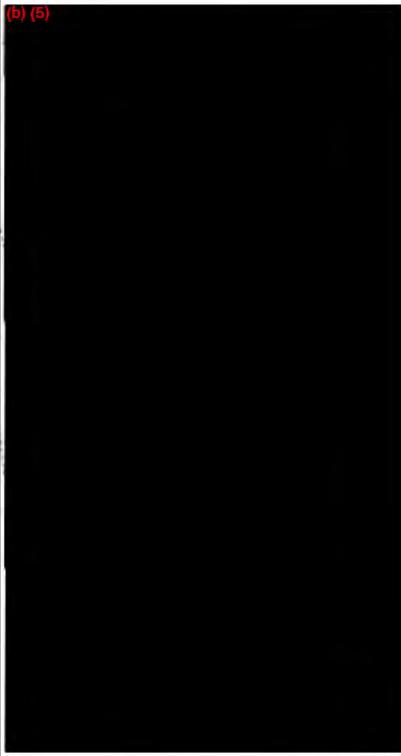


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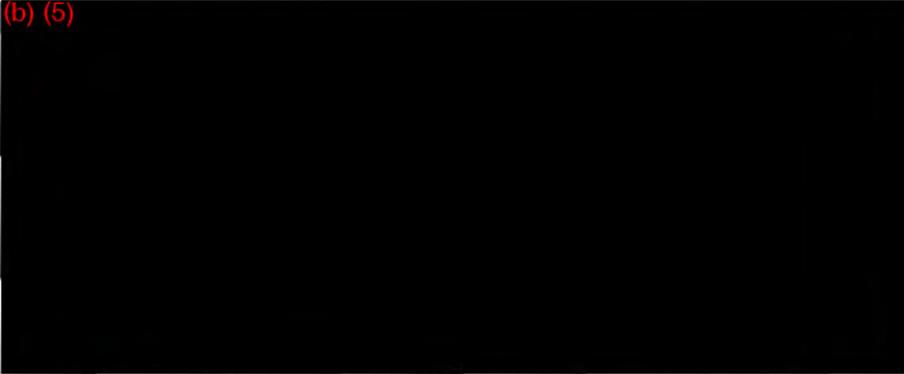
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II. Status of Lands

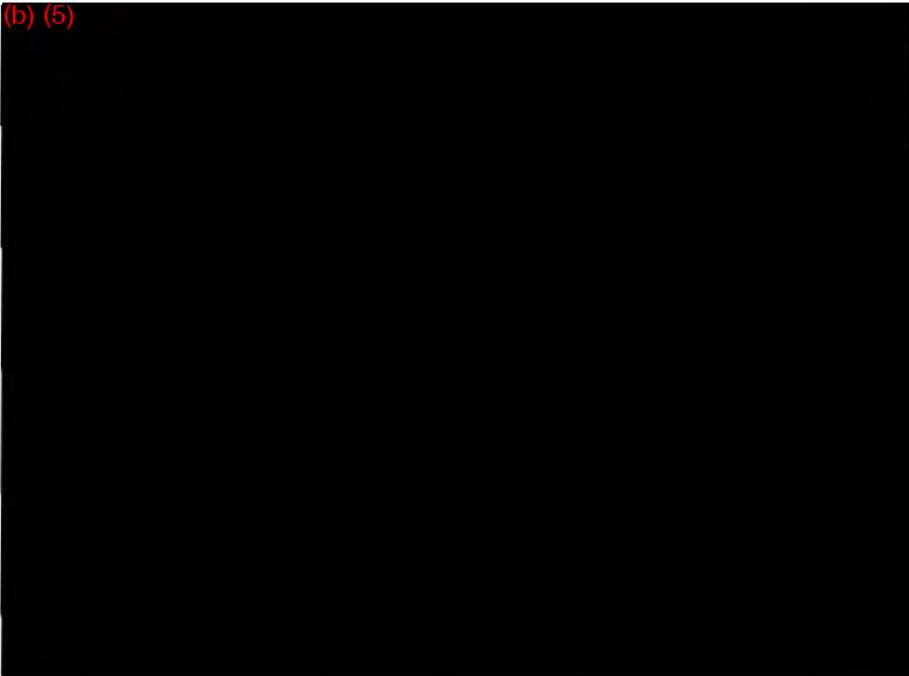
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III. General Provisions

A. Issuance of Oil and Gas Leases

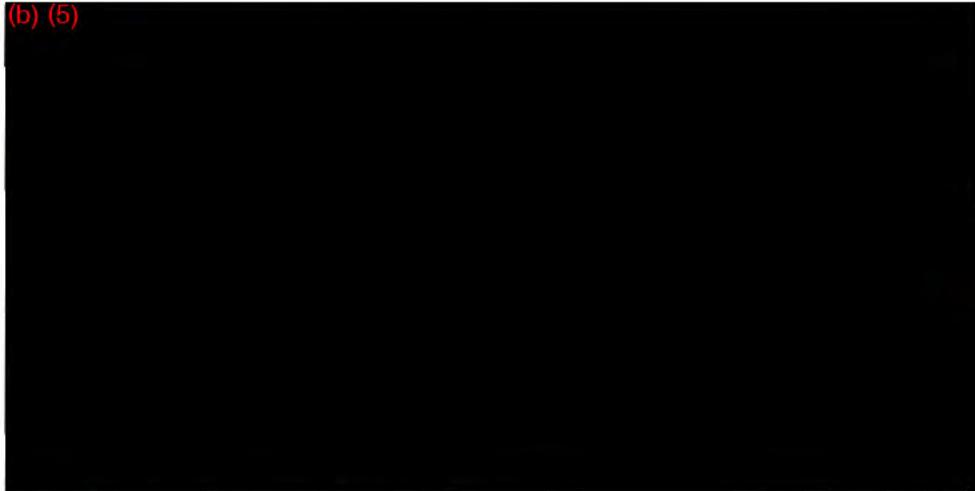
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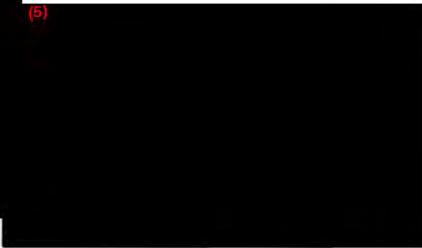
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B. Reinstatement or Renewal of Oil and Gas Leases

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C. Potash Leases

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D. Delineation of Resource Areas and Areas of Operation

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E. Oil and Gas Drilling

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e

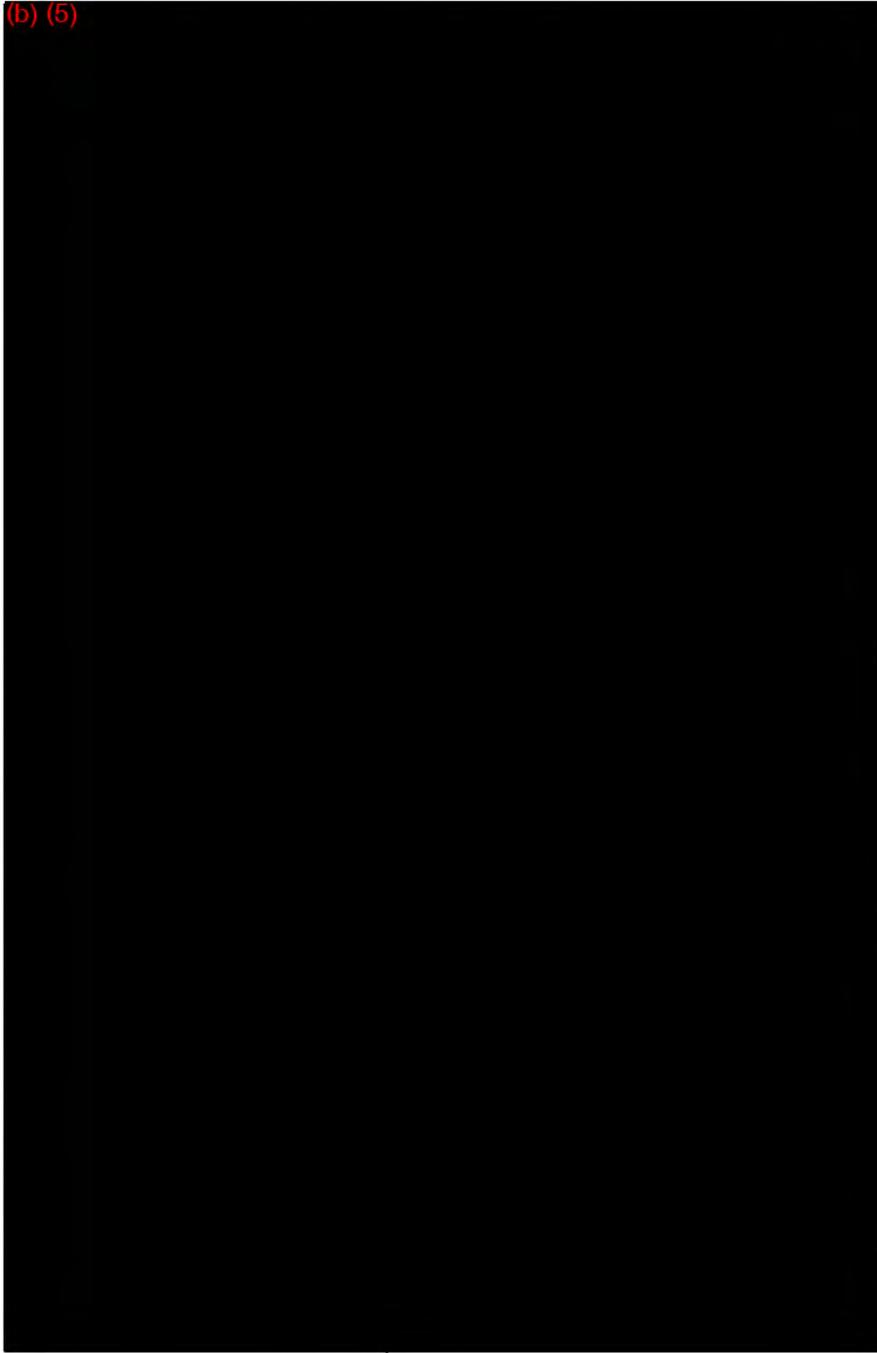
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e

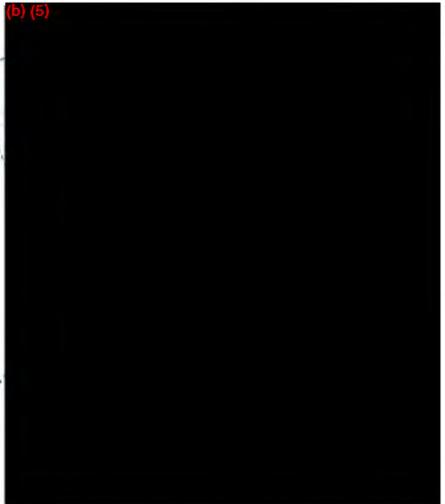
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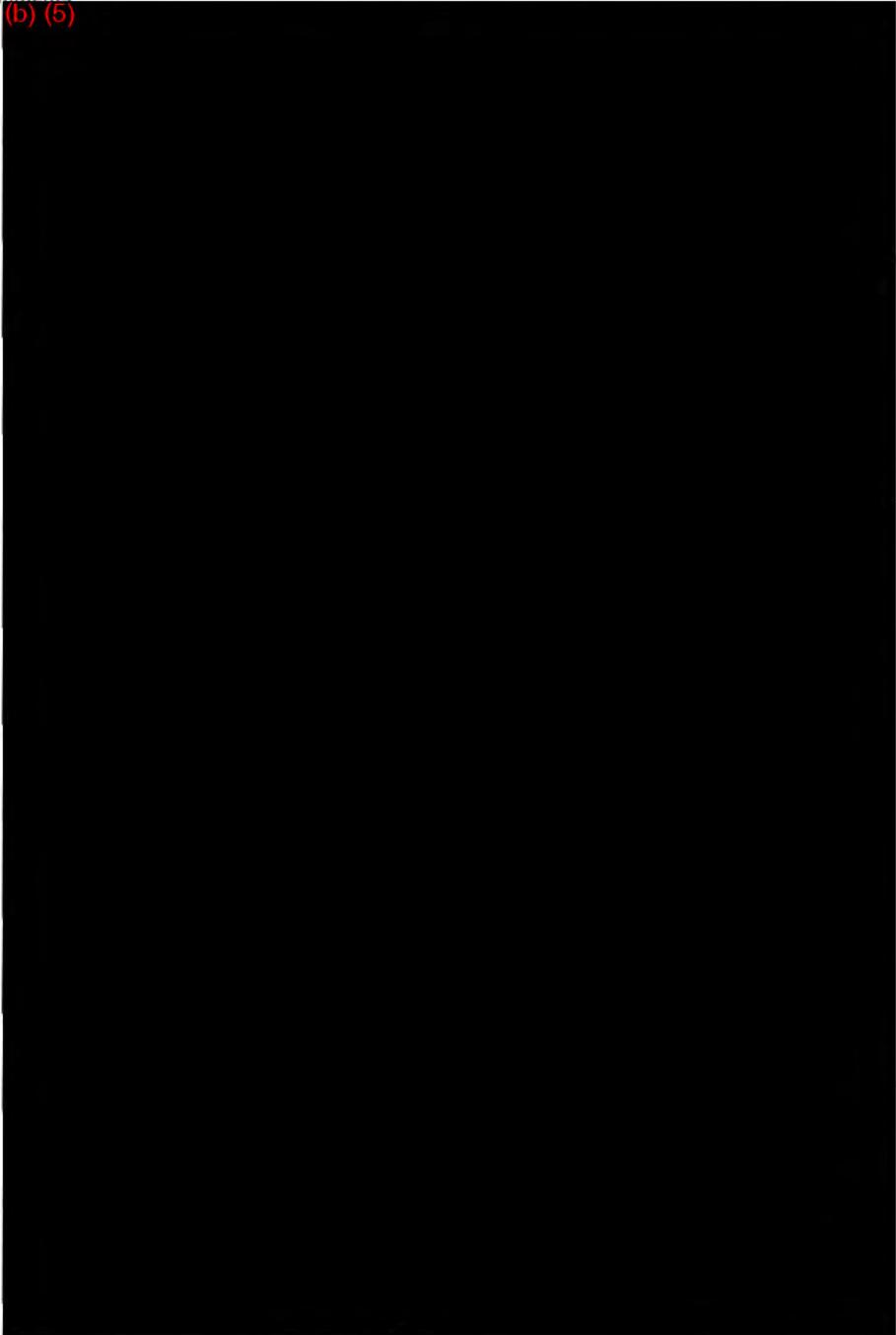


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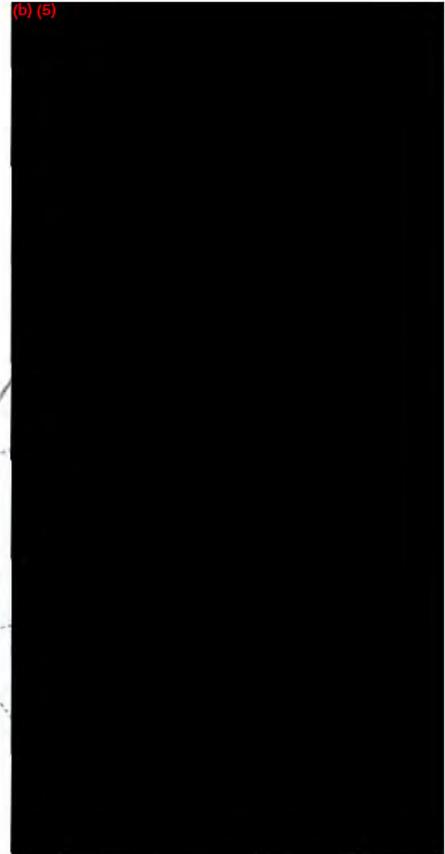


JITC Comments

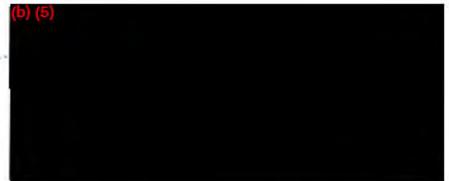
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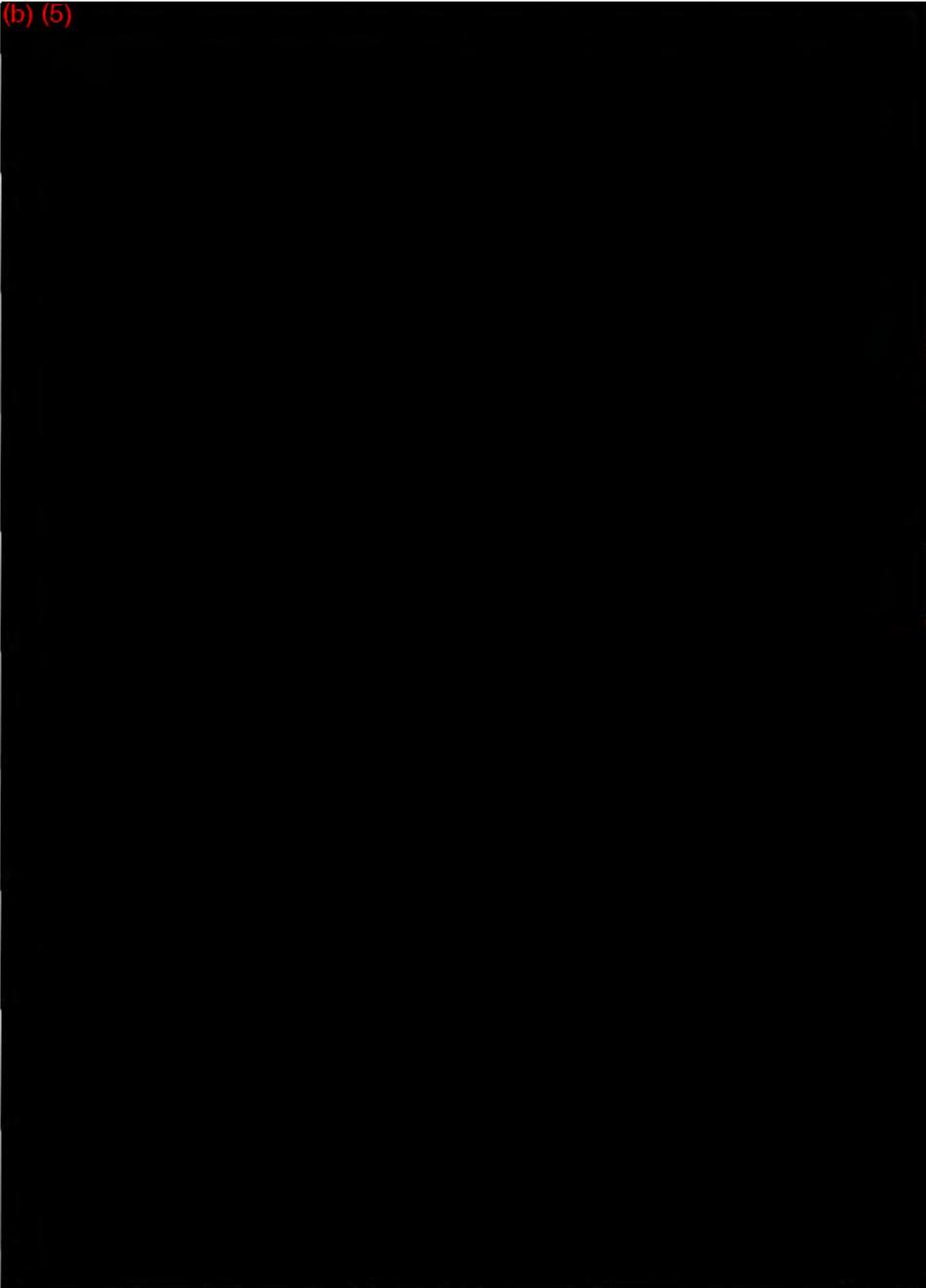


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JITC Comments

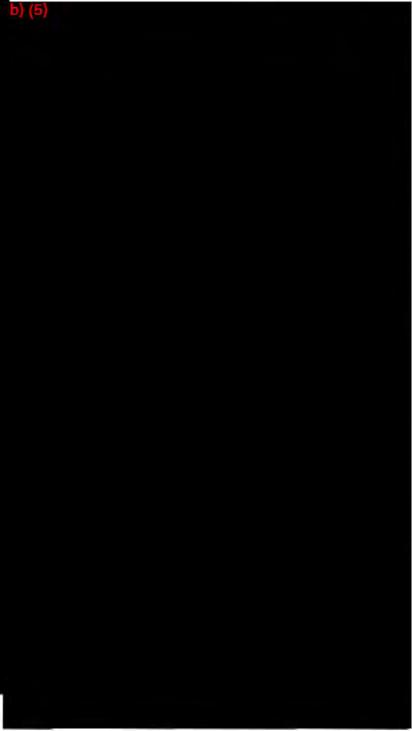
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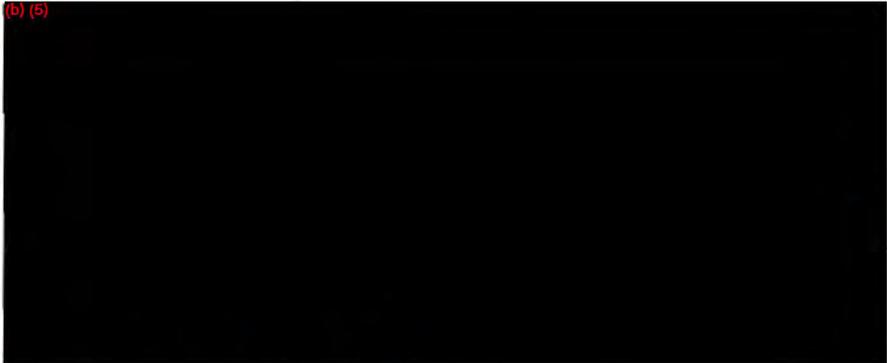
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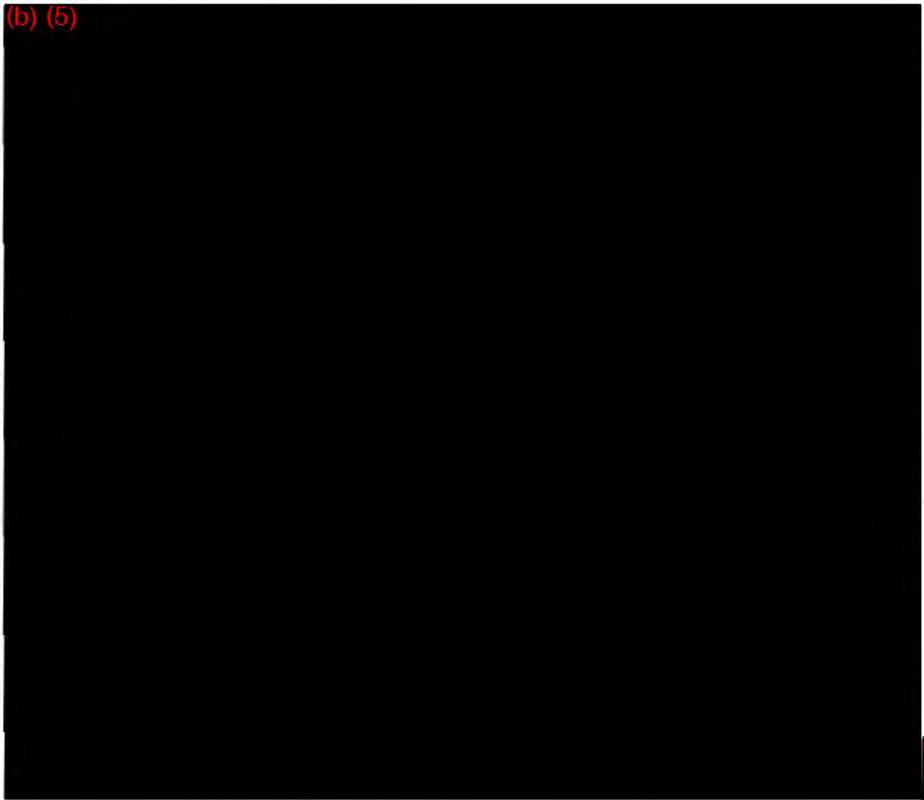


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F. Access to Maps and Surveys and Core Data

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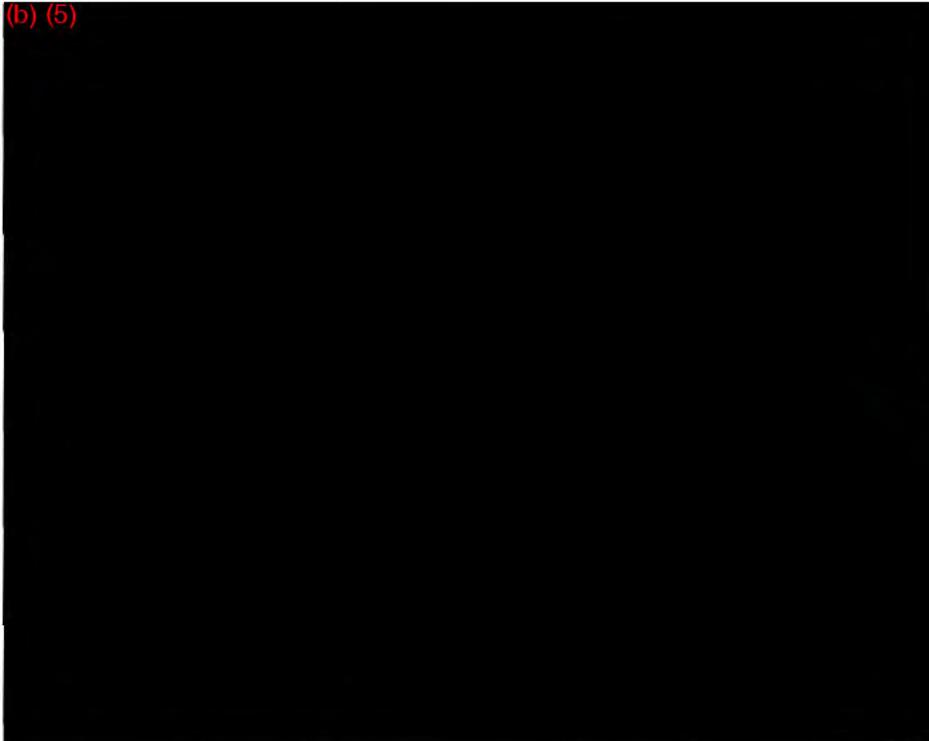


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IV. Regulatory and Administrative Matters

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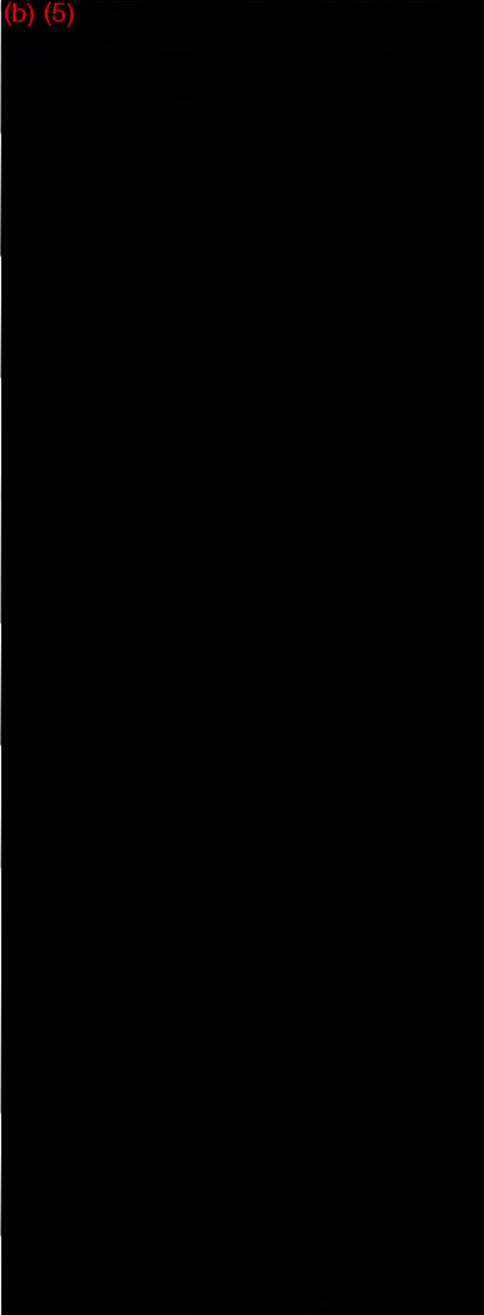


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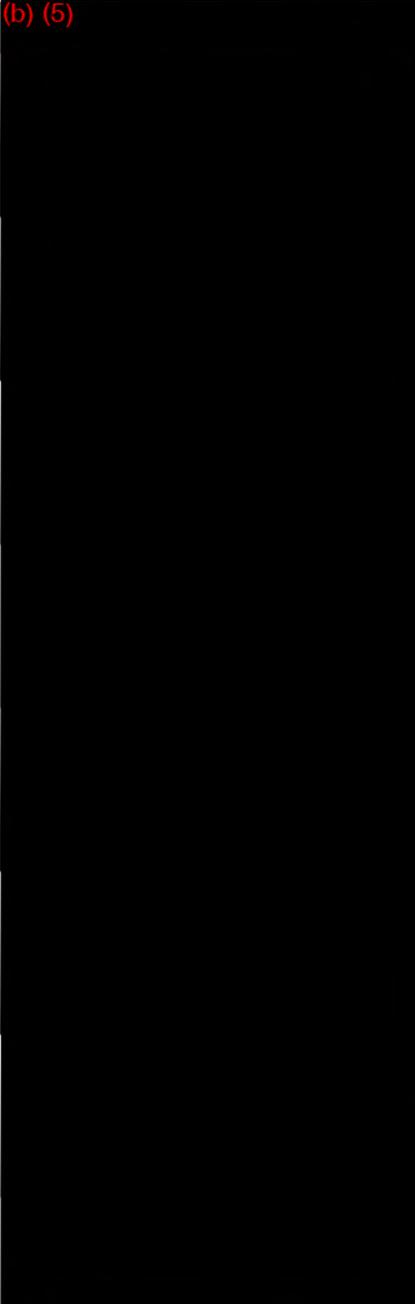
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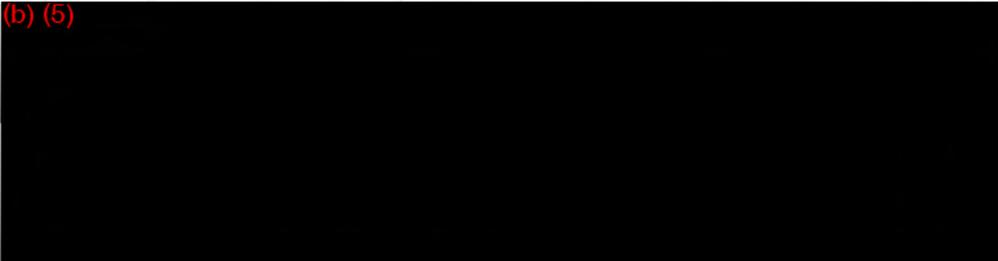
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Section 4. *Administrative Provisions.* (b) (5)




Page 6: [1] Comment [PJ17]

Pollet, Jolie

6/26/2012 12:43:00 AM

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Page 6: [2] Comment [PJ18]

Pollet, Jolie

6/26/2012 12:43:00 AM

See comment above.

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Page 6: [3] Comment [PJ19]

Pollet, Jolie

6/26/2012 12:43:00 AM

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Page 6: [4] Comment [PJ20]

Pollet, Jolie

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Page 6: [5] Comment [PJ22]

Pollet, Jolie

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Page 6: [6] Comment [PJ23]

Pollet, Jolie

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Page 6: [7] Comment [PJ25]

Pollet, Jolie

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Page 6: [8] Comment [PJ26]

Pollet, Jolie

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Page 6: [9] Comment [PJ27]

Pollet, Jolie

6/26/2012 12:43:00 AM

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Page 6: [10] Comment [PJ28]

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Page 6: [11] Comment [PJ29]

Pollet, Jolie

6/26/2012 12:43:00 AM

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

Proposed Revision of 1986 Secretarial Potash Order

Oil, Gas and Potash Leasing and Development within the Designated Potash Area of Eddy
and Lea Counties, New Mexico

Order

Section 1. *Purpose and Effect.* (b) (5)

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Section 2. *Authority.* (b) (5)

[Redacted text block]

Section 3. *Order Revised and Superseded.* (b) (5)

[Redacted text block]

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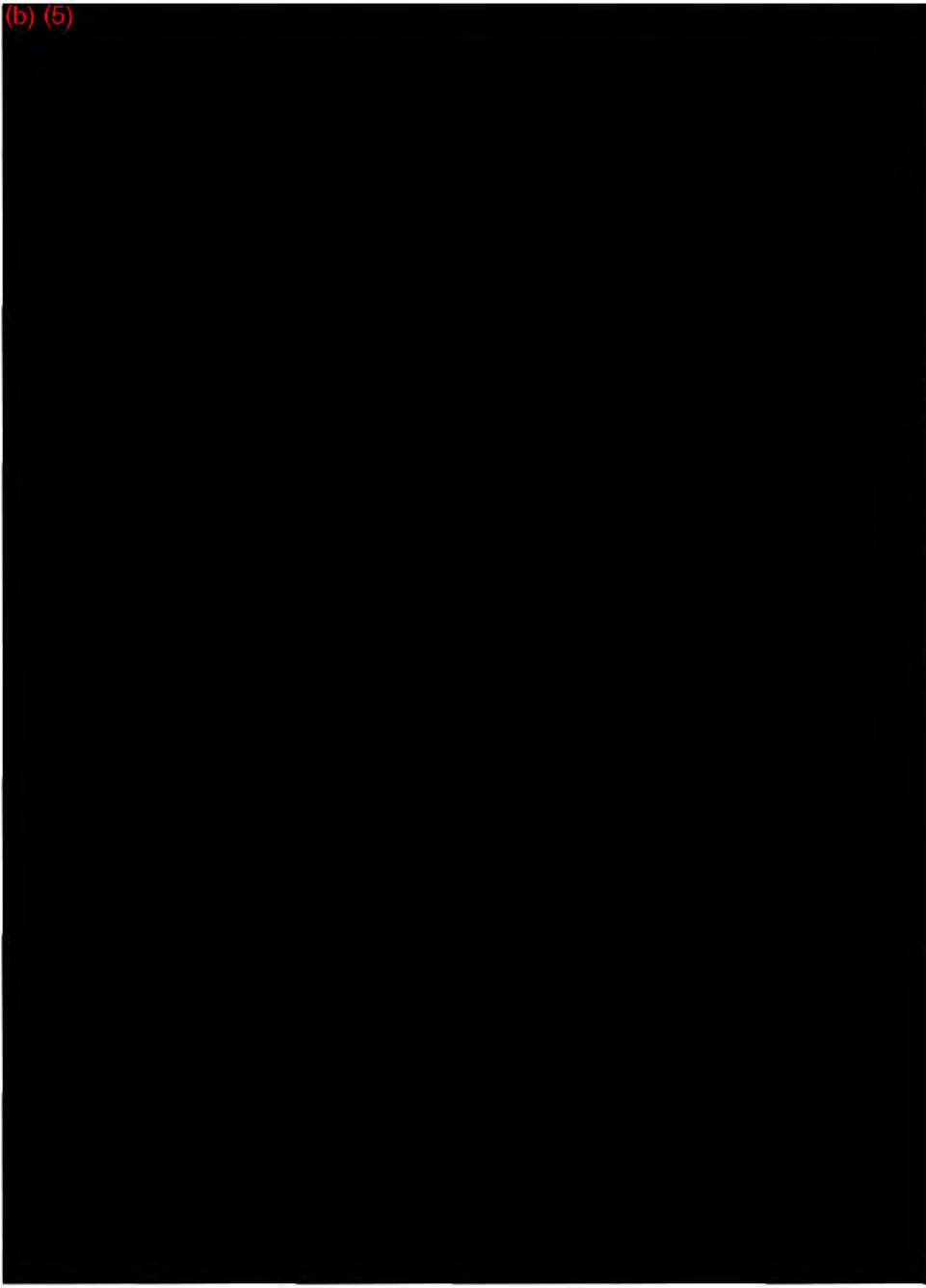
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JITC Comments

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JITC Comments

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II. Status of Lands

(b) (5)



III. General Provisions

A. Issuance of Oil and Gas Leases

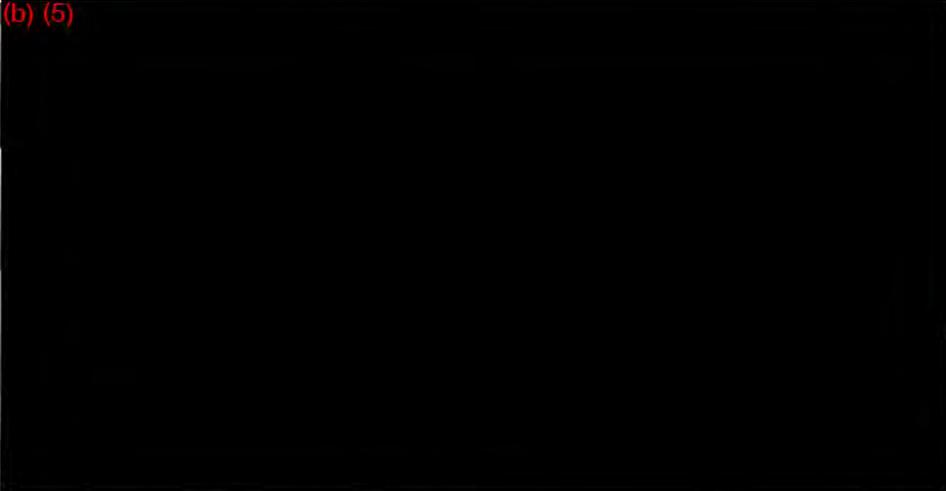
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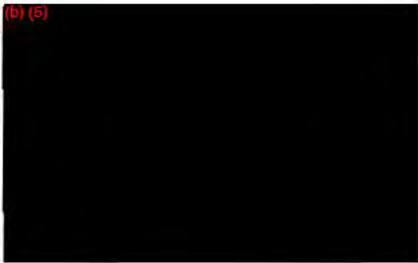
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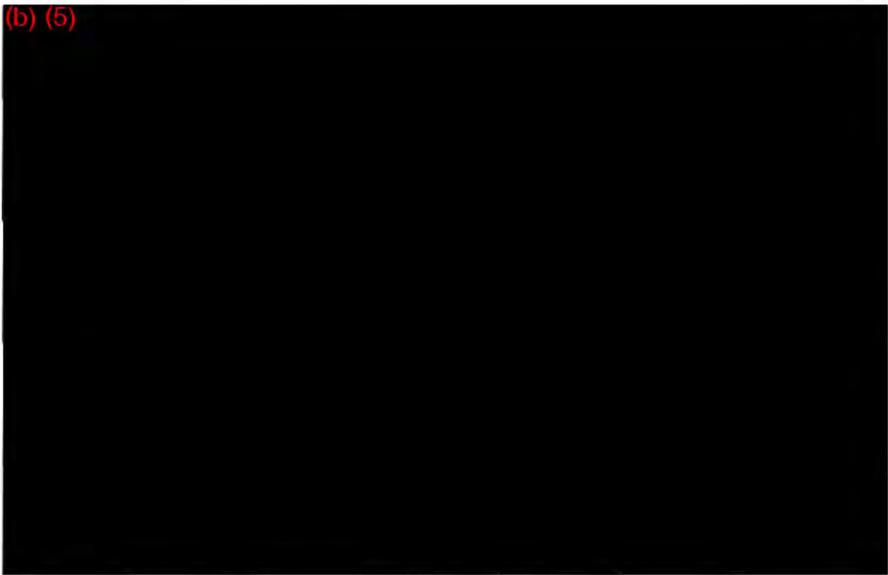
B. Reinstatement or Renewal of Oil and Gas Leases

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C. Potash Leases

(b) (5)



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D. Delineation of Resource Areas and Areas of Operation

(b) (5)

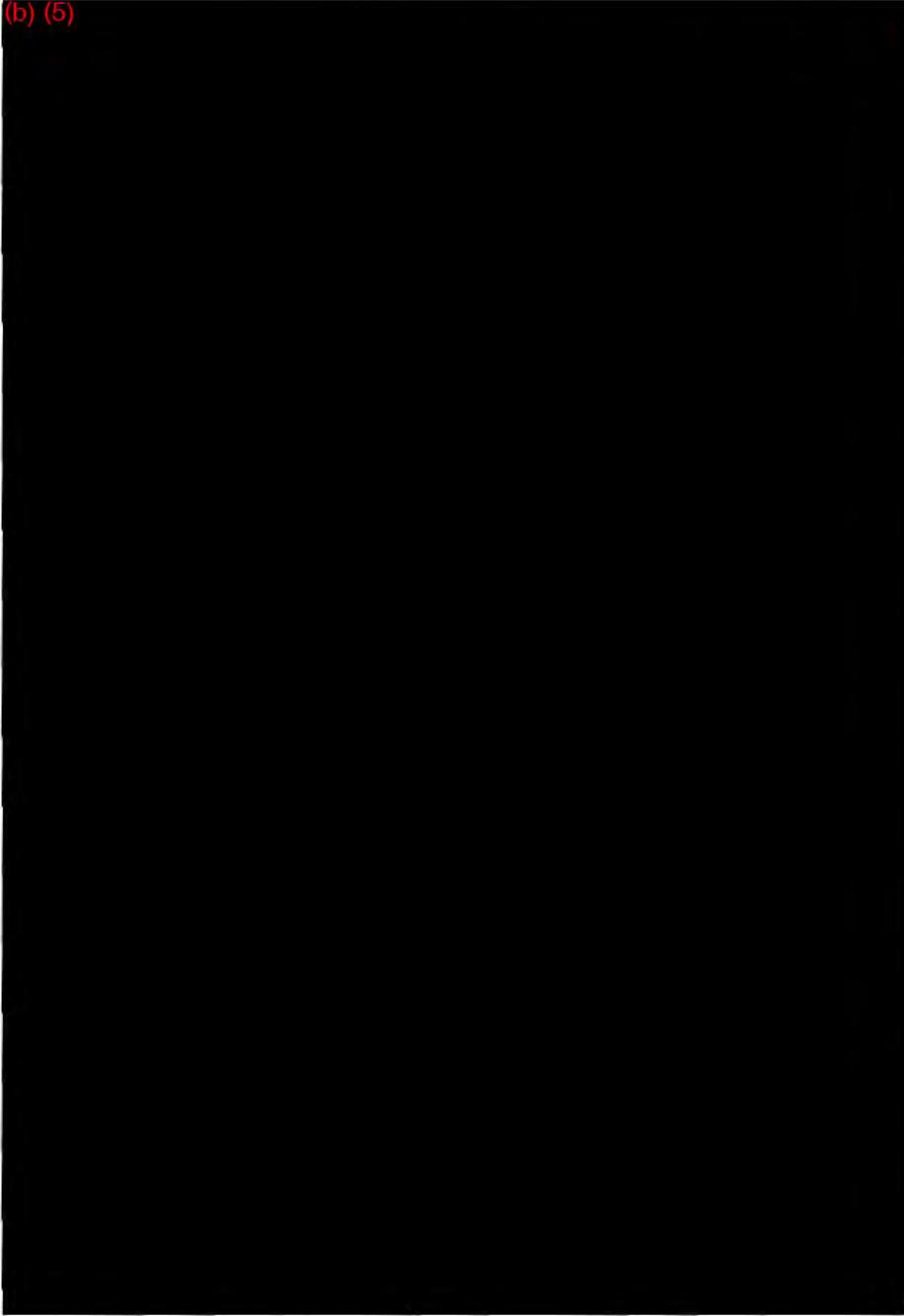
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E. Oil and Gas Drilling

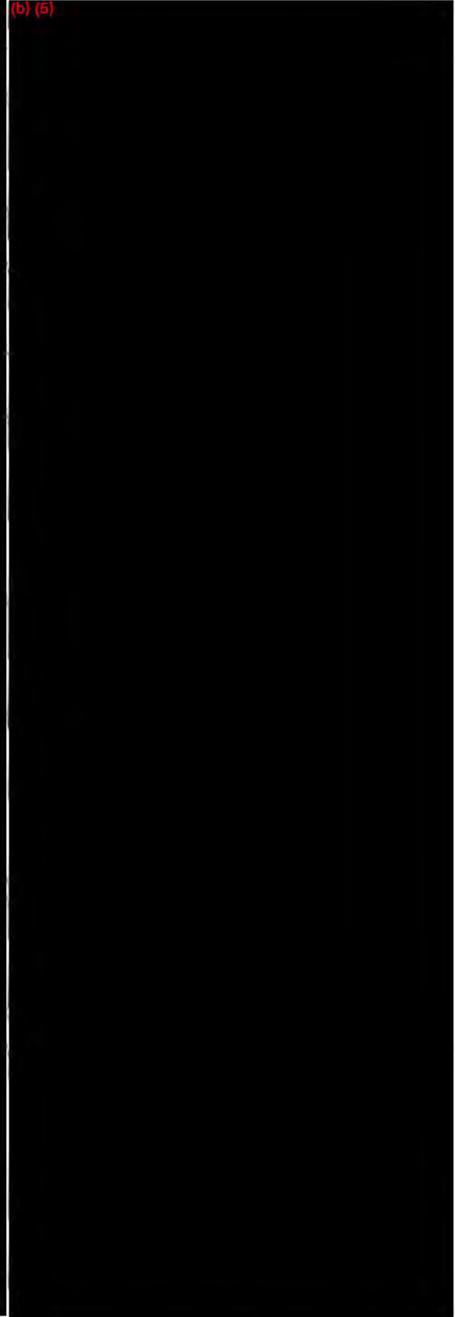
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JITC Comments

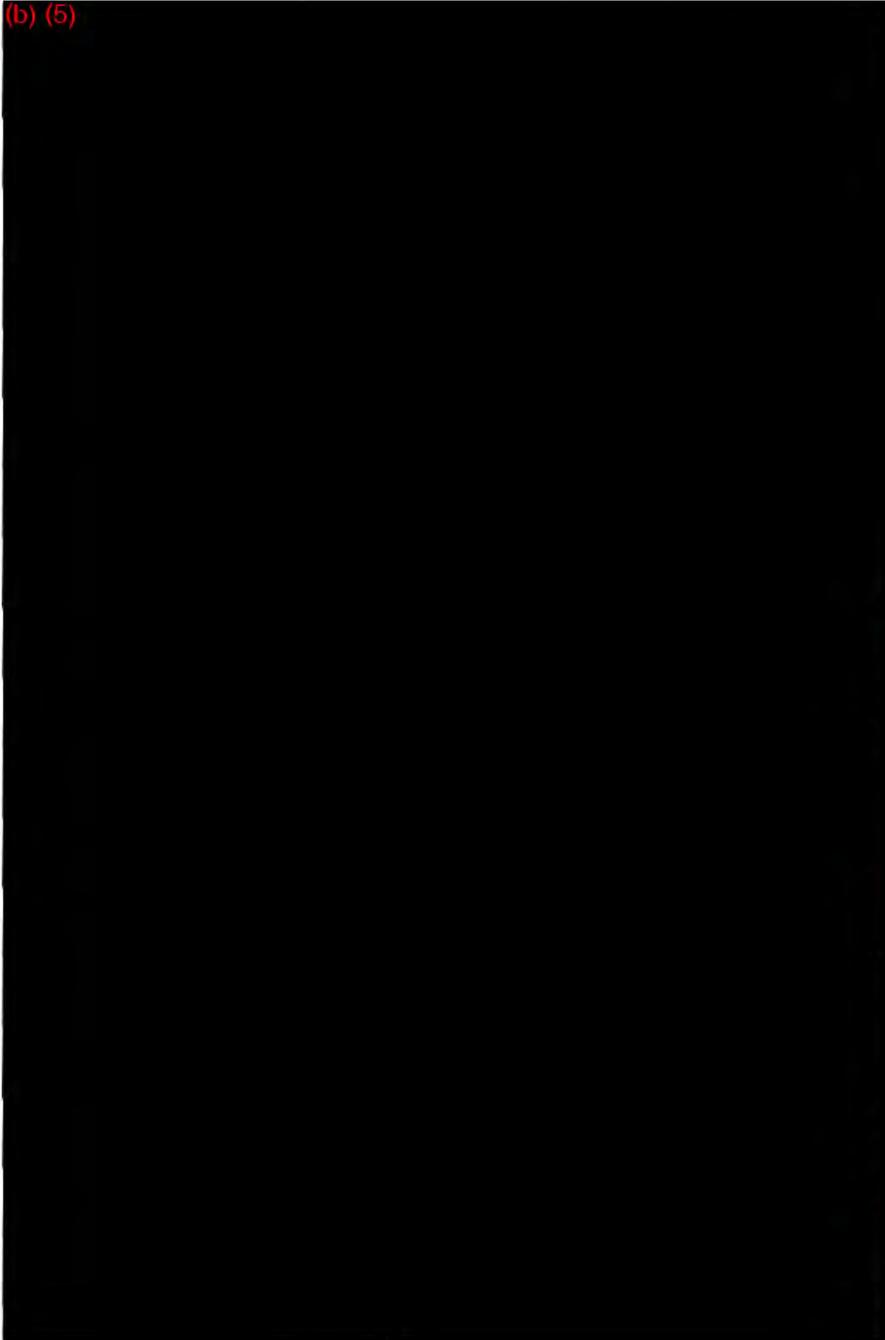
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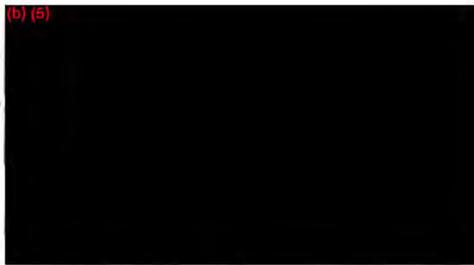
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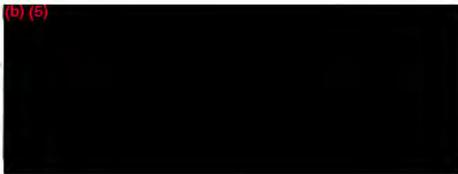
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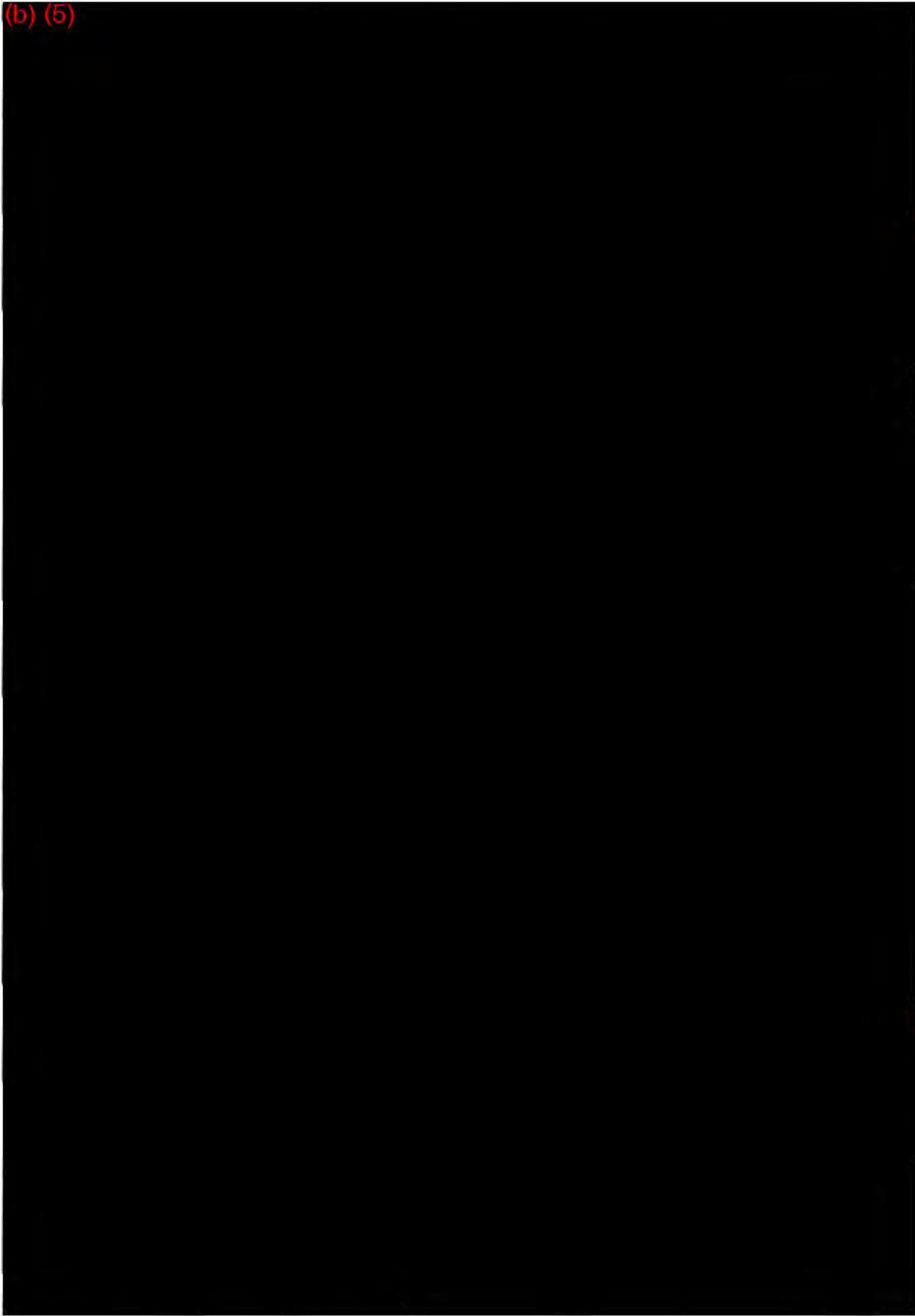
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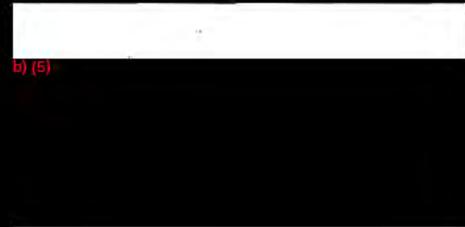
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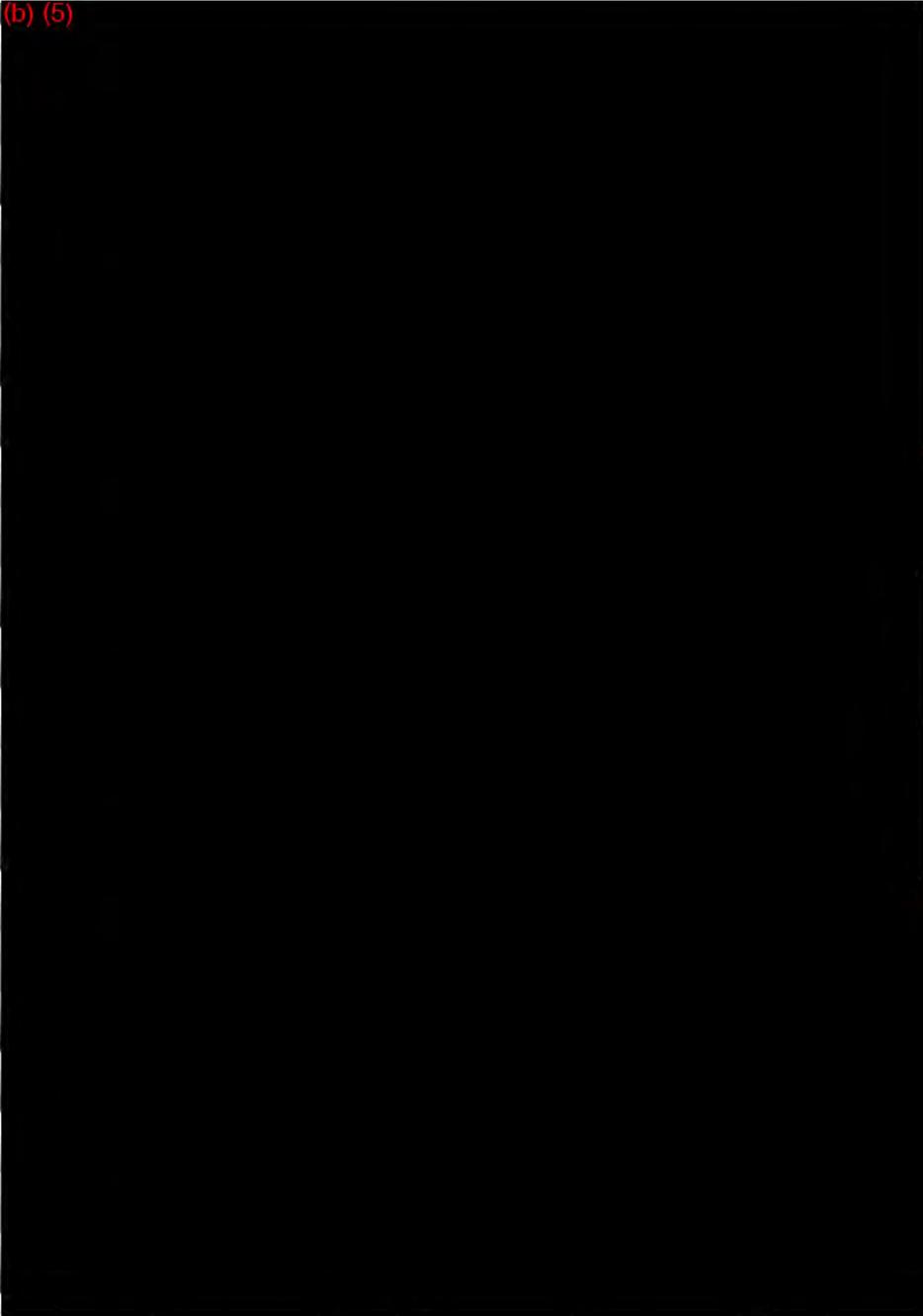


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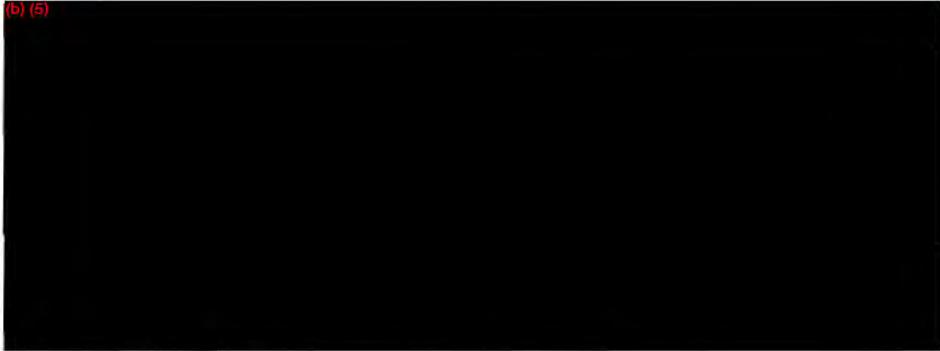
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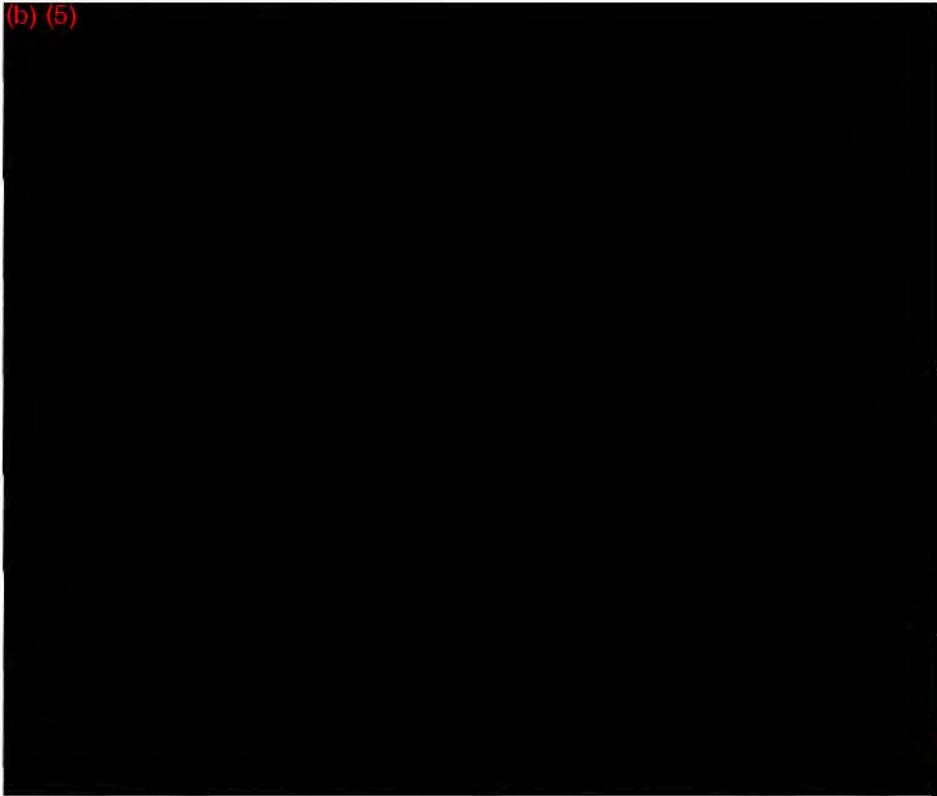


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F. Access to Maps and Surveys and Core Data

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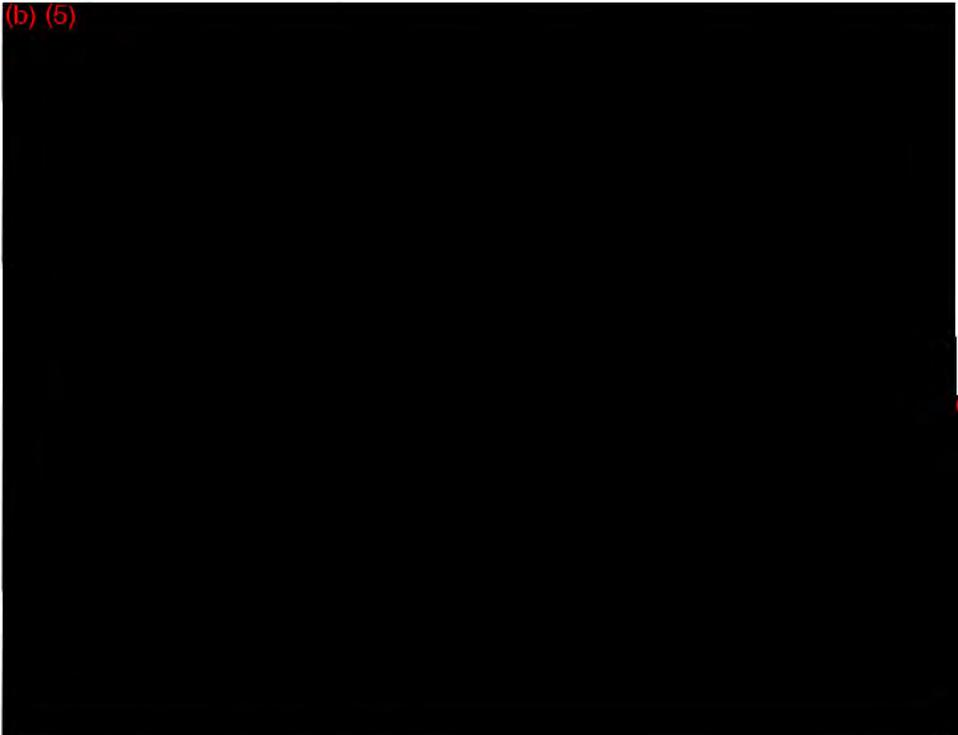


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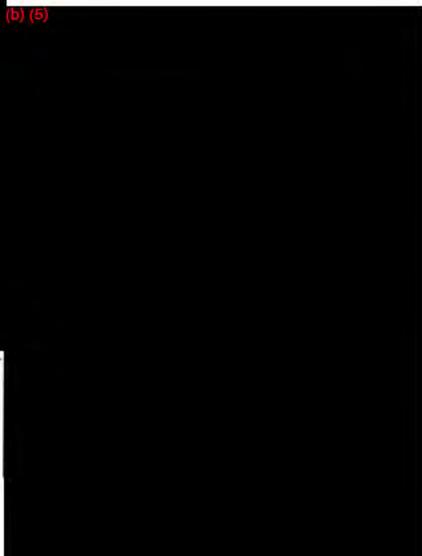


IV. Regulatory and Administrative Matters

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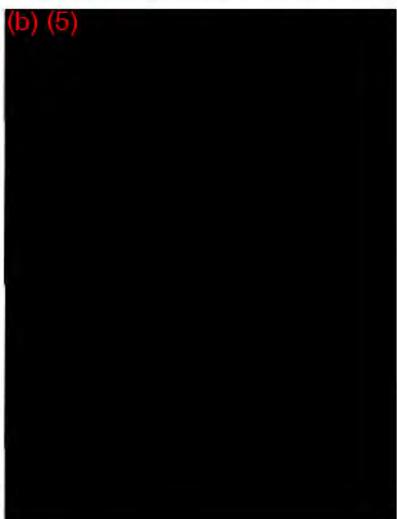


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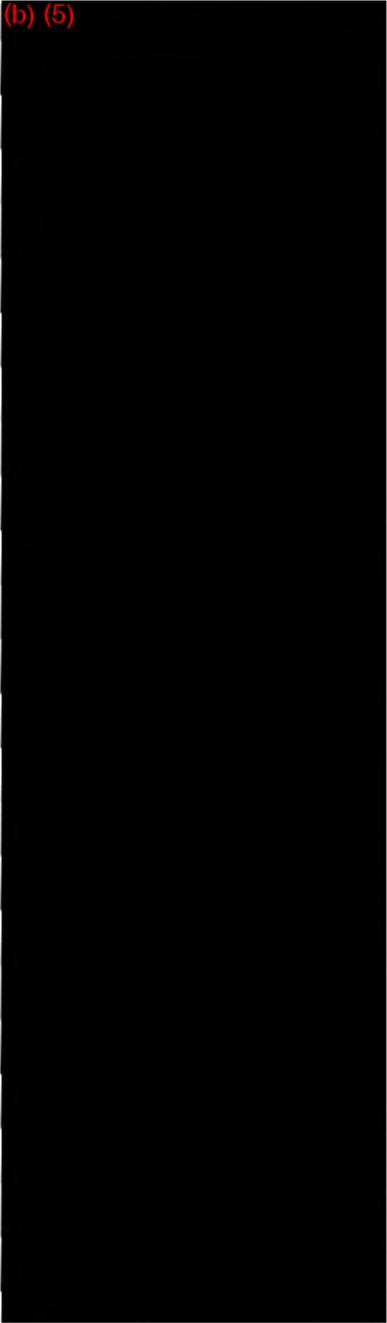


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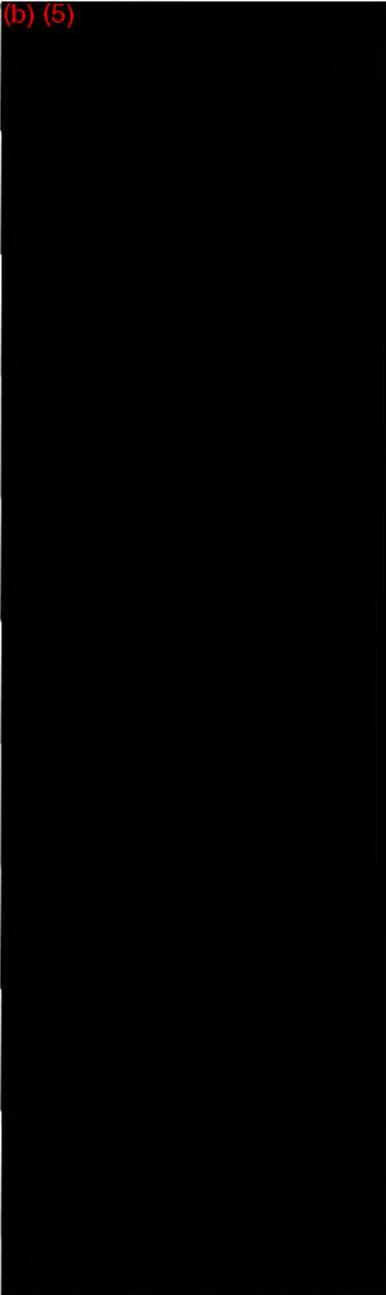
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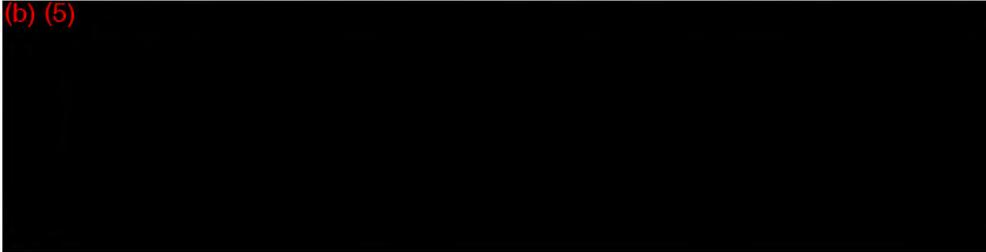
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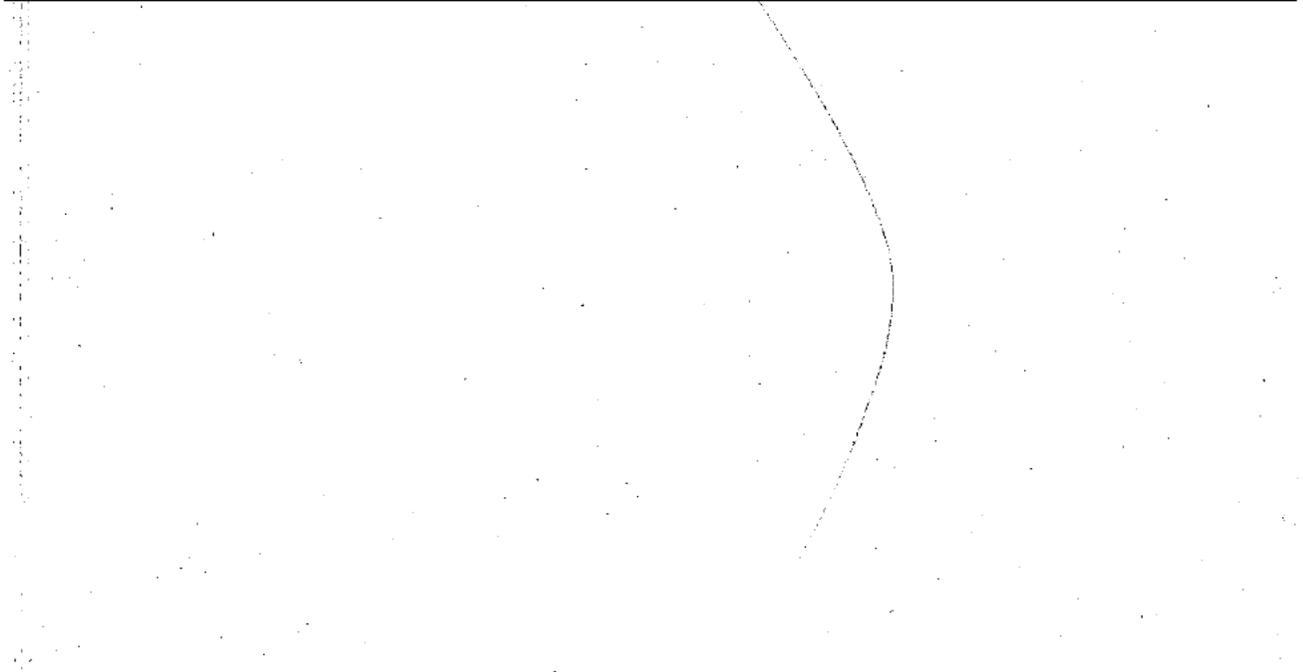
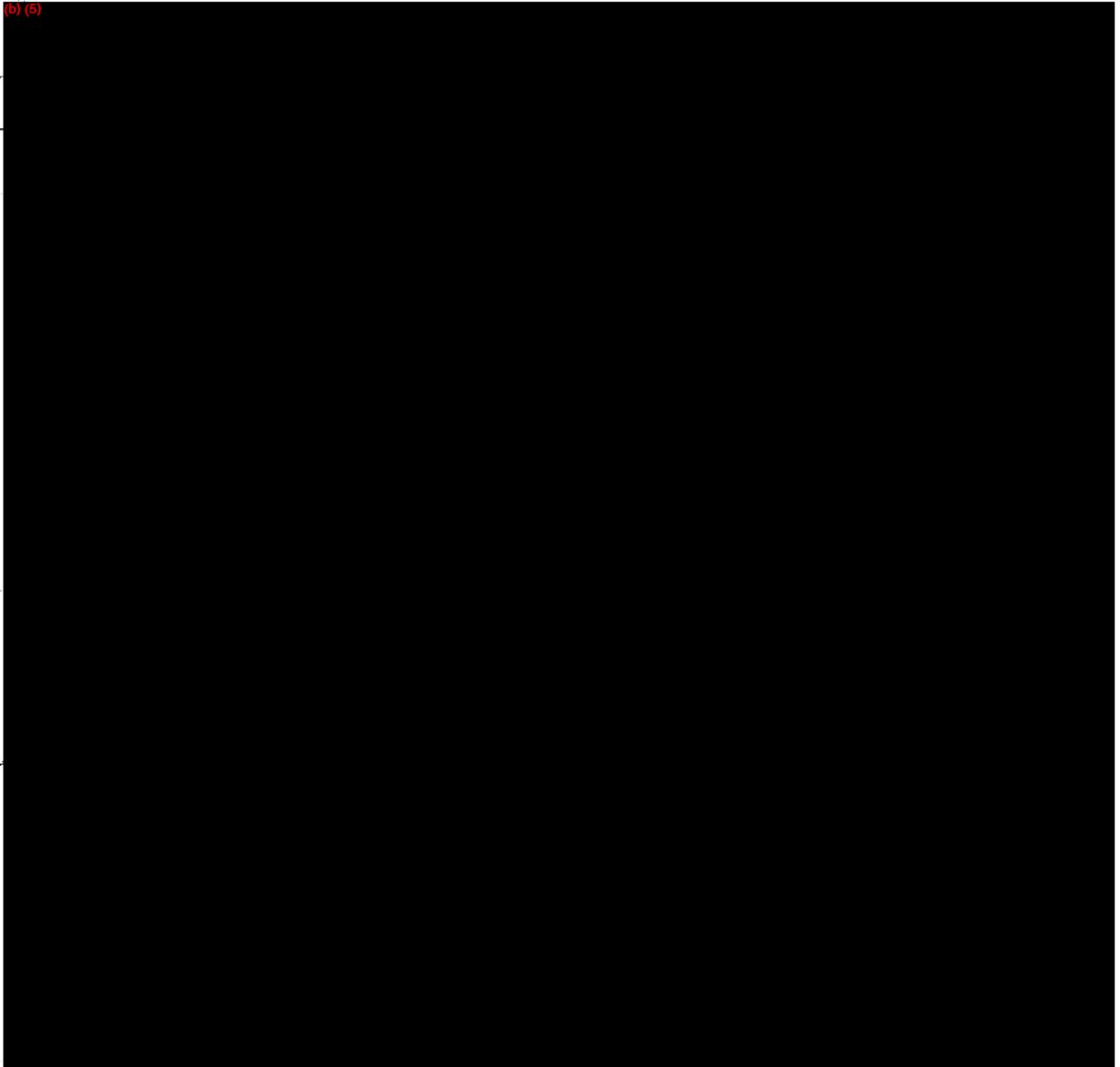
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Section 4. *Administrative Provisions.* (b) (5)




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Sumame Version, 6-27-12, Internal Review draft only

DEPARTMENT OF THE INTERIOR
Office of the Secretary

Order

Subject: Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

Sec. 1 Purpose and Effect. (b) (5)
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Sec. 2 Authority. (b) (5)
[Redacted]

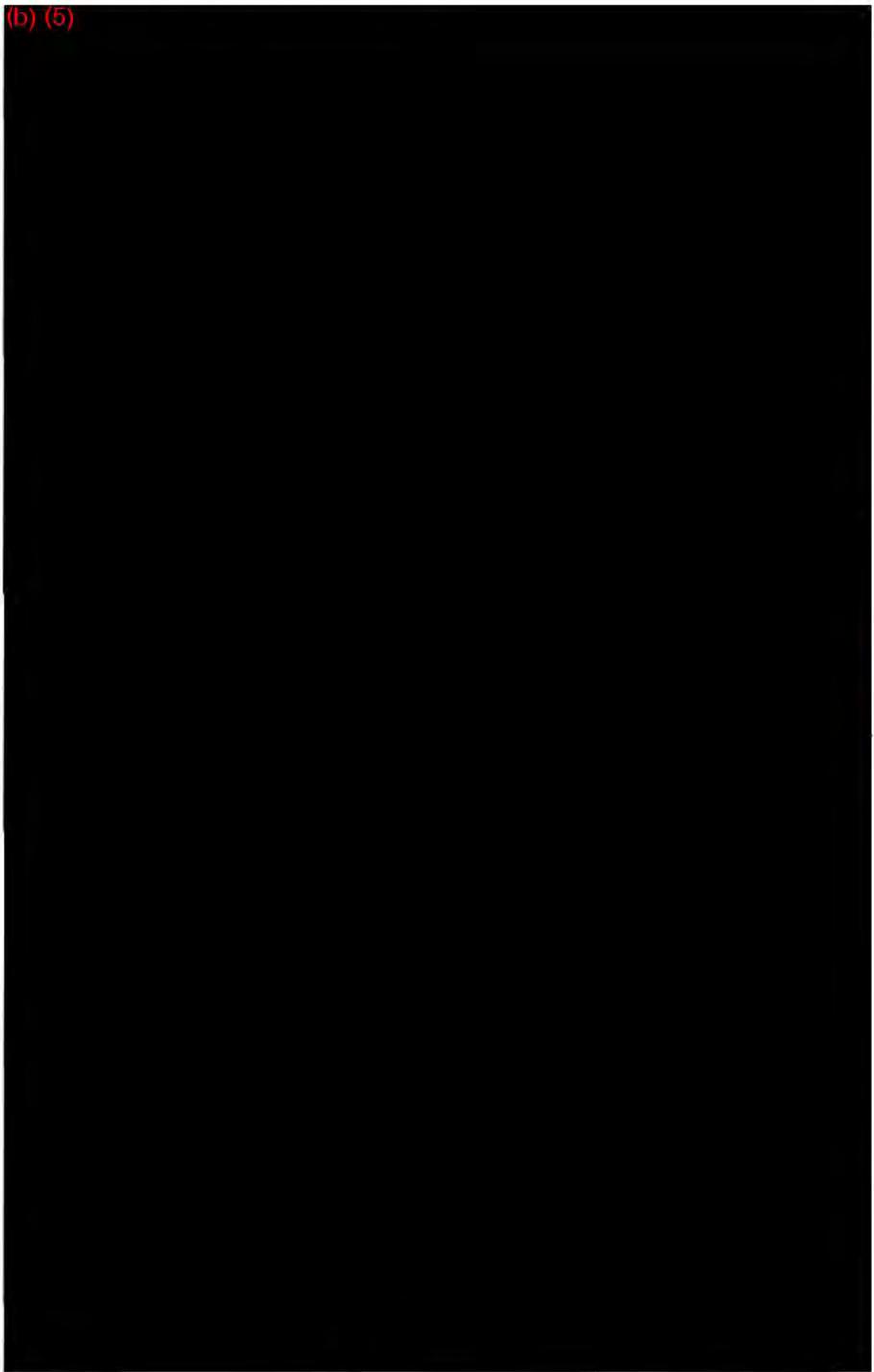
Sec. 3 Order Revised and Superseded. (b) (6)
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Sec. 4. Definitions.
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Sec. 5 Status of Lands.

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Sec. 6 General Provisions.

a. Issuance of Oil and Gas Leases

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b. Reinstatement or Renewal of Oil and Gas Leases

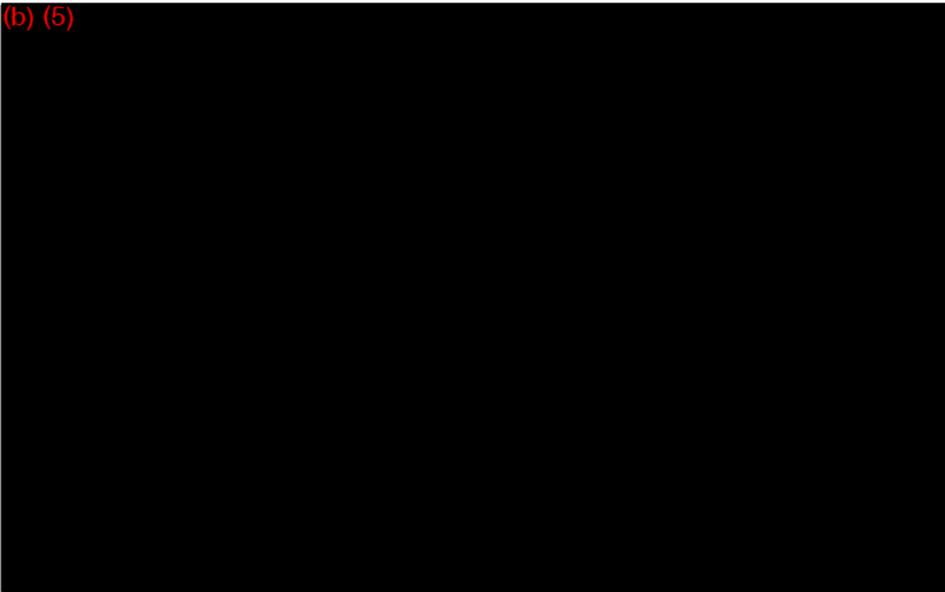
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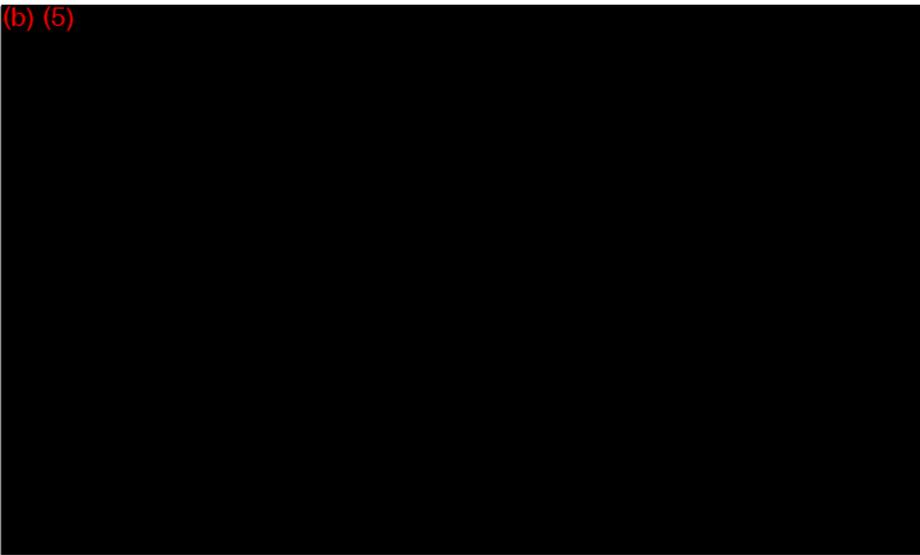
c. Potash Leases

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d. Delineation of Resource Areas

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e. -Oil and Gas Drilling

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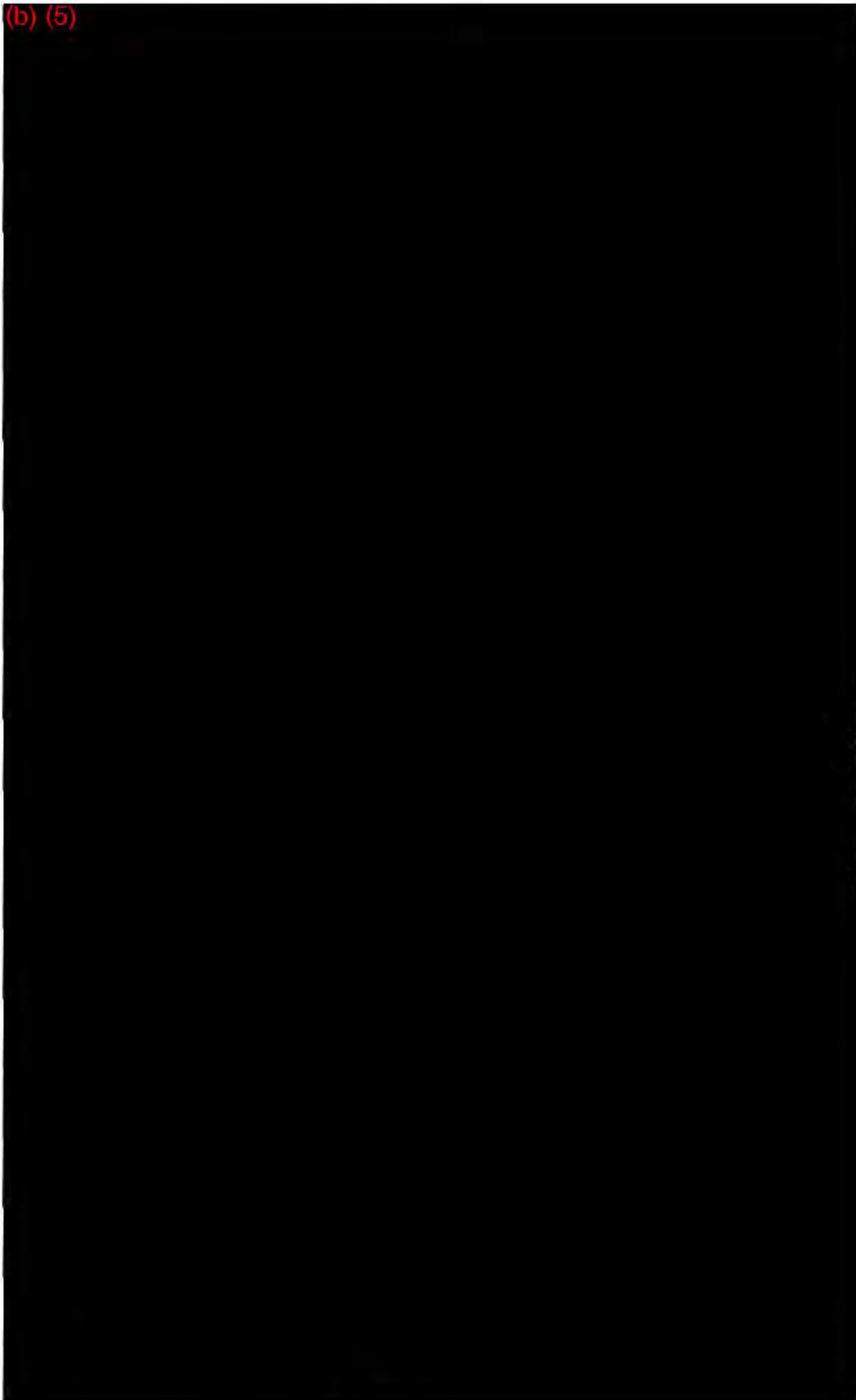
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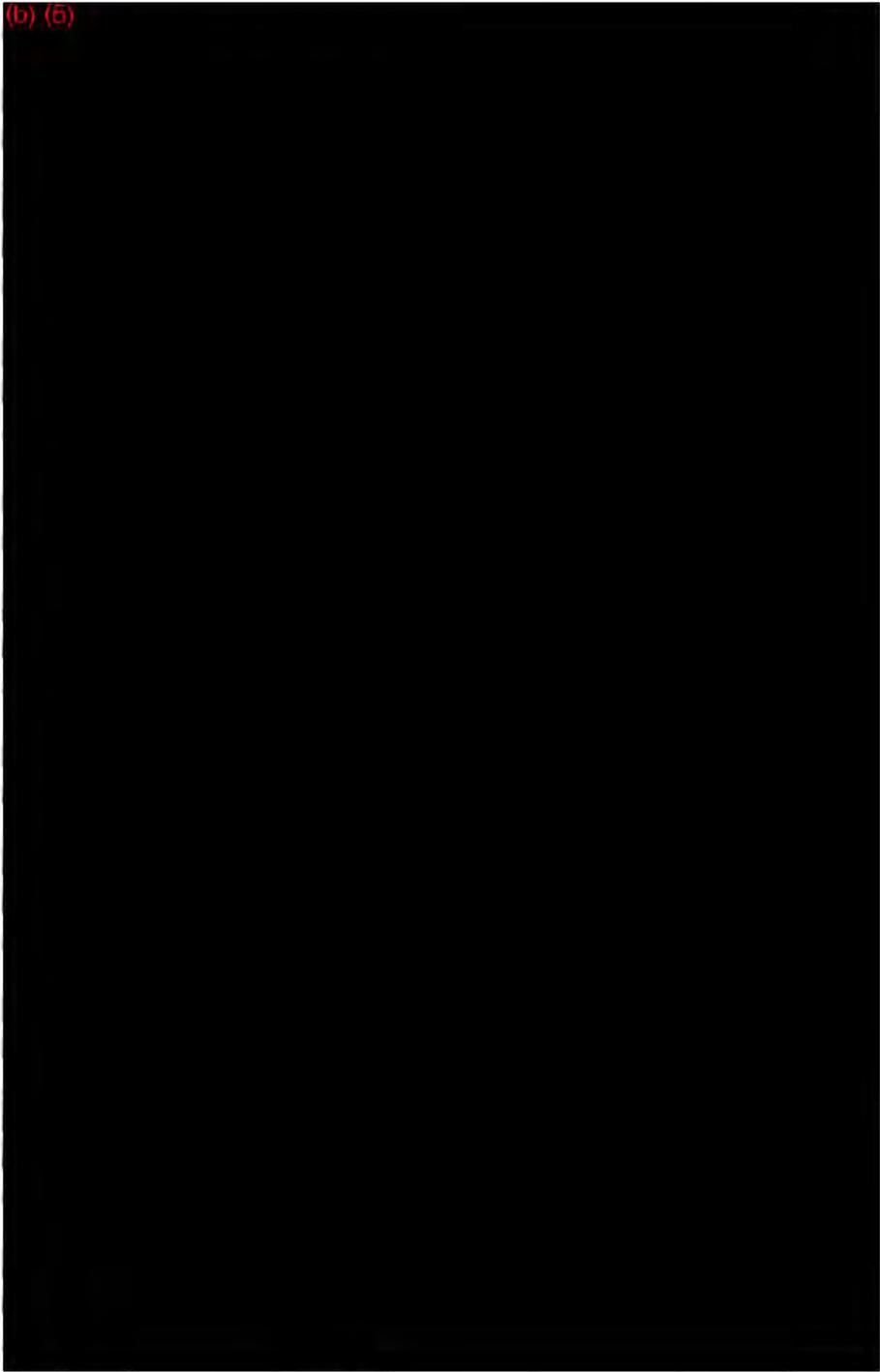
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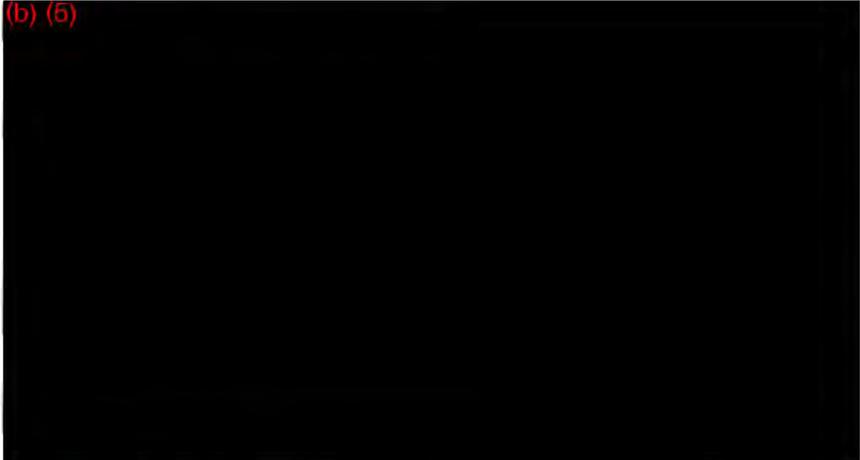
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f. Access to Maps and Surveys

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Sec. 7 Regulatory and Administrative Matters.

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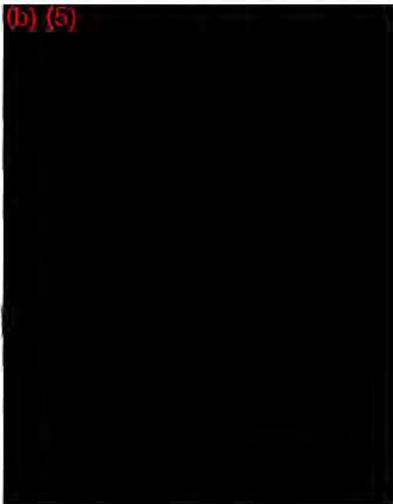
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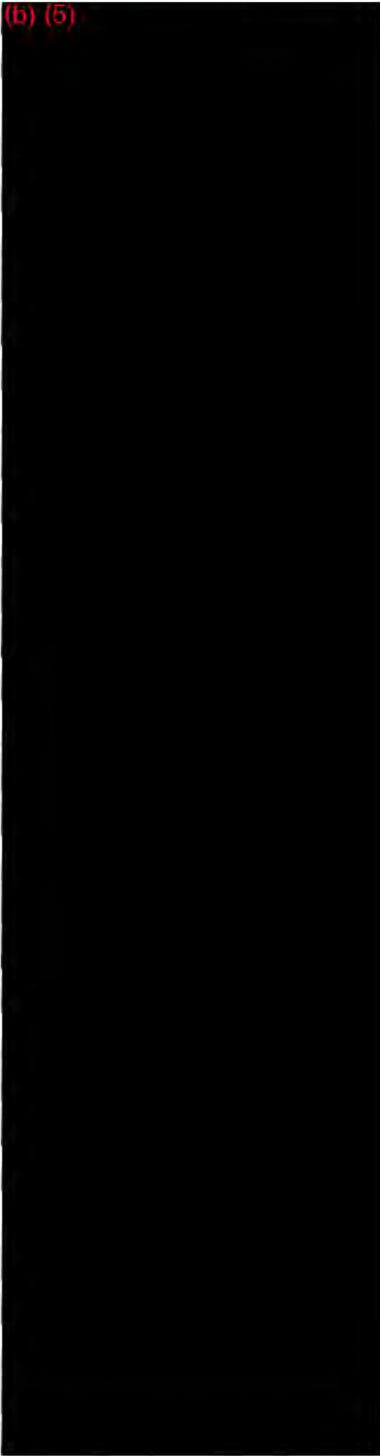
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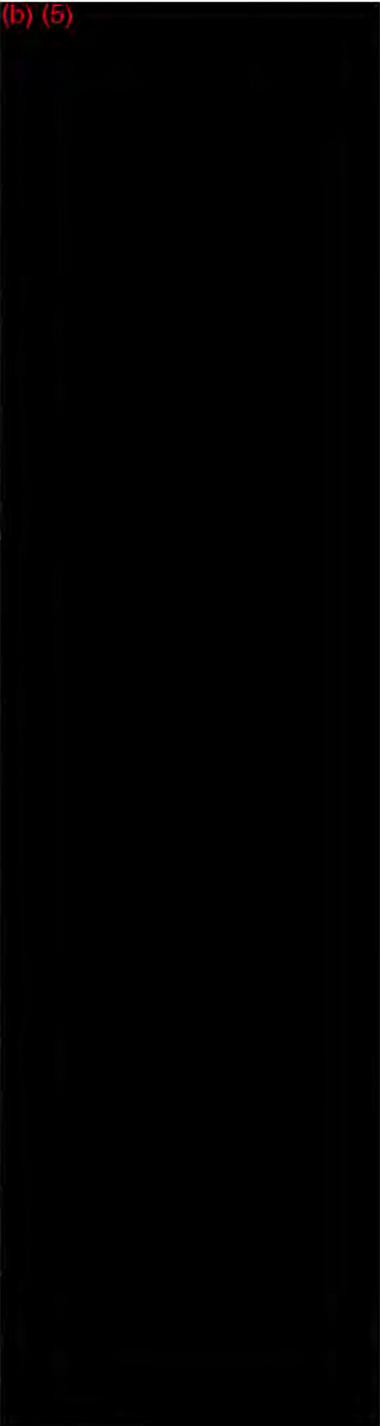
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Sec. 9 Administrative Provisions (b) (5)

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Mining

Potash (NM Delegation)

On a Jan. 6, 2012, visit to Carlsbad, NM, Secretary Salazar asked the Potash/Oil and Gas Joint Industry Technical Committee for ideas on how to update the Secretarial Order that provides for collaborative rights for each industry operating inside the Secretary's Potash Area (SPA). The SPA in the Carlsbad, NM, mining district was established in 1939 withdrawing it from oil and gas development due to the strategic importance of potash to the agriculture industry. The SPA has been expanded to 497,000 acres and concurrent development of potash and oil and gas is allowed and achieved through an Order of the Secretary. The most recent Secretarial Order (1986) provides for the correlative rights of each industry by placing protective stipulations in new leases to both industries. Nonetheless, conflicts between these two important industries have persisted, raising questions about safety, as well as undue waste of potash and oil and gas respectively. The Joint Industry Technical Committee has worked successfully at coming up with and preparing recommendations to the Department of the Interior for modifications to the SPA. The SPA currently produces 75 percent of the nation's potash and is home to almost 800 federal oil and gas leases. Potash is a trade name for potassium bearing minerals used for fertilizer.

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Proposed Revision of 1986 Secretarial Potash Order

Oil, Gas and Potash Leasing and Development within the Designated Potash Area of Eddy
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Order

Section 1. *Purpose and Effect* (b) (5)

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Section 2. *Authority*

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Section 3. *Order Revised and Superseded* (b) (5)

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I. Definitions.

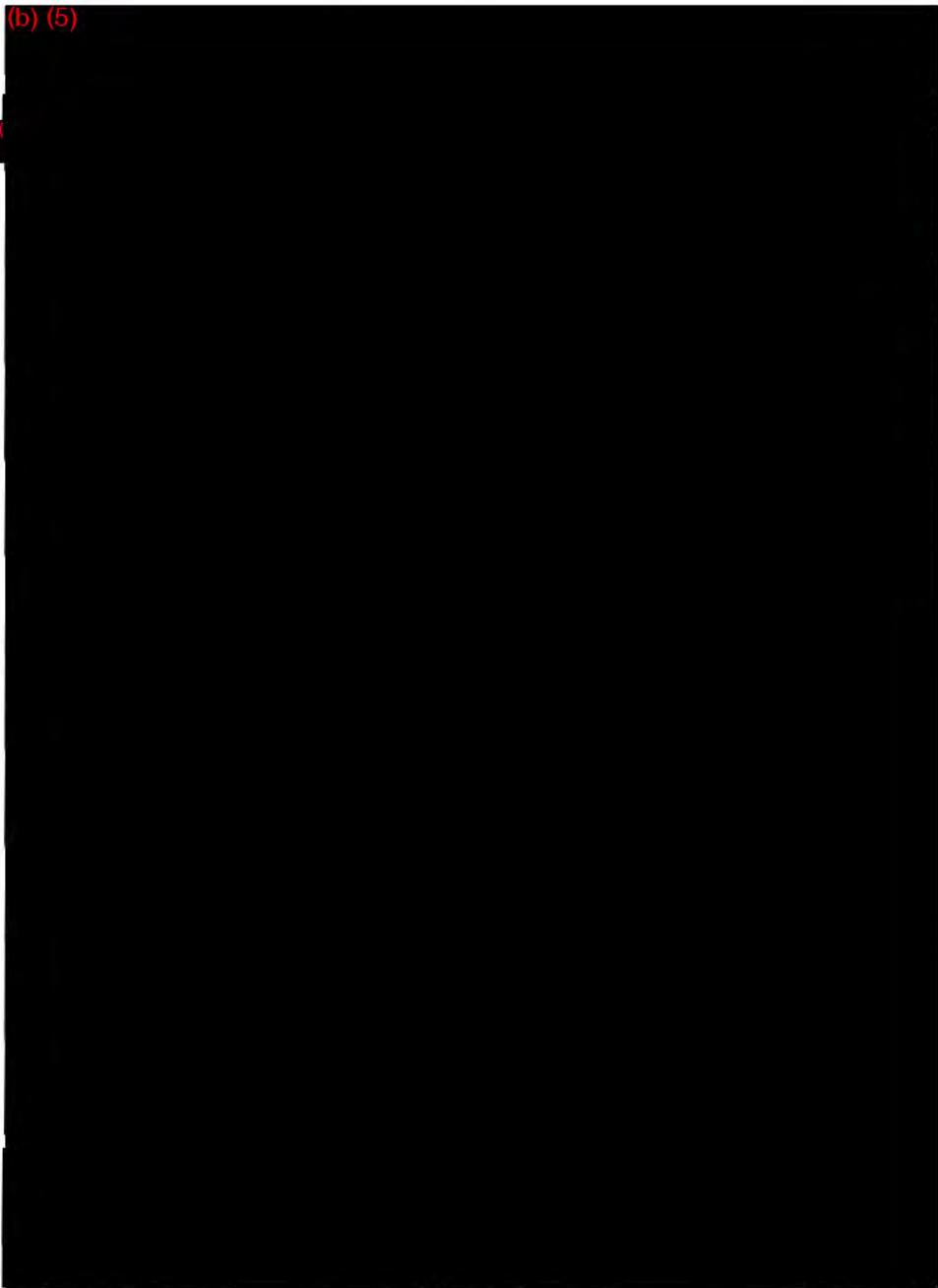
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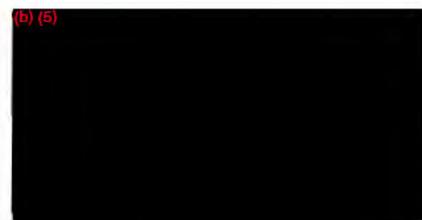
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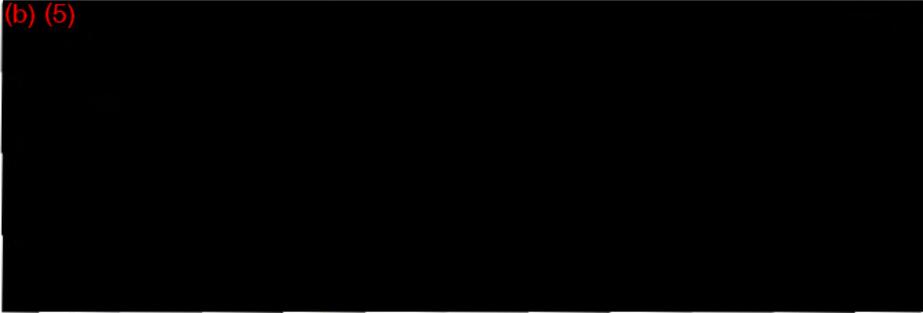
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II. Status of Lands

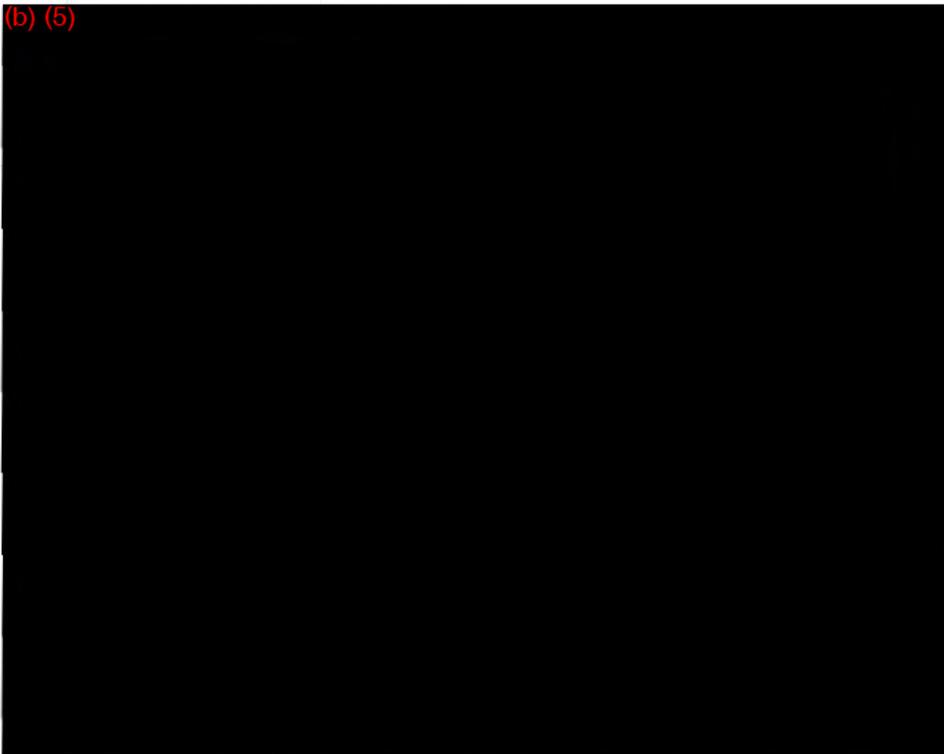
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III. General Provisions

A. Issuance of Oil and Gas Leases

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JITC Comments

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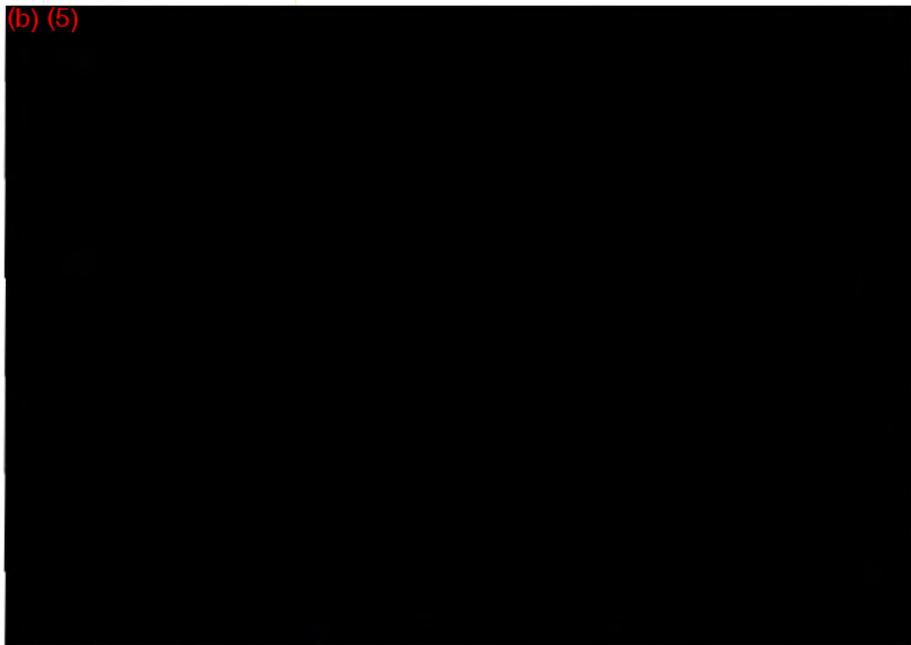
B. Reinstatement or Renewal of Oil and Gas Leases

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C. Potash Leases

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D. Delineation of Resource Areas and Areas of Operation

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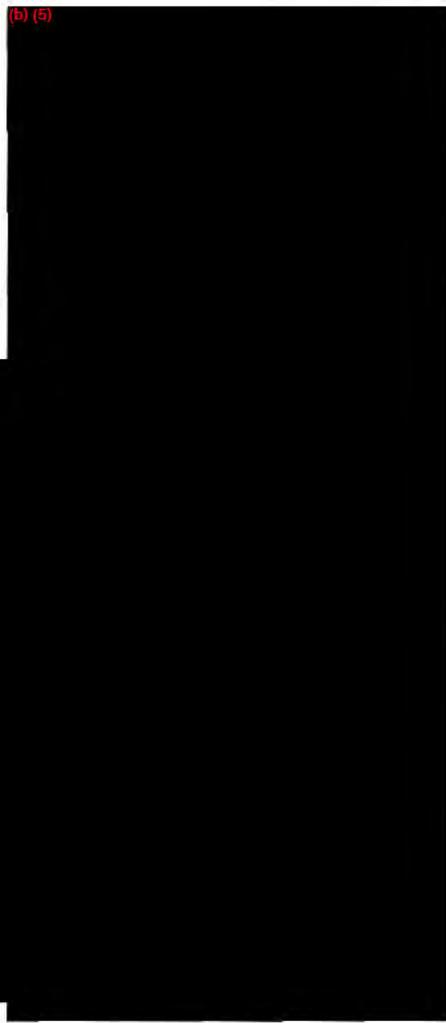


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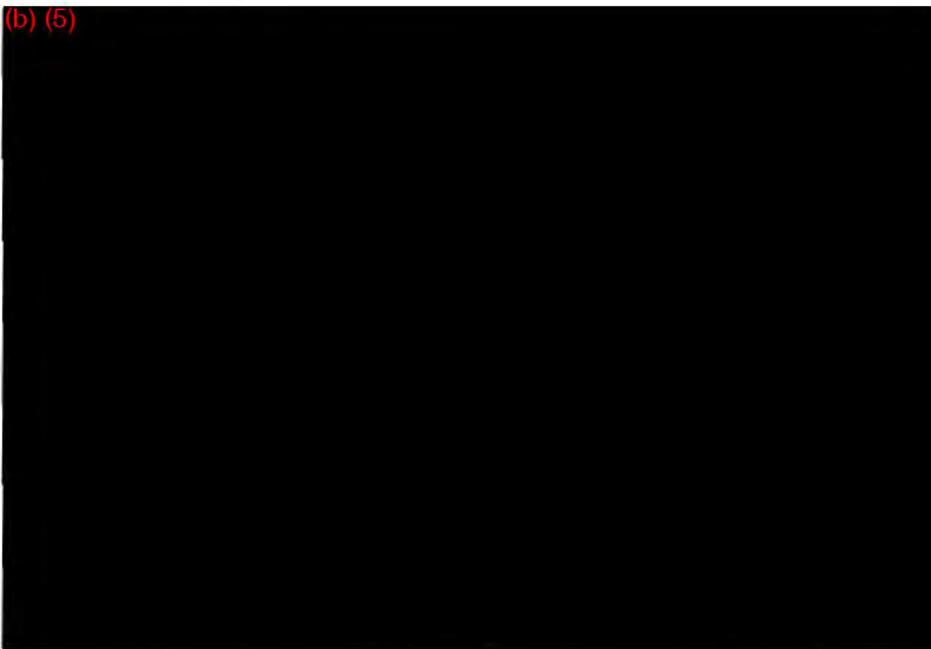


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E. Oil and Gas Drilling

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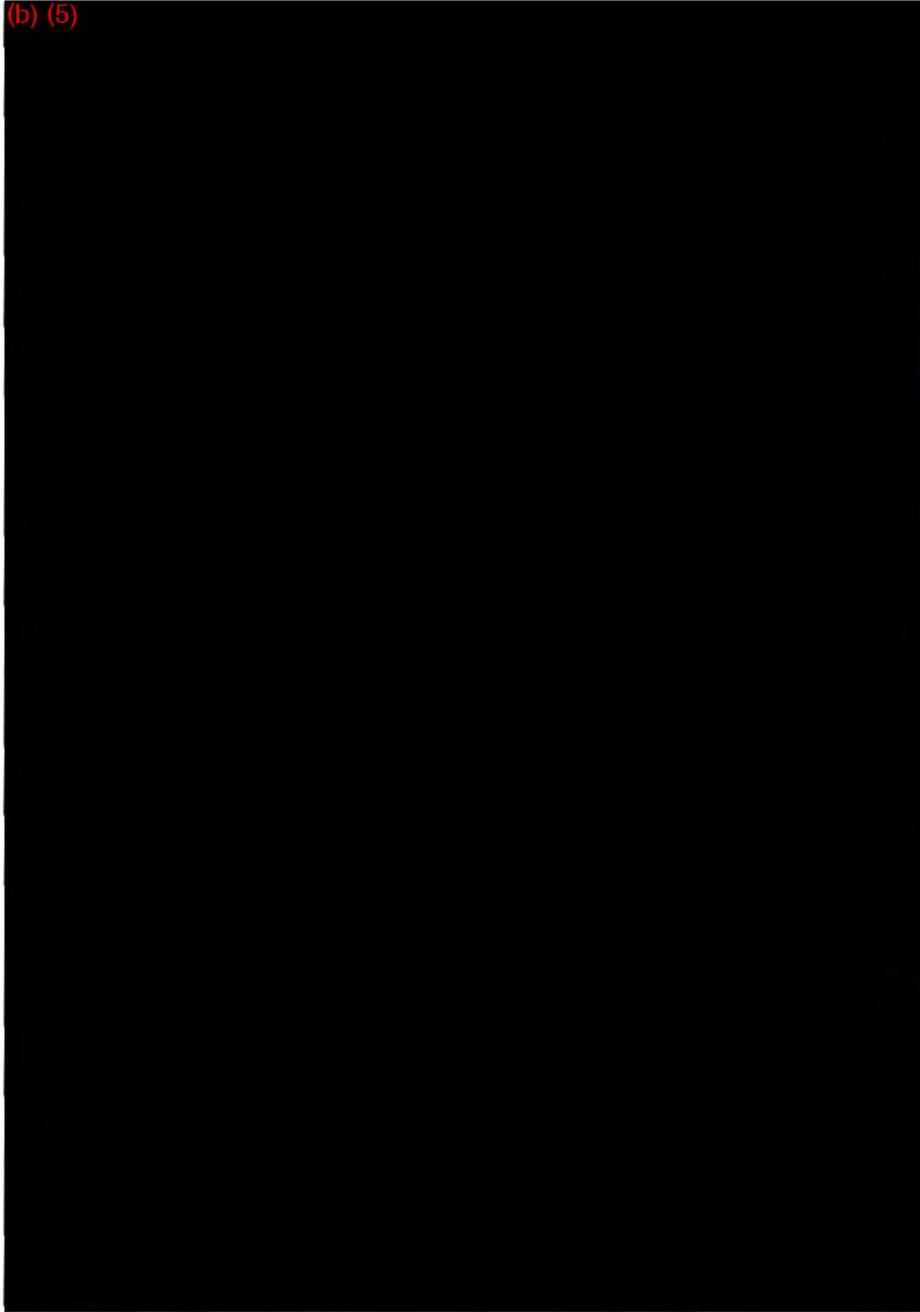
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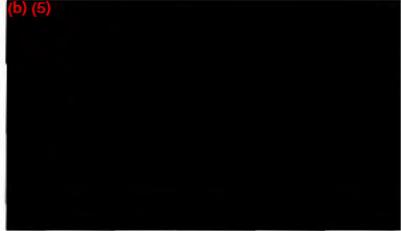


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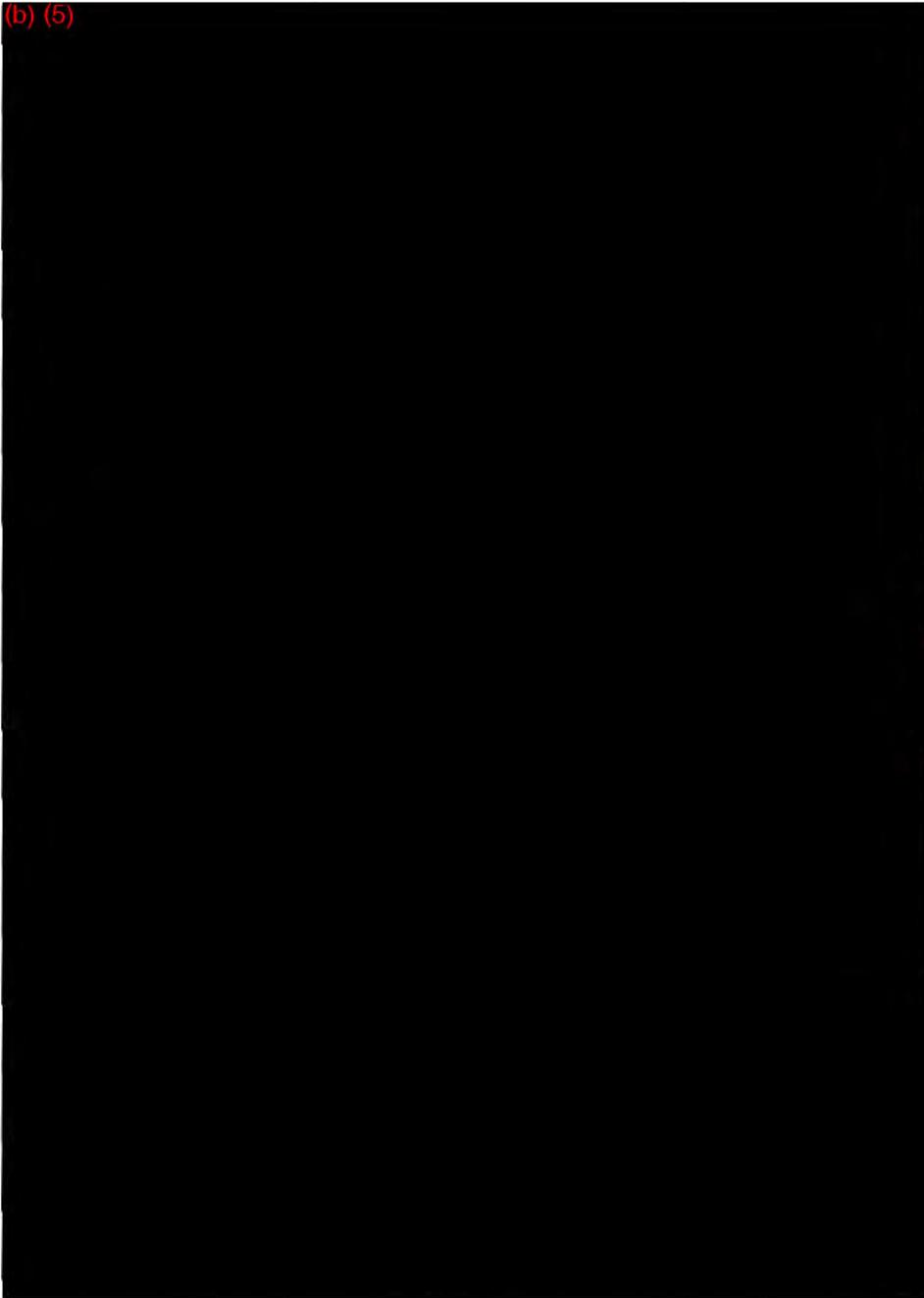
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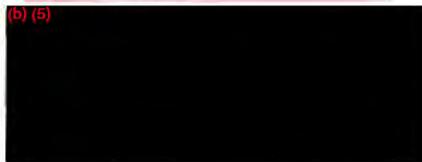
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F. Access to Maps and Surveys and Core Data

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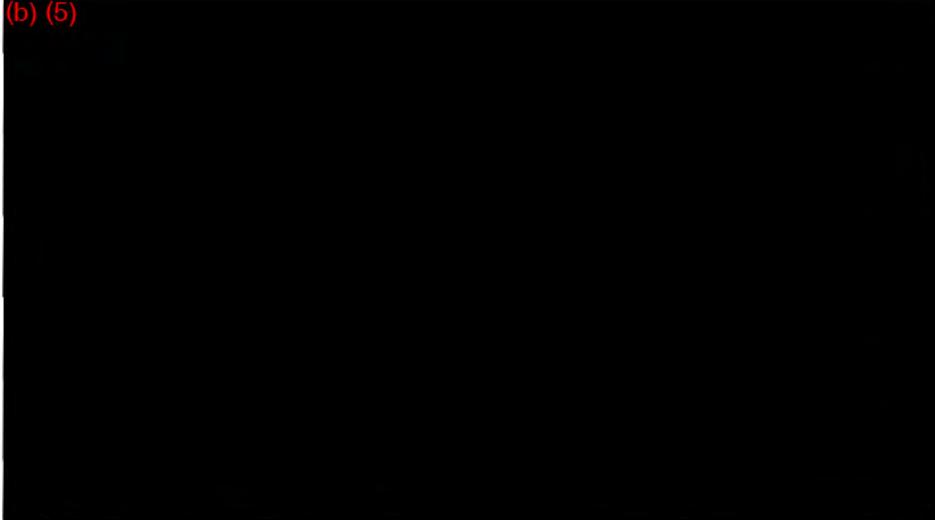
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IV. Regulatory and Administrative Matters

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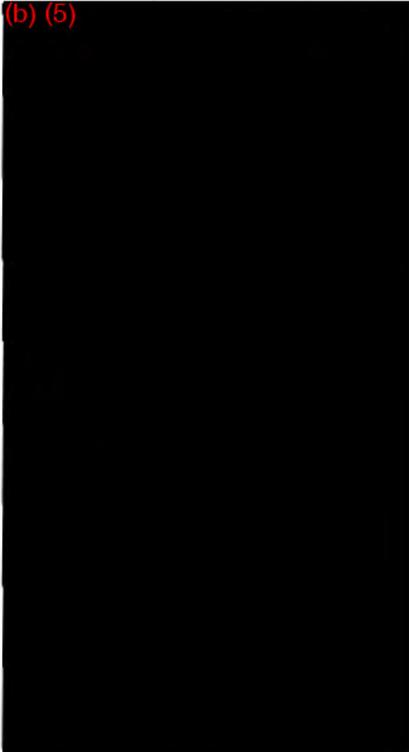
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V. The Designated Potash Area is as follows:

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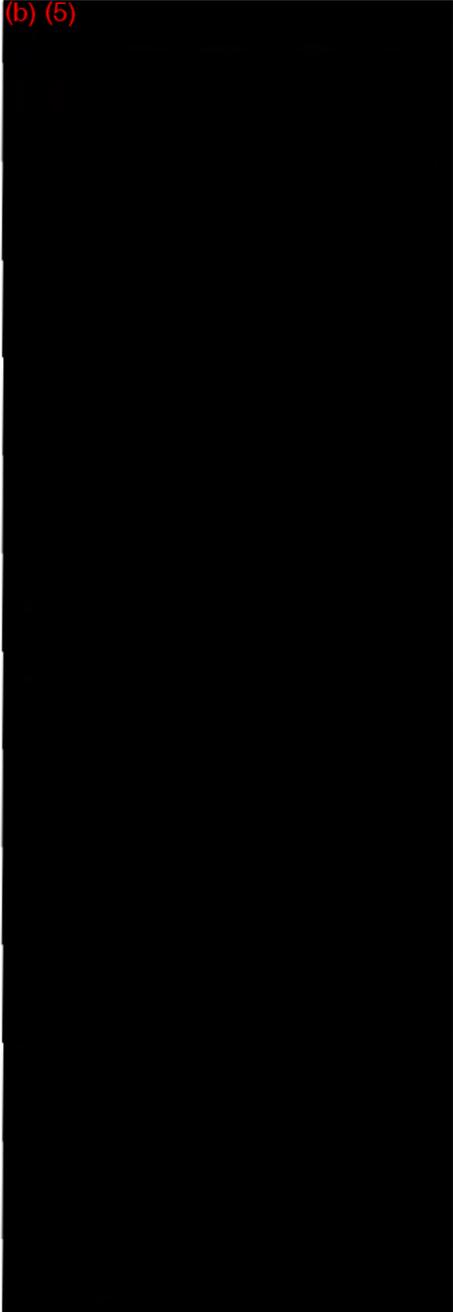


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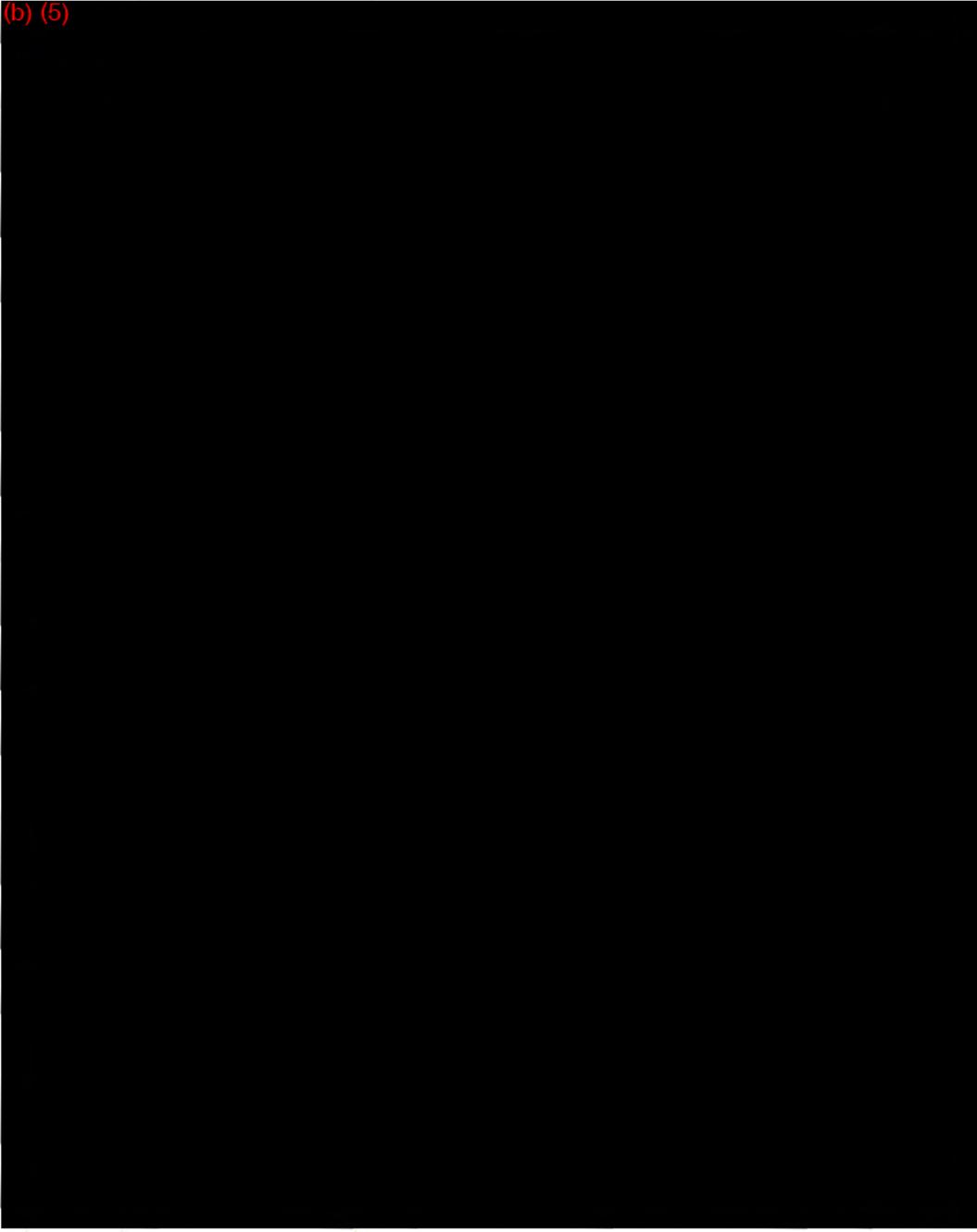


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Section 4. *Administrative Provisions.* (b) (5)

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DEPARTMENT OF THE INTERIOR
Office of the Secretary
Proposed Revision of 1986 Secretarial Potash Order

Oil, Gas and Potash Leasing and Development within the Designated Potash Area of Eddy
and Lea Counties, New Mexico

Order

Section 1. *Purpose and Effect.* (b) (5)

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Section 2. *Authority.* (b) (5)

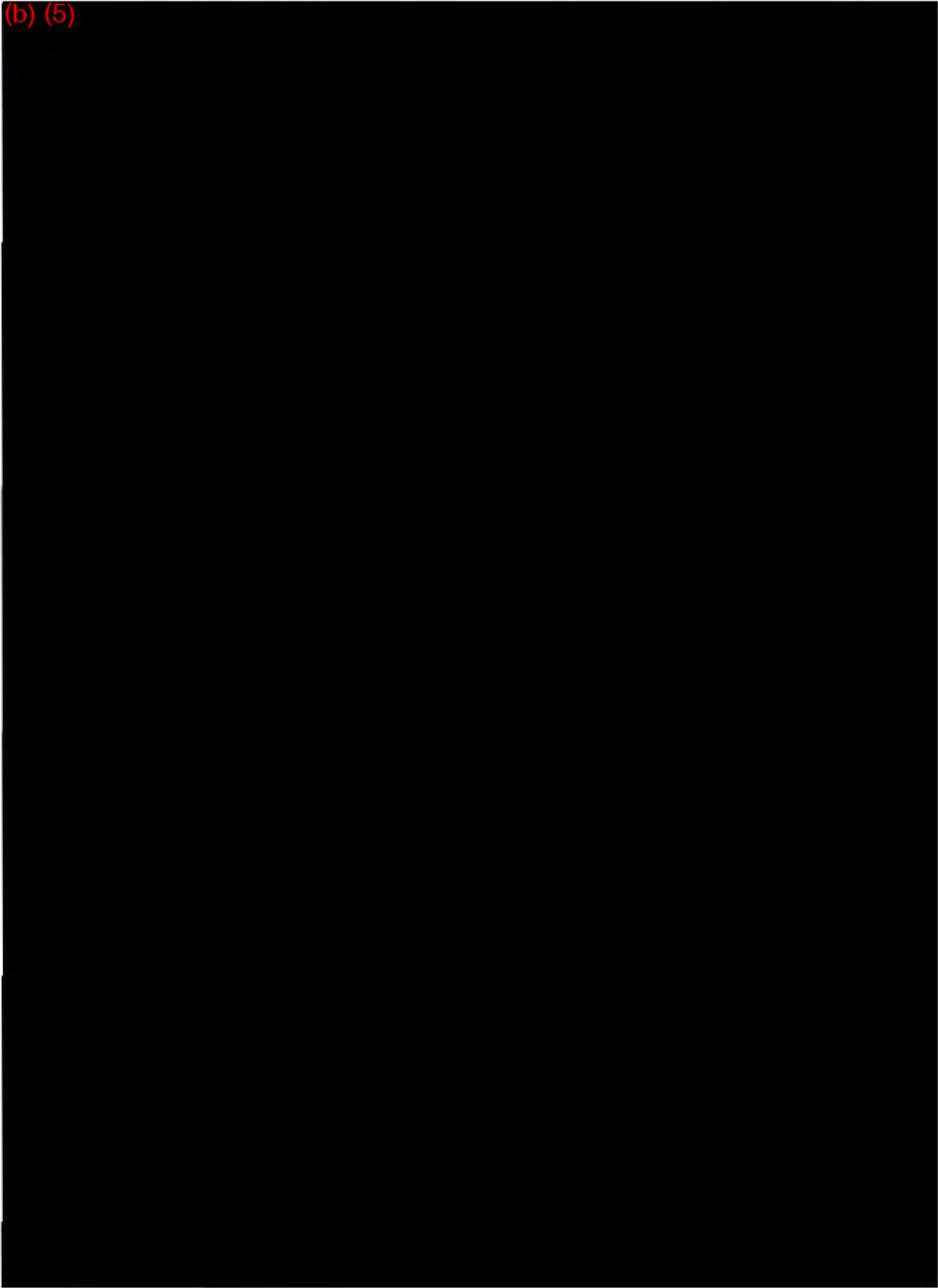
Section 3. *Order Revised and Superseded.* (b) (5)

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II. Status of Lands

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III. General Provisions

A. Issuance of Oil and Gas Leases

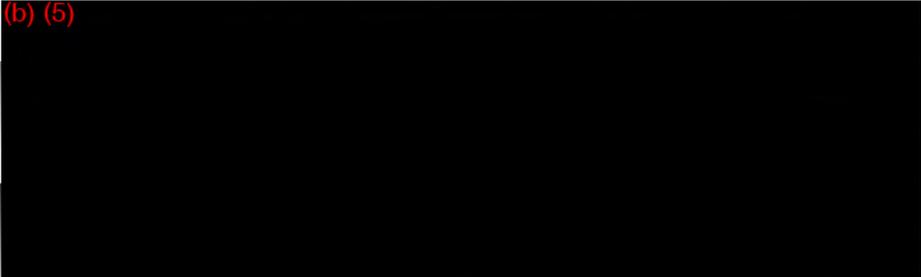
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B. Reinstatement or Renewal of Oil and Gas Leases

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C. Potash Leases

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D. Delineation of Resource Areas

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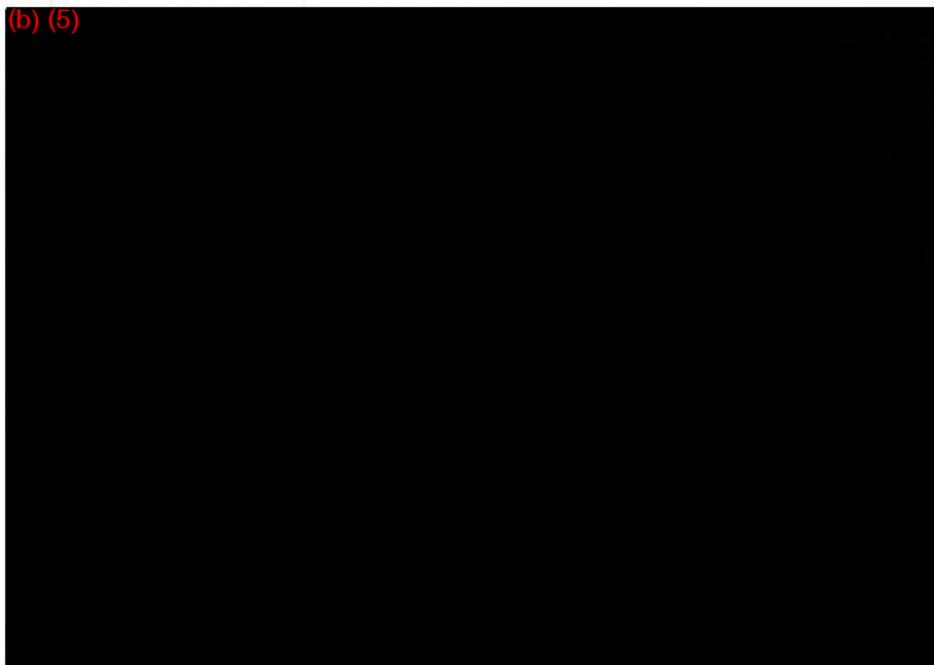


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E. Oil and Gas Drilling

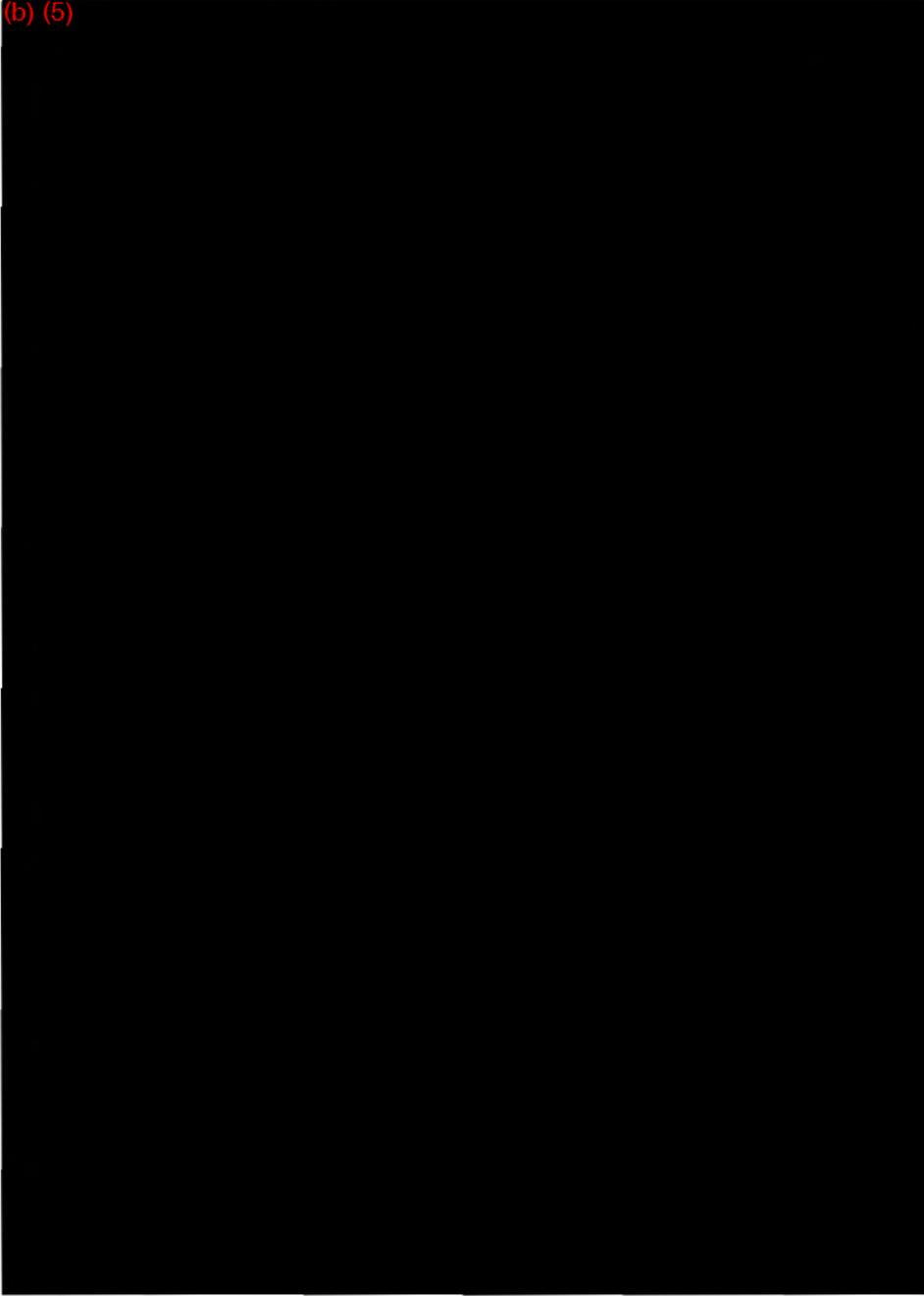
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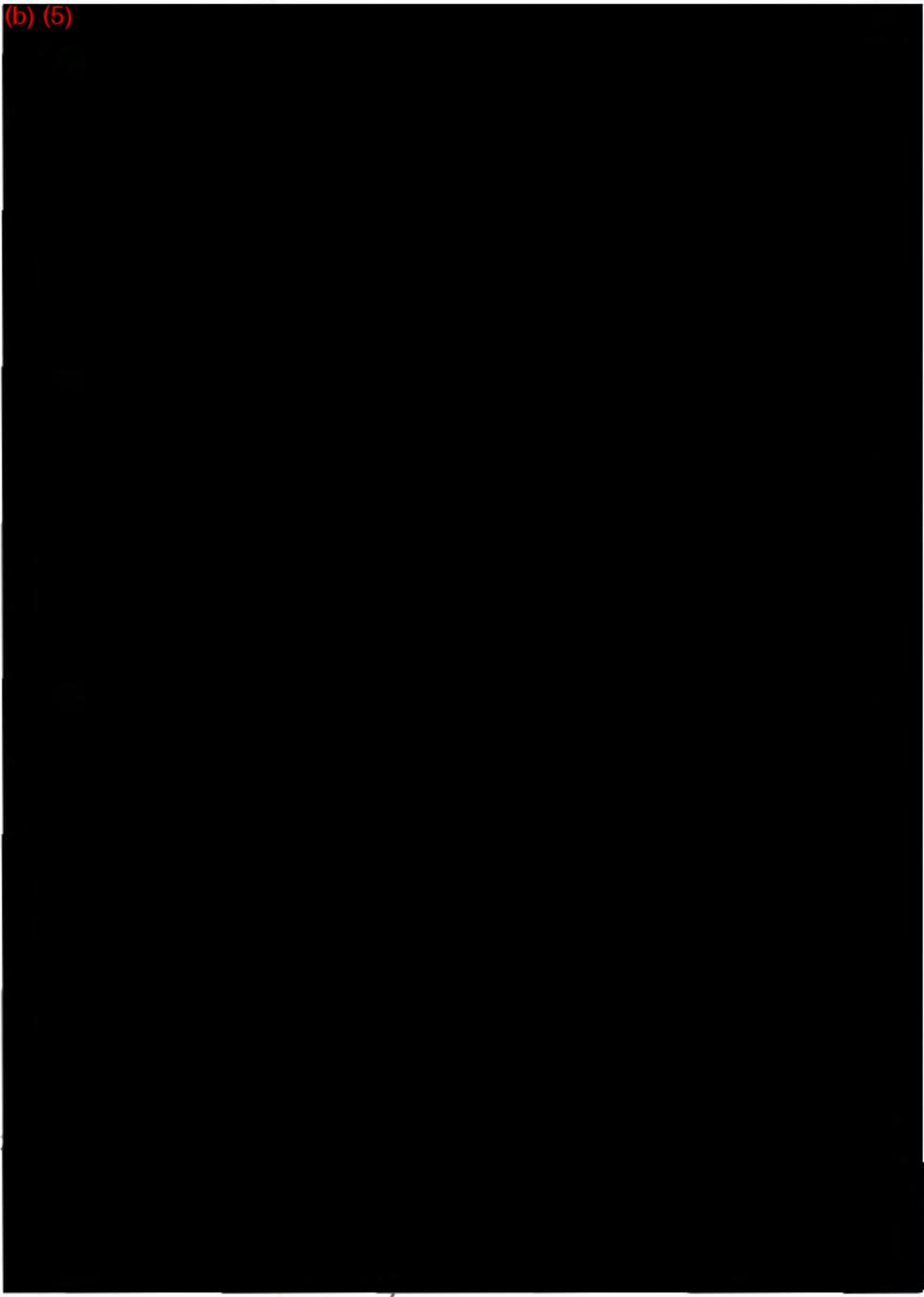


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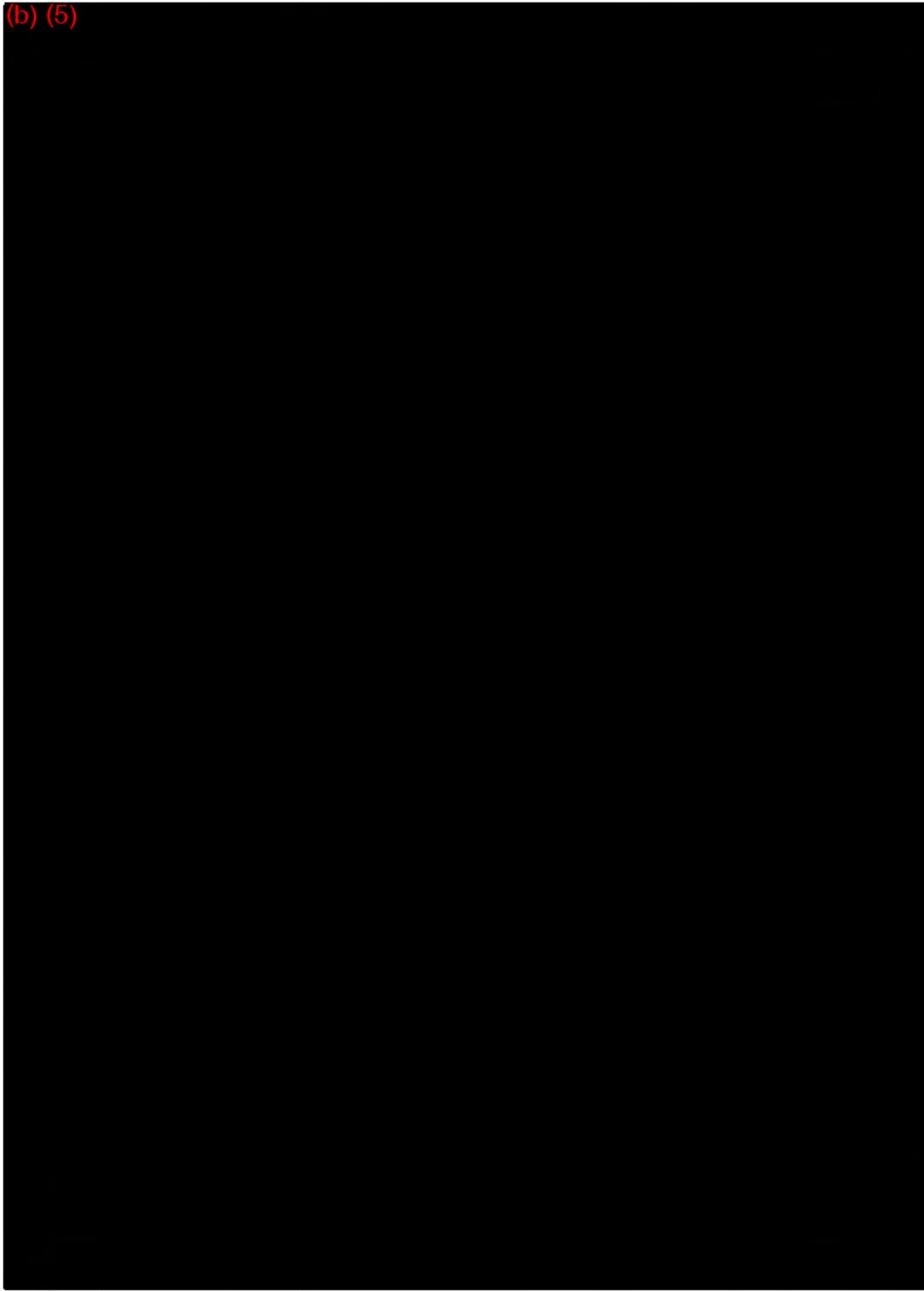


JITC Comments

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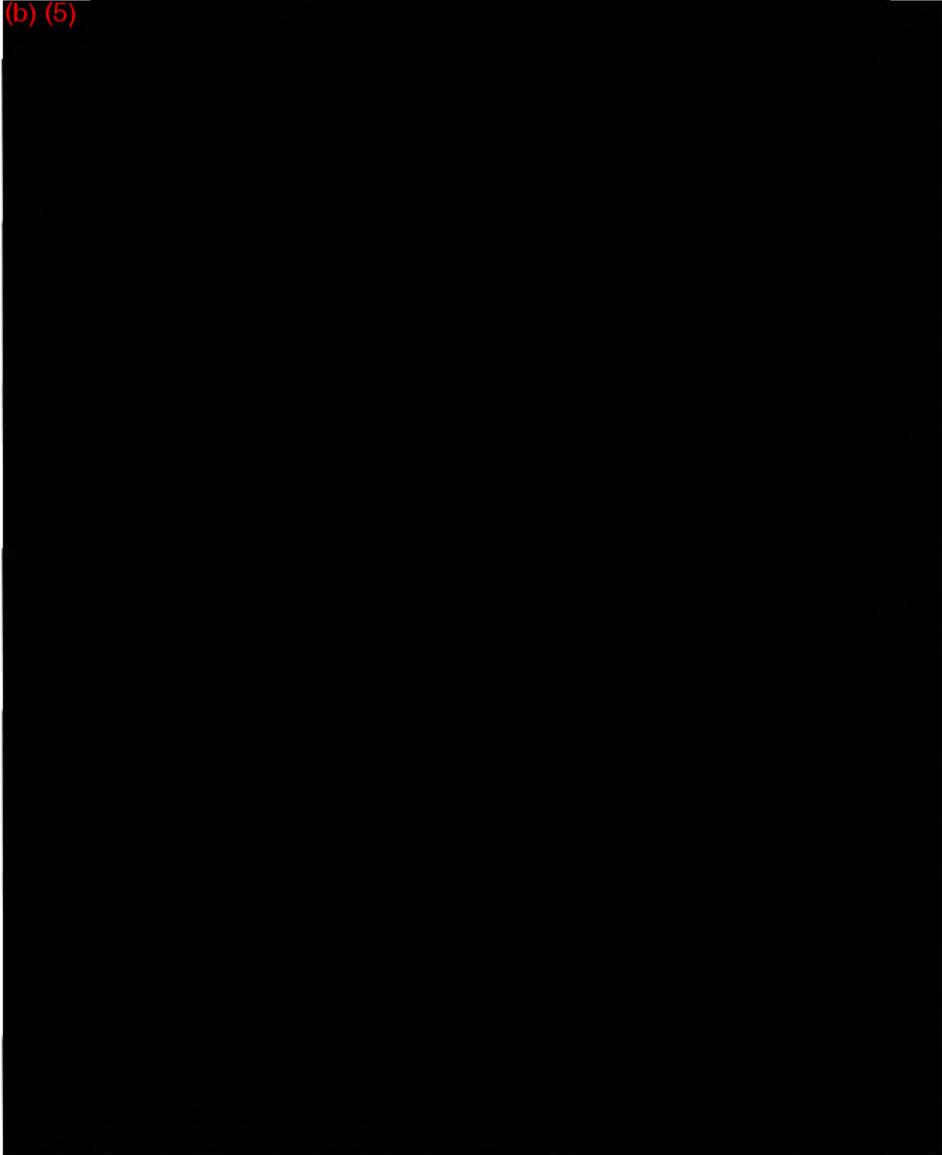
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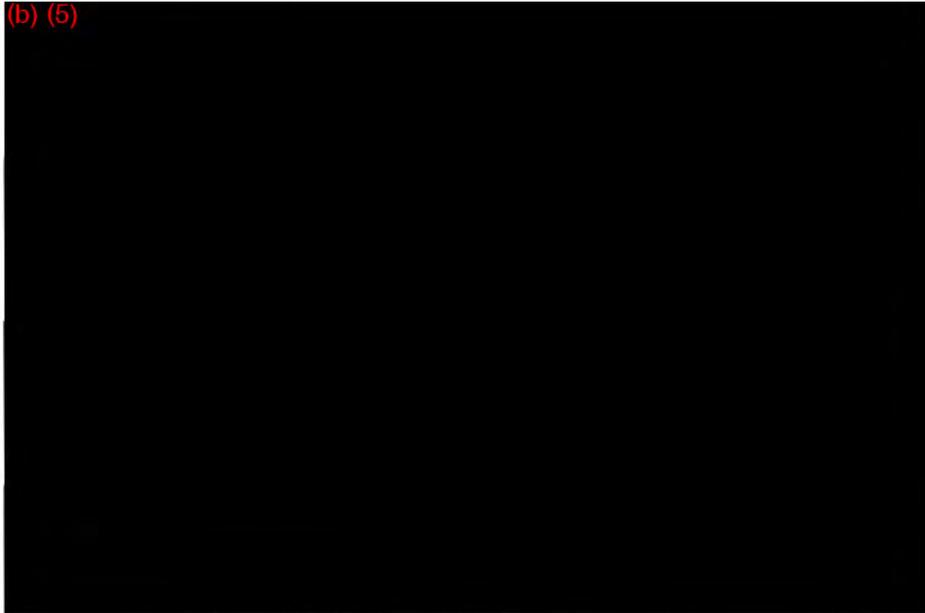
F. Access to Maps and Surveys

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JITC Comments

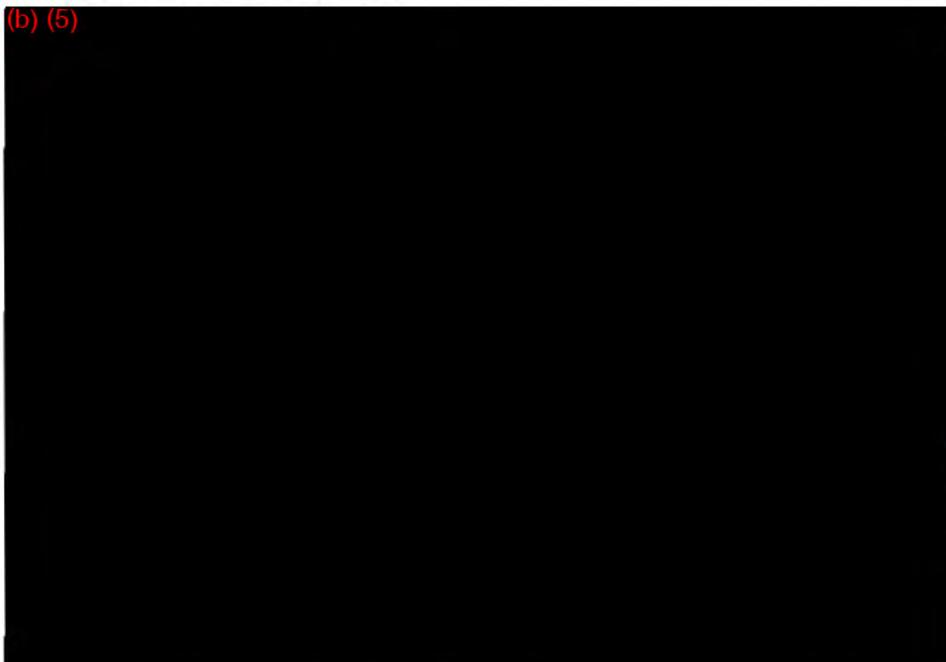
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IV. Regulatory and Administrative Matters

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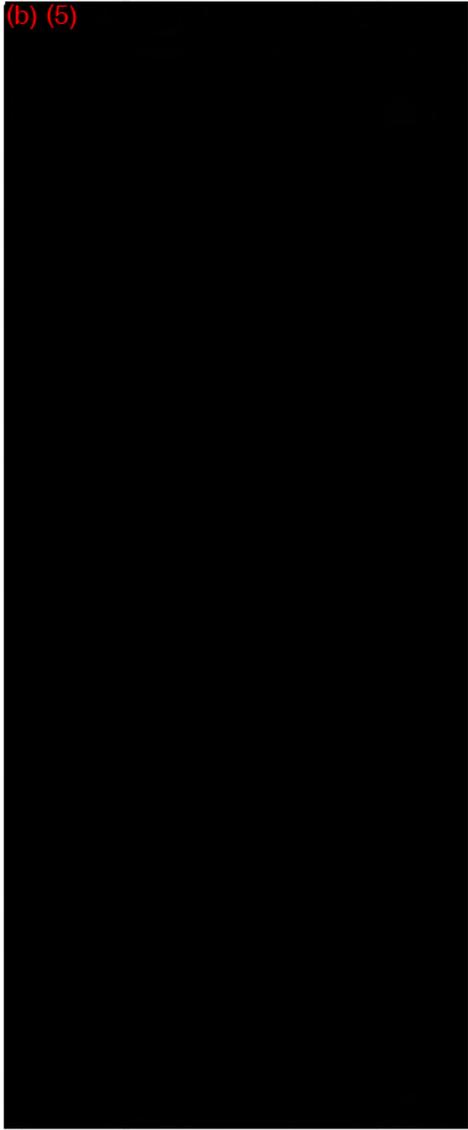
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V. The Designated Potash Area is as follows:

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Section 4. *Administrative Provisions.* (b) (5)



DEPARTMENT OF THE INTERIOR
Office of the Secretary
Proposed Revision of 1986 Secretarial Potash Order

Oil, Gas and Potash Leasing and Development within the Designated Potash Area of Eddy
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Order

Section 1. *Purpose and Effect.* (b) (5)

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Section 2. *Authority.* (b) (5)

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Section 3. *Order Revised and Superseded.* (b) (5)

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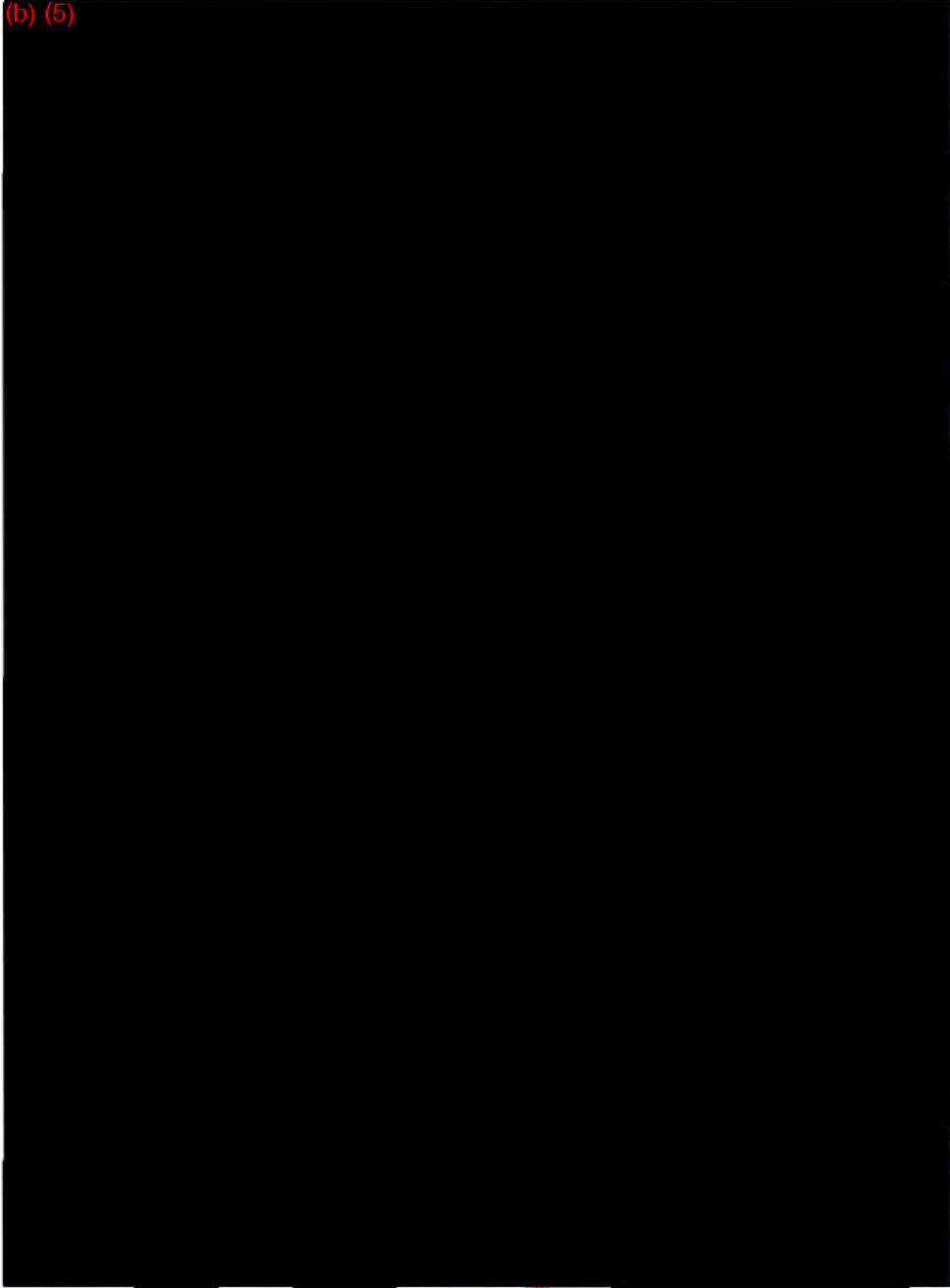
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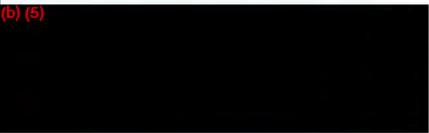
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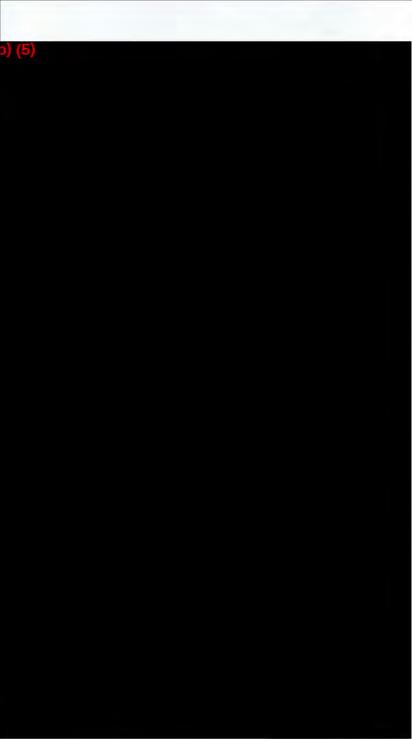
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II. Status of Lands

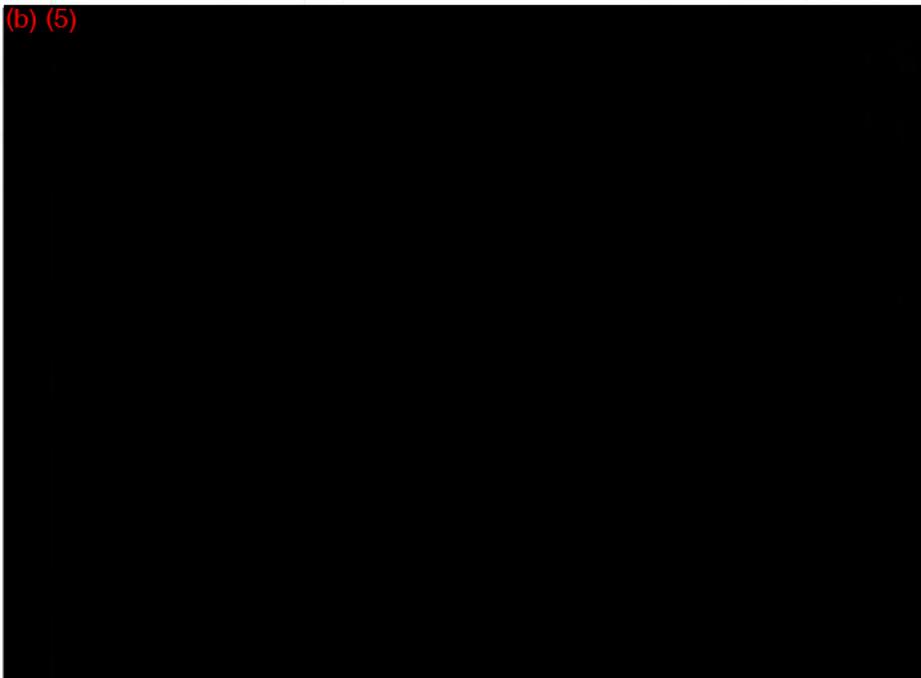
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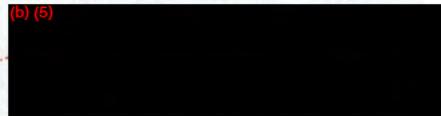
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A. Issuance of Oil and Gas Leases

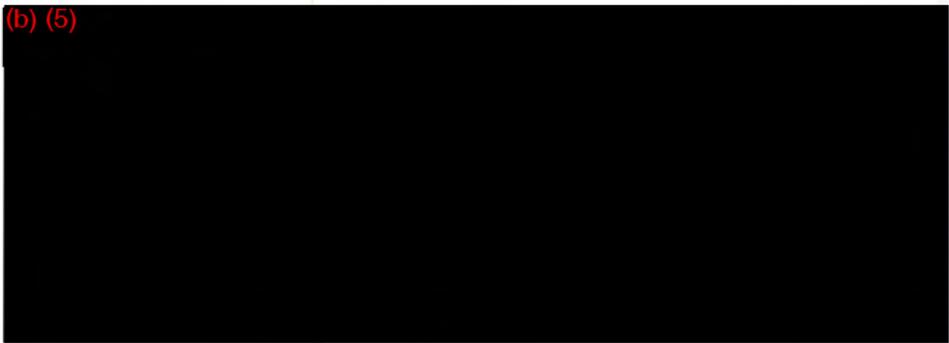
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(b) (5)



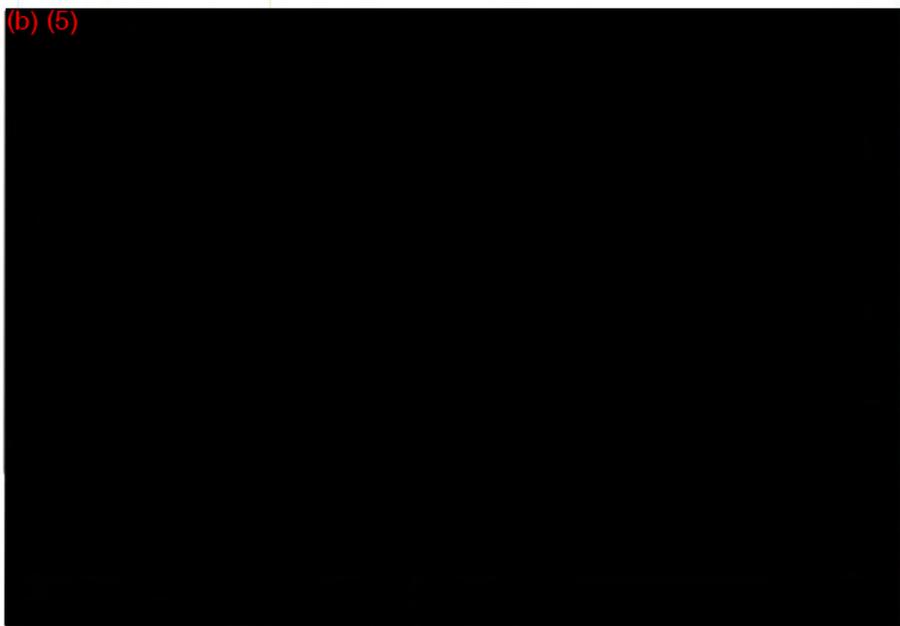
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(b) (5)

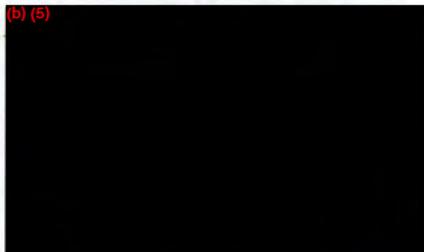


C. Potash Leases

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(b) (5)



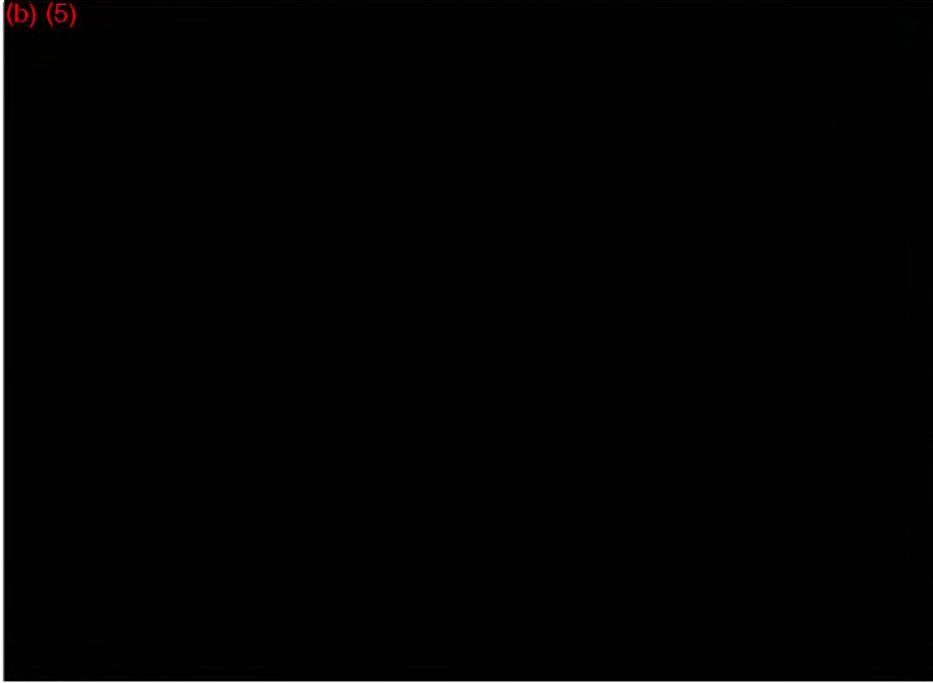
D. Delineation of Resource Areas and Areas of Operation

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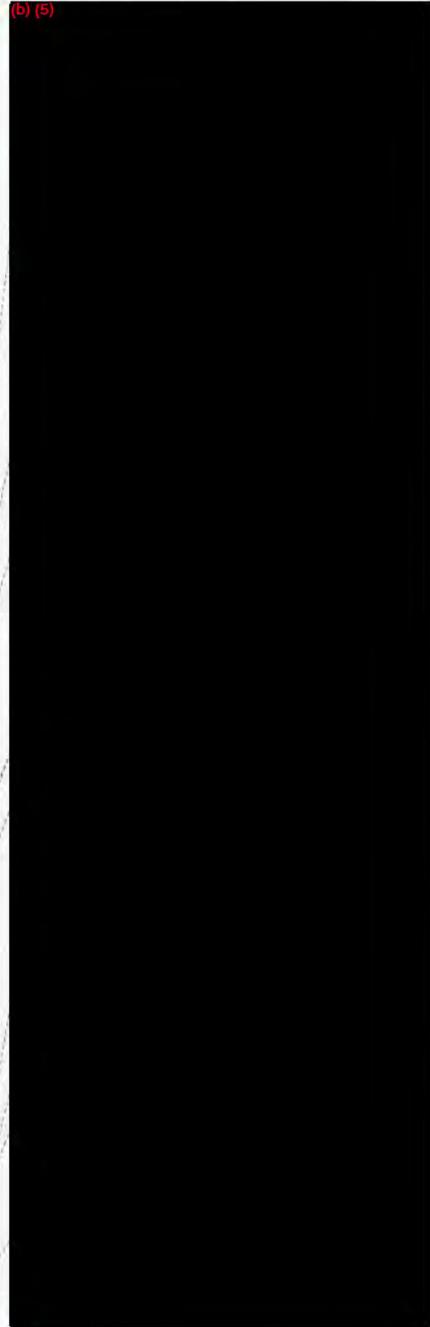


JITC Comments

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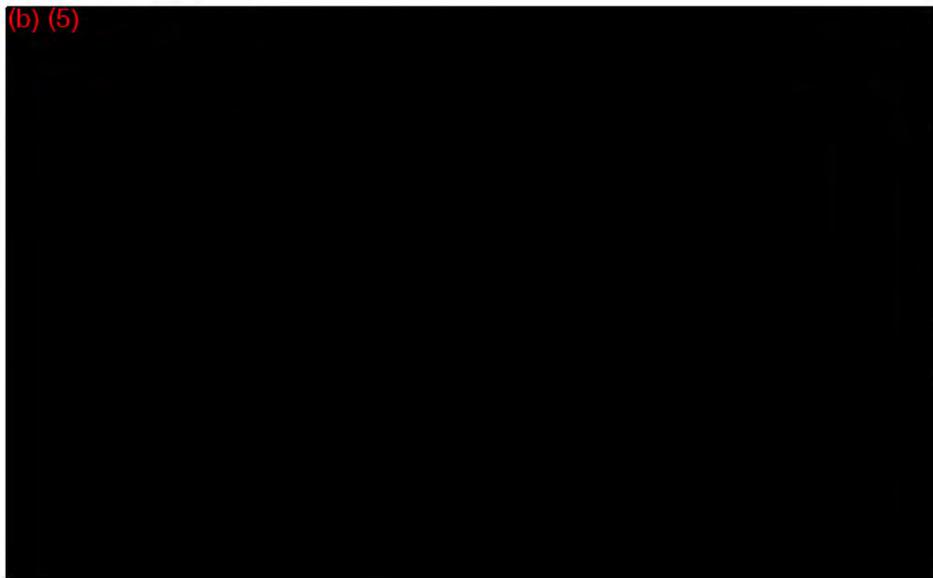


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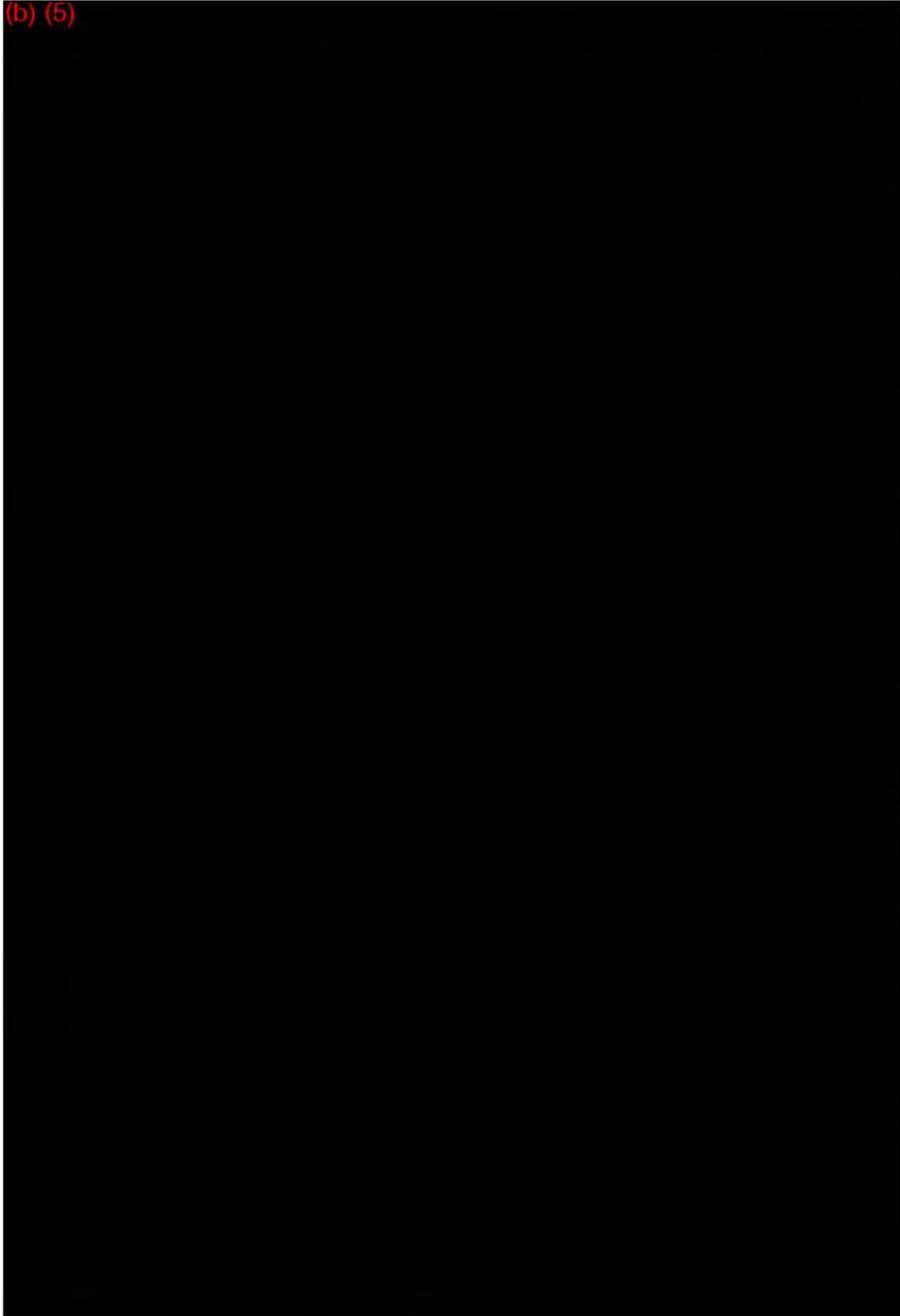


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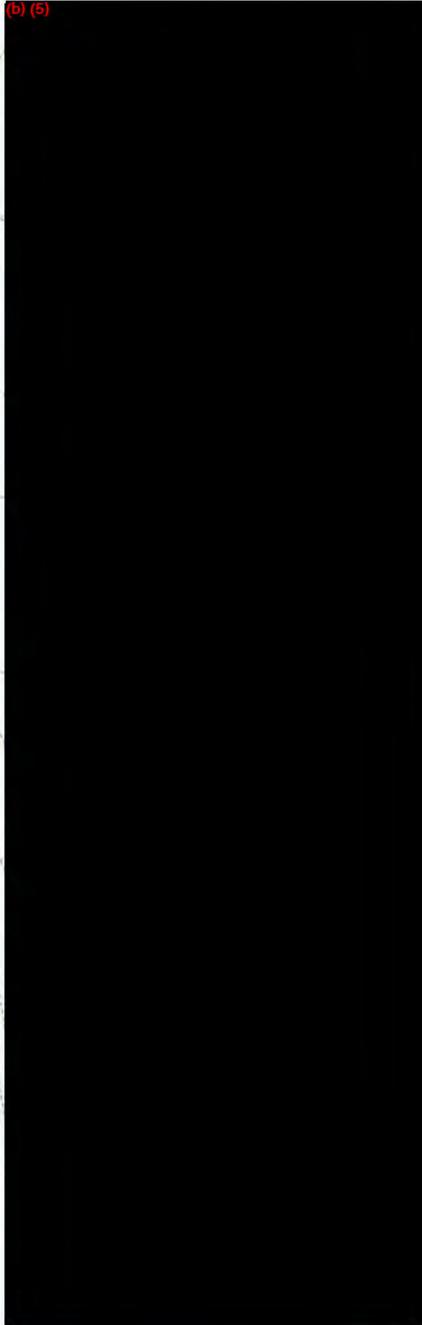
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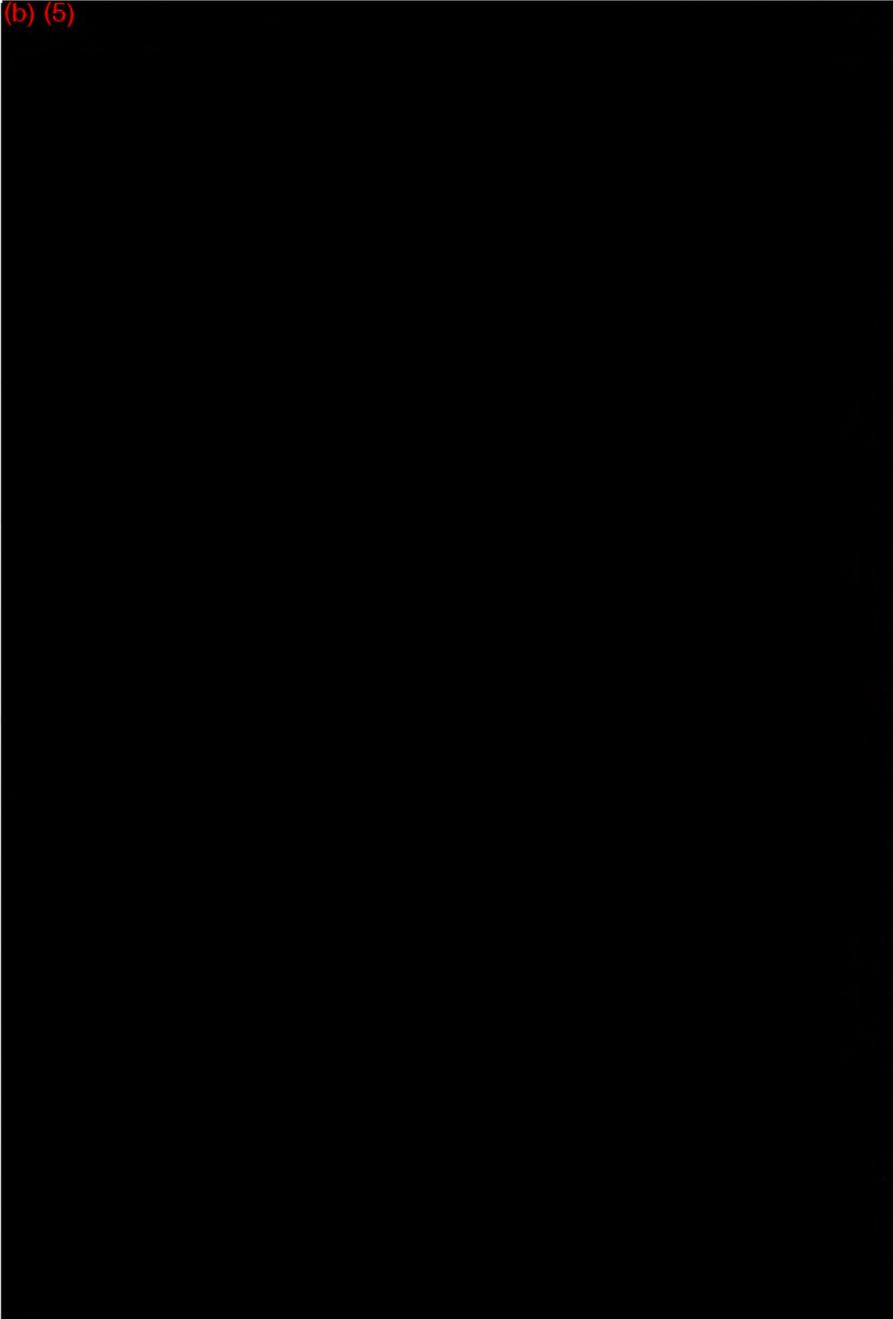
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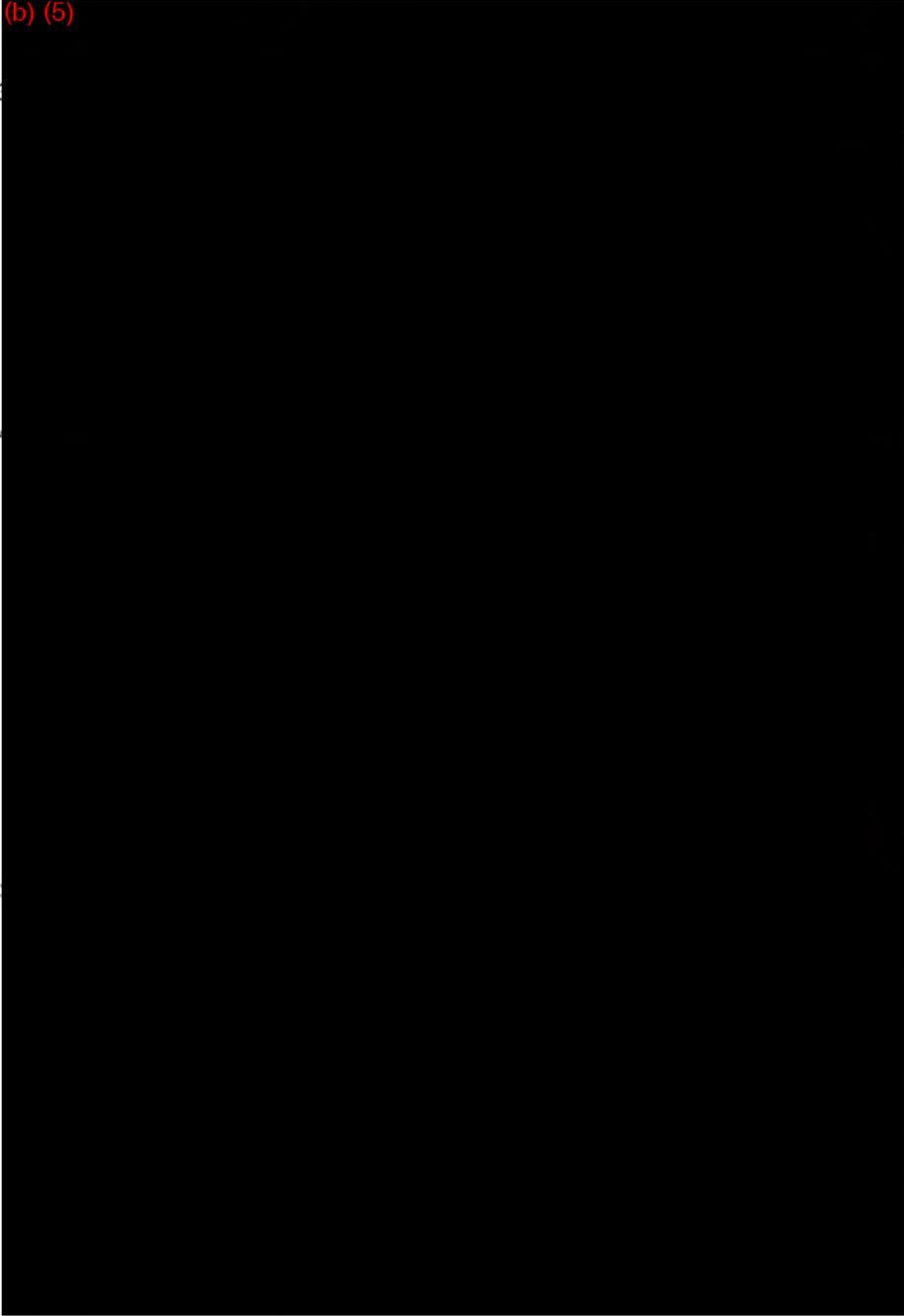
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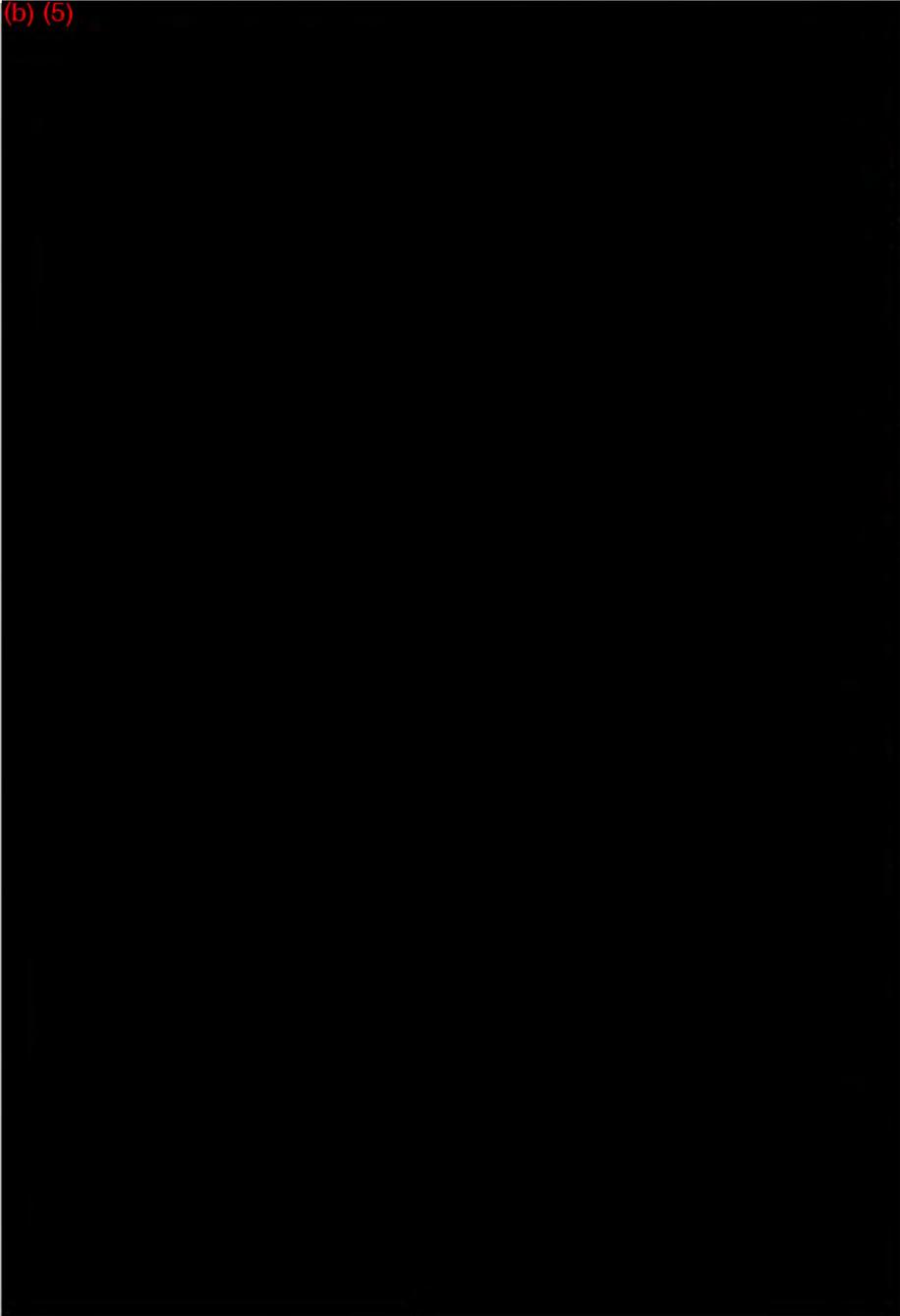
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F. Access to Maps and Surveys and Core Data

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IV. Regulatory and Administrative Matters

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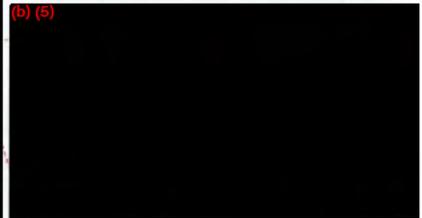
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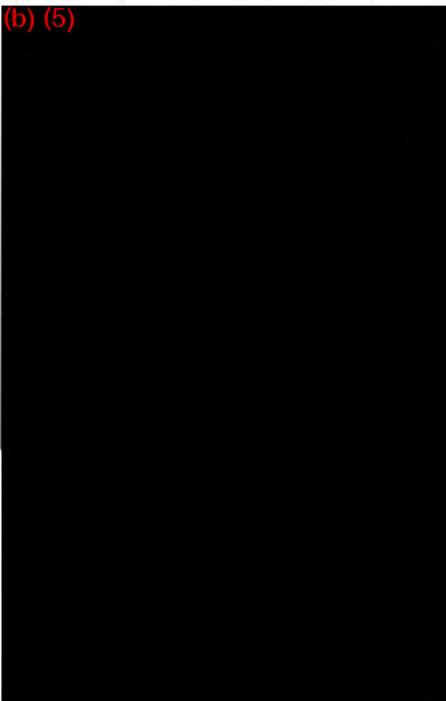
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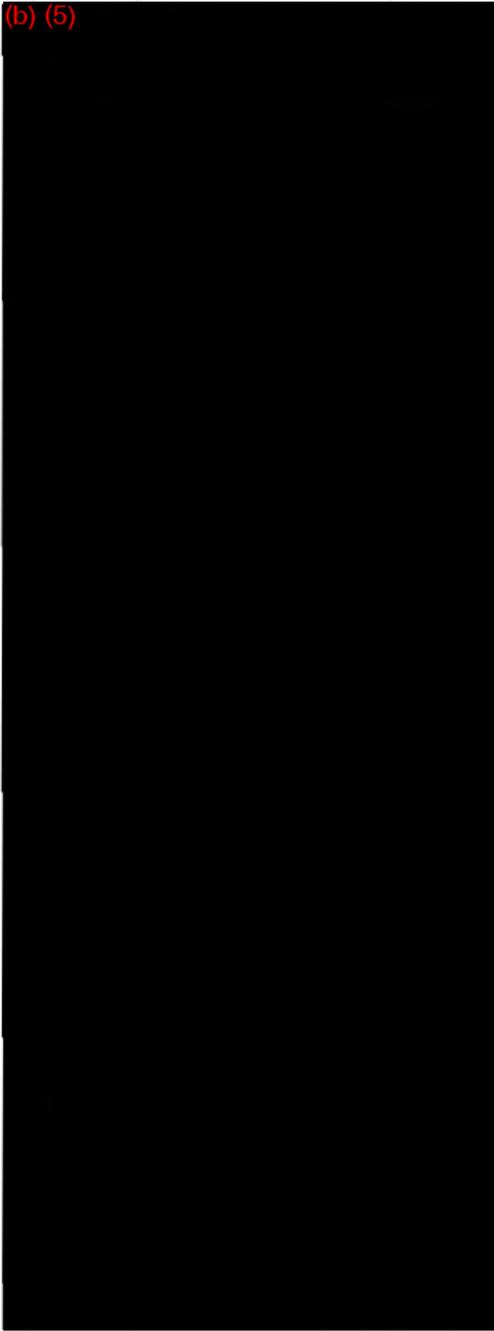


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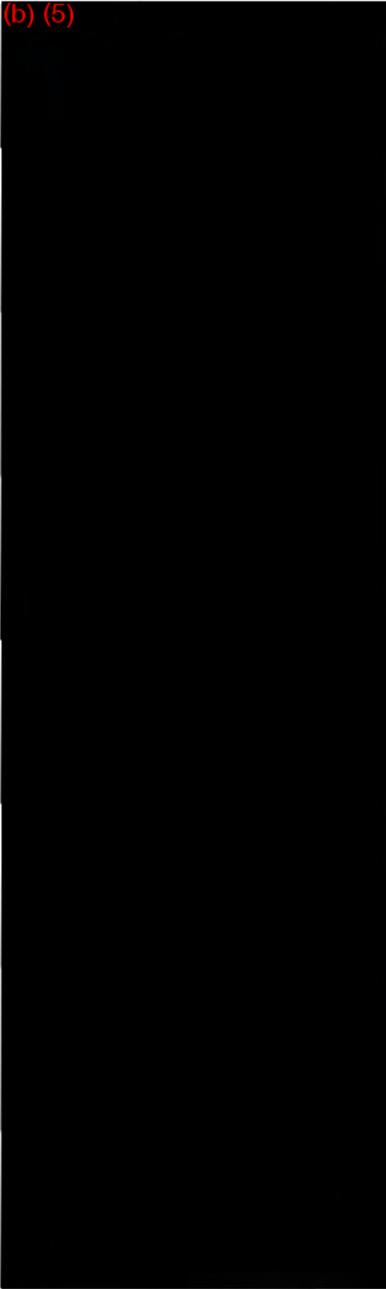
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Section 4. *Administrative Provisions* (b) (5)

Page 5: [1] Comment [PJ13]

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Page 5: [2] Comment [PJ16]

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Page 5: [3] Comment [PJ18]

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Page 5: [4] Comment [PJ19]

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Page 6: [5] Comment [PJ26]

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DEPARTMENT OF THE INTERIOR
Office of the Secretary

Proposed Revision of 1986 Secretarial Potash Order

Oil, Gas and Potash Leasing and Development within the Designated Potash Area of Eddy
and Lea Counties, New Mexico

Order

Section 1. *Purpose and Effect.* (b) (5)

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Section 2. *Authority.* (b) (5)

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Section 3. *Order Revised and Superseded.* (b) (5)

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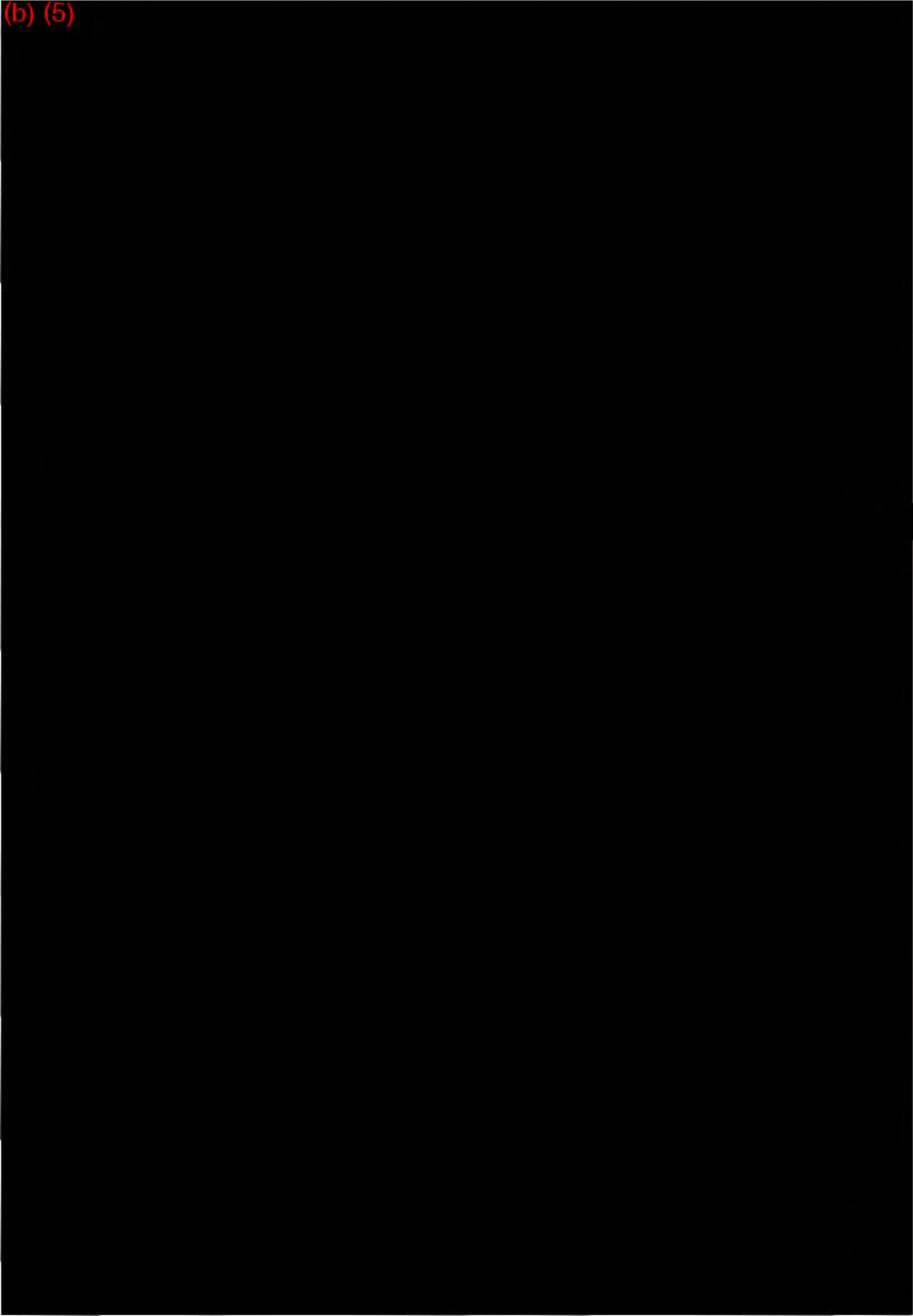
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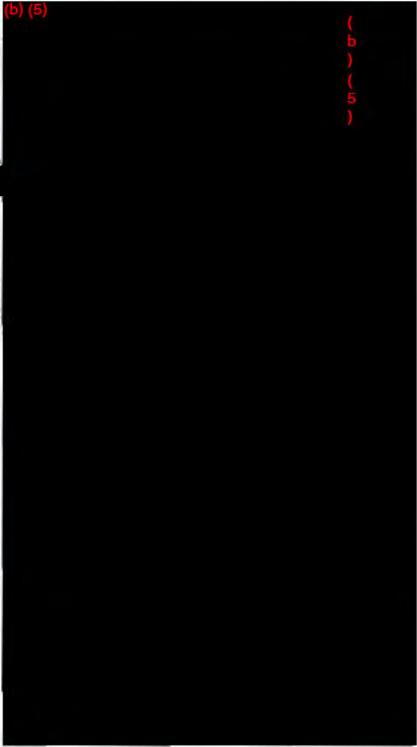


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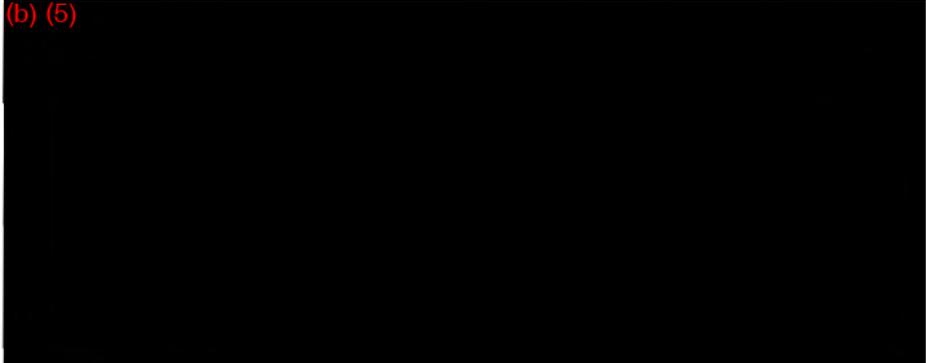


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II. Status of Lands

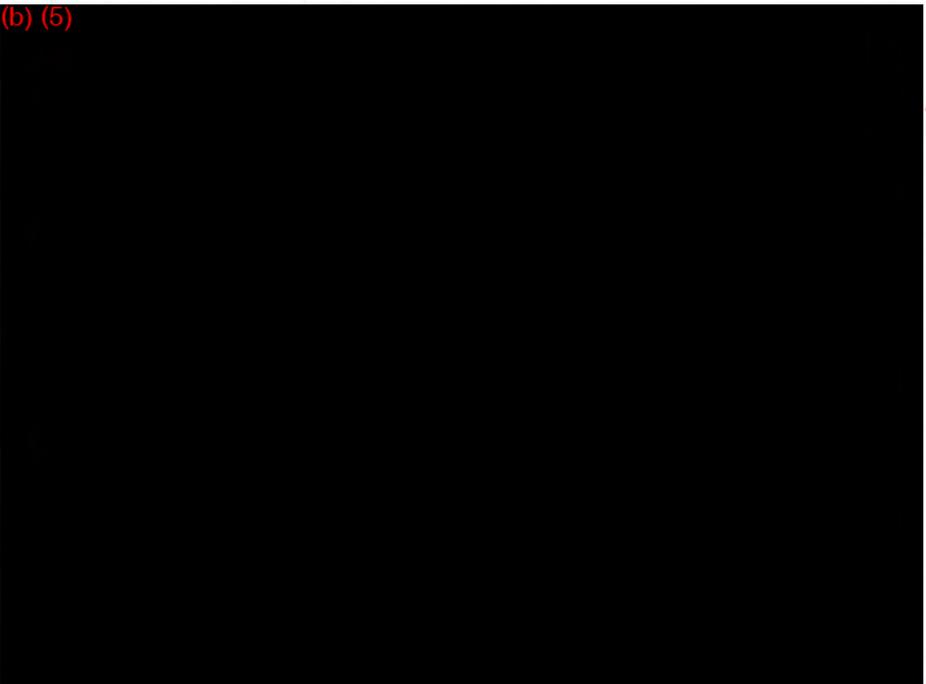
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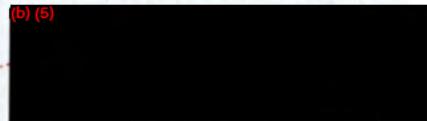
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A. Issuance of Oil and Gas Leases

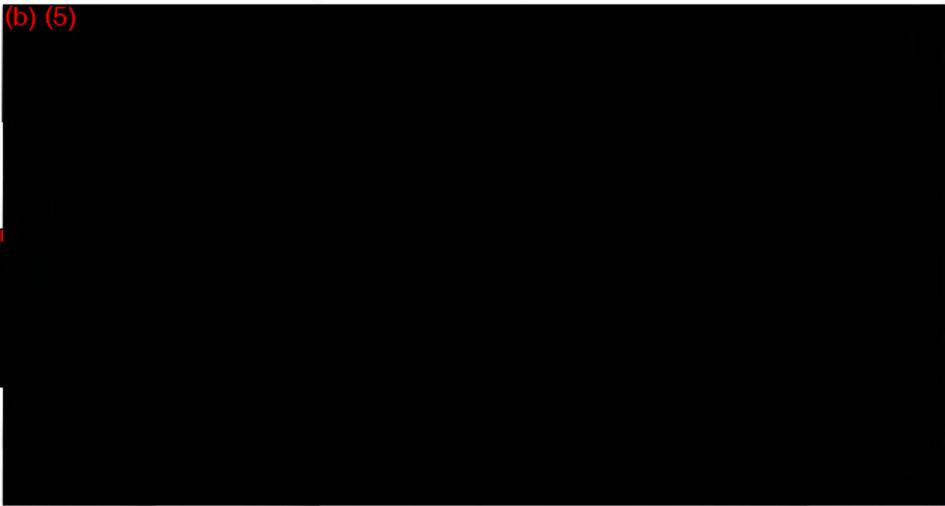
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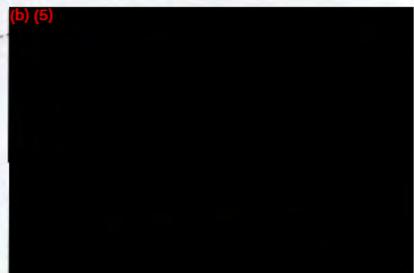
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B. Reinstatement or Renewal of Oil and Gas Leases

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C. Potash Leases

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D. Delineation of Resource Areas and Areas of Operation

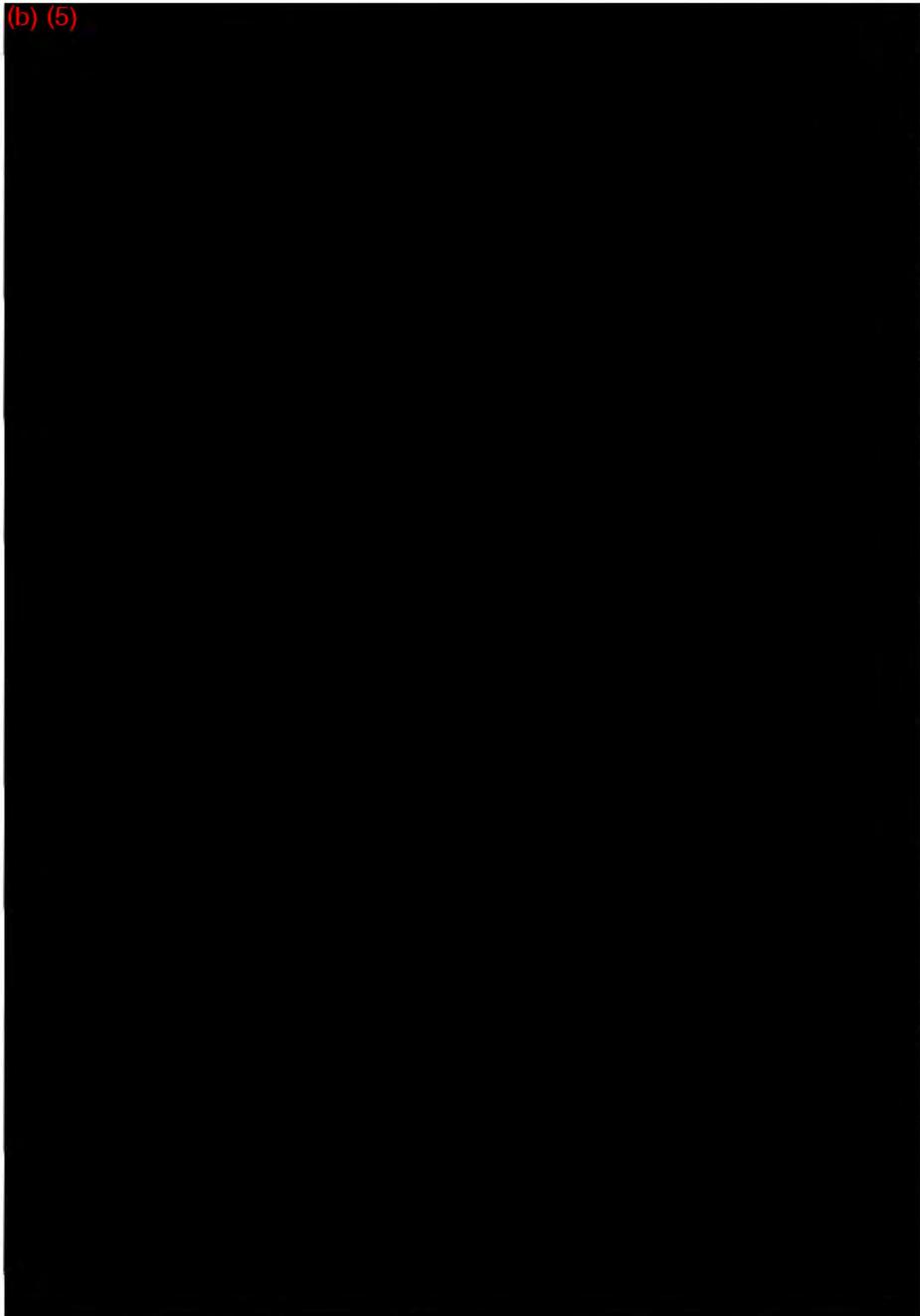
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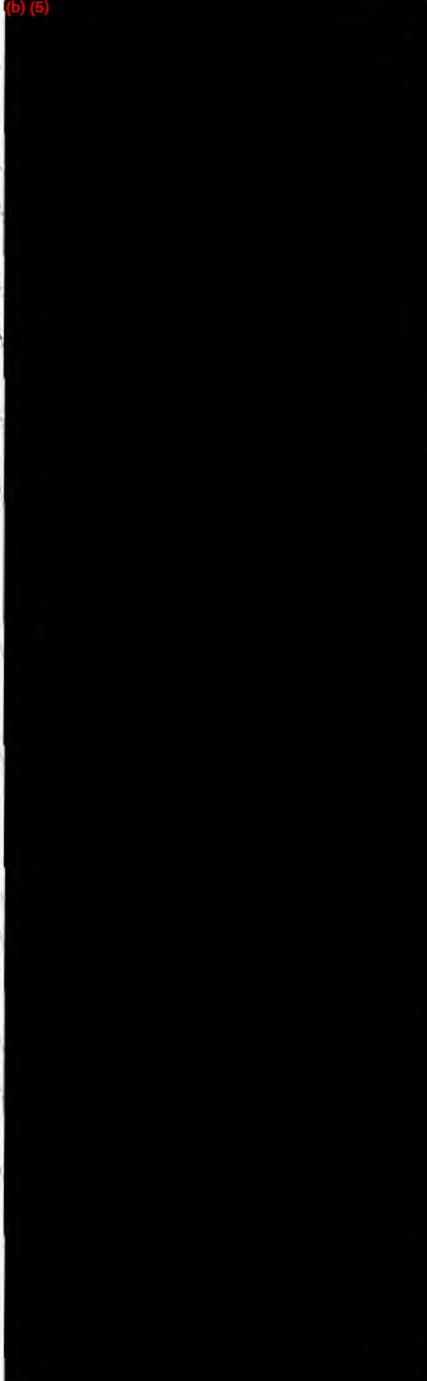
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(b) (5)

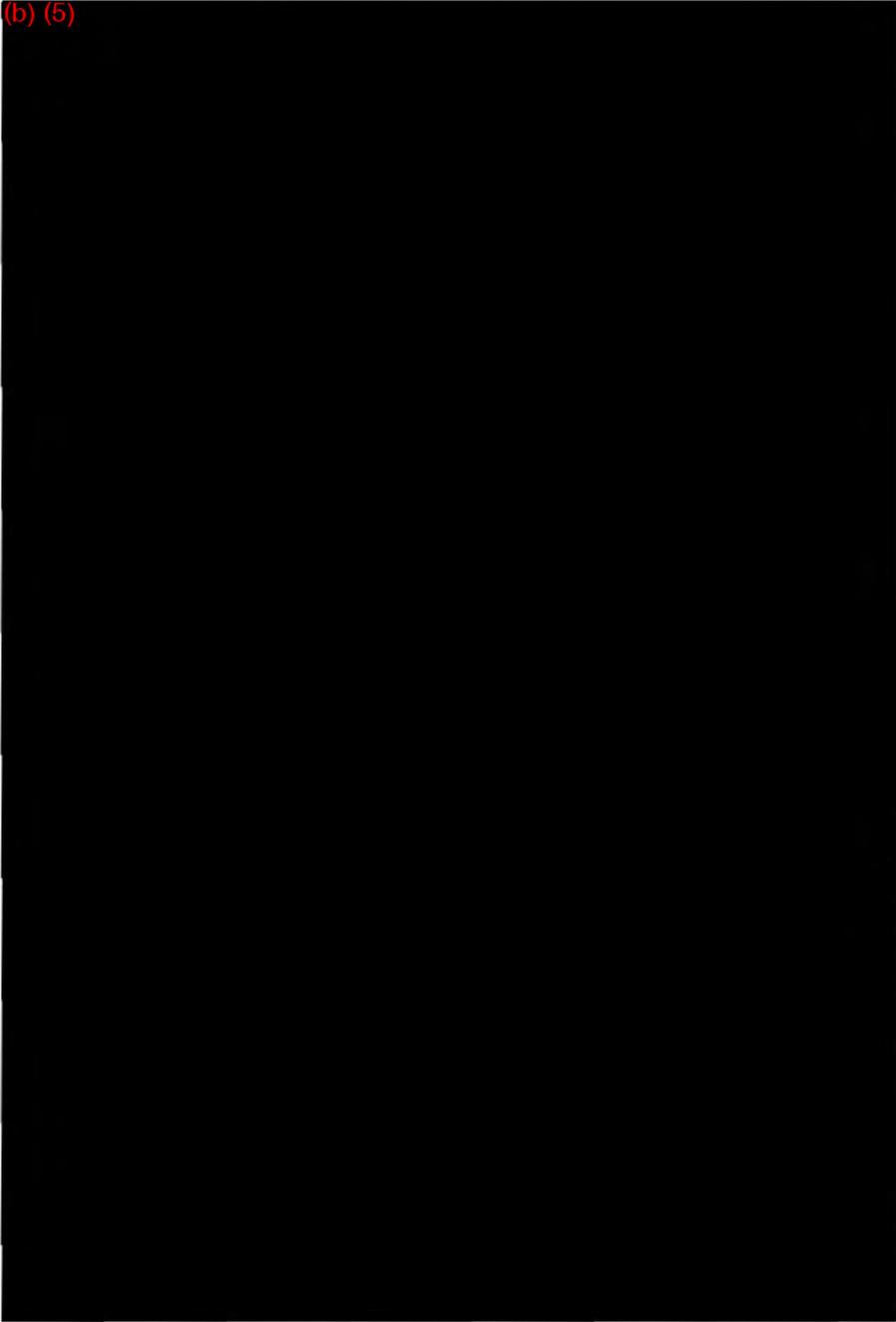
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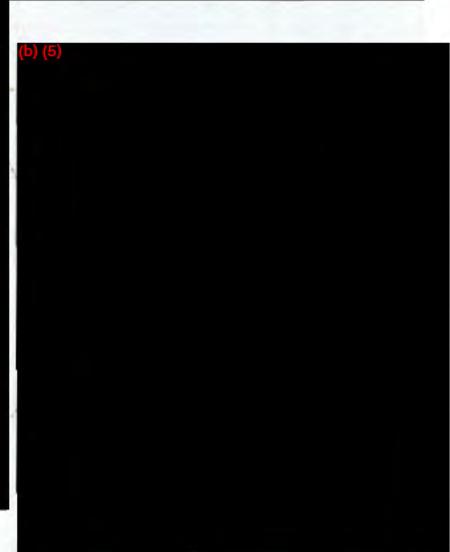
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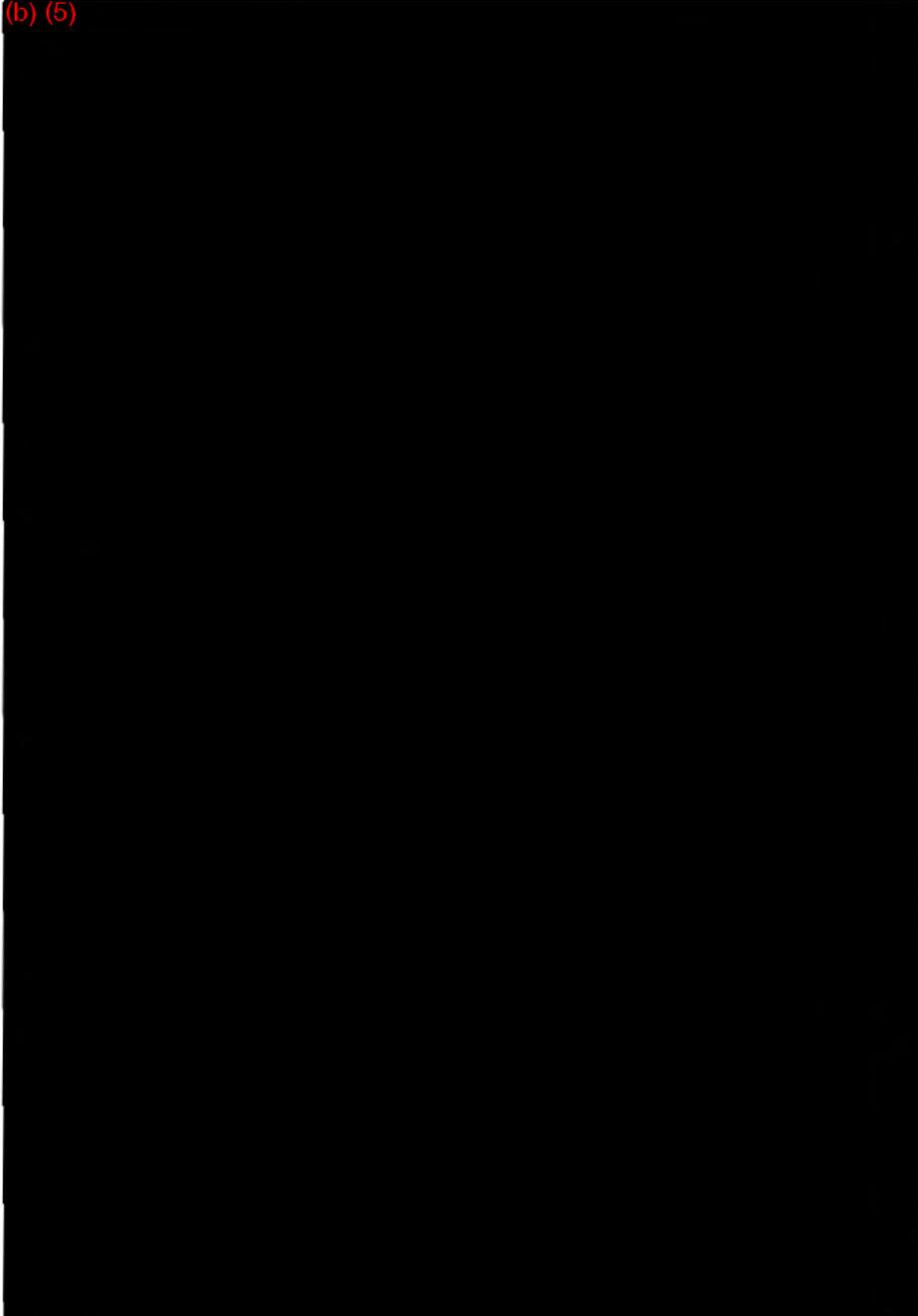
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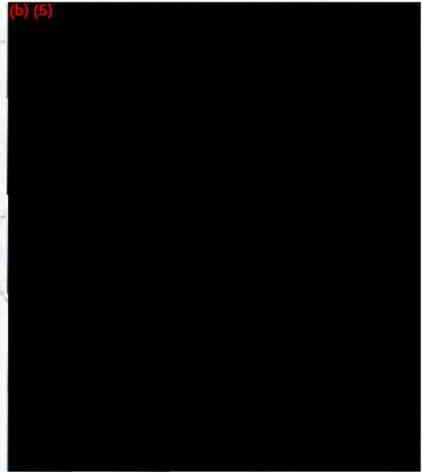
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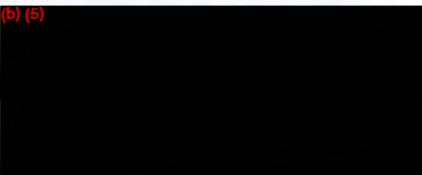
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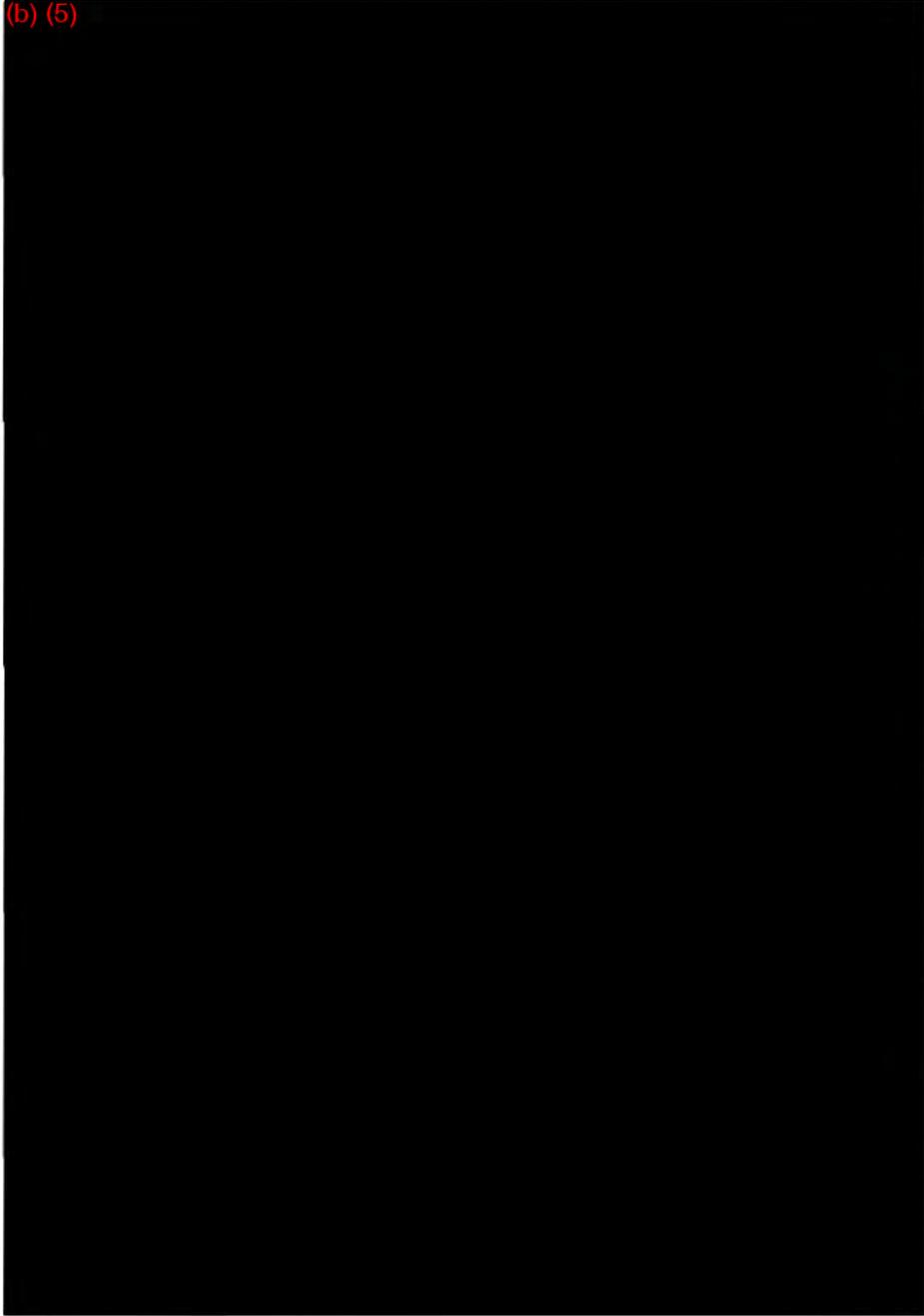
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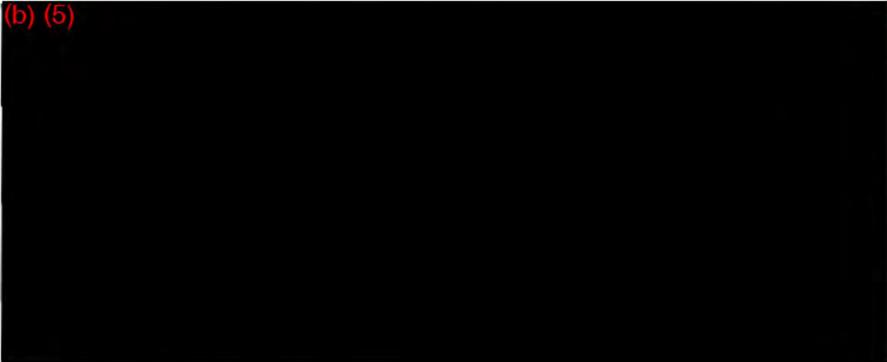
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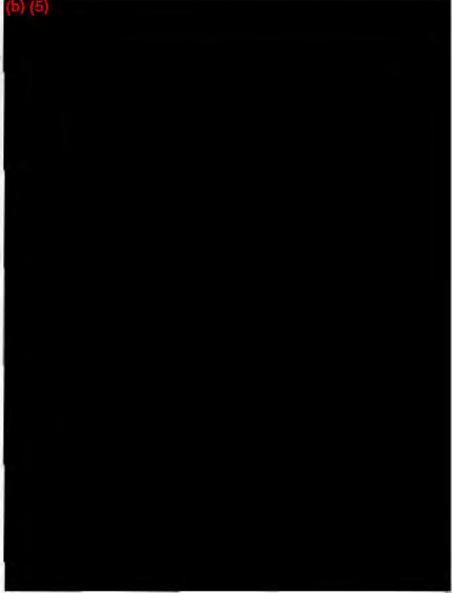
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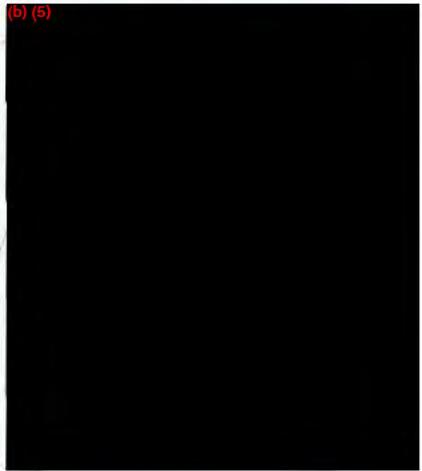
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F. Access to Maps and Surveys and Core Data

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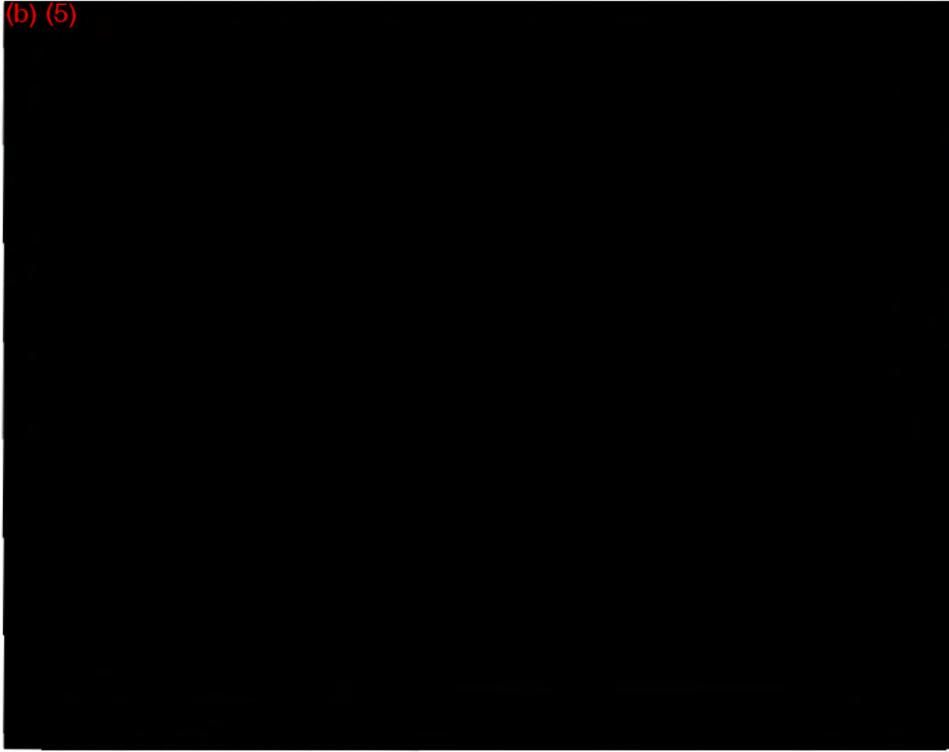
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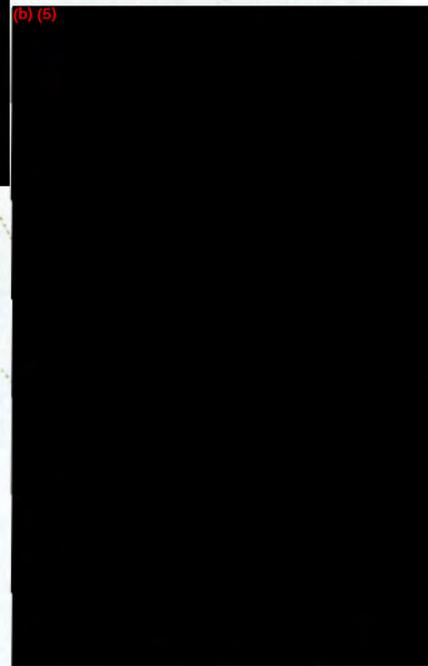
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IV. Regulatory and Administrative Matters

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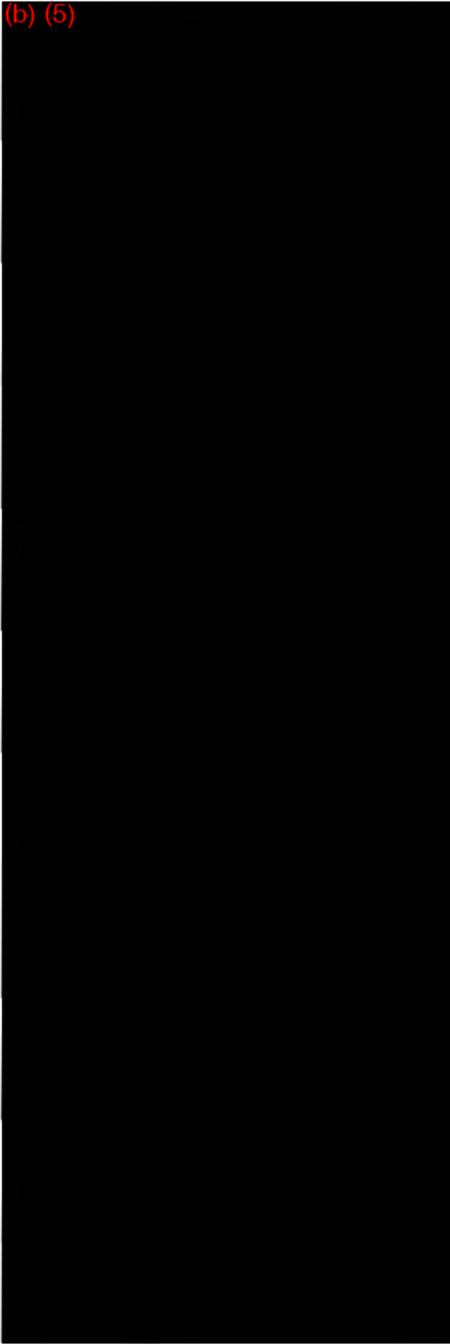


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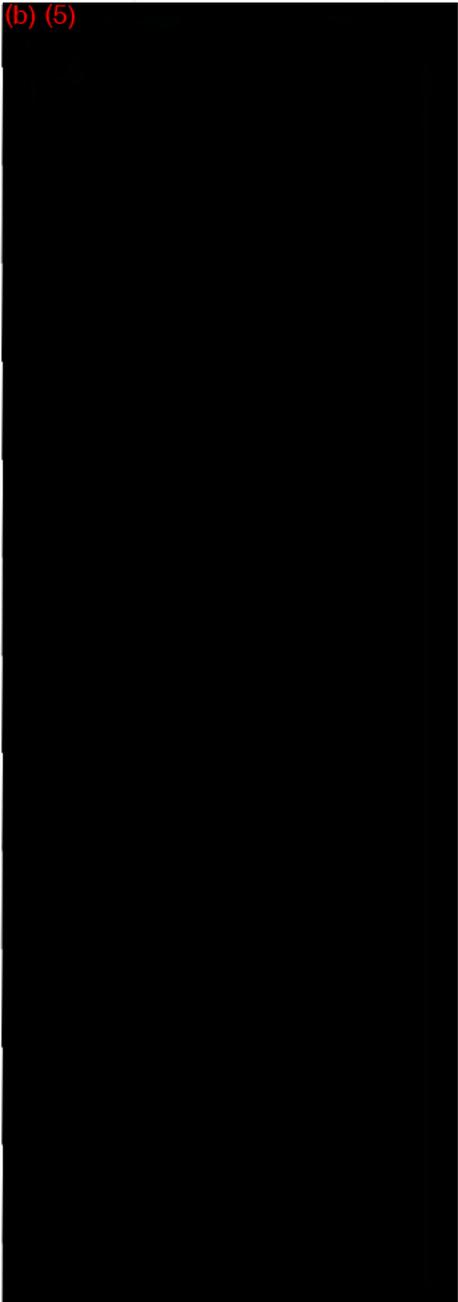
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JITC Comments

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Section 4. *Administrative Provisions.* (b) (5)



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Page 6: [2] Comment [PJ18]

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Page 6: [4] Comment [PJ20]

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Page 6: [8] Comment [PJ26]

Pollet, Jolie

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Page 6: [12] Comment [PJ30]

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

Proposed Revision of 1986 Secretarial Potash Order

Order

Subject: Oil, Gas and Potash Leasing and Development within Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

Order

Section Sec. 1, Purpose and Effect, (b) (5)

(b) (5)

Sec. 2, Authority, (b) (5)

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Sec. 3, Order Revised and Superseded, (b) (5)

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Sec. 4, Definitions,

(b) (5)

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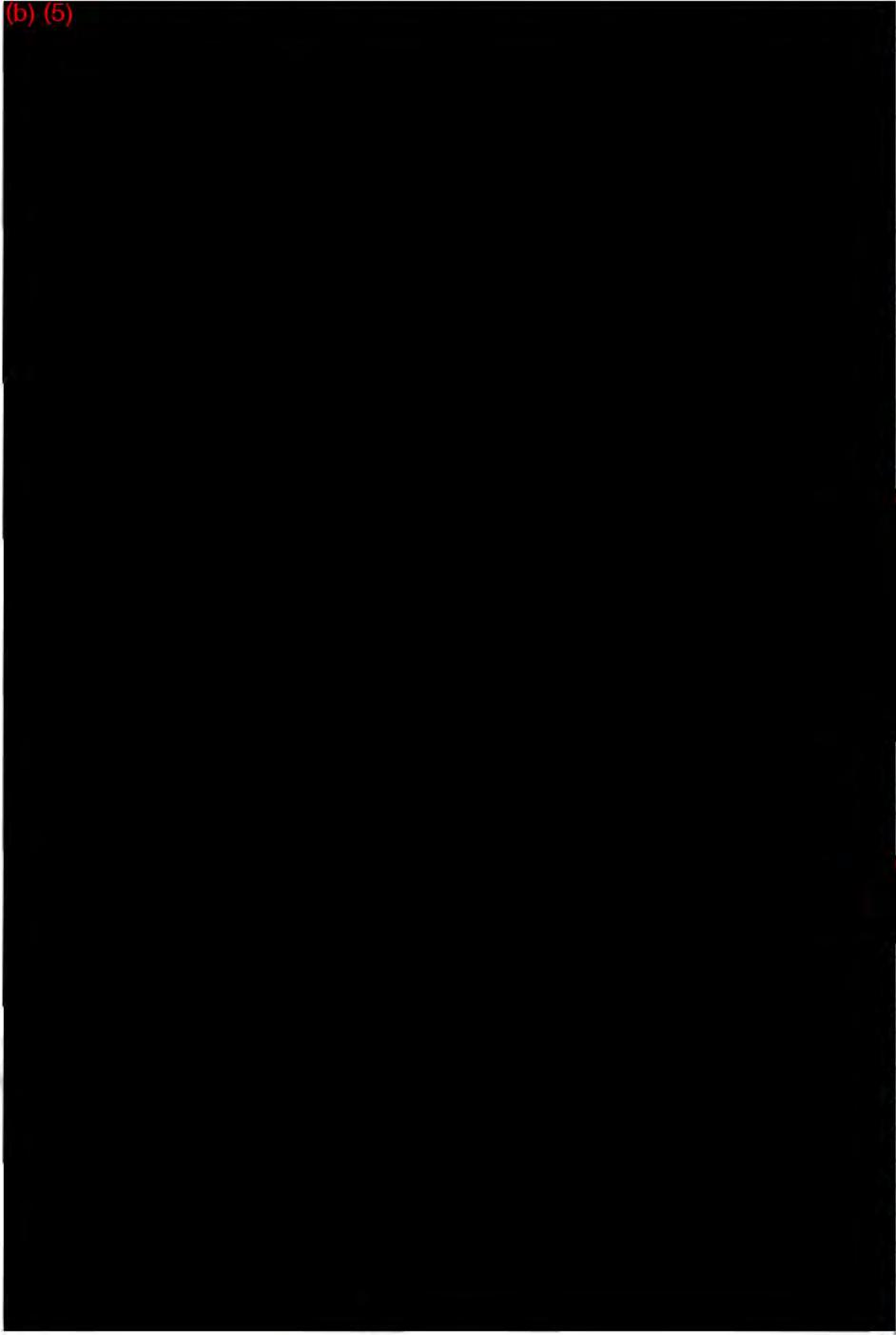
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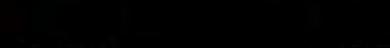
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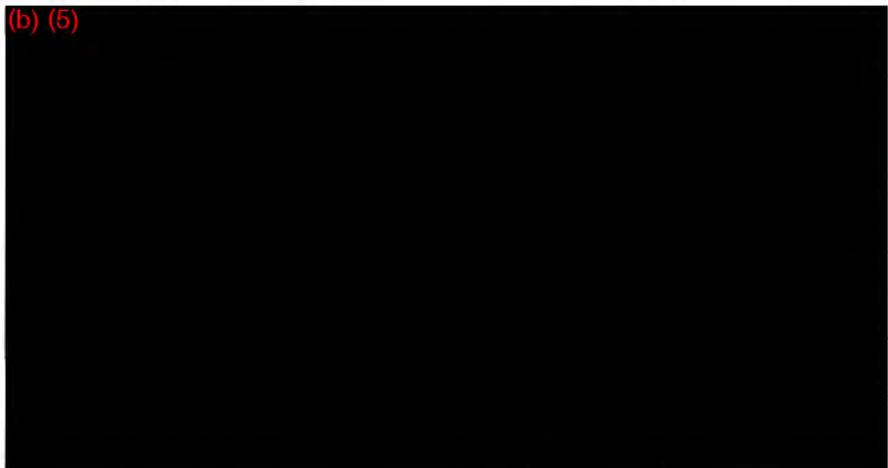
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II. Sec. 5 Status of Lands.

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III. Sec. 6 General Provisions.

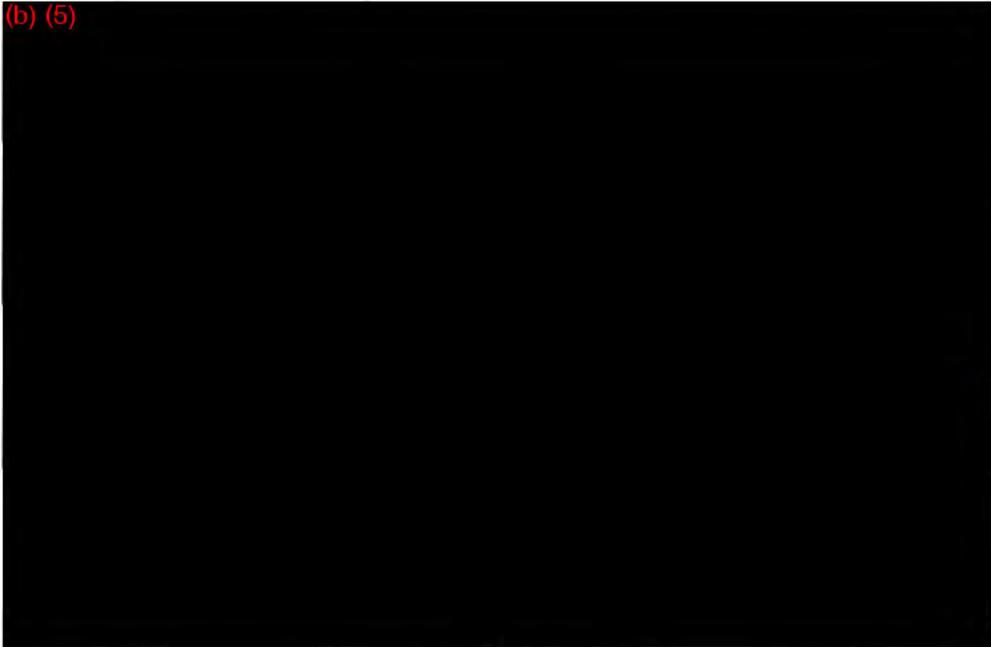
A. Issuance of Oil and Gas Leases.

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B.b. Reinstatement or Renewal of Oil and Gas Leases

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C.c. Potash Leases

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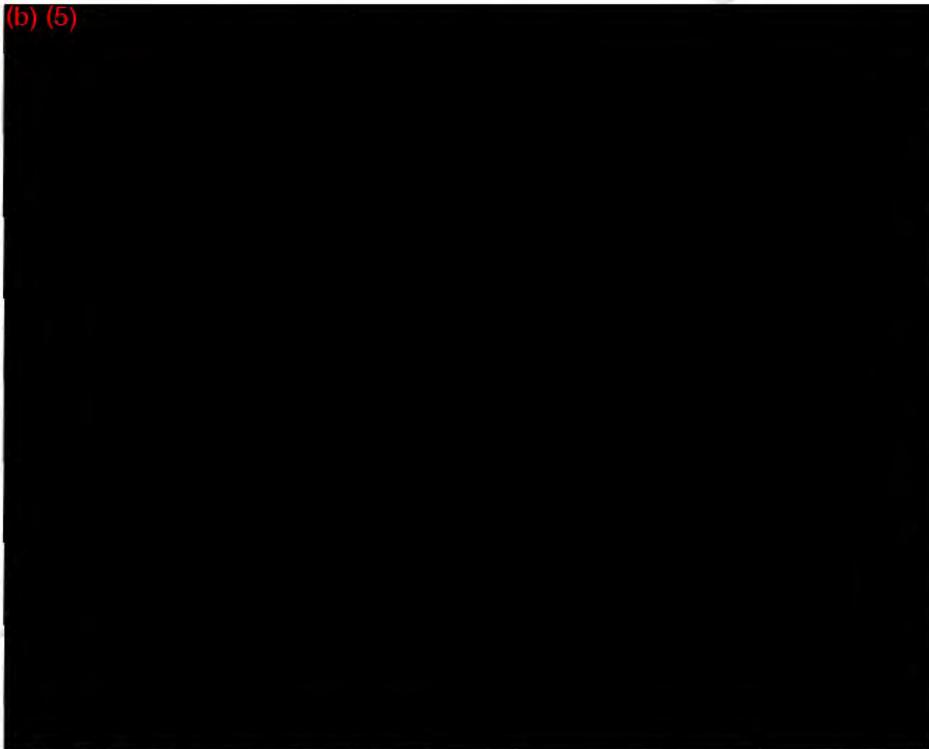
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D-d Delineation of Resource Areas and Areas of Operation

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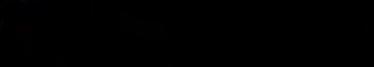
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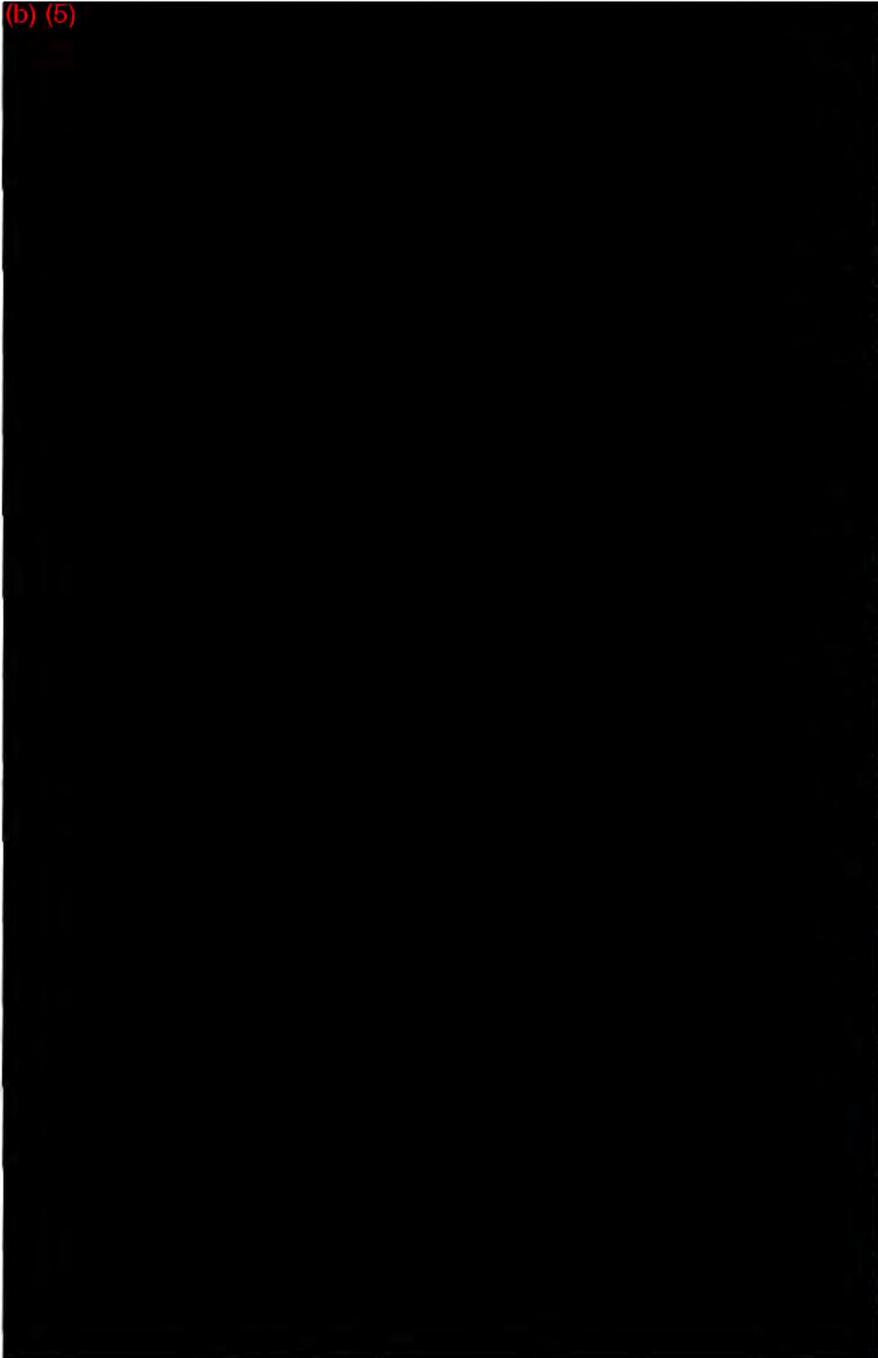
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B-e, Oil and Gas Drilling

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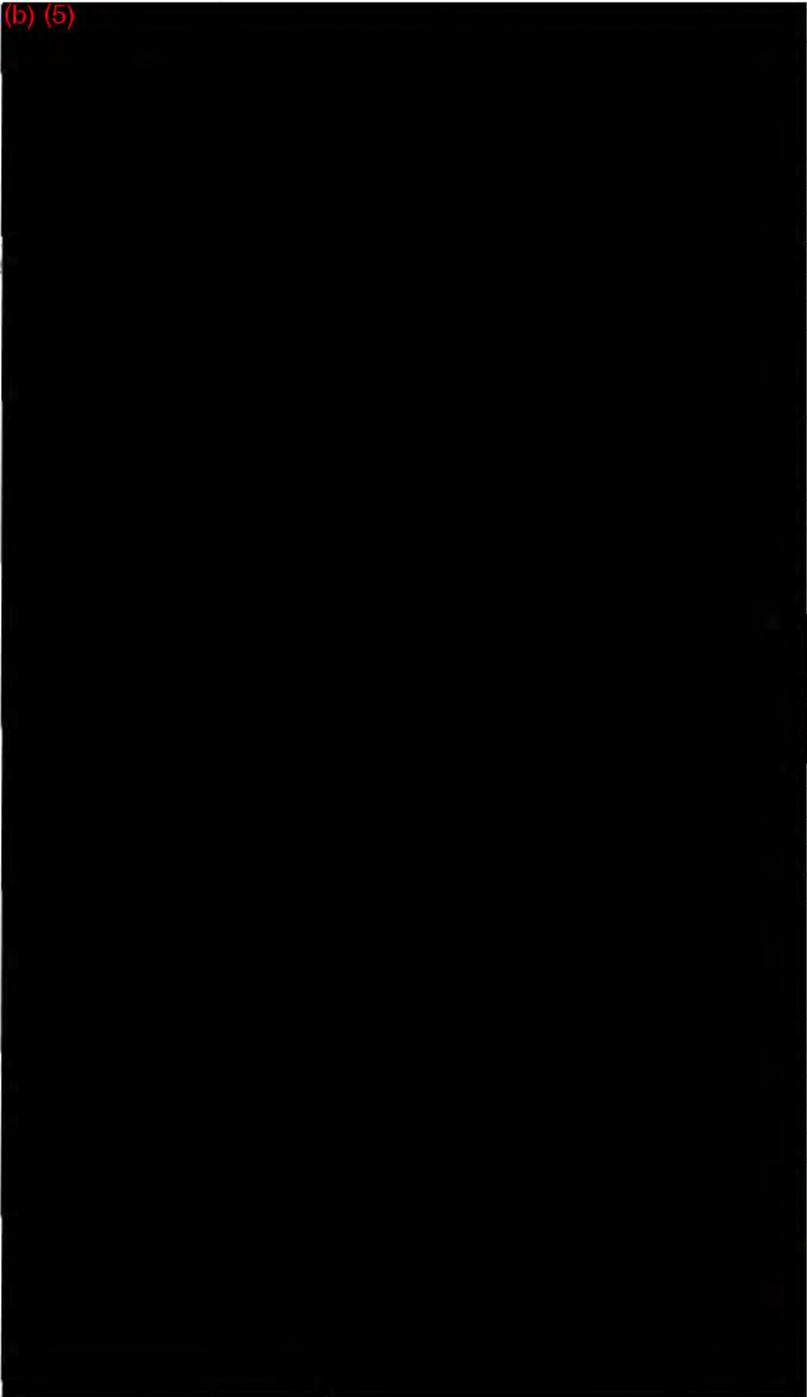
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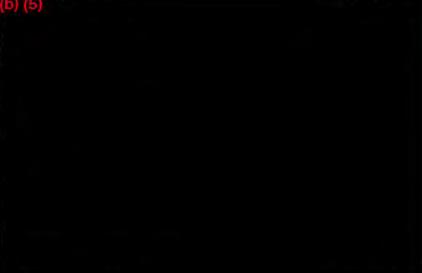
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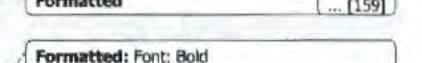
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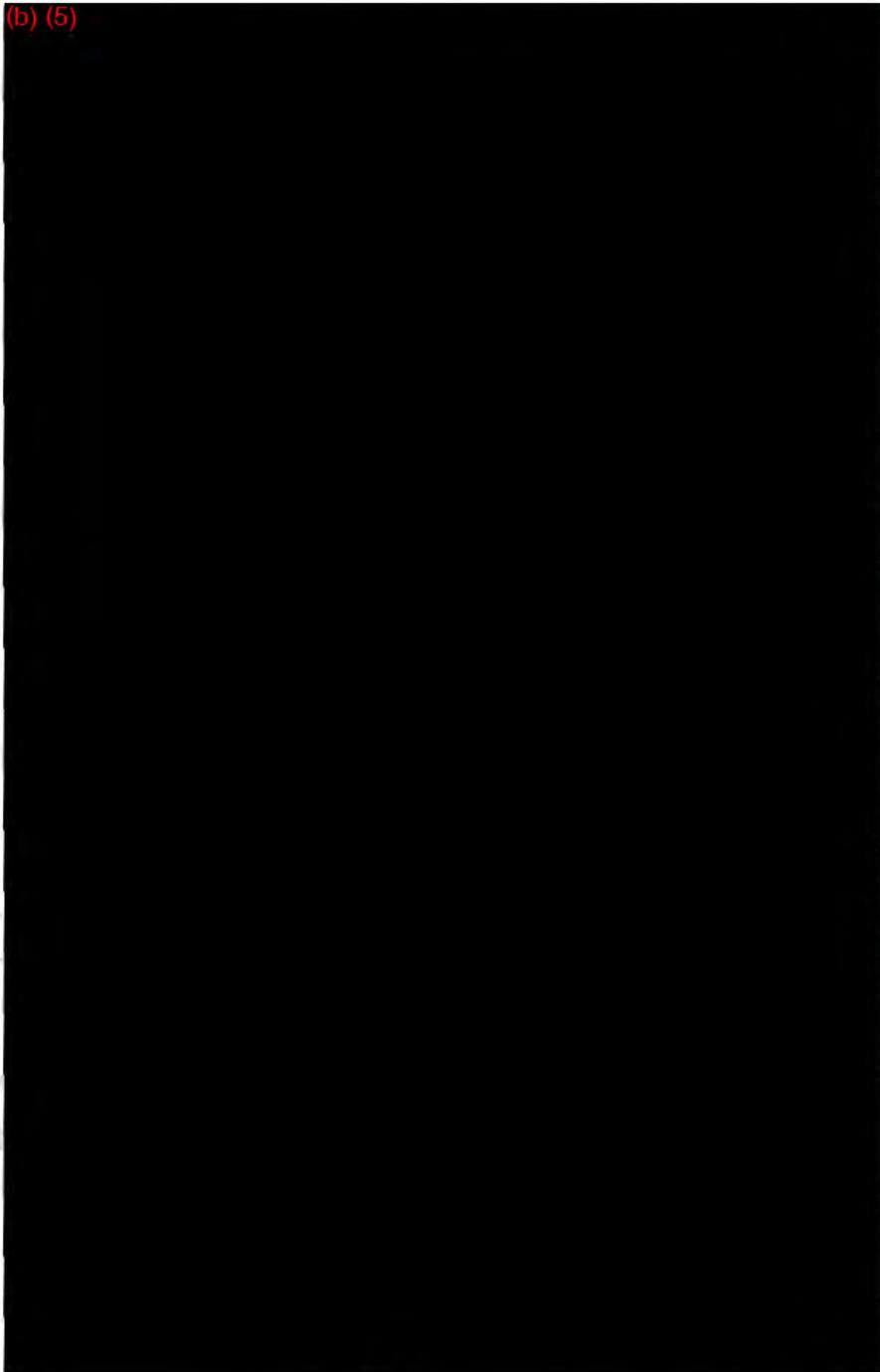
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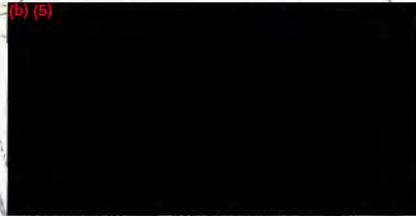


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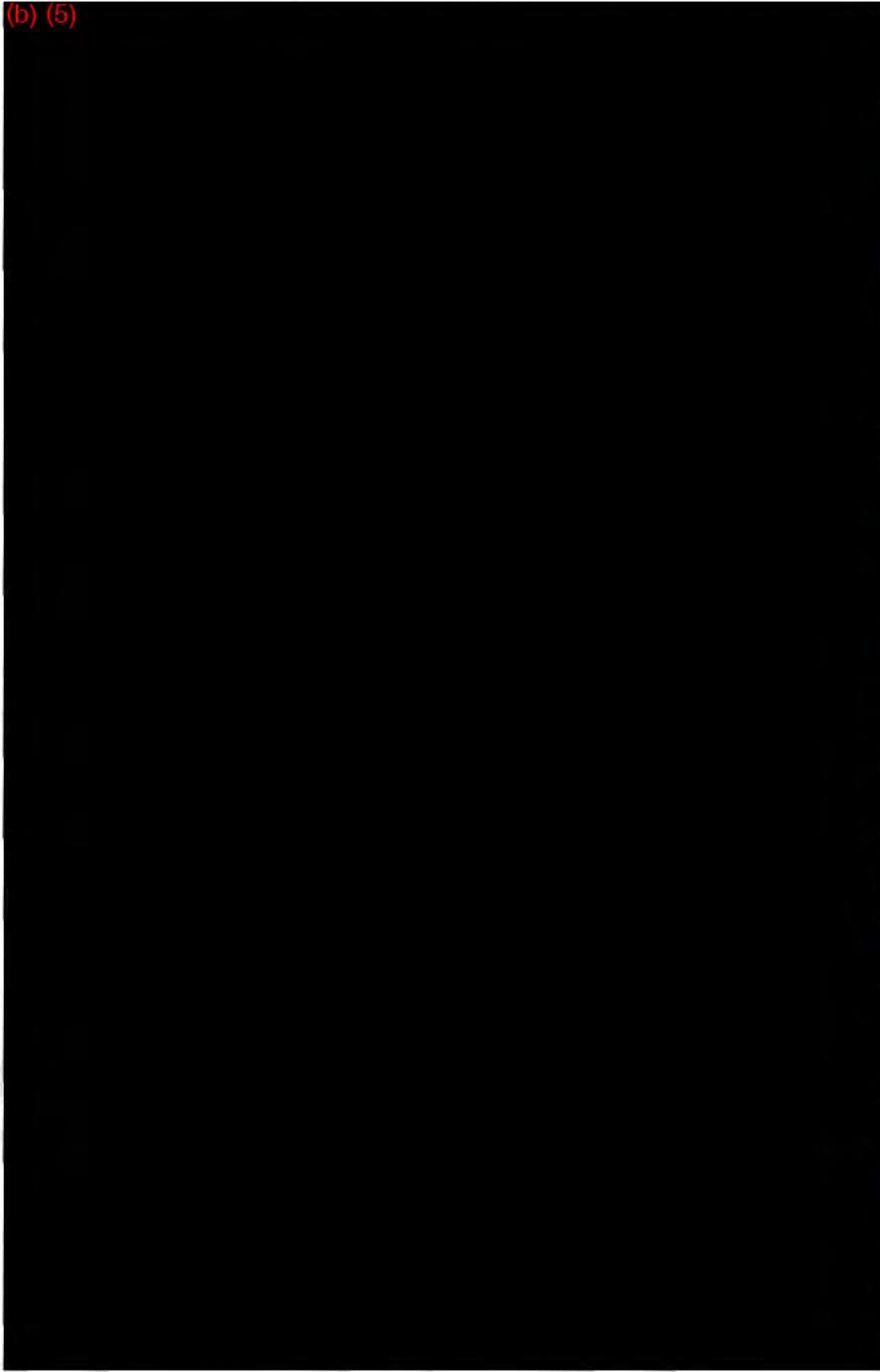
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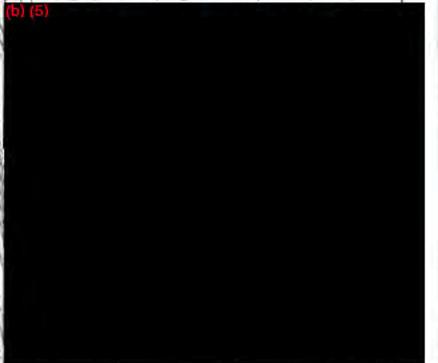


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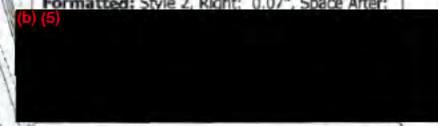
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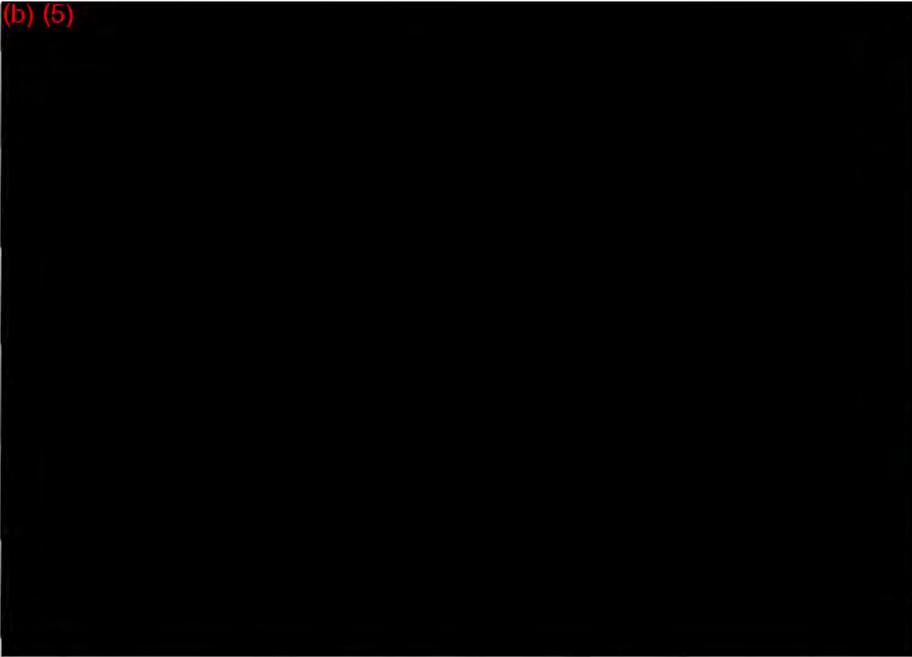


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IV—Sec. 7, Regulatory and Administrative Matters,

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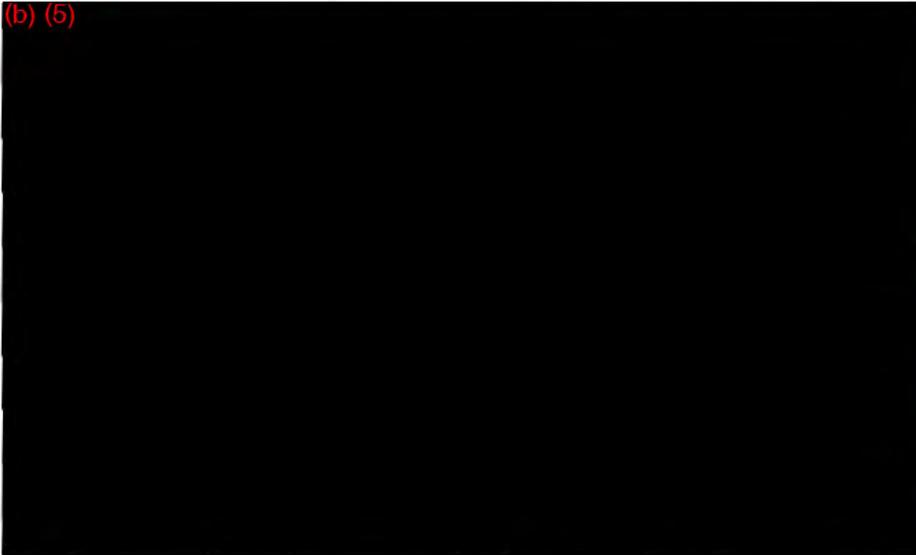


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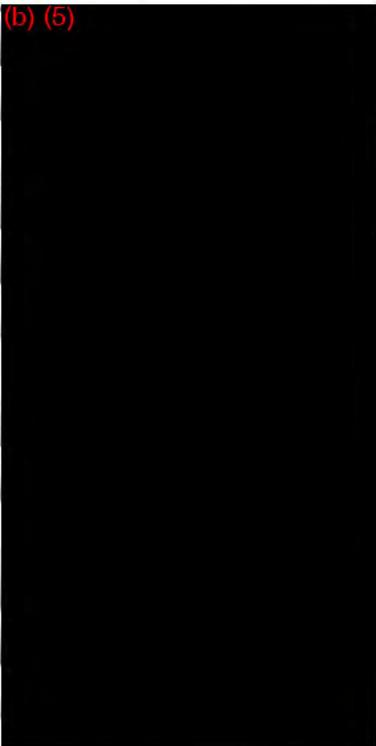
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Sec. 8. The Designated Potash Area is as follows: Legal Description.

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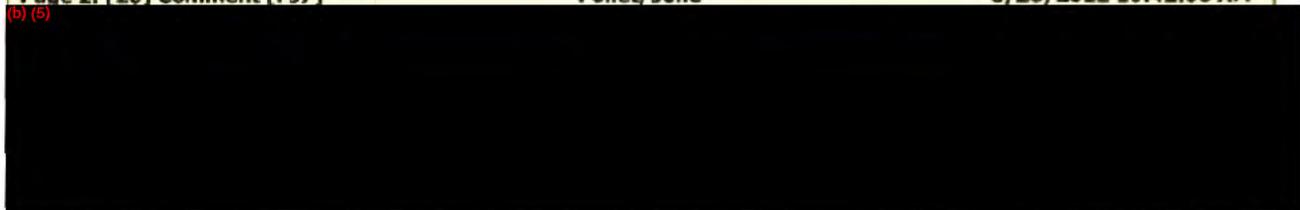
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Page 3: [63] Comment [n8]	pallard	6/26/2012 10:42:00 AM
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Page 5: [79] Comment [PJ10] **Pollet, Jolie** **6/26/2012 10:42:00 AM**

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Page 5: [96] Comment [PJ11] **Pollet, Jolie** **6/26/2012 10:42:00 AM**

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Page 5: [100] Comment [PJ12] **Pollet, Jolie** **6/26/2012 10:42:00 AM**

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Page 6: [113] Comment [P]16]	Pollet, Jolie	6/26/2012 10:42:00 AM

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BB Response – Makes sense. It seems as though this highlighted part is already a given. What other types of drilling islands are there out there that motivates the need to make this clarification/distinction?

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Page 6: [116] Comment [PJ17] Pollet, Jolie 6/26/2012 10:42:00 AM

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Page 6: [120] Comment [PJ18] Pollet, Jolie 6/26/2012 10:42:00 AM

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Page 6: [122] Comment [bbarlan19] bbarlan 6/26/2012 10:42:00 AM

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Page 6: [124] Comment [PJ20] Pollet, Jolie 6/26/2012 10:42:00 AM

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Page 7: [141] Comment [PJ26] Pollet, Jolie 6/26/2012 10:42:00 AM

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Page 7: [158] Comment [PJ29]	Pollet, Jolie	6/26/2012 10:42:00 AM

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Page 7: [160] Comment [PJ30] Pollet, Jolie 6/26/2012 10:42:00 AM

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Page 8: [166] Comment [PJ35]	Pollet, Jolie	6/26/2012 10:42:00 AM
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Page 9: [174] Comment [PJ36]	Pollet, Jolie	6/26/2012 10:42:00 AM
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Page 11: [233] Comment [PJ47] Pollet, Jolie 6/26/2012 10:42:00 AM

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Page 11: [249] Comment [R148] **Bollet, Jolie** **6/26/2012 10:42:00 AM**



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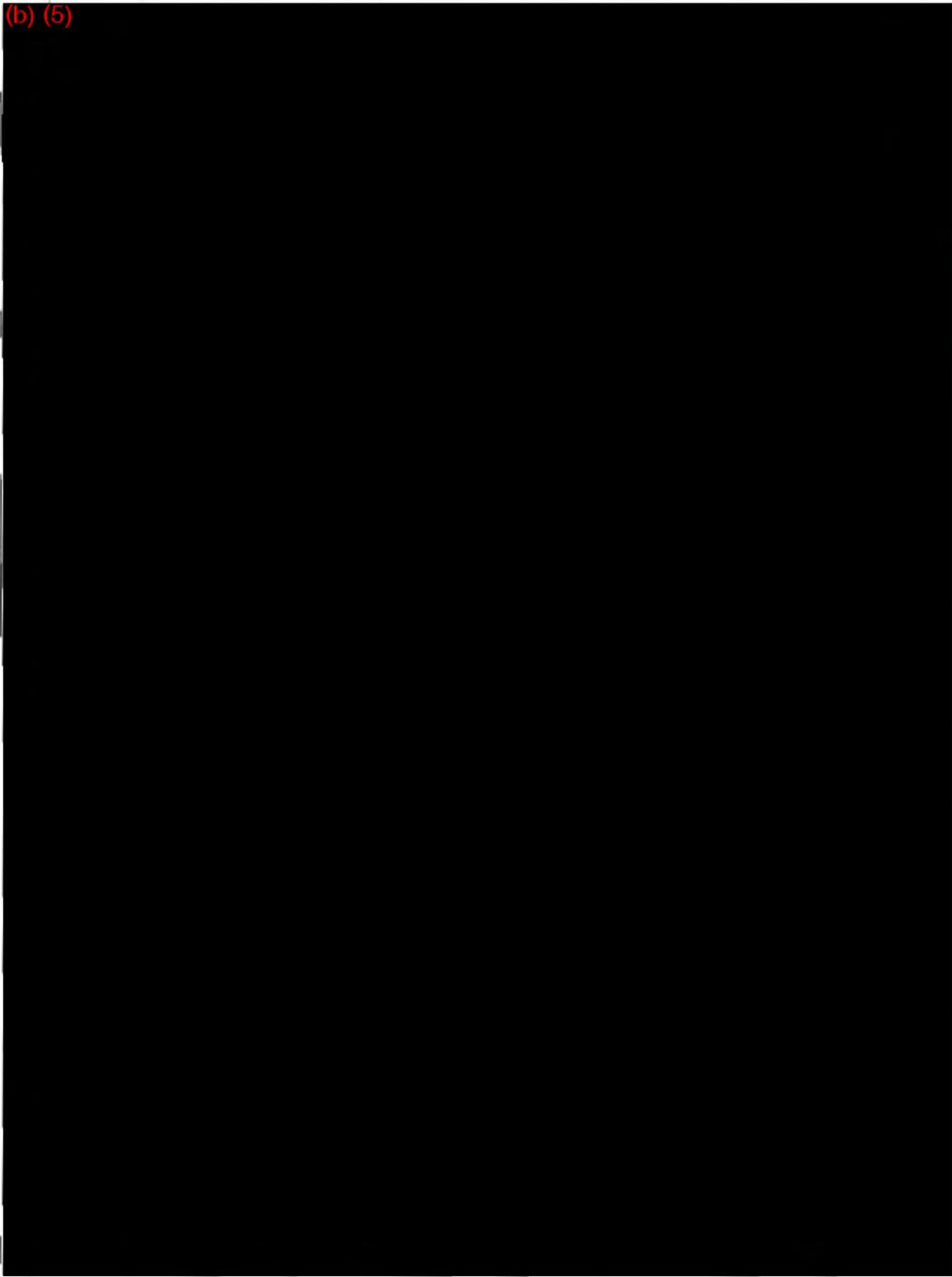
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(b) (5)

Sec. 2 Authority. (b) (5)
(b) (5)

Sec. 3 Order Revised and Superseded. (b) (5)
(b) (5)

Sec. 4. Definitions.
(b) (5)

(b) (5)



(b) (5)



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[Redacted]

Sec. 5 Status of Lands. (b) (5)
[Redacted]

Sec. 6 General Provisions.

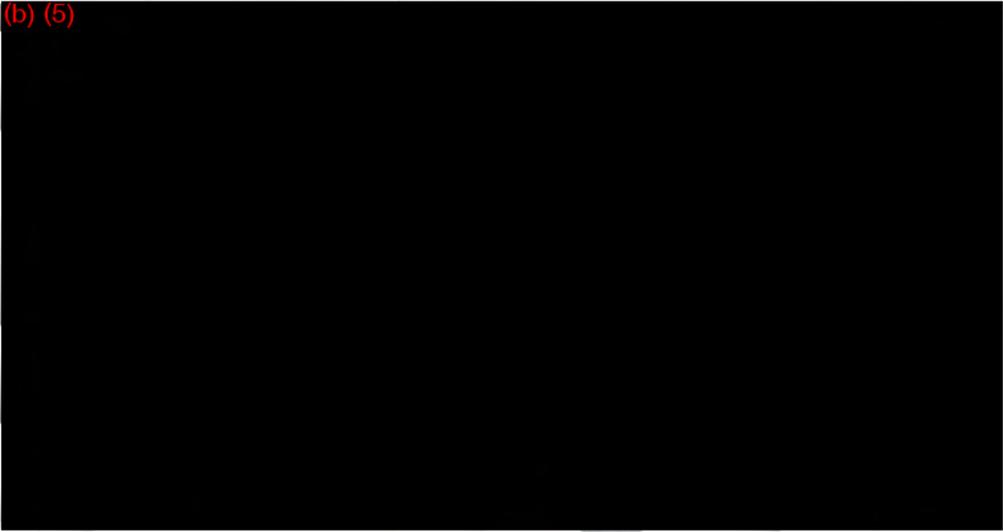
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[Redacted]

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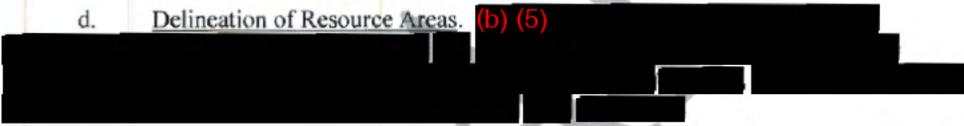
(b). Reinstatement or Renewal of Oil and Gas Leases. (b) (5)
[Redacted]

(c). Potash Leases.

(b) (5)



d. Delineation of Resource Areas. (b) (5)



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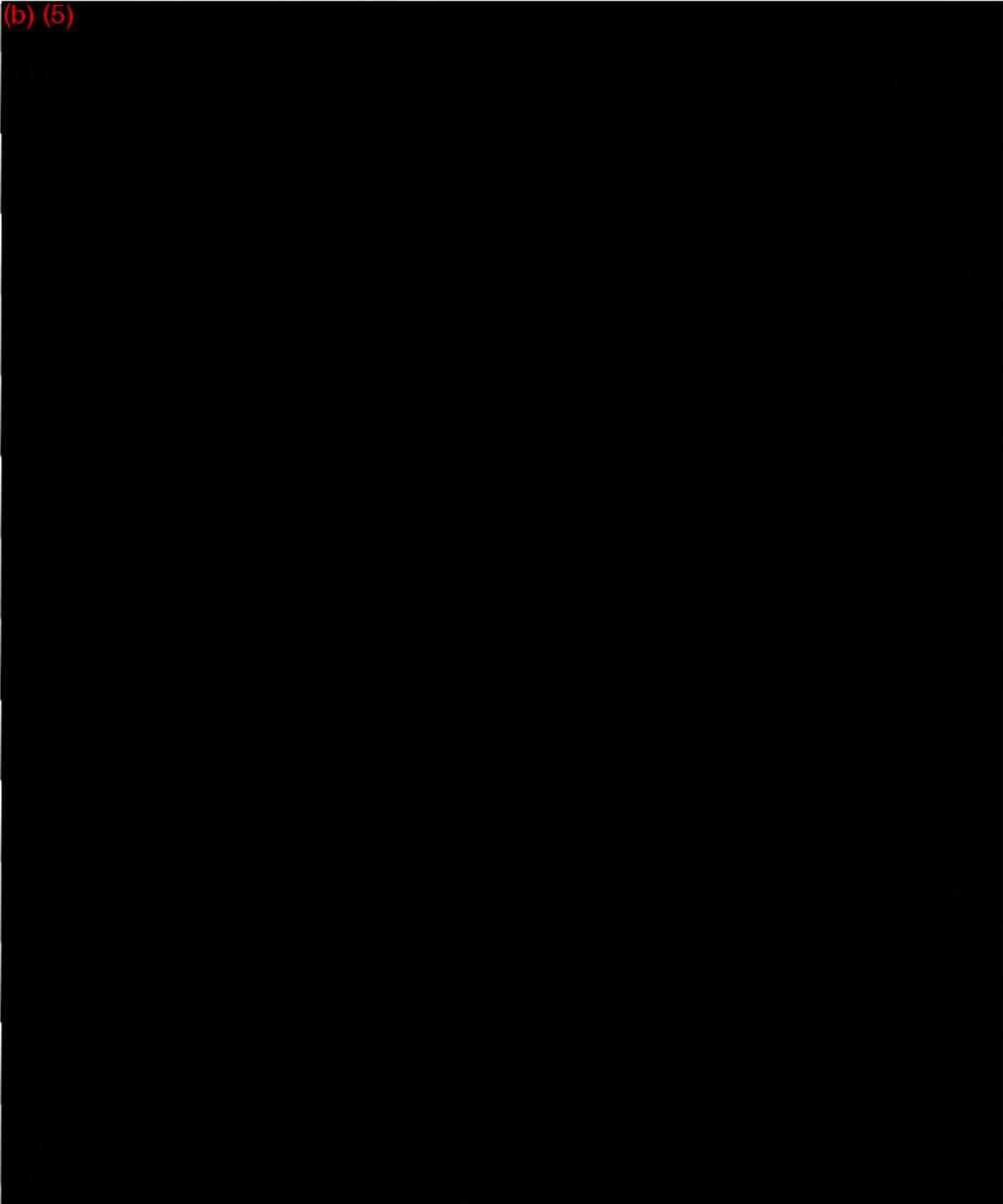


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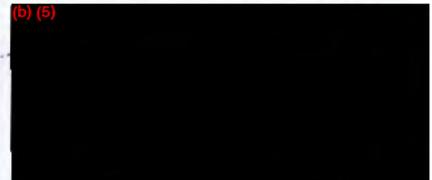
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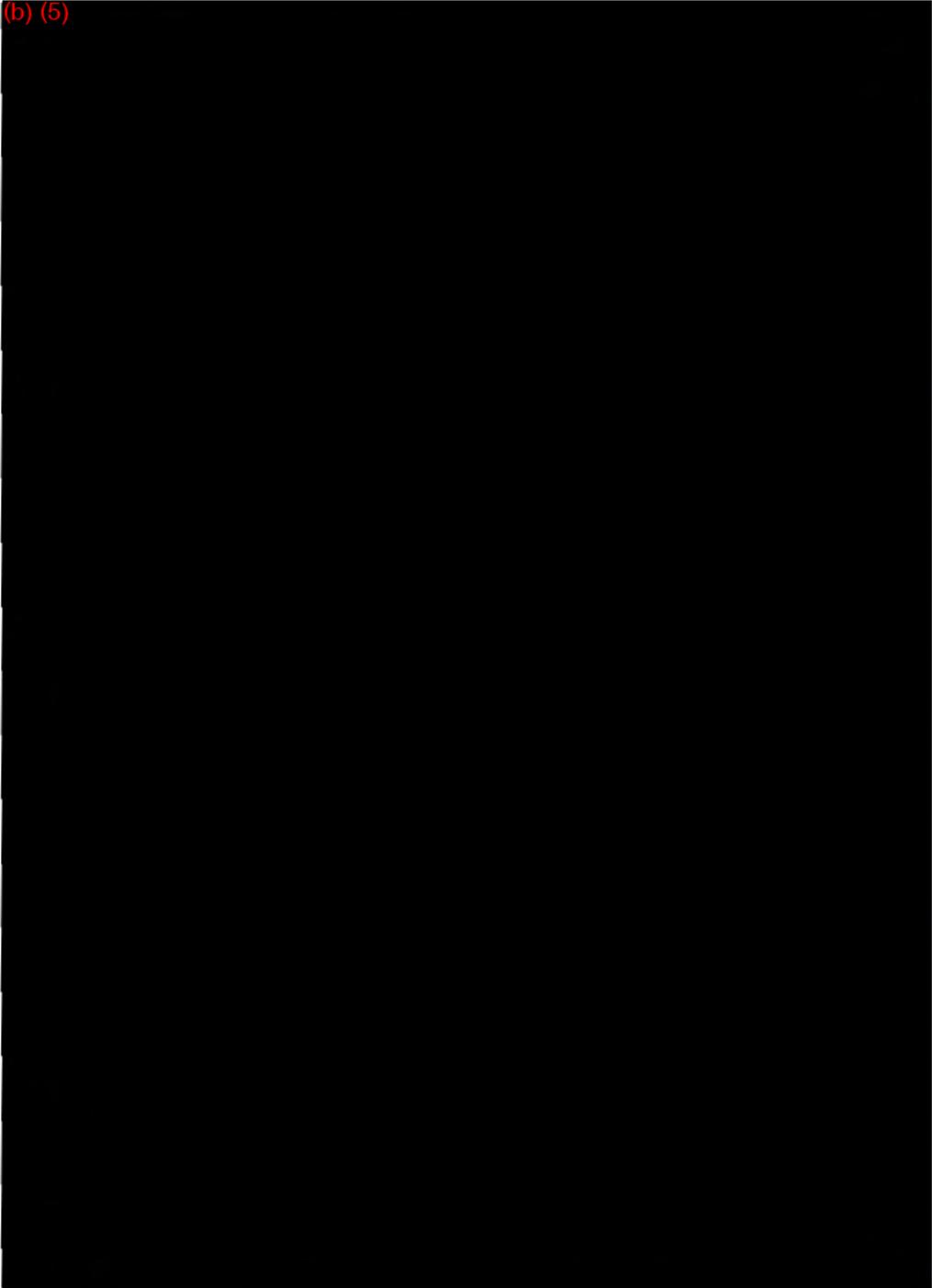
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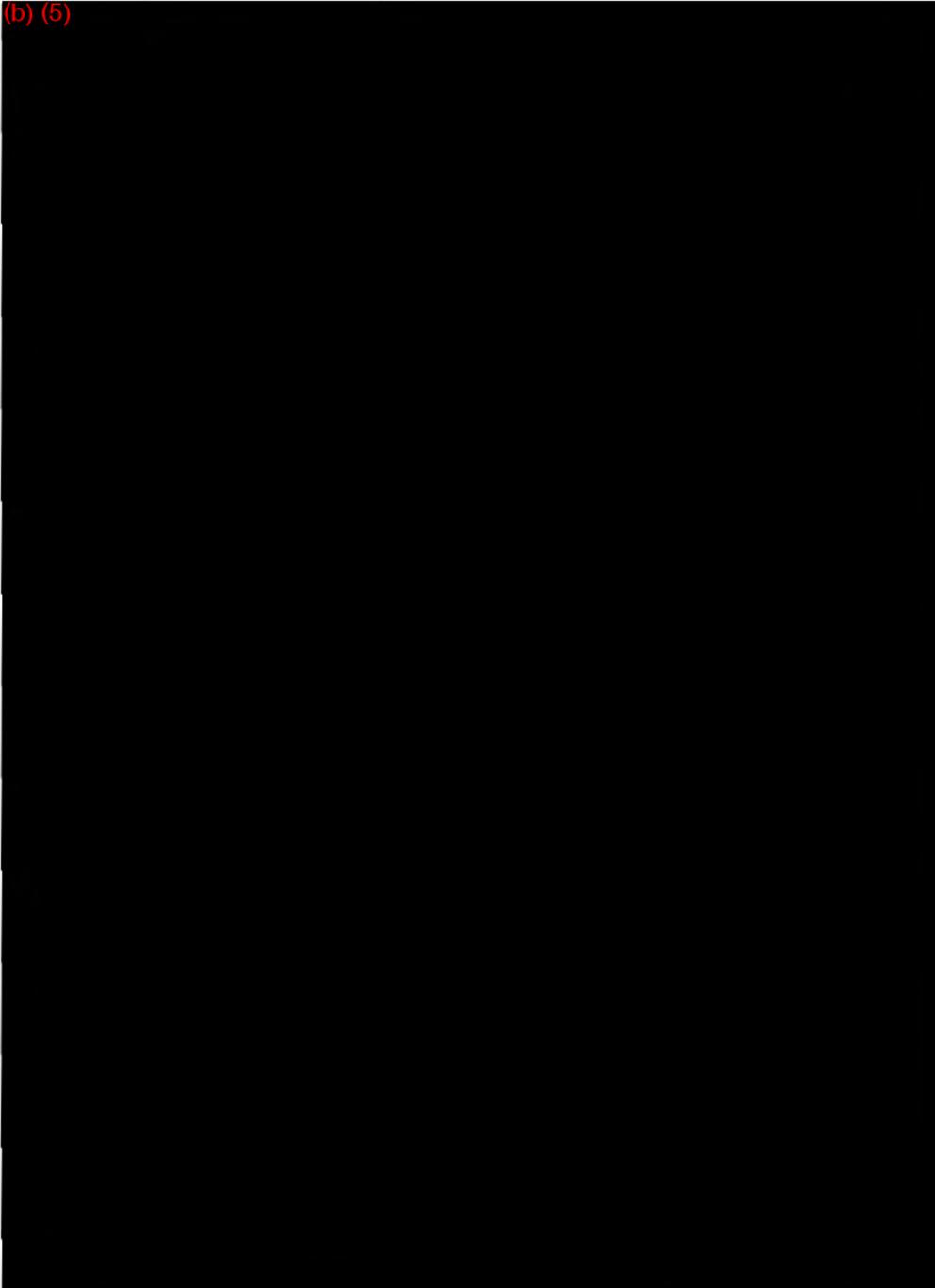
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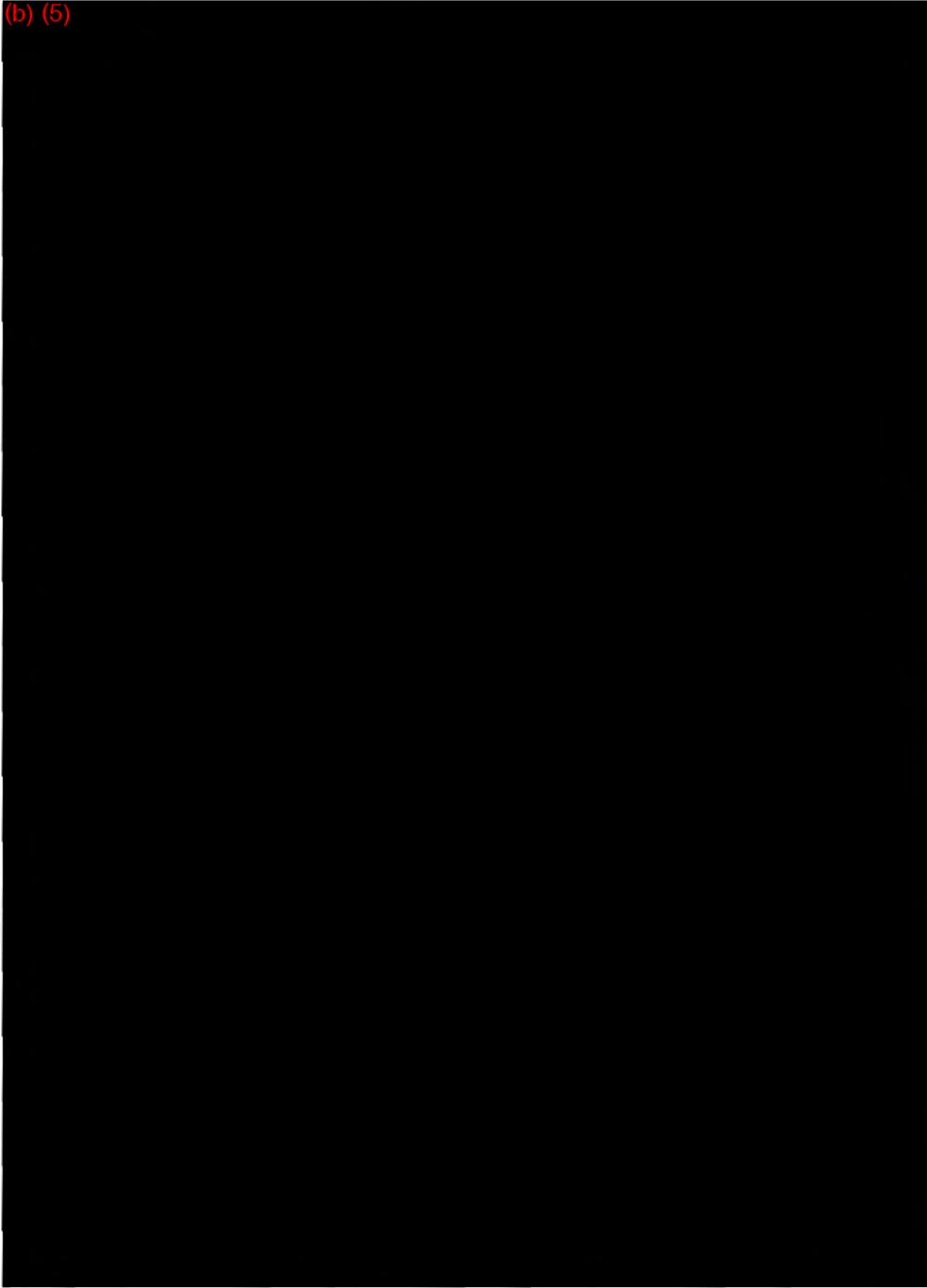
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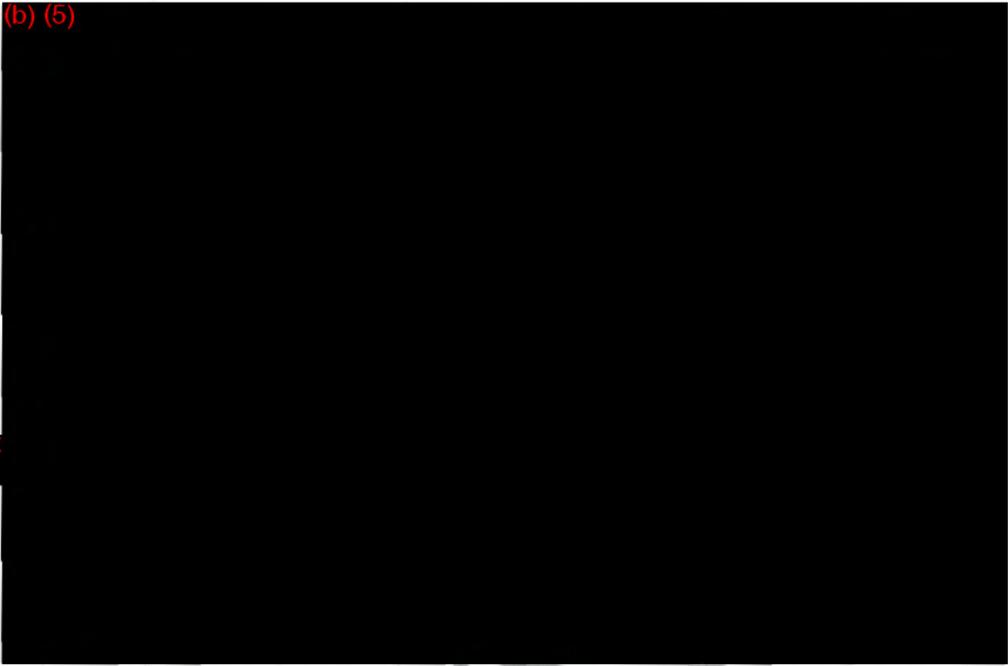
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Sec. 7 Regulatory and Administrative Matters.

(b) (5)



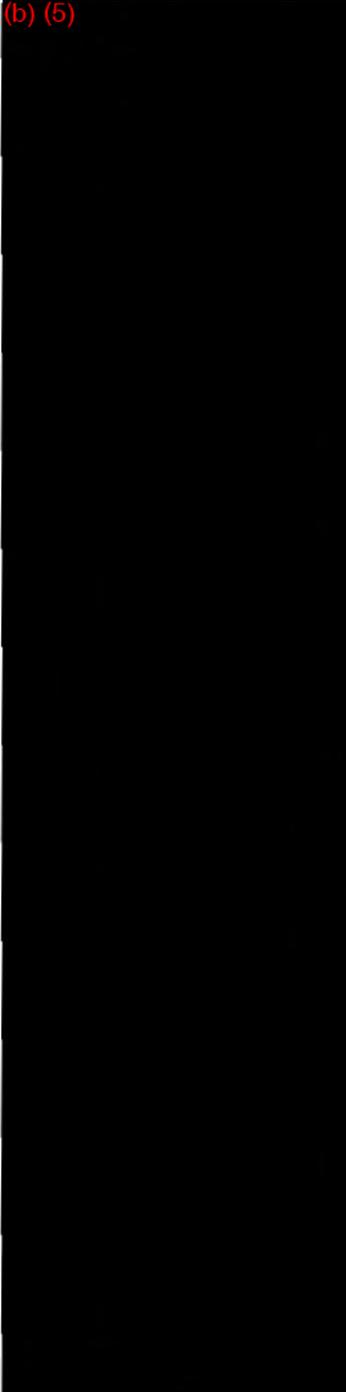
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Sec. 8. The Designated Potash Area Legal Description.

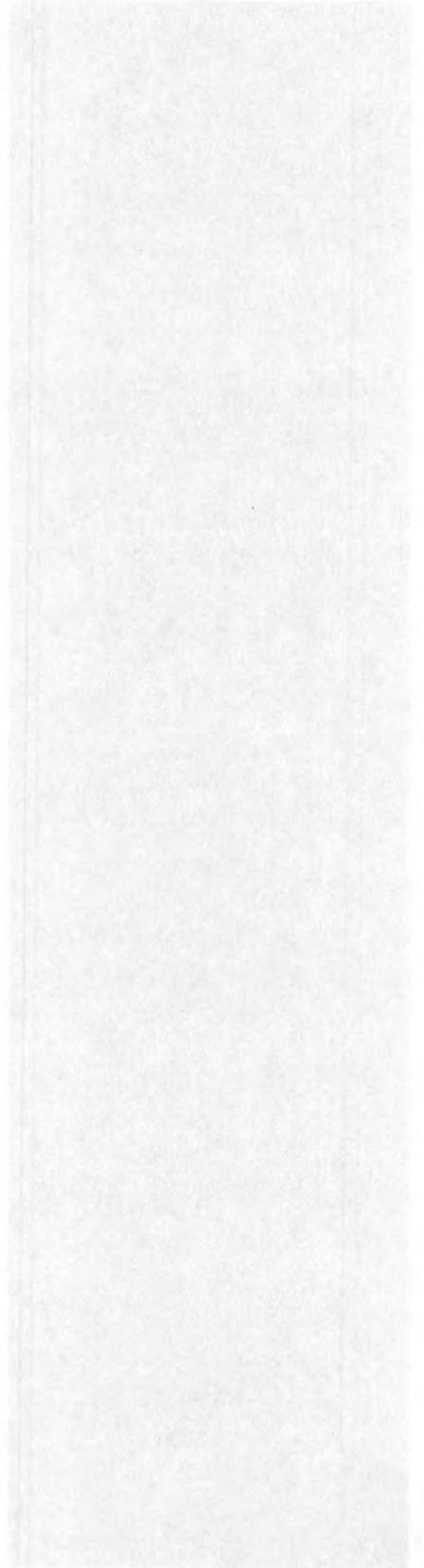
(b) (5)

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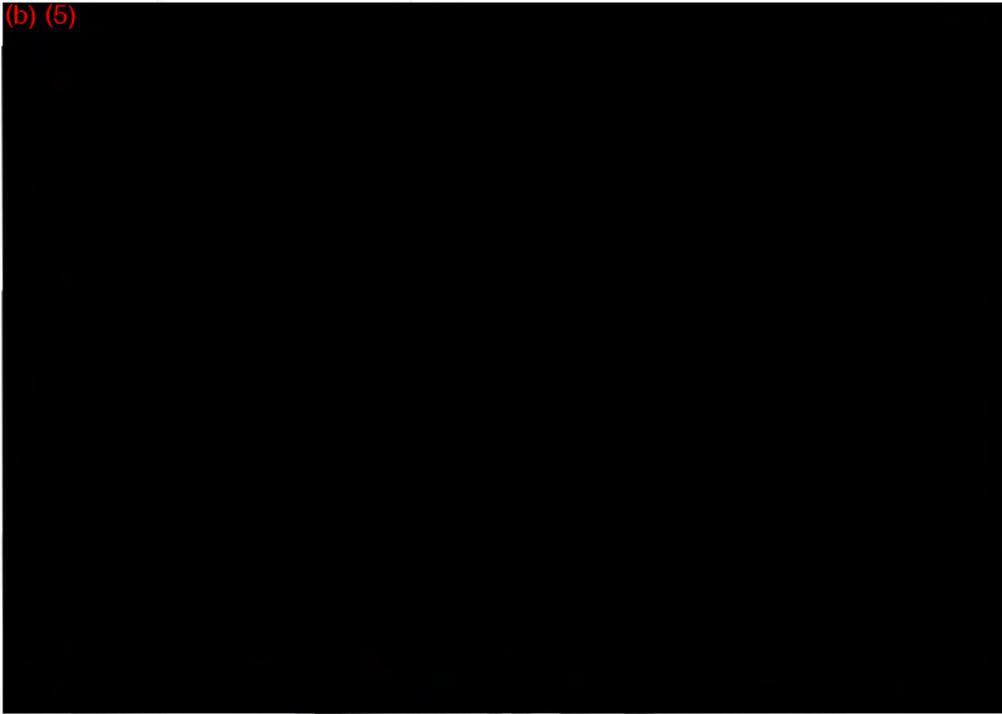
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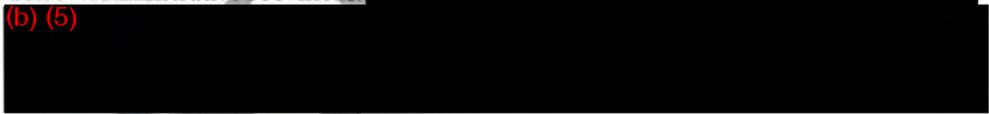
(b) (5)



Sec. 9 Administrative Provisions.

(b) (5)

(b) (5)



Secretary of the Interior

Date:

NOTE TO MAB – This is the Potash Order WITH edits from Ned, Rich, or I. The Solicitors (all the way up to Karen Hawbecker) (b) (5)

Rich will speak to Janet about their concern.

ORDER NO.

Subject: Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

Sec. 1 Purpose and Effect. (b) (5)

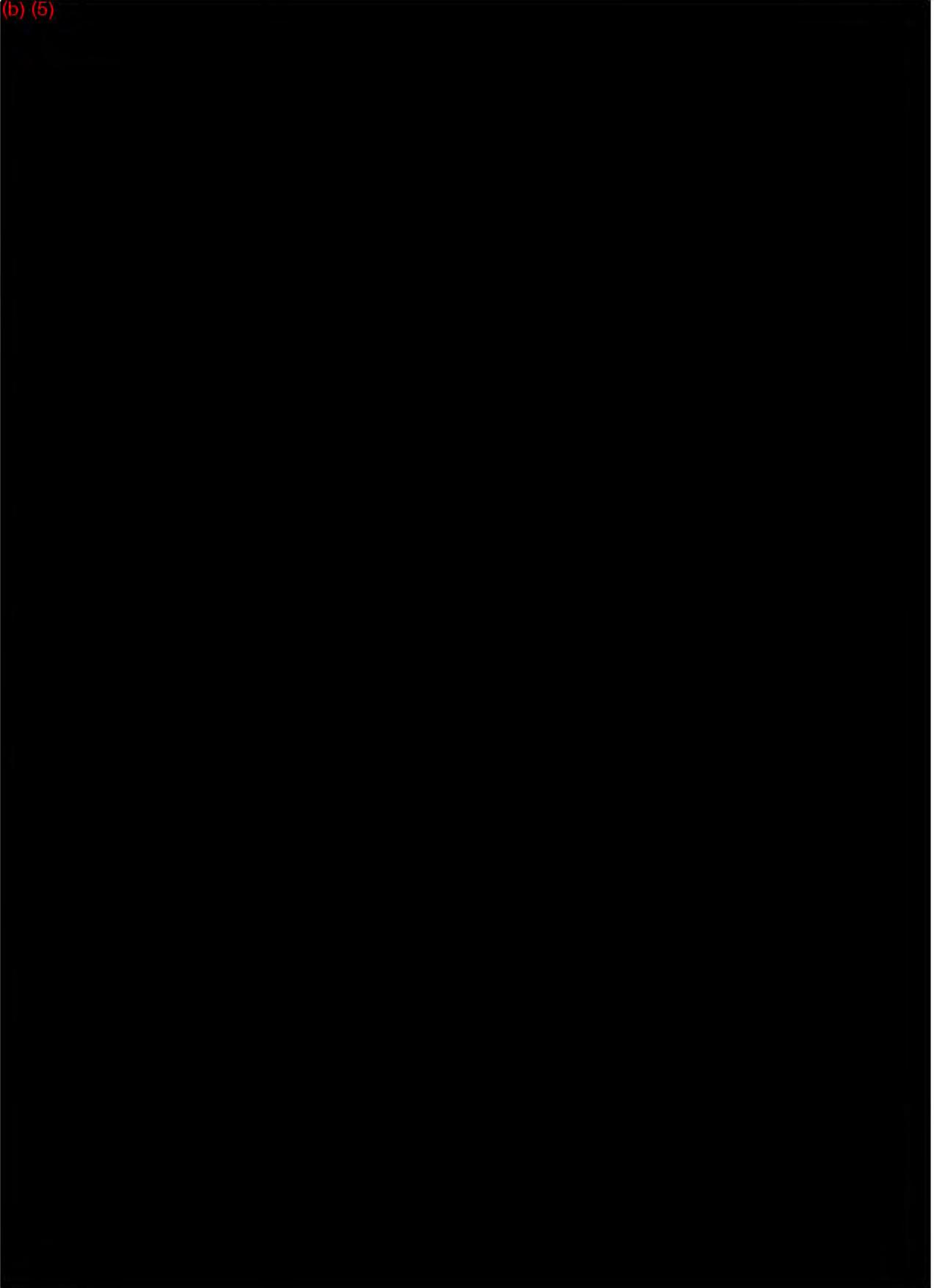
Sec. 2 Authority. (b) (5)

Sec. 3 Order Revised and Superseded. (b) (5)

Sec. 4. Definitions.

(b) (5)

(b) (5)



(b) (5)

[Redacted]

Sec. 5 Status of Lands. (b) (5)

[Redacted]

Sec. 6 General Provisions.

a. Issuance of Oil and Gas Leases. (b) (5)

[Redacted]

(b) (5)

[Redacted]

b. Reinstatement or Renewal of Oil and Gas Leases. (b) (5)

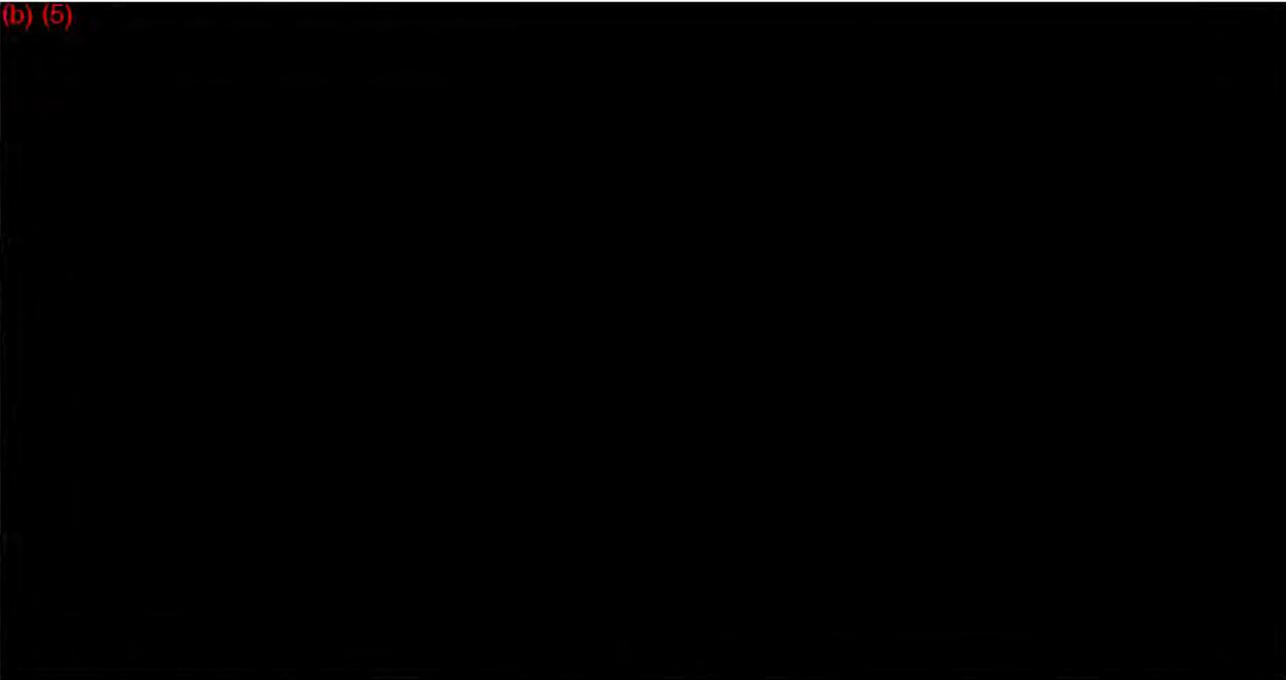
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(b) (5)

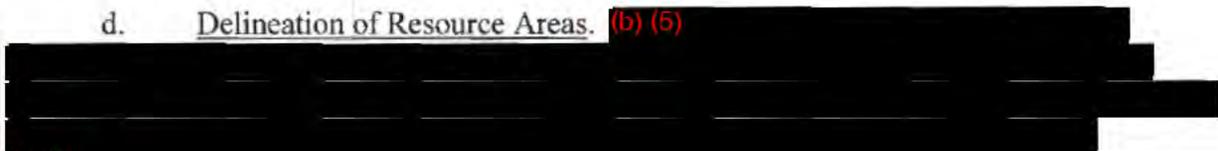
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c. Potash Leases.

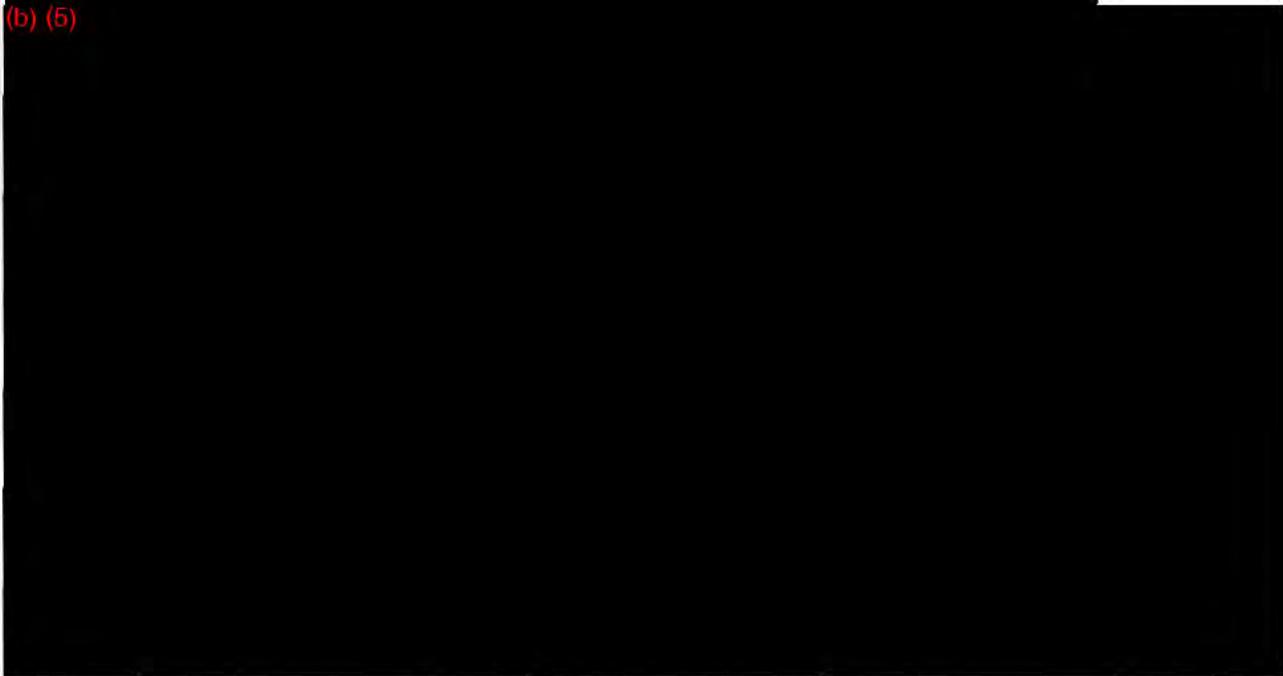
(b) (5)

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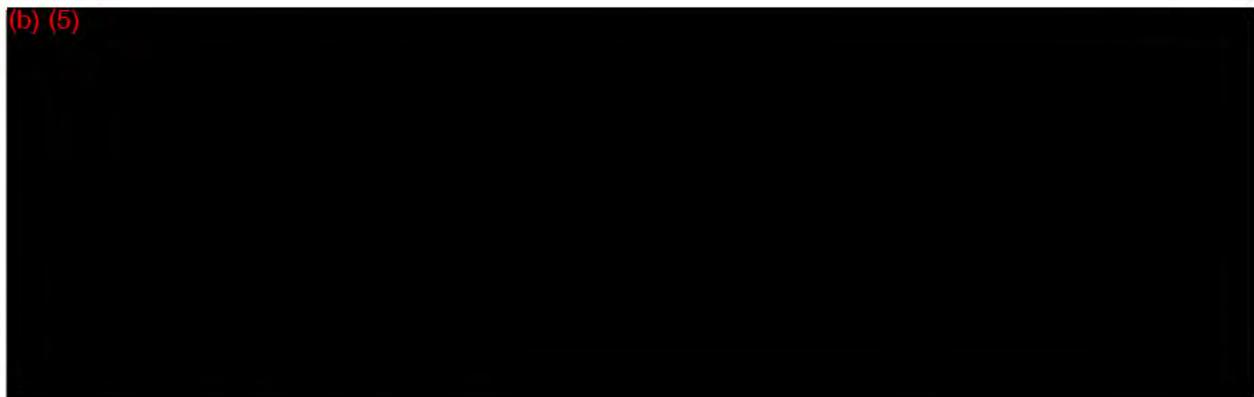
d. Delineation of Resource Areas. (b) (5)

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(b) (5)

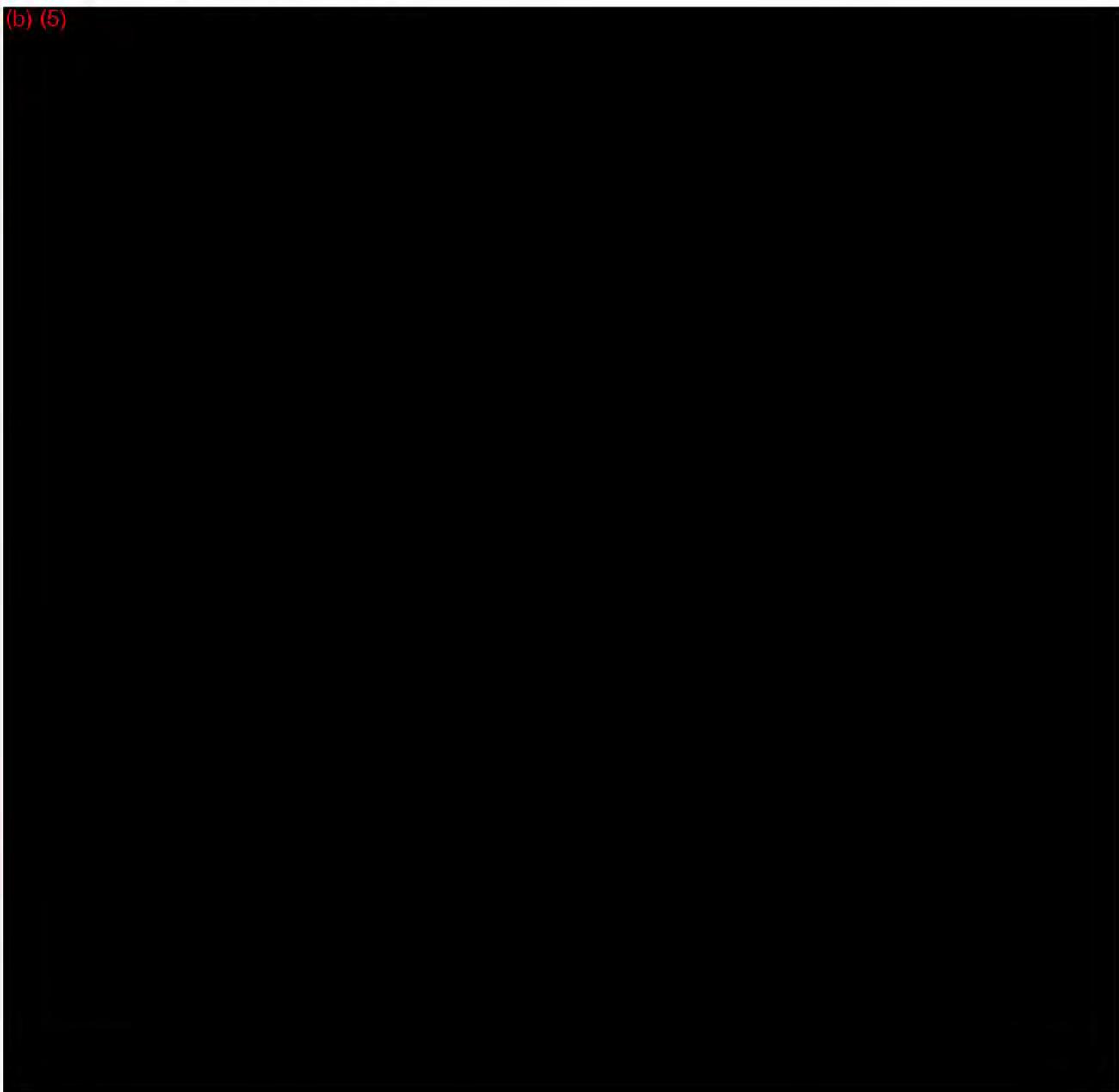
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(b) (5)

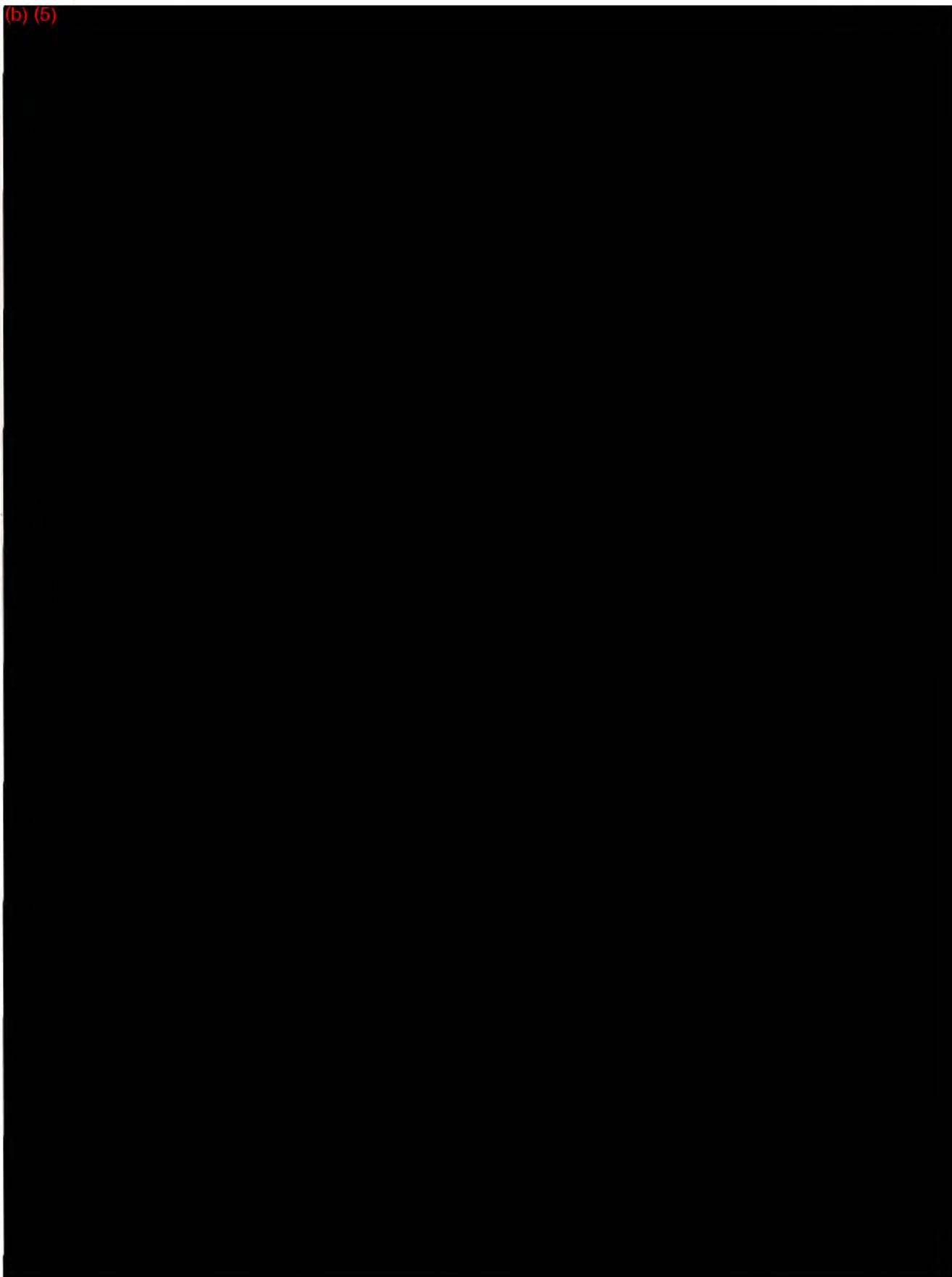


e. Oil and Gas Drilling.

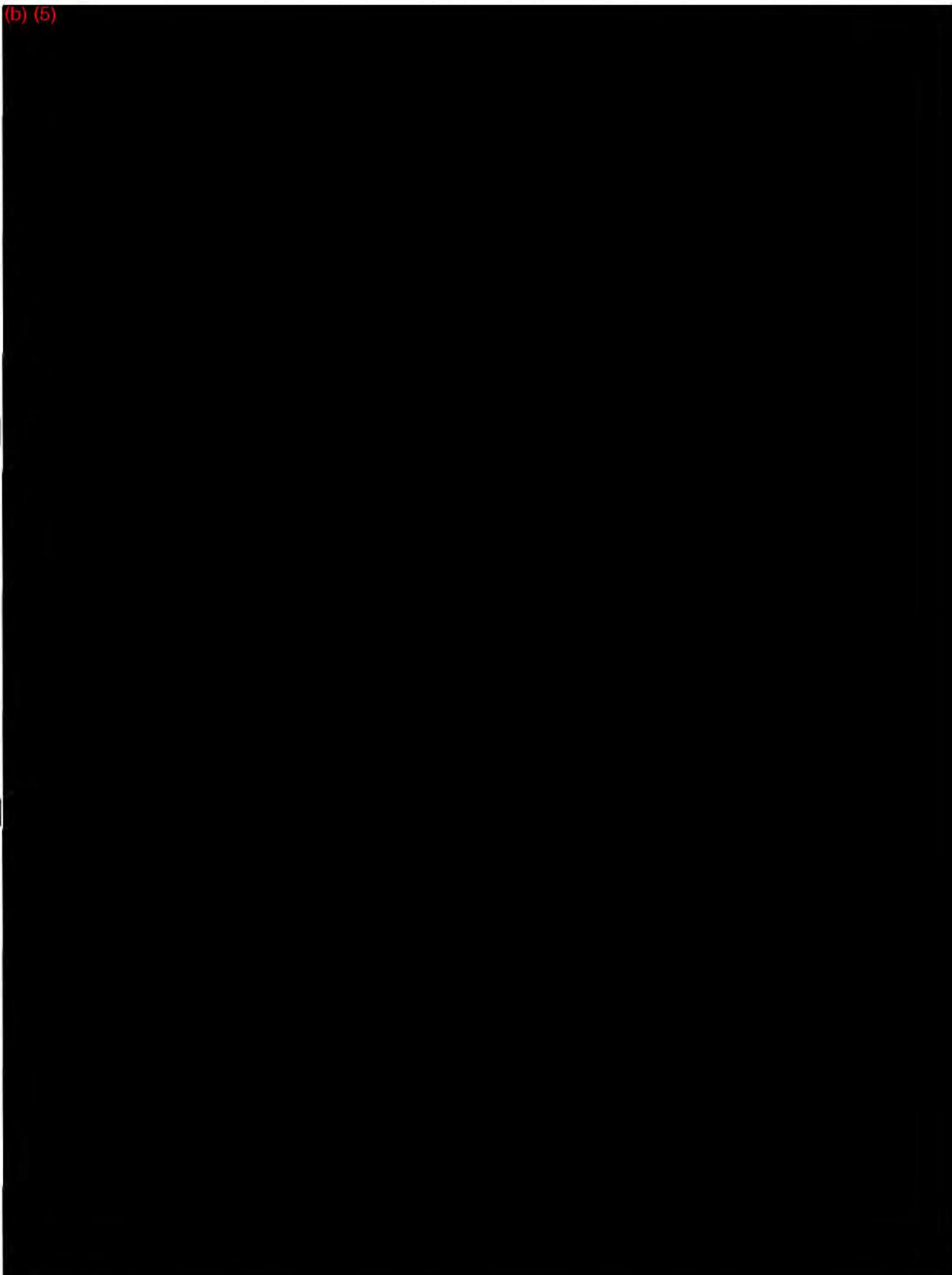
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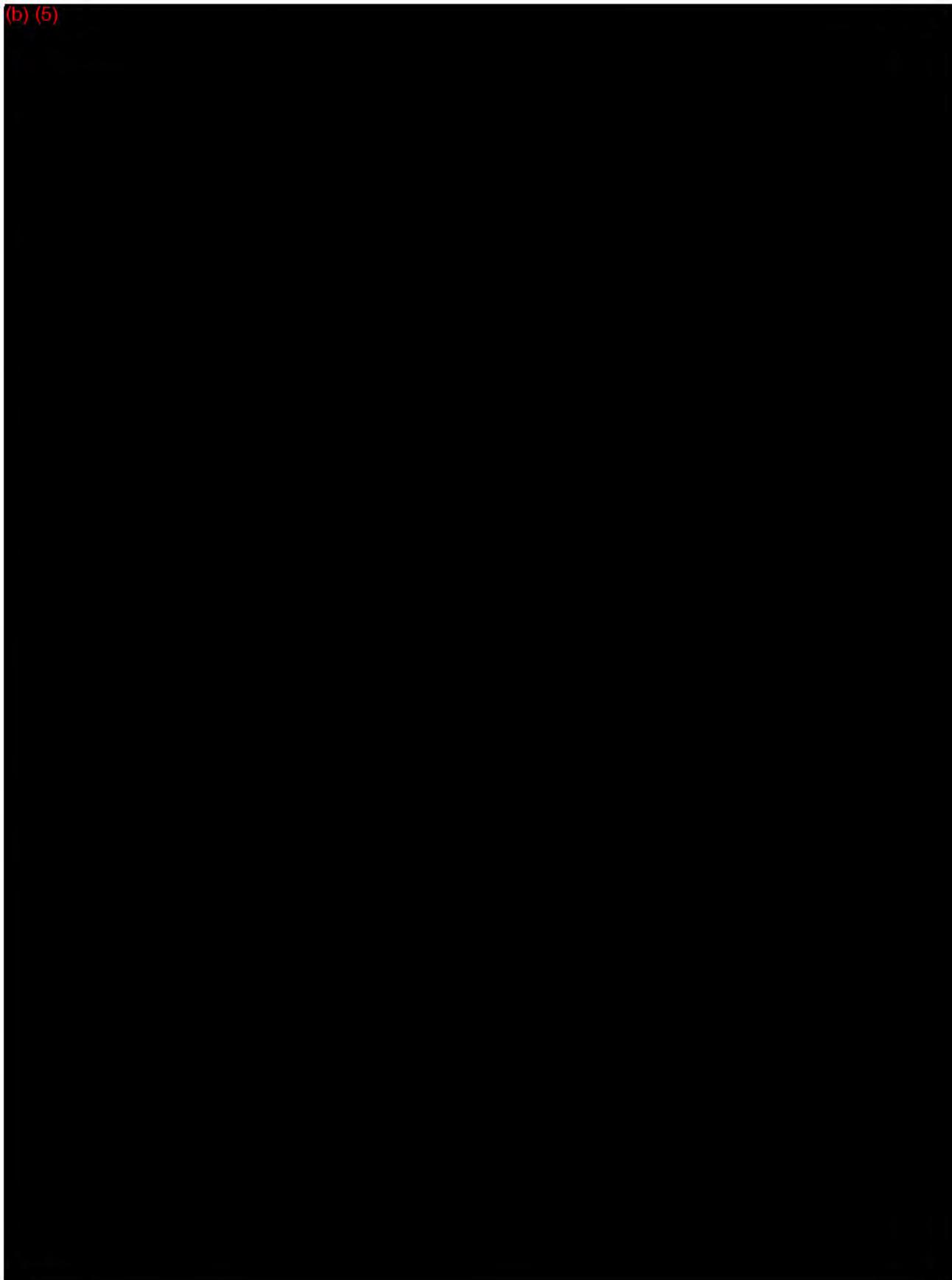
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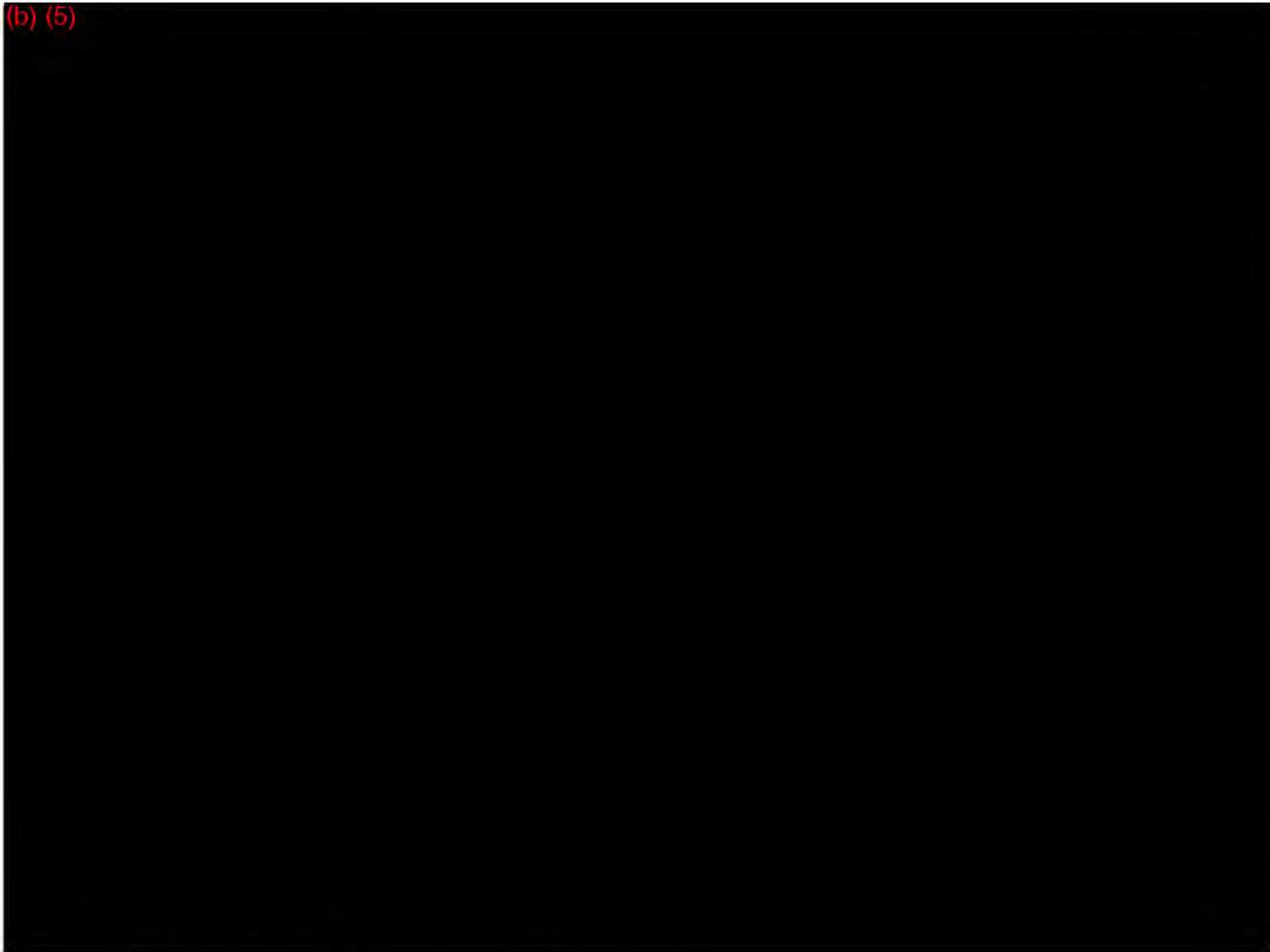
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(b) (5)



(b) (5)

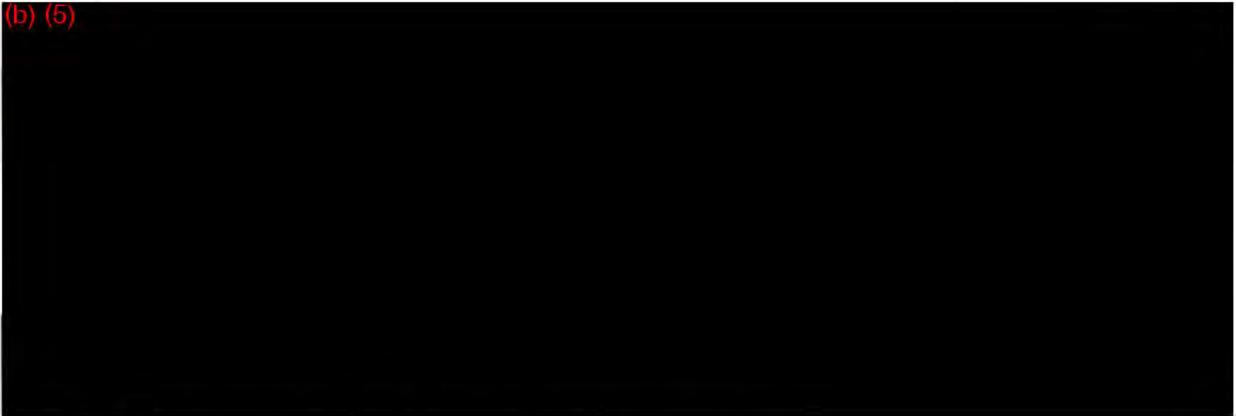


Sec. 7 Regulatory and Administrative Matters.

(b) (5)

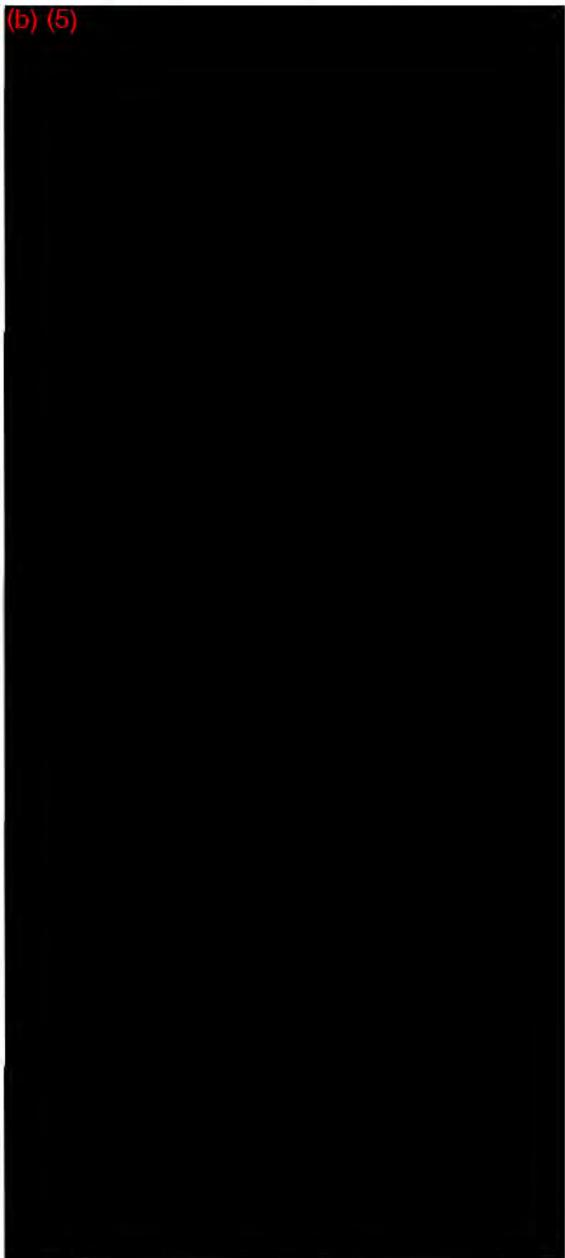


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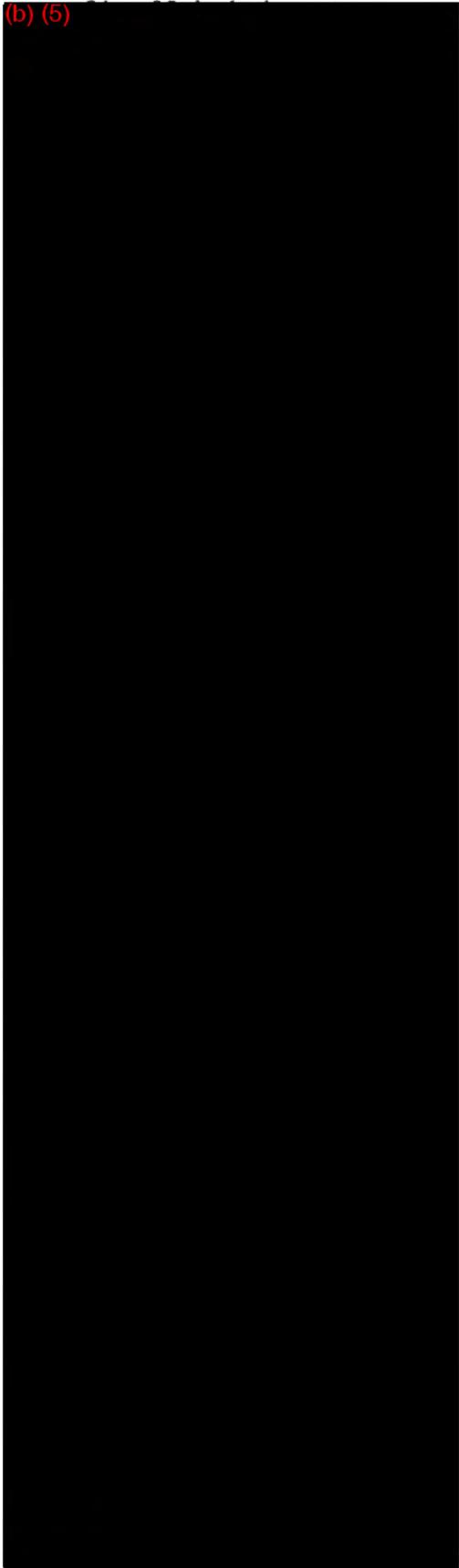


Sec. 8. The Designated Potash Area Legal Description.

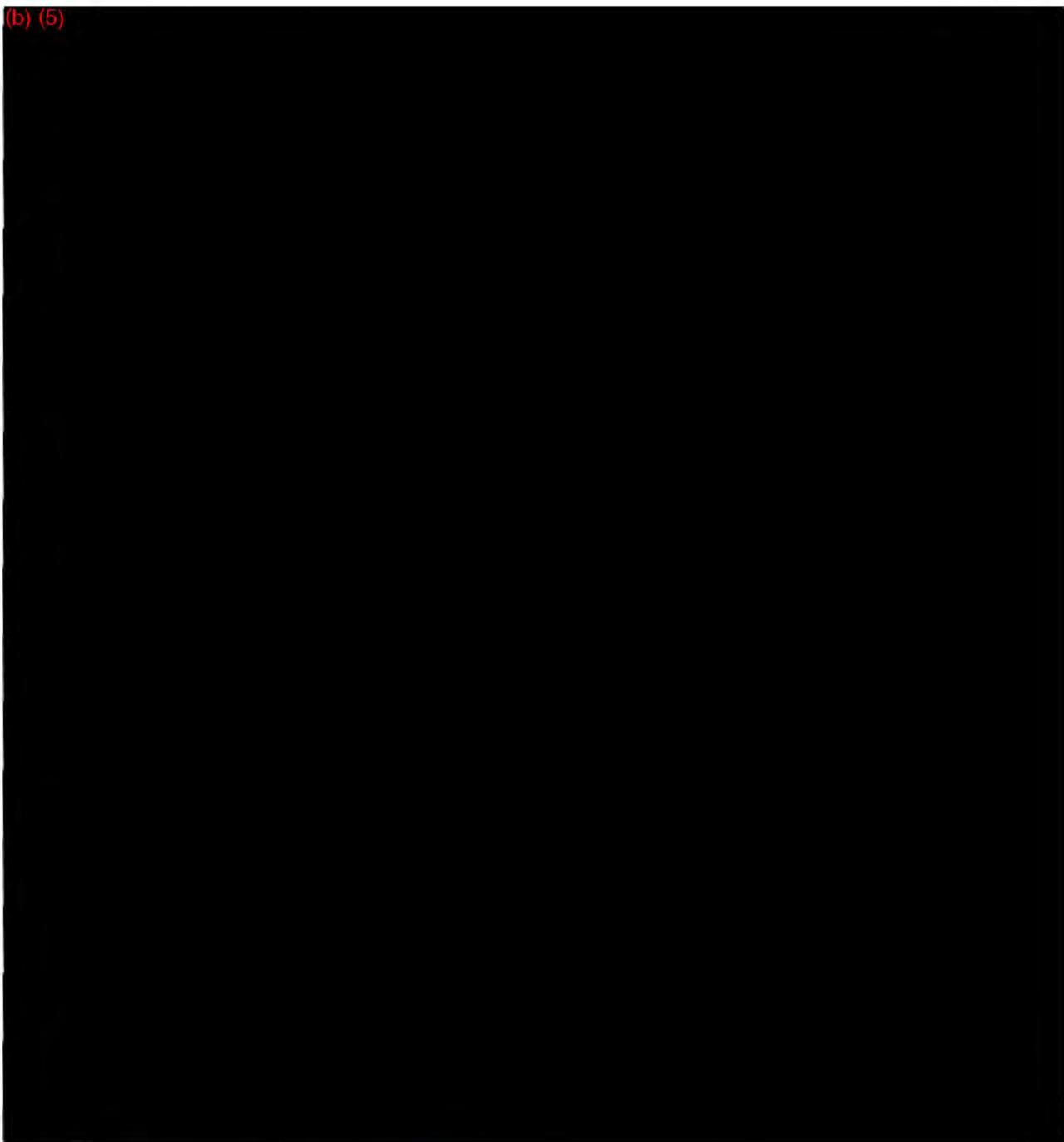
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(b) (5)



(b) (5)



Sec. 9 Administrative Provisions. (b) (5)



Secretary of the Interior

Date: 202-208-4586

ORDER NO.

Subject: Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

Sec. 1 Purpose and Effect. (b) (5)

(b) (5)

Sec. 2 Authority. (b) (5)

(b) (5)

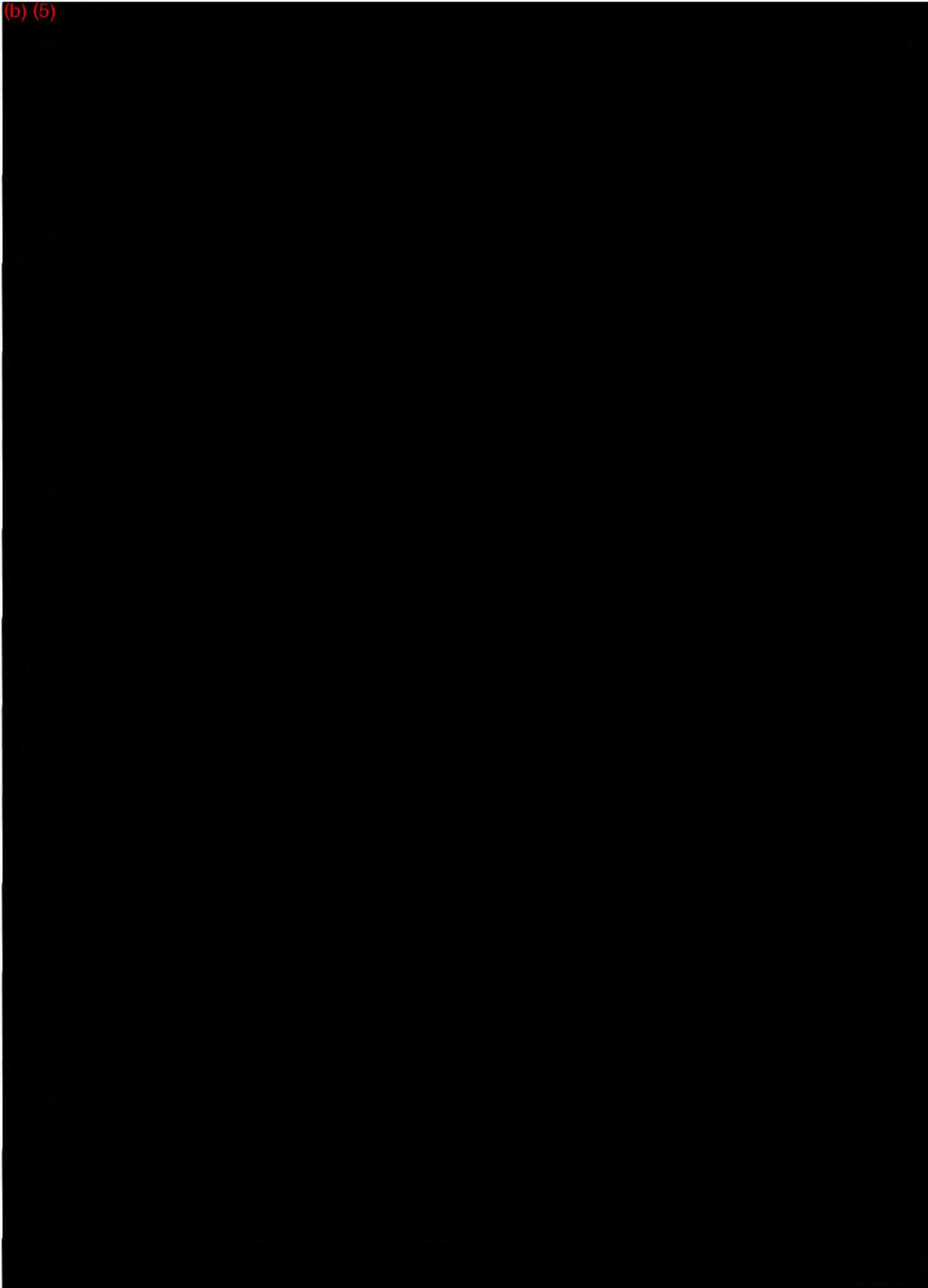
Sec. 3 Order Revised and Superseded. (b) (5)

(b) (5)

Sec. 4. Definitions.

(b) (5)

(b) (5)



(b) (5) [Redacted]

Sec. 5 Status of Lands. (b) (5) [Redacted]

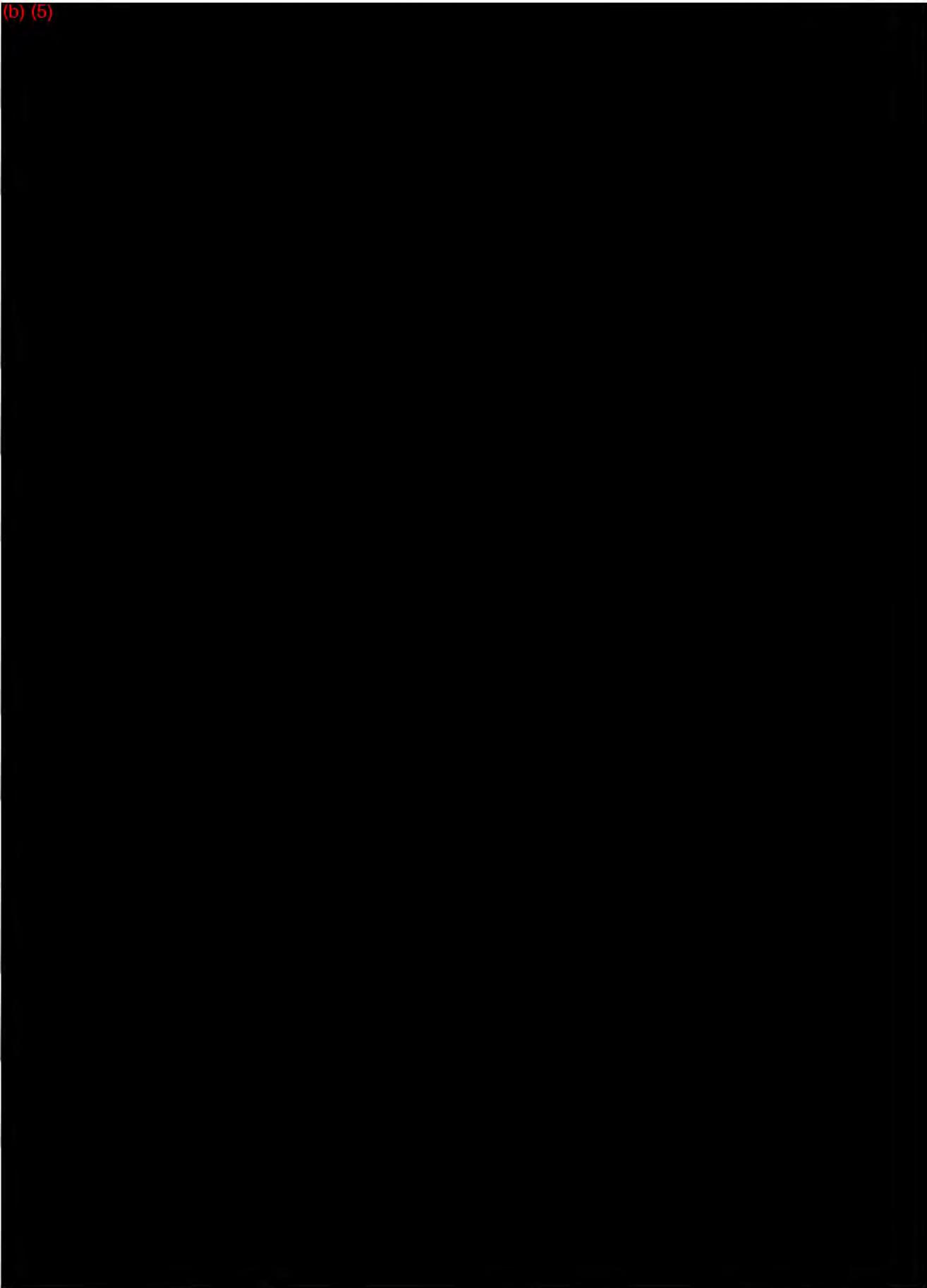
Sec. 6 General Provisions.

a. Issuance of Oil and Gas Leases (b) (5) [Redacted]

b. Reinstatement or Renewal of Oil and Gas Leases. (b) (5) [Redacted]

c. Potash Leases.

(b) (5)

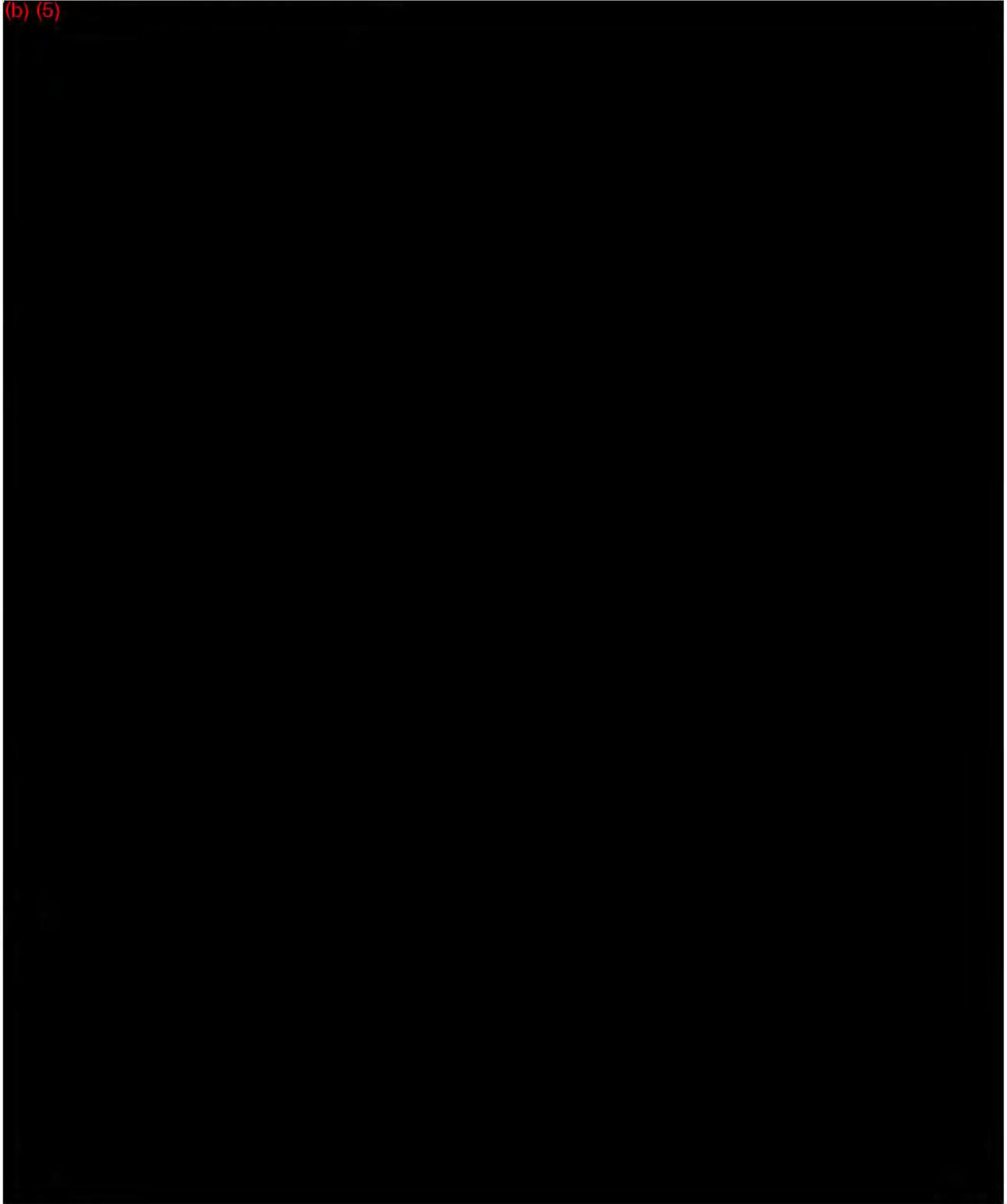


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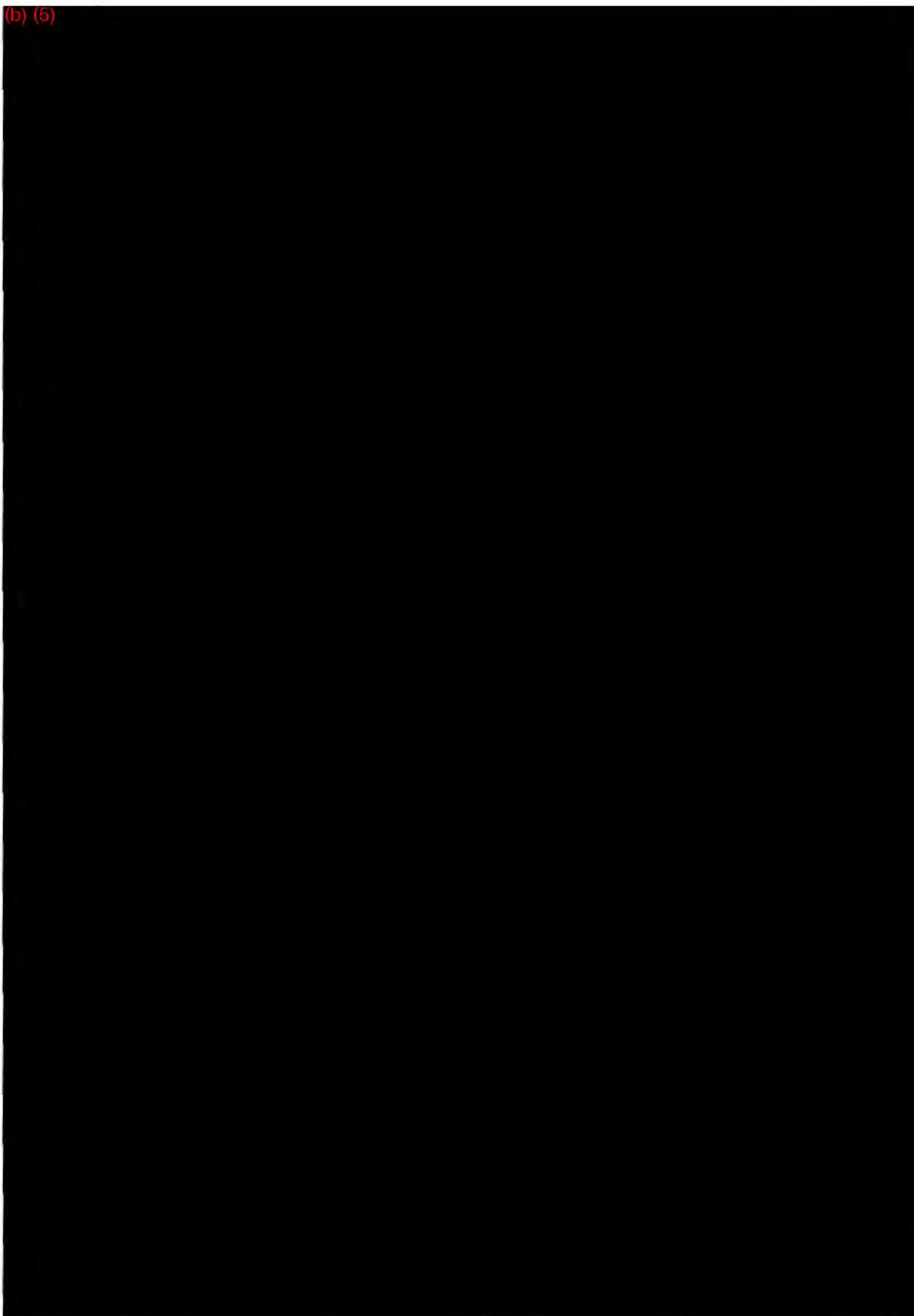
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e. Oil and Gas Drilling.

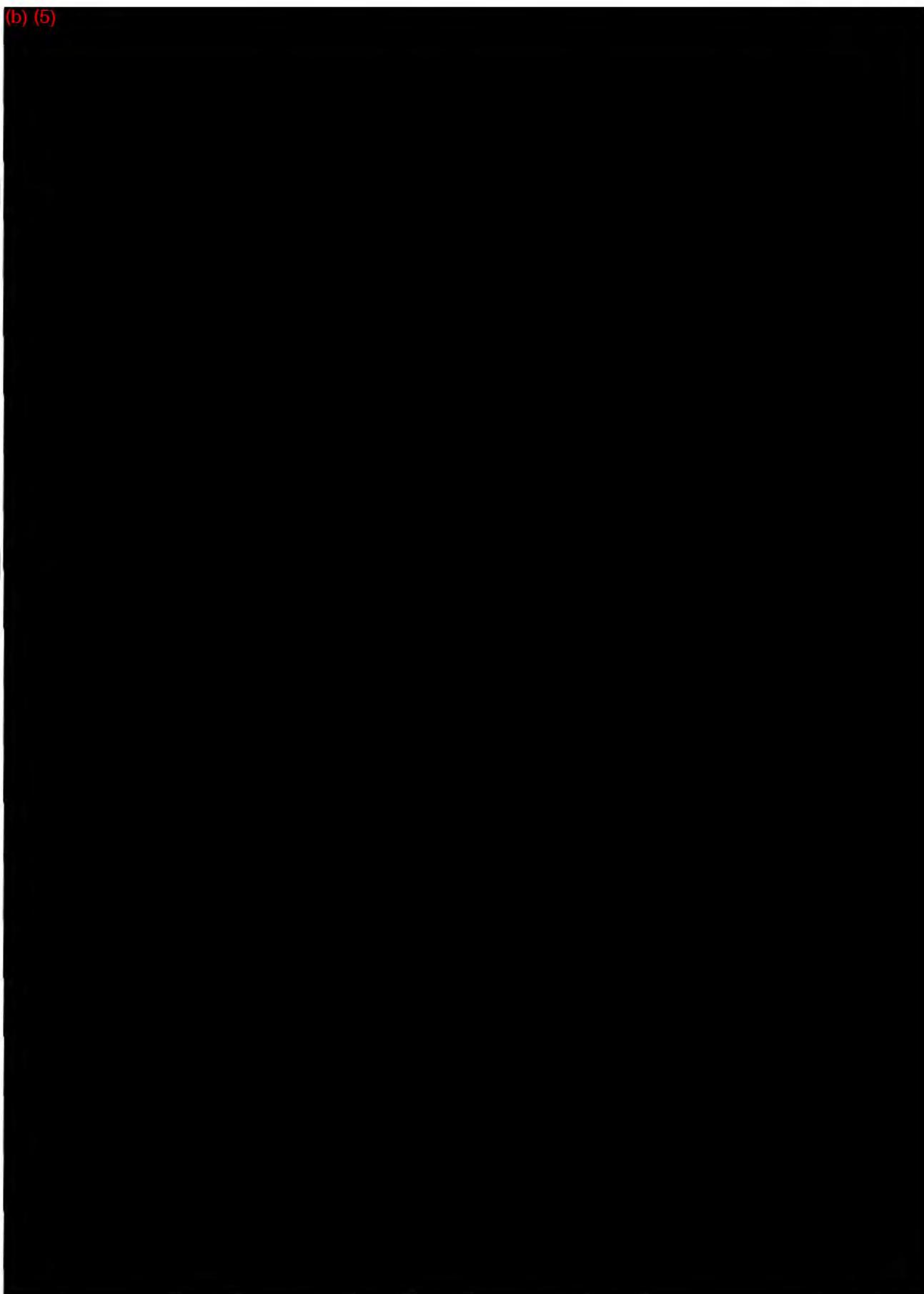
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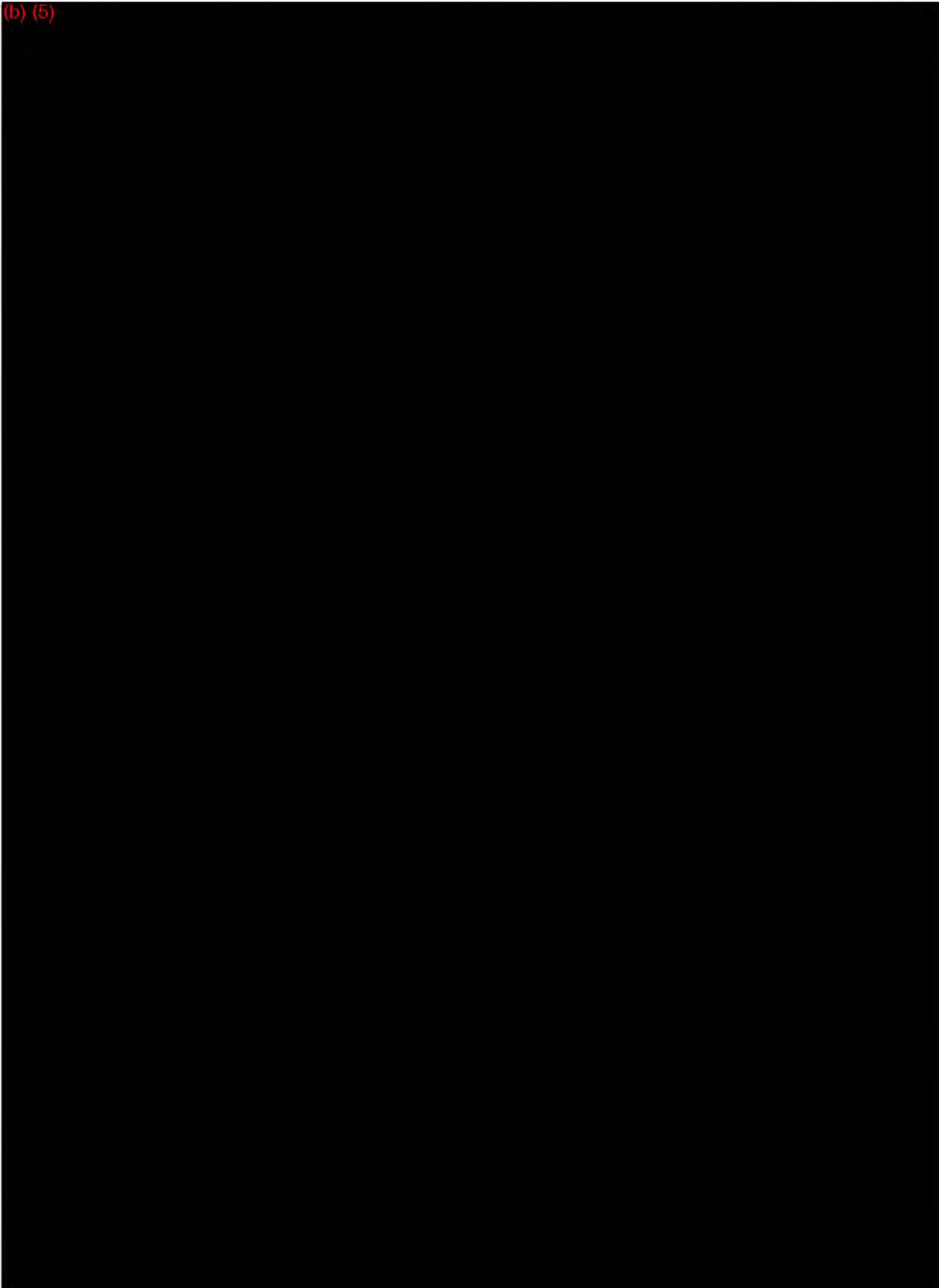
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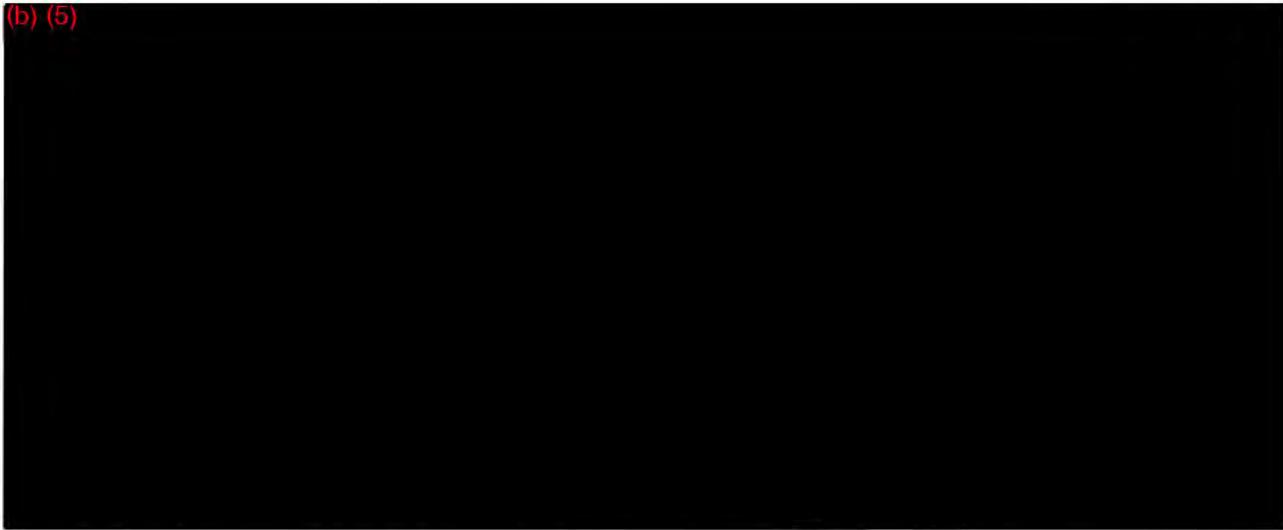
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(b) (5)



Sec. 7 Regulatory and Administrative Matters.

(b) (5)

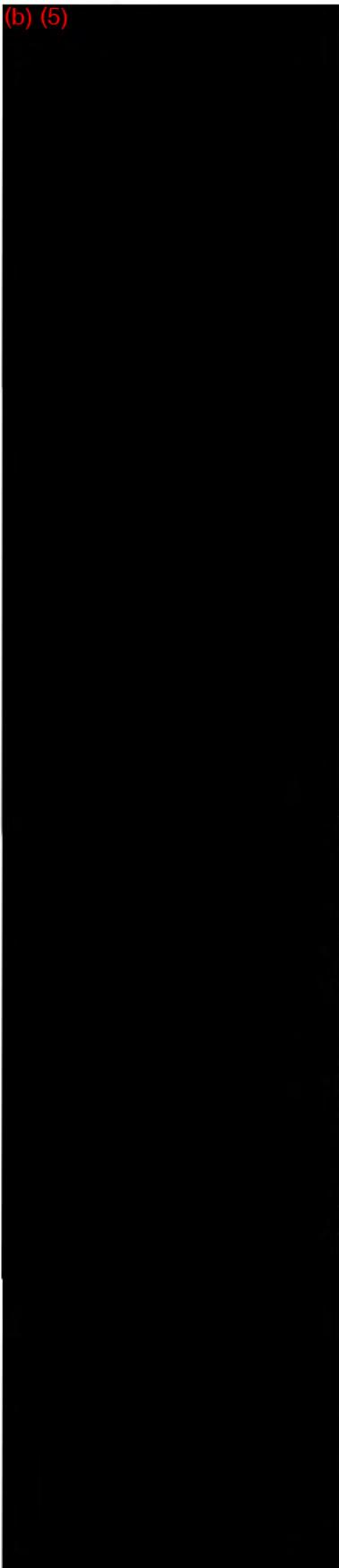


Sec. 8. The Designated Potash Area Legal Description.

(b) (5)

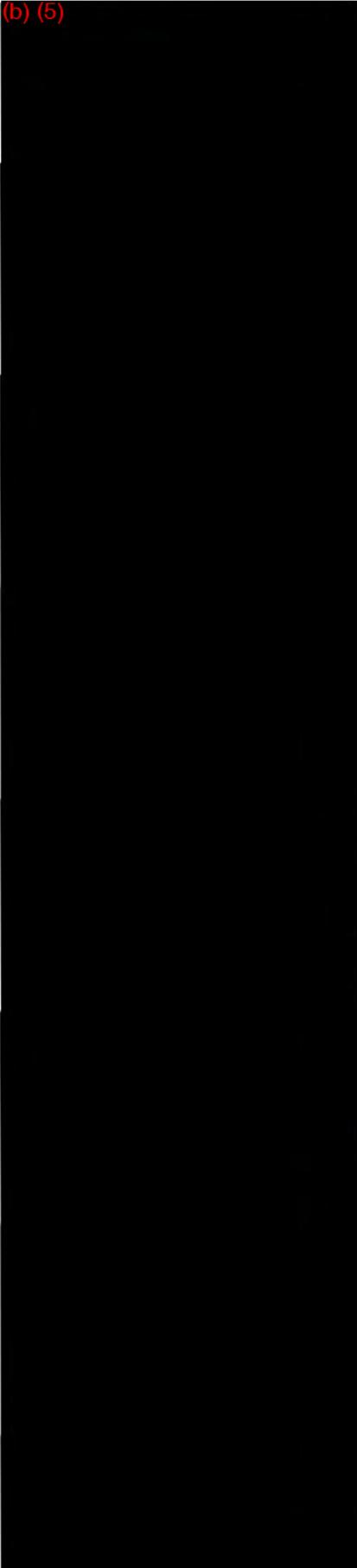


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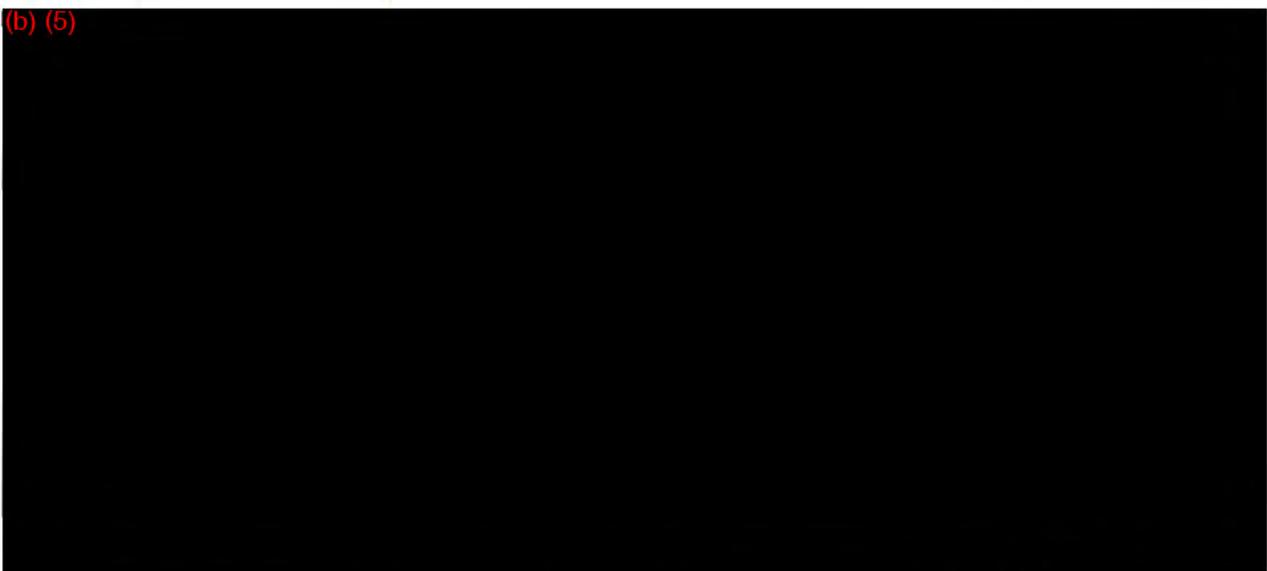
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(b) (5)



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Sec. 9 Administrative Provisions. (b) (5)

(b) (5)



Secretary of the Interior

Date:

DRAFT

ORDER NO.

Subject: Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

Sec. 1 Purpose and Effect. (b) (5)

[REDACTED]

Sec. 2 Authority (b) (5)

[REDACTED]

Sec. 3 Order Revised and Superseded.

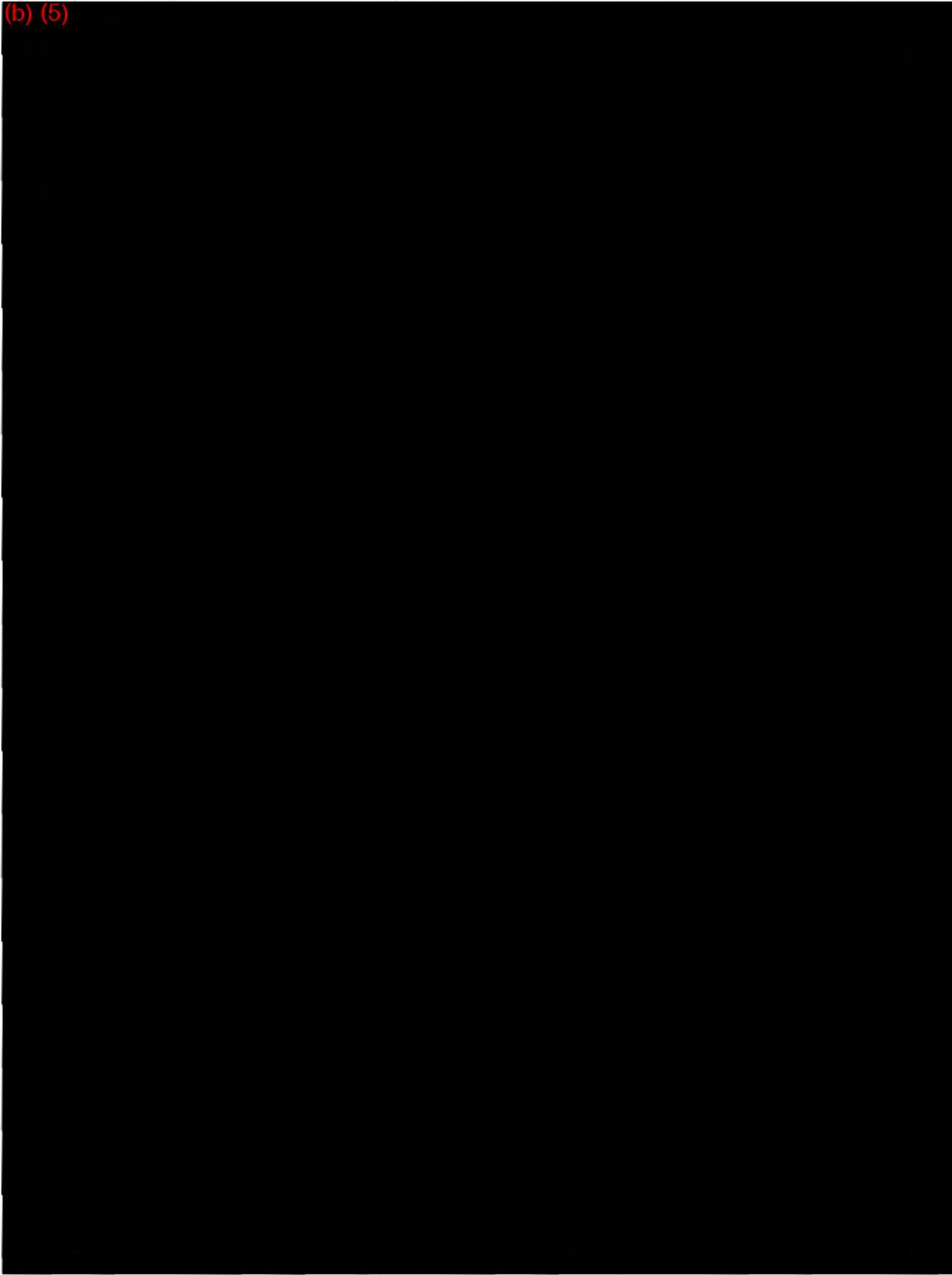
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Sec. 4. Definitions.

(b) (5)

[REDACTED]

(b) (5)



(b) (5)

Sec. 5 Status of Lands. (b) (5)

Sec. 6 General Provisions.

a. Issuance of Oil and Gas Leases. (b) (5)

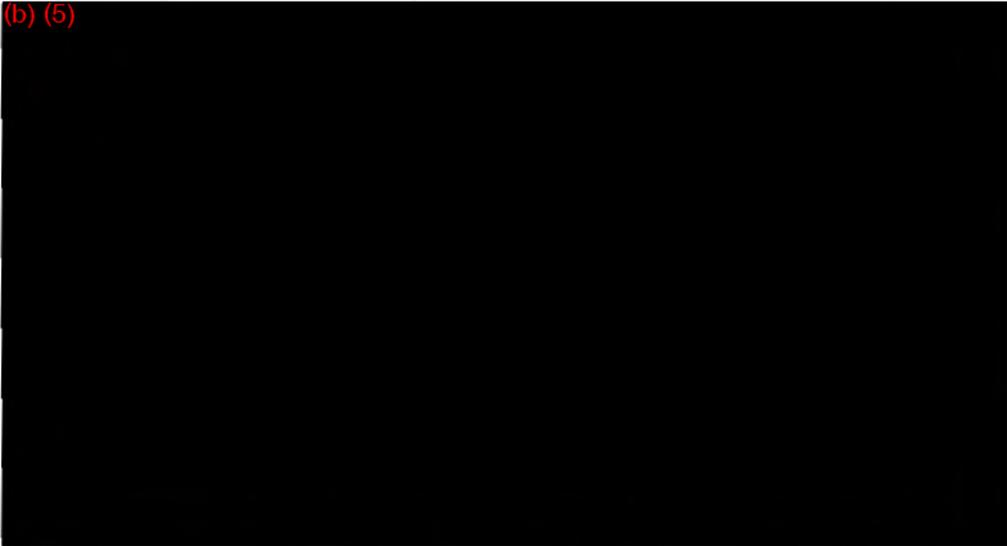
(b) (5)

b. Reinstatement or Renewal of Oil and Gas Leases (b) (5)

(b) (5)

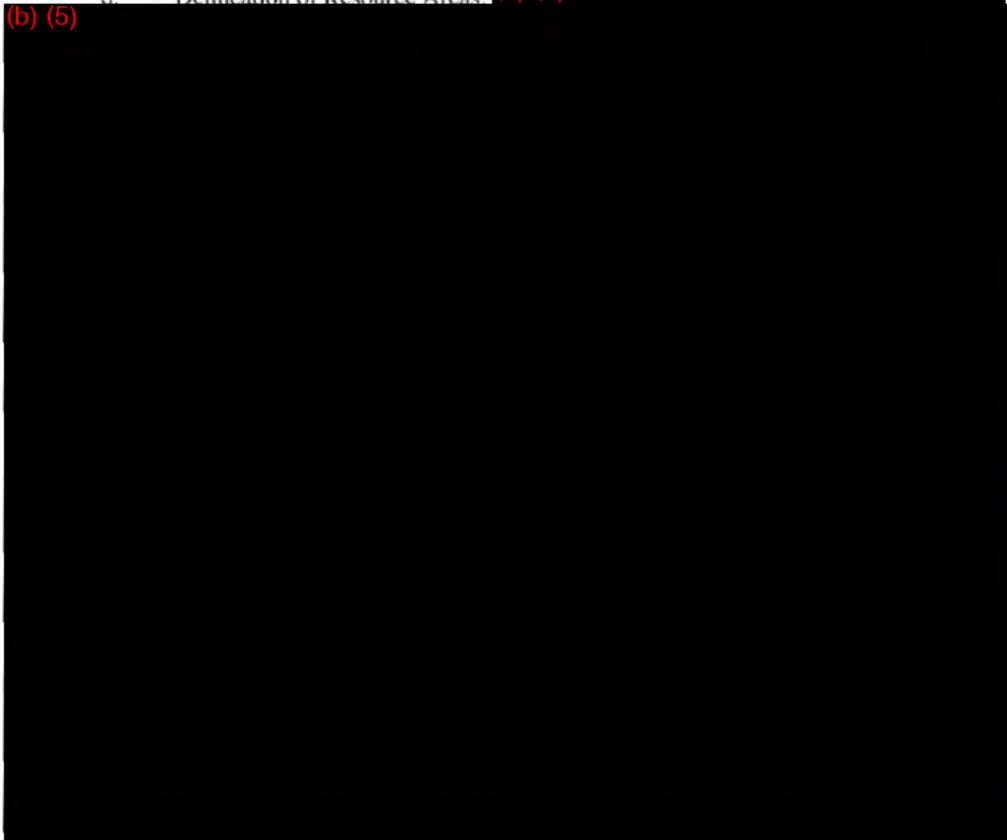
c. Potash Leases.

(b) (5)



d. Delineation of Resource Areas (b) (5)

(b) (5)

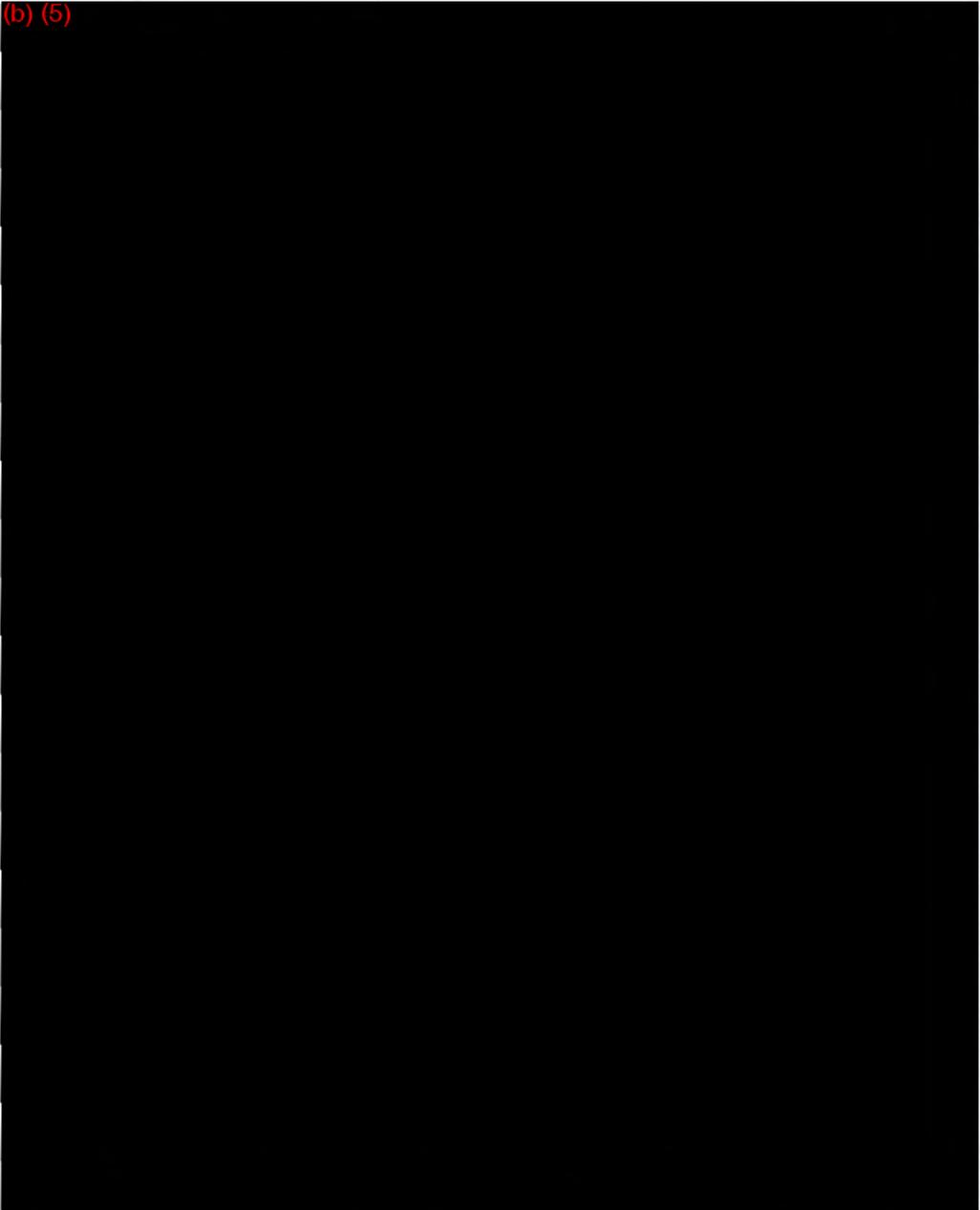


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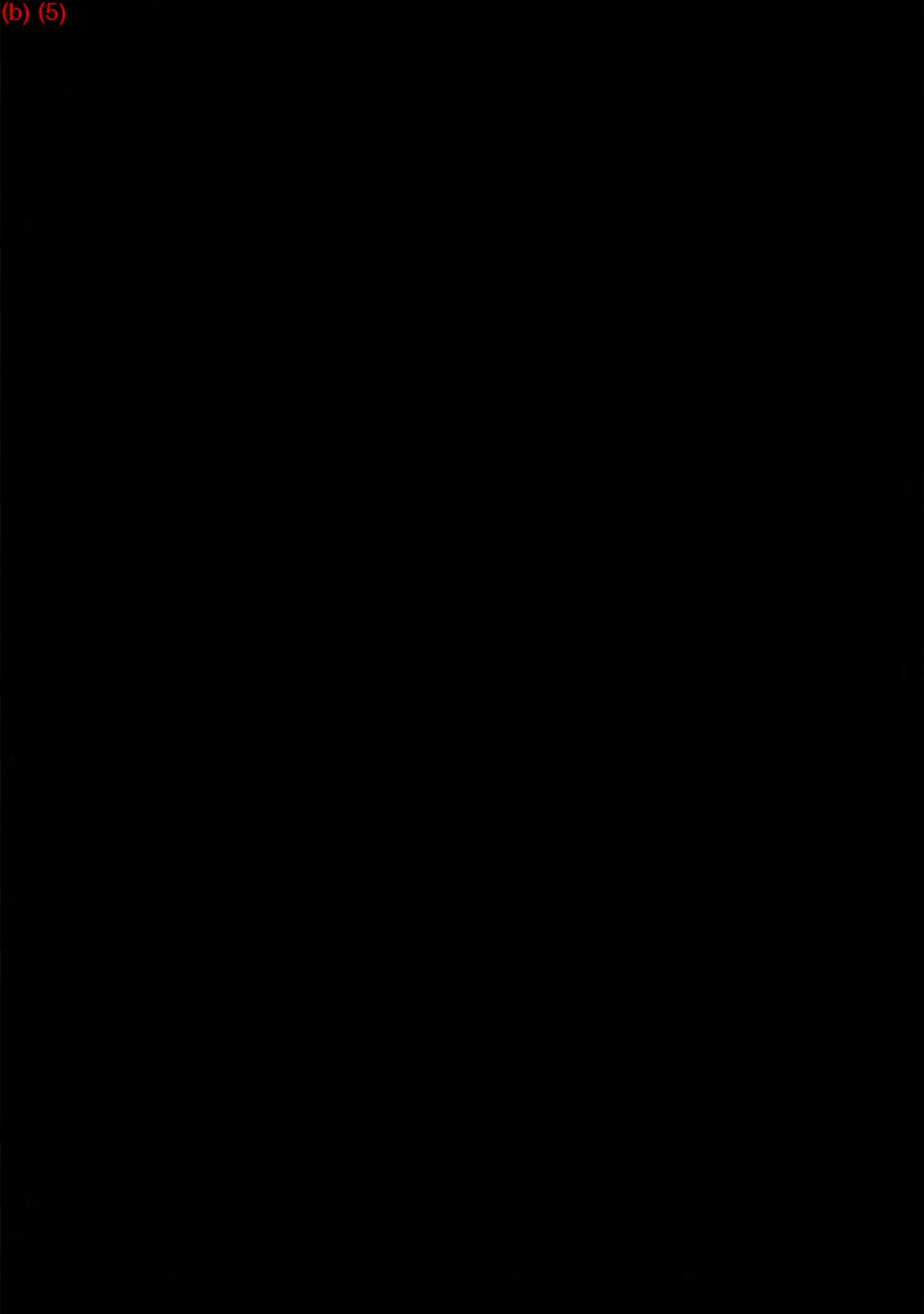
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e. Oil and Gas Drilling.

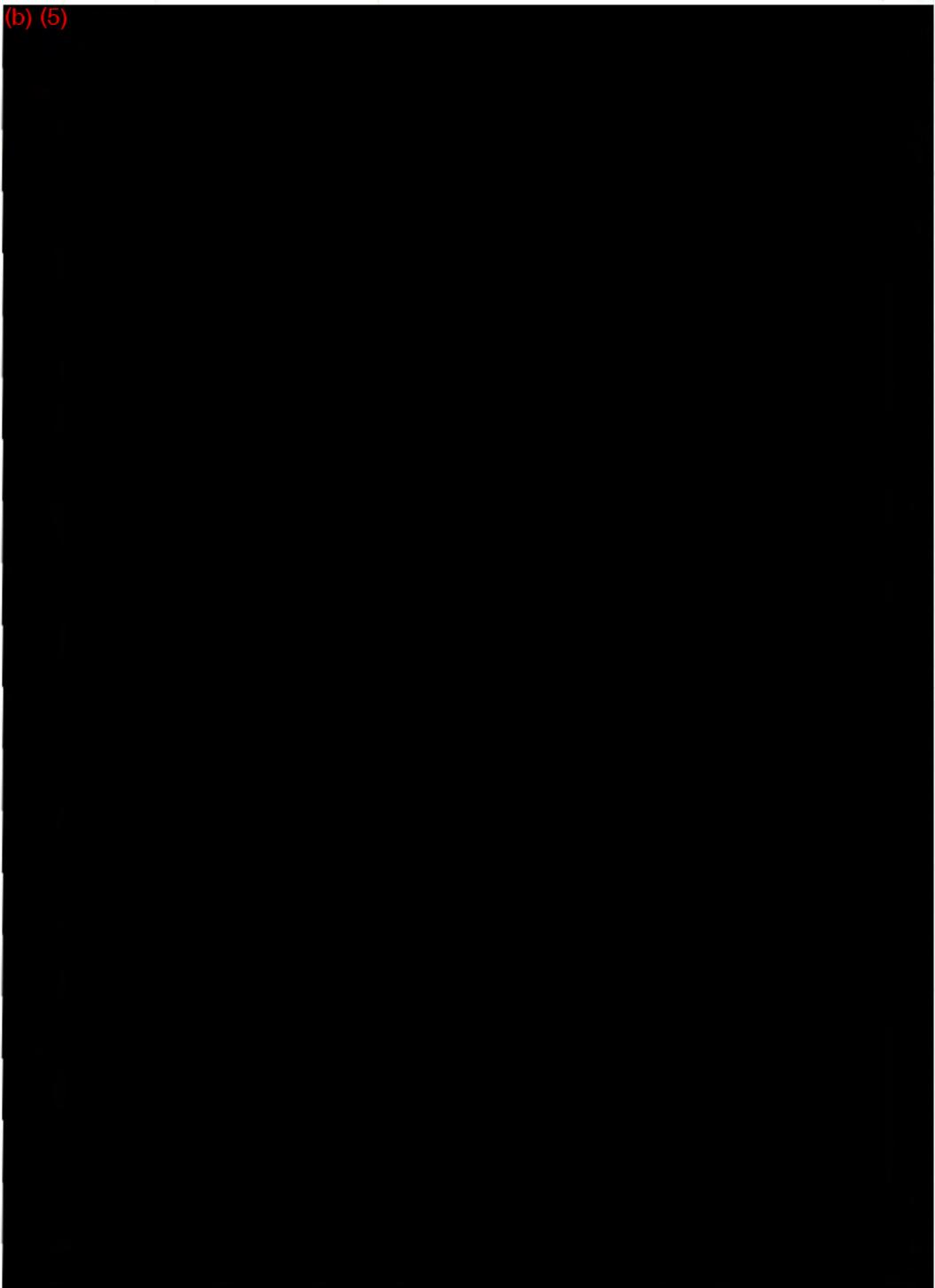
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(b) (5)



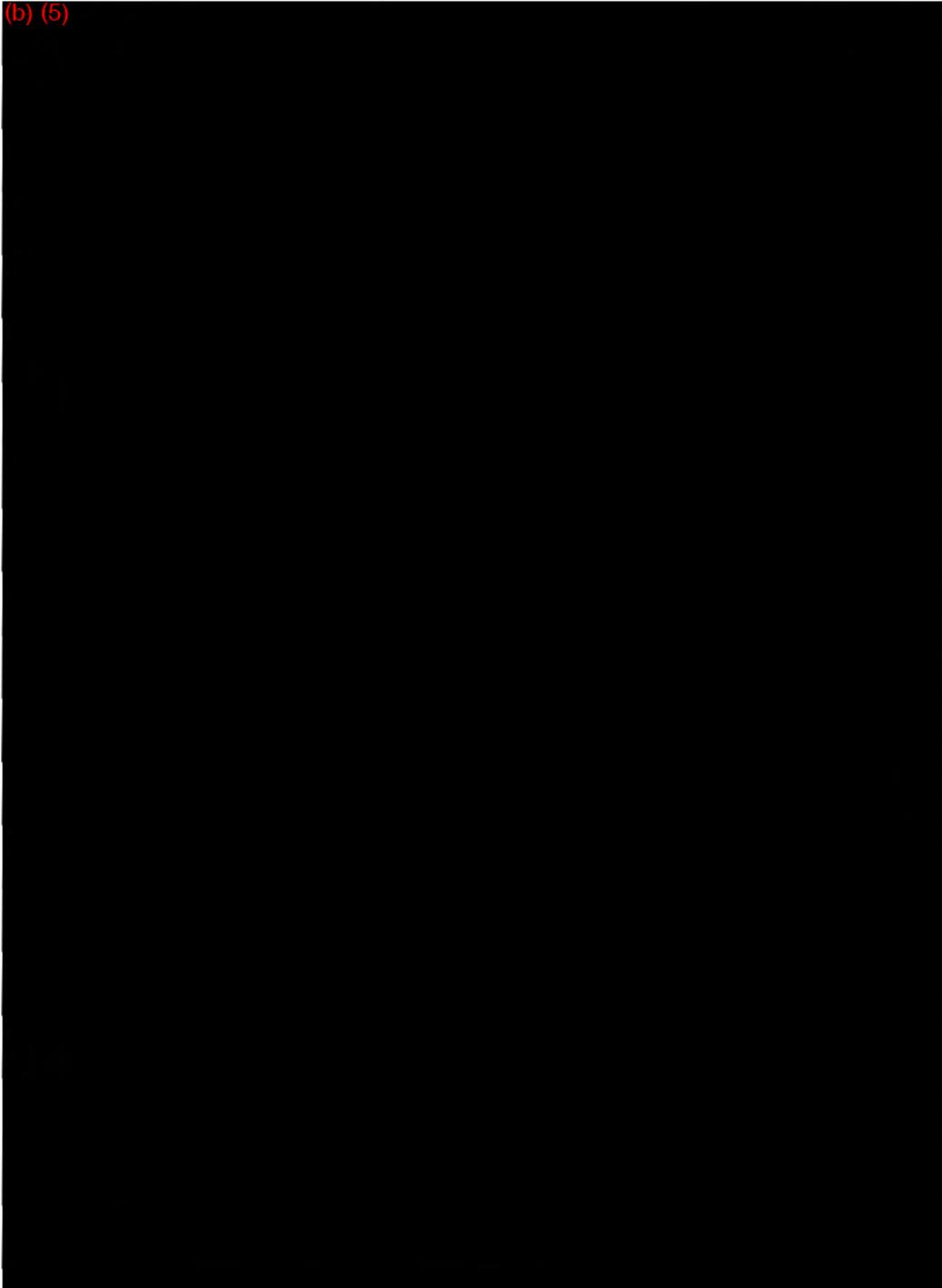
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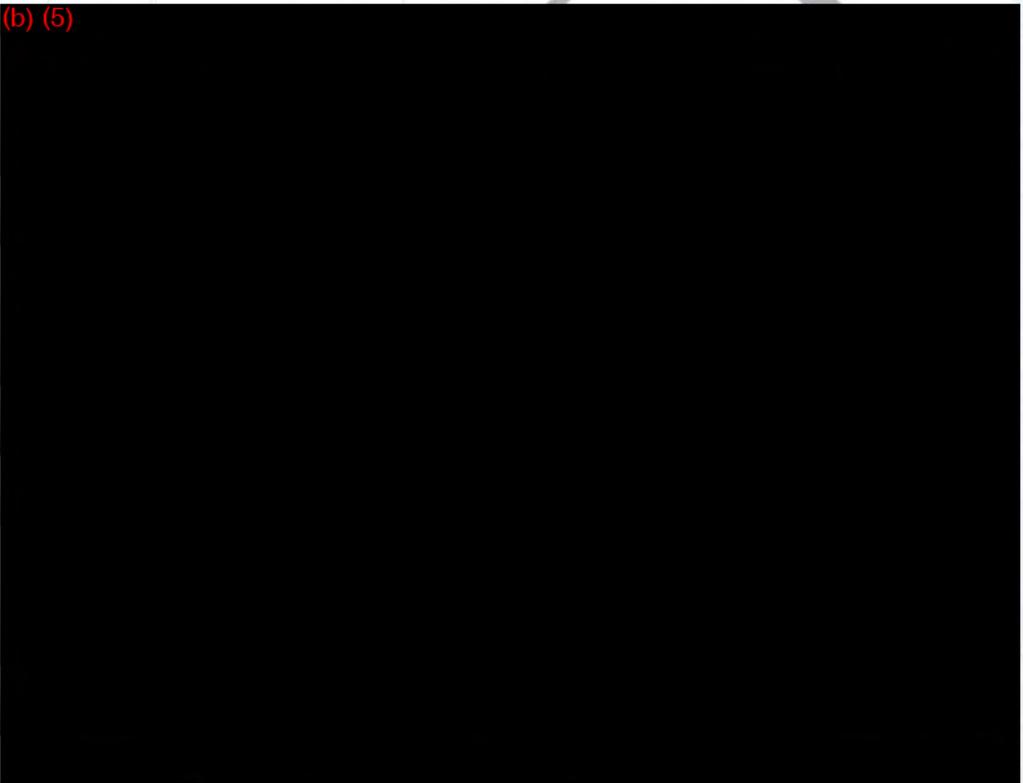


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Sec. 7 Regulatory and Administrative Matters.

(b) (5)

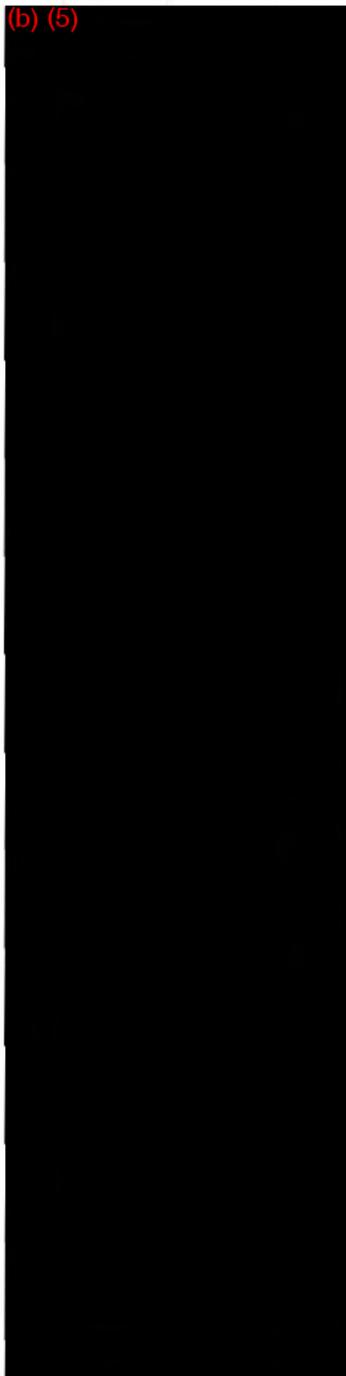


Sec. 8. The Designated Potash Area Legal Description.

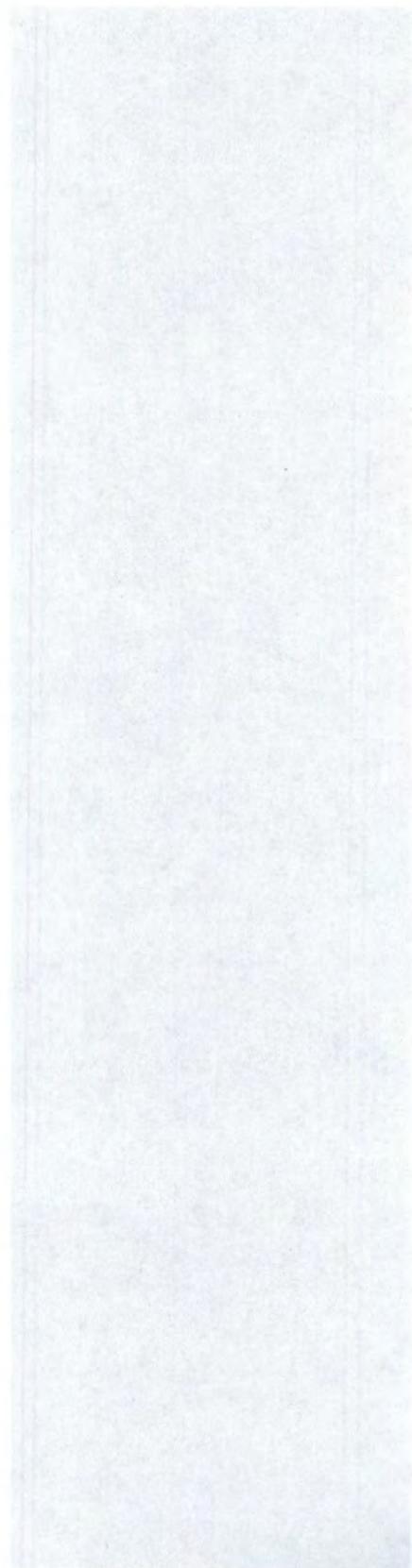
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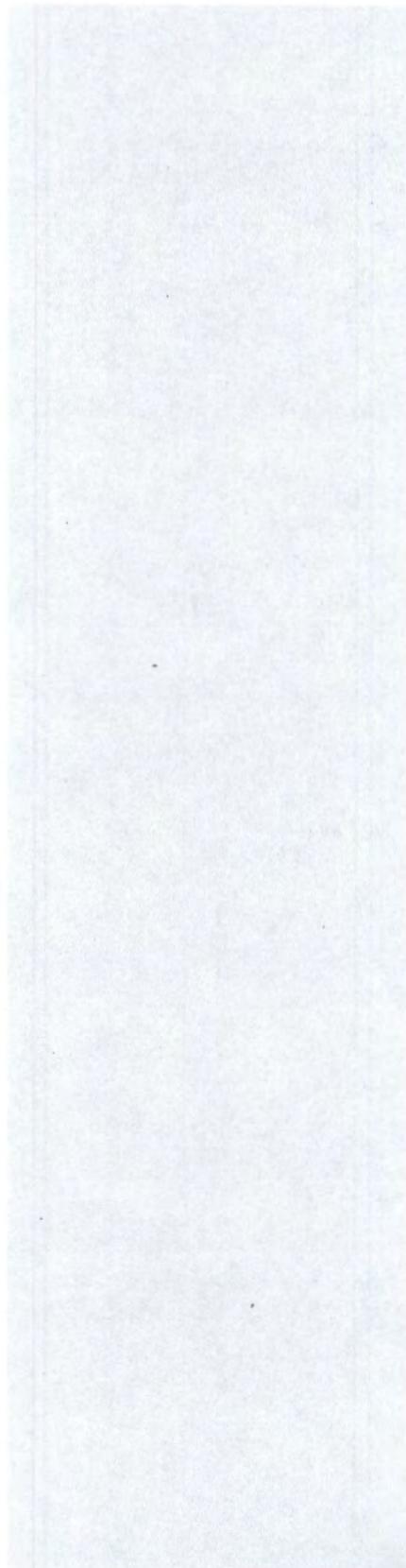
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Sec. 9 Administrative Provisions (b) (5)



(b) (5)

Secretary of the Interior

Date:

DRAFT

DEPARTMENT OF THE INTERIOR
Office of the Secretary

Order

Subject: Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

Sec. 1 Purpose and Effect. (b) (5)

[REDACTED]

Sec. 2 Authority. (b) (5)

[REDACTED]

Sec. 3 Order Revised and Superseded. (b) (5)

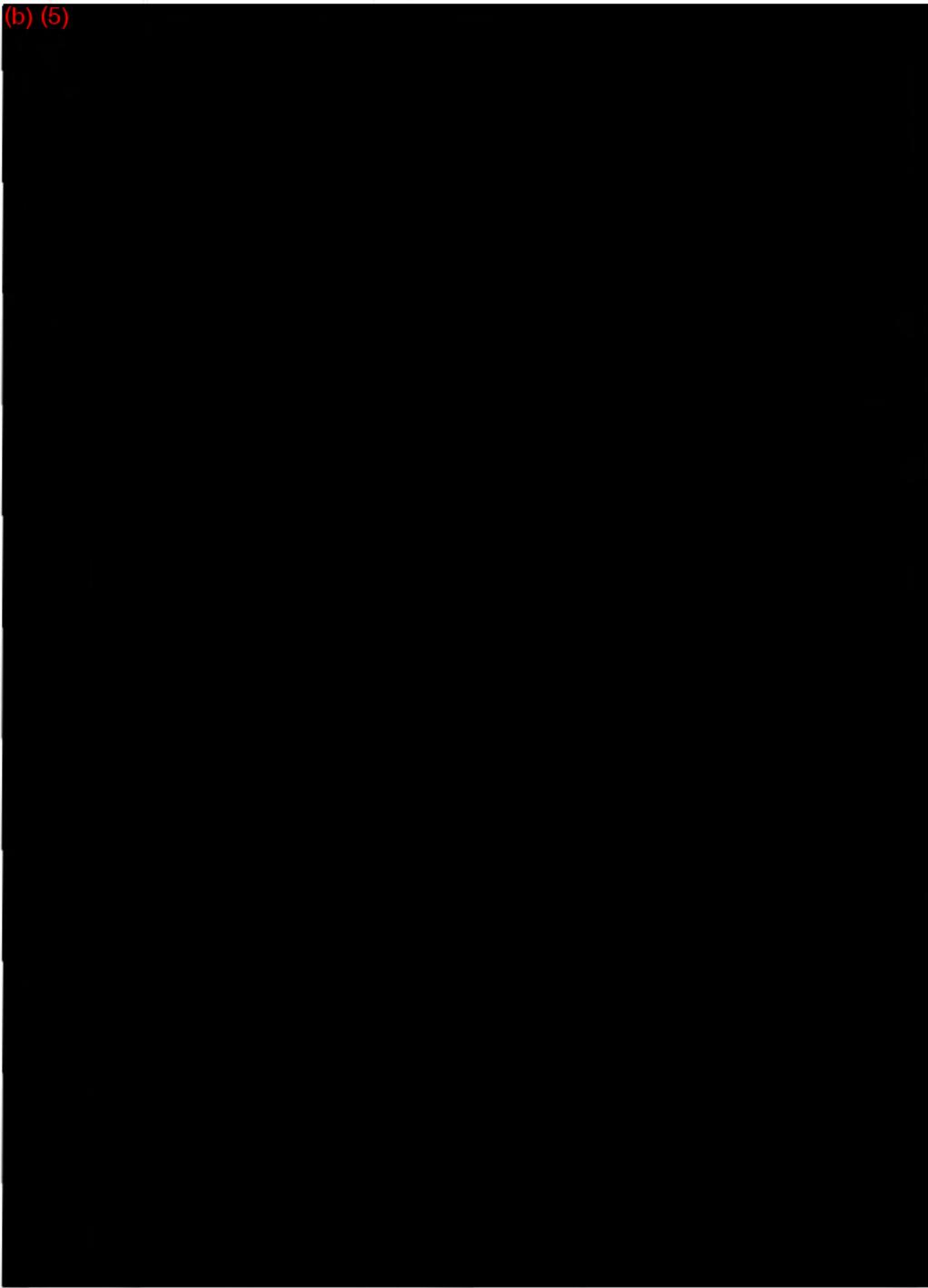
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Sec. 4. Definitions.

(b) (5)

[REDACTED]

(b) (5)



(b) (5)



(b) (5)



Sec. 5 Status of Lands.

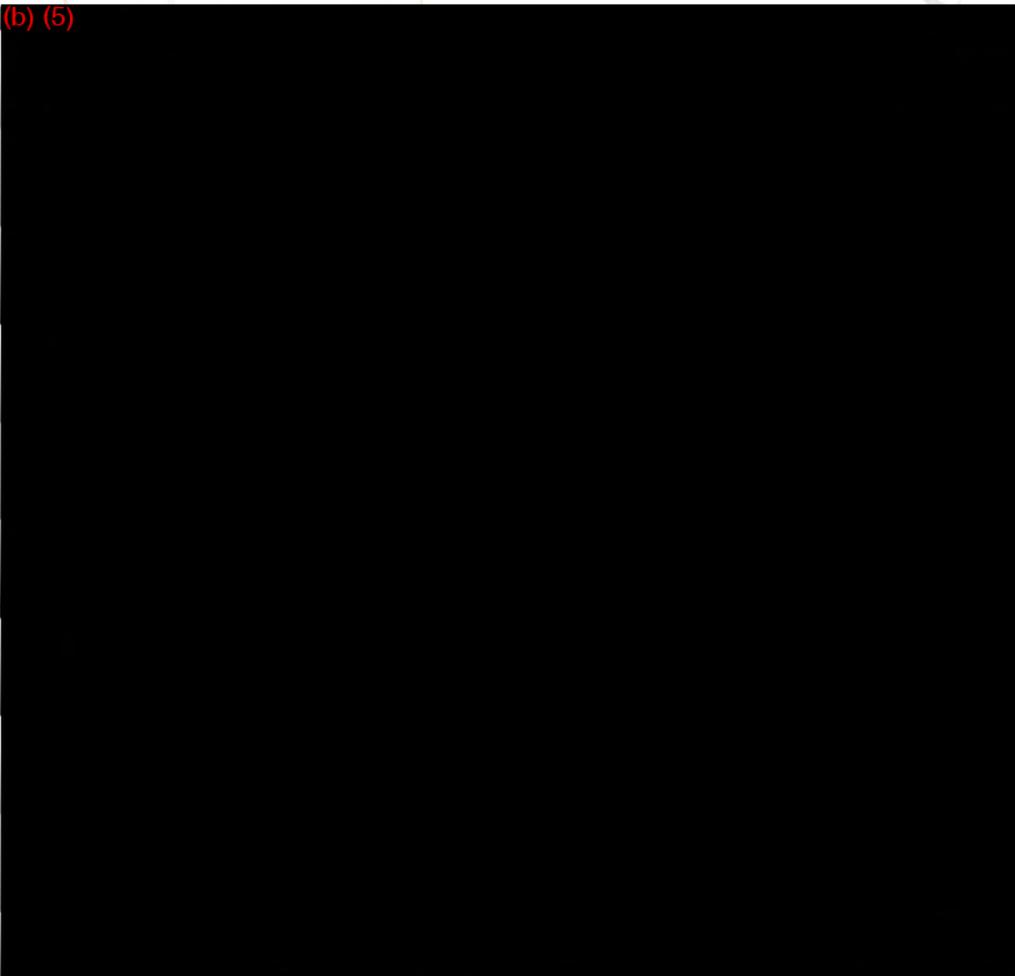
(b) (5)



Sec. 6 General Provisions.

a. Issuance of Oil and Gas Leases

(b) (5)



b. Reinstatement or Renewal of Oil and Gas Leases

(b) (5)

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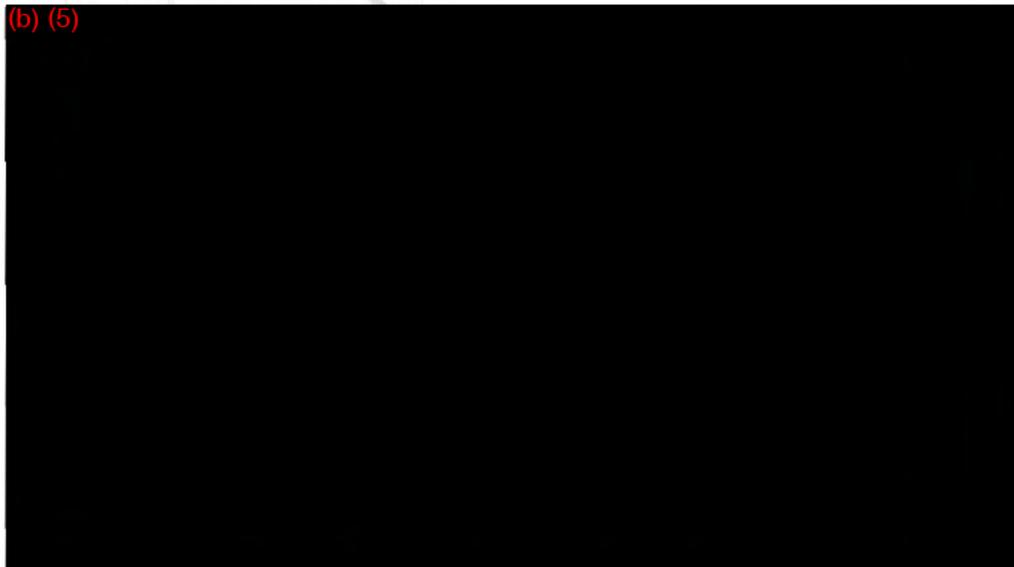
c. Potash Leases

(b) (5)

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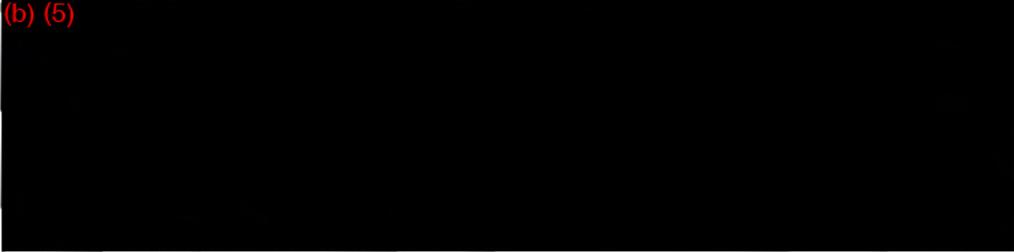
d. Delineation of Resource Areas

(b) (5)

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(b) (5)



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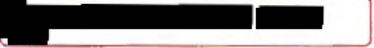
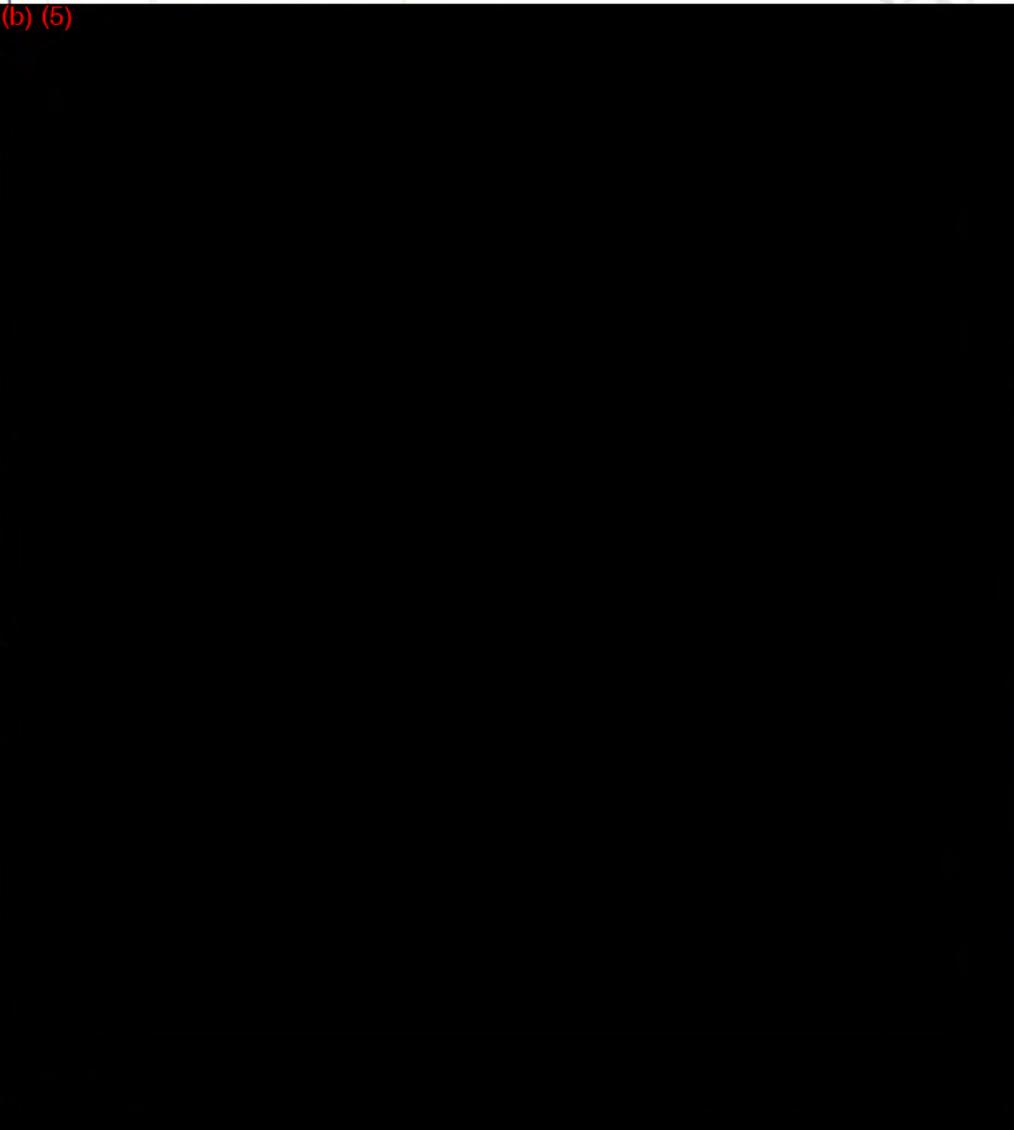


(b) (5)
(b) (5)

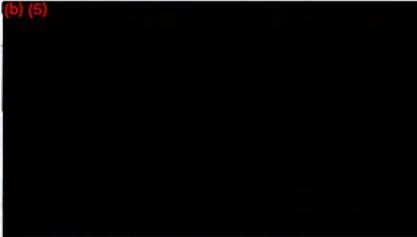


e. -Oil and Gas Drilling

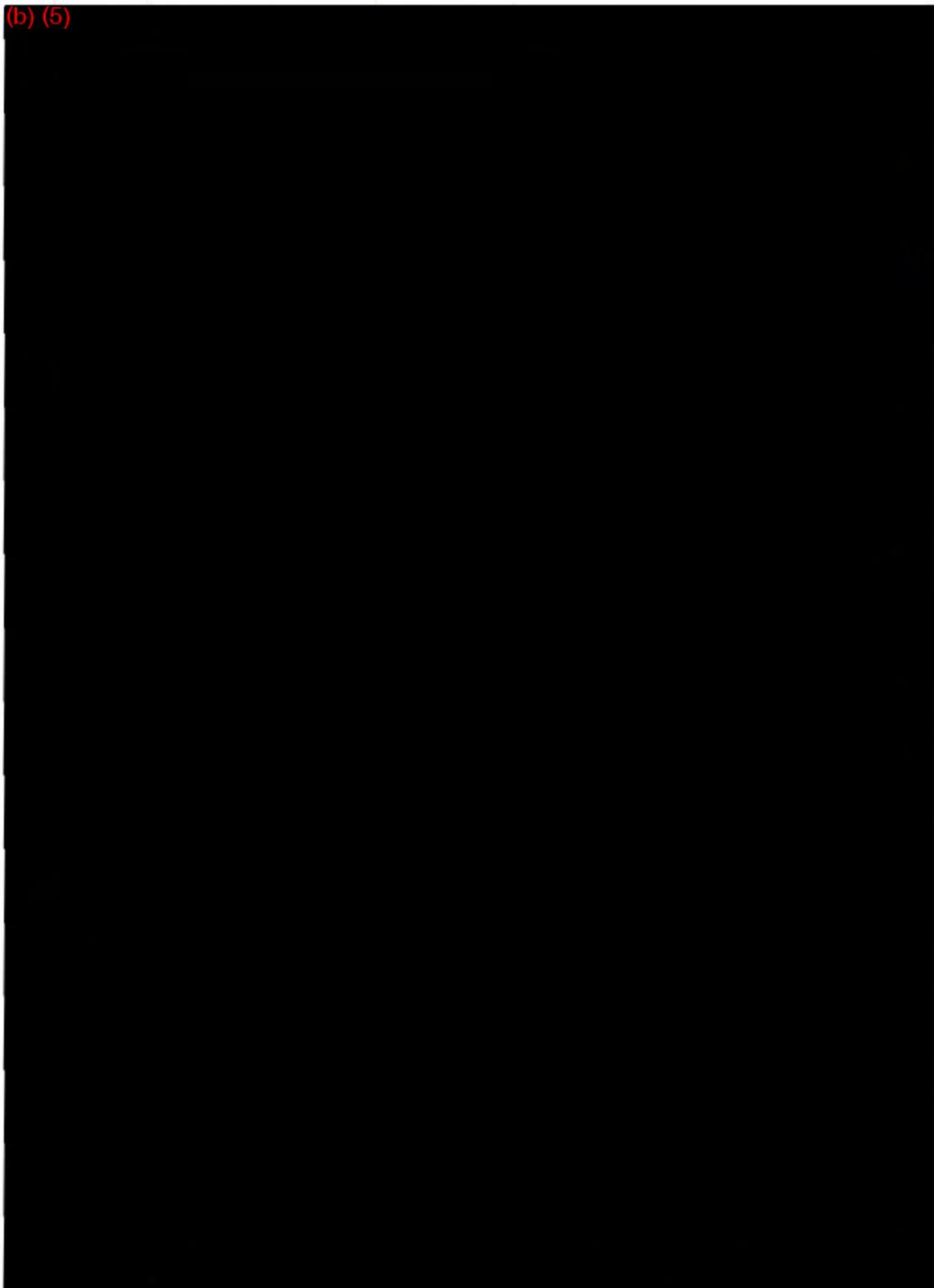
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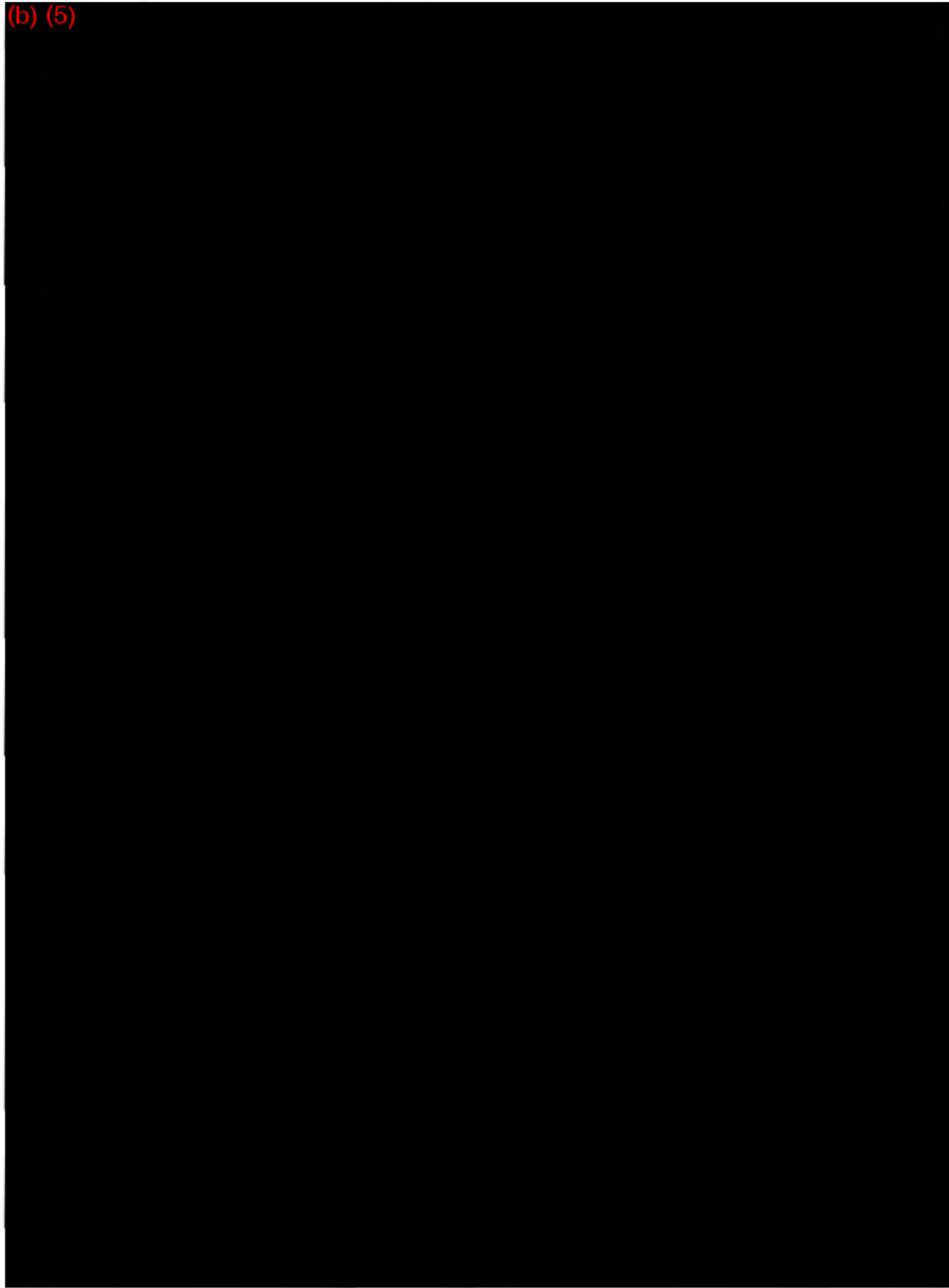


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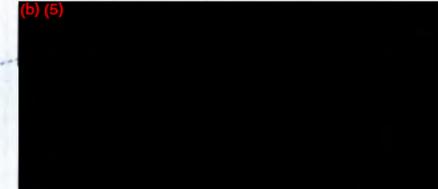
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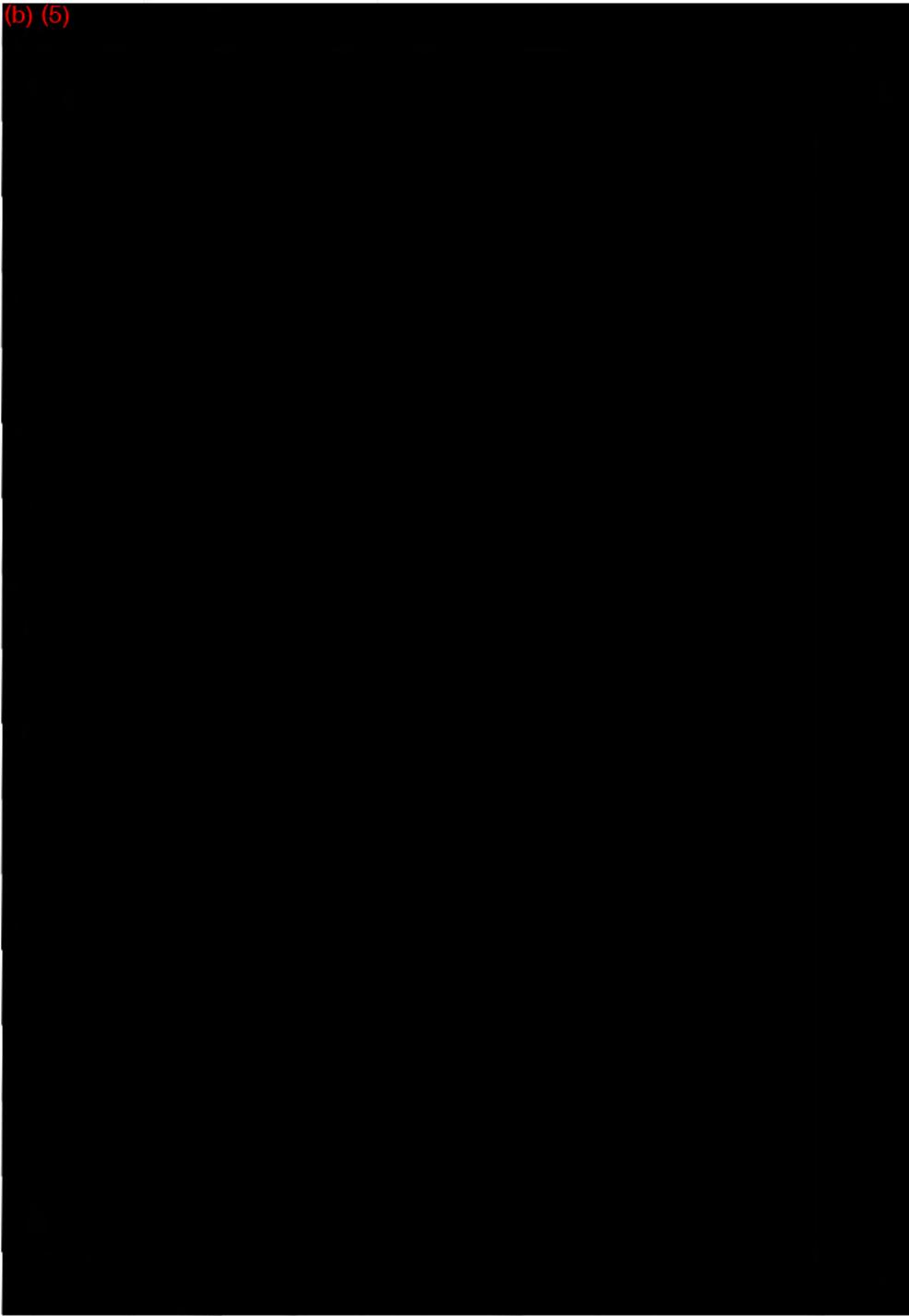
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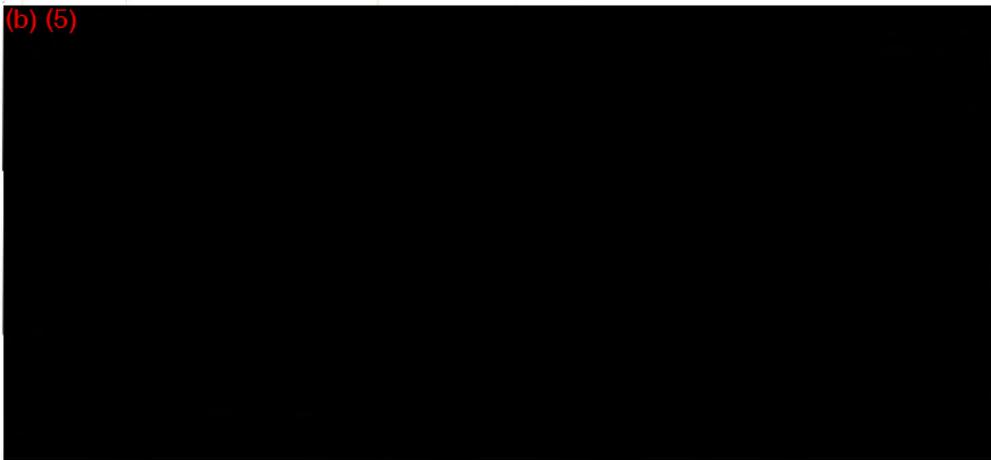
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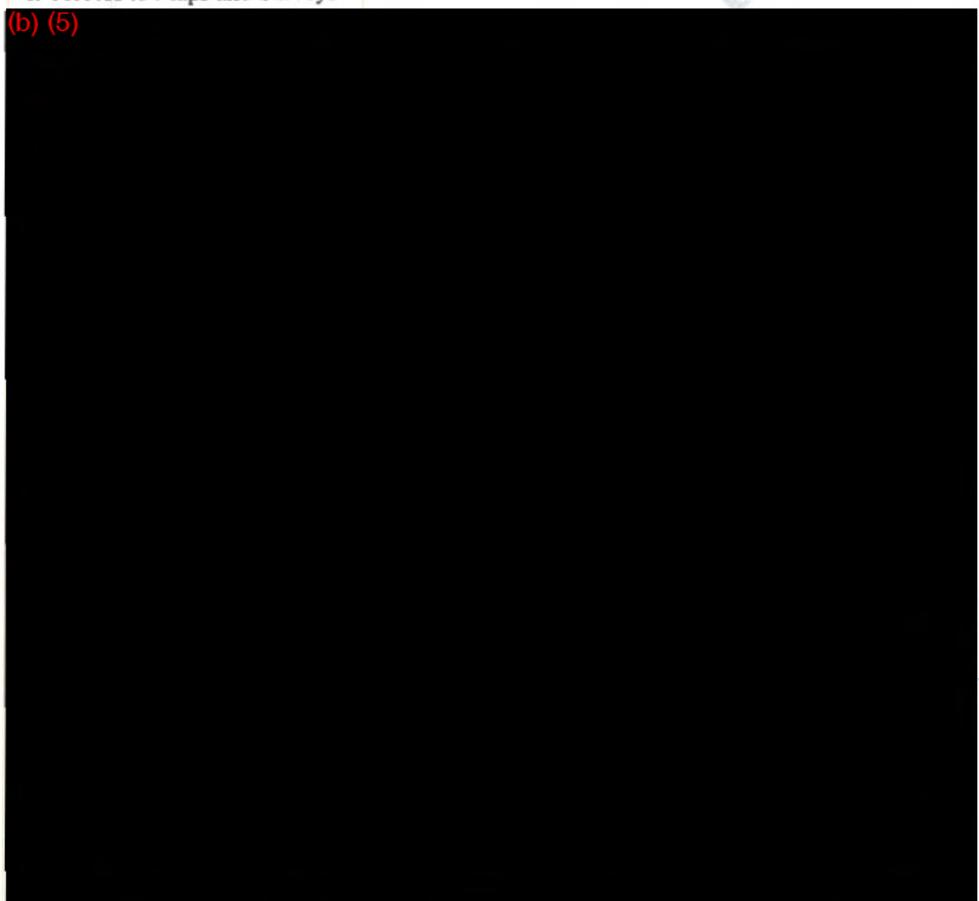
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(b) (5)



f. Access to Maps and Surveys

(b) (5)



(b) (5)



Sec. 7. Regulatory and Administrative Matters.

(b) (5)

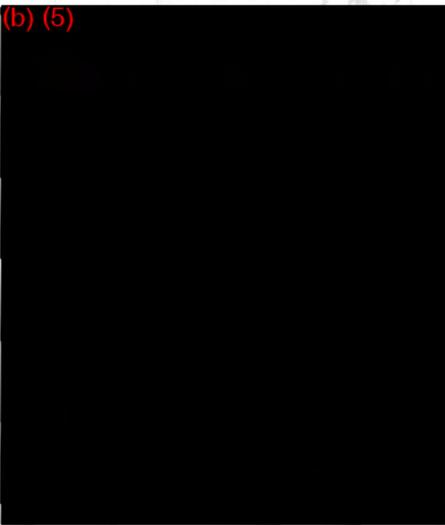


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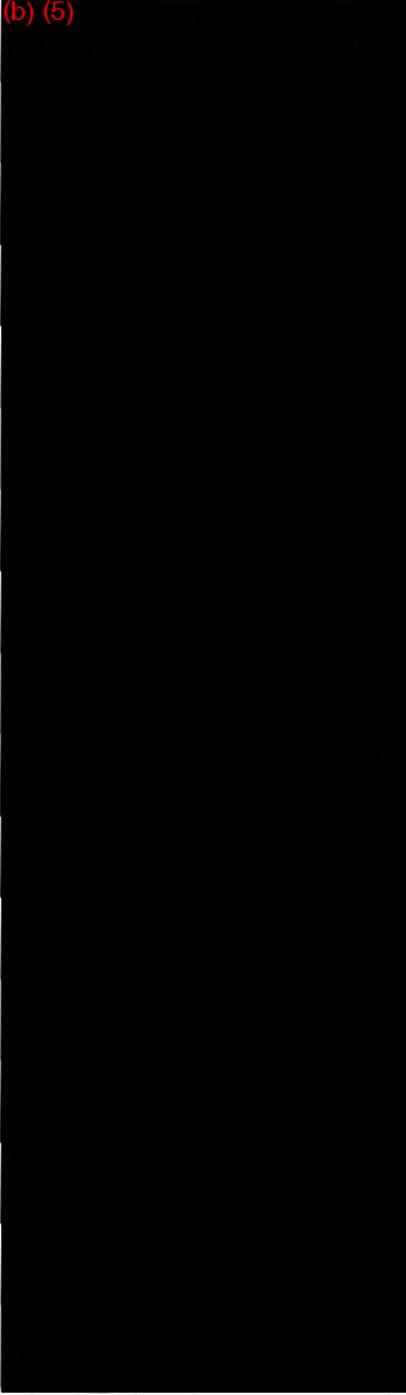


Sec. 8. The Designated Potash Area Legal Description.

(b) (5)

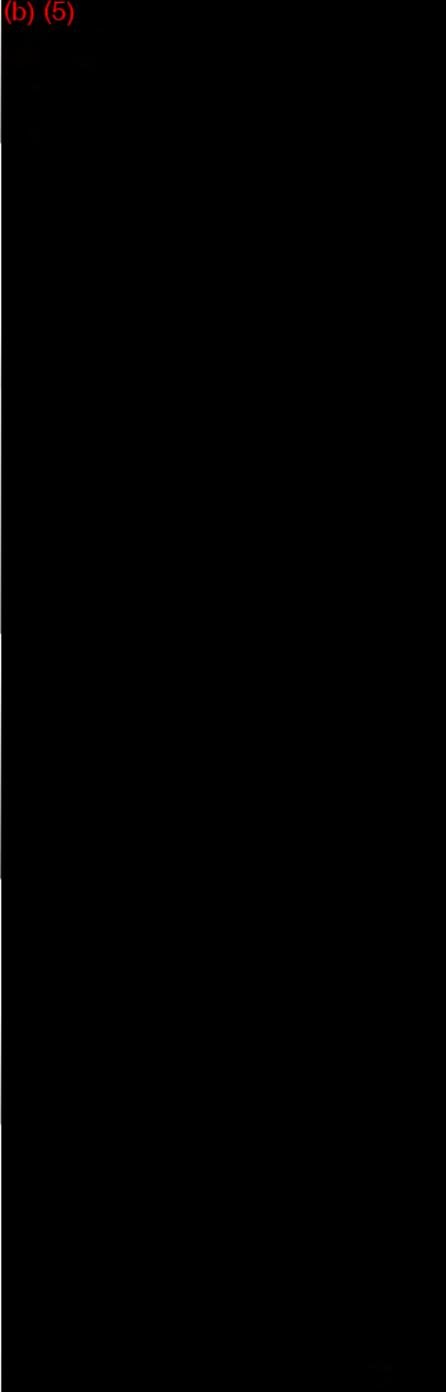


(b) (5)



Review Draft

(b) (5)



Review Draft

(b) (5) [Redacted]

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Sec. 9 Administrative Provisions. (b) (5) [Redacted]

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Internal Review Draft

Surname Version, 6-27-12, Internal Review draft only

DEPARTMENT OF THE INTERIOR
Office of the Secretary

Order

Subject: Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

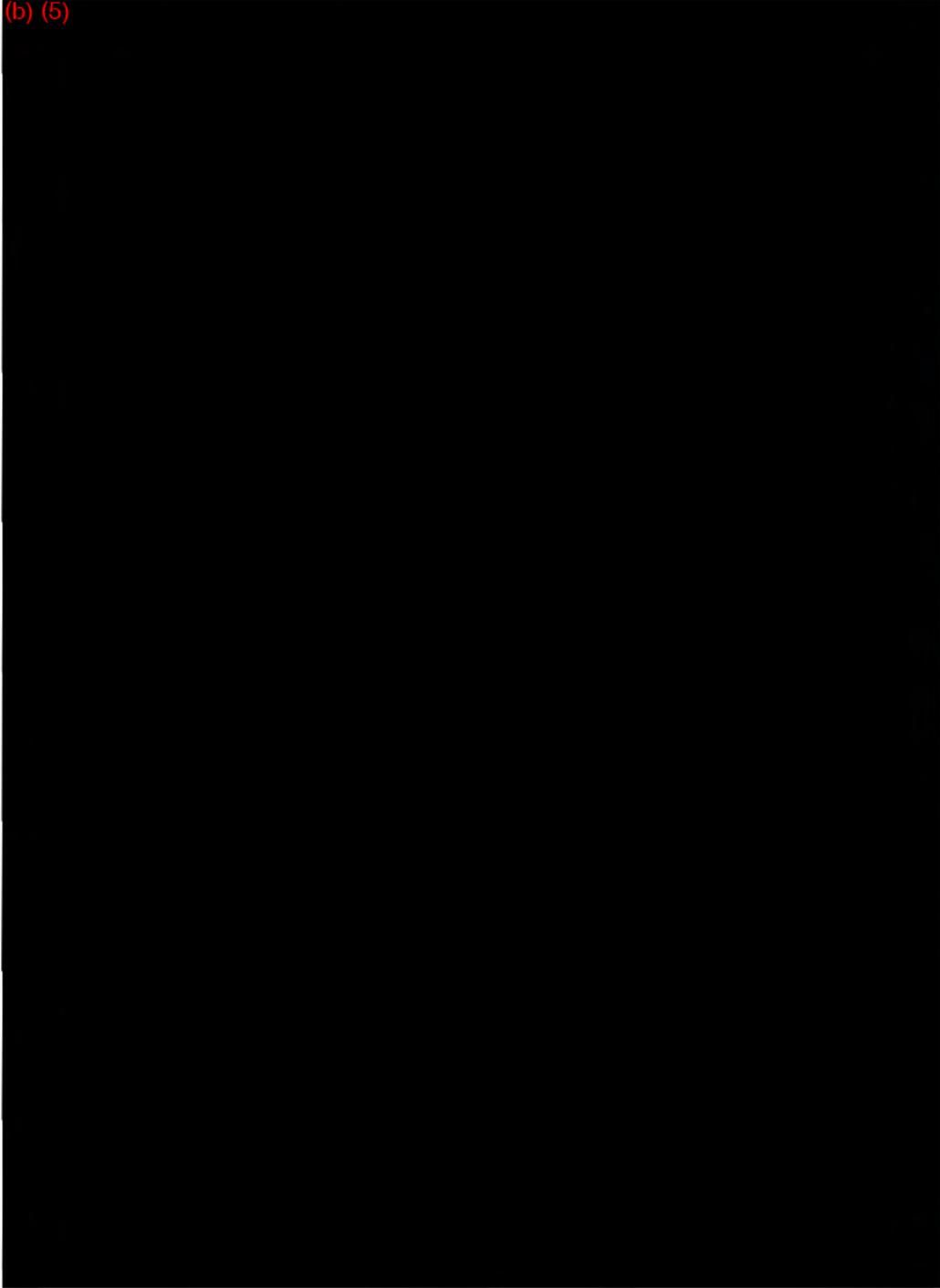
Sec. 1 Purpose and Effect. (b) (5)
[Redacted]

Sec. 2 Authority. (b) (5)
[Redacted]

Sec. 3 Order Revised and Superseded. (b) (5)
[Redacted]

Sec. 4 Definitions.
(b) (5)
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(b) (5)



(b) (5)



(b) (5)

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Sec. 5 Status of Lands.

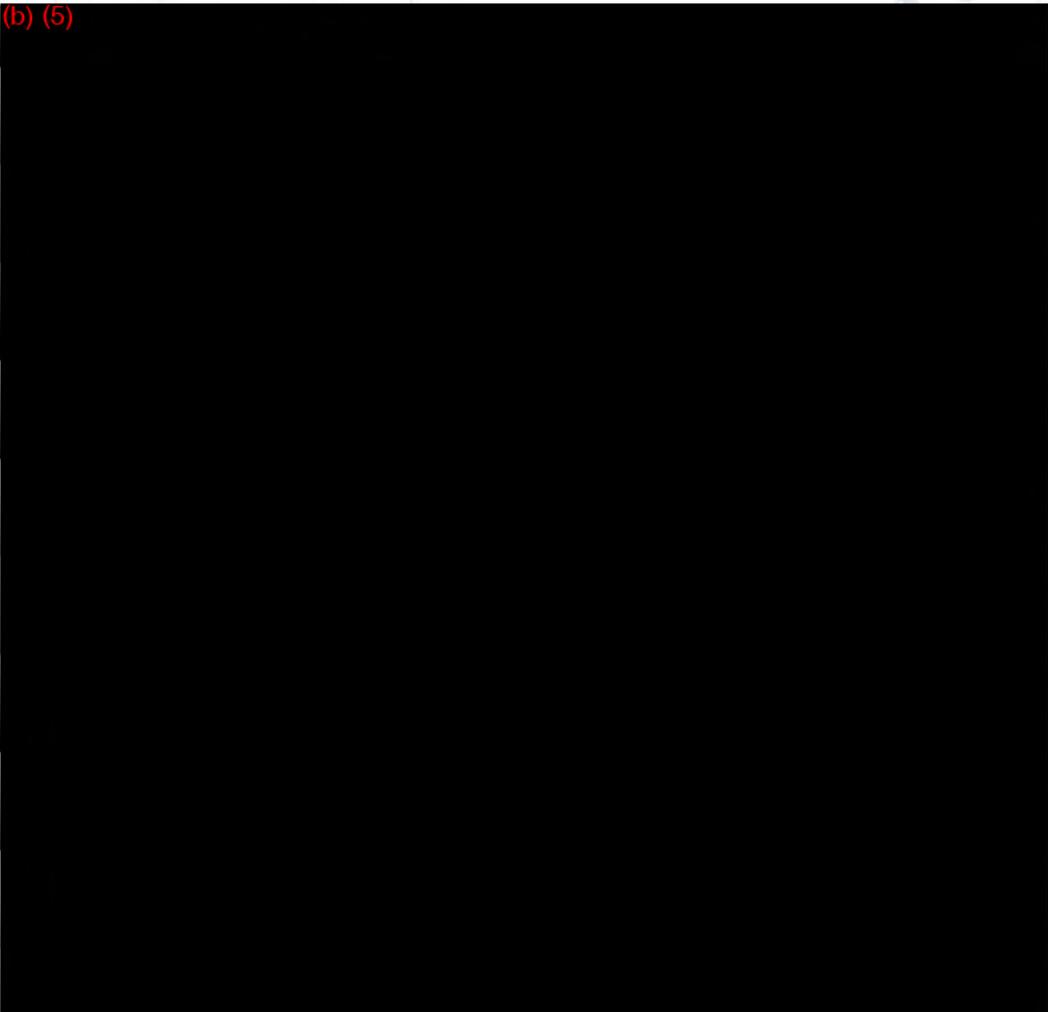
(b) (5)

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Sec. 6 General Provisions.

a. Issuance of Oil and Gas Leases

(b) (5)

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b. Reinstatement or Renewal of Oil and Gas Leases

(b) (5)

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c. Potash Leases

(b) (5)

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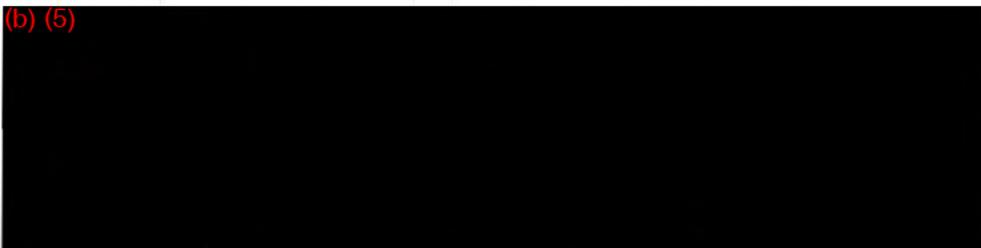
d. Delineation of Resource Areas

(b) (5)

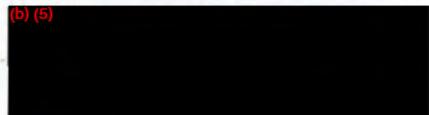
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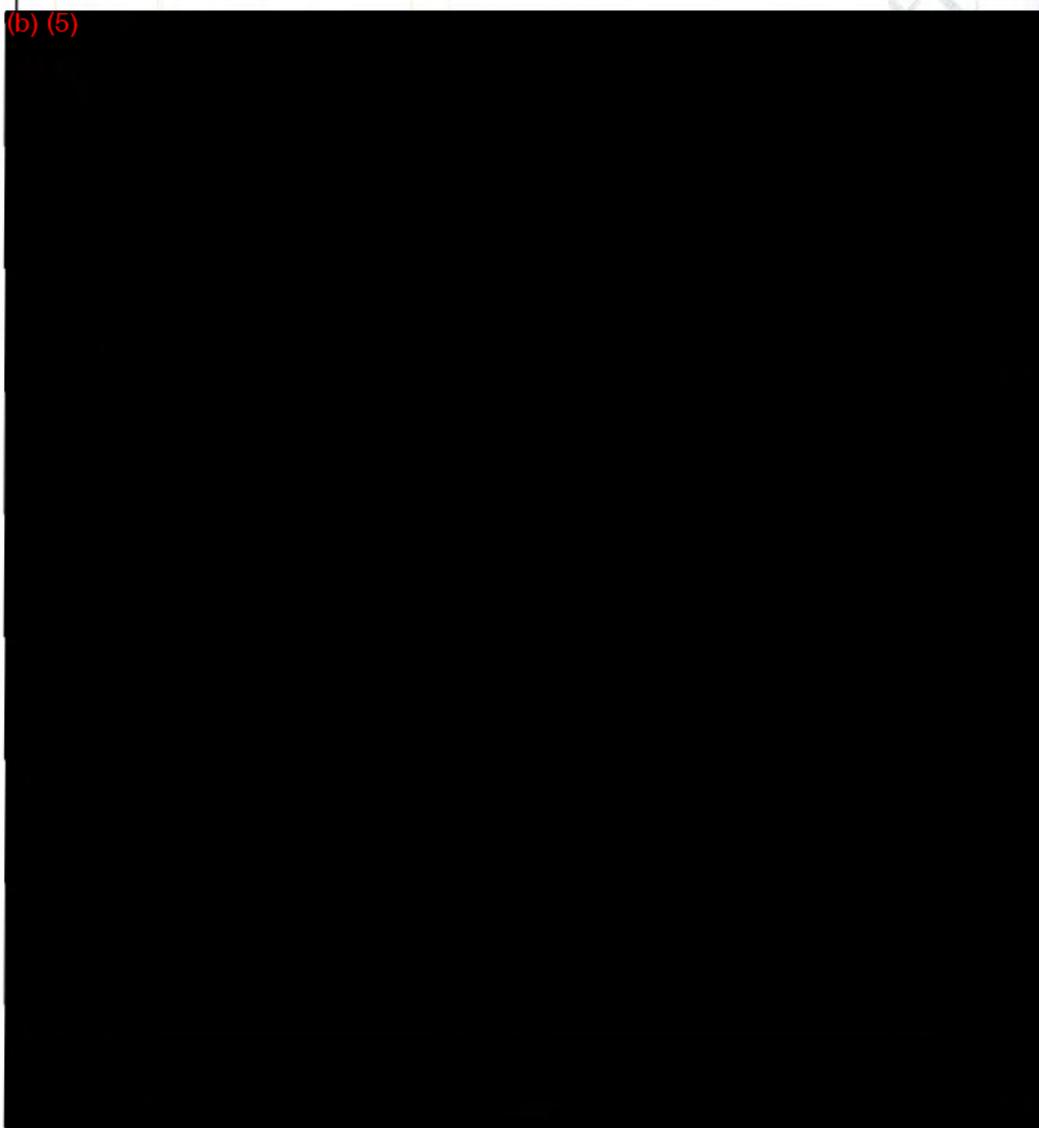


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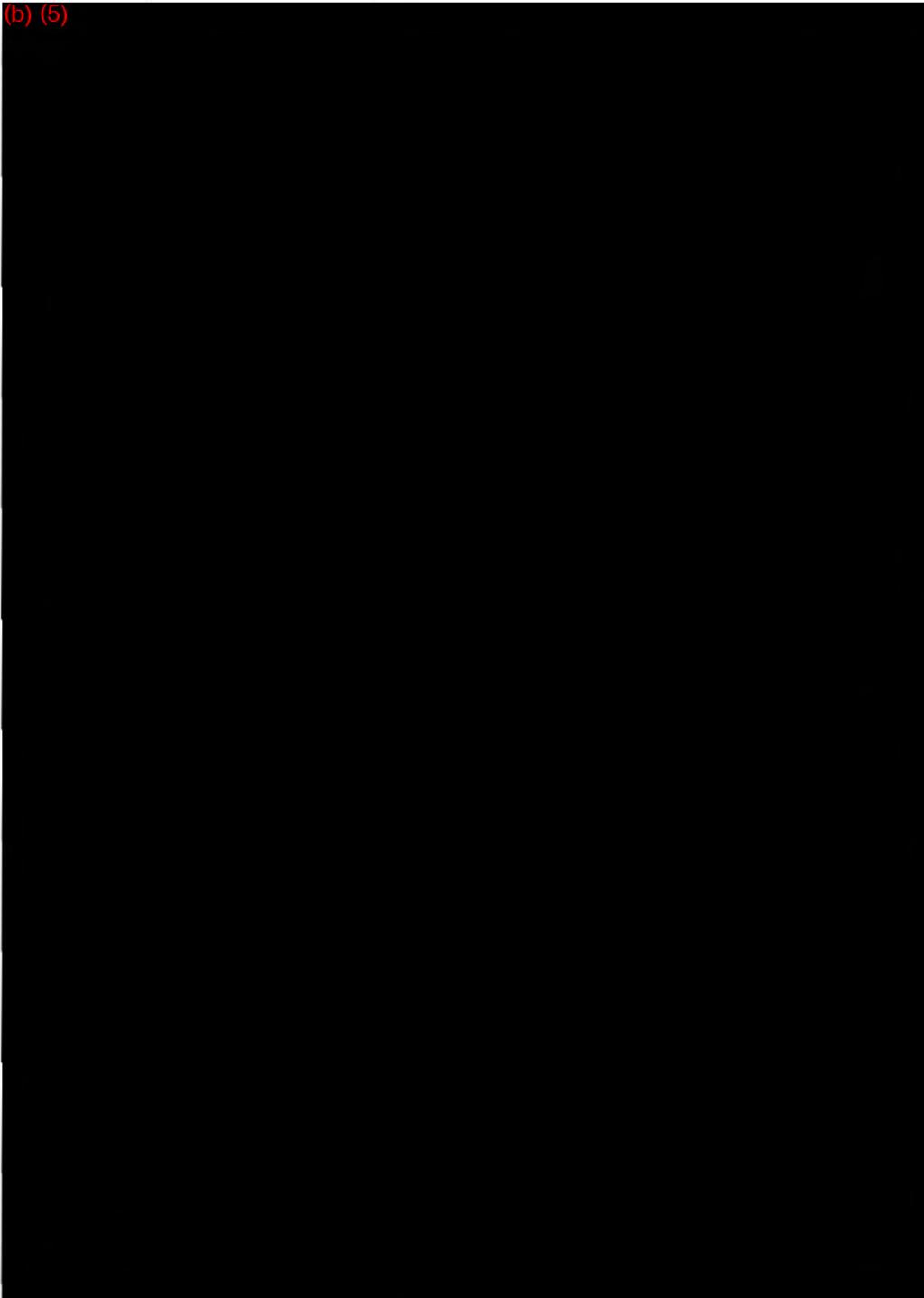
e. -Oil and Gas Drilling

(b) (5)



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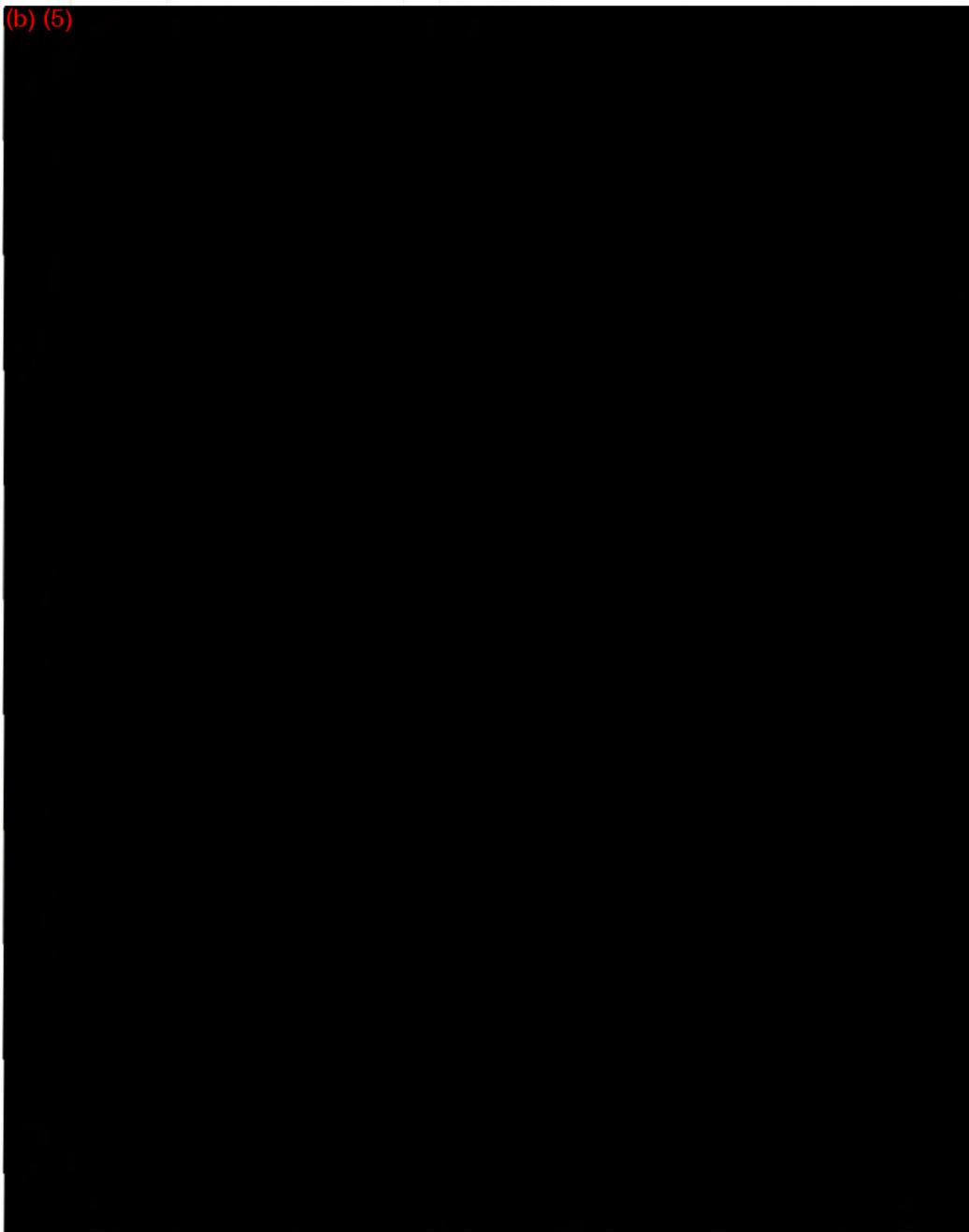


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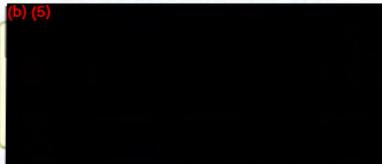


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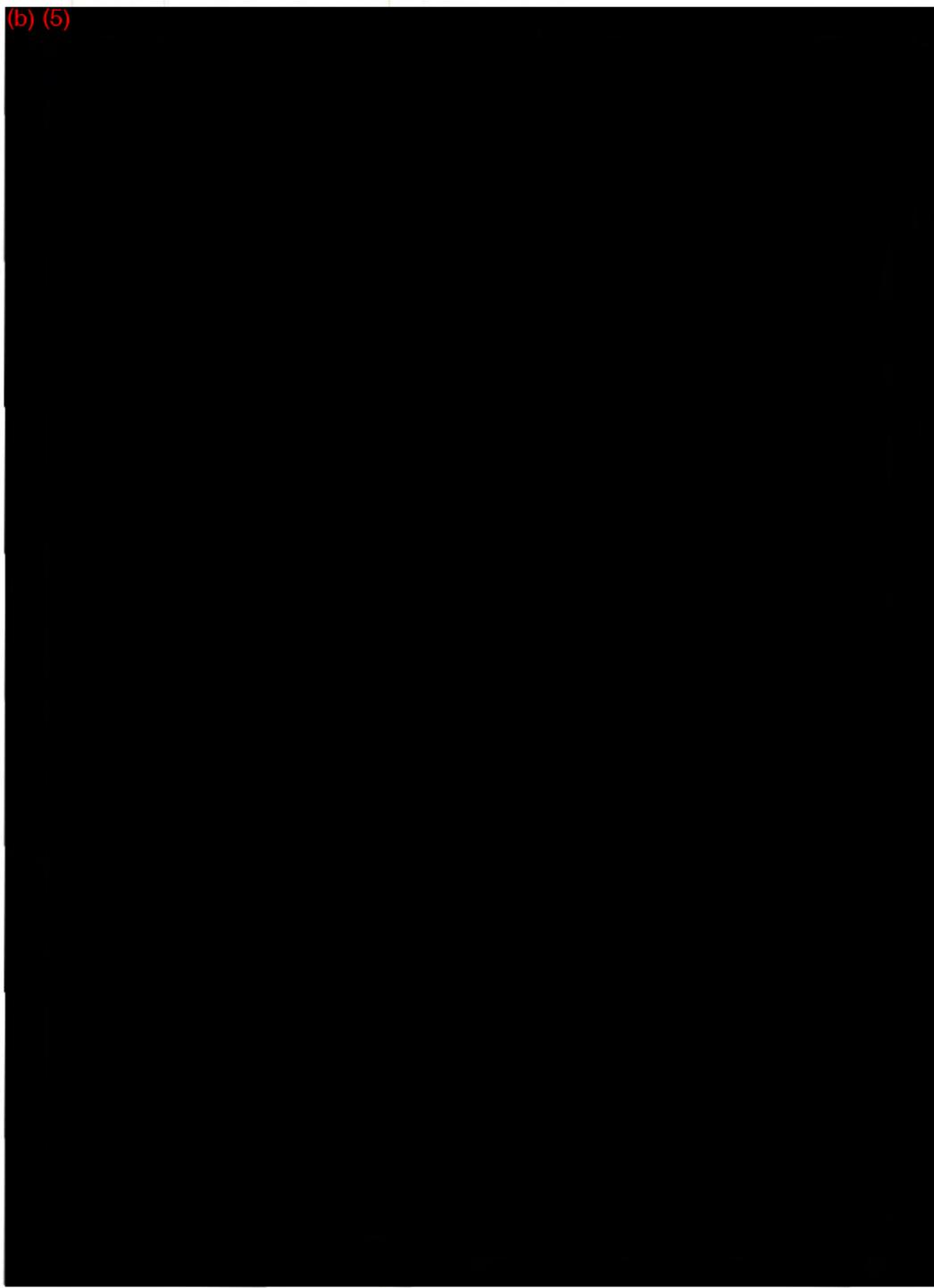
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(b) (5)



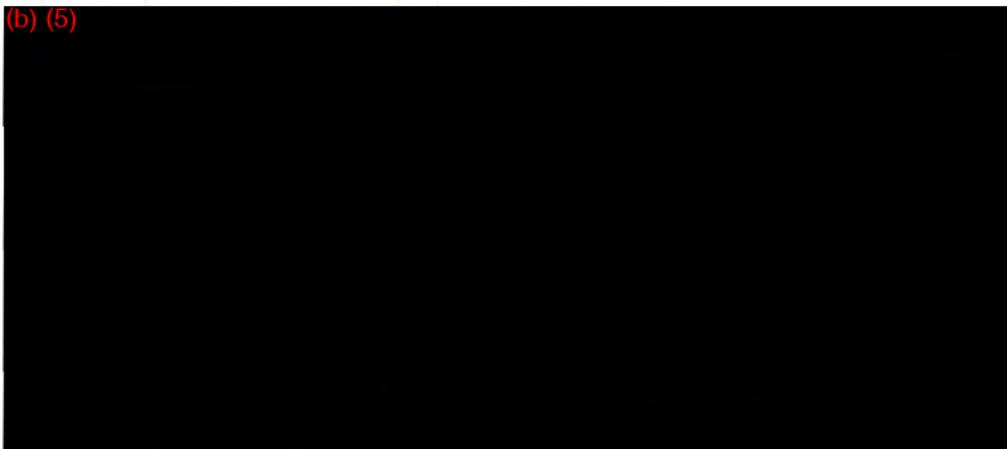
(b) (5)



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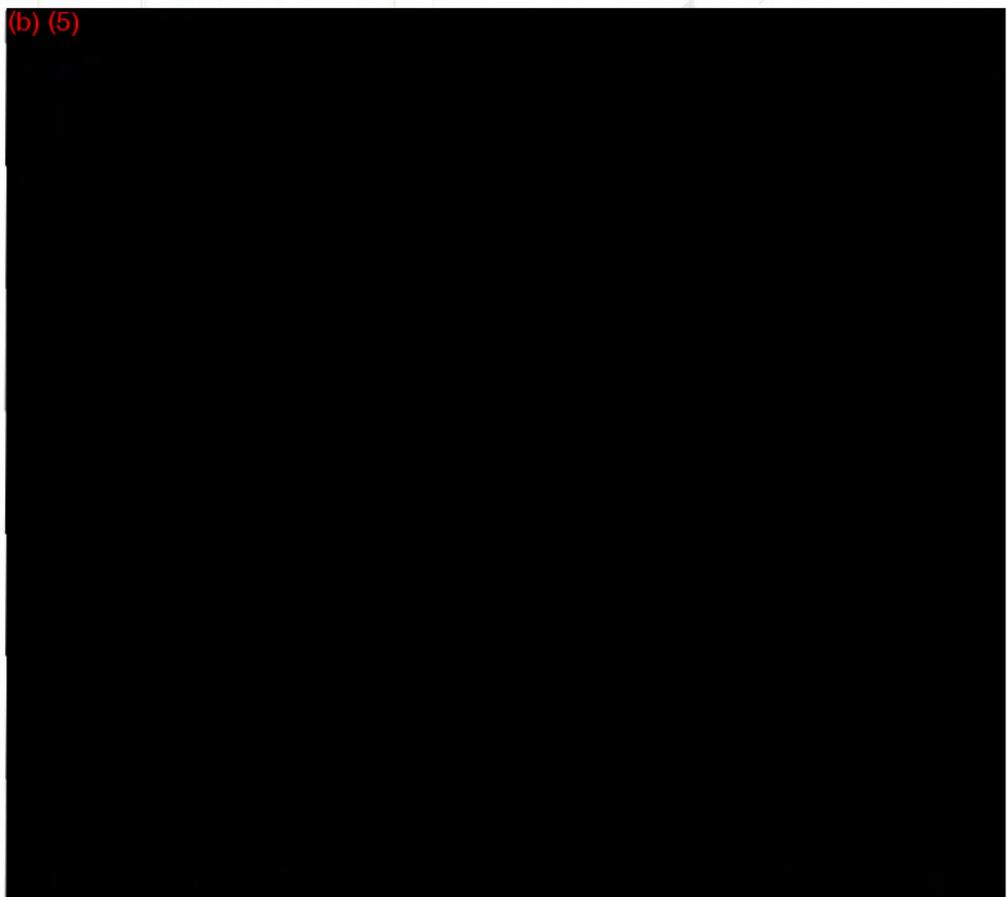
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f. Access to Maps and Surveys

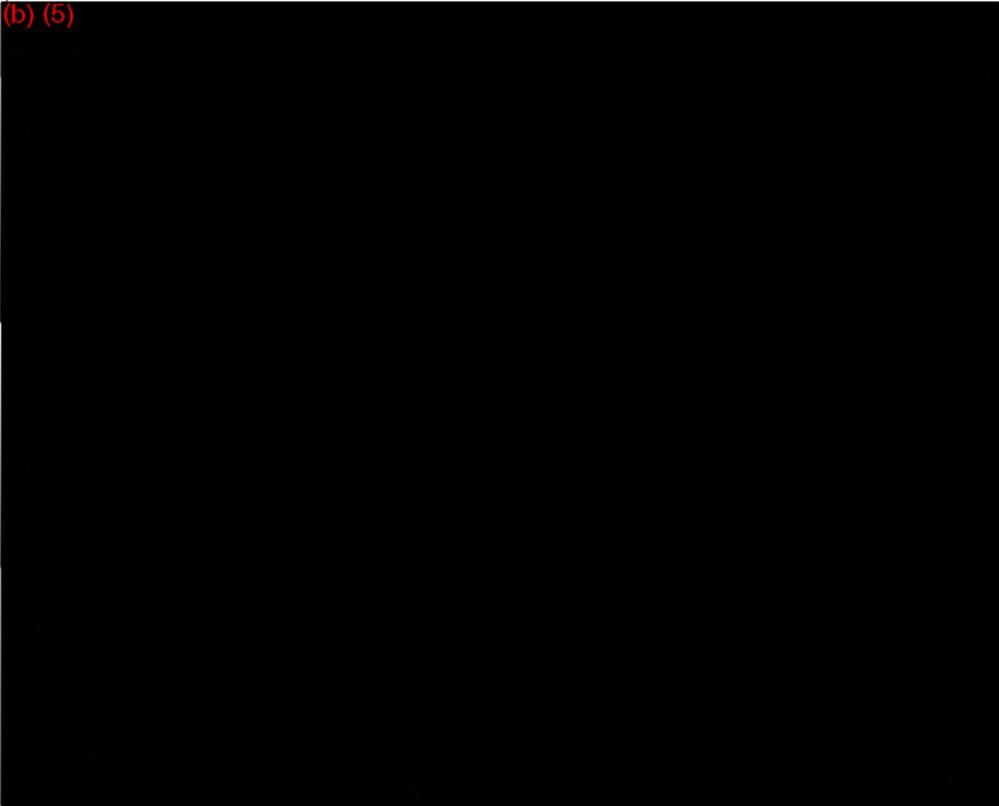
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Sec. 7 Regulatory and Administrative Matters.

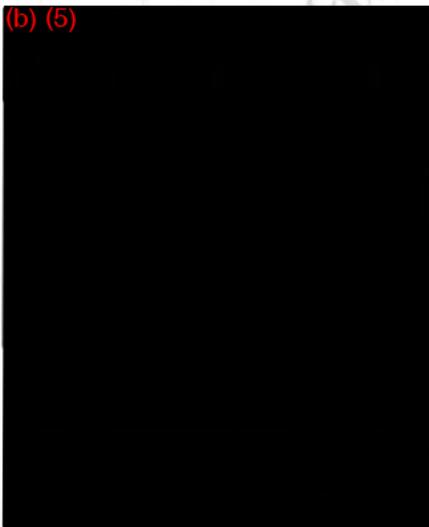
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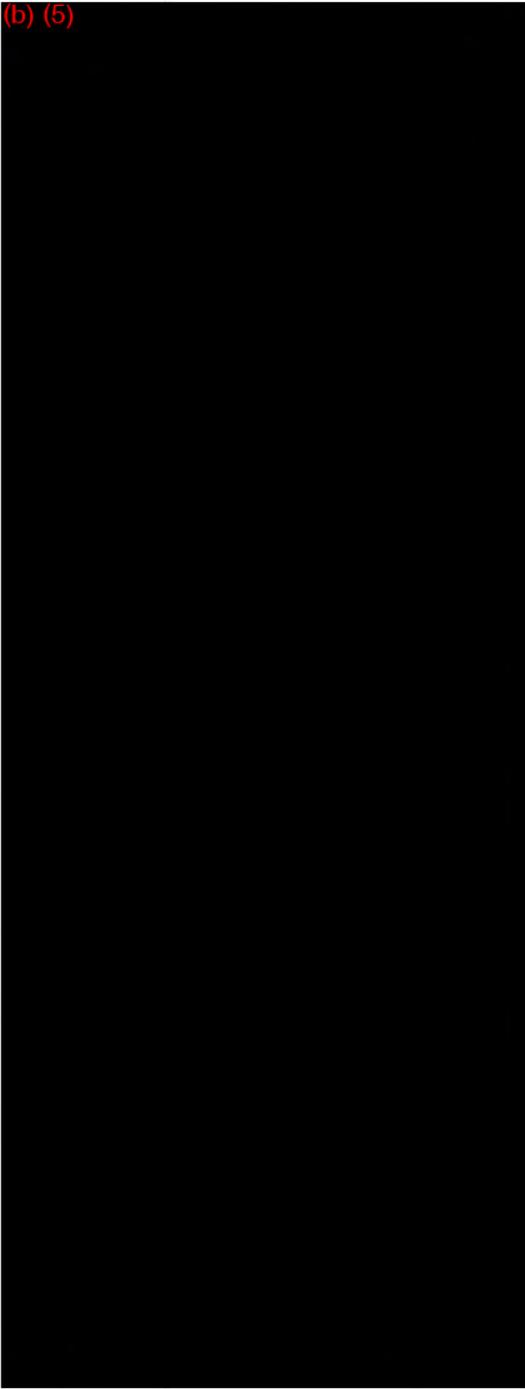


Sec. 8. The Designated Potash Area Legal Description.

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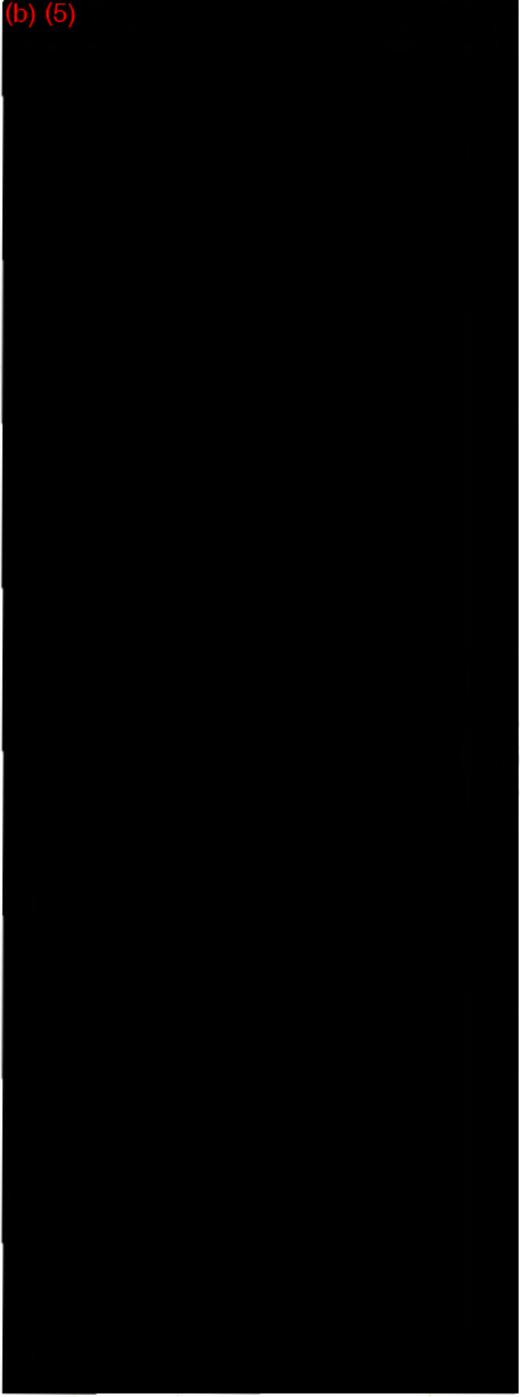


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Review Draft

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Review Draft

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Sec. 9 Administrative Provisions. (b) (5) [Redacted]

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Internal Review Draft

INFORMATION MEMORANDUM

FROM: Mike Pool, Acting Director, Bureau of Land Management

CC: Marcilynn Burke, Acting Assistant Secretary, Land and Minerals Management
Jack Haugrud, Deputy Solicitor

SUBJECT: Draft Secretarial Order on Oil and Gas and Potash Development Within the Designated Potash Area, Eddy and Lea Counties, New Mexico

DATE: June 29, 2012

I. INTRODUCTION

The BLM is planning to release for public comment a draft Secretarial Order on Oil and Gas and Potash Development Within the Designated Potash Area, Eddy and Lea Counties, New Mexico.

The draft Secretary's Order would supersede the current Secretary's Order that addresses these issues. The revisions are designed to further promote the efficient development of potash and oil and gas resources, while minimizing conflict between the industries and ensuring the safety of operations. Industry representatives from oil and gas as well as potash interests have been working together to identify and propose a mutually acceptable path forward. The opportunity to finalize a Secretarial Order that has the potential support of both industries is historic—particularly in light of the long and contentious history of this issue.

The current schedule anticipates that the draft Secretary's Order would be made available for a 30 day public comment period on July 12, 2012. Government-to-government tribal consultation meetings are scheduled with seven tribes beginning on July 17 and concluding on July 26. The public comment period would close on August 12 and the BLM anticipates that a final Secretary's Order will be available by October 20, 2012.

Brief Summary Of Draft Order

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Designated Potash Area.

II. BACKGROUND

Potash is a potassium bearing mineral used primarily for fertilizer. The Carlsbad Mining District has a unique geology that contains potash and oil and gas deposits. Concurrent development of these minerals has led to conflicts between the oil and gas and potash industries. Oil and gas is found in formations below the potash-bearing formations so oil and gas wells must drill through the potash formations. If a well casing fails, gas could enter the mine workings and endanger miners. The potential for such a breach also could increase potash operating costs because enhanced ventilation and specialized equipment would be needed to reduce the risk. Thus, because oil and gas and potash are found in the same area, concurrent development has led to litigation. Numerous cases have been appealed to the IBLA and to federal court.

While there has been a long history of litigation, multiple mineral development has occurred in the past as is evidenced by the fact that a total of 4,959 wells (approximately 2,295 active oil wells, 577 active gas wells, 33 water injection wells and the balance in dry holes and abandoned oil and gas wells) are currently located within the Secretary's Potash Area. Historically, there have been seven major potash mining operations in this area with thousands of miles of underground mine workings. In addition, to date approximately 2,500 potash core holes have been drilled within the area.

The Secretary's Potash Area (SPA) was established by Secretarial Order in 1939 and originally withdrew approximately 43,000 acres from oil and gas leasing and development for the express purpose of protecting potash deposits for potash mining. Exploration by several companies continued after 1939 and the potash area was expanded by a 1951 Order. The 1951 Order also changed the policy to favor concurrent development by the oil and gas, and potash industries. To achieve concurrent development, the 1951 Order, and later Orders in 1975 and 1986, imposed protective stipulations in new leases issued for both oil and gas, and potash to avoid conflicts as much as possible. The SPA covers a total area of 497,630 acres and includes 350,617 acres of BLM managed surface where co-development of oil and gas and potash occurs.

In 2011, potash and oil and gas companies formed a Joint Industry Technical Steering Committee (JITC) with the objective to "establish how both Potash Mining and Oil and Gas Production will operate when their activities are in close proximity so as to allow safe, concurrent development of both minerals." The JITC has recommended that the Secretary update the 1986 Secretary's Order to institute a new method for the BLM's management of orderly co-development of oil and gas and potash within the SPA.

III. POSITION of INTERESTED PARTIES

About 85% of the oil and gas production in the SPA comes from JITC member companies. Members of the JITC from both industries have pledged their mutual cooperation in support of the recommendations they submitted to the Secretary. The JITC members support the issuance of a revised Order, and the draft Order is consistent with the key concepts suggested by the JITC.

Briefings by members of the JITC are on-going to industry and other interested parties. The companies representing the remaining 15% of production interest in the SPA have either declined to participate in the JITC or may have apprehensions about or disagreements with, the consensus reached by the JITC. Some of these companies may suggest that they were left out of the process or may disagree with the recommendations and their effect upon the oil and gas and potash industries.

New Mexico Governor Susana Martinez and staff for Senators Bingaman and Udall and Representative Pearce are aware of the possibility of a new Secretary's Order. Industry has briefed Texas Senators Hutchinson and Cornyn and reports that the two Texas Senators are supportive of the JITC recommendations. Tom Bemis, New Mexico Cabinet Secretary for Energy, Minerals, and Natural Resources, and Ray Powell, New Mexico State Land Office Commissioner, have also been briefed by the JITC on the consensus reached by both industries.

The BLM sent consultation letters to seven tribes with ties to southeastern New Mexico about the draft Secretarial Order. Consultation meetings have been scheduled for later in the month of July.

DEPARTMENT OF THE INTERIOR
Office of the Secretary

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6/28/2012
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6/27/12

Order

Subject: Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

Sec. 1 Purpose and Effect. (b) (5)
[Redacted]

Sec. 2 Authority. (b) (5)
[Redacted]

Sec. 3 Order Revised and Superseded. (b) (5)
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Sec. 4 Definitions.

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Sec. 5 Status of Lands.

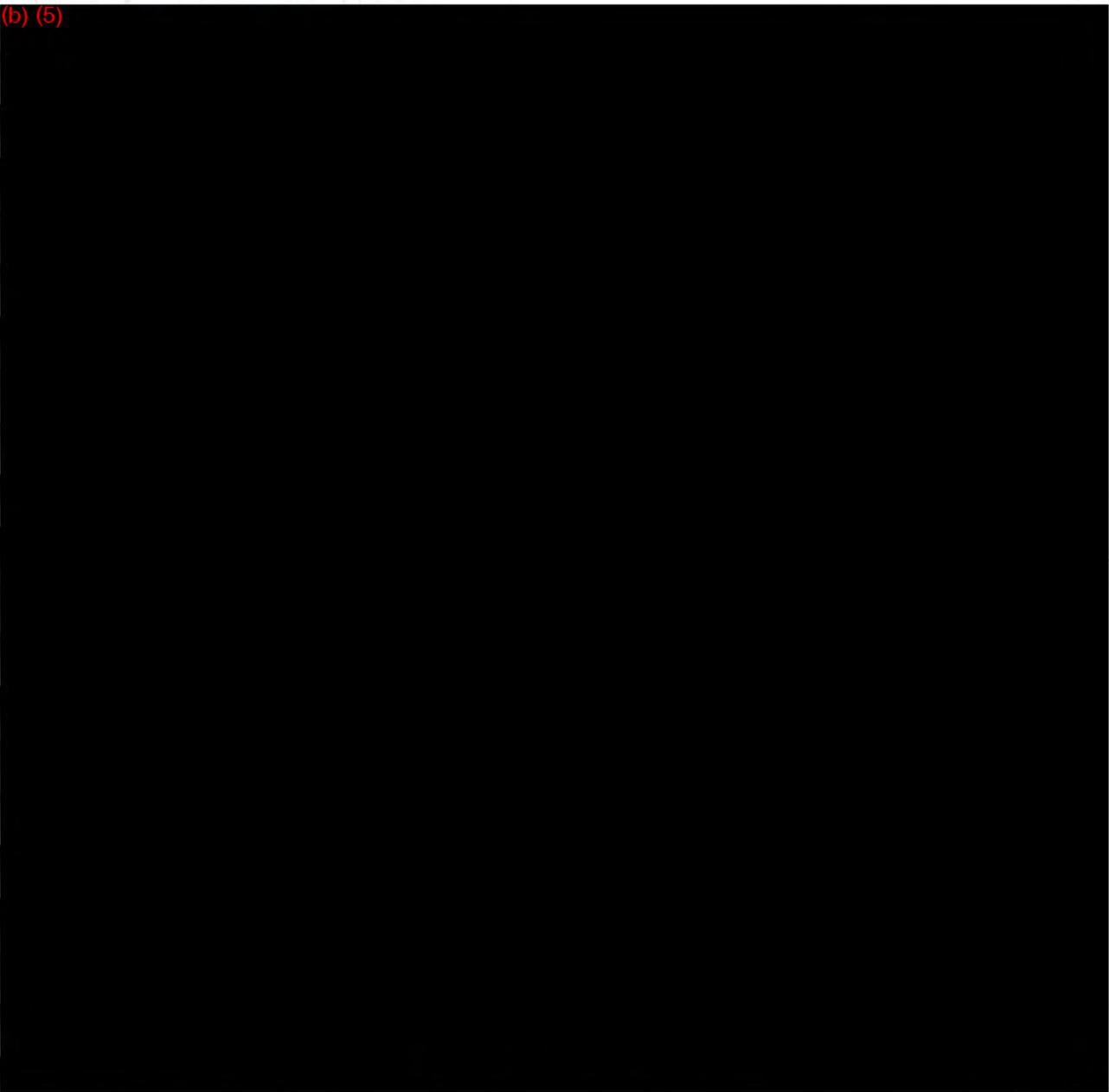
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Sec. 6 General Provisions.

a. Issuance of Oil and Gas Leases

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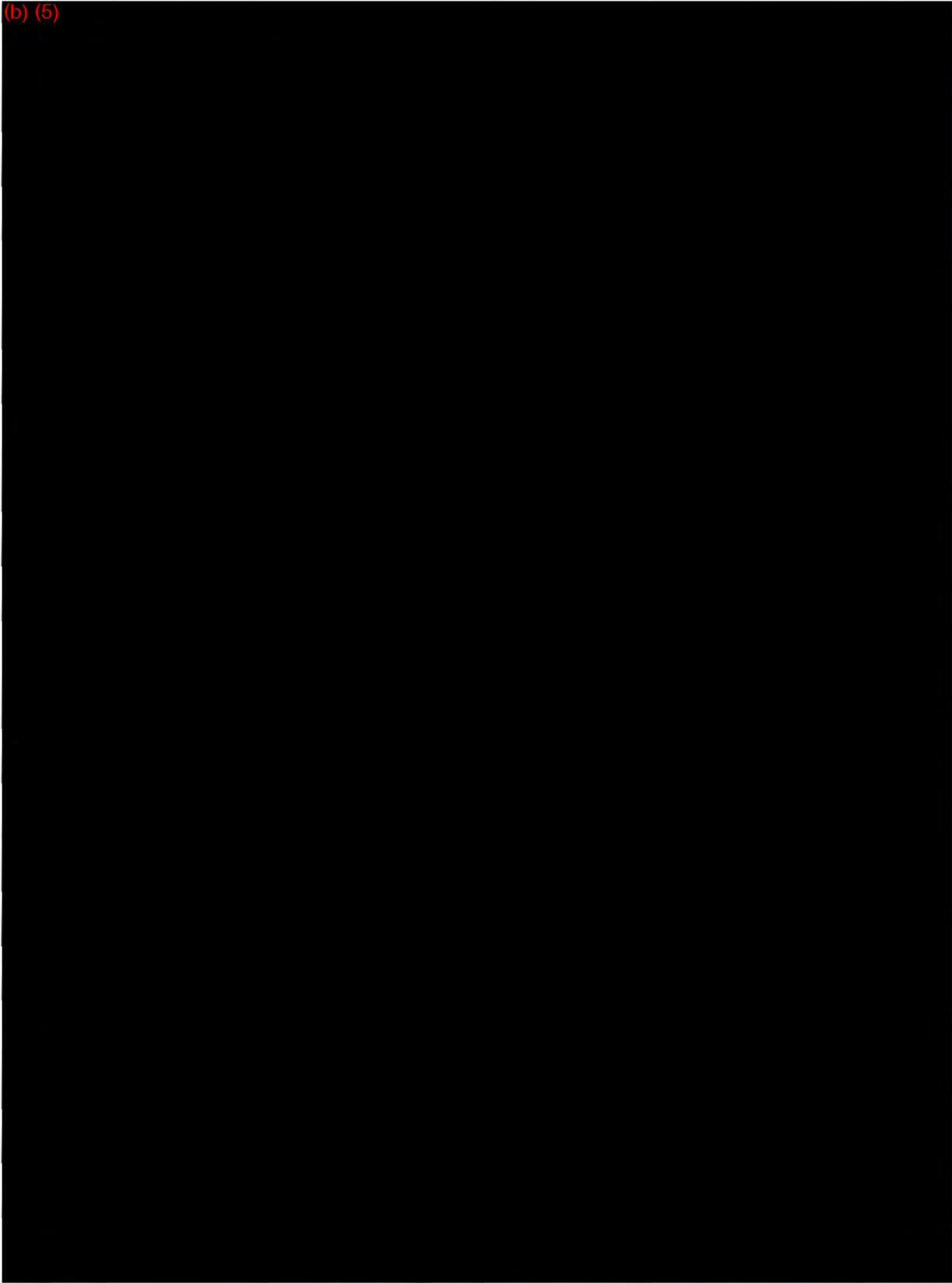
b. Reinstatement or Renewal of Oil and Gas Leases

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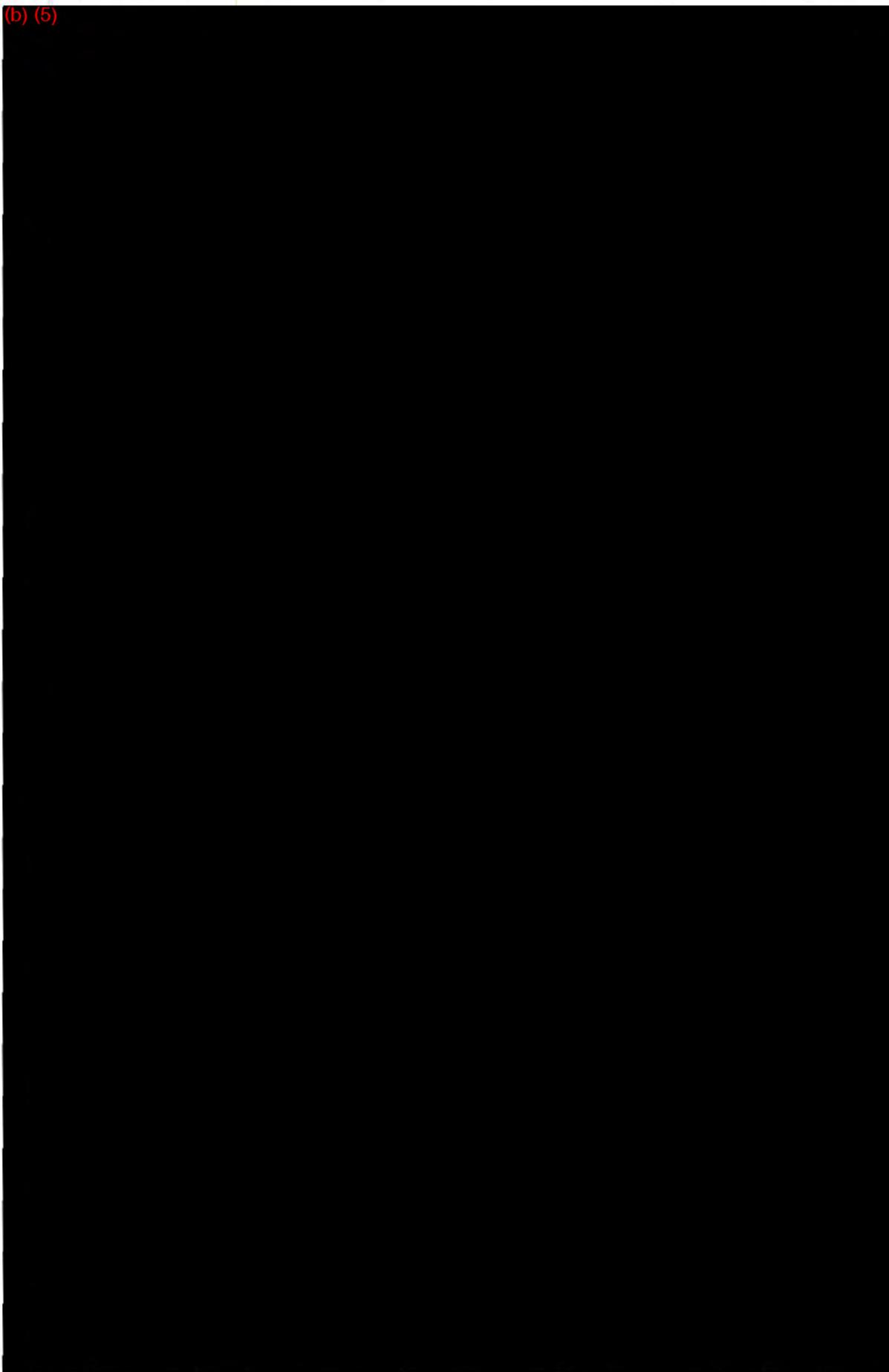
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e. Oil and Gas Drilling

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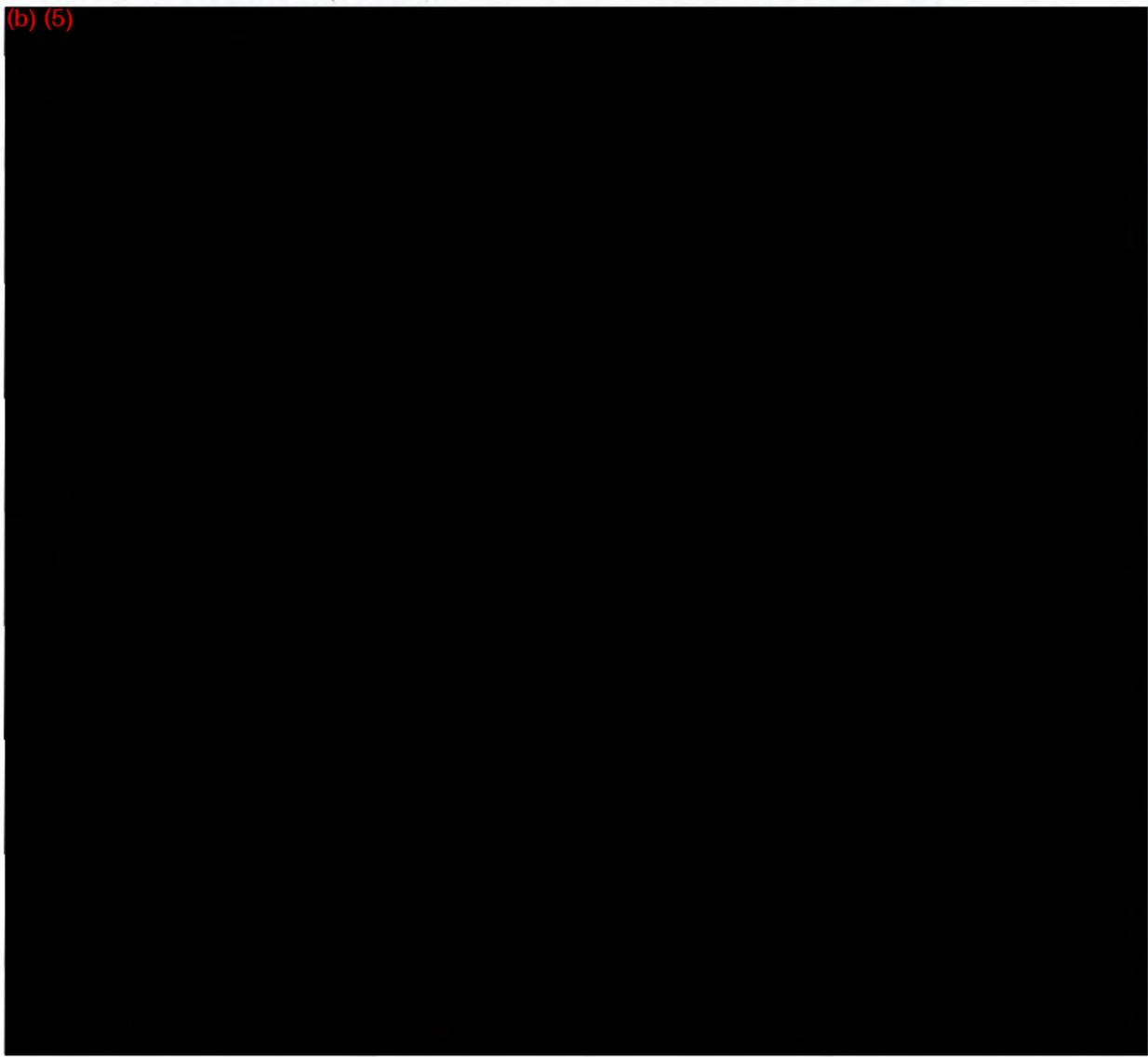


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f. Access to Maps and Surveys

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Sec. 7 Regulatory and Administrative Matters.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

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**Notice of Availability of the Draft Order of the Secretary on Oil and Gas and Potash
Development Within the Designated Potash Area, Eddy and Lea Counties, New Mexico**

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: Under the authority of the Mineral Leasing Act, as amended, the Bureau of Land Management (BLM) has prepared a draft Order of the Secretary of the Interior (Secretary's Order) to address oil, gas, and potash leasing and development within the Designated Potash Area in Eddy and Lea counties in New Mexico. The draft Secretary's Order would supersede the current Secretary's Order that addresses those issues. By this notice, the BLM announces the opening of a 30-day public comment period regarding the draft Secretary's Order. The revised guidelines in the draft Secretary's Order are designed to further promote the efficient development of potash, oil, and gas resources, while minimizing conflict between the industries and ensuring the safety of operations. Among other benefits, the revised guidelines are expected to enhance the safety of underground potash miners and allow for full development of oil and gas leaseholds with fewer environmental impacts.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the draft Secretary's Order within 30 days following the date this Notice of Availability is published in the Federal Register.

ADDRESSES: You may submit comments related to the draft Secretary's Order by any of the following methods:

- E-mail: therrell@blm.gov;
- Fax: 505-954-2115; or
- Mail: Bureau of Land Management, New Mexico State Office, 301 Dinosaur Trail
Santa Fe, NM 87508.

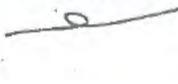
The draft Secretary's Order is available at the following website:

<http://www.blm.gov/NM/SecretaryPotashOrder/html> [REPLACE WITH REAL INTERNET ADDRESS]

FOR FURTHER INFORMATION CONTACT: Tony Herrell, Deputy State Director, Mineral Resources; telephone 505-954-2222; address 301 Dinosaur Trail, Santa Fe, NM 87508; e-mail: therrell@blm.gov. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: An area near the town of Carlsbad in southeastern New Mexico has large deposits of potash, oil, and gas. Oil and gas have been produced from this area since the early twentieth century. Potash (potassium bearing salts primarily used for fertilizer) was discovered in this area in 1925 and has been mined since 1930.

The Secretarial Potash Order was first issued by the Department of the Interior (Department) in 1939 (4 FR 1012, February 25, 1939). That Order withdrew 43,000 acres of public land from oil and gas leasing in order to protect potash deposits. The Order was amended in 1951 (16 FR 10699, October 18, 1951) to allow for multiple mineral development in a larger area

and established special lease terms for use in both potash leases and oil and gas leases. Such lease terms were designed to facilitate the protection of mineral resources and the safety of miners. The Order was also amended in 1965 (30 FR 6692, May 15, 1965), 1975 (40 FR 51486, November 5, 1975), and 1986 (51 FR 39425, October 28, 1986). A correction to the 1986 Order was issued in 1987 (52 FR 32171, August 26, 1987). The potash area designated by the corrected 1986 Order comprises approximately 497,000 acres, and the draft Order would not alter the boundaries of the area. 

The potash deposits in this area occur from 800 feet to over 2,000 feet beneath the surface and are mined by both conventional and solution mining methods; conventional methods require miners to be underground. The oil and gas in the area is found in formations below the potash bearing formations, so oil and gas wells must extend through potash formations. If potash mining breached a well casing, or if a well casing near a potash mine failed for other reasons, gas could enter the mine workings, thus endangering the miners. Additionally, such a breach would raise the costs of potash mining due to the need for enhanced ventilation techniques and specialized equipment needed to mine in a gassy environment. Accordingly, given these safety risks, while potash and oil and gas are found in the same area, they cannot readily be produced at the same time. Thus, there has been a long history of conflict between the potash and the oil and gas industries.

This conflict has resulted in a great deal of litigation in this area regarding decisions made by the BLM on a variety of development applications. Nevertheless, over the past several years, the two industries have initiated efforts to work together. There have been productive meetings and discussions between many of the parties involved in these previous disputes.

Additionally, there have been significant advances in the technology of oil and gas drilling that could be used to reduce the conflict between such drilling and the extraction of potash. Further, the economic outlook for both the oil and gas industry and the potash industry has recently improved. All of these factors have combined to encourage coordination between these two industries. The BLM has also worked with Sandia National Laboratories to investigate well logging technology, gas migration in the potash formations, and standards to use for estimating the mineability of potash and potash cutoff grades. These circumstances have led to this current review of the 1986 Secretary's Order.

The draft Secretary's Order differs from the 1986 Order in several important ways.

First, the formatting is modified to be consistent with the Department's style requirements for Secretary's Orders. These requirements were changed in 1992. See 012 DM 1 in the Departmental Manual.

Next, the draft Secretary's Order is built on a foundation of "co-development." This new term is used to describe concurrent development of potash and oil and gas from the Designated Potash Area through a cooperative effort between the industries under this draft Secretary's Order.

Next, the draft Secretary's Order authorizes the BLM to establish "Development Areas." Development Areas are blocks of Federal oil and gas leases, to be identified by the BLM, that could be developed as a unit from one or more "Drilling Islands." The draft Secretary's Order envisions that the oil and gas leases in a Development Area would be unitized under the regulations found at 43 CFR subpart 3180, and developed by a unit operator or operated

under a communitization agreement as authorized under 43 CFR subpart 3105. This would lead to more orderly development of the oil and gas resources in the Development Area and minimize impacts to surface resources and potash resources.

The draft Secretary's Order also defines new terms for classifying lands with regard to their potash values. "Barren Areas" are defined as lands within the designated Potash Area where sufficient data is available to establish that the area lacks mineable potash resources.

"Unknown Areas" are areas within the Designated Potash Area where there is an absence of data to classify the potash mineralization of the lands. While Barren Areas may be preferred locations for Drilling Islands, Unknown Areas may warrant protection from oil and gas drilling until such time as data is available to properly classify the potash mineralization.

It is envisioned that the majority of the Designated Potash Area will eventually be divided into Development Areas designed to minimize the impacts to potash mining while allowing for the development of oil and gas resources. It is intended that Development Areas will be developed with extended reach horizontal wells using the most current technology, consistent with applicable laws and regulations.

As described in the draft Secretary's Order, wells would be drilled from a Drilling Island established within the Development Area. In most cases, a single Drilling Island would be established for each Development Area. However, when circumstances dictate, BLM could establish additional Drilling Islands. Drilling Islands would be situated in such a manner that extended-reach horizontal wells could access oil and gas within the associated Development Areas. Under the draft Secretary's Order, in areas leased for potash or containing "Measured

Reserves" (i.e., areas where potash is known to exist in sufficient thickness and quality to be mineable), the Development Areas would generally be larger, potentially requiring the most aggressive use of extended-reach horizontal wells. In other areas, Development Areas could be smaller, and the use of extended-reach horizontal wells would likely be less.

By further utilizing a drilling island concept for oil and gas development that was first introduced in the 1986 Secretary's Order, full development of oil and gas leaseholds would occur with less impact to the environment because of the reduction in the number of drill pads and associated roads, power lines, and other ancillary facilities required to develop the oil and gas resource. The safety of the underground potash miners would also be enhanced by a reduction in the number and spacing of oil and gas drilling locations where wells penetrate the potash formation.

The draft Secretary's Order retains several important features of the 1986 Order, including the boundaries of the Designated Potash Area established in the 1986 Order, as corrected in 1987. The draft Secretary's Order also retains language of the 1986 Order for special terms and conditions for oil and gas leases and potash leases issued, readjusted, or reinstated in the Designated Potash Area. The draft Secretary's Order seeks to retain the wording of the 1986 Order to the extent practicable.

The provisions in this draft Secretary's Order are consistent with the Department's regulations, onshore orders, and the oil and gas lease form. The Department's existing regulations and onshore orders allow the BLM to impose conditions of approval on permits to drill and require protection of other mineral resources, other natural resources,

environmental quality, life, health, safety, and property. See 43 CFR subparts 3162.1, 3164.1, and 3165.1. The oil and gas lease form (BLM form 3100-11) provides that the rights granted in the lease are subject to the Secretary's subsequent formal orders when not inconsistent with the lease rights. The lease form also provides that lessees will take reasonable measures that BLM deems necessary to minimize adverse impacts to other resources and to other land uses or users. The provisions in the draft Secretary's Order are also consistent with the regulations governing potash leasing, exploration, and development. See 43 CFR part 3500 and subpart 3190.

Before including your phone number, email address, or other personal identifying information with the submission of your comments, you should be aware that your entire submission – including your personal identifying information – may be made publicly available at any time. While you may ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Jesse Juen

New Mexico State Director

AUTHORITY: 43 CFR 3164.1, 43 CFR 3590.2

4310-VC

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO100000, L18200000.XX0000]

Notice of Availability of BLM's Responses to Public Comments on the Proposed Order of the Secretary on Oil, Gas, and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Under the authority of the Mineral Leasing Act, as amended, the Secretary of the Interior has issued an Order to address oil, gas, and potash leasing and development within the Designated Potash Area in Eddy and Lea counties in New Mexico. The Secretary's Order (2012 Secretary's Order) supersedes a previous Order issued in 1986 and corrected in 1987 that addresses these issues. (b) (5)

This Notice announces the availability of the Bureau of Land Management's (BLM) responses to the comments that were received during the comment period.

ADDRESSES: The comments that were received and the comment responses are available for review at the following Website: <http://www.blm.gov/nm/st/en/info/potash.html>. The 2012 Secretary's Order was published in the Federal Register on [INSERT DATE OF PUBLICATION OF THE 2012 SECRETARY'S ORDER IN THE FEDERAL REGISTER]

FOR FURTHER INFORMATION CONTACT: Tony Herrell; telephone 505-954-2222; 301 Dinosaur Trail, Santa Fe, New Mexico, 87508; e-mail: therrell@blm.gov.

SUPPLEMENTARY INFORMATION:

Background

An area near the town of Carlsbad in southeastern New Mexico ~~has~~ contains large deposits of potash, oil, and gas. Oil and gas have been produced from this area since the early twentieth century. In 1925 (b) (5) potash (potassium-bearing salts primarily used for fertilizer) was discovered in this area (b) (5) and has been mined since 1930.

The Secretary issued the first Potash Order in 1939 (4 FR 1012, February 25, 1939). That Order withdrew approximately 43,000 acres of public land from oil and gas leasing ~~in order~~ to protect potash deposits. In 1951, the Secretary revoked the 1939 Order and issued a new Order that instituted the policy of authorizing concurrent development of oil and gas and potash reserves within an area comprising 298,345 acres, under reciprocal lease stipulations to ensure that the development of either mineral would not interfere with development of the other (16 FR (b) (5) 0669, October 18, 1951). The Order was amended in 1965 (30 FR 6692, May 15, 1965), 1975 (40 FR 51486, November 5, 1975), and 1986 (51 FR 39425, October 28, 1986). A correction to the 1986 Order was issued in 1987 (52 FR 32171, August 26, 1987). The potash area designated by the corrected 1986 Order comprises approximately 497,000 acres, and the 2012 Secretary's Order, published [INSERT DATE OF PUBLICATION OF THE ORDER IN THE FEDERAL REGISTER], does not alter the boundaries of the area.

The potash deposits in this area occur from 800 feet to over 2,000 feet beneath the surface and are mined by both conventional and solution mining methods; conventional methods require miners to be underground. The oil and gas in the area is found in formations below the potash-bearing formations, so oil and gas wells must extend through potash formations. If potash mining ~~breached~~ were to breach a well casing, or if a well casing near a potash

mine failed for other reasons, gas could (b) (5) migrate into the mine workings, thus endangering the miners. Additionally, the potential for such a breach could raise the costs of potash mining due to the need (b) (5) to utilize enhanced ventilation techniques and specialized equipment needed to mine in (b) (5) gas-filled environment. (b) (5) Given these safety risks, it has (b) (5) been a challenge to produce potash and oil and gas at the same time in the same area. This has led to a long history of conflict between the potash and the oil and gas industries.

This conflict has resulted in a great deal of litigation regarding decisions made by the BLM on a variety of potash or oil and gas development applications. Nevertheless (b) (5) (b) (5) leading members of the two industries have initiated efforts to work together over the past two years. A number of productive meetings and discussions have occurred among many of the parties involved in these previous disputes. Additionally, there have been significant advances in the technology of oil and gas drilling that could be used to reduce the conflict between such drilling and the extraction of potash. Further, the economic outlook for both the oil and gas industry and the potash industry has recently improved. The BLM has also worked with Sandia National Laboratories to investigate well logging technology, gas migration in the potash formations, and standards to use for estimating the mineability of potash and potash cutoff grades. These circumstances led to review of the 1986 Secretary's Order.

The (b) (5) 2012 Secretary's Order

The 2012 Secretary's Order differs from the 1986 Order as described below.

The formatting is modified to be consistent with the Department of the Interior's (Department) style requirements for Secretary's Orders. These requirements were changed in 1992 and are recorded in Section 012 DM 1 of the Departmental Manual.

(b) (5)

(b) (5)

The 2012 Secretary's Order authorizes the BLM to establish "Development Areas," where oil and gas wells can be drilled from one or more "Drilling Islands." The Drilling Island concept was first introduced in the 1975 Secretarial Order. In most cases, a single Drilling Island will be established for each Development Area, but if circumstances so dictate, the BLM may establish additional Drilling Islands. Drilling Islands will be situated in such a manner that extended reach horizontal wells could access oil and gas within the associated Development Area. The 2012 Secretary's Order envisions that the oil and gas leases in a Development Area will be unitized under the regulations found at 43 CFR subpart 3180 and developed by a unit operator, or operated under a communitization agreement as authorized under 43 CFR subpart 3105.

these existing oil and gas reservoir management tools should lead to more orderly development of the oil and gas resources in the Development Area and minimize impacts to surface resources due to a reduction in the number of drill pads and associated roads, power lines, and other ancillary facilities. Moreover, the resulting reduction in the number and spacing of oil and gas drilling locations where wells penetrate the potash formation is expected to minimize impacts to potash resources and enhance the safety of underground potash miners.

(b) (5)

The BLM envisions that a substantial portion of the Designated Potash Area will eventually be divided into Development Areas designed to minimize the impacts to potash mining while

allowing for the development of oil and gas resources. The BLM's goal is for the oil and gas in Development Areas to be developed with extended reach horizontal wells using the most current technology, consistent with applicable laws and regulations.

The 2012 Secretary's Order retains several important features of the 1986 Order, including the boundaries of the Designated Potash Area established in the 1986 Order, as corrected in 1987. The Secretary's Order also retains language of the 1986 Order for stipulations for oil and gas leases and potash leases issued, reinstated, renewed, or readjusted in the Designated Potash Area.

Comments on the Draft Order

The BLM received 28 comment letters during the comment period, including 41 distinct comments. These comments and the BLM's responses to them are available for review at the following website:

<http://www.blm.gov/nm/st/en/info/potash.html>.

Mike Pool

Acting Director, Bureau of Land Management

AUTHORITY: 43 CFR 3164.1, 43 CFR 3590.2

4310-VC

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO100000, L18200000.XX0000]

Notice of Availability of the Comment Analysis for the Order of the Secretary on Oil and Gas and Potash Development Within the Designated Potash Area, Eddy and Lea Counties, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Under the authority of the Mineral Leasing Act, as amended, the Secretary of the Interior has issued an Order to address oil, gas, and potash leasing and development within the Designated Potash Area in Eddy and Lea counties in New Mexico. The Order supersedes a previous Order issued in 1986 that addresses these issues. (b) (5)

[REDACTED] Notice announces the availability of the Bureau of Land Management's analysis of the comments that were received during the comment period.

ADDRESSES: The Comments that were received and the comment analysis are available for review at the following Website: <http://www.blm.gov/nm/st/en/info/potash.html> The final Secretary's Order was published in the Federal Register on [INSERT DATE OF PUBLICATION OF THE ORDER IN THE FEDERAL REGISTER]

FOR FURTHER INFORMATION CONTACT: Tony Herrell; telephone 505-954-2222; 301 Dinosaur Trail, Santa Fe, New Mexico, 87508; e-mail: therrell@blm.gov.

SUPPLEMENTARY INFORMATION:

Background

An area near the town of Carlsbad in southeastern New Mexico (b) (5) contains large deposits of potash, oil, and gas. Oil and gas resources have been produced from this area since the early twentieth century. In 19 (b) (5) potash (potassium bearing salts primarily used for fertilizer) was discovered in this area (b) (5) and has been mined since 1930.

A Secretarial Potash Order was first issued by the Department of the Interior (Department) in 1939 (4 FR 1012, February 25, 1939). That Order withdrew 43,000 acres of public land from oil and gas leasing in order to protect potash deposits. The Order was amended in 1951 (16 FR (b) (5) 669, October 18, 1951) to allow for multiple mineral development in a larger

area, including the 43,000 acres of public land that was withdrawn in the previous Order, and established special lease terms for use in both potash leases and oil and gas leases. Such lease terms were designed to facilitate the protection of mineral resources and the safety of miners. The Order was also amended in 1965 (30 FR 6692, May 15, 1965), 1975 (40 FR 51486, November 5, 1975), and 1986 (51 FR 39425, October 28, 1986). A correction to the 1986 Order was issued in 1987 (52 FR 32171, August 26, 1987). The potash area designated by the corrected 1986 Order comprises approximately 497,000 acres, and the new Order, published [INSERT DATE OF PUBLICATION OF THE ORDER IN THE FEDERAL REGISTER], does not alter the boundaries of the area.

The potash deposits in this area occur from 800 feet to over 2,000 feet beneath the surface and are mined by both conventional and solution mining methods; conventional methods require miners to be underground. The oil and gas in the area is found in formations below the potash bearing formations, so oil and gas wells must extend through potash formations.

If potash mining (b) (5) were to breach a well casing, or if a well casing near a potash mine failed for other reasons, gas could (b) (5) migrate into the mine workings, thus endangering the miners. (b) (5) such a breach would raise the costs of potash mining

due to the need ^{(b) (5)} ~~utilize~~ enhanced ventilation techniques and specialized equipment ^{(b) (5)} ~~needed to mine~~ ^{(b) (5)} ~~in~~ ^{(b) (5)} ~~gas-filled~~ environment. ^{(b) (5)} ~~Given~~ these safety risks, ~~while producing~~ potash and oil and gas ~~resources are~~ found in the same ^{(b) (5)} ~~area, this~~ ^{(b) (5)} ~~at the same time~~ ~~has been a challenge~~. This ~~has lead~~ed to a long history of conflict between the potash and the oil and gas industries.

^{(b) (5)} [REDACTED]

between such drilling and the extraction of potash. Further, the economic outlook for both the oil and gas industry and the potash industry has recently improved. All of these factors have combined to encourage coordination between these two industries. The BLM has also worked with Sandia National Laboratories to investigate well logging technology, gas migration in the potash formations, and standards to use for estimating the mineability of potash and potash cutoff grades. These circumstances have led to this current review of the 1986 Secretary's Order.

The New Secretary's Order

The new Secretary's Order differs from the 1986 Order in several important ways.

First, the formatting is modified to be consistent with the Department's style requirements for Secretary's Orders. These requirements were changed in 1992 and are recorded in Section 012 DM 1 of the Departmental Manual.

Next, the Secretary's Order is built on a foundation of "co-development." This new term is used to describe concurrent development of potash and oil and gas from the Designated Potash Area through a cooperative effort between the industries under new Secretary's Order. The definition of "co-development" has been revised from that of the draft Secretary's Order based upon comments received.

Next, the Secretary's Order authorizes the BLM to establish "Development Areas."

Development Areas are blocks of Federal oil and gas leases, to be identified by the BLM, that could be developed as a unit from one or more "Drilling Islands." The Secretary's Order envisions that the oil and gas leases in a Development Area would be unitized under the regulations found at 43 CFR subpart 3180, and developed by a unit operator or operated under a communitization agreement as authorized under 43 CFR subpart 3105. (b) (5)

[REDACTED]

[REDACTED] -These should lead to agreements are designed to foster more orderly development of the oil and gas resources in the Development Area and minimize impacts to surface resources and potash resources.

The Secretary's Order also defines new terms for classifying lands with regard to their potash values. "Barren Areas" are defined as lands within the designated Potash Area where sufficient data is available to establish that the area lacks mineable potash resources.

"Unknown Areas" are areas within the Designated Potash Area where there is an absence of data to classify the potash mineralization of the lands. While Barren Areas may be preferred locations for Drilling Islands, Unknown Areas may warrant protection from oil and gas drilling until such time as data is available to properly classify the potash mineralization.

It is envisioned that the majority of the Designated Potash Area will eventually be divided into Development Areas designed to minimize the impacts to potash mining while allowing

(b) (5)

for the development of oil and gas resources. It is intended that Development Areas will be developed with extended reach horizontal wells using the most current technology, consistent with applicable laws and regulations.

(b) (5)

As described in the Secretary's Order, wells would be drilled from a Drilling Island established within the Development Area. In most cases, a single Drilling Island would be established for each Development Area. However, when circumstances dictate, BLM could establish additional Drilling Islands. Drilling Islands would be situated in such a manner that extended-reach horizontal wells could access oil and gas within the associated Development Areas. Under the draft Secretary's Order, in areas leased for potash or containing "Measured Reserves" (i.e., areas where potash is known to exist in sufficient thickness and quality to be mineable), the Development Areas would generally be larger, potentially requiring the most aggressive use of extended-reach horizontal wells. In other areas, such as a Barren area, Development Areas could be smaller, and the use of extended-reach horizontal wells would likely be less.

(b) (5)

By further utilizing a drilling island concept for oil and gas development that was first introduced in the 1986 Secretary's Order, full development of oil and gas leaseholds would occur with less impact to the environment because of the reduction in the number of drill pads and associated roads, power lines, and other ancillary facilities required to develop the oil and gas resource. The safety of the underground potash miners would also be enhanced by a reduction in the number and spacing of oil and gas drilling locations where wellbores that penetrate the potash formation.

(b) (5)

The Secretary's Order seeks to retain the wording of the 1986 Order to the extent practicable.

The Secretary's Order retains, for example, several important features of the 1986 Order, including the boundaries of the Designated Potash Area established in the 1986 Order, as

corrected in 1987 were retained. The Secretary's Order also retains language of the 1986 Order for special terms and conditions for oil and gas leases and potash leases issued, readjusted, or reinstated in the Designated Potash Area. ~~The Secretary's Order seeks to retain the wording of the 1986 Order to the extent practicable.~~

The provisions in this Secretary's Order are consistent with the Department's regulations, onshore orders, and the oil and gas lease form. The Department's existing regulations and onshore orders allow the BLM to impose conditions of approval on permits in order to protect environmental quality, life, health, safety, and property. See 43 CFR subparts 3162.1, 3164.1, and 3165.1. The oil and gas lease form (BLM form 3100-11) provides that the rights granted in the lease are subject to the Secretary's subsequent formal orders when not inconsistent with the lease rights. The lease form also provides that lessees will take reasonable measures that BLM deems necessary to minimize adverse impacts to other resources and to other land uses or users. The provisions in the Secretary's Order are also consistent with the regulations governing potash leasing, exploration, and development. See 43 CFR part 3500 and subpart 3590.

(b) (5)

Comments on the Draft Order

The BLM received 28 comment letters during the comment period including 40 distinct comments. Many commenters supported the idea of a revision to the exiting 1986 Order, but several commenters expressed concern that and Order would disrupt the management of the resources in this area. The Department believes that significant changes in technology and the change in demand for the resources require a revision to the 1986 Order at this time. The new Order is designed to make incremental change to the 1986 Order and preserve those components of the 1986 Order that remain valuable.

Some commenters suggested that the new Order was biased against oil and gas development and unfairly benefited potash development. This is not the intent of the Order. In fact, the Order is designed to support co-development, or the reasonable development of both potash and fluid minerals in the area. Because of the complex geology of the area and resource development needs to be carefully managed so that the extraction of one resource does not permanently prevent the extraction of the other resources.

In order to make the intent of the new Order more clear the phrase "while limiting the impact on potash resources" was changed to "while managing the impact on potash resources" as suggested in several comments. The new Order strengthens the structure used by the BLM to manage this resource development while at the same time ensuring the safety of both industries and the protection of the environment.

Several commenters recommended specific wording changes in the document to clarify the definitions provided. Several of these wording changes to clarify the text were accepted. The definitions of "Co-development," "Development Area," and "Drilling Island" were clarified in response to comments.

One commenter believed the draft Order required the BLM to accept data from potash companies uncritically and use it to make critical determinations. Section 6d(9) was modified to make it clear that the BLM would verify any data that would serve as a basis for its decision making.

The new Order was clarified to indicate that the BLM could approve an application for permit to drill submitted on a Drilling Island that was approved under a previous Order even if no development Area had been identified. The text of the new Order was also revised to clarify that the BLM would have the authority to approve single wells under certain

circumstances. The text was modified to indicate that a potash company did not have a "veto" authority over an oil and gas application for permit to drill.

The draft Order retained language from the 1986 Order that described certain protest that could be filed with the New Mexico Oil and Gas Conservation Division. This text was deleted based on comments received from the State of New Mexico.

Section 6e(7) was retitled from "Notice to Potash Lessees" to "Notice to Affected Parties" broadening the requirements for providing notice and expanding the BLM's obligations to facilitate this notification at the request of commenters.

The last change made to the draft Order was that Section 6e(8)(c) was modified at the request of commenters. The BLM will provide core data in its records, subject to data management protocols, when necessary to facilitate the location of a new core hole designed to prove the existence of a barren area.

Other commenters discussed the process used to develop the new Order, the potential economic impacts of the new Order, the effect of the new Order on small oil and gas operators, and other matters. Many of these comments did not lead to wording changes in the Order. The BLM prepared an analysis of these comments and this analysis is available for review at the following website: <http://www.blm.gov/nm/st/en/info/potash.html>. The [comment letters are also available at the same website.](#)

Jesse Juen

New Mexico State Director

AUTHORITY: 43 CFR 3164.1, 43 CFR 3590.2

4310-VC

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO100000, L18200000.XX0000]

Notice of Availability of BLM's Responses to Public Comments and of BLM's
Environmental Assessment on the Proposed Order of the Secretary on Oil, Gas, and
Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea
Counties, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Under the authority of the Mineral Leasing Act, as amended, on [fill in date]
2012, the Secretary of the Interior has issued an Order (2012 Secretary's Order) to address
oil, gas, and potash leasing and development within the Designated Potash Area in Eddy and
Lea counties in New Mexico. The 2012 Secretary's Order (2012 Secretary's Order)
supersedes a previous Order issued in 1986 and corrected in 1987 that addresses these issues.
In developing the 2012 Secretary's Order ^{(b) (5)} a draft Order was released for a
public comment period that began on July 13, 2012 and ended on August 31, 2012, 77 FR
41442. This Notice announces the availability of the Bureau of Land Management's (BLM)
responses to the comments that were received during the comment period and the availability
of the Environmental Assessment that was prepared by BLM in developing the 2012
Secretary's Order.

ADDRESSES: The comments that were received ^{(b) (5)} comment responses, and the
Environmental Assessment are available for review at the following Website:

<http://www.blm.gov/nrm/st/en/info/potash.html>. The 2012 Secretary's Order was published

in the Federal Register on [INSERT DATE OF PUBLICATION OF THE 2012 SECRETARY'S ORDER IN THE FEDERAL REGISTER]

FOR FURTHER INFORMATION CONTACT: Tony Herrell; telephone 505-954-2222; 301 Dinosaur Trail, Santa Fe, New Mexico, 87508; e-mail: therrell@blm.gov.

SUPPLEMENTARY INFORMATION:

Background

An area near the town of Carlsbad in southeastern New Mexico (b) (5) contains large deposits of potash, oil, and gas. Oil and gas have been produced from this area since the early twentieth century. In 1925 (b) (5) potash (potassium-bearing salts primarily used for fertilizer) was discovered in this area (b) (5) and has been mined since 1930.

The Secretary issued the first Potash Order in 1939 (4 FR 1012, February 25, 1939). That Order withdrew approximately 43,000 acres of public land from oil and gas leasing (b) (5) to protect potash deposits. In 1951, the Secretary revoked the 1939 Order and issued a new Order that instituted the policy of authorizing concurrent development of oil and gas and potash reserves within an area comprising 298,345 acres, under reciprocal lease stipulations to ensure that the development of either mineral would not interfere with development of the other (16 FR (b) (5) 0669, October 18, 1951). The Order was amended in 1965 (30 FR 6692, May 15, 1965), 1975 (40 FR 51486, November 5, 1975), and 1986 (51 FR 39425, October 28, 1986). A correction to the 1986 Order was issued in 1987 (52 FR 32171, August 26, 1987). The potash area designated by the corrected 1986 Order comprises approximately 497,000 acres, and the 2012 Secretary's Order, published [INSERT DATE OF PUBLICATION OF THE ORDER IN THE FEDERAL REGISTER], does not alter the boundaries of the area.

The potash deposits in this area occur from 800 feet to over 2,000 feet beneath the surface and are mined by both conventional and solution mining methods; conventional methods require miners to be underground. The oil and gas in the area is found in formations below the potash-bearing formations, so oil and gas wells must extend through potash formations.

If potash mining (b) (5) were to breach a well casing, or if a well casing near a potash mine failed for other reasons, gas could (b) (5) migrate into the mine workings, thus endangering the miners. Additionally, the potential for such a breach could raise the costs of potash mining due to the need (b) (5) to utilize enhanced ventilation techniques and specialized equipment needed to mine in a (b) (5) gas-filled environment. (b) (5) Given these safety risks, it has (b) (5) been a challenge to produce potash and oil and gas at the same time in the same area. This challenge has led to a long history of conflict between the potash and the oil and gas industries.

This conflict has resulted in a great deal of litigation regarding decisions made by the BLM on a variety of potash or oil and gas development applications. Nevertheless (b) (5) (b) (5) leading members of the two industries have initiated efforts to work together over the past two years. A number of productive meetings and discussions have occurred among many of the parties involved in these previous disputes. Additionally, there have been significant advances in the technology of oil and gas drilling that could be used to reduce the conflict between such drilling and the extraction of potash. Further, the economic outlook for both the oil and gas industry and the potash industry has recently improved. The BLM has also worked with Sandia National Laboratories to investigate well logging technology, gas migration in the potash formations, and standards to use for estimating the

mineability of potash and potash cutoff grades. These circumstances led to review of the 1986 Secretary's Order.

The (b) (5) 2012 Secretary's Order

The 2012 Secretary's Order differs from the 1986 Order as described below.

(b) (5) (b) (5)

The 2012 Secretary's Order authorizes the BLM to establish "Development Areas," where oil and gas wells can be drilled from one or more "Drilling Islands." The Drilling Island concept was first introduced in the 1975 Secretary's Order. In most cases, a single Drilling Island will be established for each Development Area, but if circumstances so dictate, the BLM may establish additional Drilling Islands. Drilling Islands will be situated in such a manner that extended reach horizontal wells could access oil and gas within the associated

Development Area. Unless there is a compelling reason for not operating under a unitization or communitization agreement, (b) (5) 2012 Secretary's Order envisions that the oil and gas leases in a Development Area will (b) (5) be unitized under the regulations found at 43 CFR subpart 3180 and developed by a unit operator, or operated under a communitization agreement as authorized under 43 CFR subpart 3105. (b) (5)

(b) (5)

(b) (5) these oil and gas reservoir management tools should lead to more orderly development of the oil and gas resources in the Development Area and minimize impacts to surface resources due to a reduction in the number of drill pads and associated roads, power lines, and other ancillary facilities. Moreover, the resulting reduction in the

(b) (5)

number and spacing of oil and gas drilling locations where wells penetrate the potash formation is expected to minimize impacts to potash resources and enhance the safety of underground potash miners.

The BLM envisions that a substantial portion of the Designated Potash Area will eventually be divided into Development Areas designed to minimize the impacts to potash mining while allowing for the development of oil and gas resources. (b) (5) BLM expects that (b) (5)

(b) (5) oil and gas in Development Areas will largely be developed with extended reach horizontal wells using the most current technology, consistent with applicable laws and regulations.

The 2012 Secretary's Order retains several important features of the 1986 Order, including the boundaries of the Designated Potash Area established in the 1986 Order, as corrected in 1987. The Secretary's Order also retains language of the 1986 Order for stipulations for oil and gas leases and potash leases issued, reinstated, renewed, or readjusted in the Designated Potash Area.

The (b) (5) Department) style requirements for Secretary's Orders. These requirements were changed in 1992 and are recorded in Section 012 DM 1 of the Departmental Manual (b) (5)

Comments on the Draft Order

The BLM received 28 comment letters during the comment period, including 41 distinct comments. These comments and the BLM's responses to them are available for review at the following website:

<http://www.blm.gov/nm/st/en/info/potash.html>.

Environmental Assessment

Pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., and BLM's implementing regulations, the BLM prepared an Environmental Assessment (EA) in conjunction with the development of the 2012 Secretary's Order. Based on the EA, a Finding of No Significant Impact (FONSI) was made. The EA/FONSI is available for review at the following website: (b) (5)

Mike Pool

Acting Director, Bureau of Land Management

AUTHORITY: 43 CFR 3164.1, 43 CFR 3590.2

4310-VC

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO100000, L18200000.XX0000]

Notice of Availability of BLM's Responses to Public Comments and of BLM's Environmental Assessment on the Proposed Order of the Secretary on Oil, Gas, and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Under the authority of the Mineral Leasing Act, as amended, on [fill in date], 2012, the Secretary of the Interior (b) (5) issued an Order (2012 Secretary's Order) to address oil, gas, and potash leasing and development within the Designated Potash Area in Eddy and Lea counties in New Mexico. The 2012 Secretary's Order (b) (5) supersedes a previous Order issued in 1986 and corrected in 1987 that addresses these issues. In developing the 2012 Secretary's Order (b) (5) a draft Order was released for a public comment period that began on July 13, 2012 and ended on August 31, 2012, 77 FR 41442. This Notice announces the availability of the Bureau of Land Management's (BLM) responses to the comments that were received during the comment period and the availability of the Environmental Assessment that was prepared by BLM in developing the 2012 Secretary's Order.

ADDRESSES: The comments that were received (b) (5) the comment responses, and the Environmental Assessment are available for review at the following Website:

<http://www.blm.gov/nm/st/en/info/potash.html>. The 2012 Secretary's Order was published

in the Federal Register on (b) (5) [REDACTED]
[REDACTED]

FOR FURTHER INFORMATION CONTACT: Tony Herrell; telephone 505-954-2222;
301 Dinosaur Trail, Santa Fe, New Mexico, 87508; e-mail: therrell@blm.gov.

SUPPLEMENTARY INFORMATION:

Background

An area near the town of Carlsbad in southeastern New Mexico (b) (5) [REDACTED] contains large deposits of potash, oil, and gas. Oil and gas have been produced from this area since the early twentieth century. In 1925 (b) (5) [REDACTED] potash (potassium-bearing salts primarily used for fertilizer) was discovered in this area (b) (5) [REDACTED] and has been mined since 1930.

The Secretary issued the first Potash Order in 1939 (4 FR 1012, February 25, 1939). That Order withdrew approximately 43,000 acres of public land from oil and gas leasing (b) (5) [REDACTED] to protect potash deposits. In 1951, the Secretary revoked the 1939 Order and issued a new Order that instituted the policy of authorizing concurrent development of oil and gas and potash reserves within an area comprising 298,345 acres, under reciprocal lease stipulations to ensure that the development of either mineral would not interfere with development of the other (16 FR (b) (5) [REDACTED] 0669, October 18, 1951). The Order was amended in 1965 (30 FR 6692, May 15, 1965), 1975 (40 FR 51486, November 5, 1975), and 1986 (51 FR 39425, October 28, 1986). A correction to the 1986 Order was issued in 1987 (52 FR 32171, August 26, 1987). The potash area designated by the corrected 1986 Order comprises approximately 497,000 acres, and the 2012 Secretary's Order, published [INSERT DATE OF PUBLICATION OF THE ORDER IN THE FEDERAL REGISTER], does not alter the boundaries of the area.

The potash deposits in this area occur from 800 feet to over 2,000 feet beneath the surface and are mined by both conventional and solution mining methods; conventional methods require miners to be underground. The oil and gas in the area is found in formations below the potash-bearing formations, so oil and gas wells must extend through potash formations.

If potash mining (b) (5) were to breach a well casing, or if a well casing near a potash mine failed for other reasons, gas could (b) (5) migrate into the mine workings, thus endangering the miners. Additionally, the potential for such a breach could raise the costs of potash mining due to the need (b) (5) to utilize enhanced ventilation techniques and specialized equipment needed to mine in a (b) (5) gas-filled environment. (b) (5) Given these safety risks, it has (b) (5) been a challenge to produce potash and oil and gas at the same time in the same area. This challenge has led to a long history of conflict between the potash and the oil and gas industries.

This conflict has resulted in a great deal of litigation regarding decisions made by the BLM on a variety of potash or oil and gas development applications. Nevertheless, (b) (5) (b) (5) leading members of the two industries have initiated efforts to work together over the past two years. A number of productive meetings and discussions have occurred among many of the parties involved in these previous disputes. Additionally, there have been significant advances in the technology of oil and gas drilling that could be used to reduce the conflict between such drilling and the extraction of potash. Further, the economic outlook for both the oil and gas industry and the potash industry has recently improved. The BLM has also worked with Sandia National Laboratories to investigate well logging technology, gas migration in the potash formations, and standards to use for estimating the

(b) (5)

mineability of potash and potash cutoff grades. These circumstances led to review of the 1986 Secretary's Order.

The ~~New~~ 2012 Secretary's Order

The 2012 Secretary's Order differs from the 1986 Order as described below.

(b) (5)

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The 2012 Secretary's Order authorizes the BLM to establish "Development Areas," where oil and gas wells can be drilled from one or more "Drilling Islands." The Drilling Island concept was first introduced in the 1975 Secretary's Order. In most cases, a single Drilling Island will be established for each Development Area, but if circumstances so dictate, the BLM may establish additional Drilling Islands. Drilling Islands will be situated in such a manner that extended reach horizontal wells could access oil and gas within the associated Development Area. The 2012 Secretary's Order envisions that the oil and gas leases in a Development Area will (b) (5) be unitized under the regulations found at 43 CFR subpart 3180 and developed by a unit operator, or operated under a communitization agreement as authorized under 43 CFR subpart 3105. (b) (5)

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(b) (5) These oil and gas reservoir management tools should lead to more orderly development of the oil and gas resources in the Development Area and minimize impacts to surface resources due to a reduction in the number of drill pads and associated roads, power lines, and other ancillary facilities. Moreover, the resulting reduction in the number and spacing of

Pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., and BLM's implementing regulations, the BLM prepared an Environmental Assessment (EA) in conjunction with the development of the 2012 Secretary's Order. Based on the EA, a Finding of No Significant Impact (FONSI) was made. The EA/FONSI is available for review at the following website: [f] (b) (5)

Mike Pool

Acting Director, Bureau of Land Management

AUTHORITY: 43 CFR 3164.1, 43 CFR 3590.2

4310-VC

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO100000, L18200000.XX0000]

**Notice of Availability of BLM's Responses to Public Comments and of BLM's
Environmental Assessment on the Proposed Order of the Secretary on Oil, Gas, and
Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea
Counties, New Mexico**

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Under the authority of the Mineral Leasing Act, as amended, on [fill in date], 2012, the Secretary of the Interior issued an Order (2012 Secretary's Order) to address oil, gas, and potash leasing and development within the Designated Potash Area in Eddy and Lea counties in New Mexico. The 2012 Secretary's Order supersedes a previous Order issued in 1986 and corrected in 1987 that addresses these issues. In developing the 2012 Secretary's Order, a draft Order was released for a public comment period that began on July 13, 2012 and ended on August 31, 2012, 77 FR 41442. This Notice announces the availability of the Bureau of Land Management's (BLM) responses to the comments that were received during the comment period and the availability of the Environmental Assessment that was prepared by BLM in developing the 2012 Secretary's Order.

ADDRESSES: The comments that were received, the comment responses, and the Environmental Assessment are available for review at the following Website:

<http://www.blm.gov/nm/st/en/info/potash.html>. The 2012 Secretary's Order was published

in the Federal Register on [INSERT DATE OF PUBLICATION OF THE 2012 SECRETARY'S ORDER IN THE FEDERAL REGISTER]

FOR FURTHER INFORMATION CONTACT: Tony Herrell; telephone 505-954-2222; 301 Dinosaur Trail, Santa Fe, New Mexico, 87508; e-mail: therrell@blm.gov.

SUPPLEMENTARY INFORMATION:

Background

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The potash deposits in this area occur from 800 feet to over 2,000 feet beneath the surface and are mined by both conventional and solution mining methods; conventional methods require miners to be underground. The oil and gas in the area is found in formations below the potash-bearing formations, so oil and gas wells must extend through potash formations. If potash mining were to breach a well casing, or if a well casing near a potash mine failed for other reasons, gas could migrate into the mine workings, thus endangering the miners. Additionally, the potential for such a breach could raise the costs of potash mining due to the need to utilize enhanced ventilation techniques and specialized equipment needed to mine in a gas-filled environment. Given these safety risks, it has been a challenge to produce potash and oil and gas at the same time in the same area. This challenge has led to a long history of conflict between the potash and the oil and gas industries.

This conflict has resulted in a great deal of litigation regarding decisions made by the BLM on a variety of potash or oil and gas development applications. Nevertheless, leading members of the two industries have initiated efforts to work together over the past two years. A number of productive meetings and discussions have occurred among many of the parties involved in these previous disputes. Additionally, there have been significant advances in the technology of oil and gas drilling that could be used to reduce the conflict between such drilling and the extraction of potash. Further, the economic outlook for both the oil and gas industry and the potash industry has recently improved. The BLM has also worked with Sandia National Laboratories to investigate well logging technology, gas migration in the potash formations, and standards to use for estimating the mineability of potash and potash cutoff grades. These circumstances led to review of the 1986 Secretary's Order.

The 2012 Secretary's Order

The 2012 Secretary's Order differs from the 1986 Order as described below.

(b) [REDACTED]
(5)

[REDACTED]

[REDACTED]

(b) (5) [REDACTED]

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The BLM envisions that a substantial portion of the Designated Potash Area will eventually be divided into Development Areas designed to minimize the impacts to potash mining while allowing for the development of oil and gas resources. The BLM expects that the oil and gas in Development Areas will largely be developed with extended reach horizontal wells using the most current technology, consistent with applicable laws and regulations.

The 2012 Secretary's Order retains several important features of the 1986 Order, including the boundaries of the Designated Potash Area established in the 1986 Order, as corrected in 1987. The Secretary's Order also retains language of the 1986 Order for stipulations for oil and gas leases and potash leases issued, reinstated, renewed, or readjusted in the Designated Potash Area.

The formatting is modified to be consistent with the Department of the Interior's (Department) style requirements for Secretary's Orders. These requirements were changed in 1992 and are recorded in Section 012 DM 1 of the Departmental Manual.

Comments on the Draft Order

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<http://www.blm.gov/nm/st/en/info/potash.html>.

Environmental Assessment

Pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., and BLM's implementing regulations, the BLM prepared an Environmental Assessment (EA) in conjunction with the development of the 2012 Secretary's Order. Based on the EA, a Finding of No Significant Impact (FONSI) was made. The EA/FONSI is available for review at the following website: <http://www.blm.gov/nm/st/en/info/potash.html>.

Mike Pool

Acting Director, Bureau of Land Management

AUTHORITY: 40 CFR 1506.6, 43 CFR 3164.1, 43 CFR 3590.2

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO100000, L18200000.XX0000]

**Notice of Availability of BLM's Responses to Public Comments and of BLM's
Environmental Assessment on the Proposed Order of the Secretary on Oil, Gas, and
Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea
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AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Under the authority of the Mineral Leasing Act, as amended, on [fill in date], 2012, the Secretary of the Interior issued an Order (2012 Secretary's Order) to address oil, gas, and potash leasing and development within the Designated Potash Area in Eddy and Lea counties in New Mexico. The 2012 Secretary's Order supersedes a previous Order issued in 1986 and corrected in 1987 that addresses these issues. In developing the 2012 Secretary's Order, a draft Order was released for a public comment period that began on July 13, 2012 and ended on August 31, 2012, 77 FR 41442. This Notice announces the availability of the Bureau of Land Management's (BLM) responses to the comments that were received during the comment period and the availability of the Environmental Assessment that was prepared by BLM in developing the 2012 Secretary's Order.

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in the Federal Register on [INSERT DATE OF PUBLICATION OF THE 2012

SECRETARY'S ORDER IN THE FEDERAL REGISTER]

FOR FURTHER INFORMATION CONTACT: Tony Herrell; telephone 505-954-2222;

301 Dinosaur Trail, Santa Fe, New Mexico, 87508; e-mail: therrell@blm.gov.

SUPPLEMENTARY INFORMATION:

Background

An area near the town of Carlsbad in southeastern New Mexico contains large deposits of potash, oil, and gas. Oil and gas have been produced from this area since the early twentieth century. In 1925, potash (potassium-bearing salts primarily used for fertilizer) was discovered in this area and has been mined since 1930.

The Secretary issued the first Potash Order in 1939 (4 FR 1012, February 25, 1939). That Order withdrew approximately 43,000 acres of public land from oil and gas leasing to protect potash deposits. In 1951, the Secretary revoked the 1939 Order and issued a new Order that instituted the policy of authorizing concurrent development of oil and gas and potash reserves within an area comprising 298,345 acres, under reciprocal lease stipulations to ensure that the development of either mineral would not interfere with development of the other (16 FR 10669, October 18, 1951). The Order was amended in 1965 (30 FR 6692, May 15, 1965), 1975 (40 FR 51486, November 5, 1975), and 1986 (51 FR 39425, October 28, 1986). A correction to the 1986 Order was issued in 1987 (52 FR 32171, August 26, 1987). The potash area designated by the corrected 1986 Order comprises approximately 497,000 acres, and the 2012 Secretary's Order, published [INSERT DATE OF PUBLICATION OF THE ORDER IN THE FEDERAL REGISTER], does not alter the boundaries of the area.

The potash deposits in this area occur from 800 feet to over 2,000 feet beneath the surface and are mined by both conventional and solution mining methods; conventional methods require miners to be underground. The oil and gas in the area is found in formations below the potash-bearing formations, so oil and gas wells must extend through potash formations. If potash mining were to breach a well casing, or if a well casing near a potash mine failed for other reasons, gas could migrate into the mine workings, thus endangering the miners. Additionally, the potential for such a breach could raise the costs of potash mining due to the need to utilize enhanced ventilation techniques and specialized equipment needed to mine in a gas-filled environment. Given these safety risks, it has been a challenge to produce potash and oil and gas at the same time in the same area. This challenge has led to a long history of conflict between the potash and the oil and gas industries.

This conflict has resulted in a great deal of litigation regarding decisions made by the BLM on a variety of potash or oil and gas development applications. Nevertheless, leading members of the two industries have initiated efforts to work together over the past two years. A number of productive meetings and discussions have occurred among many of the parties involved in these previous disputes. Additionally, there have been significant advances in the technology of oil and gas drilling that could be used to reduce the conflict between such drilling and the extraction of potash. Further, the economic outlook for both the oil and gas industry and the potash industry has recently improved. The BLM has also worked with Sandia National Laboratories to investigate well logging technology, gas migration in the potash formations, and standards to use for estimating the mineability of potash and potash cutoff grades. These circumstances led to review of the 1986 Secretary's Order.

The 2012 Secretary's Order

The 2012 Secretary's Order differs from the 1986 Order as described below.

The formatting is modified to be consistent with the Department of the Interior's (Department) style requirements for Secretary's Orders. These requirements were changed in 1992 and are recorded in Section 012 DM 1 of the Departmental Manual.

The 2012 Secretary's Order authorizes the BLM to establish "Development Areas," where oil and gas wells can be drilled from one or more "Drilling Islands." The Drilling Island concept was first introduced in the 1975 Secretary's Order. In most cases, a single Drilling Island will be established for each Development Area, but if circumstances so dictate, the BLM may establish additional Drilling Islands. Drilling Islands will be situated in such a manner that extended reach horizontal wells could access oil and gas within the associated Development Area. **Unless there is a compelling reason for not operating under a unitization or communitization agreement, the** 2012 Secretary's Order envisions that the oil and gas leases in a Development Area will be unitized under the regulations found at 43 CFR subpart 3180 and developed by a unit operator, or operated under a communitization agreement as authorized under 43 CFR subpart 3105. These oil and gas reservoir management tools should lead to more orderly development of the oil and gas resources in the Development Area and minimize impacts to surface resources due to a reduction in the number of drill pads and associated roads, power lines, and other ancillary facilities. Moreover, the resulting reduction in the number and spacing of oil and gas drilling locations where wells penetrate the potash formation is expected to minimize impacts to potash resources and enhance the safety of underground potash miners.

The BLM envisions that a substantial portion of the Designated Potash Area will eventually be divided into Development Areas designed to minimize the impacts to potash mining while allowing for the development of oil and gas resources. The BLM expects that the oil and gas in Development Areas will largely be developed with extended reach horizontal wells using the most current technology, consistent with applicable laws and regulations.

The 2012 Secretary's Order retains several important features of the 1986 Order, including the boundaries of the Designated Potash Area established in the 1986 Order, as corrected in 1987. The Secretary's Order also retains language of the 1986 Order for stipulations for oil and gas leases and potash leases issued, reinstated, renewed, or readjusted in the Designated Potash Area.

The formatting is modified to be consistent with the Department of the Interior's (Department) style requirements for Secretary's Orders. These requirements were changed in 1992 and are recorded in Section 012 DM 1 of the Departmental Manual.

Comments on the Draft Order

The BLM received 28 comment letters during the comment period, including 41 distinct comments. These comments and the BLM's responses to them are available for review at the following website:

<http://www.blm.gov/nm/st/en/info/potash.html>.

Environmental Assessment

Pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., and BLM's implementing regulations, the BLM prepared an Environmental Assessment (EA) in conjunction with the development of the 2012 Secretary's Order. Based on the EA, a Finding of No Significant Impact (FONSI) was made. The EA/FONSI is available for review at the following website: <http://www.blm.gov/nm/st/en/info/potash.html>.

Mike Pool

Acting Director, Bureau of Land Management

AUTHORITY: 40 CFR 1506.6, 43 CFR 3164.1, 43 CFR 3590.2

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO100000, L18200000.XX0000]

Notice of Availability of BLM's Responses to Public Comments and of BLM's Environmental Assessment on the Proposed Order of the Secretary on Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Under the authority of the Mineral Leasing Act, as amended, on [fill in date], 2012, the Secretary of the Interior ^{(b) (5)} issued an Order (2012 Secretary's Order) to address oil, gas, and potash leasing and development within the Designated Potash Area in Eddy and Lea counties in New Mexico. The 2012 Secretary's Order ^{(b) (5)} supersedes a previous Order issued in 1986 that addresses these issues. In developing the 2012 Secretary's ^{(b) (5)}, a draft Order was released for public comment on July 13, 2012, 77 FR 41442. This Notice announces the availability of the Bureau of Land Management's (BLM) responses to the comments that were received during the comment period and the availability of the Environmental Assessment that was prepared by BLM in developing the 2012 Secretary's Order.

ADDRESSES: The comments that were received, ~~and~~ the comment responses, and the Environmental Assessment are available for review at the following Website:

<http://www.blm.gov/nm/st/en/info/potash.html>. The 2012 Secretary's Order was published

in the Federal Register on [INSERT DATE OF PUBLICATION OF THE 2012

SECRETARY'S ORDER IN THE FEDERAL REGISTER]

FOR FURTHER INFORMATION CONTACT: Tony Herrell; telephone 505-954-2222;

301 Dinosaur Trail, Santa Fe, New Mexico, 87508; e-mail: therrell@blm.gov.

SUPPLEMENTARY INFORMATION:

Background

An area near the town of Carlsbad in southeastern New Mexico (b) (5) ge deposits of potash, oil, and gas. Oil and gas have been produced from this area since the early twentieth century.

Potash (potassium-bearing salts primarily used for fertilizer) was discovered in this area (b) (5)

(b) (5) and has been mined since 1930.

The Secretary issued the first Potash Order in 1939 (4 FR 1012, February 25, 1939). That Order withdrew approximately 43,000 acres of public land from oil and gas leasing in order to protect potash deposits. In 1951, the Secretary revoked the 1939 Order and issued a new Order that instituted the policy of authorizing concurrent development of oil and gas and potash reserves within an area comprising 298,345 acres, under reciprocal lease stipulations to ensure that the development of either mineral would not interfere with development of the other (16 FR 10699, October 18, 1951). The Order was amended in 1965 (30 FR 6692, May 15, 1965), 1975 (40 FR 51486, November 5, 1975), and 1986 (51 FR 39425, October 28, 1986). A correction to the 1986 Order was issued in 1987 (52 FR 32171, August 26, 1987).

The potash area designated by the corrected 1986 Order comprises approximately 497,000 acres, and the 2012 Secretary's Order, published [INSERT DATE OF PUBLICATION OF THE ORDER IN THE FEDERAL REGISTER], does not alter the boundaries of the area.

The potash deposits in this area occur from 800 feet to over 2,000 feet beneath the surface and are mined by both conventional and solution mining methods; conventional methods

require miners to be underground. The oil and gas in the area is found in formations below the potash-bearing formations, so oil and gas wells must extend through potash formations. If potash mining (b) (5) a well casing, or if a well casing near a potash mine failed for other reasons, gas could (b) (5) the mine workings, thus endangering the miners. Additionally, the potential for such a breach could raise the costs of potash mining due to the need (b) (5) enhanced ventilation techniques and specialized equipment needed to mine in (b) (5) environment. (b) (5) given these safety risks, it has (b) (5) produce potash and oil and gas at the same time in the same area. This has led to a long history of conflict between the potash and the oil and gas industries.

This conflict has resulted in a great deal of litigation regarding decisions made by the BLM on a variety of development applications. Nevertheless, (b) (5) the two industries have initiated efforts to work together. A number of productive meetings and discussions have occurred among many of the parties involved in these previous disputes. Additionally, there have been significant advances in the technology of oil and gas drilling that could be used to reduce the conflict between such drilling and the extraction of potash. Further, the economic outlook for both the oil and gas industry and the potash industry has recently improved. The BLM has also worked with Sandia National Laboratories to investigate well logging technology, gas migration in the potash formations, and standards to use for estimating the mineability of potash and potash cutoff grades. These circumstances led to review of the 1986 Secretary's Order.

The (b) (5) 2012 Secretary's Order

The 2012 Secretary's Order differs from the 1986 Order as described below.

The formatting is modified to be consistent with the Department of the Interior's (Department) style requirements for Secretary's Orders. These requirements were changed in 1992 and are recorded in Section 012 DM 1 of the Departmental Manual.

The 2012 Secretary's Order authorizes the BLM to establish "Development Areas," where oil and gas wells can be drilled from one or more "Drilling Islands." The Drilling Island concept was first introduced in the 1975 Secretarial Order. In most cases, a single Drilling Island will be established for each Development Area, but if circumstances so dictate, the BLM may establish additional Drilling Islands. Drilling Islands will be situated in such a manner that extended reach horizontal wells could access oil and gas within the associated Development Area. The 2012 Secretary's Order envisions that the oil and gas leases in a Development Area will ordinarily be unitized under the regulations found at 43 CFR subpart 3180 and developed by a unit operator, or operated under a communitization agreement as authorized under 43 CFR subpart 3105. (b) (5)

(b) (5)

(b) (5) to more orderly development of the oil and gas resources in the Development Area and minimize impacts to surface resources due to a reduction in the number of drill pads and associated roads, power lines, and other ancillary facilities. Moreover, the resulting reduction in the number and spacing of oil and gas drilling locations where wells penetrate the potash formation is expected to minimize impacts to potash resources and enhance the safety of underground potash miners.

The BLM envisions that a substantial portion of the Designated Potash Area will eventually be divided into Development Areas designed to minimize the impacts to potash mining while allowing for the development of oil and gas resources. The BLM expects that ~~'s goal is for~~ the oil and gas in Development Areas will largely ~~to be~~ developed with extended reach

horizontal wells using the most current technology, consistent with applicable laws and regulations.

The 2012 Secretary's Order retains several important features of the 1986 Order, including the boundaries of the Designated Potash Area established in the 1986 Order, as corrected in 1987. The Secretary's Order also retains language of the 1986 Order for stipulations for oil and gas leases and potash leases issued, reinstated, renewed, or readjusted in the Designated Potash Area.

Comments on the Draft Order

The BLM received 28 comment letters during the comment period, including 41 distinct comments. These comments and the BLM's responses to them are available for review at the following website:

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Environmental Assessment

Pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., and BLM's implementing regulations, the BLM prepared an Environmental Assessment (EA) in conjunction with the development of the 2012 Secretary's Order. Based on the EA, a Finding of No Significant Impact (FONSI) was made. The EA/FONSI is available for review at the following website: (b) (5)

[REDACTED]

Mike Pool

Acting Director, Bureau of Land Management

AUTHORITY: 43 CFR 3164.1, 43 CFR 3590.2

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO100000, L18200000.XX0000]

**Notice of Availability of BLM's Responses to Public Comments and of BLM's
Environmental Assessment on the Proposed Order of the Secretary on Oil, Gas, and
Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea
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AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Under the authority of the Mineral Leasing Act, as amended, on [fill in date], 2012, the Secretary of the Interior issued an Order (2012 Secretary's Order) to address oil, gas, and potash leasing and development within the Designated Potash Area in Eddy and Lea counties in New Mexico. The 2012 Secretary's Order supersedes a previous Order issued in 1986 and corrected in 1987 that addresses these issues. In developing the 2012 Secretary's Order, a draft Order was released for a public comment period that began on July 13, 2012 and ended on August 31, 2012, 77 FR 41442. This Notice announces the availability of the Bureau of Land Management's (BLM) responses to the comments that were received during the comment period and the availability of the Environmental Assessment that was prepared by BLM in developing the 2012 Secretary's Order.

ADDRESSES: The comments that were received, the comment responses, and the Environmental Assessment are available for review at the following Website:

<http://www.blm.gov/nm/st/en/info/potash.html>. The 2012 Secretary's Order was published

in the Federal Register on [INSERT DATE OF PUBLICATION OF THE 2012 SECRETARY'S ORDER IN THE FEDERAL REGISTER]

FOR FURTHER INFORMATION CONTACT: Tony Herrell; telephone 505-954-2222; 301 Dinosaur Trail, Santa Fe, New Mexico, 87508; e-mail: therrell@blm.gov.

SUPPLEMENTARY INFORMATION:

Background

An area near the town of Carlsbad in southeastern New Mexico contains large deposits of potash, oil, and gas. Oil and gas have been produced from this area since the early twentieth century. In 1925, potash (potassium-bearing salts primarily used for fertilizer) was discovered in this area and has been mined since 1930.

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The potash deposits in this area occur from 800 feet to over 2,000 feet beneath the surface and are mined by both conventional and solution mining methods; conventional methods require miners to be underground. The oil and gas in the area is found in formations below the potash-bearing formations, so oil and gas wells must extend through potash formations. If potash mining were to breach a well casing, or if a well casing near a potash mine failed for other reasons, gas could migrate into the mine workings, thus endangering the miners. Additionally, the potential for such a breach could raise the costs of potash mining due to the need to utilize enhanced ventilation techniques and specialized equipment needed to mine in a gas-filled environment. Given these safety risks, it has been a challenge to produce potash and oil and gas at the same time in the same area. This challenge has led to a long history of conflict between the potash and the oil and gas industries.

This conflict has resulted in a great deal of litigation regarding decisions made by the BLM on a variety of potash or oil and gas development applications. Nevertheless, leading members of the two industries have initiated efforts to work together over the past two years. A number of productive meetings and discussions have occurred among many of the parties involved in these previous disputes. Additionally, there have been significant advances in the technology of oil and gas drilling that could be used to reduce the conflict between such drilling and the extraction of potash. Further, the economic outlook for both the oil and gas industry and the potash industry has recently improved. The BLM has also worked with Sandia National Laboratories to investigate well logging technology, gas migration in the potash formations, and standards to use for estimating the mineability of potash and potash cutoff grades. These circumstances led to review of the 1986 Secretary's Order.

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The 2012 Secretary's Order retains several important features of the 1986 Order, including the boundaries of the Designated Potash Area established in the 1986 Order, as corrected in 1987. The Secretary's Order also retains language of the 1986 Order for stipulations for oil and gas leases and potash leases issued, reinstated, renewed, or readjusted in the Designated Potash Area.

The formatting is modified to be consistent with the Department of the Interior's (Department) style requirements for Secretary's Orders. These requirements were changed in 1992 and are recorded in Section 012 DM 1 of the Departmental Manual.

Comments on the Draft Order

The BLM received 28 comment letters during the comment period, including 41 distinct comments. These comments and the BLM's responses to them are available for review at the following website:

<http://www.blm.gov/nm/st/en/info/potash.html>.

Environmental Assessment

Pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., and BLM's implementing regulations, the BLM prepared an Environmental Assessment (EA) in conjunction with the development of the 2012 Secretary's Order. Based on the EA, a Finding of No Significant Impact (FONSI) was made. The EA/FONSI is available for review at the following website: <http://www.blm.gov/nm/st/en/info/potash.html>.

Mike Pool

Acting Director, Bureau of Land Management

AUTHORITY: 40 CFR 1506.6, 43 CFR 3164.1, 43 CFR 3590.2

DECISION MEMORANDUM FOR THE SECRETARY

FROM: Mike Pool, Acting Director

CC: David Hayes, Deputy Secretary
Marcilynn_Burke, Acting Assistant Secretary, Land and Minerals Management
Jack Haugrud, Acting Principal Deputy Solicitor

SUBJECT: Proposed Final 2012 Secretary's Order on Oil and Gas and Potash Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico and Finding of No Significant Impact

I. INTRODUCTION

The Bureau of Land Management (BLM) ^{(b) (5)} ~~has~~ s prepared a proposed final "Secretary's Order on Oil and Gas and Potash Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico."

The proposed final 2012 Secretary's Order would supersede the current Secretary's Order that ^{(b) (5)} ~~is~~ is

^{(b) (5)} ~~is~~ is the revisions in the new Order are designed to promote the efficient development of potash, oil, and gas resources, while minimizing conflict between the industries and ensuring the safety of operations. Industry representatives from leading oil and gas and potash interests have been working together to identify and propose a ^{(b) (5)} ~~an~~ acceptable path forward. The opportunity to finalize a Secretary's Order that has the potential support of both industries is historic, particularly in light of the long and contentious history of the area ^{(b) (5)} ~~is~~ is

The proposed Secretary's Order was made available for a 30-day public comment period on July 13, 2012. The BLM thereafter extended the public comment period, which closed on August 31.

The BLM received 28 comment letters that contained 41 distinct comments on the draft Order. ^{(b) (5)} ~~is~~ is

The BLM conducted government-to-government tribal consultation meetings with seven tribes beginning on July 17; and none of the tribes expressed any adverse opinions about the proposed Order.

II. BACKGROUND

Potash is a potassium-bearing mineral used primarily for (b) (5)

Oil and gas is found in formations below the potash-bearing formations, so oil and gas wells must be drilled through the potash formations. If a well casing fails, gas could enter the mine workings and endanger miners. The potential for such a breach also could increase potash operating costs because enhanced ventilation and specialized equipment would be needed before mining could continue. These conflicts have led to litigation; and numerous cases have been appealed to the Interior Board of Land Appeals (IBLA) and to Federal court.

(b) (5)

While there has been a long history of litigation, multiple mineral development has occurred in the past, as is evidenced by the fact that a total of 4,959 wells (approximately 2,295 active oil wells, 577 active gas wells, 33 water injection wells, and 2,054 dry holes and abandoned wells) are currently located within the area covered by the Order. Historically, there have been seven major potash mining operations in this area with thousands of miles of interconnected underground mine workings. Currently, two companies operate four potash mines in the area. In addition, about 2,500 potash core holes have been drilled within the area.

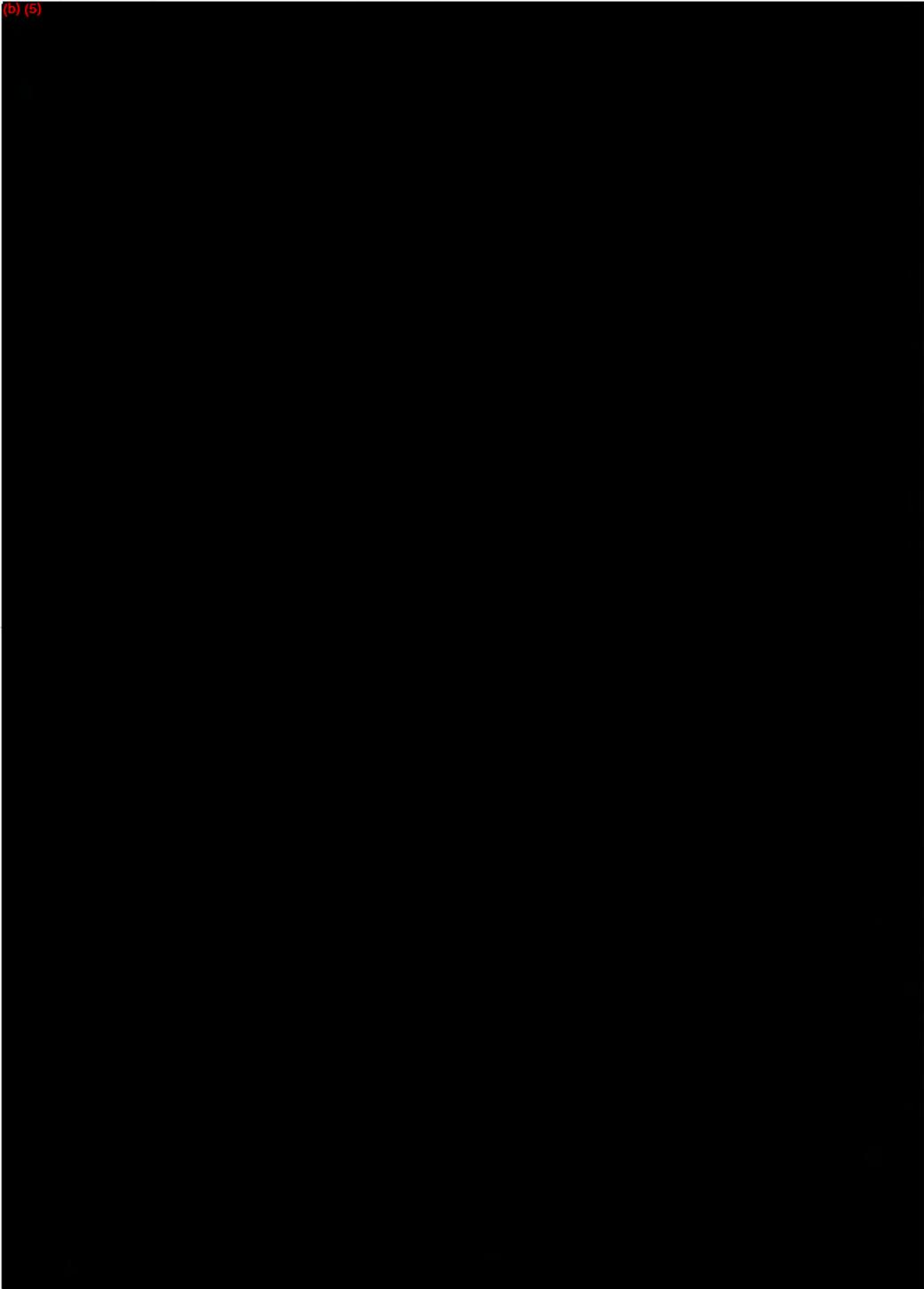
The Designated Potash Area (DPA) was established by a Secretary's Order in 1939 that, which originally withdrew approximately 43,000 acres from oil and gas leasing and development to protect potash deposits. Exploration by several companies continued after 1939 and the potash area was expanded by a 1951 Order, which lifted the withdrawal and authorized concurrent development by the oil and gas and potash industries. To achieve concurrent development, the 1951 Order, and later Orders in 1965, 1975, and 1986, imposed protective stipulations in new leases issued for both oil and gas and potash, to avoid conflicts as much as possible. The DPA currently covers a total area of approximately 497,002 acres and includes 350,617 acres of BLM-managed land where leasing of oil and gas and potash occurs.

(b) (5)

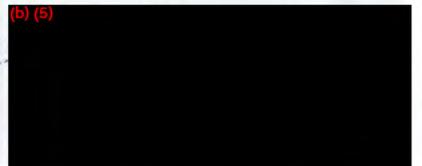
(b) (5)

(b) (5)

(b) (5)



(b) (5)



III. POSITIONS OF ~~of~~ INTERESTED PARTIES

The JITC is comprised of a number of oil and gas companies and potash companies, including Sandia National Laboratories. The potash company members of the JITC hold all of the potash leases in the DPA. The oil and gas company members of the JITC are responsible for approximately 85% of the oil and gas production in the DPA. All but one JITC member (OXY) signed a consensus document in April 2012 containing a general outline for a proposed management plan for the DPA. The proposed final 2012 Secretary's Order is consistent with the key concepts suggested by the JITC. While one JITC member (Yates Petroleum) later submitted comments criticizing (b) (5) the proposed Order, the other members of the JITC (including OXY) proposed very few edits to the proposed Order, most of which have been incorporated into this proposed final Order.

(b) (5)

The companies representing the remaining 15% of oil and gas production in the DPA have declined to participate in the JITC. Some of these companies commented that the proposed Order would adversely affect the oil and gas industry. (b) (5)

(b) (5)

(b) (5) increased utilization and consolidated operations could. The BLM expects that the proposed revision would benefit the overall economic outlook for both industries and give access to leases that cannot be developed under the 1986 Order. (b) (5)

(b) (5) The BLM is committed to ~~work~~working with all lessees in implementing the proposed final 2012 Secretary's Order, if it is approved. (b) (5)

(b) (5)

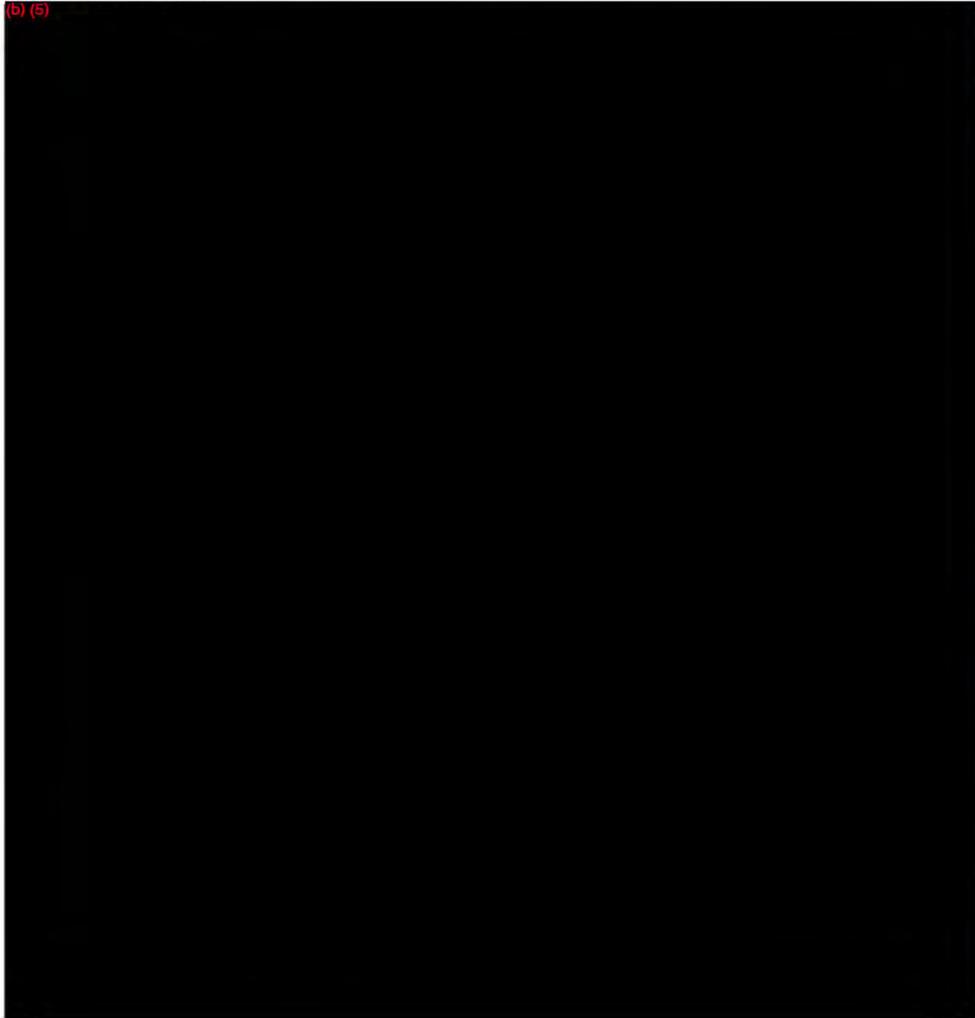
(b) (5)

New Mexico Governor Susana Martinez and staff for Senators Bingaman and Udall and Representative Pearce have been briefed by the BLM and the JITC on the possibility of a new 2012 Secretary's Order. Industry has briefed Texas Senators Hutchinson and Cornyn and reports that the two Texas Senators are supportive of the JITC recommendations. Tom Bemis, New Mexico Cabinet Secretary for Energy, Minerals, and Natural Resources, and Ray Powell, New Mexico State Land Office Commissioner, have also been briefed by the JITC on the consensus that it reached. The New Mexico Oil Conservation Division (NMOCD) commented that the language in one section (b) (5) potentially could cause conflict due to differences between NMOCD and BLM regulatory frameworks. The BLM adopted a change to the (b) (5) proposed final 2012 Secretary's Order based on these comments. Eddy, Lea, and Chaves Counties submitted comments expressing concern that the proposed Order was in essence a withdrawal of the entire DPA from concurrent development and requesting coordination with local governments. (b) (5) The BLM has met with the Eddy and Lea County commissions to discuss the proposed final 2012 Secretary's Order and the comments they provided to further explain how the BLM would approach the implementation of the 2012 Secretary's Order, ~~were you to sign it~~. The county commissioners with whom the BLM met indicated that these meetings aided their understanding of how the BLM would manage the development of both resources in the DPA.

(b) (5)

The BLM's Carlsbad Field Office consulted with seven Federally recognized tribes that have interests within the DPA in June, July, and August of 2012. The BLM made initial contact with tribes in the form of a letter informing them of the proposed revision and soliciting their concerns and input. The BLM sent a second letter, which included a copy of the draft revision to the 1986 Secretary's Order, to the tribes on July 9, 2012, and held face-to-face meetings with the various tribes in July and August 2012. The BLM arranged these meetings to discuss the proposed revision of the 1986 Secretary's Potash Order and other projects. The tribes did not express any adverse opinions regarding the substance of the proposed Order, but (b) (5) were very concerned that the BLM continue to follow the Native American Graves Protection and Repatriation Act (NAGPRA) and immediately notify the tribes if any human remains and associated funerary items are discovered. The proposed final 2012 Secretary's Order would not affect the BLM's continuing commitment to fulfill its responsibilities under NAGPRA. The tribes did not identify any areas of traditional cultural importance within the DPA.

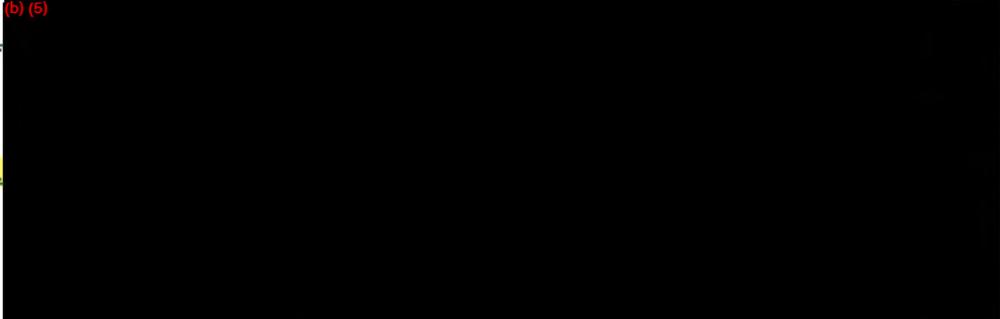
IV. DECISION OPTIONS

- A. (b) (5)
- 

(b) (5)

B.

B.



V. RECOMMENDATION

I recommend that you approve the proposed final 2012 Secretary's Order on Oil and Gas and Potash Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico. (b) (5)

VI. DECISION BY THE SECRETARY

APPROVE: _____

DISAPPROVE: _____

SELECT OPTION A: _____

SELECT OPTION B: _____

CHECK IF SUBJECT TO COMMENTS: _____

(b) (5)



Ken Salazar

DECISION MEMORANDUM FOR THE SECRETARY

FROM: Mike Pool, Acting Director

CC: David Hayes, Deputy Secretary
Marcilynn Burke, Acting Assistant Secretary, Land and Minerals Management
Hilary C. Tompkins, Solicitor

SUBJECT: Proposed Final 2012 Secretary's Order on Oil and Gas and Potash Development
Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

I. INTRODUCTION

The Bureau of Land Management (BLM) has prepared a proposed final "Secretary's Order on Oil and Gas and Potash Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico."

The proposed final 2012 Secretary's Order would supersede the current Secretary's Order that addresses management of the oil and gas and potash resources in the designated area. The revisions in the new Order are designed to promote the efficient development of potash, oil, and gas resources, while minimizing conflict between the industries and ensuring the safety of operations. Industry representatives from leading oil and gas and potash interests have been working together to identify and propose an acceptable path forward. The opportunity to finalize a Secretary's Order that has the potential support of both industries is historic, particularly in light of the long and contentious history of the area.

The proposed Secretary's Order was made available for public comment from July 13 to August 31, 2012. The BLM received 28 comment letters that contained 41 distinct comments on the proposed Order. After careful analysis of these comments, the BLM made several changes to the proposed Order and prepared the proposed final 2012 Secretary's Order.

The BLM also conducted government-to-government tribal consultation meetings with seven tribes beginning on July 17; none of the tribes expressed any adverse opinions about the proposed Order.

II. BACKGROUND

Potash is a potassium-bearing mineral used primarily for fertilizer. The Carlsbad Mining District has a unique geology that contains potash, oil, and gas deposits. Oil and gas is found in formations below the potash-bearing formations, so oil and gas wells must be drilled through the potash formations. If a well casing fails, gas could enter the mine workings and endanger miners. The potential for such a breach also could increase potash operating costs because

enhanced ventilation and specialized equipment would be needed before mining could continue. These conflicts have led to litigation; numerous cases have been appealed to the Interior Board of Land Appeals and to federal court.

While there has been a long history of litigation, substantial mineral development has occurred in the past, as evidenced by the fact that a total of 4,959 wells (approximately 2,295 active oil wells, 577 active gas wells, 33 water injection wells, and 2,054 dry holes and abandoned wells) are currently located within the area covered by the Order. Historically, there have been seven major potash mining operations in this area with thousands of miles of interconnected underground mine workings. Currently, two companies operate four potash mines in the area. In addition, about 2,500 potash core holes have been drilled within the area.

The Designated Potash Area (DPA) was established by a Secretary's Order in 1939, which originally withdrew approximately 43,000 acres from oil and gas leasing and development to protect potash deposits. Exploration by several companies continued after 1939 and the potash area was expanded by a 1951 Order, which lifted the withdrawal and authorized concurrent development by the oil and gas and potash industries. To achieve concurrent development, the 1951 Order, and later Orders in 1965, 1975, and 1986, imposed protective stipulations in new leases issued for both oil and gas and potash, to avoid conflicts as much as possible. The DPA currently covers a total area of approximately 497,002 acres and includes 350,617 acres of BLM-managed land where leasing of oil and gas and potash occurs.

In 2011, potash and oil and gas companies formed a Joint Industry Technical Committee (JITC) with the objective to "establish how both Potash Mining and Oil and Gas Production will operate when their activities are in close proximity so as to allow safe, concurrent development of both minerals." The JITC formulated a consensus document to recommend a new method for the BLM's management of orderly concurrent development of oil and gas and potash within the DPA. The proposed 2012 Secretary's Order is consistent with the principles set forth in the consensus document.

In developing the proposed final 2012 Secretary's Order, the BLM prepared an environmental assessment (EA) under the provisions of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq. In this EA the BLM determined that the 2012 Secretary's Order would be consistent with the land use plans for the DPA. The EA evaluated the potential environmental effects of continuing to operate under the 1986 Secretary's Order (the No Action Alternative) and operating under the 2012 Secretary's Order (the Proposed Action). The EA noted that any surface disturbing activities approved under the procedures of either the 1986 Secretary's Order or the 2012 Secretary's Order would be subject to further site-specific evaluation under NEPA, but determined that the new emphasis on Development Areas, Drilling Islands, and unitization of oil and gas development would tend to focus the surface activities of oil and gas development in certain areas, consolidate facilities, and reduce the amount acreage required for access routes. This would have a beneficial effect on the natural environment.

As discussed in the EA, the overall environmental effect of the proposed revision would result from focusing surface activities within designated Development Areas and Drilling Islands. While the intensity of surface use in these Drilling Islands would be greater than that associated

(b) (5)

with an individual well pad or typical lease operation, there are several environmental benefits that can be realized through opportunities for centralized facilities. In addition, the focus on unitization and development of units primarily through horizontal drilling could ultimately reduce the number of oil and gas surface locations within the DPA. Consolidating activities in Drilling Islands may reduce habitat fragmentation and reduce impacts to potash resources by preventing undue waste due to reducing the areas requiring safety Buffer Zones for mining activities. In addition, wells currently producing outside of Development Areas and Drilling Islands would be allowed to produce until they are no longer serviceable. After production is complete these well locations would be reclaimed. Over time, the result would be a reduction in scattered or dispersed wells. Therefore, the overall surface disturbance acreage and habitat fragmentation impacts should be less through the use of the Development Area and Drilling Island concepts.

Based on the analysis in the EA, the BLM has evaluated whether approval of the proposed final 2012 Secretary's Order could result in a significant adverse impact to the human environment. For the reasons noted above, the EA shows that there would not be any significantly adverse impacts to the human environment from approving the proposed final Order. To the contrary, the impact of mineral development (which would be subject to additional NEPA review) is expected to be reduced under the proposed final 2012 Secretary's Order because of the consolidation of surface activities and better coordination between the oil and gas and potash industries.

III. SUMMARY OF PROPOSED ORDER

Under the proposed final 2012 Secretary's Order, the BLM would manage the DPA under a plan of co-development, mostly through the establishment of Development Areas with associated Drilling Islands. The BLM believes that the proposed final Order provides tools that would lead to more effective management of the DPA. In particular, the proposed final Order would lead to more careful development of oil and gas resources from Drilling Islands. The proposed final 2012 Secretary's Order should also lead to enhanced conservation of potash resources.

The proposed final Order would introduce the term "co-development," defined as the concurrent development of oil and gas and potash resources in the DPA in the context of a cooperative effort between industries under the guidelines of the Order. Under the new Order, the BLM would establish "Development Areas" where oil and gas wells could be drilled from one or more "Drilling Islands." The Drilling Island concept was first introduced in the 1975 Secretary's Order. In most cases, a single Drilling Island would be established for each Development Area, but if circumstances so dictated, the BLM could establish additional Drilling Islands. Drilling Islands would be situated in such a manner that extended reach horizontal wells could access oil and gas within the associated Development Area. Emerging technologies associated with horizontal drilling and production allow for the oil and gas industry to develop these resources in a manner that has less impact on potash resources and the environment, in some cases allowing the bottom hole location to be safely located below measured potash reserves.

The BLM expects that expanding the use of Drilling Islands and designating Development Areas that encompass many different leases over large areas would result in a greater recovery of potash and oil and gas resources. In addition, under the proposed final 2012 Secretary's Order, the BLM could authorize drilling from areas proven to be barren of potash or, in the BLM's sole

discretion, from a single well site or a Drilling Island outside of a Development Area that was jointly recommended to the BLM by the oil and gas lessee and the nearest potash lessee.

Historically, the BLM managed one Application for Permit to Drill (APD) at a time and few horizontal or directional wells were developed. Under the proposed final 2012 Secretary's Order, the BLM would still review each APD for approval. However, any APD decisions would be informed by and incorporate analysis and factual information developed by the BLM in the agency's review of plans for Development Areas. Most drilling would occur from Drilling Islands within an associated Development Area. The number of wells on each Drilling Island would vary. It is reasonable to expect that some Drilling Islands would accommodate only 15 to 50 wells while others could support 150 wells or more.

The BLM envisions that, under the proposed final 2012 Secretary's Order, the oil and gas leases in a Development Area would be unitized and developed by a unit operator, or operated under a communitization agreement. (b) (5) should lead to more orderly development of the oil and gas resources in the Development Area and minimize impacts to surface resources due to a reduction in the number of drill pads and associated roads, power lines, and other ancillary facilities. Moreover, the resulting reduction in the number and spacing of oil and gas drilling locations where wells penetrate the potash formation is expected to minimize impacts to potash resources and enhance the safety of underground potash miners. This would also allow some currently inaccessible oil and gas leases to be taken out of suspension and put into production.

The proposed final 2012 Secretary's Order would retain several important features of the 1986 Order, including the boundaries of the DPA established in the 1986 Order, as corrected in 1987. The new Order would also retain the language of the 1986 Order for stipulations for oil and gas leases and potash leases issued, reinstated, renewed, or readjusted in the DPA.

IV. POSITIONS OF COMMENTING PARTIES

The JITC is composed of a number of oil and gas companies and potash companies, along with Sandia National Laboratories. The potash company members of the JITC hold all of the potash leases in the DPA. The oil and gas company members of the JITC are responsible for approximately 85% of the oil and gas production in the DPA. All but one JITC member (OXY) signed a consensus document in April 2012 containing a general outline for a proposed management plan for the DPA. The proposed final 2012 Secretary's Order is consistent with the key concepts suggested by the JITC. While one JITC member (Yates Petroleum) later submitted comments criticizing (b) (5) the proposed Order, the other members of the JITC (including OXY) proposed very few edits to the proposed Order, most of which have been incorporated into this proposed final Order.

The companies representing the remaining 15% of oil and gas production in the DPA have declined to participate in the JITC. Some of these companies (who in total account for approximately 3% of the oil and gas produced in the DPA) commented that the proposed Order would adversely affect the oil and gas industry. The BLM expects that the proposed revision would benefit the overall economic outlook for both industries and give access to leases that cannot be developed under the 1986 Order. The BLM is committed to working with all lessees in implementing the proposed final 2012 Secretary's Order, if it is approved.

New Mexico Governor Susana Martinez and staff for Senators Bingaman and Udall and Representative Pearce have been briefed by the BLM and the JITC on the possibility of a new 2012 Secretary's Order. Industry has briefed Texas Senators Hutchinson and Cornyn and reports that the two Texas Senators are supportive of the JITC recommendations. Tom Bemis, New Mexico Cabinet Secretary for Energy, Minerals, and Natural Resources, and Ray Powell, New Mexico State Land Office Commissioner, have also been briefed by the JITC on the consensus that it reached. The New Mexico Oil Conservation Division (NMOCD) commented on the proposed Order that the language in one section potentially could cause conflict due to differences between NMOCD and BLM regulatory frameworks. The BLM adopted a change to the proposed final 2012 Secretary's Order that addresses this concern. Eddy, Lea, and Chaves Counties submitted comments expressing concern that the proposed Order was in essence a withdrawal of the entire DPA from concurrent development and requesting coordination with local governments. The BLM has met with the Eddy and Lea County commissions to discuss the proposed final 2012 Secretary's Order to further explain how the BLM would approach the implementation of the 2012 Secretary's Order. The county commissioners with whom the BLM met indicated that these meetings aided their understanding of how the BLM would manage the development of both resources in the DPA.

The BLM's Carlshad Field Office consulted with seven federally recognized tribes that have interests within the DPA in June, July, and August of 2012. The BLM made initial contact with tribes in the form of a letter informing them of the proposed revision and soliciting their concerns and input. The BLM sent a second letter, which included a copy of the draft revision to the 1986 Secretary's Order, to the tribes on July 9, 2012, and held face-to-face meetings with the various tribes in July and August 2012. The BLM arranged these meetings to discuss the proposed revision of the 1986 Secretary's Potash Order and other projects. The tribes did not express any adverse opinions regarding the substance of the proposed Order, but (b) (5) were very concerned that the BLM continue to follow the Native American Graves Protection and Repatriation Act (NAGPRA) and immediately notify the tribes if any human remains and associated funerary items are discovered. The proposed final 2012 Secretary's Order would not affect the BLM's continuing commitment to fulfill its responsibilities under NAGPRA. The tribes did not identify any areas of traditional cultural importance within the DPA.

V. RECOMMENDATION

I recommend that you approve the proposed final 2012 Secretary's Order on Oil and Gas and Potash Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico.

VI. DECISION BY THE SECRETARY

I have decided to issue the proposed final 2012 Secretary's Order on Oil and Gas and Potash Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

Dated: _____

Ken Salazar

DECISION MEMORANDUM FOR THE SECRETARY

FROM: Mike Pool, Acting Director

CC: David Hayes, Deputy Secretary
Marcilynn_Burke, Acting Assistant Secretary, Land and Minerals Management
Jack Haugrud, Acting Principal Deputy Solicitor

SUBJECT: Proposed Final 2012 Secretary's Order on Oil and Gas and Potash Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico and Finding of No Significant Impact

I. INTRODUCTION

The Bureau of Land Management (BLM) (b) (5) proposed final "Secretary's Order on Oil and Gas and Potash Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico."

The proposed final 2012 Secretary's Order would supersede the current Secretary's Order that addresses (b) (5)

(b) (5). The revisions in the new Order are designed to further promote the efficient development of potash, oil, and gas resources, while minimizing conflict between the industries and ensuring the safety of operations. Industry representatives from leading oil and gas and potash interests have been working together to identify and propose a (b) (5) acceptable path forward. The opportunity to finalize a Secretary's Order that has the potential support of both industries is historic, particularly in light of the long and contentious history of the area (b) (5)

The proposed Secretary's Order was made available for a 30-day public comment period on July 13, 2012. The BLM thereafter extended the public comment period, which closed on August 31. The BLM received 28 comment letters that contained 41 distinct comments on the draft Order

(b) (5)

The BLM conducted government-to-government tribal consultation meetings with seven tribes beginning on July 17; and none of the tribes expressed any adverse opinions about the proposed Order.

II. BACKGROUND

Potash is a potassium-bearing mineral used primarily for fertilizer. The Carlsbad Mining District has a unique geology that contains potash, oil, and gas deposits. (b) (5)

Oil and gas is found in formations below the potash-bearing formations, so oil and gas wells must be drilled through the potash formations. If a well casing fails, gas could enter the mine workings and endanger miners. The potential for such a breach also could increase potash operating costs because enhanced ventilation and specialized equipment would be needed before mining could continue. These conflicts have led to litigation; and numerous cases have been appealed to the Interior Board of Land Appeals (IBLA) and to Federal court.

(b) (5)

While there has been a long history of litigation, multiple mineral development has occurred in the past, as is evidenced by the fact that a total of 4,959 wells (approximately 2,295 active oil wells, 577 active gas wells, 33 water injection wells, and 2,054 dry holes and abandoned wells) are currently located within the area covered by the Order. Historically, there have been seven major potash mining operations in this area with thousands of miles of interconnected underground mine workings. Currently, two companies operate four potash mines in the area. In addition, about 2,500 potash core holes have been drilled within the area.

The Designated Potash Area (DPA) was established by a Secretary's Order in 1939 that, which originally withdrew approximately 43,000 acres from oil and gas leasing and development to protect potash deposits. Exploration by several companies continued after 1939 and the potash area was expanded by a 1951 Order, which lifted the withdrawal and authorized concurrent development by the oil and gas and potash industries. To achieve concurrent development, the 1951 Order, and later Orders in 1965, 1975, and 1986, imposed protective stipulations in new leases issued for both oil and gas and potash, to avoid conflicts as much as possible. The DPA currently covers a total area of approximately 497,002 acres and includes 350,617 acres of BLM BLM-managed land where leasing of oil and gas and potash occurs.

(b) (5)

(b) (5)

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

III. POSITIONS OF ~~of~~ INTERESTED PARTIES

The JITC is composed of a number of oil and gas companies and potash companies, along with Sandia National Laboratories. The potash company members of the JITC hold all of the potash leases in the DPA. The oil and gas company members of the JITC are responsible for approximately 85% of the oil and gas production in the DPA. All but one JITC member (OXY) signed a consensus document in April 2012 containing a general outline for a proposed management plan for the DPA. The proposed final 2012 Secretary's Order is consistent with the key concepts suggested by the JITC. While one JITC member (Yates Petroleum) later submitted comments criticizing the proposed Order, the other members of the JITC (including OXY) proposed very few edits to the proposed Order, most of which have been incorporated into this proposed final Order.

The companies representing the remaining 15% of oil and gas production in the DPA have declined to participate in the JITC. Some of these companies commented that the proposed Order would adversely affect the oil and gas industry. (b) (5)

[REDACTED] The BLM expects that the proposed revision would benefit the overall economic outlook for both industries and give access to leases that cannot be developed under the 1986 Order. (b) (5)

[REDACTED] The BLM is committed to working with all lessees in implementing the proposed final 2012 Secretary's Order, if it is approved. (b) (5)

New Mexico Governor Susana Martinez and staff for Senators Bingaman and Udall and Representative Pearce have been briefed by the BLM and the JITC on the possibility of a new 2012 Secretary's Order. Industry has briefed Texas Senators Hutchinson and Cornyn and reports that the two Texas Senators are supportive of the JITC recommendations. Tom Bemis, New Mexico Cabinet Secretary for Energy, Minerals, and Natural Resources, and Ray Powell, New Mexico State Land Office Commissioner, have also been briefed by the JITC on the consensus that it reached. The New Mexico Oil Conservation Division (NMOCD) commented that the language in one section potentially could cause conflict due to differences between NMOCD and BLM regulatory frameworks. The BLM adopted a change to the new 2012 Secretary's Order (b) (5). Eddy, Lea, and Chaves Counties submitted comments expressing concern that the proposed Order was in essence a withdrawal of the entire DPA from concurrent development and requesting coordination with local governments. (b) (5)

[REDACTED] The BLM has met with the Eddy and Lea County commissions to discuss the proposed final 2012 Secretary's Order and the comments they provided to further explain how the BLM would approach the implementation of the 2012 Secretary's Order. (b) (5) [REDACTED]

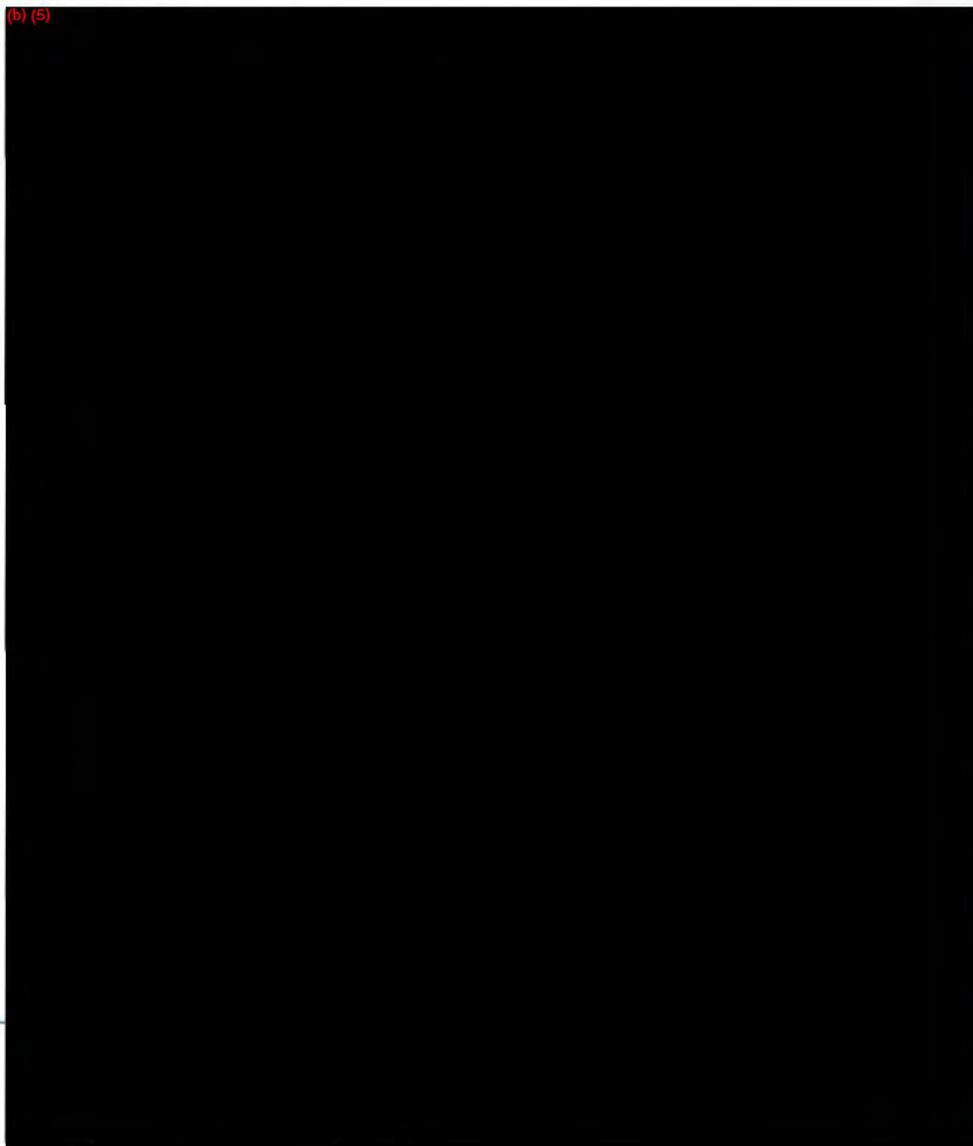
The county commissioners with whom the BLM met indicated that these meetings aided their understanding of how the BLM would manage the development of both resources in the DPA.

The BLM's Carlsbad Field Office consulted with seven Federally recognized tribes that have interests within the DPA in June, July, and August of 2012. The BLM made initial contact with tribes in the form of a letter informing them of the proposed revision and soliciting their concerns and input. The BLM sent a second letter, which included a copy of the draft revision to the 1986 Secretary's Order, to the tribes on July 9, 2012, and held face-to-face meetings with the various tribes in July and August 2012. The BLM arranged these meetings to discuss the proposed

revision of the 1986 Secretary's Potash Order and other projects. The tribes did not express any adverse opinions regarding the substance of the proposed Order, but were very concerned that the BLM continue to follow the Native American Graves Protection and Repatriation Act (NAGPRA) and immediately notify the tribes if any human remains and associated funerary items are discovered. The proposed final 2012 Secretary's Order would not affect the BLM's continuing commitment to fulfill its responsibilities under NAGPRA. The tribes did not identify any areas of traditional cultural importance within the DPA.

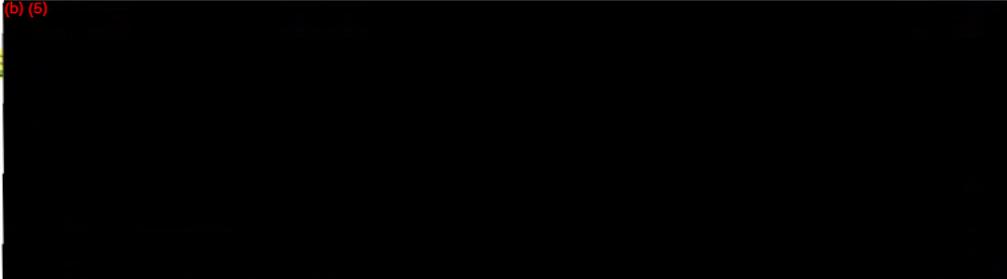
IV. DECISION OPTIONS

A.



B.

(b) (5)



V. RECOMMENDATION

I recommend that you approve the proposed final 2012 Secretary's Order on Oil and Gas and Potash Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico. (b) (5)



VI. DECISION BY THE SECRETARY

APPROVE: _____

DISAPPROVE: _____

SELECT OPTION A: _____

SELECT OPTION B: _____

CHECK IF SUBJECT TO COMMENTS: _____

(b) (5)



Ken Salazar _____

DECISION MEMORANDUM FOR THE SECRETARY

FROM: Mike Pool, Acting Director

CC: David Hayes, Deputy Secretary
Marcilynn Burke, Acting Assistant Secretary, Land and Minerals Management
Jack Haugrud, Acting Principal Deputy Solicitor

SUBJECT: Proposed Final 2012 Secretary's Order on Oil and Gas and Potash Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico and Finding of No Significant Impact

I. INTRODUCTION

The Bureau of Land Management (BLM) ^{(b) (5)} proposed final "Secretary's Order on Oil and Gas and Potash Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico."

The proposed final 2012 Secretary's Order would supersede the current Secretary's Order that addresses these issues. The revisions are designed to further promote the efficient development of potash, oil, and gas resources, while minimizing conflict between the industries and ensuring the safety of operations. Industry representatives from oil and gas and potash interests have been working together to identify and propose a mutually acceptable path forward. The opportunity to finalize a Secretary's Order that has the potential support of both industries is historic, particularly in light of the long and contentious history of this issue.

The proposed Secretary's Order was made available for a 30-day public comment period on July 13, 2012. The BLM thereafter extended the public comment period, which closed on August 31. The BLM received 28 comment letters on the draft Order that contained 41 distinct comments.

^{(b) (5)}

The BLM conducted government-to-government tribal consultation meetings with seven tribes beginning on July 17 and none of the tribes expressed any adverse opinions about the proposed Order.

II. BACKGROUND

Potash is a potassium-bearing mineral used primarily for fertilizer. The Carlsbad Mining District has a unique geology that contains potash, oil, and gas deposits. Concurrent development of these minerals has led to conflicts between the oil and gas and potash industries. Oil and gas is

found in formations below the potash-bearing formations, so oil and gas wells must be drilled through the potash formations. If a well casing fails, gas could enter the mine workings and endanger miners. The potential for such a breach also could increase potash operating costs because enhanced ventilation and specialized equipment would be needed before mining could continue. These conflicts have led to litigation and numerous cases have been appealed to the IBLA and to Federal court.

While there has been a long history of litigation, multiple mineral development has occurred in the past, as is evidenced by the fact that a total of 4,959 wells (approximately 2,295 active oil wells, 577 active gas wells, 33 water injection wells and 2,054 dry holes and abandoned wells) are currently located within the area covered by the Order. Historically, there have been seven major potash mining operations in this area with thousands of miles of interconnected underground mine workings. Currently, two companies operate four potash mines in the area. In addition, about 2,500 potash core holes have been drilled within the area.

The Designated Potash Area (DPA) was established by a Secretary's Order in 1939 that originally withdrew approximately 43,000 acres from oil and gas leasing and development to protect potash deposits. Exploration by several companies continued after 1939 and the potash area was expanded by a 1951 Order, which lifted the withdrawal and authorized concurrent development by the oil and gas and potash industries. To achieve concurrent development, the 1951 Order, and later Orders in 1965, 1975, and 1986, imposed protective stipulations in new leases issued for both oil and gas and potash, to avoid conflicts as much as possible. The DPA currently covers a total area of approximately 497,002 acres and includes 350,617 acres of BLM managed land where leasing of oil and gas and potash occurs.

(b) (5)
[Redacted text block]

(b) (5)
[Redacted text block]

[Redacted text block]

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5)

III. POSITION of INTERESTED PARTIES

The JITC is composed of a number of oil and gas companies and potash companies, along with Sandia National Laboratories. The potash company members of the JITC hold all of the potash leases in the DPA. The oil and gas company members of the JITC are responsible for approximately 85% of the oil and gas production in the DPA. All but one JITC member (OXY) signed a consensus document in April 2012 containing a general outline for a proposed management plan for the DPA. The proposed final 2012 Secretary's Order is consistent with the

key concepts suggested by the JITC. While one JITC member (Yates Petroleum) later submitted comments criticizing the proposed Order, the other members of the JITC (including OXY) proposed very few edits to the proposed Order, most of which have been incorporated into this proposed final Order.

The companies representing the remaining 15% of oil and gas production in the DPA have declined to participate in the JITC. Some of these companies commented that the proposed Order would adversely affect the oil and gas industry. (b) (5)

(b) (5) The BLM expects that the proposed revision would benefit the overall economic outlook for both industries and give access to leases that cannot be developed under the 1986 Order. (b) (5)

(b) (5). The BLM is committed to work with all lessees in implementing the proposed final 2012 Secretary's Order, if it is approved. (b) (5)

New Mexico Governor Susana Martinez and staff for Senators Bingaman and Udall and Representative Pearce have been briefed by the BLM and the JITC on the possibility of a new 2012 Secretary's Order. Industry has briefed Texas Senators Hutchinson and Cornyn and reports that the two Texas Senators are supportive of the JITC recommendations. Tom Bemis, New Mexico Cabinet Secretary for Energy, Minerals, and Natural Resources, and Ray Powell, New Mexico State Land Office Commissioner, have also been briefed by the JITC on the consensus that it reached. The New Mexico Oil Conservation Division (NMOCD) commented that the language in one section potentially could cause conflict due to differences between NMOCD and BLM regulatory frameworks. The BLM adopted a change to the new 2012 Secretary's Order (b) (5) Eddy, Lea, and Chaves Counties submitted comments expressing concern that the proposed Order was in essence a withdrawal of the entire DPA from concurrent development and requesting coordination with local governments. (b) (5)

(b) (5) The BLM has met with the Eddy and Lea County commissions to discuss the proposed final 2012 Secretary's Order and the comments they provided to further explain how the BLM would approach the implementation of the 2012 Secretary's Order, (b) (5) The county commissioners with whom the BLM met indicated that these meetings aided their understanding of how the BLM would manage the development of both resources in the DPA.

The BLM's Carlsbad Field Office consulted with seven Federally recognized tribes that have interests within the DPA in June, July, and August of 2012. The BLM made initial contact with tribes in the form of a letter informing them of the proposed revision and soliciting their concerns and input. The BLM sent a second letter, which included a copy of the draft revision to the 1986 Secretary's Potash Order, to the tribes on July 9, 2012, and held face-to-face meetings with the various tribes in July and August 2012. The BLM arranged these meetings to discuss the proposed revision of the 1986 Secretary's Potash Order and other projects. The tribes did not express any adverse opinions regarding the substance of the proposed Order, but were very concerned that the BLM continue to follow the Native American Graves Protection and Repatriation Act (NAGPRA) and immediately notify the tribes if any human remains and associated funerary items are discovered. The proposed final 2012 Secretary's Order would not

affect the BLM's continuing commitment to fulfill its responsibilities under NAGPRA. The tribes did not identify any areas of traditional cultural importance within the DPA.

IV. DECISION OPTIONS

A. ^{(b) (5)} [Redacted]

B. [Redacted]

V. RECOMMENDATION

I recommend that you approve the proposed final 2012 Secretary's Order on Oil and Gas and Potash Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico (b) (5)

VI. DECISION BY THE SECRETARY

SELECT OPTION A: _____

SELECT OPTION B: _____

CHECK IF SUBJECT TO COMMENTS: _____

(b) (5)

Ken Salazar

From: [Barlan, Bryce](#)
To: [Royal, Pam](#)
Cc: [Pollet, Jolie](#)
Subject: FW: Potash - O&G Draft Secretarial Order
Date: Wednesday, June 27, 2012 4:42:00 PM
Attachments: [Potash-O&G Secretarial Order. \(surname version, 2012 6 27\).doc](#)
[Potash-O&G.doc \(schedule, 6-25-12\).docx](#)
Importance: High

Pam,

When the surnaming package for the Potash Order gets up here, would you please assign and hand it to Jolie?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Pollet, Jolie
Sent: Wednesday, June 27, 2012 3:56 PM
To: Burke, Marcilynn; Farquhar, Ned; Cardinale, Richard
Cc: Barlan, Bryce
Subject: FW: Potash - O&G Draft Secretarial Order
Importance: High

Marcilynn, Ned and Rich – Janet sent the draft Secretarial Order this morning. Here it is for our review along with the schedule for its release. I haven't seen the hard copy make it up here yet.

I will start reviewing this now.

Thanks.

Jolie

Jolie Pollet
On temporary assignment with DOI ASLM (June 18-July 13)
cell phone 907-223-6930
desk phone 202-208-5348

Renewable Resources Branch Chief
BLM - Alaska State Office, Anchorage, AK

From: Allard, Phil
Sent: Wednesday, June 27, 2012 3:51 PM
To: Pollet, Jolie

Subject: FW: Potash - O&G Draft Secretarial Order
Importance: High

From: Lin, Janet H
Sent: Wednesday, June 27, 2012 11:42 AM
To: Cardinale, Richard; Farquhar, Ned; Burke, Marcilynn
Cc: Kornze, Neil G; Pool, Michael J; Allard, Phil; Haugrud, Jack; Hawbecker, Karen
Subject: Potash - O&G Draft Secretarial Order
Importance: High

Hi Rich, Ned, Marcilynn:

Attached is the draft SO for surname that has been painstakingly drafted with BLM-NM, BLM-Washington office, and SOL. The SOL has advanced this same copy to Jack for his review. (b) (5)

[REDACTED]. Phil is finishing the draft of the NOA and a package will be circulating the Director's office today.

Also attached is the Departmental schedule, which I sent out to everyone yesterday which was firmed up on Monday night. It is very tight with the holiday. Finalization of the draft SO for release for public comment will occur next Tuesday, the 3rd, in order to meet the Secretary's schedule and already-established Tribal consultation meetings. We have planned a BLM briefing tomorrow at 4 and Monday will be the Departmental briefing at 1. We knew that you were planning to be out late this week, so we weren't sure about timing for an ASLM briefing. Ned - Rich and I spoke and it turns out you will be here tomorrow. Would you like to join our briefing at 4 tomorrow? Let us know what is preferable.

Thank you. This is historic!

Janet Lin
Chief of Staff
Bureau of Land Management
U.S. Department of the Interior
202-208-3801 (o)
202-341-9419 (c)

DEPARTMENT OF THE INTERIOR
Office of the Secretary

Order

Subject: Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

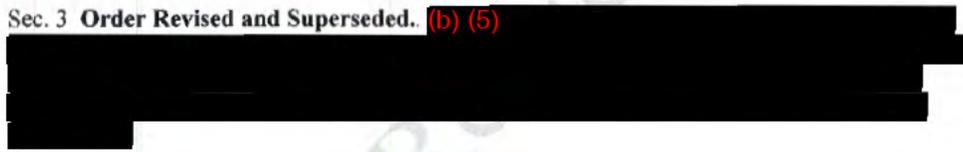
Sec. 1 Purpose and Effect. (b) (5)



Sec. 2 Authority. (b) (5)

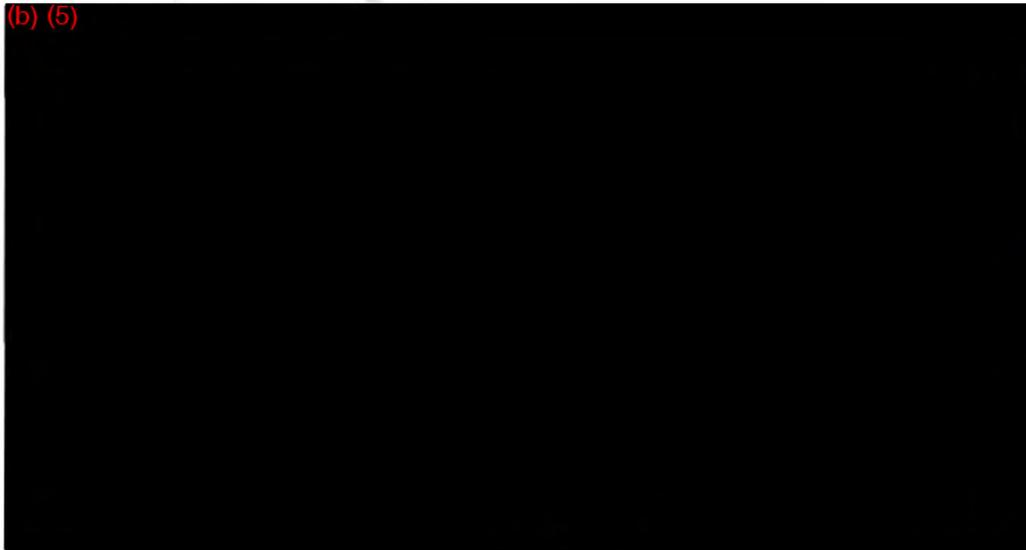


Sec. 3 Order Revised and Superseded. (b) (5)

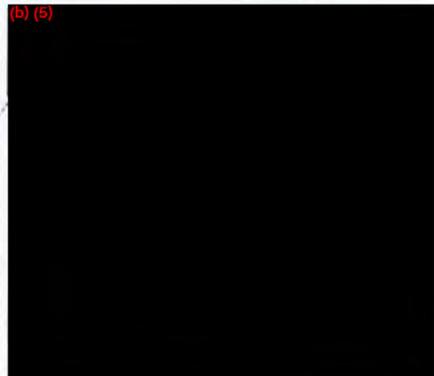


Sec. 4. Definitions.

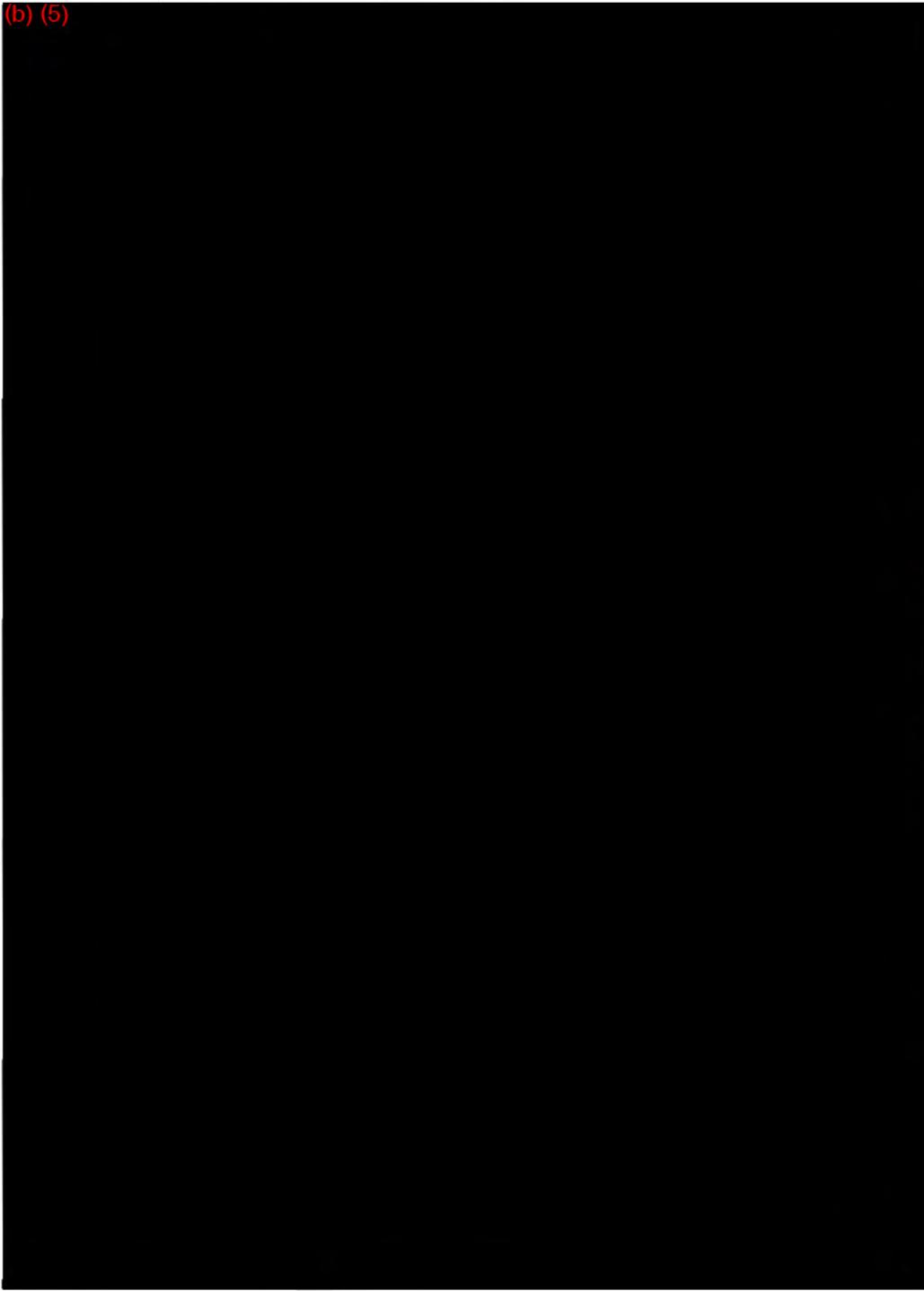
(b) (5)



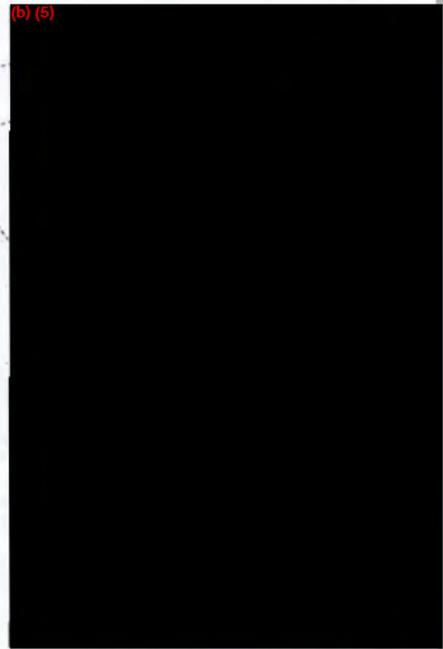
(b) (5)



(b) (5)



(b) (5)



(b) (5)

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Sec. 5 Status of Lands.

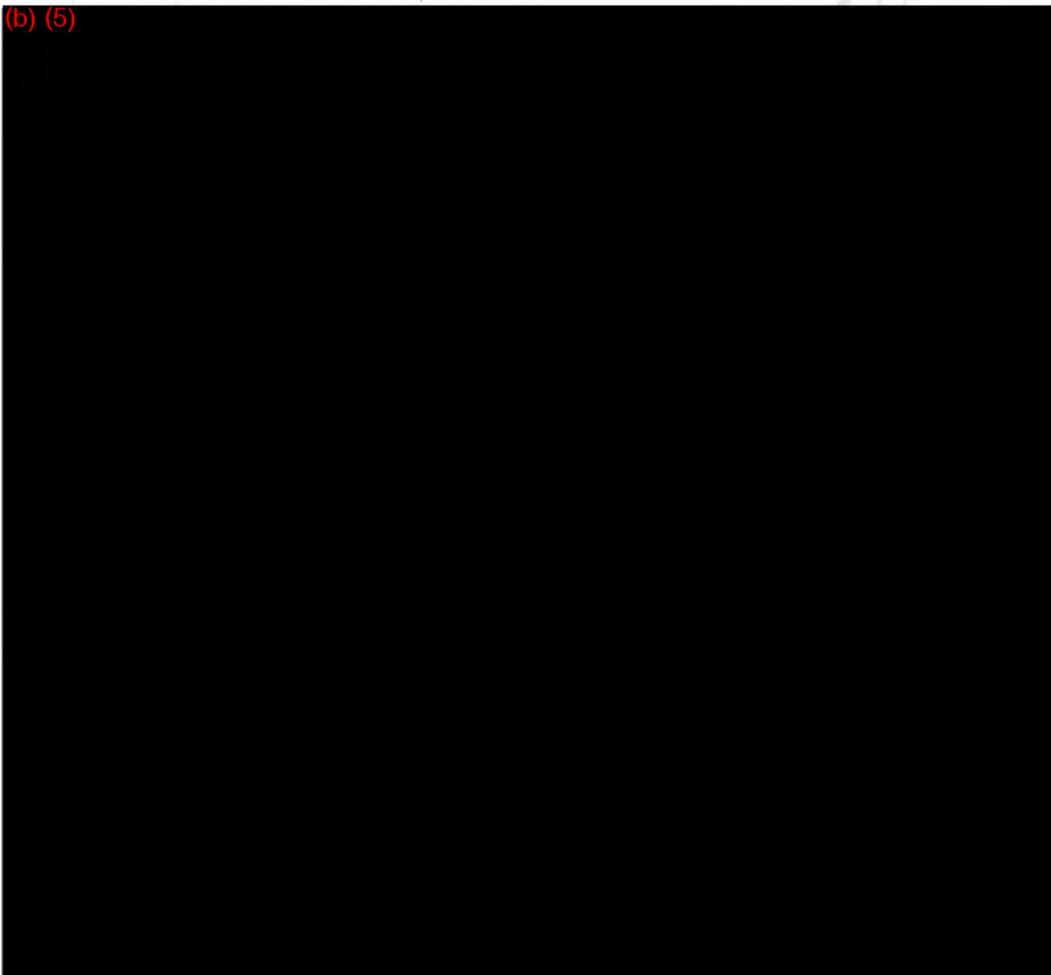
(b) (5)

A black rectangular redaction box covering a few lines of text.

Sec. 6 General Provisions.

a. Issuance of Oil and Gas Leases

(b) (5)

A very large black rectangular redaction box covering the majority of the page's content.

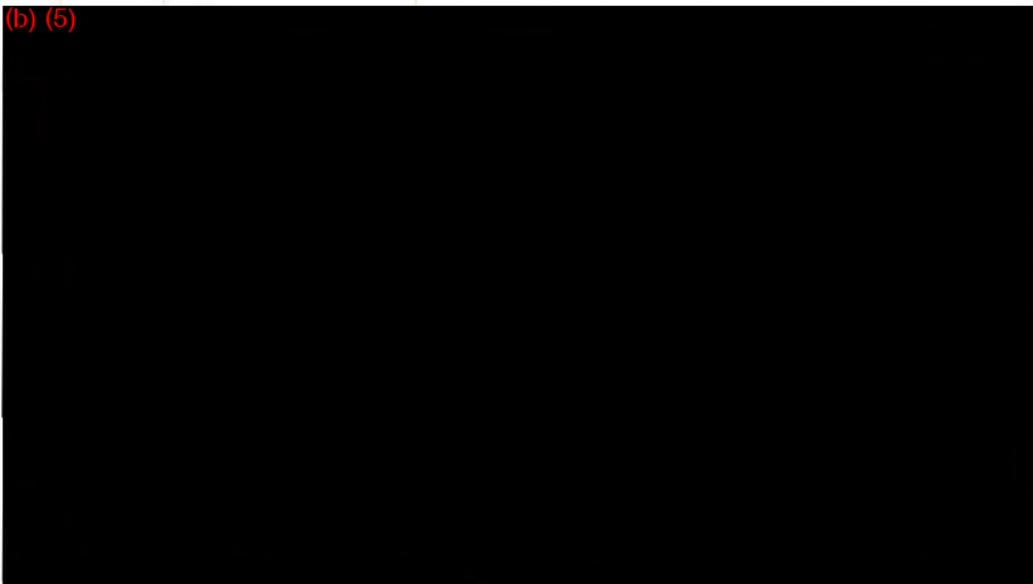
b. Reinstatement or Renewal of Oil and Gas Leases

(b) (5)

A large black rectangular redaction box covering several lines of text.

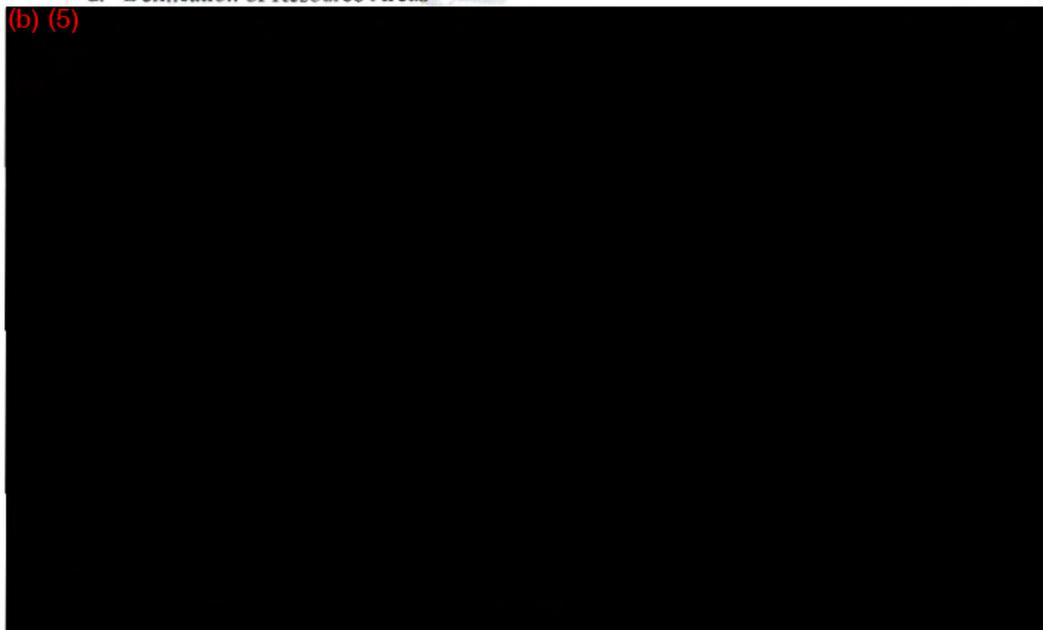
c. Potash Leases

(b) (5)

A large black rectangular redaction box covering a significant portion of the page's content.

d. Delineation of Resource Areas

(b) (5)

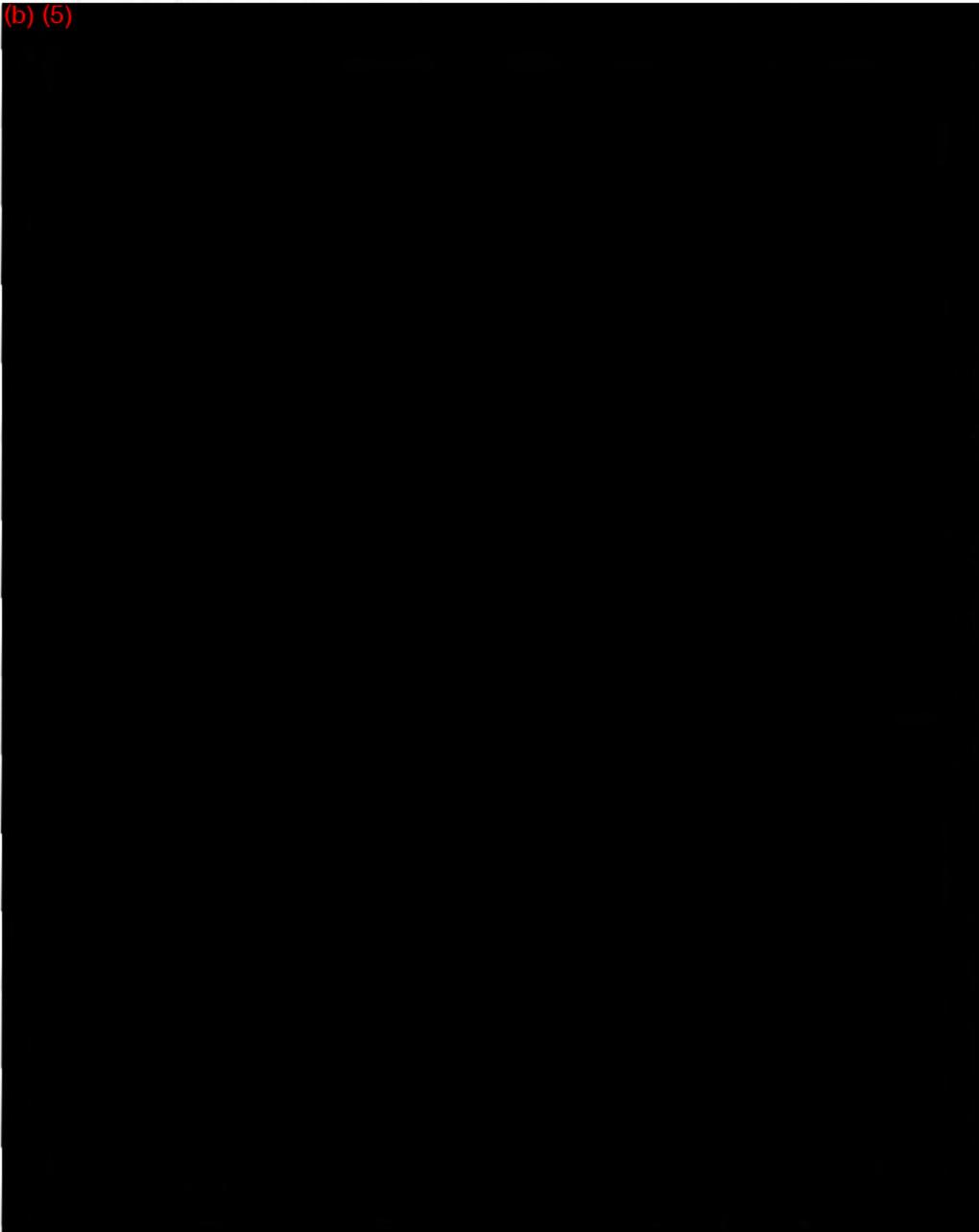
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(b) (5)

A horizontal black redaction bar covering a line of text.

e. Oil and Gas Drilling

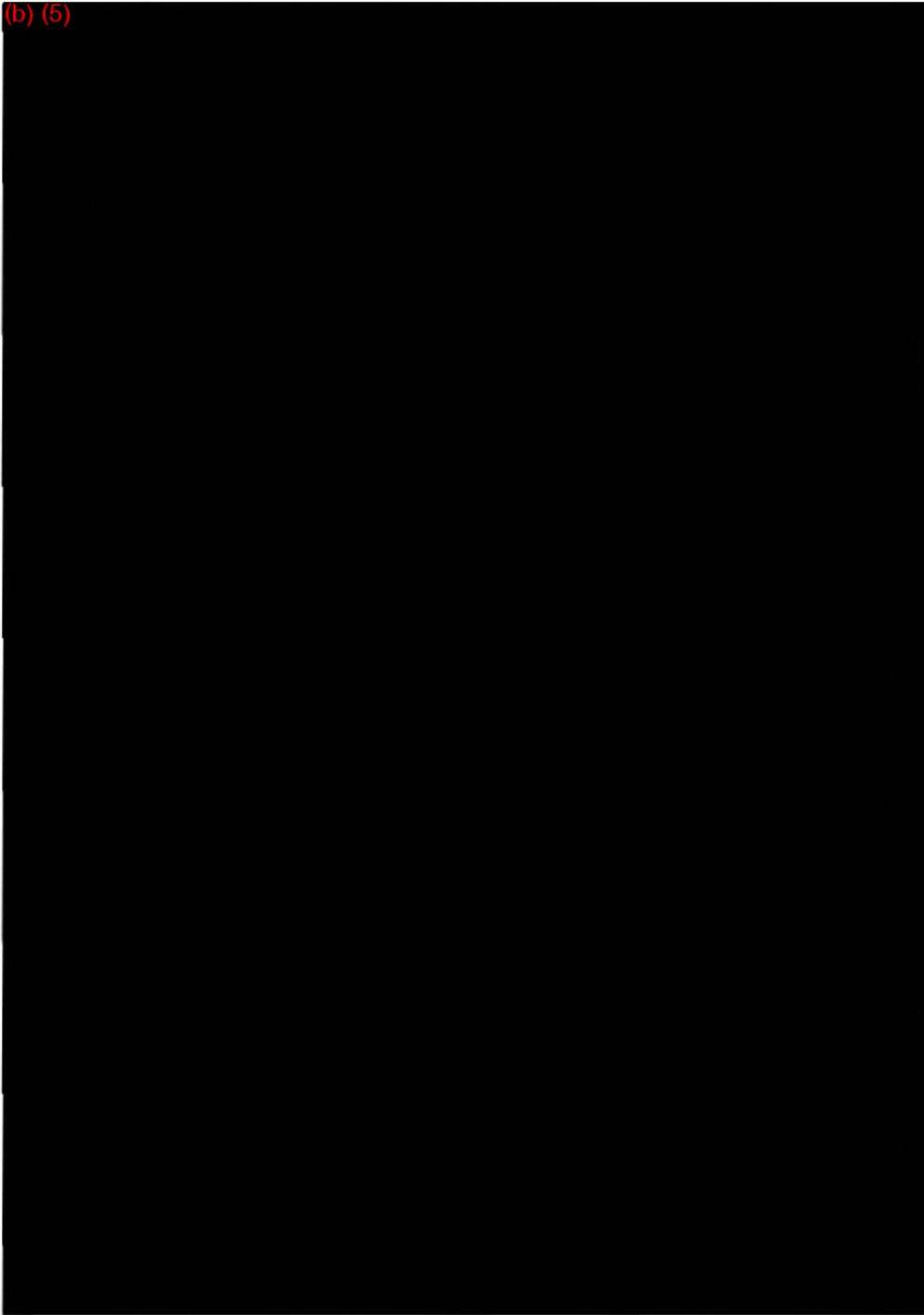
(b) (5)

A large vertical black redaction block covering the majority of the page's content.

(b) (5)

A vertical black redaction block on the right side of the page.

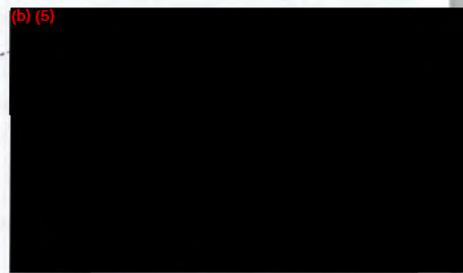
(b) (5)



(b) (5)



(b) (5)



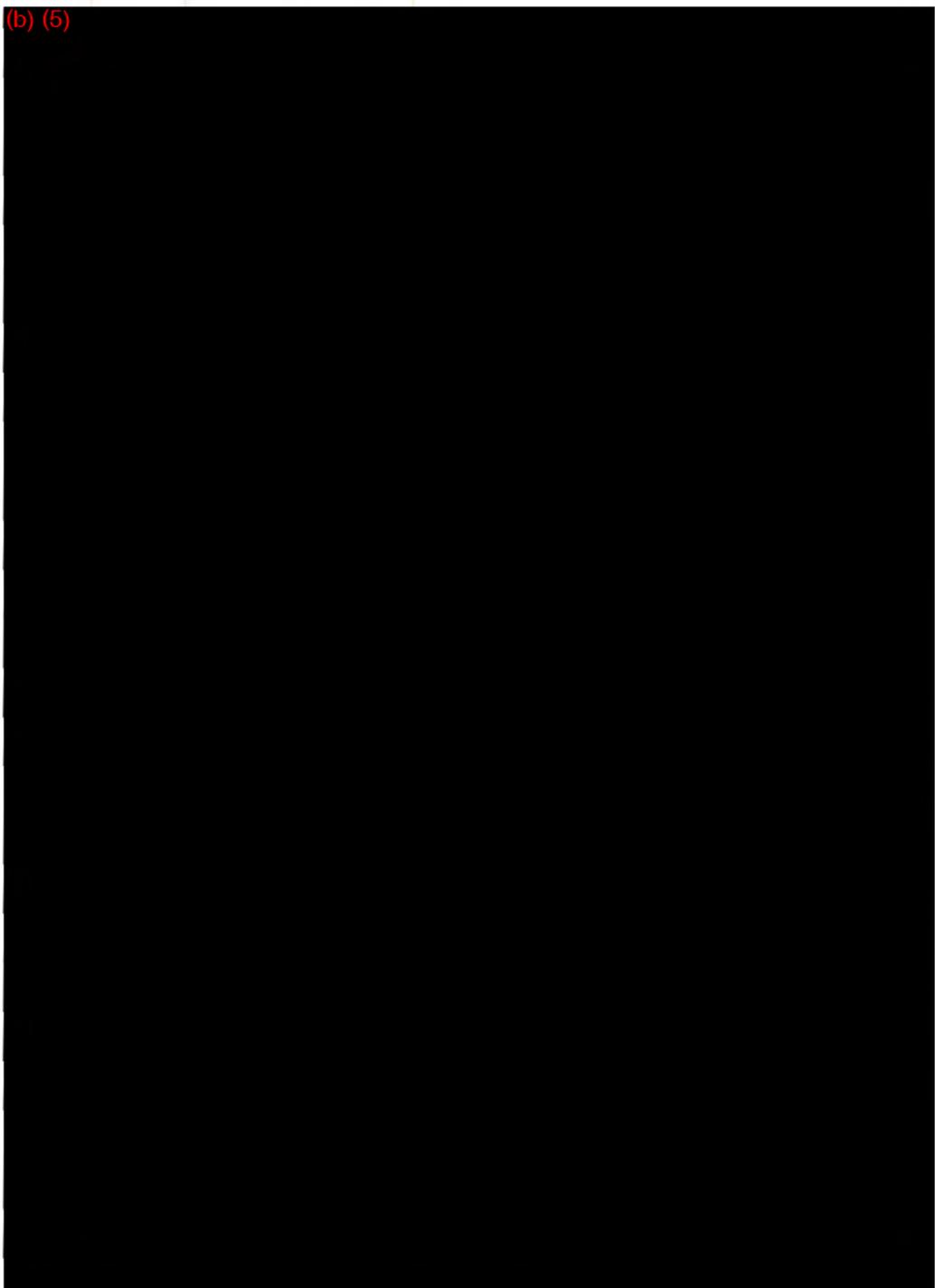
(b) (5)



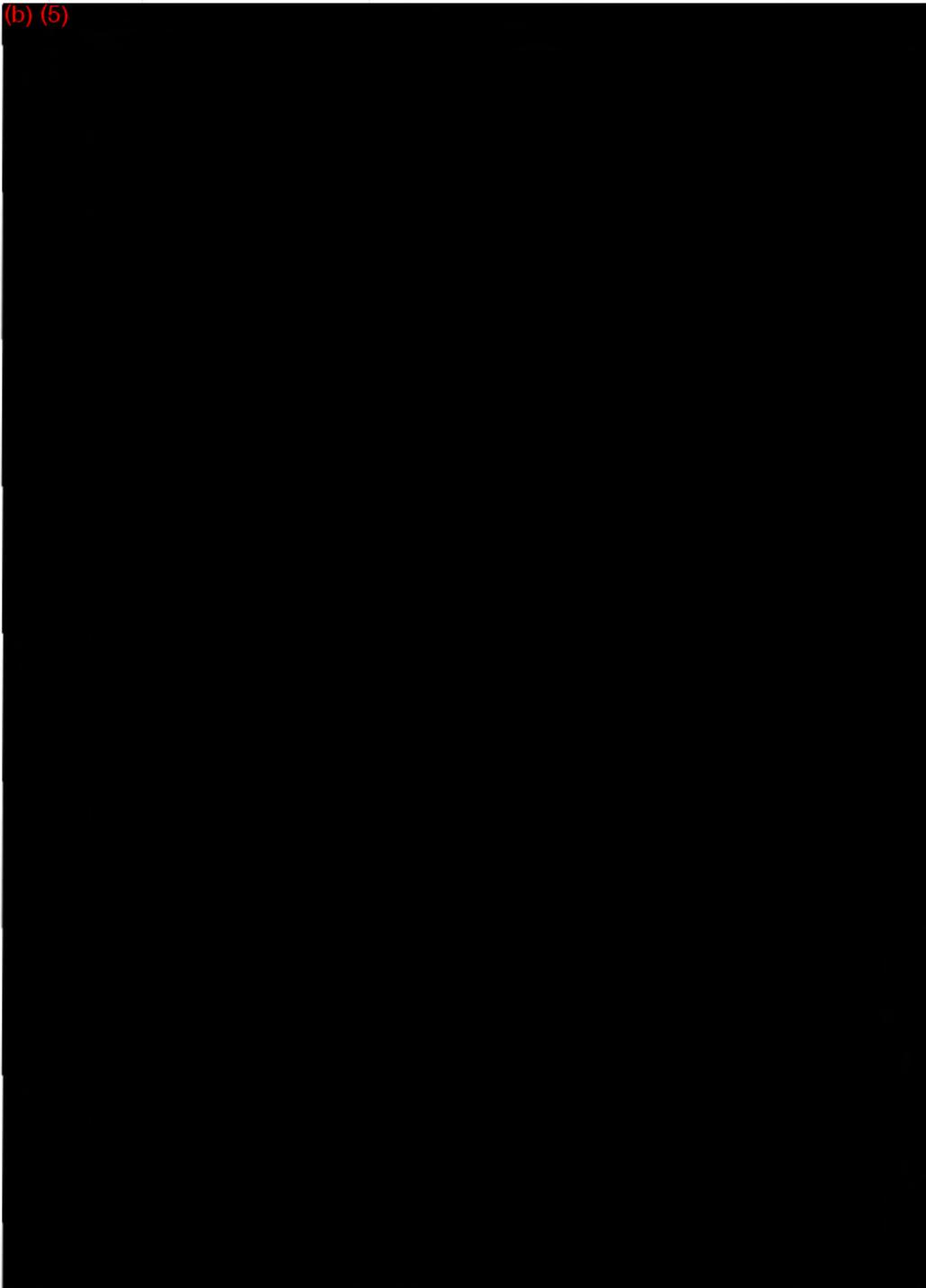
(b) (5)



(b) (5)



(b) (5)



(b) (5)

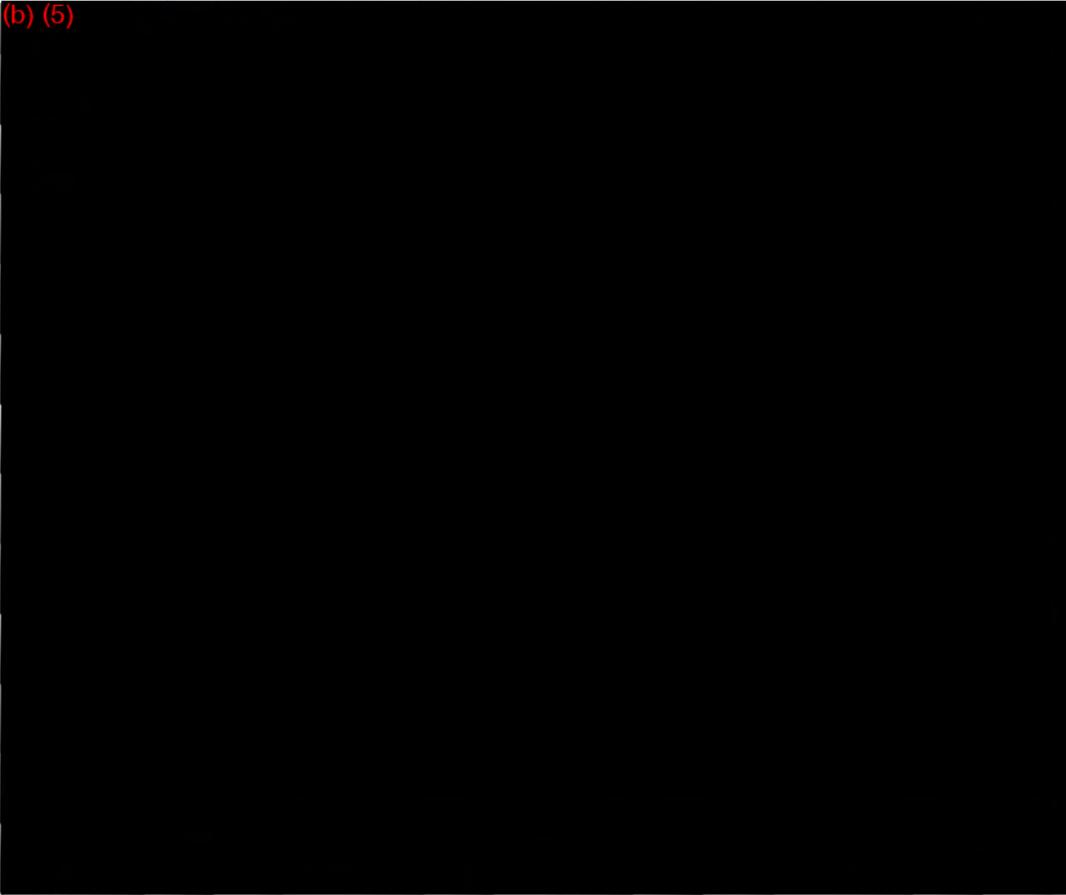


(b) (5)

A large black rectangular redaction box covering several lines of text.

f. Access to Maps and Surveys

(b) (5)

A very large black rectangular redaction box covering the majority of the page's content.

Sec. 7 Regulatory and Administrative Matters.

(b) (5)

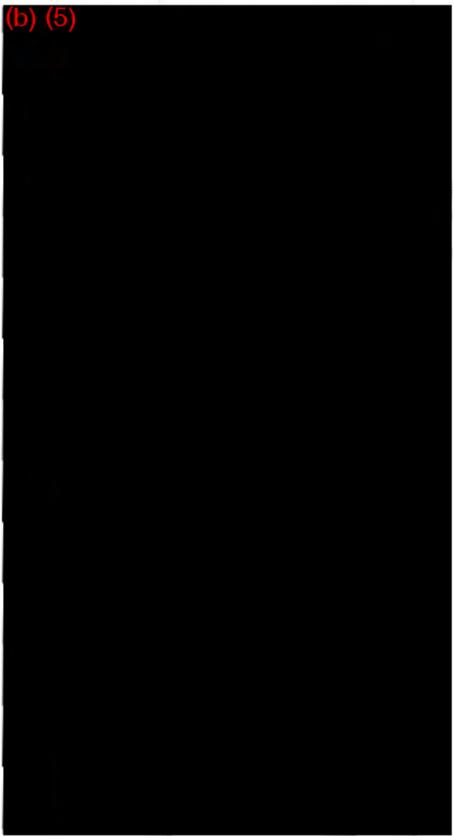
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(b) (5)



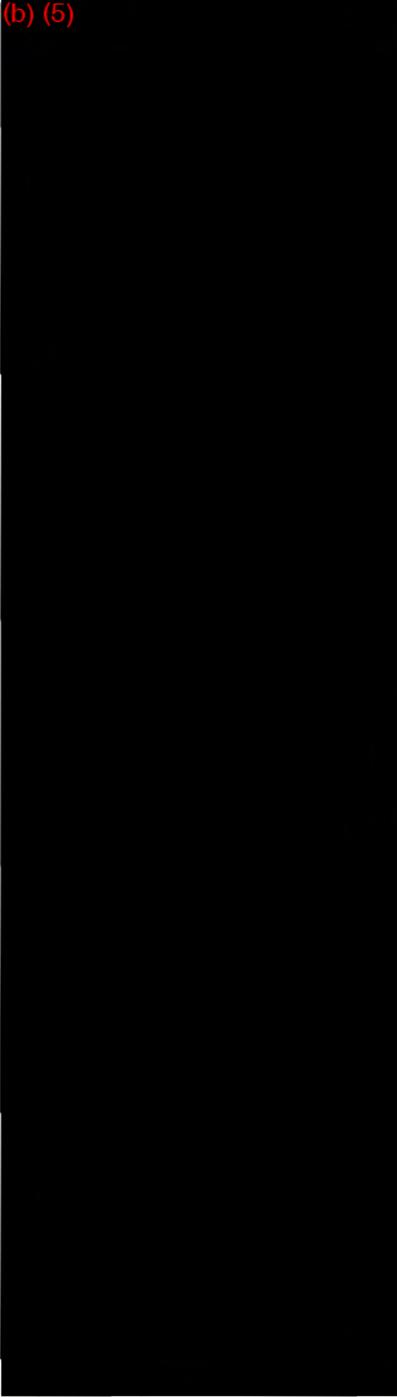
Sec. 8. The Designated Potash Area Legal Description.

(b) (5)



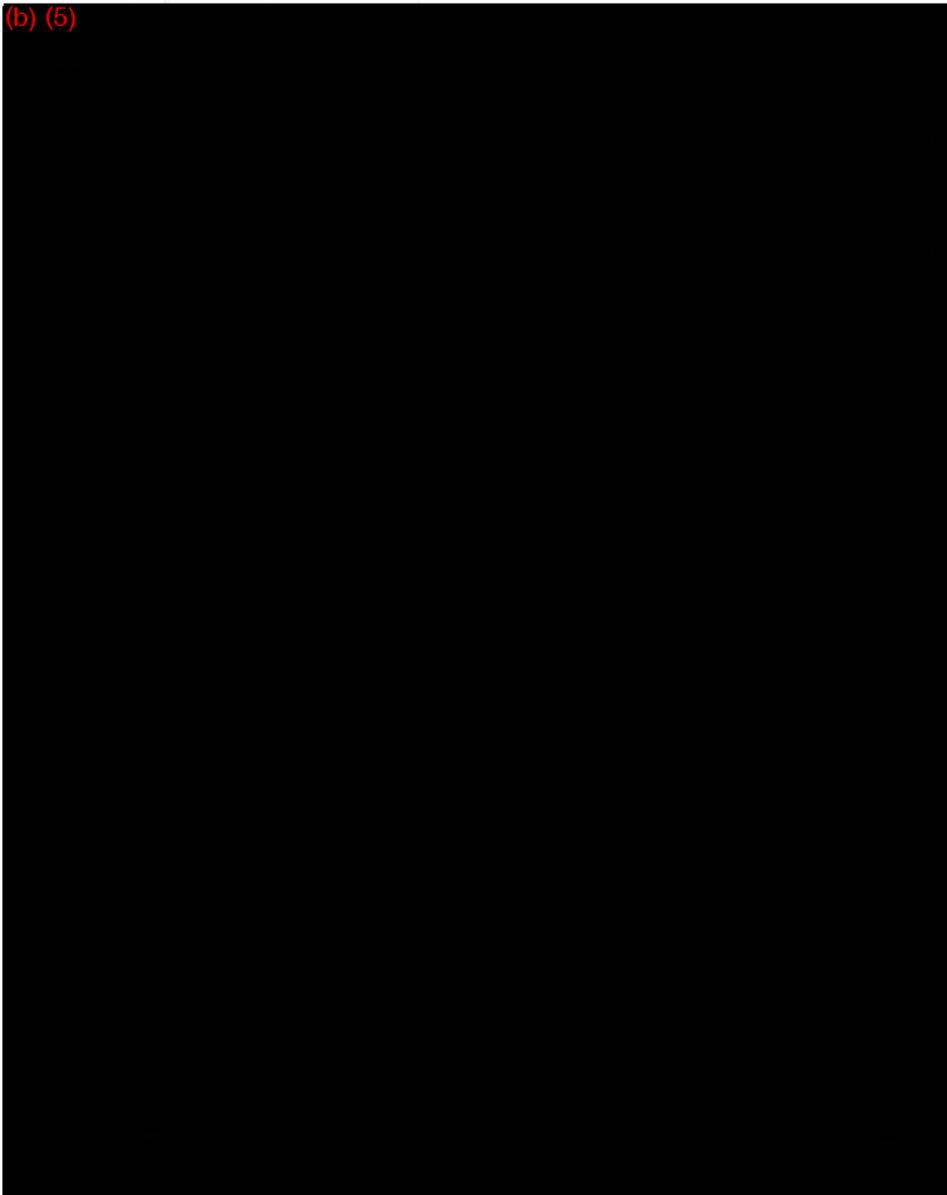
Review

(b) (5)



Review Draft

(b) (5)



Sec. 9 Administrative Provisions. (b) (5)



Internal Review Draft

From: [Barlan, Bryce](#)
To: [Pollet, Jolie](#)
Subject: RE: potash
Date: Thursday, June 28, 2012 10:23:00 AM
Attachments: [Potash-OG Secretarial Order \(surname version 2012 6 27\) bb edits 06.28.12.doc](#)

Jolie,

Here are my edits. After I receive feedback from you on what types of comments should be presented to Ned and Marcilynn, I think we should share an electronic version with Ned prior to our meeting with him at 100.

Hopefully he'll have a moment to look at it and soak up some of the edits/comments we've provided.

What do you think?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Burke, Marcilynn
Sent: Wednesday, June 27, 2012 7:19 PM
To: Pollet, Jolie
Cc: Barlan, Bryce; Farquhar, Ned
Subject: RE: potash

Thanks for your careful review Jolie.

I just fixed some more typos.

I think that the following of your comments can remain within ASLM and not go back to the BLM: 2, 4, 7, 9, and 10.

Thanks,

Marcilynn

Marcilynn A. Burke
Acting Assistant Secretary, Land and Minerals Management
U.S. Department of the Interior • 1849 C St., NW • Washington, DC 20240
(202) 208-6734 (voice) • (202) 208-3619 (fax)
Marcilynn_Burke@ios.doi.gov

From: Pollet, Jolie
Sent: Wednesday, June 27, 2012 6:44 PM
To: Burke, Marcilynn
Subject: potash

Here are my comments. I will incorporate Bryce's comments tomorrow morning.

Thanks.

Jolie

Jolie Pollet
On temporary assignment with DOI ASLM (June 18-July 13)
cell phone 907-223-6930
desk phone 202-208-5348

Renewable Resources Branch Chief
BLM - Alaska State Office, Anchorage, AK

From: [Pollet, Jolie](#)
To: [Barlan, Bryce](#)
Subject: Potash-OG Secretarial Order (surname version 2012 6 27)_jp_MAB_bb_notes to ASLM
Date: Thursday, June 28, 2012 11:38:11 AM
Attachments: [Potash-OG Secretarial Order \(surname version 2012 6 27\)_jp_MAB_bb_notes to ASLM.docx](#)

I am coming over...the printer is broken...again...

From: [Pollet, Jolie](#)
To: [Barlan, Bryce](#)
Subject: Emailing: Potash-OG Secretarial Order (surname version 2012 6 27)_jp_MAB_bb_notes to ASLM
Date: Friday, June 29, 2012 11:19:29 AM
Attachments: [Potash-OG Secretarial Order \(surname version 2012 6 27\)_jp_MAB_bb_notes to ASLM.docx](#)

The message is ready to be sent with the following file or link attachments:

Potash-OG Secretarial Order (surname version 2012 6 27)_jp_MAB_bb_notes to ASLM

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

From: [Pollet, Jolie](#)
To: [Barlan, Bryce](#)
Subject: Potash-OG Secretarial Order (surname version 2012 6 27).jp
Date: Wednesday, June 27, 2012 6:06:05 PM
Attachments: [Potash-OG Secretarial Order \(surname version 2012 6 27\).jp.doc](#)

Here are my comments. When I get yours, I will merge your commetns with mine. Still no hard copy...

DEPARTMENT OF THE INTERIOR
Office of the Secretary

Order

Subject: Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

Sec. 1 Purpose and Effect. (b) (5)

[Redacted]

Sec. 2 Authority. (b) (5)

[Redacted]

Sec. 3 Order Revised and Superseded. (b) (5)

[Redacted]

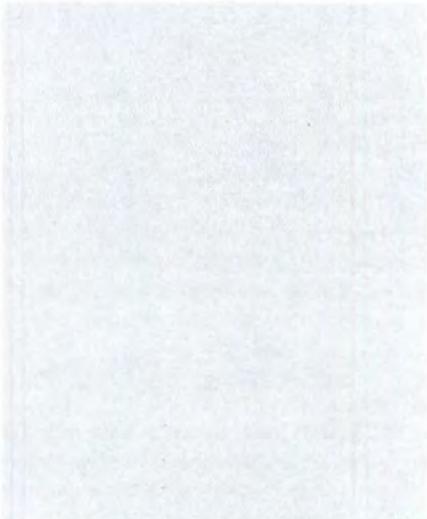
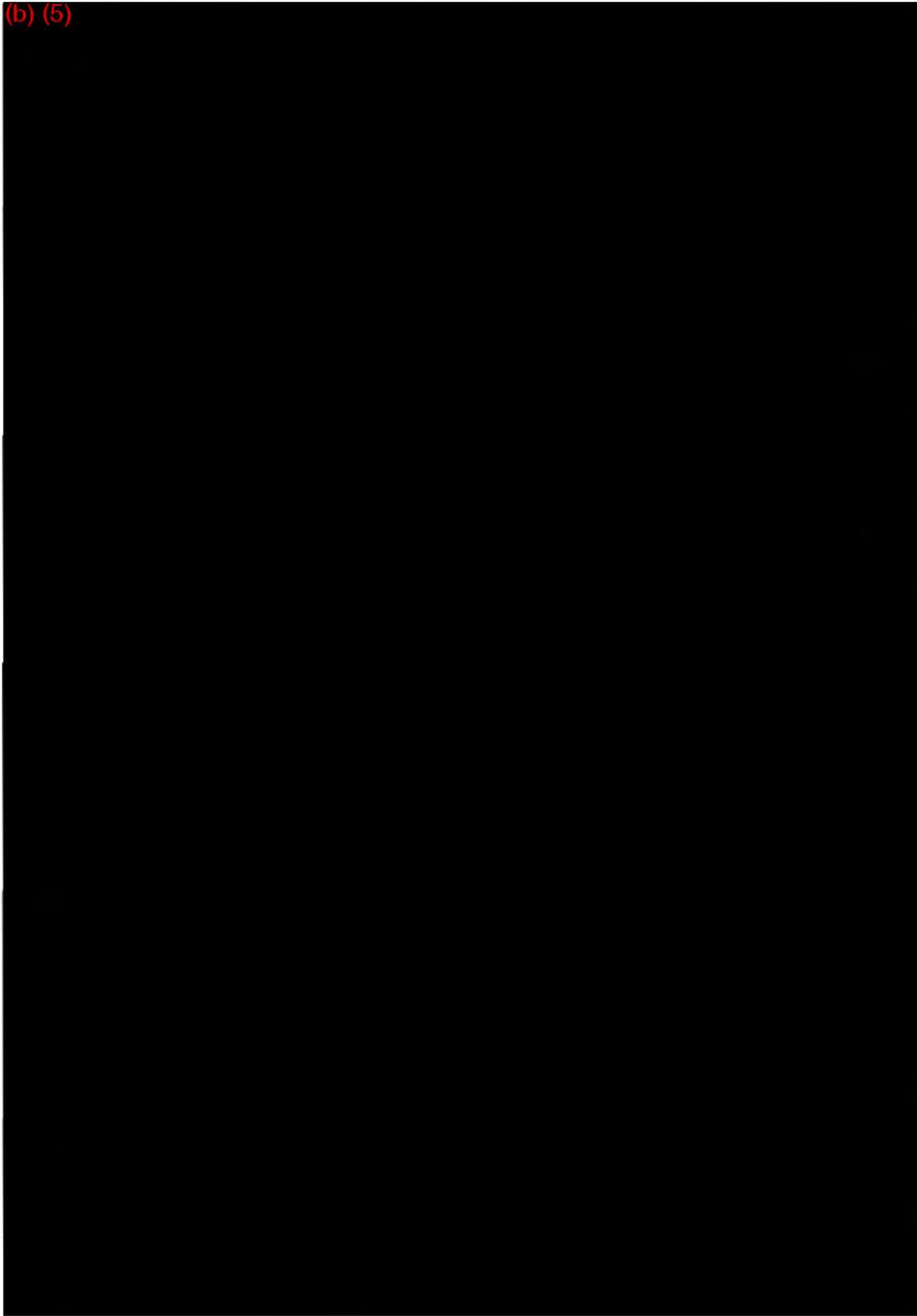
(b) (5)
(b)
(5)

Sec. 4 Definitions. (b) (5)

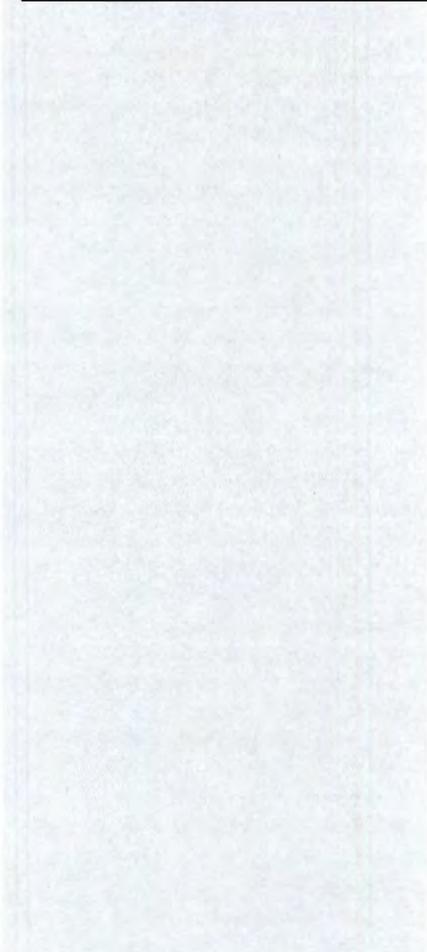
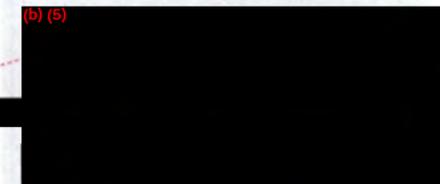
[Redacted]

(b) (5)

(b) (5)



(b) (5)



(b) (5)



Sec. 5 Status of Lands.

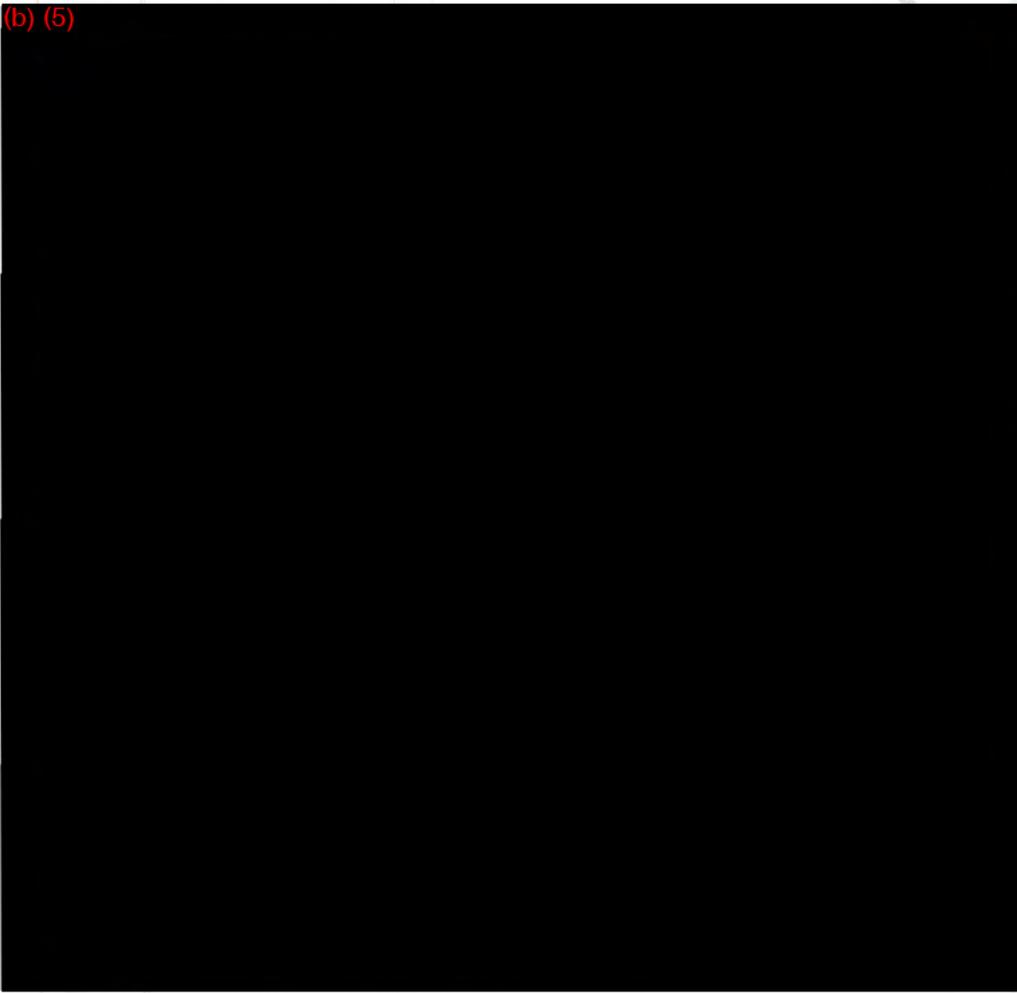
(b) (5)



Sec. 6 General Provisions.

a. Issuance of Oil and Gas Leases

(b) (5)



b. Reinstatement or Renewal of Oil and Gas Leases

(b) (5)

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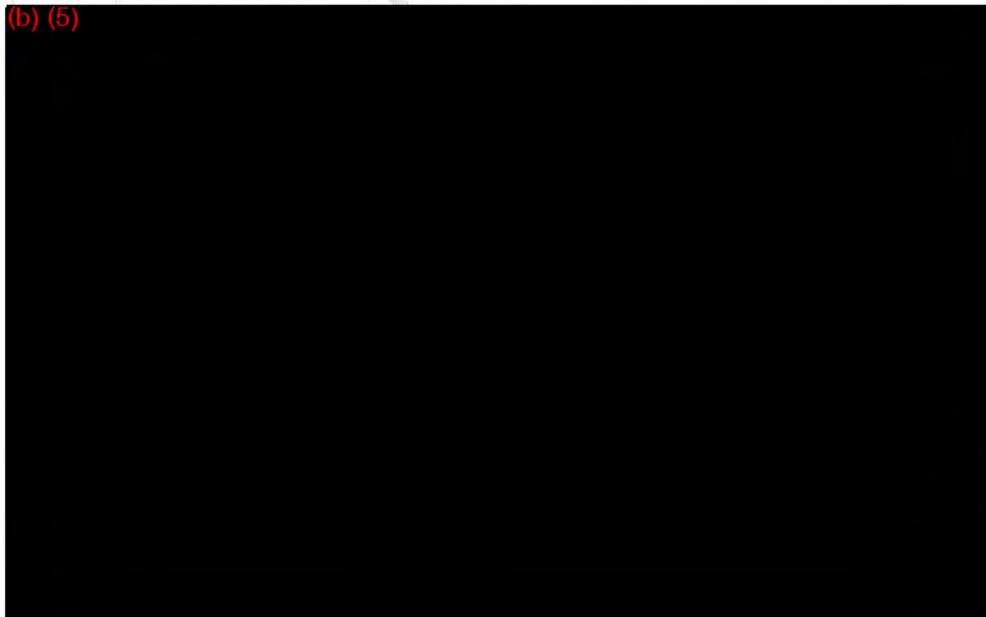
c. Potash Leases

(b) (5)

A large black rectangular redaction box covering the middle section of the page.

d. Delineation of Resource Areas

(b) (5)

A large black rectangular redaction box covering the bottom section of the page.

(b) (5)

A small black rectangular redaction box located on the right side of the page.

(b) (5)

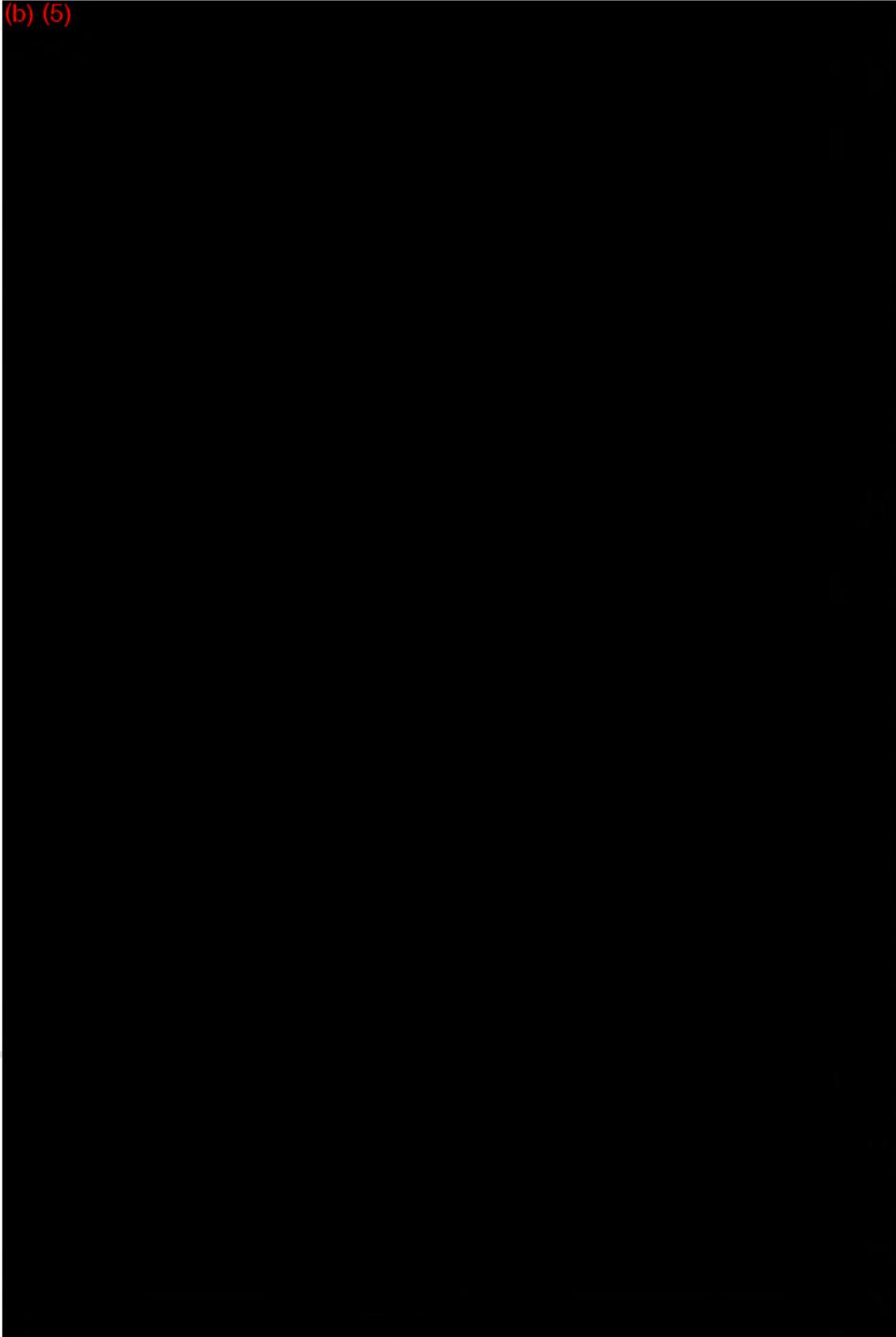
(b) (5)

e. Oil and Gas Drilling

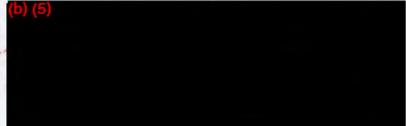
(b) (5)

(b) (5)

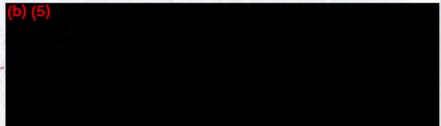
(b) (5)



(b) (5)



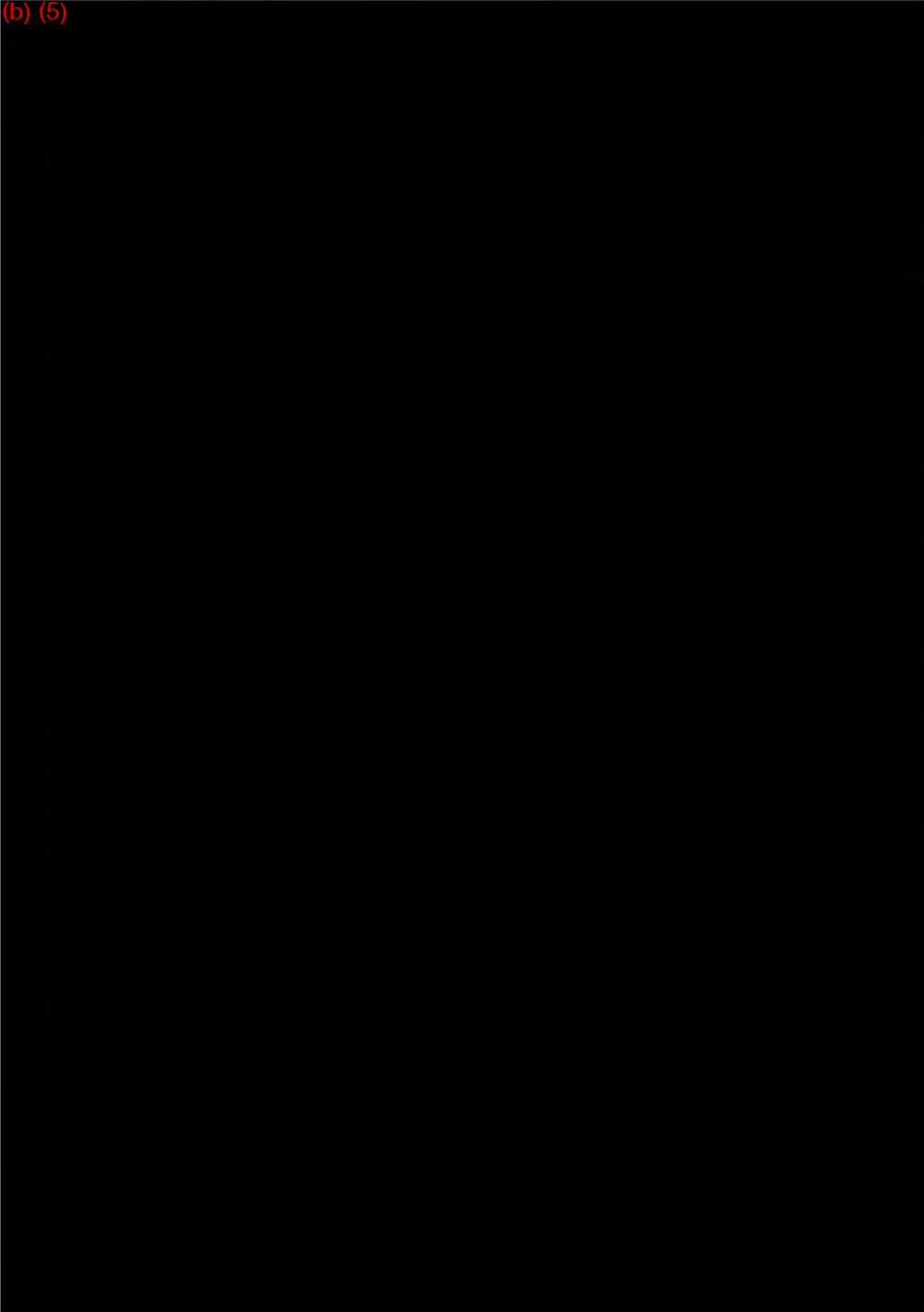
(b) (5)



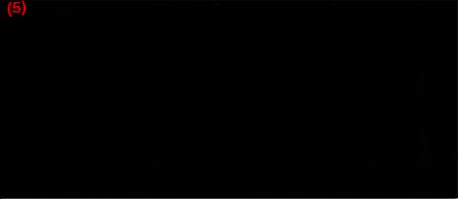
(b) (5)



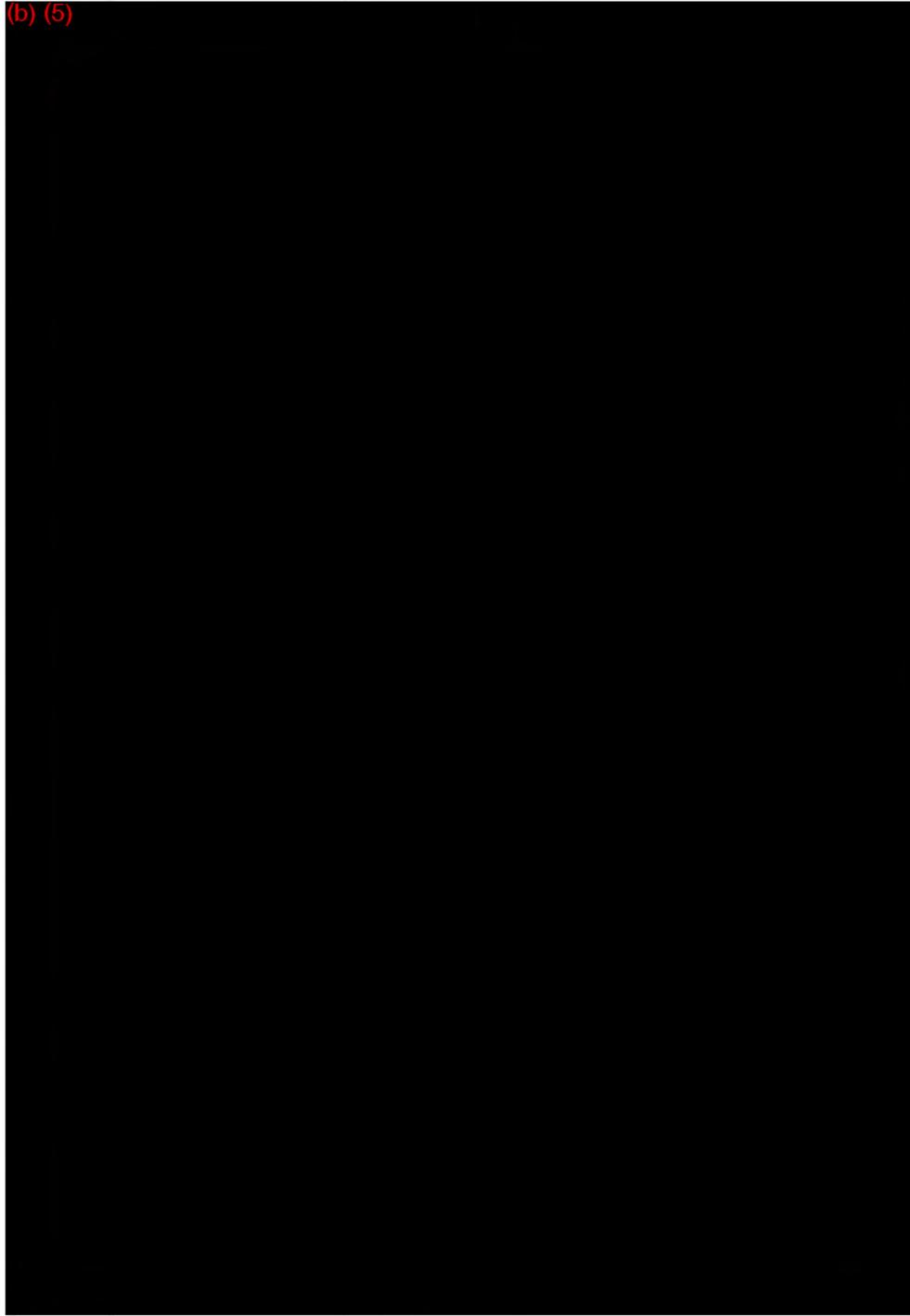
(b) (5)



(5)



(b) (5)



(b) (5)

(b) (5)

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f. Access to Maps and Surveys

(b) (5)

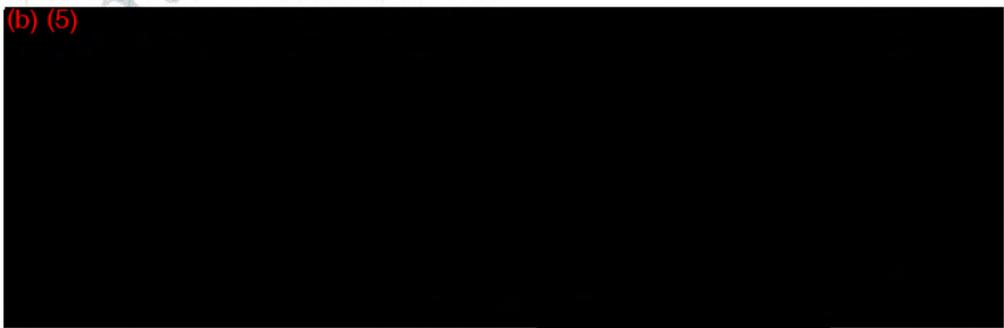
A very large black rectangular redaction box covering the majority of the page's content.

(b) (5)

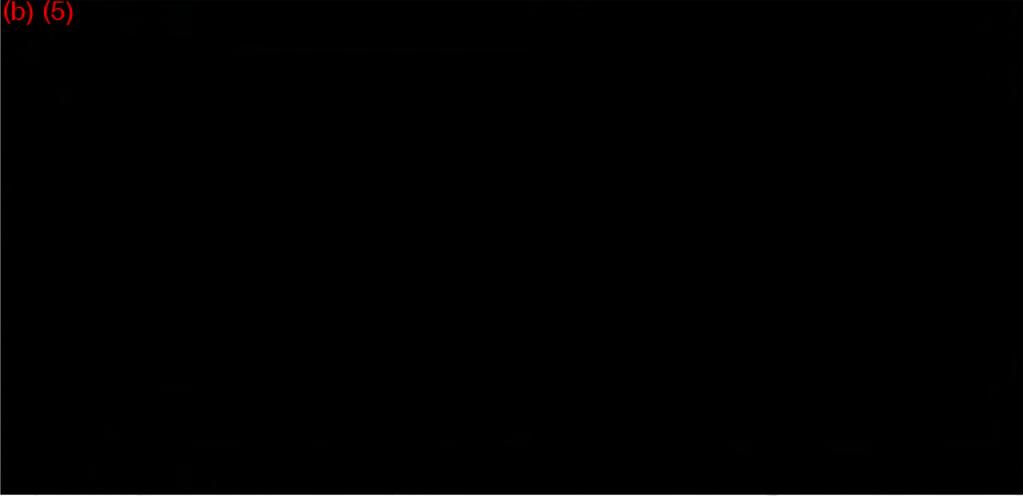
A small black rectangular redaction box on the right side of the page.

Sec. 7 Regulatory and Administrative Matters.

(b) (5)

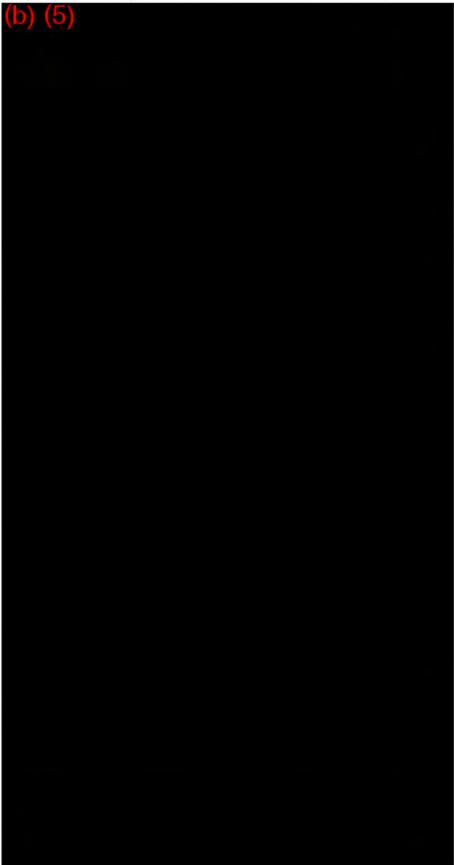
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(b) (5)

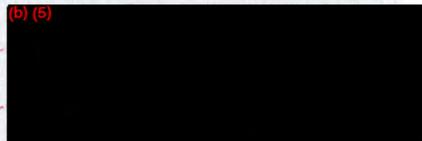


Sec. 8. The Designated Potash Area Legal Description.

(b) (5)



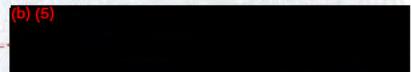
(b) (5)



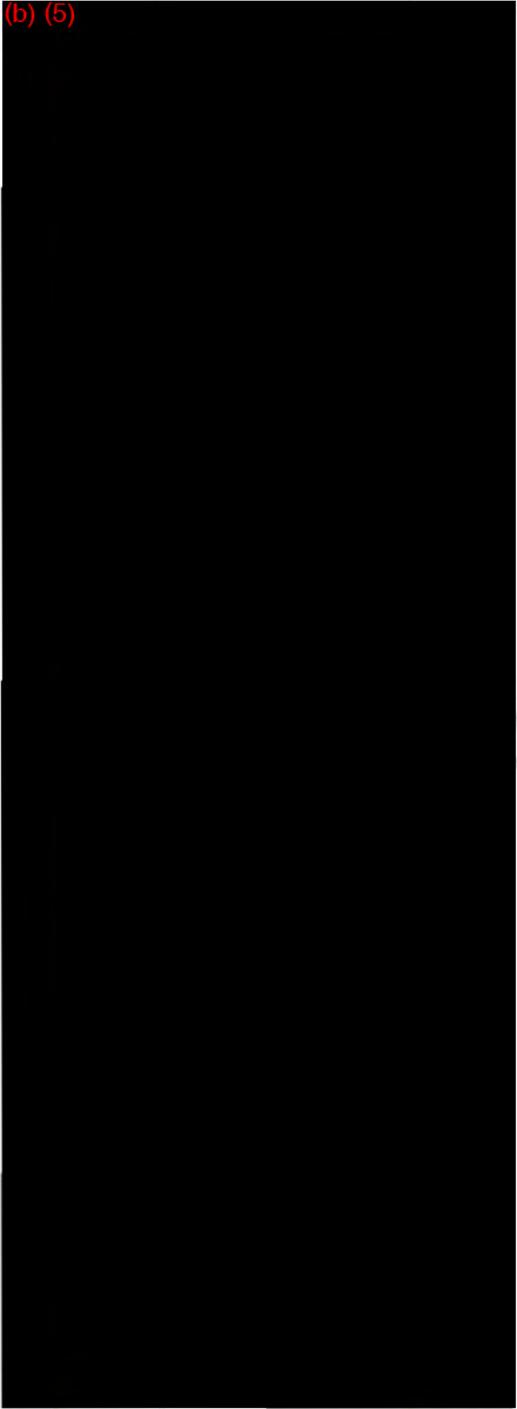
(b) (5)



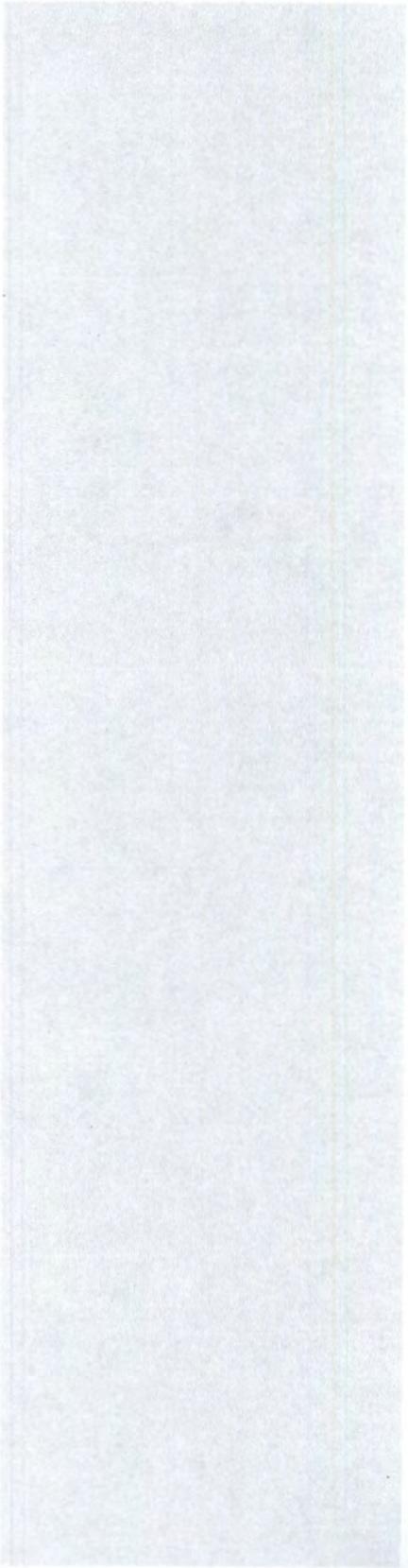
(b) (5)



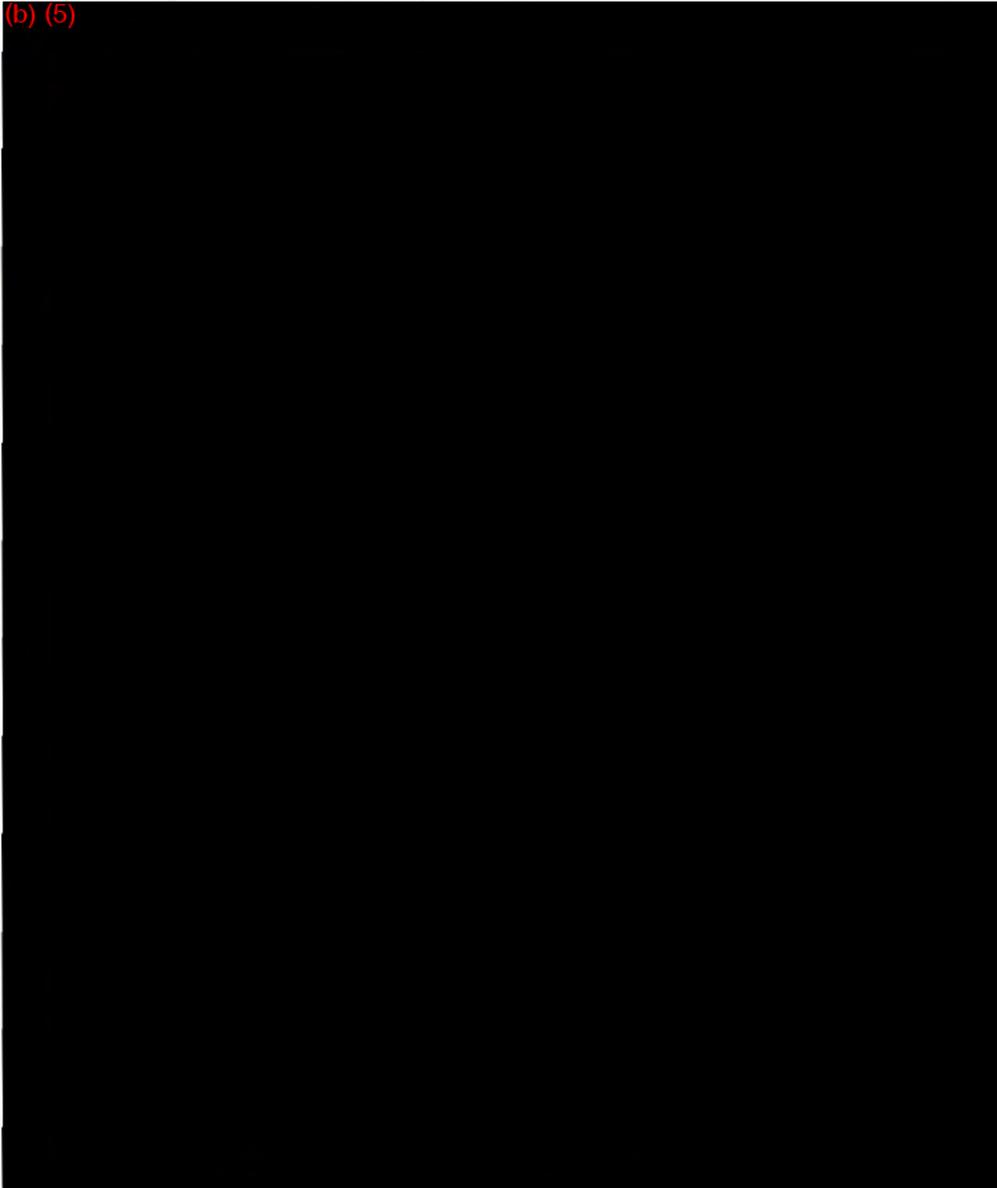
(b) (5)



Review Draft



(b) (5)



Sec. 9 Administrative Provisions (b) (5)



Comment [P319]: Extra page.

Internal Review Draft

From: [Leff, Craig S](#)
To: [Barlan, Bryce](#)
Subject: RE: Potash Sec Order
Date: Wednesday, July 11, 2012 3:46:48 PM
Attachments: [Potash-O&G Secretarial Order. \(surname version, to Exec Sec, 7-5-12\).doc](#)
[Potash - O&G NOA.doc \(surname version, sent to Fed Reg, 7-6-12\).docx](#)
[Potash - Oil and Gas brf \(Briefing paper, 7-6-12, briefing book\).docx](#)

Bryce -

Attached is a copy of the draft SO, NOA and a BP. The comm materials/PR are in draft with OCO. They're holding the pen so I don't have the most recent versions. The SO and NOA may have been slightly tweaked by DOI after we sent them up. If they were, it would have been nothing major.

Hope this helps,

Craig

Craig Leff
BLM Communications
202-208-6913 (office)
202-549-9218 (cell)

-----Original Message-----

From: Barlan, Bryce
Sent: Wednesday, July 11, 2012 3:38 PM
To: Leff, Craig S
Subject: Potash Sec Order

Craig,

I heard there is an announcement tomorrow on the sec order on potash.

I asked Phil about it.

He said to ask you if I can get a copy of the comm material.

We are trying to information for our weekly report and would like to add something about the potash order.

Would you please share a copy of the comm material with Jolie Pollet and I?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: [Barlan, Bryce](#)
To: [Allard, Phil](#)
Subject: FW: Potash Order
Date: Monday, September 24, 2012 3:14:00 PM
Attachments: [Comments consolidated.docx](#)

Hey Phil,

I was wondering if there's a revised list of consolidated comments (like the one attached which you shared with me a couple of weeks ago) that can be shared with ASLM.

What do you think?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

From: Allard, Phil
Sent: Friday, September 14, 2012 4:24 PM
To: Barlan, Bryce
Subject: RE: Potash Order

We should have a first cut at a response to comments by 9/20. I have attached a summary of comments to this message. I am not certain that this is all of them, but it is most. I believe the Solicitor may be reaching out to Ned shortly on the JJTC comments which generally look like things we can accept.

-----Original Message-----

From: Barlan, Bryce
Sent: Friday, September 14, 2012 4:21 PM
To: Allard, Phil
Subject: RE: Potash Order

Yes. Will the summaries be able to be shared before then?

Sorry to sound too eager.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

From: Allard, Phil
Sent: Friday, September 14, 2012 4:17 PM
To: Barlan, Bryce
Subject: RE: Potash Order

Sorry, I meant the week after next. Will he be back the week of 9/24?

-----Original Message-----

From: Barlan, Bryce
Sent: Friday, September 14, 2012 4:16 PM
To: Allard, Phil
Subject: RE: Potash Order

(b) (6)

Can he conference in?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

From: Allard, Phil
Sent: Friday, September 14, 2012 4:15 PM
To: Barlan, Bryce
Subject: RE: Potash Order

We are trying to get a meeting with the team with Mike set up for Monday. Adjacent to that could be convenient. We intend to do a few meetings during the week so we can make something work if Monday is out.

-----Original Message-----

From: Barlan, Bryce
Sent: Friday, September 14, 2012 4:11 PM
To: Allard, Phil
Subject: Potash Order

Phil,

I got a note from Ned earlier.

When the strike teams gather in WO, please let Ned and I know. He wants to drop in and thank them. I need to make sure these visits get on his calendar.

And as soon as you all have the summaries prepared, would you share it with us. He asked for them, in particular.

Need I run this by Janet or anyone first?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: [Allard, Phil](#)
To: [Fugate, Barbara](#); [Blank, Harvey](#); [McNeer, Richard](#); [Hawbecker, Karen](#)
Cc: [Barlan, Bryce](#); [Lin, Janet H](#); [Herrell, Tony J](#); [Stovall, James K](#); [Juen, Jesse J](#)
Subject: BLM's Response to SOL's Comments on the Comment Analysis for the Potash Order
Date: Friday, November 02, 2012 12:57:41 PM
Attachments: [2012_10_31_DMR_comment_responses_BLM_Response.docx](#)
[Potash - SO -Draft_11.1.12.doc](#)

Barbara and others,

Thank you for your careful review of this document. I went through your comments and have added a response in the margin where appropriate. The track changes were getting pretty cluttered, so this version accepts all of the edits found in the previous version that were acceptable to BLM. The stuff remaining in track changes include new text that you haven't seen before, new deletions, and marginal comments with comment response also in the margin.

I am also attaching a new version of the Order. (b) (5)

I think we are almost there. I will produce clean versions if you would like.

Phil

From: [Farquhar, Ned](#)
To: [Barlan, Bryce](#); [Cardinale, Richard](#)
Subject: RE: SURNAME VERSION Potash Order, NOA for comment responses, & Decision Memo for Secy
Date: Tuesday, November 13, 2012 12:54:57 PM
Attachments: [2012 11 09 draft NOA for potash order comment responses RTC edits BGB edits 11 13 12 \(2\) nf edits.docx](#)

My comments on the NOA

From: Barlan, Bryce
Sent: Tuesday, November 13, 2012 10:10 AM
To: Cardinale, Richard; Farquhar, Ned
Subject: RE: SURNAME VERSION Potash Order, NOA for comment responses, & Decision Memo for Secy

Ned/Rich,

Here are my comments. I did want to point out a couple of things:

1. Rich – For the Potash Order, (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
2. For the NOA, (b) (5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] nt.
3. We are still missing one document...the comment analysis document. I could not find it on the list of documents Janet shared with us.

In the meantime, here are my edits (which have been combined with Rich's edits).

Please let me know if you have any questions.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Cardinale, Richard
Sent: Monday, November 12, 2012 10:27 AM
To: Farquhar, Ned; Barlan, Bryce
Subject: Fw: SURNAME VERSION Potash Order, NOA for comment responses, & Decision Memo for

Secy

Very minor edits to the Secretarial Order, NOA, and Decision Memo.

From: Richard Cardinale [mailto:(b) (6)]
Sent: Monday, November 12, 2012 10:24 AM
To: Cardinale, Richard
Subject: Re: SURNAME VERSION Potash Order, NOA for comment responses, & Decision Memo for Secy

From: "Cardinale, Richard" <Richard.Cardinale@ios.doi.gov>
To: (b) (6) Richard Cardinale
Sent: Monday, November 12, 2012 9:38 AM
Subject: Fw: SURNAME VERSION Potash Order, NOA for comment responses, & Decision Memo for Secy

From: Lin, Janet H
Sent: Friday, November 09, 2012 05:24 PM
To: Farquhar, Ned; Burke, Marcilynn
Cc: Cardinale, Richard; Barlan, Bryce
Subject: FW: SURNAME VERSION Potash Order, NOA for comment responses, & Decision Memo for Secy

Hey Ned - I didn't mean to leave you off, but I know that Bryce/Rich usually review before you and Marcilynn do, so I didn't want to get ahead of that process. I am sending to Marcilynn as well. As you can see, Jack and Hilary have not reviewed either - but in the interest of time, we wanted to get this to you. We are told that something final needs to be ready by next Friday.

Thanks all!

From: Lin, Janet H
Sent: Friday, November 09, 2012 5:21 PM
To: Barlan, Bryce; Juen, Jesse J; Herrell, Tony J; Juen, Jesse J; Herrell, Tony J; Allard, Phil; Stovall, James K; Fugate, Barbara; Hawbecker, Karen; Blank, Harvey; Cardinale, Richard; Barlan, Bryce; Nedd, Michael D; Fugate, Barbara; Pool, Michael J; Kornze, Neil G; Velasco, Janine; Decker, Julie A; Hanson, Joshua F; Iudicello, Fay; Wilson, Hazel A; Boddington, Celia; Krauss, Jeff
Subject: SURNAME VERSION Potash Order, NOA for comment responses, & Decision Memo for Secy

Attached are the versions that will begin making their way simultaneously through ASLM, BLM Director's Office, Exec Sec, and SOL. Please use these versions for those of you who have paper packages. BLM-NM - could you send us your e-surname of these versions?

Fay and Hazel: I believe Phil has mentioned that this Secretarial Order (b) (5) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5)

We appreciate your consideration of these factors as you conduct your review.

From: Fugate, Barbara
Sent: Friday, November 09, 2012 4:16 PM
To: Lin, Janet H; Allard, Phil
Cc: Hawbecker, Karen; Blank, Harvey
Subject: Attaching Potash Order, NOA for comment responses, & Decision Memo for Secy

Janet (and Phil when you get back) –

Karen has just surnamed the attached documents that are revised versions of the ones included in the initial surname package: (1) proposed final 2012 Secretary's Potash Order; (2) Notice of Availability of BLM's comment responses; and (3) Decision Memorandum for the Secretary. Please note that we have just transmitted this surname package to the front office, so Jack and Hilary have not yet reviewed these versions.

I'm also attaching a redline version of the proposed final Order showing the revisions that have been made to the July 13, 2012, proposed Order and a redline version of the draft Decision Memorandum showing DMR revisions to the version BLM sent on November 7 in response to DMR's initial edits. We are currently reviewing BLM's responses to DMR's suggested edits to the comment responses and the EA. Please let me know if you have questions. Thank you.

Barbara

4310-VC

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO100000, L18200000.XX0000]

Notice of Availability of BLM's Responses to Public Comments on the Proposed Order of the Secretary on Oil, Gas, and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Under the authority of the Mineral Leasing Act, as amended, the Secretary of the Interior has issued an Order to address oil, gas, and potash leasing and development within the Designated Potash Area in Eddy and Lea counties in New Mexico. The Secretary's Order (2012 Secretary's Order) supersedes a previous Order issued in 1986 and corrected in 1987 that addresses these issues. (b) (5)

This Notice announces the availability of the Bureau of Land Management's (BLM) responses to the comments that were received during the comment period.

ADDRESSES: The comments that were received and the comment responses are available for review at the following Website: <http://www.blm.gov/nm/st/en/info/potash.html>. The 2012 Secretary's Order was published in the Federal Register on [INSERT DATE OF PUBLICATION OF THE 2012 SECRETARY'S ORDER IN THE FEDERAL REGISTER]

FOR FURTHER INFORMATION CONTACT: Tony Herrell; telephone 505-954-2222; 301 Dinosaur Trail, Santa Fe, New Mexico, 87508; e-mail: therrell@blm.gov.

SUPPLEMENTARY INFORMATION:

Background

An area near the town of Carlsbad in southeastern New Mexico (b) (5) contains large deposits of potash, oil, and gas. Oil and gas have been produced from this area since the early twentieth century. In 1925 (b) (5) potash (potassium-bearing salts primarily used for fertilizer) was discovered in this area (b) (5) and has been mined since 1930.

The Secretary issued the first Potash Order in 1939 (4 FR 1012, February 25, 1939). That Order withdrew approximately 43,000 acres of public land from oil and gas leasing (b) (5) to protect potash deposits. In 1951, the Secretary revoked the 1939 Order and issued a new Order that instituted the policy of authorizing concurrent development of oil and gas and potash reserves within an area comprising 298,345 acres, under reciprocal lease stipulations to ensure that the development of either mineral would not interfere with development of the other (16 FR (b) (5) 10669, October 18, 1951). The Order was amended in 1965 (30 FR 6692, May 15, 1965), 1975 (40 FR 51486, November 5, 1975), and 1986 (51 FR 39425, October 28, 1986). A correction to the 1986 Order was issued in 1987 (52 FR 32171, August 26, 1987). The potash area designated by the corrected 1986 Order comprises approximately 497,000 acres, and the 2012 Secretary's Order, published [INSERT DATE OF PUBLICATION OF THE ORDER IN THE FEDERAL REGISTER], does not alter the boundaries of the area.

The potash deposits in this area occur from 800 feet to over 2,000 feet beneath the surface and are mined by both conventional and solution mining methods; conventional methods require miners to be underground. The oil and gas in the area is found in formations below the potash-bearing formations, so oil and gas wells must extend through potash formations.

If potash mining (b) (5) were to breach a well casing, or if a well casing near a potash

mine failed for other reasons, gas could (b) (5) migrate into the mine workings, thus endangering the miners. Additionally, the potential for such a breach could raise the costs of potash mining due to the need (b) (5) to utilize enhanced ventilation techniques and specialized equipment needed to mine in a (b) (5) gas-filled environment. (b) (5) Given these safety risks, it has (b) (5) been a challenge to produce potash and oil and gas at the same time in the same area. This has led to a long history of conflict between the potash and the oil and gas industries.

This conflict has resulted in a great deal of litigation regarding decisions made by the BLM on a variety of potash or oil and gas development applications. Nevertheless, (b) (5) (b) (5) leading members of the two industries have initiated efforts to work together over the past two years. A number of productive meetings and discussions have occurred among many of the parties involved in these previous disputes. Additionally, there have been significant advances in the technology of oil and gas drilling that could be used to reduce the conflict between such drilling and the extraction of potash. Further, the economic outlook for both the oil and gas industry and the potash industry has recently improved. The BLM has also worked with Sandia National Laboratories to investigate well logging technology, gas migration in the potash formations, and standards to use for estimating the mineability of potash and potash cutoff grades. These circumstances led to review of the 1986 Secretary's Order.

The (b) (5) 2012 Secretary's Order

The 2012 Secretary's Order differs from the 1986 Order as described below.

The formatting is modified to be consistent with the Department of the Interior's (Department) style requirements for Secretary's Orders. These requirements were changed in 1992 and are recorded in Section 012 DM 1 of the Departmental Manual.

(b) (5)

The 2012 Secretary's Order authorizes the BLM to establish "Development Areas," where oil and gas wells can be drilled from one or more "Drilling Islands." The Drilling Island concept was first introduced in the 1975 Secretarial Order. In most cases, a single Drilling Island will be established for each Development Area, but if circumstances so dictate, the BLM may establish additional Drilling Islands. Drilling Islands will be situated in such a manner that extended reach horizontal wells could access oil and gas within the associated Development Area. The 2012 Secretary's Order envisions that the oil and gas leases in a Development Area will be unitized under the regulations found at 43 CFR subpart 3180 and developed by a unit operator, or operated under a communitization agreement as authorized under 43 CFR subpart 3105.

(b) (5)

[REDACTED]

[REDACTED] these oil and gas reservoir management tools should lead to more orderly development of the oil and gas resources in the Development Area and minimize impacts to surface resources due to a reduction in the number of drill pads and associated roads, power lines, and other ancillary facilities. Moreover, the resulting reduction in the number and spacing of oil and gas drilling locations where wells penetrate the potash formation is expected to minimize impacts to potash resources and enhance the safety of underground potash miners.

(b) (5)

The BLM envisions that a substantial portion of the Designated Potash Area will eventually be divided into Development Areas designed to minimize the impacts to potash mining while

allowing for the development of oil and gas resources. The BLM's goal is for the oil and gas in Development Areas to be developed with extended reach horizontal wells using the most current technology, consistent with applicable laws and regulations.

The 2012 Secretary's Order retains several important features of the 1986 Order, including the boundaries of the Designated Potash Area established in the 1986 Order, as corrected in 1987. The Secretary's Order also retains language of the 1986 Order for stipulations for oil and gas leases and potash leases issued, reinstated, renewed, or readjusted in the Designated Potash Area.

Comments on the Draft Order

The BLM received 28 comment letters during the comment period, including 41 distinct comments. These comments and the BLM's responses to them are available for review at the following website:

<http://www.blm.gov/nm/st/en/info/potash.html>.

Mike Pool

Acting Director, Bureau of Land Management

AUTHORITY: 43 CFR 3164.1, 43 CFR 3590.2

From: [Fugate, Barbara](#)
To: [Barlan, Bryce](#)
Subject: Attaching Jack Haugrud's edits of potash order NOA
Date: Tuesday, November 13, 2012 3:03:07 PM
Attachments: [2012.11.12 J.Haugrud edits -draft NOA for potash order.docx](#)

Bryce –

Here are Jack's edits. Thanks for checking with me re the Order. Please let me know if you have further questions. Thank you!

Barbara

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO100000, L18200000.XX0000]

Notice of Availability of BLM's Responses to Public Comments and of BLM's Environmental Assessment on the Proposed Order of the Secretary on Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Under the authority of the Mineral Leasing Act, as amended, on [fill in date], 2012, the Secretary of the Interior ^{(b) (5)} issued an Order (2012 Secretary's Order) to address oil, gas, and potash leasing and development within the Designated Potash Area in Eddy and Lea counties in New Mexico. The 2012 Secretary's Order ^{(b) (5)} supersedes a previous Order issued in 1986 that addresses these issues. In developing the 2012 Secretary's Order ^{(b) (5)} a draft Order was released for public comment on July 13, 2012, 77 FR 41442. This Notice announces the availability of the Bureau of Land Management's (BLM) responses to the comments that were received during the comment period and the availability of the Environmental Assessment that was prepared by BLM in developing the 2012 Secretary's Order.

ADDRESSES: The comments that were received, ~~and the comment responses,~~ and the Environmental Assessment are available for review at the following Website:

<http://www.blm.gov/nm/st/en/info/potash.html>. The 2012 Secretary's Order was published

in the Federal Register on [INSERT DATE OF PUBLICATION OF THE 2012

SECRETARY'S ORDER IN THE FEDERAL REGISTER]

FOR FURTHER INFORMATION CONTACT: Tony Herrell; telephone 505-954-2222;
301 Dinosaur Trail, Santa Fe, New Mexico, 87508; e-mail: therrell@blm.gov.

SUPPLEMENTARY INFORMATION:

Background

An area near the town of Carlsbad in southeastern New Mexico (b) (5) large deposits of potash, oil, and gas. Oil and gas have been produced from this area since the early twentieth century.

Potash (potassium-bearing salts primarily used for fertilizer) was discovered in this area (b) (5)

(b) (5) has been mined since 1930.

The Secretary issued the first Potash Order in 1939 (4 FR 1012, February 25, 1939). That Order withdrew approximately 43,000 acres of public land from oil and gas leasing (b) (5) to protect potash deposits. In 1951, the Secretary revoked the 1939 Order and issued a new Order that instituted the policy of authorizing concurrent development of oil and gas and potash reserves within an area comprising 298,345 acres, under reciprocal lease stipulations to ensure that the development of either mineral would not interfere with development of the other (16 FR (b) (5) October 18, 1951). The Order was amended in 1965 (30 FR 6692, May 15, 1965), 1975 (40 FR 51486, November 5, 1975), and 1986 (51 FR 39425, October 28, 1986). A correction to the 1986 Order was issued in 1987 (52 FR 32171, August 26, 1987). The potash area designated by the corrected 1986 Order comprises approximately 497,000 acres, and the 2012 Secretary's Order, published [INSERT DATE OF PUBLICATION OF THE ORDER IN THE FEDERAL REGISTER], does not alter the boundaries of the area. The potash deposits in this area occur from 800 feet to over 2,000 feet beneath the surface and are mined by both conventional and solution mining methods; conventional methods

require miners to be underground. The oil and gas in the area is found in formations below the potash-bearing formations, so oil and gas wells must extend through potash formations. If potash mining (b) (5) well casing, or if a well casing near a potash mine failed for other reasons, gas could (b) (5) the mine workings, thus endangering the miners. Additionally, the potential for such a breach could raise the costs of potash mining due to the need (b) (5) enhanced ventilation techniques and specialized equipment needed to mine in (b) (5) environment. (b) (5) given these safety risks, it has (b) (5) potash and oil and gas at the same time in the same area. This has led to a long history of conflict between the potash and the oil and gas industries.

This conflict has resulted in a great deal of litigation regarding decisions made by the BLM on a variety of development applications. Nevertheless, (b) (5), the two industries have initiated efforts to work together. A number of productive meetings and discussions have occurred among many of the parties involved in these previous disputes. Additionally, there have been significant advances in the technology of oil and gas drilling that could be used to reduce the conflict between such drilling and the extraction of potash. Further, the economic outlook for both the oil and gas industry and the potash industry has recently improved. The BLM has also worked with Sandia National Laboratories to investigate well logging technology, gas migration in the potash formations, and standards to use for estimating the mineability of potash and potash cutoff grades. These circumstances led to review of the 1986 Secretary's Order.

The (b) (5) 2012 Secretary's Order

The 2012 Secretary's Order differs from the 1986 Order as described below.

The formatting is modified to be consistent with the Department of the Interior's (Department) style requirements for Secretary's Orders. These requirements were changed in 1992 and are recorded in Section 012 DM 1 of the Departmental Manual.

The 2012 Secretary's Order authorizes the BLM to establish "Development Areas," where oil and gas wells can be drilled from one or more "Drilling Islands." The Drilling Island concept was first introduced in the 1975 Secretarial Order. In most cases, a single Drilling Island will be established for each Development Area, but if circumstances so dictate, the BLM may establish additional Drilling Islands. Drilling Islands will be situated in such a manner that extended reach horizontal wells could access oil and gas within the associated Development Area. The 2012 Secretary's Order envisions that the oil and gas leases in a Development Area will ordinarily be unitized under the regulations found at 43 CFR subpart 3180 and developed by a unit operator, or operated under a communitization agreement as authorized under 43 CFR subpart 3105. (b) (5)

orderly development of the oil and gas resources in the Development Area and minimize impacts to surface resources due to a reduction in the number of drill pads and associated roads, power lines, and other ancillary facilities. Moreover, the resulting reduction in the number and spacing of oil and gas drilling locations where wells penetrate the potash formation is expected to minimize impacts to potash resources and enhance the safety of underground potash miners.

The BLM envisions that a substantial portion of the Designated Potash Area will eventually be divided into Development Areas designed to minimize the impacts to potash mining while allowing for the development of oil and gas resources. The BLM expects that (b) (5) the oil and gas in Development Areas will largely ~~to be~~ developed with extended reach

horizontal wells using the most current technology, consistent with applicable laws and regulations.

The 2012 Secretary's Order retains several important features of the 1986 Order, including the boundaries of the Designated Potash Area established in the 1986 Order, as corrected in 1987. The Secretary's Order also retains language of the 1986 Order for stipulations for oil and gas leases and potash leases issued, reinstated, renewed, or readjusted in the Designated Potash Area.

Comments on the Draft Order

The BLM received 28 comment letters during the comment period, including 41 distinct comments. These comments and the BLM's responses to them are available for review at the following website:

<http://www.blm.gov/nm/st/en/info/potash.html>.

Environmental Assessment

Pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., and BLM's implementing regulations, the BLM prepared an Environmental Assessment (EA) in conjunction with the development of the 2012 Secretary's Order. Based on the EA, a Finding of No Significant Impact (FONSI) was made. The EA/FONSI is available for review at the following website: (b) (5)

[REDACTED]

Mike Pool

Acting Director, Bureau of Land Management

AUTHORITY: 43 CFR 3164.1, 43 CFR 3590.2

From: [Allard, Phil](#)
To: [Cardinale, Richard](#); [Barlan, Bryce](#)
Subject: FW: Attaching DMR's revisions to potash order comment responses
Date: Wednesday, November 14, 2012 8:10:08 AM
Attachments: [2012.11.13 DMR revision of potash comment responses.docx](#)

This is the DMR cleared version. Most of the changes they made are stylistic except for comments 6, 17, 27, 40 and 41.

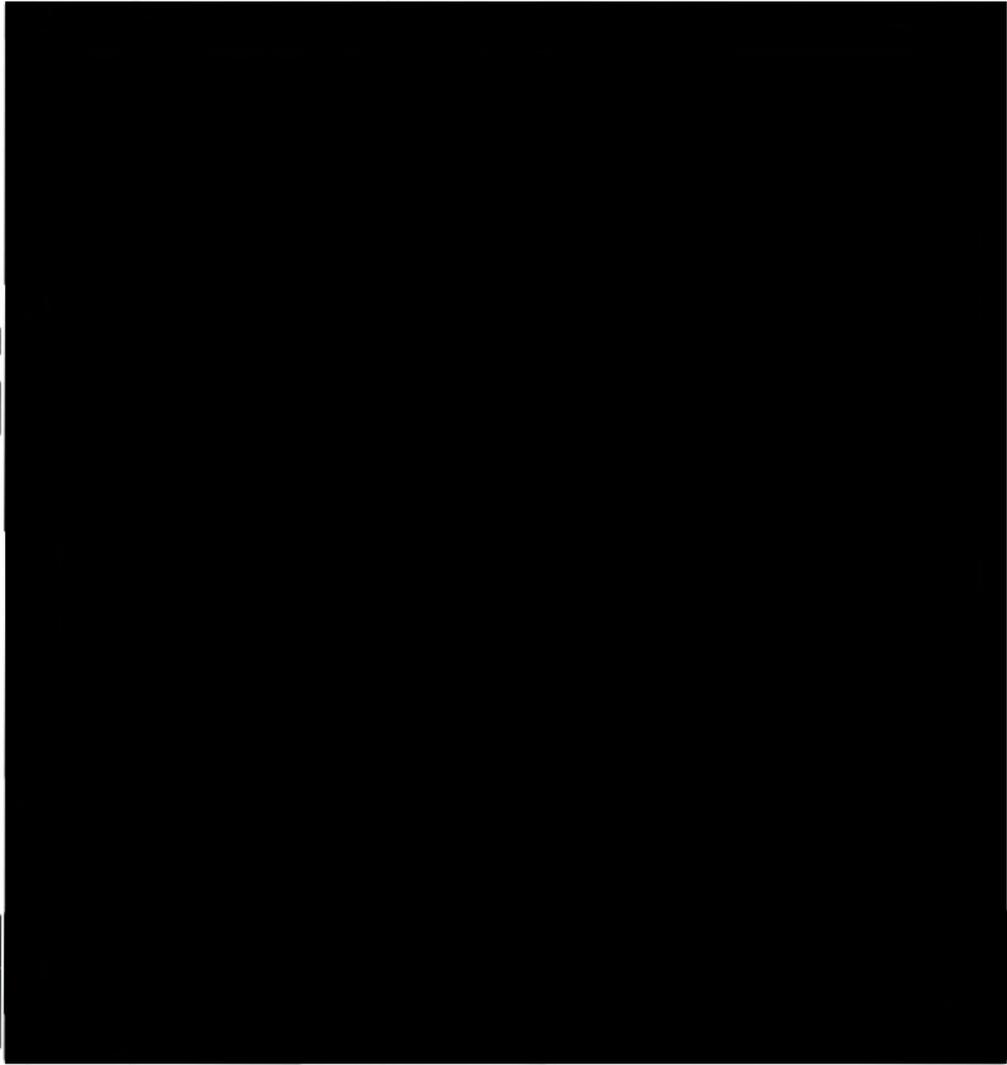
From: Fugate, Barbara
Sent: Tuesday, November 13, 2012 7:26 PM
To: Allard, Phil; Lin, Janet H; Herrell, Tony J; Stovall, James K
Cc: Hawbecker, Karen; Blank, Harvey; McNeer, Richard; Johnson, Lynn; Umshler, Sue
Subject: Attaching DMR's revisions to potash order comment responses

All –

I am attaching DMR's edits to the revised potash order comment responses that we received on November 2. These revisions reflect Karen Hawbecker's and Harvey Blank's review as well as my own. Please let us know if you have any questions. Thank you.

Barbara

**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
of Eddy and Lea Counties, New Mexico**
Comments on Proposed Secretarial Order

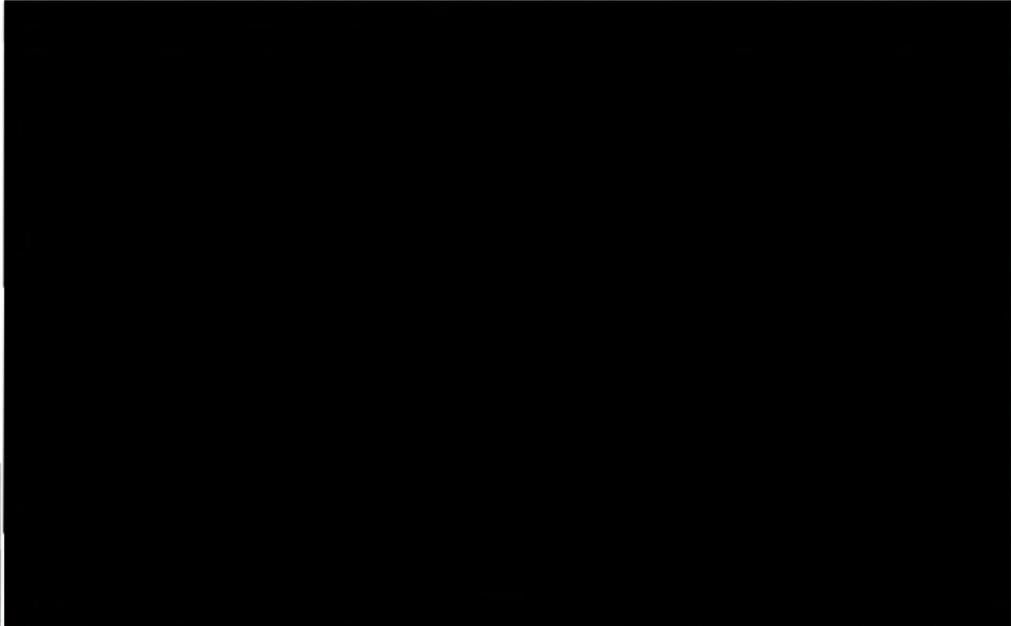


**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
of Eddy and Lea Counties, New Mexico**
Comments on Proposed Secretarial Order



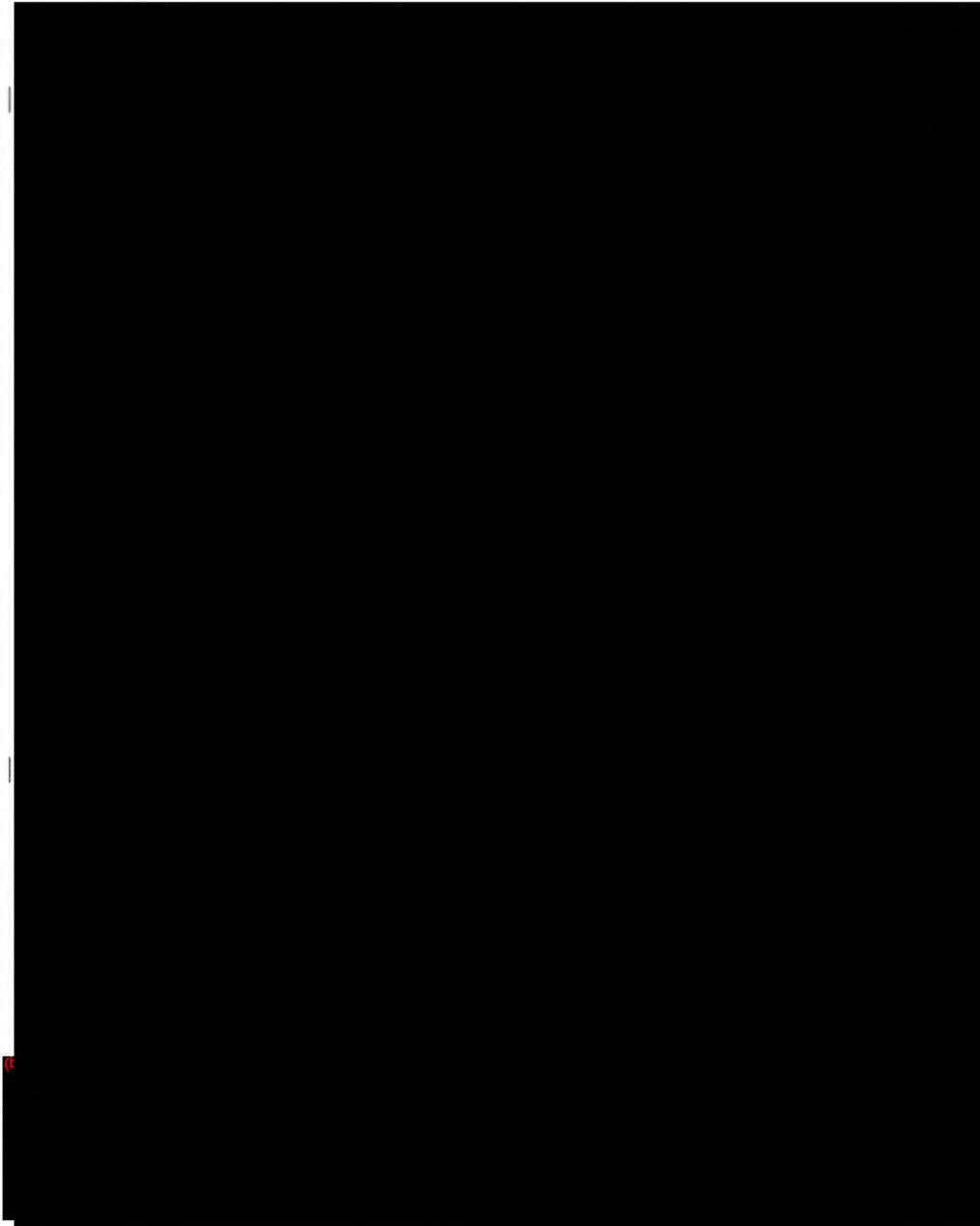
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**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
of Eddy and Lea Counties, New Mexico**
Comments on Proposed Secretarial Order

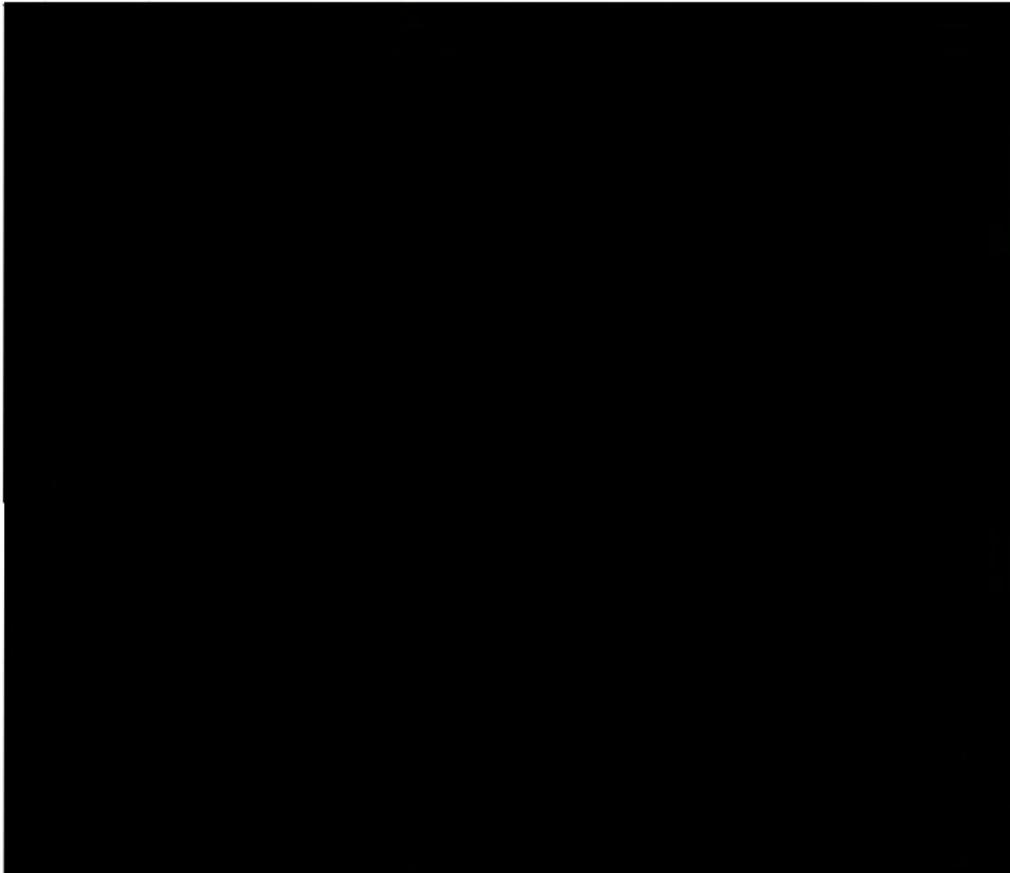


**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
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Comments on Proposed Secretarial Order

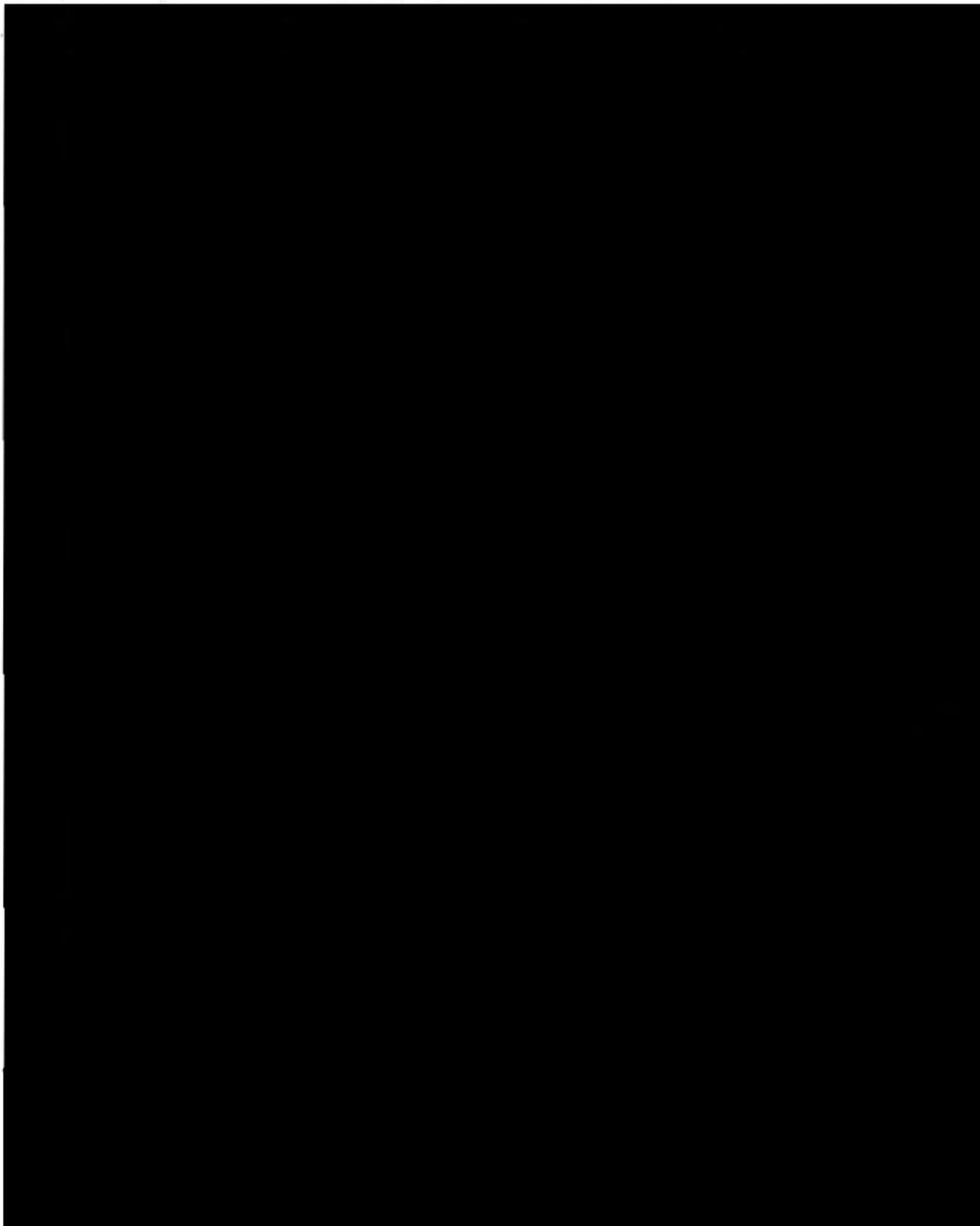
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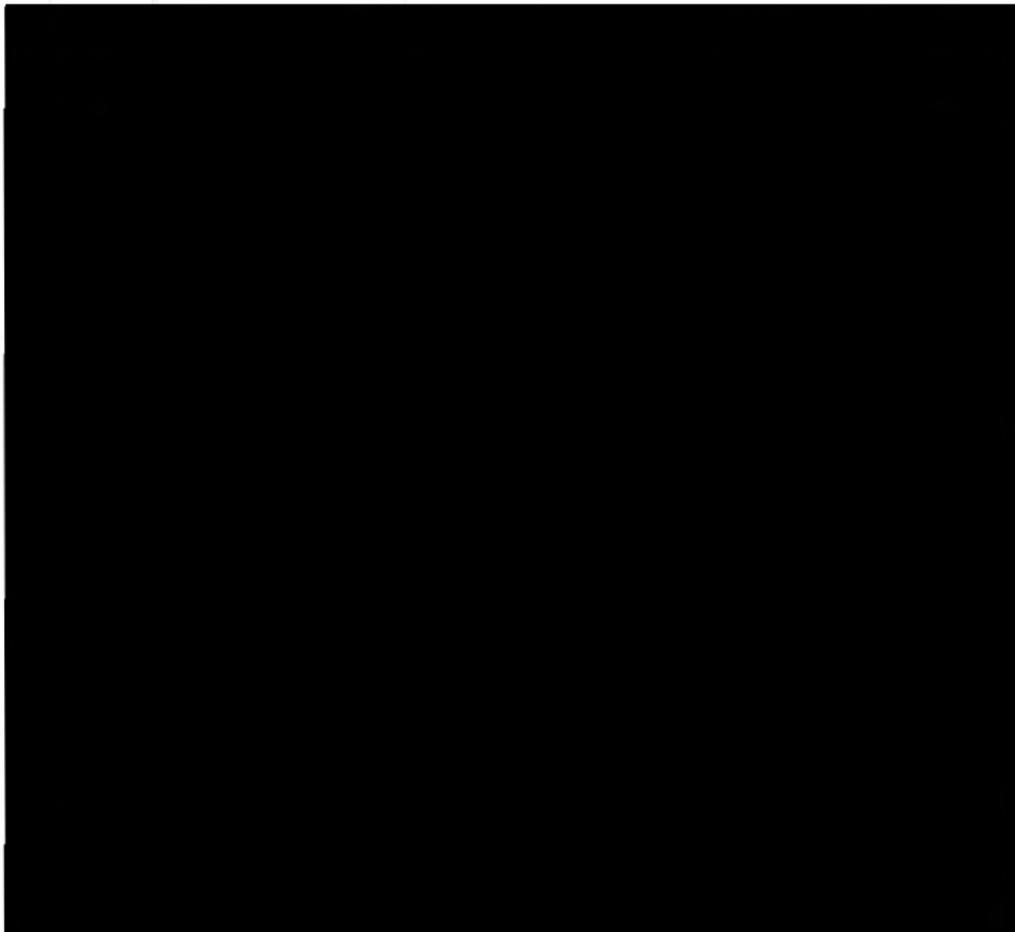
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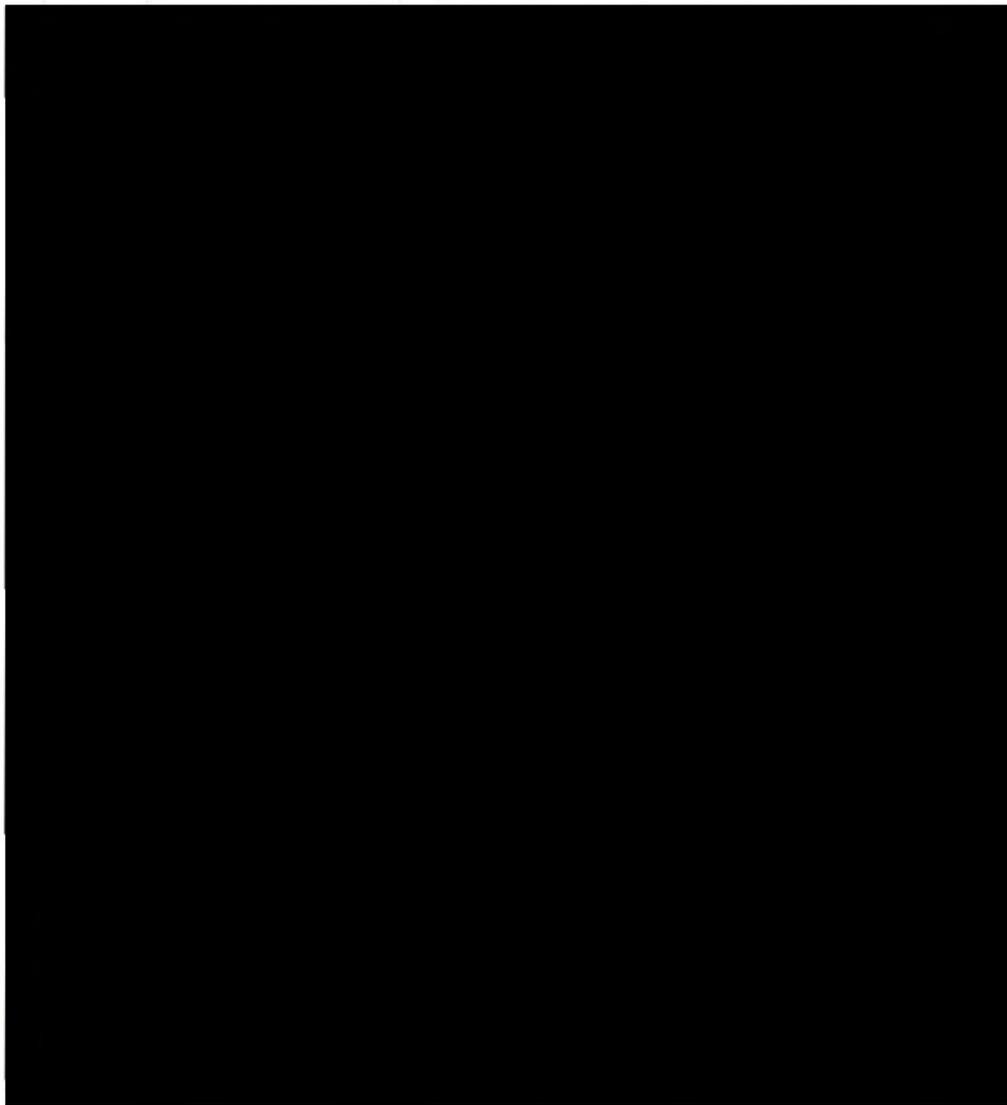
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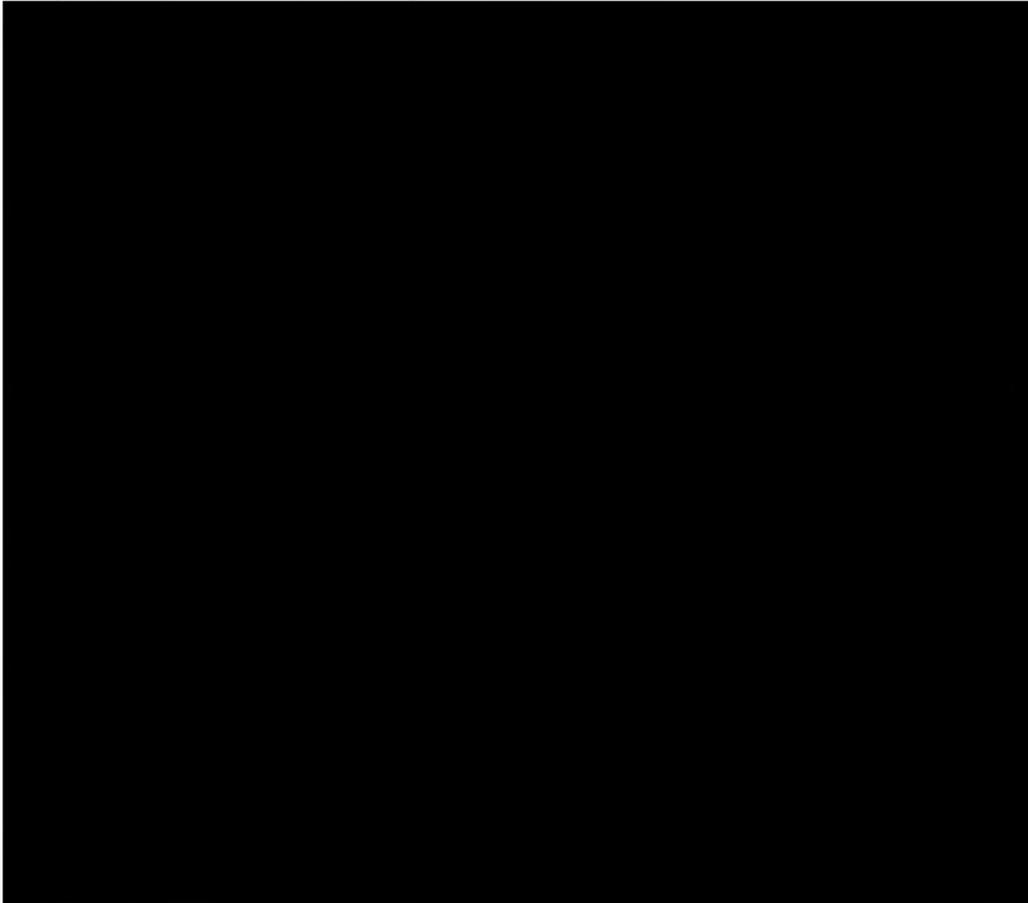
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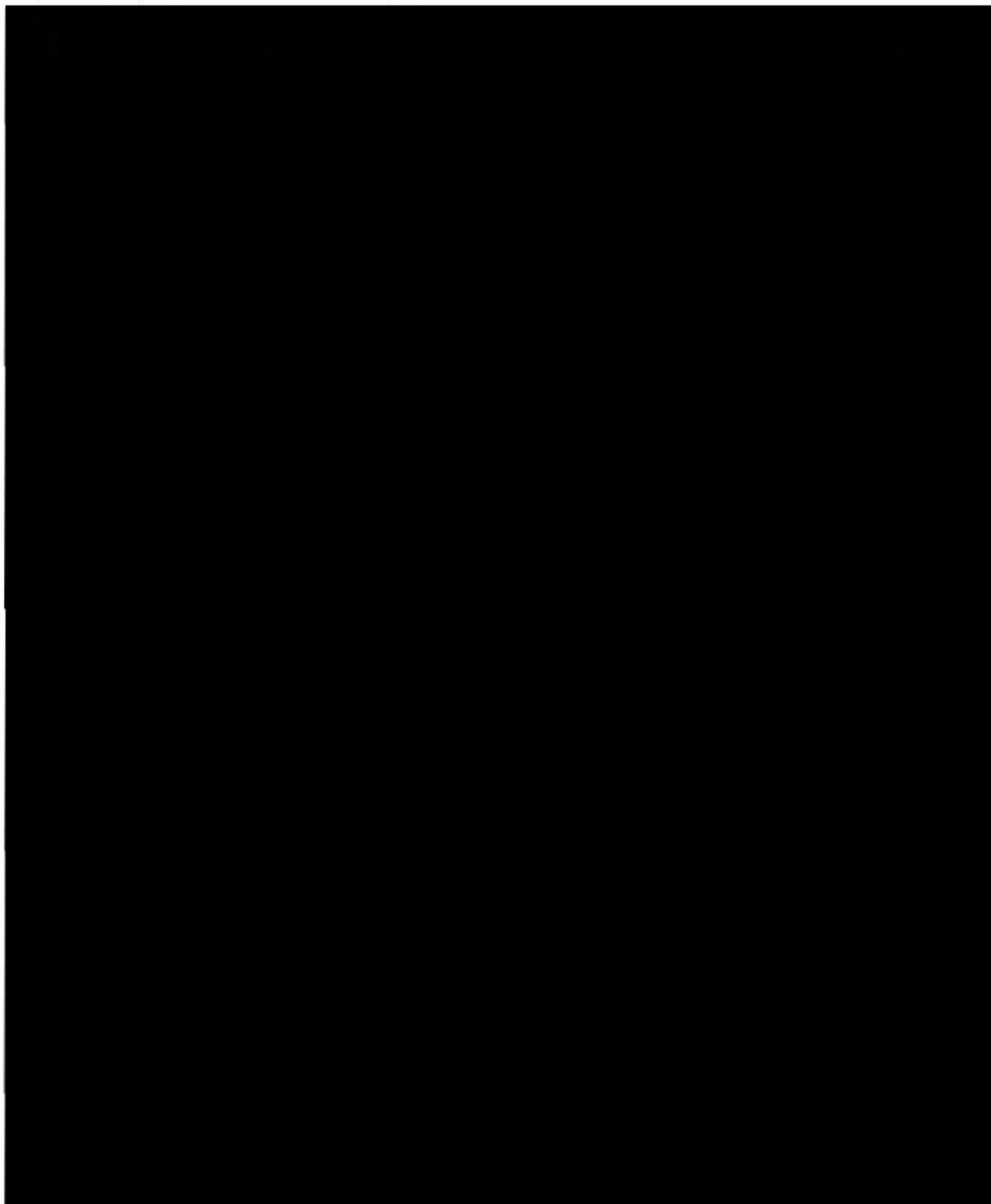
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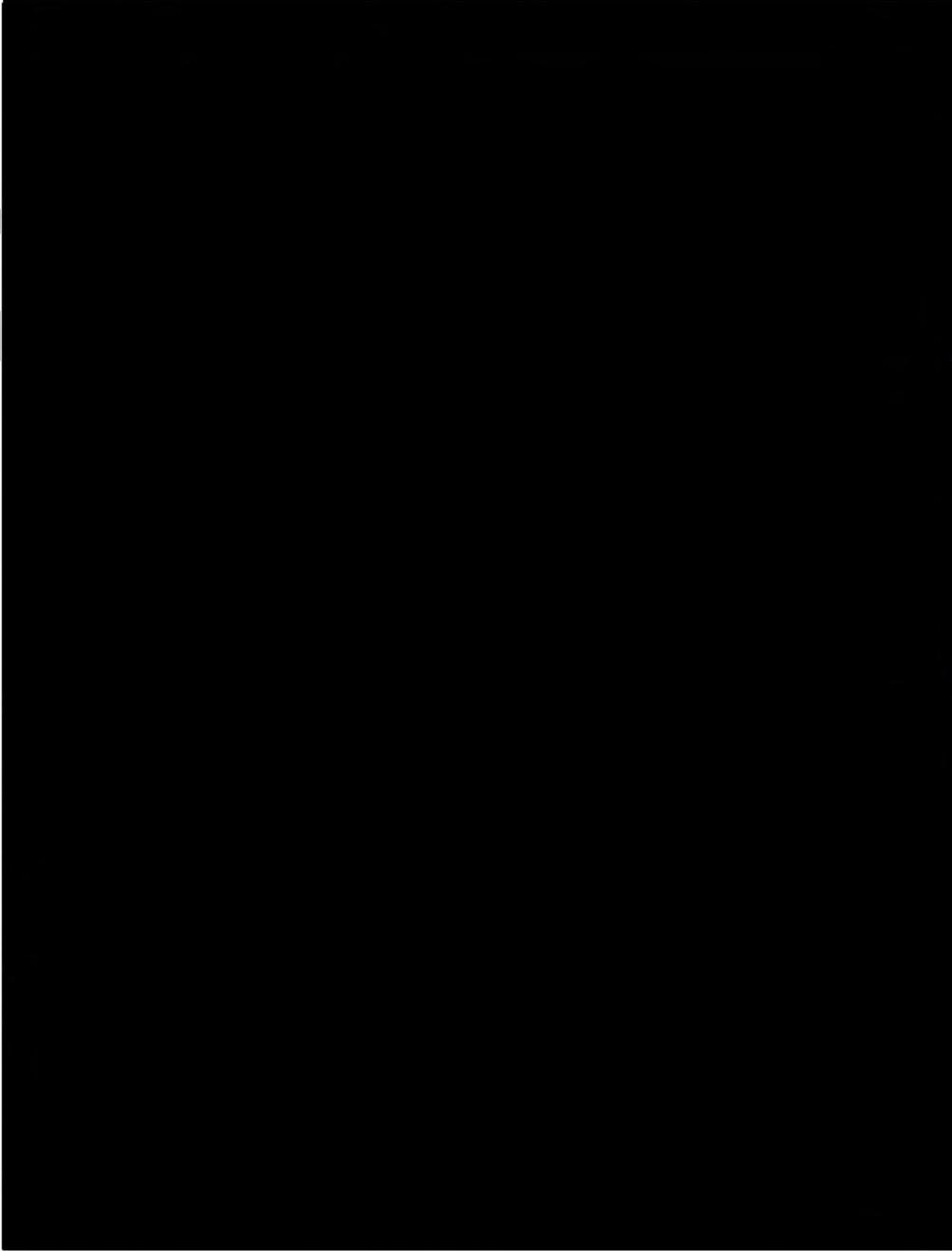
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**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
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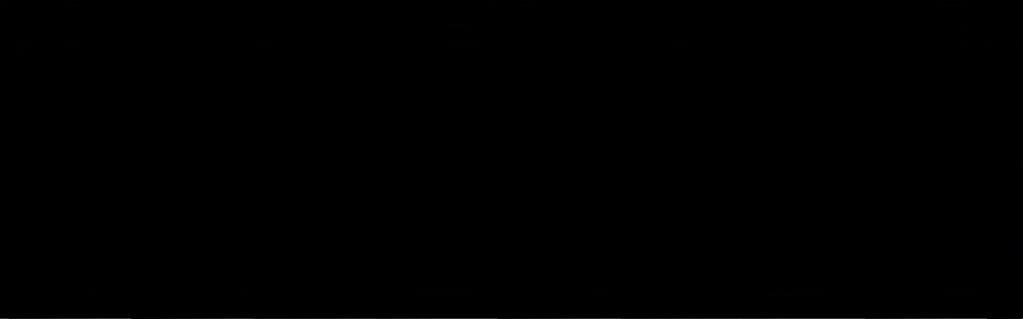
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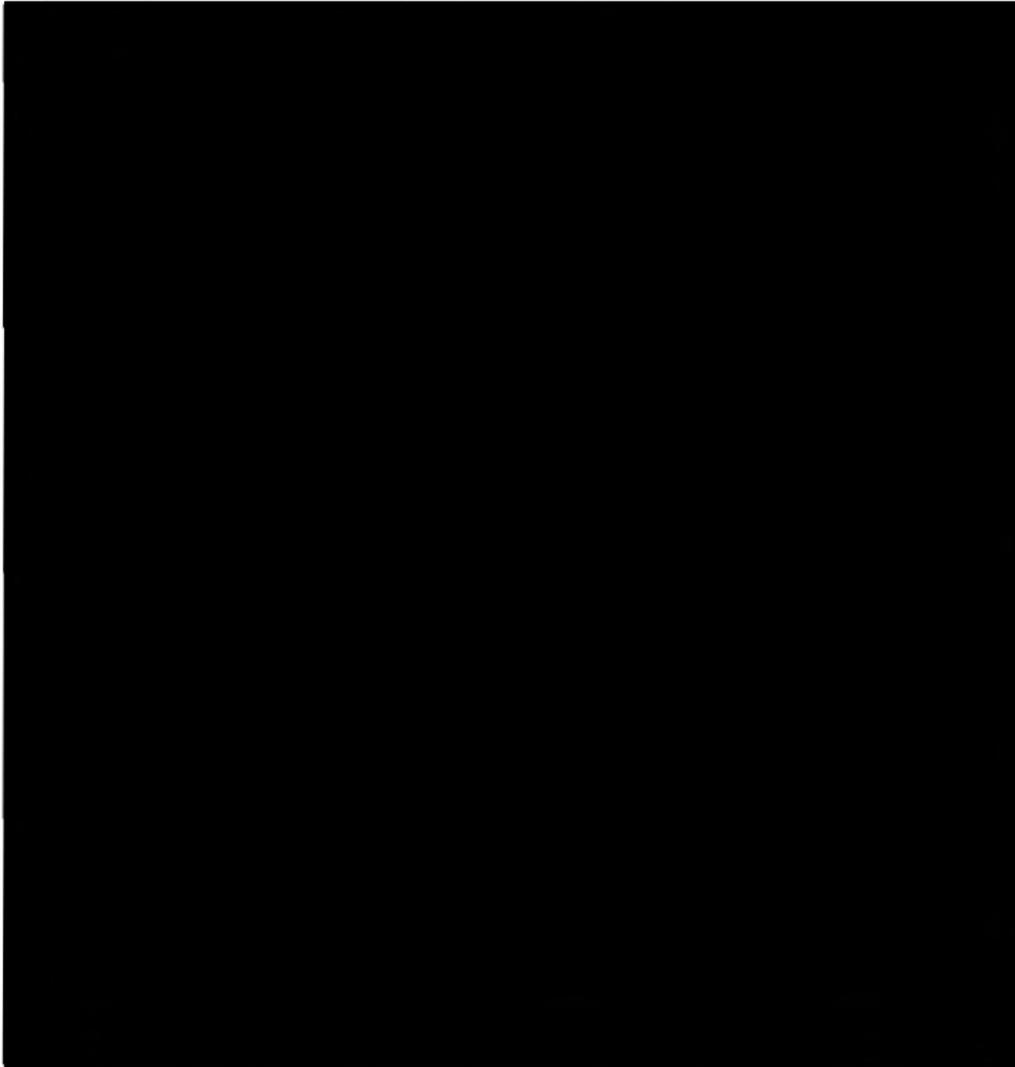
(b) (5)

A second small, solid black rectangular redaction box is located on the right side of the page, below the first one. It also contains the text "(b) (5)" in red.

**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
of Eddy and Lea Counties, New Mexico**
Comments on Proposed Secretarial Order



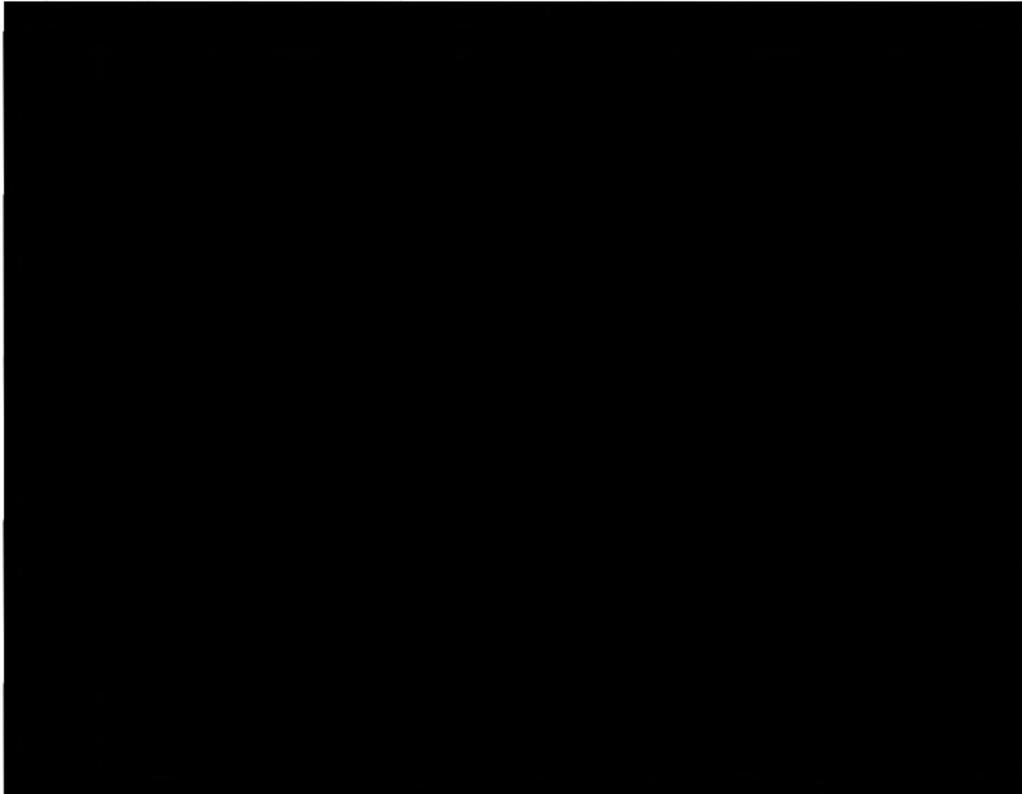
**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
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Comments on Proposed Secretarial Order



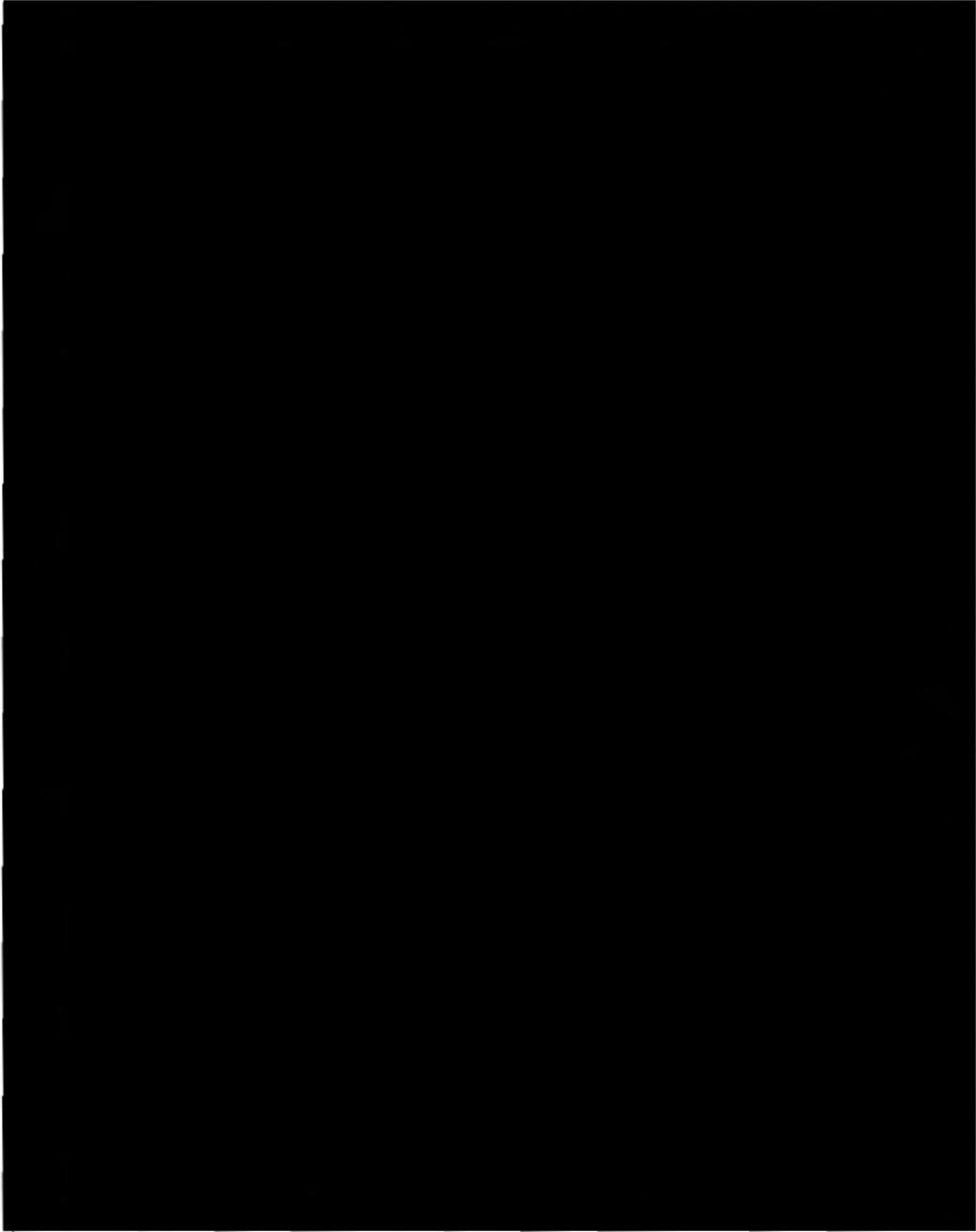
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**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
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Comments on Proposed Secretarial Order



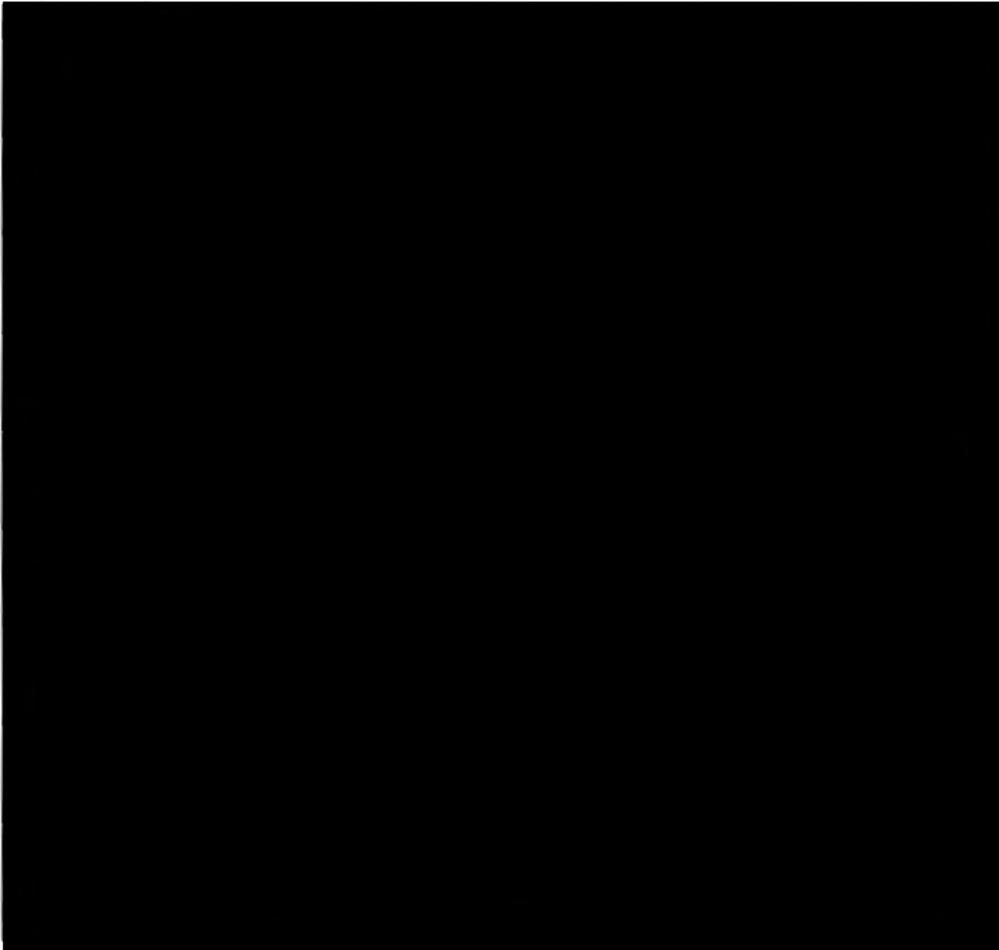
**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
of Eddy and Lea Counties, New Mexico**
Comments on Proposed Secretarial Order



(b) (5)

**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
of Eddy and Lea Counties, New Mexico**
Comments on Proposed Secretarial Order

**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
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Comments on Proposed Secretarial Order



(b) (5)



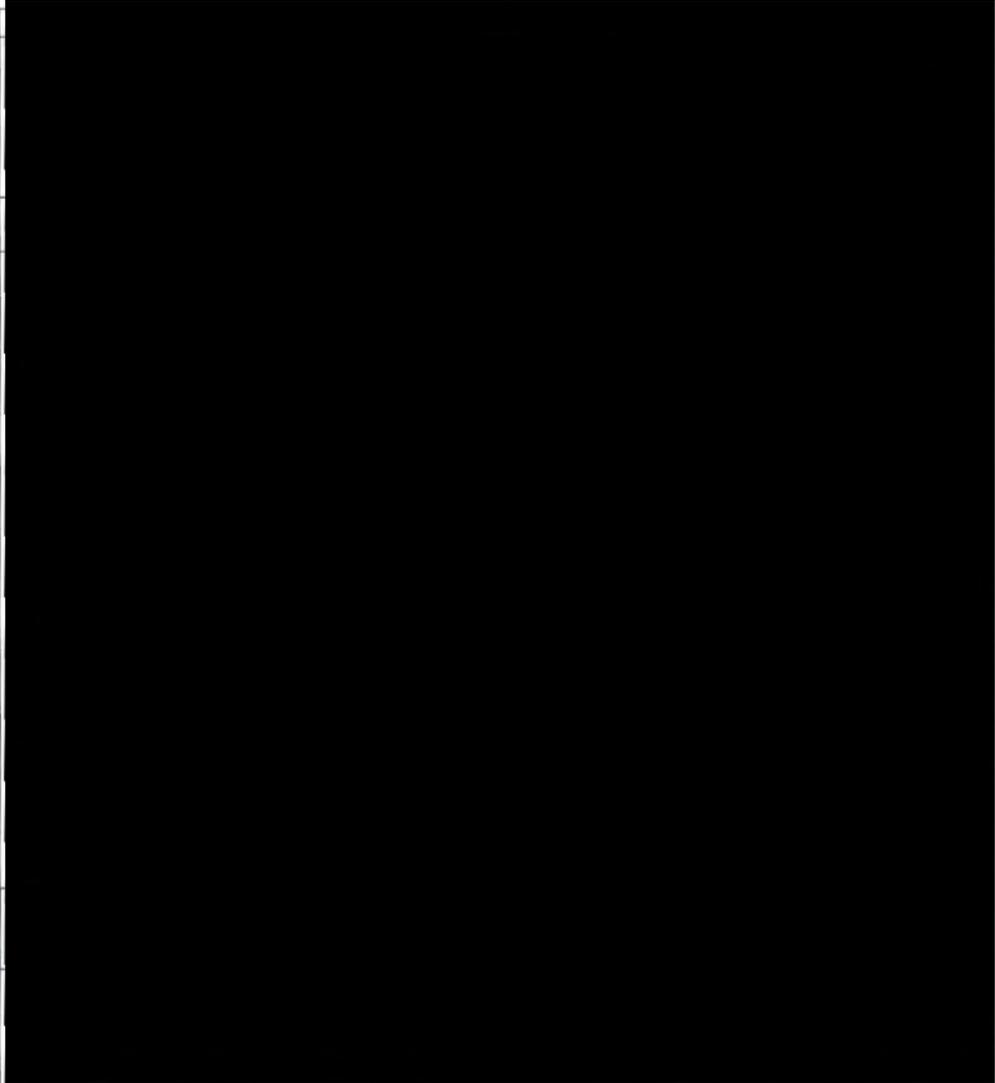
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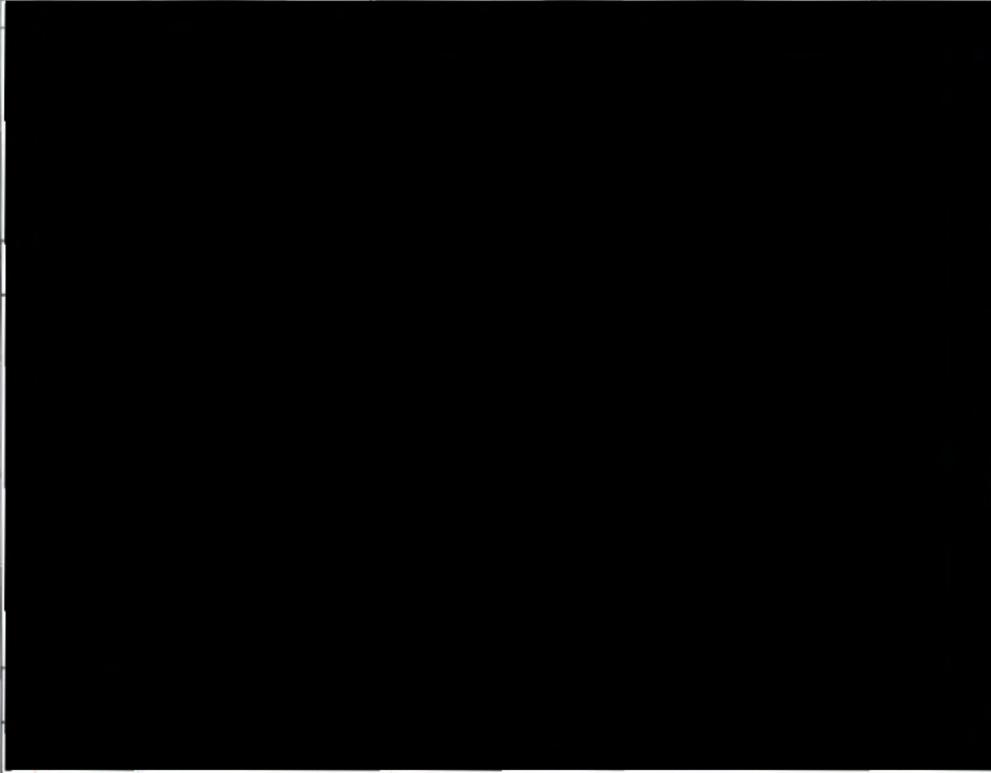
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**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
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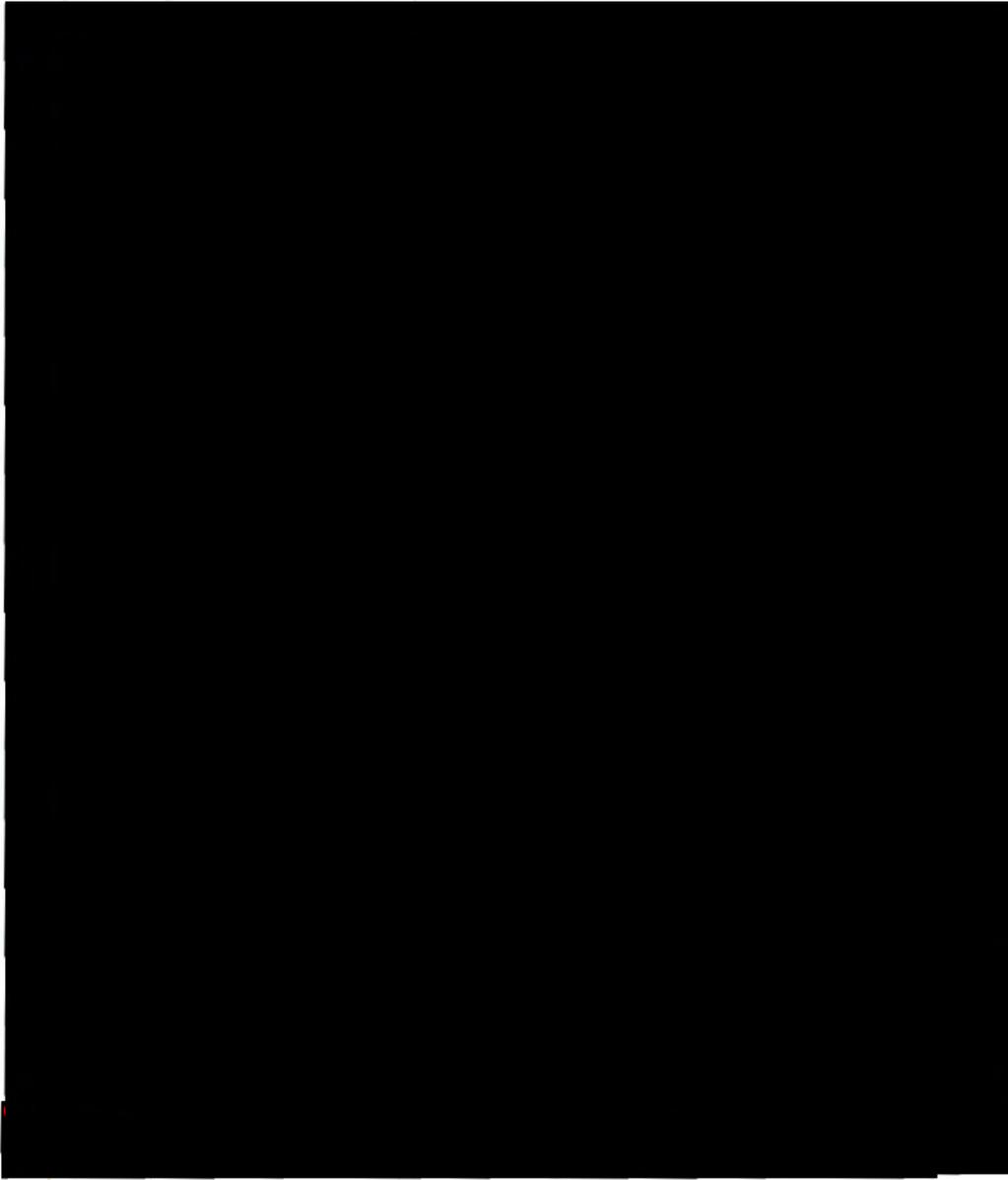
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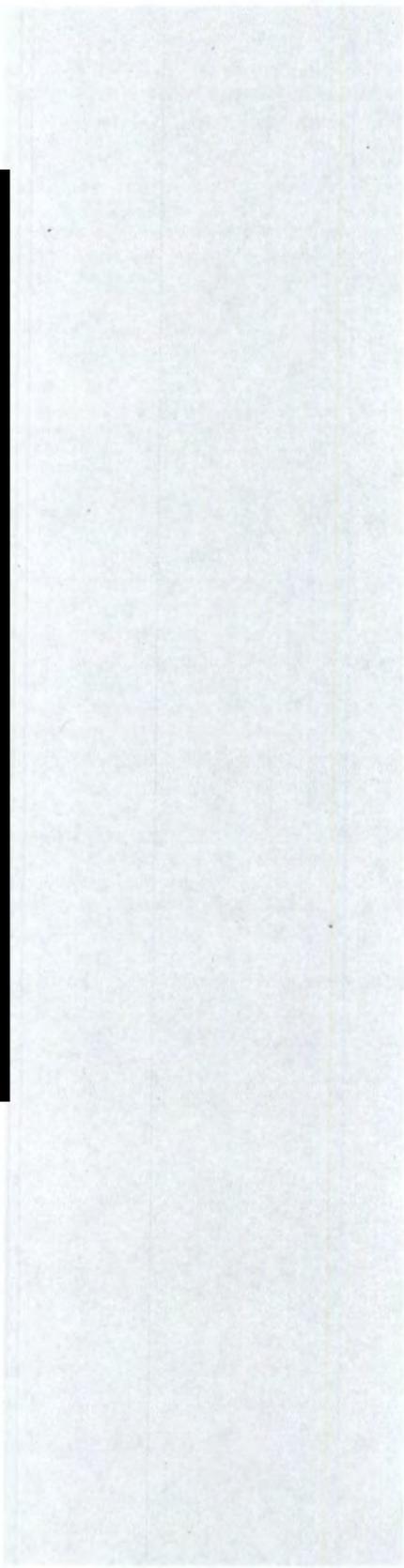
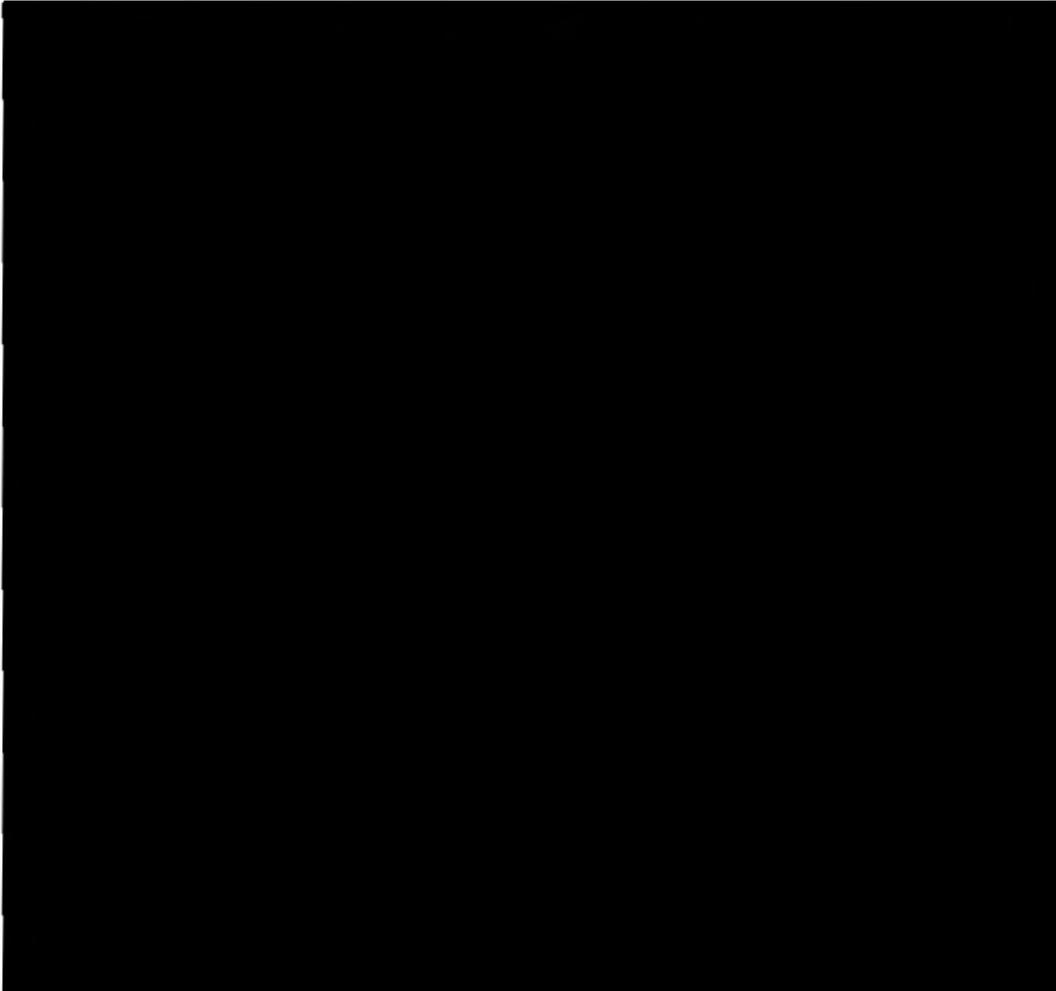
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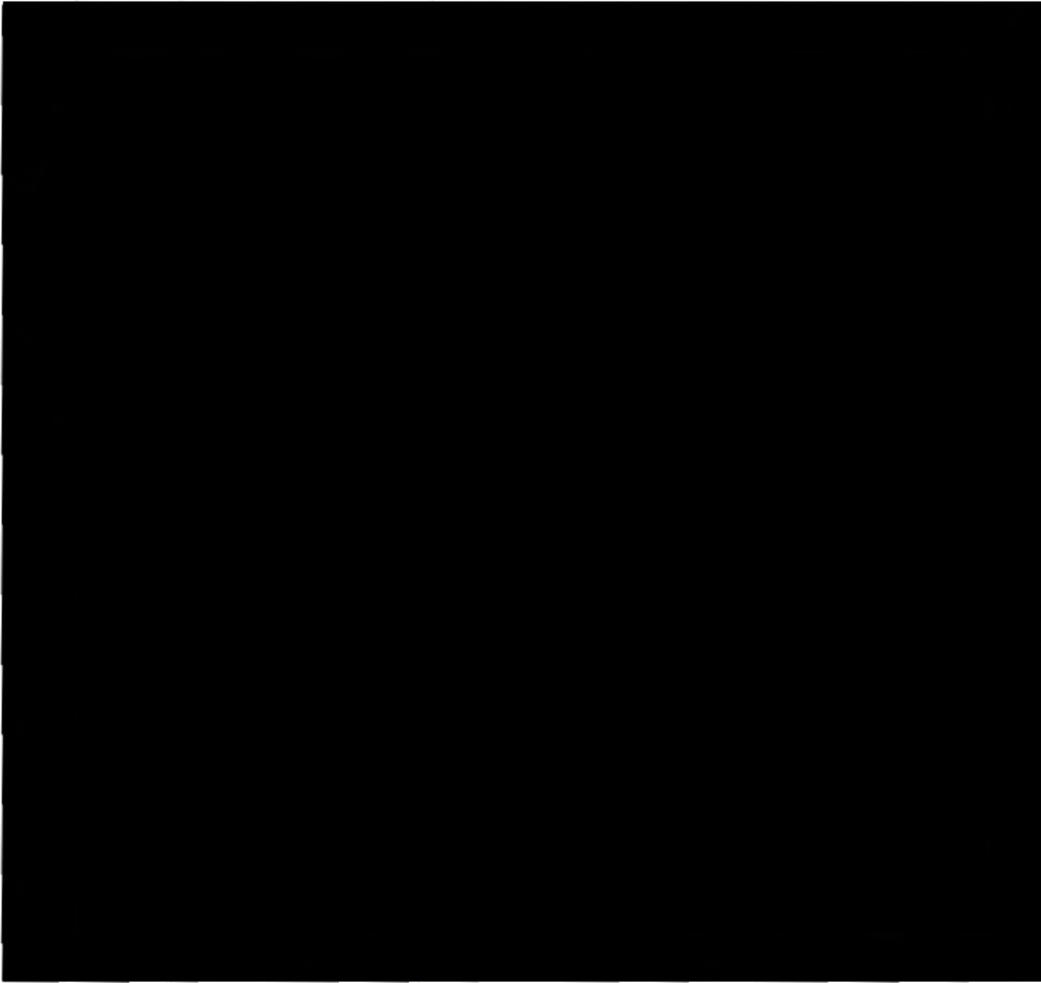
**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
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Comments on Proposed Secretarial Order



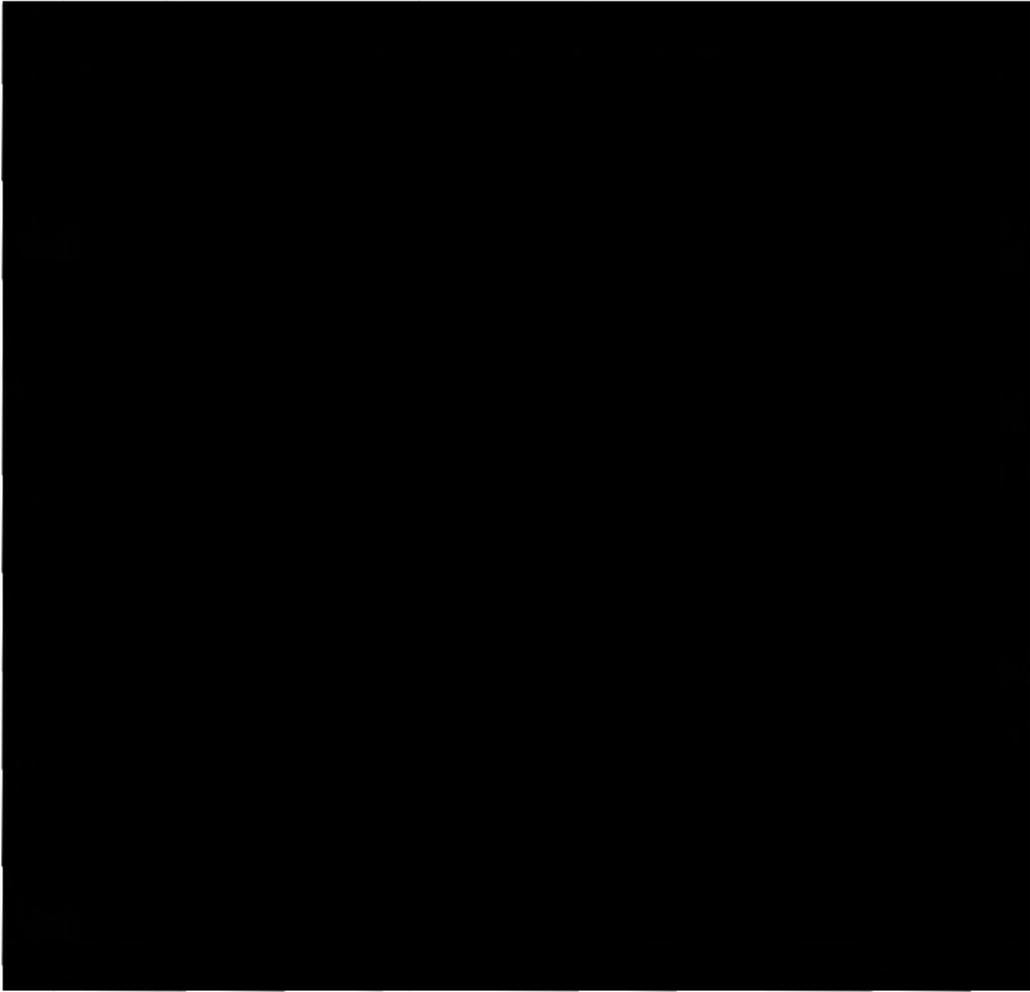
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Comments on Proposed Secretarial Order



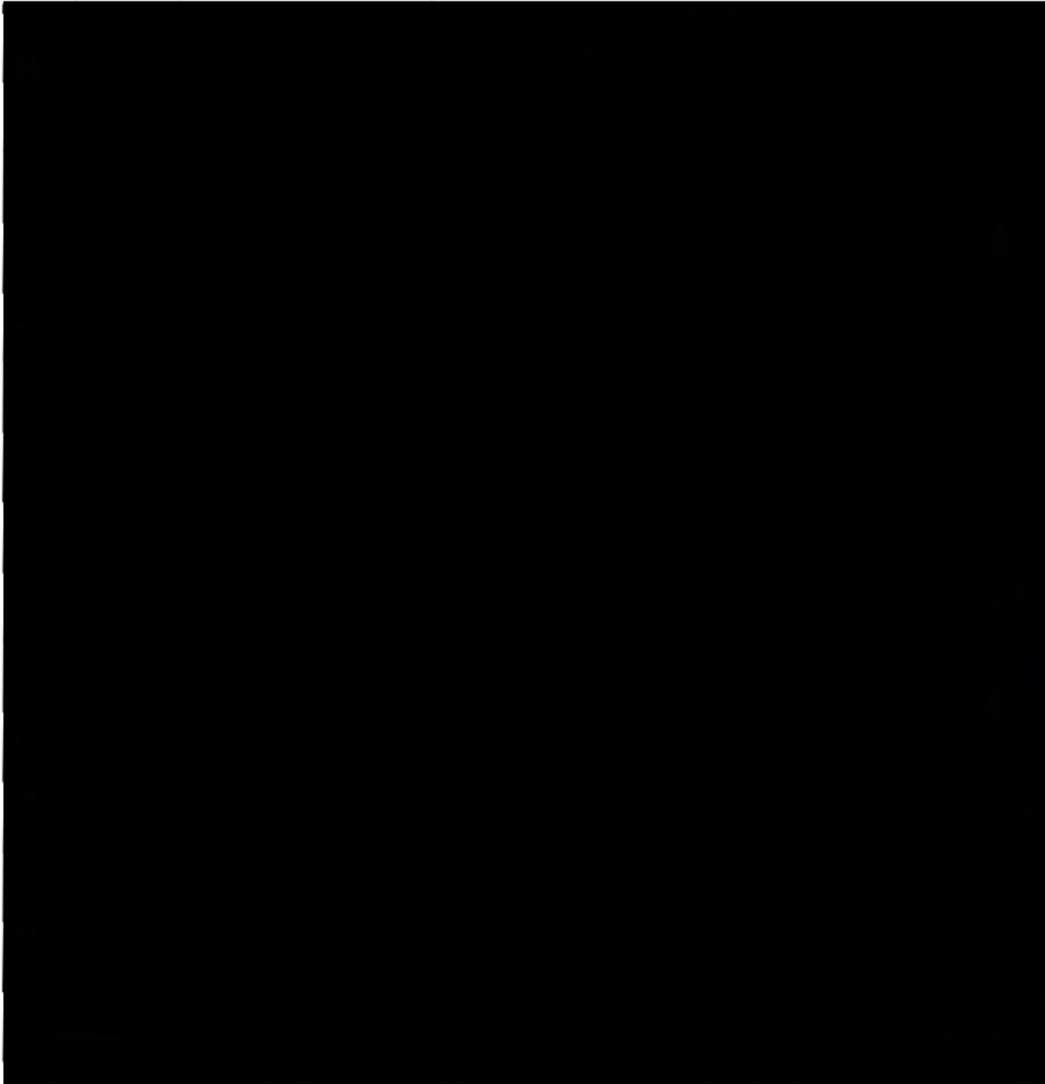
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**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
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**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
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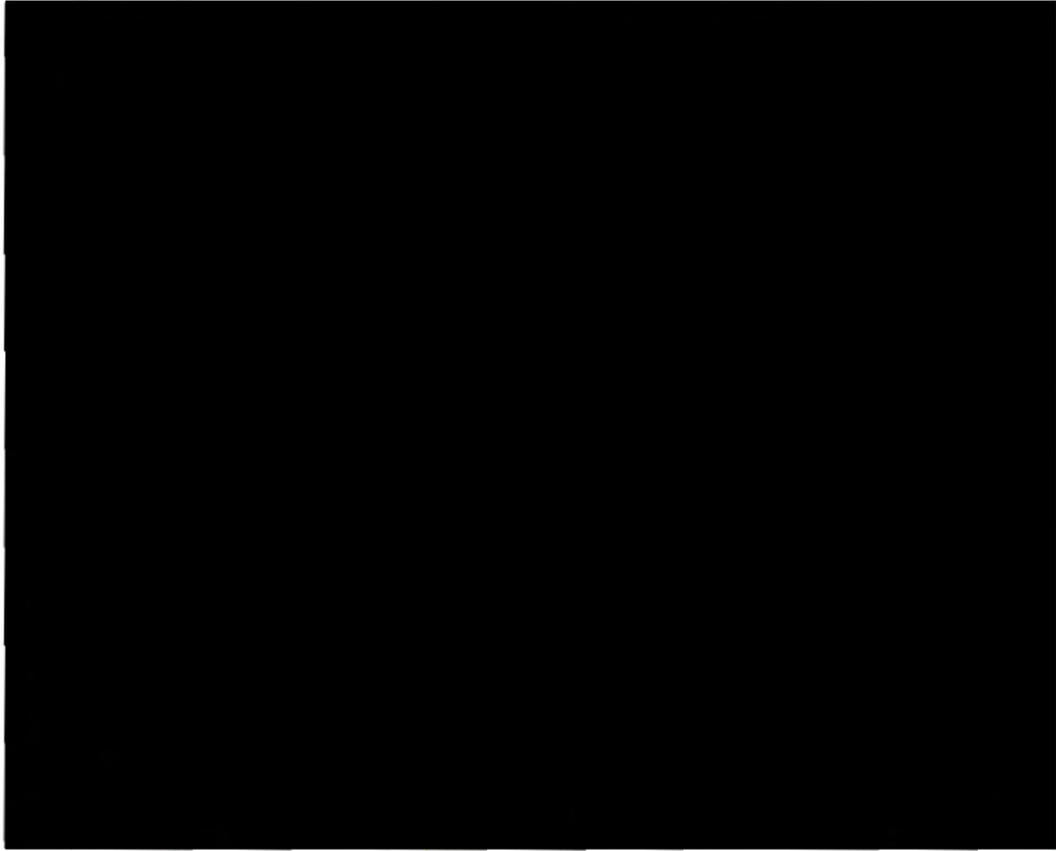
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(b) (5)

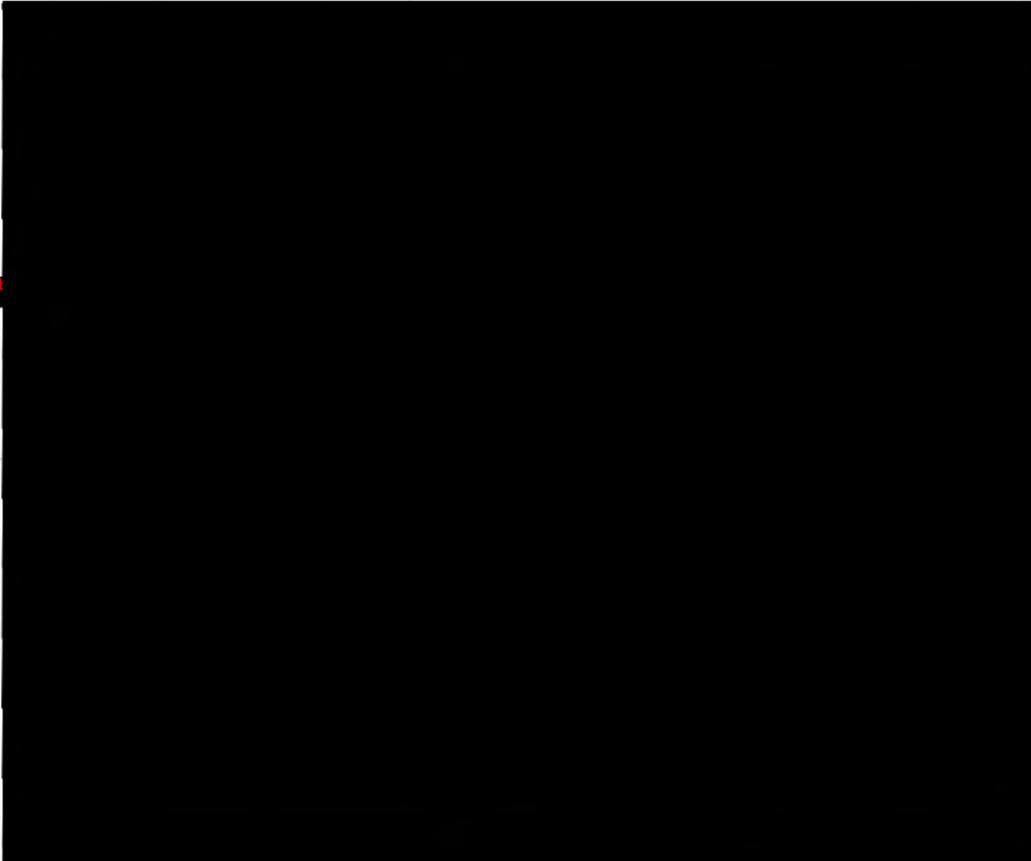
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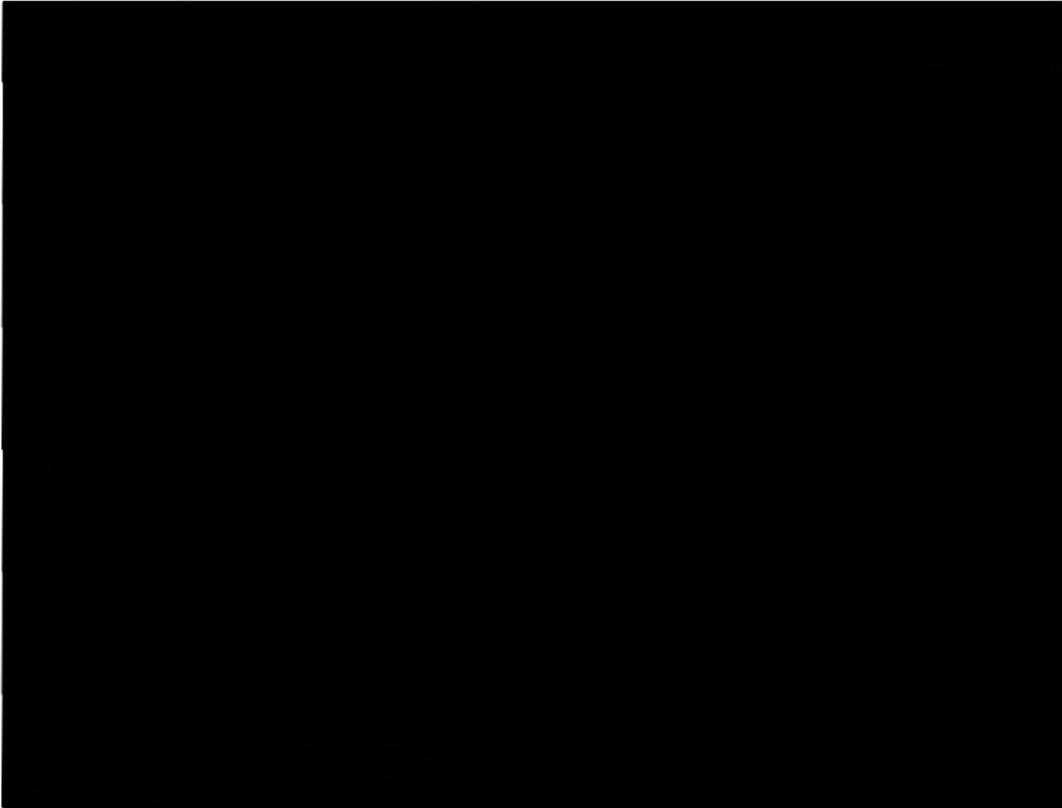
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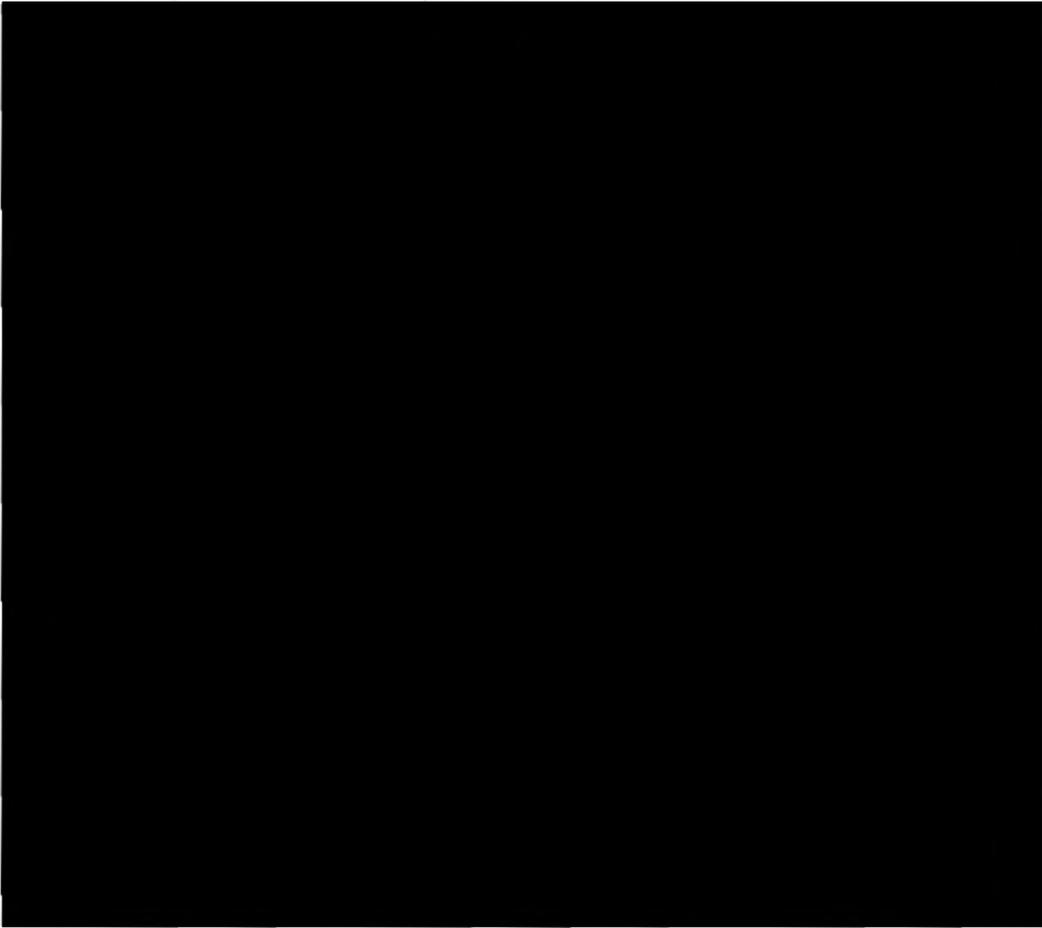
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of Eddy and Lea Counties, New Mexico**
Comments on Proposed Secretarial Order



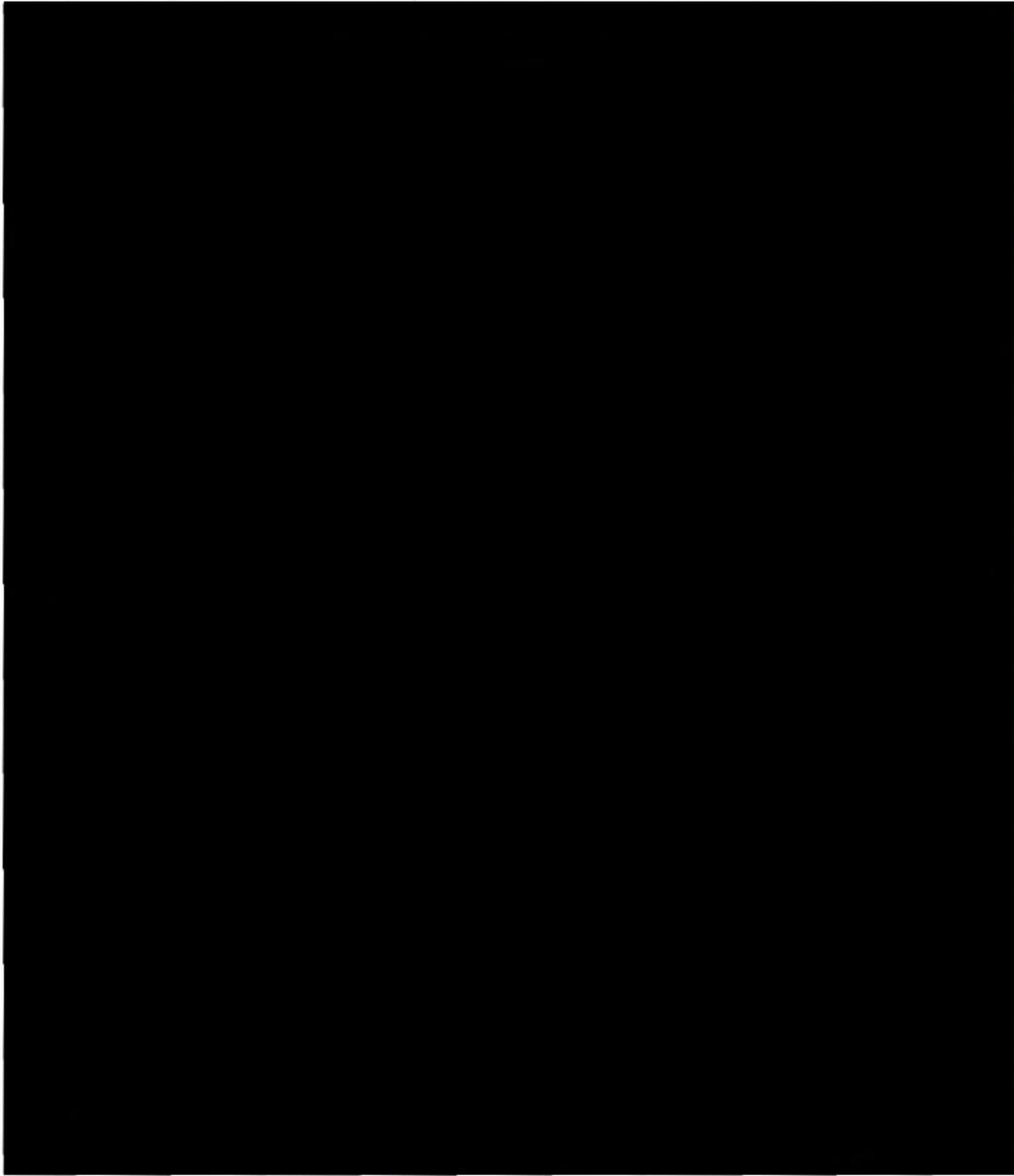
**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
of Eddy and Lea Counties, New Mexico**
Comments on Proposed Secretarial Order



**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
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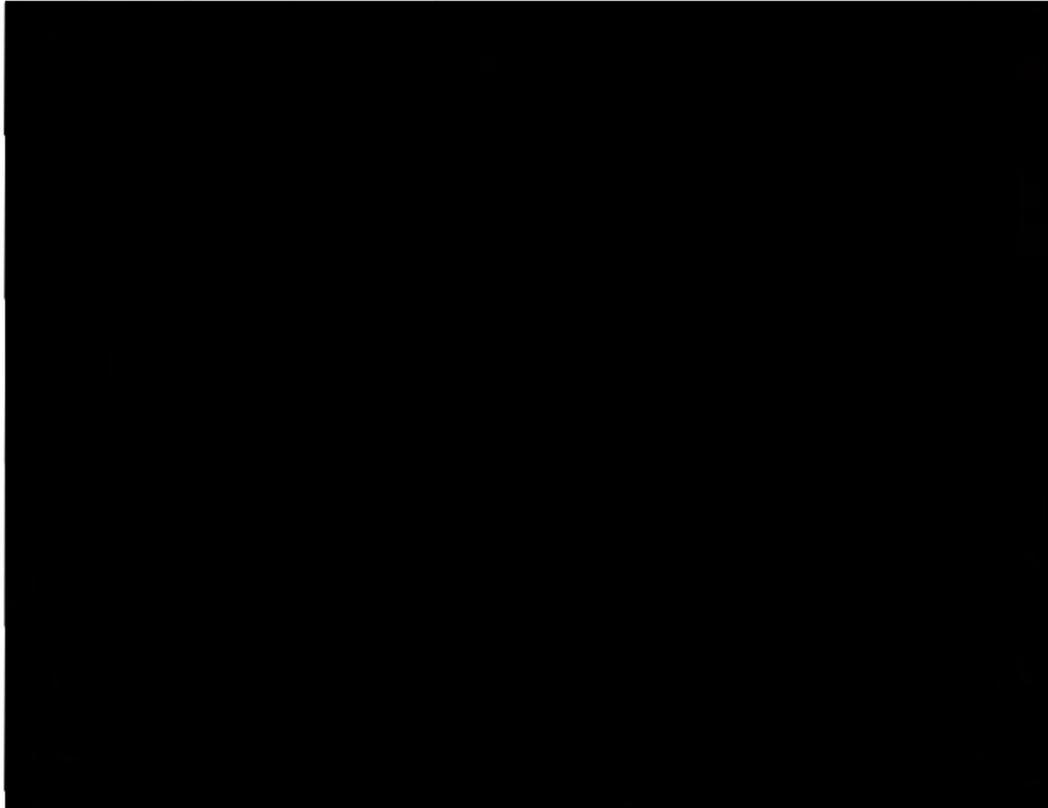


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Comments on Proposed Secretarial Order

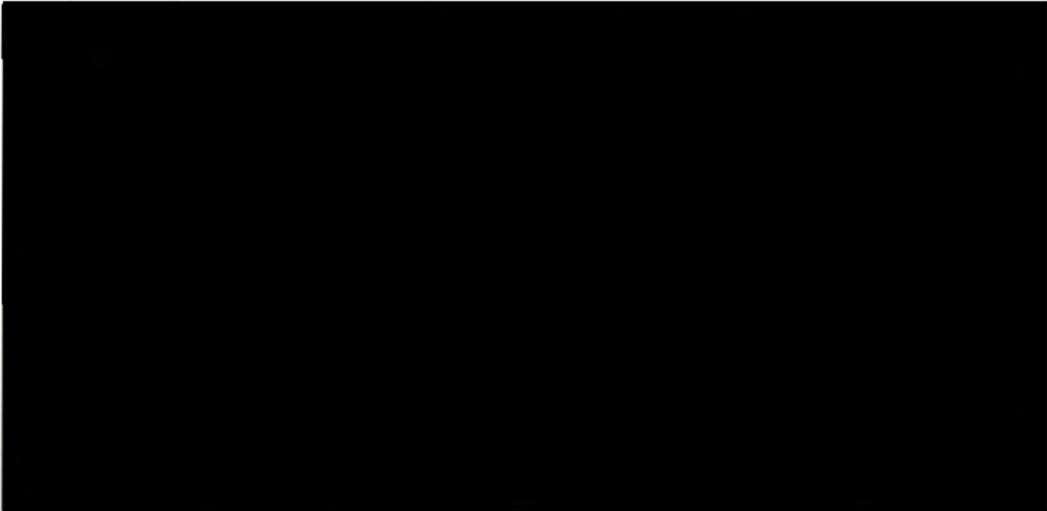


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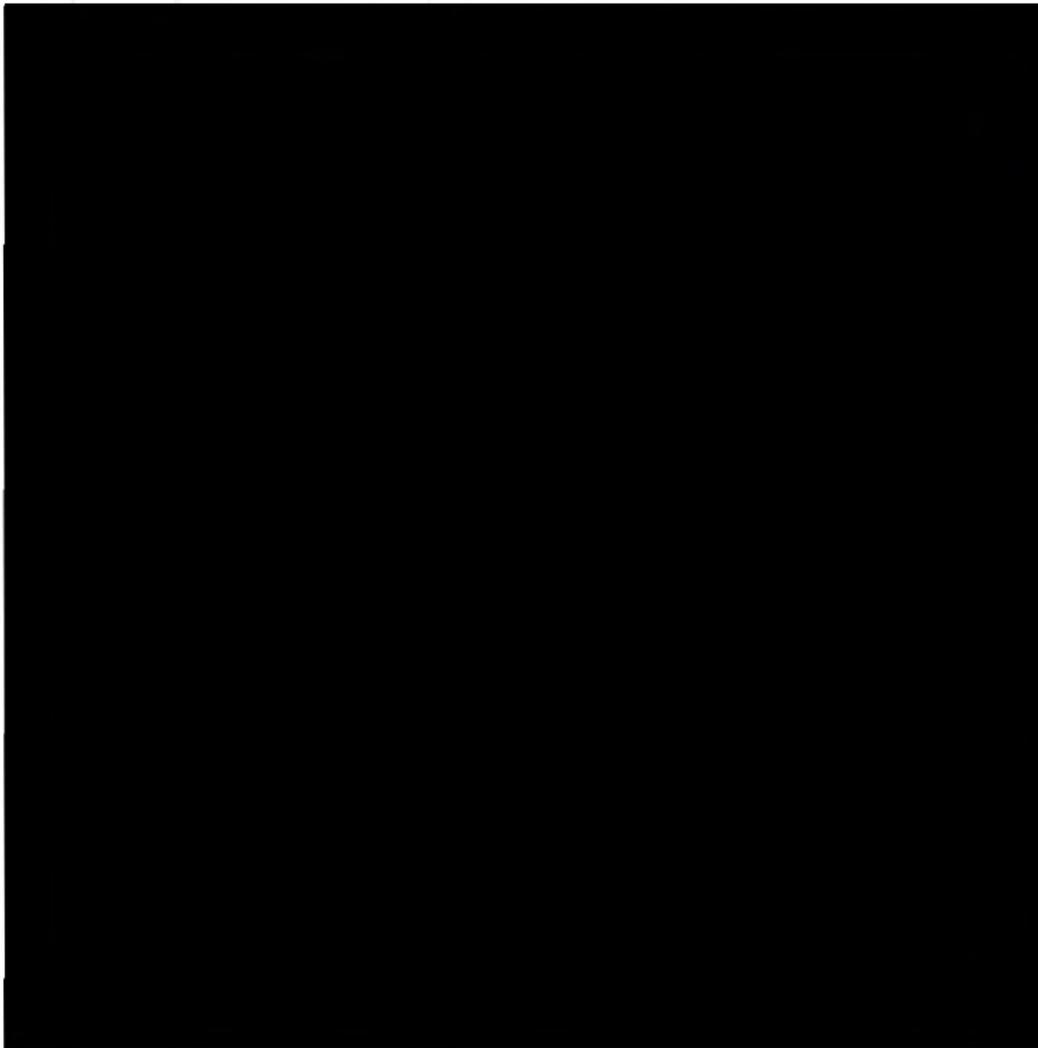
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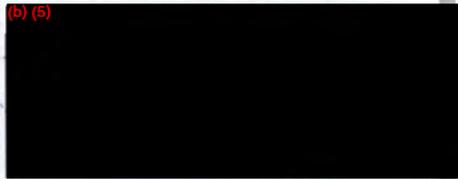
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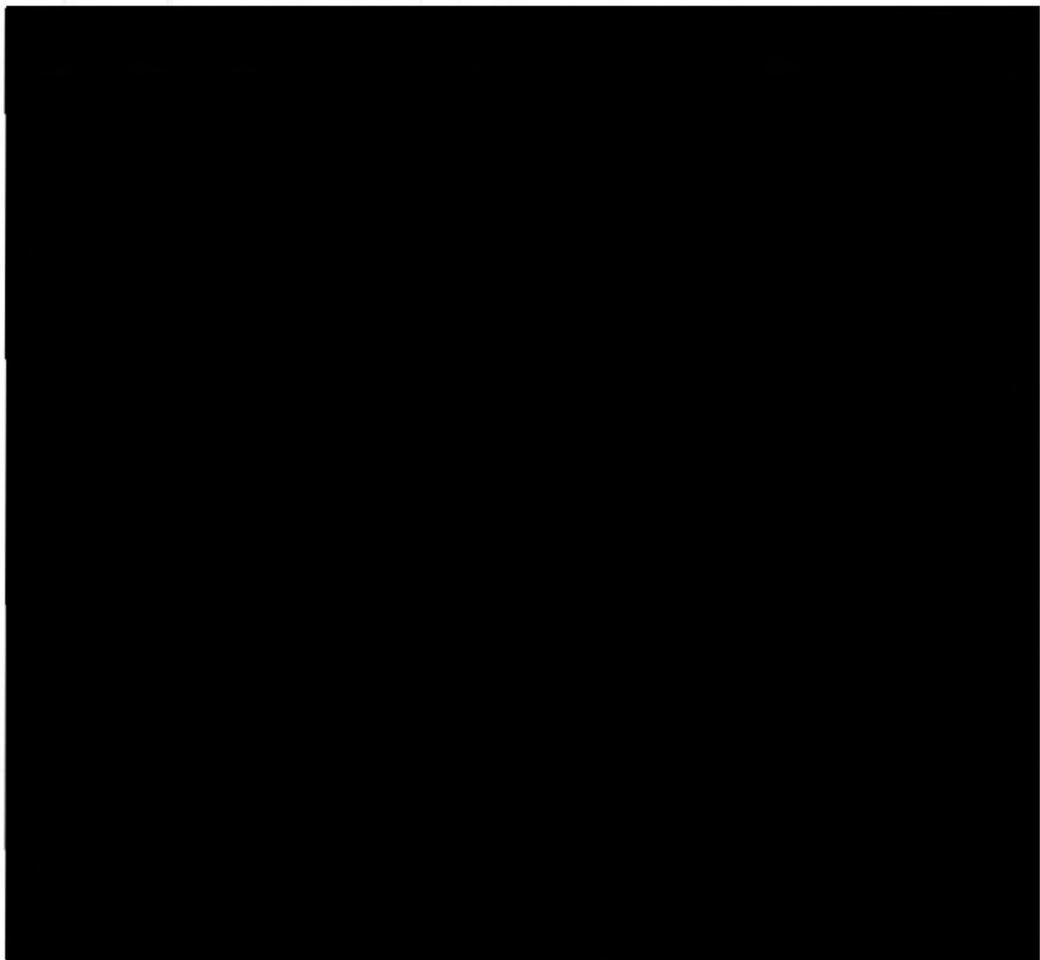
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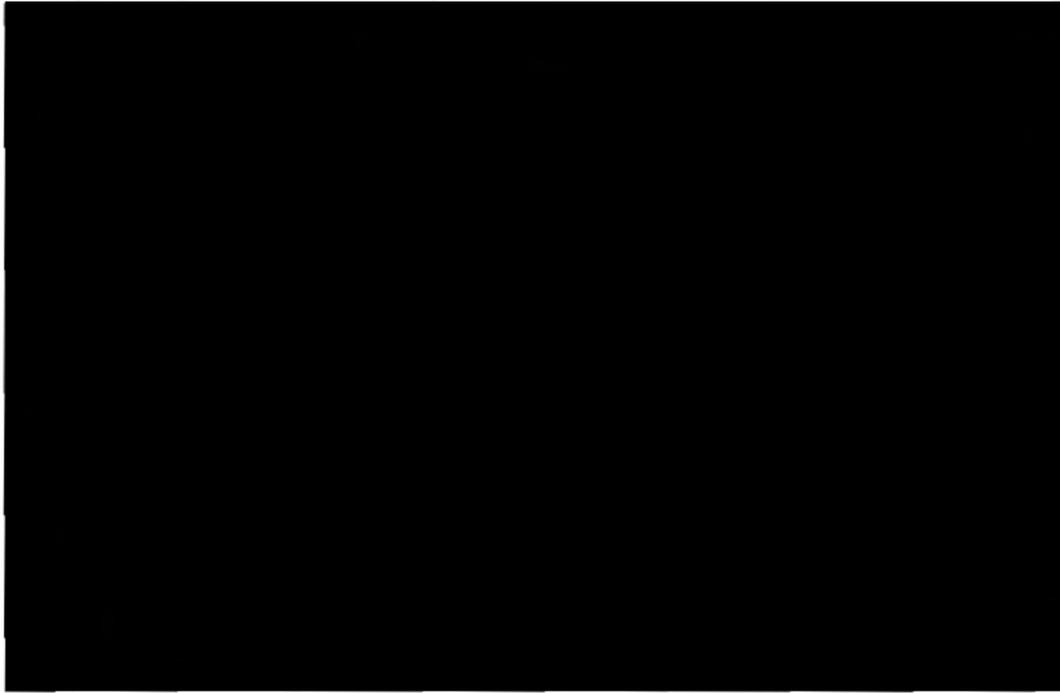
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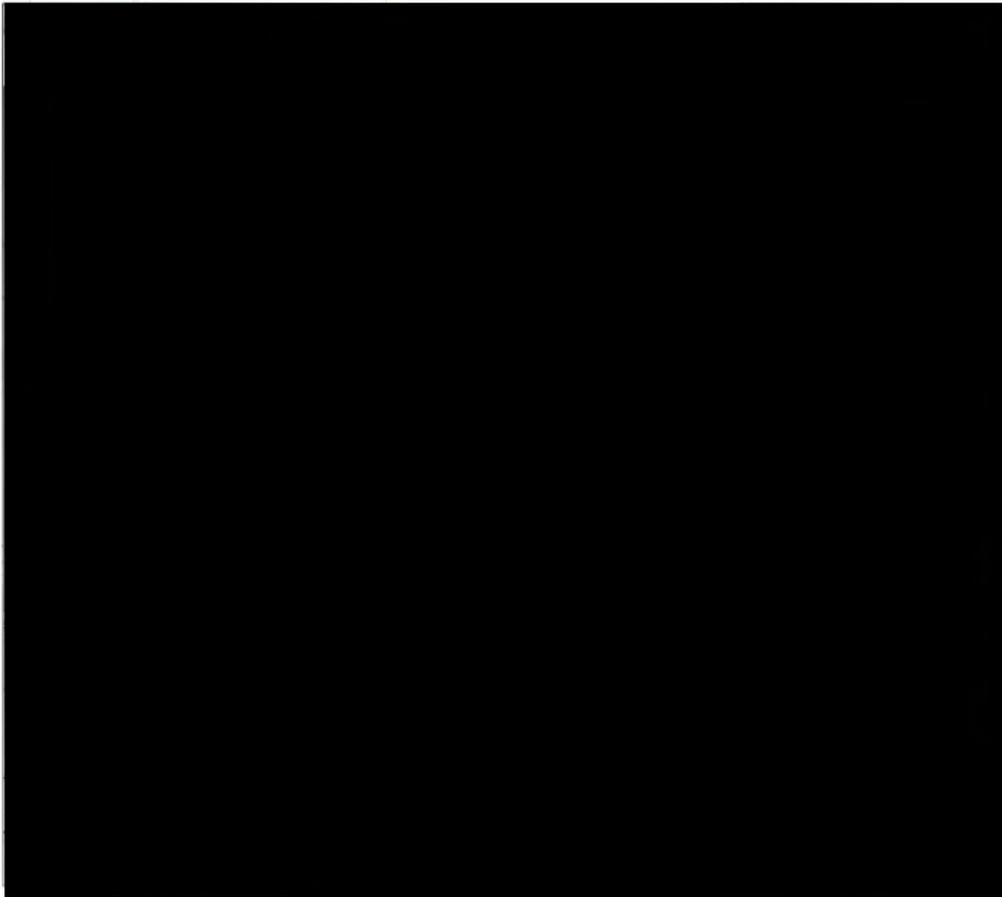
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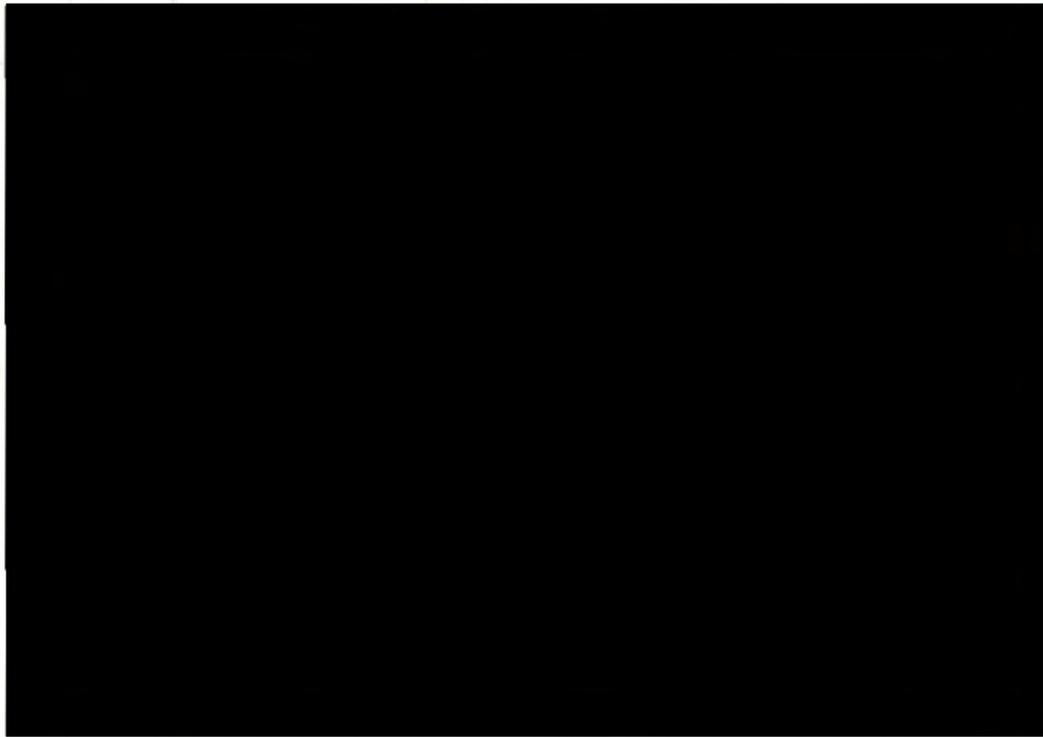
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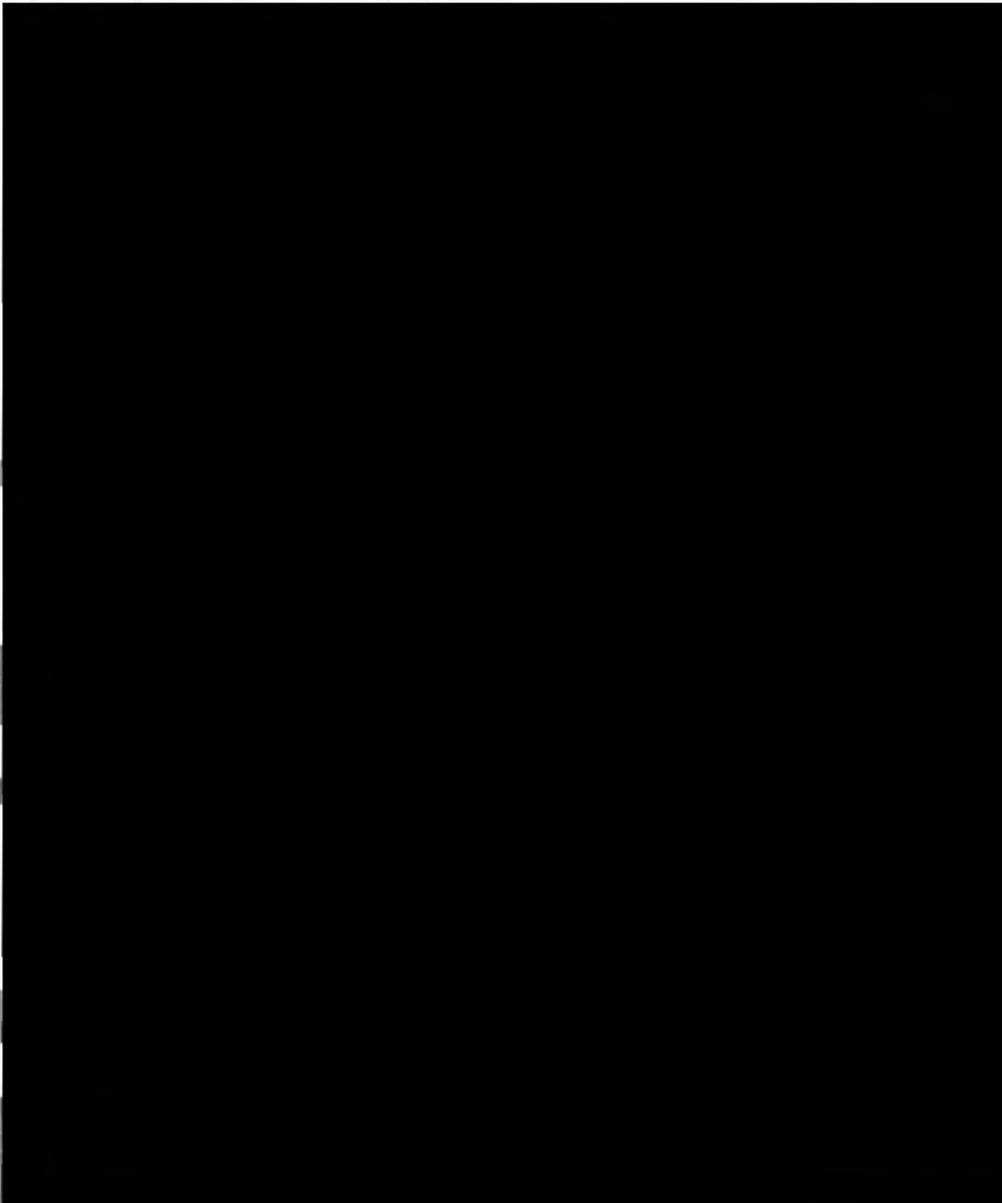
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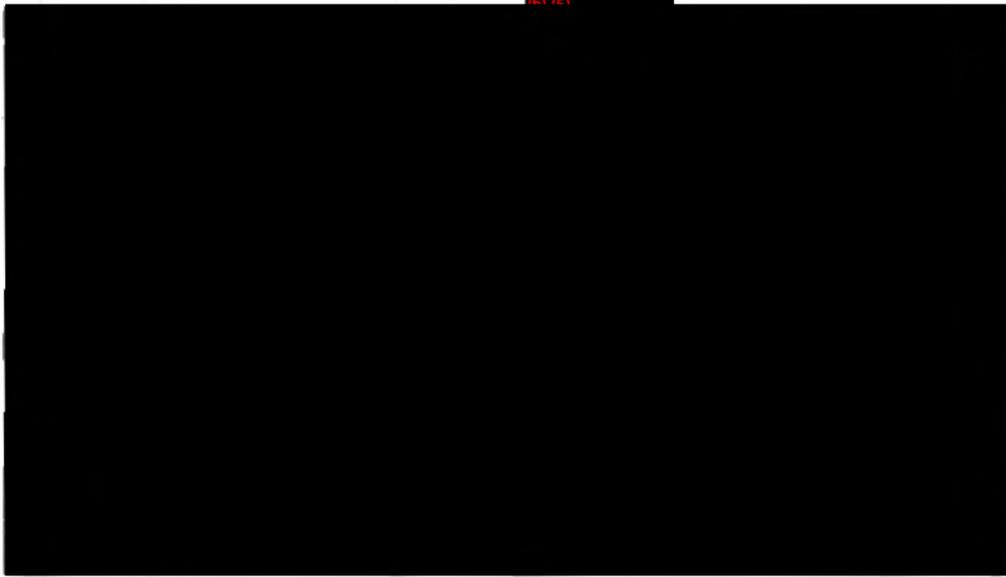
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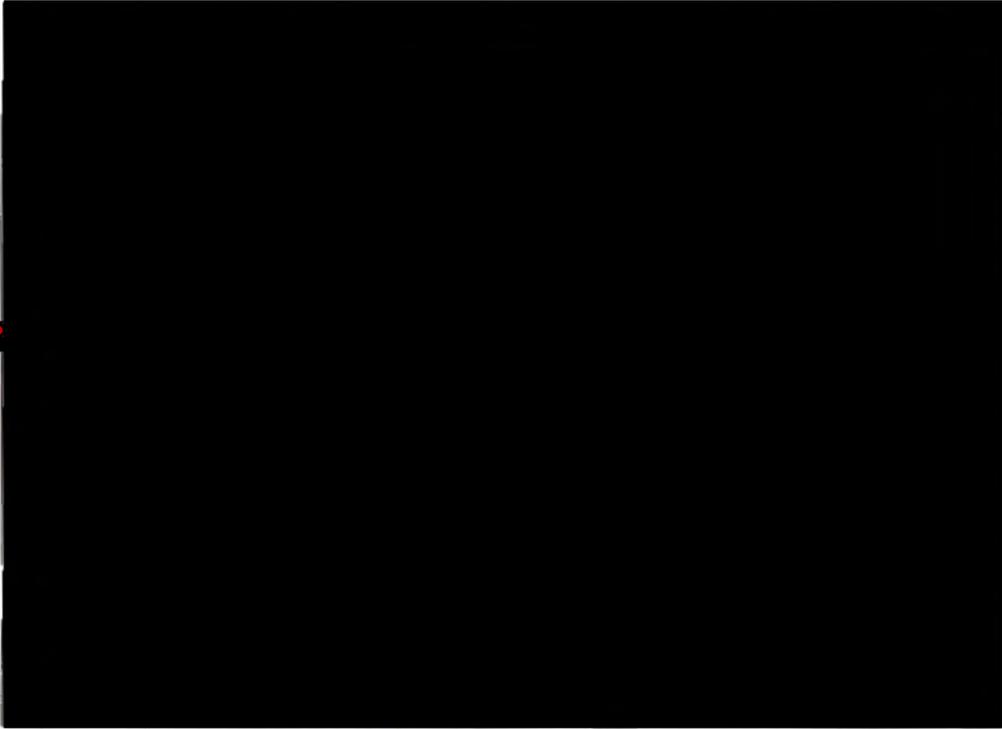


**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
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Comments on Proposed Secretarial Order

(b) [Redacted]

(b) (5) [Redacted]

**Oil, Gas and Potash Leasing and Development Within the Designated Potash Area
of Eddy and Lea Counties, New Mexico**
Comments on Proposed Secretarial Order



(b)

From: [Cardinale, Richard](#)
To: [Wilson, Hazel A](#)
Cc: [Barlan, Bryce](#); [Farquhar, Ned](#); [Royal, Pam](#)
Subject: RE: SO - Potash
Date: Wednesday, November 14, 2012 10:33:01 AM

Hazel,

We just completed our review and have provided our surnames. Bryce Barlan, our BLM analyst is going include a track changes copy with our edits. You had advised yesterday that Exec. Sec. was aware that this document was evolving. The track changes copy reflects our recommended edits (Ned's Bryce's and mine), which has been reviewed by Ned Farquhar. Bryce will send you the electrons with the track changes so that you will have them as the document evolves. Bryce is going to bring the package to Pam right now.

Question: Is the hard copy that you delivered to us yesterday the same version that Janet Lin sent out last Friday evening at 5:21 PM?

Rich

From: Wilson, Hazel A
Sent: Wednesday, November 14, 2012 10:23 AM
To: Cardinale, Richard
Subject: SO - Potash

Rich,

Just checking on the A/S -LM surname on the subject SO. Pls. advise. Thanks much.

From: [Allard, Phil](#)
To: [Barlan, Bryce](#)
Subject: FW: DRAFT Potash Comm Materials
Date: Thursday, November 15, 2012 9:03:15 AM
Attachments: [11_13_12_PotashTalkingPoints_DRAFT.docx.docx](#)
[11_13_12_PotashO & A DRAFT.docx.docx](#)
[NewsRelease_Sec_Order_Potash_10-16-12_v2.docx.docx.docx](#)

From: Evia, Aristotle E
Sent: Thursday, November 15, 2012 8:55 AM
To: Allard, Phil
Cc: Kornze, Neil G; Velasco, Janine; Lin, Janet H; Olson, Eric C; Decker, Julie A
Subject: FW: DRAFT Potash Comm Materials

Phil – these *might* be our most recent. Aris

From: Leff, Craig S
Sent: Tuesday, November 13, 2012 5:01 PM
To: Evia, Aristotle E
Subject: DRAFT Potash Comm Materials

Aris –

Attached are the draft materials. They have not gone through AD-300 or 100 review, but they should give you decent background.

Thanks,
Craig

Craig Leff
BLM Communications
202-208-6913 (office)
202-549-9218 (cell)

From: [Allard, Phil](#)
To: [Wilson, Hazel A](#); [Howarth, Robert](#); [Iudicello, Fay](#)
Cc: [Lin, Janet H](#); [Barlan, Bryce](#)
Subject: FW: Potash - Proposed Decision Memorandum
Date: Thursday, November 15, 2012 12:50:54 PM
Attachments: [Potash Order Decision Memo for Secy \(SOL 11 15 2012\).docx](#)

Since this document originates from the BLM, I will put it on letterhead and have Mike sign it. I will bring the original up to Hazel to go in the folder.

From: Haugrud, Jack
Sent: Thursday, November 15, 2012 12:40 PM
To: Farquhar, Ned; Lin, Janet H; Barlan, Bryce; Hawbecker, Karen; Fugate, Barbara; Cardinale, Richard; Allard, Phil; Blank, Harvey
Cc: Burke, Marcilynn; Tompkins, Hilary C
Subject: Potash - Proposed Decision Memorandum

Internal Deliberative Document
Attorney-Client Communication
DO NOT DISCLOSE

I spoke briefly with the Secretary yesterday evening, and he confirmed (b) (5) [REDACTED]
[REDACTED]
[REDACTED] but I
do not have a redline version that shows the precise areas where revisions were made. But I did not change anything substantively.

From: [Allard, Phil](#)
To: [Barlan, Bryce](#); [Fugate, Barbara](#)
Cc: [Blank, Harvey](#)
Subject: RE: Potash Order Surname
Date: Friday, November 16, 2012 9:16:09 AM
Attachments: [2012_11_16 NOA for potash_order.docx](#)

Fay gave me the opportunity to make this change. Otherwise we are locked down.

-----Original Message-----

From: Barlan, Bryce
Sent: Thursday, November 15, 2012 3:47 PM
To: Allard, Phil; Fugate, Barbara
Subject: RE: Potash Order Surname

Okay. I'll let them know it's already been sent to the Sec's office.

If there is a chance that the Order comes back or is still live and there may be an opportunity to incorporate these stylistic edits, please do so.

Also, I informed MAB about (b) (5)

As with the edits we provided on the Decision Memo, please keep this additional edit on file and incorporate it if the opportunity presents itself.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

From: Allard, Phil
Sent: Thursday, November 15, 2012 3:31 PM
To: Barlan, Bryce; Fugate, Barbara
Subject: RE: Potash Order Surname

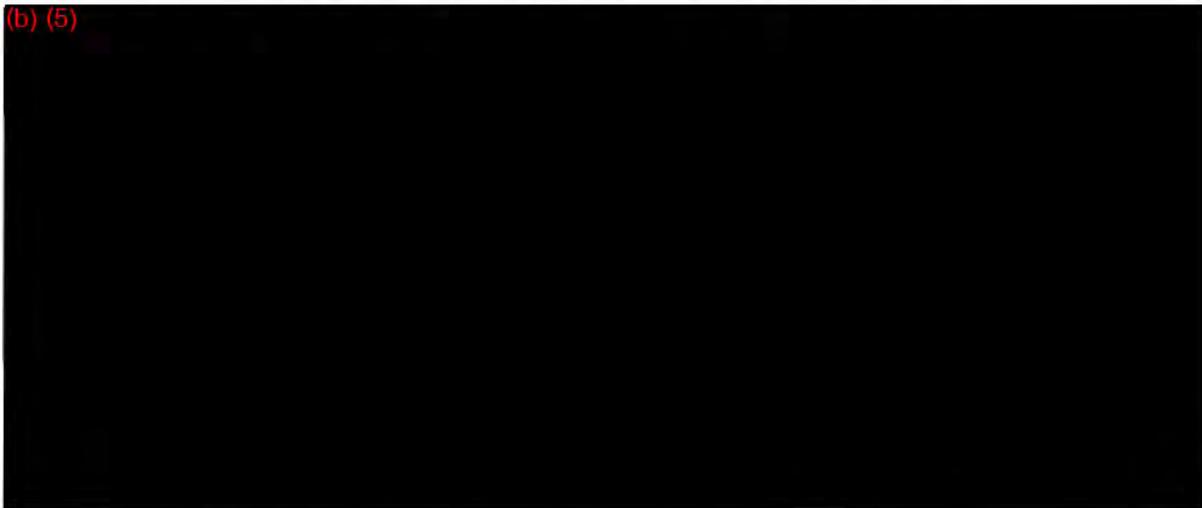
Bryce,

Since Jack completed his work on the document after consulting directly with the Secretary and since this is a BLM document that will be CCed to ASLM, I finalized it. Mike has signed it and it is now in the package that is being sent to the Secretary so I think it is too late. Here is a response to the comments that you have submitted.

You asked if there was only one Carlsbad plan. Here is what the EA says: "The applicable land use plan for this action is the 1988 Carlsbad Resource Management Plan (RMP) and Final Environmental Impact Statement (BLM February 1986) and the Carlsbad RMP Amendment (RMPA) and Final Environmental Impact Statement for Oil and Gas Resources (BLM January 1997), which were approved as the Final RMP and RMPA for the BLM-Carlsbad Field Office (CFO) by the Record of Decisions (ROD), signed September 30, 1988 and October 10, 1997, respectively. The Special Status Species RMPA ROD

was signed on May 2, 2008, and amends the RMP and 1997 RMPA." Based on this there are two land use plans that are in use. Both of these have been amended by the 2008 RMPA so one could argue that there are three places to look for decisions related to the management of the area.

(b) (5)



So, let me know if this doesn't respond appropriately or completely to your concerns.

Phil

-----Original Message-----

From: Barlan, Bryce
Sent: Thursday, November 15, 2012 3:04 PM
To: Allard, Phil; Fugate, Barbara
Subject: RE: Potash Order Surname

Barbara/Phil,

I took a look at Jack's edits. It seems like the following MAB edits would be the only ones applicable at this point.

What do you think? Is it too late to incorporate them?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

From: Allard, Phil
Sent: Thursday, November 15, 2012 2:23 PM
To: Barlan, Bryce; Fugate, Barbara
Cc: Cardinale, Richard; Lin, Janet H; Blank, Harvey
Subject: RE: Potash Order Surname

Bryce and Barbara,

Thank you both for all of your help with this.

Phil

-----Original Message-----

From: Barlan, Bryce

Sent: Thursday, November 15, 2012 1:42 PM

To: Fugate, Barbara; Allard, Phil

Subject: Potash Order Surname

FYI - Marcilynn just signed the Potash Order...the version that the Solicitors had signed off on.

Bryce Barlan

Office of the Assistant Secretary

Land and Minerals Management

US Department of the Interior

Office: 202-208-4114

Fax: 202-208-6243

bbarlan@blm.gov

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO100000, L18200000.XX0000]

**Notice of Availability of BLM's Responses to Public Comments and of BLM's
Environmental Assessment on the Proposed Order of the Secretary on Oil, Gas, and
Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea
Counties, New Mexico**

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Under the authority of the Mineral Leasing Act, as amended, on [fill in date], 2012, the Secretary of the Interior issued an Order (2012 Secretary's Order) to address oil, gas, and potash leasing and development within the Designated Potash Area in Eddy and Lea counties in New Mexico. The 2012 Secretary's Order supersedes a previous Order issued in 1986 and corrected in 1987 that addresses these issues. In developing the 2012 Secretary's Order, a draft Order was released for a public comment period that began on July 13, 2012 and ended on August 31, 2012, 77 FR 41442. This Notice announces the availability of the Bureau of Land Management's (BLM) responses to the comments that were received during the comment period and the availability of the Environmental Assessment that was prepared by BLM in developing the 2012 Secretary's Order.

ADDRESSES: The comments that were received, the comment responses, and the Environmental Assessment are available for review at the following Website:

<http://www.blm.gov/nm/st/en/info/potash.html>. The 2012 Secretary's Order was published

in the Federal Register on [INSERT DATE OF PUBLICATION OF THE 2012 SECRETARY'S ORDER IN THE FEDERAL REGISTER]

FOR FURTHER INFORMATION CONTACT: Tony Herrell; telephone 505-954-2222; 301 Dinosaur Trail, Santa Fe, New Mexico, 87508; e-mail: therrell@blm.gov.

SUPPLEMENTARY INFORMATION:

Background

An area near the town of Carlsbad in southeastern New Mexico contains large deposits of potash, oil, and gas. Oil and gas have been produced from this area since the early twentieth century. In 1925, potash (potassium-bearing salts primarily used for fertilizer) was discovered in this area and has been mined since 1930.

The Secretary issued the first Potash Order in 1939 (4 FR 1012, February 25, 1939). That Order withdrew approximately 43,000 acres of public land from oil and gas leasing to protect potash deposits. In 1951, the Secretary revoked the 1939 Order and issued a new Order that instituted the policy of authorizing concurrent development of oil and gas and potash reserves within an area comprising 298,345 acres, under reciprocal lease stipulations to ensure that the development of either mineral would not interfere with development of the other (16 FR 10669, October 18, 1951). The Order was amended in 1965 (30 FR 6692, May 15, 1965), 1975 (40 FR 51486, November 5, 1975), and 1986 (51 FR 39425, October 28, 1986). A correction to the 1986 Order was issued in 1987 (52 FR 32171, August 26, 1987). The potash area designated by the corrected 1986 Order comprises approximately 497,000 acres, and the 2012 Secretary's Order, published [INSERT DATE OF PUBLICATION OF THE ORDER IN THE FEDERAL REGISTER], does not alter the boundaries of the area.

The potash deposits in this area occur from 800 feet to over 2,000 feet beneath the surface and are mined by both conventional and solution mining methods; conventional methods require miners to be underground. The oil and gas in the area is found in formations below the potash-bearing formations, so oil and gas wells must extend through potash formations. If potash mining were to breach a well casing, or if a well casing near a potash mine failed for other reasons, gas could migrate into the mine workings, thus endangering the miners. Additionally, the potential for such a breach could raise the costs of potash mining due to the need to utilize enhanced ventilation techniques and specialized equipment needed to mine in a gas-filled environment. Given these safety risks, it has been a challenge to produce potash and oil and gas at the same time in the same area. This challenge has led to a long history of conflict between the potash and the oil and gas industries.

This conflict has resulted in a great deal of litigation regarding decisions made by the BLM on a variety of potash or oil and gas development applications. Nevertheless, leading members of the two industries have initiated efforts to work together over the past two years. A number of productive meetings and discussions have occurred among many of the parties involved in these previous disputes. Additionally, there have been significant advances in the technology of oil and gas drilling that could be used to reduce the conflict between such drilling and the extraction of potash. Further, the economic outlook for both the oil and gas industry and the potash industry has recently improved. The BLM has also worked with Sandia National Laboratories to investigate well logging technology, gas migration in the potash formations, and standards to use for estimating the mineability of potash and potash cutoff grades. These circumstances led to review of the 1986 Secretary's Order.

The 2012 Secretary's Order

The 2012 Secretary's Order differs from the 1986 Order as described below.

The formatting is modified to be consistent with the Department of the Interior's (Department) style requirements for Secretary's Orders. These requirements were changed in 1992 and are recorded in Section 012 DM 1 of the Departmental Manual.

The 2012 Secretary's Order authorizes the BLM to establish "Development Areas," where oil and gas wells can be drilled from one or more "Drilling Islands." The Drilling Island concept was first introduced in the 1975 Secretary's Order. In most cases, a single Drilling Island will be established for each Development Area, but if circumstances so dictate, the BLM may establish additional Drilling Islands. Drilling Islands will be situated in such a manner that extended reach horizontal wells could access oil and gas within the associated Development Area. Unless there is a compelling reason for not operating under a unitization or communitization agreement, the 2012 Secretary's Order envisions that the oil and gas leases in a Development Area will be unitized under the regulations found at 43 CFR subpart 3180 and developed by a unit operator, or operated under a communitization agreement as authorized under 43 CFR subpart 3105. These oil and gas reservoir management tools should lead to more orderly development of the oil and gas resources in the Development Area and minimize impacts to surface resources due to a reduction in the number of drill pads and associated roads, power lines, and other ancillary facilities. Moreover, the resulting reduction in the number and spacing of oil and gas drilling locations where wells penetrate the potash formation is expected to minimize impacts to potash resources and enhance the safety of underground potash miners.

The BLM envisions that a substantial portion of the Designated Potash Area will eventually be divided into Development Areas designed to minimize the impacts to potash mining while allowing for the development of oil and gas resources. The BLM expects that the oil and gas in Development Areas will largely be developed with extended reach horizontal wells using the most current technology, consistent with applicable laws and regulations.

The 2012 Secretary's Order retains several important features of the 1986 Order, including the boundaries of the Designated Potash Area established in the 1986 Order, as corrected in 1987. The Secretary's Order also retains language of the 1986 Order for stipulations for oil and gas leases and potash leases issued, reinstated, renewed, or readjusted in the Designated Potash Area.

The formatting is modified to be consistent with the Department of the Interior's (Department) style requirements for Secretary's Orders. These requirements were changed in 1992 and are recorded in Section 012 DM 1 of the Departmental Manual.

Comments on the Draft Order

The BLM received 28 comment letters during the comment period, including 41 distinct comments. These comments and the BLM's responses to them are available for review at the following website:

<http://www.blm.gov/nm/st/en/info/potash.html>.

Environmental Assessment

Pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq., and BLM's implementing regulations, the BLM prepared an Environmental Assessment (EA) in conjunction with the development of the 2012 Secretary's Order. Based on the EA, a Finding of No Significant Impact (FONSI) was made. The EA/FONSI is available for review at the following website: <http://www.blm.gov/nm/st/en/info/potash.html>.

Mike Pool

Acting Director, Bureau of Land Management

AUTHORITY: 40 CFR 1506.6, 43 CFR 3164.1, 43 CFR 3590.2

From: [Farquhar, Ned](#)
To: [Burke, Marclynn](#); [Barlan, Bryce](#)
Subject: FW: Attaching potash comment responses version
Date: Thursday, November 29, 2012 3:44:13 PM
Attachments: [2012.11.14 DMR surnamed potash comment responses -same as P.Allard 3.12 pm but with one comment per pg.docx](#)

-----Original Message-----

From: Lin, Janet H
Sent: Thursday, November 29, 2012 2:49 PM
To: Farquhar, Ned; Cardinale, Richard
Subject: Attaching potash comment responses version

Ned and Rich: Sorry this took so long - Phil is out, so I am sending you the latest version surnamed by the Solicitor's office. With all the back and forth - Phil is the one who knows what is absolutely current, so finding a copy was surprisingly difficult. This should be the final or very close to it. He will be in tomorrow, and I will verify.

From: [Burke, Marcilynn](#)
To: [Farquhar, Ned](#); [Barlan, Bryce](#)
Subject: FW: Draft Potash Release for Monday
Date: Friday, November 30, 2012 7:59:39 PM
Attachments: [12-02-12 Potash - DRAFT ba.docx](#)

Have you taken a look at the comments document?

Thanks,

Marcilynn

Marcilynn A. Burke
Acting Assistant Secretary, Land and Minerals Management
U.S. Department of the Interior
1849 C St., NW
Washington, DC 20240
(202) 208-6734 (voice)
(202) 208-3619 (fax)
Marcilynn_Burke@ios.doi.gov

From: Androff, Blake [blake_androff@ios.doi.gov]
Sent: Friday, November 30, 2012 6:33 PM
To: Davis, Laura; Lane, Kenneth; Hayes, David; Klein, Elizabeth A; Pool, Michael J; Kornze, Neil G; Burke, Marcilynn; Farquhar, Ned; Krauss, Jeff; Boddington, Celia; Leff, Craig S; Hummel, Donna; Mansour, Christopher; Buckner, Jason L; Urban, Heather; Adams, Gail A; Johnson, Terri; Pananon, Israporn; Littlejohn, Marc C
Cc: Kelly, Kate P; Quimby, Frank J; Muse, Queen C; Fullerton, Tim A
Subject: Draft Potash Release for Monday

Attached and copied below is a draft press release for Monday to announce the Secretarial Order on potash. We are waiting for quotes from Rep. Heinrich and Sen. Bingaman, but please let me know if you have any other edits before 10:00 AM on Monday.

Thanks!

Best,

Blake



Date: December 2, 2012
Contact: Blake Androff (DOI), 202-208-6416
Donna Hummel (BLM), 505-954-2018

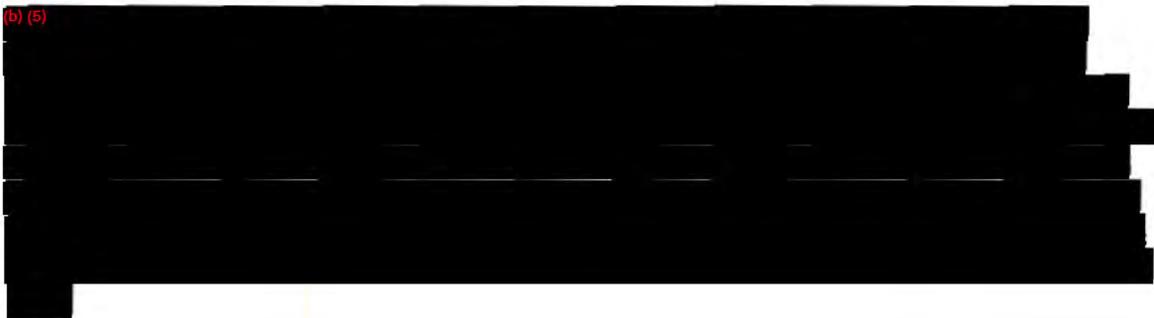
Secretary Salazar Announces Path Forward on

Co-Development of Oil, Gas and Potash Resources in New Mexico

ALBUQUERQUE, N.M.— As part of President Obama's all-of-the-above energy strategy to promote domestic energy and mineral production, Secretary of the Interior Ken Salazar today issued a new Secretarial Order to facilitate the co-development of oil, natural gas and potash resources within the 500,000-acre Designated Potash Area (DPA) in southeast New Mexico.

"This comprehensive strategy will allow us to move beyond years of disagreement and litigation between the energy and potash industries and provides a balanced approach that will strengthen New Mexico's economy," Secretary Salazar said. "I want to thank the members of the Joint Industry Technical Committee for their efforts in working toward a solution to this longstanding issue."

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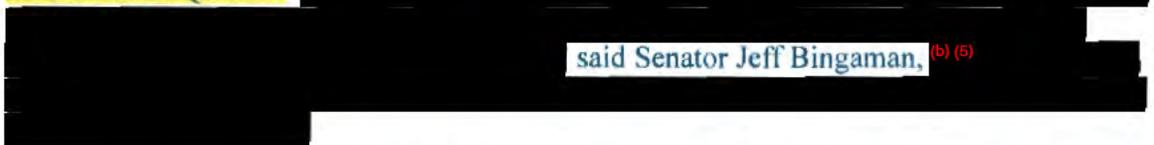


The DPA contains significant deposits of both potash - the common name for potassium bearing minerals, primarily used for fertilizer - and oil and gas in New Mexico, most of which is managed by the Bureau of Land Management. The DPA currently produces 75 percent of the potash mined in the United States and is also home to nearly 800 federal oil and gas leases. Co-development, or the safe and orderly concurrent development of oil, gas, and potash in the DPA, supports regional job creation and will increase the supplies of important energy and fertilizer resources.

BINGAMAN QUOTE (b) (5)

(b) (5)

said Senator Jeff Bingaman, (b) (5)



"I applaud Secretary Salazar, the BLM, and members from the oil, gas and potash industries for coming together on this matter after too many years of unproductive conflict," said U.S. Sen. Tom Udall. "The responsible co-development of these natural resources is key to job creation in our southeast region and the energy and food security of our nation."

HEINRICH QUOTE

The Secretarial Order calls for the use of emerging technologies associated with horizontal drilling and production of oil and gas to help minimize impacts and surface disruption. The designation of Development Areas where oil and gas wells could be drilled from one or more Drilling Islands will reduce the number of roads, power lines and other facilities that can impact potash resources and the safety of potash miners. These techniques will result in

more orderly development and greater recovery of potash and oil and gas resources.

The Secretarial Order also encourages regular, constructive discussion among the industries and the BLM and provides an industry forum to jointly address any concerns that arise in specific situations.

Salazar had met with the Potash/Oil and Gas Joint Industry Technical Committee (JITC) in Carlsbad, New Mexico on January 5, 2012, to support the ongoing dialogue between representatives of these industries, who had been meeting since 2011. The JITC has worked to improve the relationship between the industries, promote a healthy discussion of the issues, and develop a comprehensive strategy to overcome decades of disagreements and litigation.

The final Secretarial Order announced today incorporates suggestions received during a 45-day public comment period. It revises and supersedes a previous Secretarial Order issued in 1986.

BLM QUOTE "We appreciate the feedback we received from the public and industry on the draft Secretarial Order," said Acting Director Mike Pool. "This is an important milestone and I want to thank Secretary Salazar for his leadership on this issue."

The final order, along with the notice of availability on the analysis of comments received on the draft order, will be published in the *Federal Register*. More information on the Secretarial Order is available on the BLM's website:

<http://www.blm.gov/nm/st/en/info/potash.html>.

###

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Blake Androff

Deputy Director of Communications

U.S. Department of the Interior

Office: (202) 208-6416 | Cell: (202) 725-7435



OFFICE OF THE SECRETARY
**U.S. Department
of the Interior**

www.doi.gov

News Release

Date: December 2, 2012

Contact: Blake Androff (DOI), 202-208-6416

Donna Hummel (BLM), 505-954-2018

Secretary Salazar Announces Path Forward on Co-Development of Oil, Gas and Potash Resources in New Mexico

ALBUQUERQUE, N.M.— As part of President Obama’s all-of-the-above energy strategy to promote domestic energy and mineral production, Secretary of the Interior Ken Salazar today issued a new Secretarial Order to facilitate the co-development of oil, natural gas and potash resources within the 500,000-acre Designated Potash Area (DPA) in southeast New Mexico.

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BINGAMAN QUOTE - (b) (5)

(b) (5) said Senator Jeff Bingaman, (b) (5)

"I applaud Secretary Salazar, the BLM, and members from the oil, gas and potash industries for coming together on this matter after too many years of unproductive conflict," said U.S. Sen. Tom Udall. "The responsible co-development of these natural resources is key to job creation in our southeast region and the energy and food security of our nation."

HEINRICH QUOTE

The Secretarial Order calls for the use of emerging technologies associated with horizontal drilling and production of oil and gas to help minimize impacts and surface disruption. The designation of Development Areas where oil and gas wells could be drilled from one or more Drilling Islands will reduce the number of roads, power lines and other facilities that can impact potash resources and the safety of potash miners. These techniques will result in more orderly development and greater recovery of potash and oil and gas resources.

The Secretarial Order also encourages regular, constructive discussion among the industries and the BLM and provides an industry forum to jointly address any concerns that arise in specific situations.

Salazar had met with the Potash/Oil and Gas Joint Industry Technical Committee (JITC) in Carlsbad, New Mexico on January 5, 2012, to support the ongoing dialogue between representatives of these industries, who had been meeting since 2011. The JITC has worked to improve the relationship between the industries, promote a healthy discussion of the issues, and develop a comprehensive strategy to overcome decades of disagreements and litigation.

The final Secretarial Order announced today incorporates suggestions received during a 45-day public comment period. It revises and supersedes a previous Secretarial Order issued in 1986.

BLM QUOTE "We appreciate the feedback we received from the public and industry on the draft Secretarial Order," said Acting Director Mike Pool. "This is an important milestone and I want to thank Secretary Salazar for his leadership on this issue."

The final order, along with the notice of availability on the analysis of comments received on the draft order, will be published in the *Federal Register*. More information on the Secretarial Order is available on the BLM's website: <http://www.blm.gov/nm/st/en/info/potash.html>.

###

From: [Allard, Phil](#)
To: [Barlan, Bryce](#); [Fugate, Barbara](#)
Cc: [Cardinale, Richard](#); [Lin, Janet H](#); [Blank, Harvey](#)
Subject: RE: Potash Order Surname
Date: Thursday, November 15, 2012 2:23:06 PM

Bryce and Barbara,

Thank you both for all of your help with this.

Phil

-----Original Message-----

From: Barlan, Bryce
Sent: Thursday, November 15, 2012 1:42 PM
To: Fugate, Barbara; Allard, Phil
Subject: Potash Order Surname

FYI - Marcilynn just signed the Potash Order...the version that the Solicitors had signed off on.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: [Burke, Marcilynn](#)
To: [Barlan, Bryce](#); [Farquhar, Ned](#); [Cardinale, Richard](#)
Subject: Re: DRAFT Potash Comm Materials
Date: Thursday, November 15, 2012 9:35:54 AM

These "might" be the latest? This is no way to run a railroad (and thus I eat more cake). :)

Thanks,

Marcilynn A. Burke
Acting Asst. Secretary, Land and Minerals Mgmt.
U.S. Dept. of the Interior
1849 C St., NW, Washington, DC 20240
(202) 208-6734 (voice) (202) 208-3619 (fax)
Marcilynn_Burke@ios.doi.gov

From: Barlan, Bryce
Sent: Thursday, November 15, 2012 09:21 AM
To: Burke, Marcilynn; Farquhar, Ned; Cardinale, Richard
Subject: Fw: DRAFT Potash Comm Materials

Potash comm material, folks.

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Allard, Phil
Sent: Thursday, November 15, 2012 07:03 AM
To: Barlan, Bryce
Subject: FW: DRAFT Potash Comm Materials

From: Evia, Aristotle E
Sent: Thursday, November 15, 2012 8:55 AM
To: Allard, Phil
Cc: Kornze, Neil G; Velasco, Janine; Lin, Janet H; Olson, Eric C; Decker, Julie A
Subject: FW: DRAFT Potash Comm Materials

Phil – these *might* be our most recent. Aris

From: Leff, Craig S
Sent: Tuesday, November 13, 2012 5:01 PM
To: Evia, Aristotle E
Subject: DRAFT Potash Comm Materials

Aris –

Attached are the draft materials. They have not gone through AD-300 or 100 review, but they should give you decent background.

Thanks,

Craig

Craig Leff
BLM Communications
202-208-6913 (office)
202-549-9218 (cell)

From: [Farquhar, Ned](#)
To: [Barlan, Bryce](#); [Cardinale, Richard](#)
Subject: RE: SURNAME VERSION Potash Order, NOA for comment responses, & Decision Memo for Secy
Date: Tuesday, November 13, 2012 1:11:01 PM

My comments on the decision memo. (b) (5)

[REDACTED]

From: Barlan, Bryce
Sent: Tuesday, November 13, 2012 10:10 AM
To: Cardinale, Richard; Farquhar, Ned
Subject: RE: SURNAME VERSION Potash Order, NOA for comment responses, & Decision Memo for Secy

Ned/Rich,

Here are my comments. I did want to point out a couple of things:

1. Rich – For the Potash Order, (b) (5)
[REDACTED]
2. For the NOA, (b) (5)
[REDACTED]
3. We are still missing one document...the comment analysis document. I could not find it on the list of documents Janet shared with us.

In the meantime, here are my edits (which have been combined with Rich's edits).

Please let me know if you have any questions.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Cardinale, Richard
Sent: Monday, November 12, 2012 10:27 AM
To: Farquhar, Ned; Barlan, Bryce
Subject: Fw: SURNAME VERSION Potash Order, NOA for comment responses, & Decision Memo for Secy

Very minor edits to the Secretarial Order, NOA, and Decision Memo.

From: Richard Cardinale [mailto:(b) (6)]
Sent: Monday, November 12, 2012 10:24 AM
To: Cardinale, Richard
Subject: Re: SURNAME VERSION Potash Order, NOA for comment responses, & Decision Memo for Secy

From: "Cardinale, Richard" <Richard_Cardinale@ios.doi.gov>
To: "(b) (6) Richard Cardinale"
Sent: Monday, November 12, 2012 9:38 AM
Subject: Fw: SURNAME VERSION Potash Order, NOA for comment responses, & Decision Memo for Secy

From: Lin, Janet H
Sent: Friday, November 09, 2012 05:24 PM
To: Farquhar, Ned; Burke, Marcilynn
Cc: Cardinale, Richard; Barlan, Bryce
Subject: FW: SURNAME VERSION Potash Order, NOA for comment responses, & Decision Memo for Secy

Hey Ned - I didn't mean to leave you off, but I know that Bryce/Rich usually review before you and Marcilynn do, so I didn't want to get ahead of that process. I am sending to Marcilynn as well. As you can see, Jack and Hilary have not reviewed either - but in the interest of time, we wanted to get this to you. We are told that something final needs to be ready by next Friday.

Thanks all!

From: Lin, Janet H
Sent: Friday, November 09, 2012 5:21 PM
To: Barlan, Bryce; Juen, Jesse J; Herrell, Tony J; Juen, Jesse J; Herrell, Tony J; Allard, Phil; Stovall, James K; Fugate, Barbara; Hawbecker, Karen; Blank, Harvey; Cardinale, Richard; Barlan, Bryce; Nedd, Michael D; Fugate, Barbara; Pool, Michael J; Kornze, Neil G; Velasco, Janine; Decker, Julie A; Hanson, Joshua F; Iudicello, Fay; Wilson, Hazel A; Boddington, Celia; Krauss, Jeff
Subject: SURNAME VERSION Potash Order, NOA for comment responses, & Decision Memo for Secy

Attached are the versions that will begin making their way simultaneously through ASLM, BLM Director's Office, Exec Sec, and SOL. Please use these versions for those of you who have paper packages. BLM-NM - could you send us your e-surname of these versions?

Fay and Hazel: I believe Phil has mentioned that this Secretarial Order (b) (5)

(b) (5)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] We appreciate
your consideration of these factors as you conduct your review.

From: Fugate, Barbara
Sent: Friday, November 09, 2012 4:16 PM
To: Lin, Janet H; Allard, Phil
Cc: Hawbecker, Karen; Blank, Harvey
Subject: Attaching Potash Order, NOA for comment responses, & Decision Memo for Secy

Janet (and Phil when you get back) –

Karen has just surnamed the attached documents that are revised versions of the ones included in the initial surname package: (1) proposed final 2012 Secretary's Potash Order; (2) Notice of Availability of BLM's comment responses; and (3) Decision Memorandum for the Secretary. Please note that we have just transmitted this surname package to the front office, so Jack and Hilary have not yet reviewed these versions.

I'm also attaching a redline version of the proposed final Order showing the revisions that have been made to the July 13, 2012, proposed Order and a redline version of the draft Decision Memorandum showing DMR revisions to the version BLM sent on November 7 in response to DMR's initial edits. We are currently reviewing BLM's responses to DMR's suggested edits to the comment responses and the EA. Please let me know if you have questions. Thank you.

Barbara

From: [Farquhar, Ned](#)
To: [Barlan, Bryce](#); [Cardinale, Richard](#)
Subject: RE: SO on Potash
Date: Wednesday, November 28, 2012 5:36:38 PM

Rih - Per Bryce's note, can we get the latest comments section of the potash package from ExecSec? Phil sent a note saying it hadn't changed but when I probed back, I got an out of office email response.

From: Barlan, Bryce
Sent: Wednesday, November 28, 2012 5:20 PM
To: Farquhar, Ned
Subject: RE: SO on Potash

I would think we'd have to reach out to Exec Sec to get the latest and greatest.

Do you have a contact there?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

From: Farquhar, Ned
Sent: Wednesday, November 28, 2012 5:17 PM
To: Barlan, Bryce
Subject: RE: SO on Potash

is there a later version?

From: Barlan, Bryce
Sent: Wednesday, November 28, 2012 4:42 PM
To: Farquhar, Ned
Subject: FW: SO on Potash

Here you go Ned.

This is the latest version that I have. The redlined word doc illustrates where the solicitors saw our comments and made recommendations to modify or maintain the edits we provided. The other version is simply a clean copy.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Allard, Phil
Sent: Thursday, November 15, 2012 10:39 AM
To: Wilson, Hazel A; Howarth, Robert; Iudicello, Fay
Cc: Fugate, Barbara; Hawbecker, Karen; Barlan, Bryce; Lin, Janet H; Kornze, Neil G; Cardinale, Richard
Subject: SO on Potash

Both Mike Pool and Jack Haugrud have surnamed this version and it incorporates the greater part of ASLM's edits. This is the version that went to Hilary Tompkins for review this morning. This means, I believe, that it is the closest to a final of the Order that we have at the moment.

I have attached both a clean version and a track changes version of the document.

Phil

From: [Farquhar, Ned](#)
To: [Barlan, Bryce](#)
Subject: RE: SO on Potash
Date: Wednesday, November 28, 2012 5:18:13 PM

is there a later version?

From: Barlan, Bryce
Sent: Wednesday, November 28, 2012 4:42 PM
To: Farquhar, Ned
Subject: FW: SO on Potash

Here you go Ned.

This is the latest version that I have. The redlined word doc illustrates where the solicitors saw our comments and made recommendations to modify or maintain the edits we provided. The other version is simply a clean copy.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Allard, Phil
Sent: Thursday, November 15, 2012 10:39 AM
To: Wilson, Hazel A; Howarth, Robert; Iudicello, Fay
Cc: Fugate, Barbara; Hawbecker, Karen; Barlan, Bryce; Lin, Janet H; Kornze, Neil G; Cardinale, Richard
Subject: SO on Potash

Both Mike Pool and Jack Haugrud have surnamed this version and it incorporates the greater part of ASLM's edits. This is the version that went to Hilary Tompkins for review this morning. This means, I believe, that it is the closest to a final of the Order that we have at the moment.

I have attached both a clean version and a track changes version of the document.

Phil

From: [Farquhar, Ned](#)
To: [Barlan, Bryce](#)
Subject: FW: Potash
Date: Wednesday, November 28, 2012 4:32:15 PM

need that completed potash comments doc

From: Farquhar, Ned
Sent: Wednesday, November 28, 2012 4:29 PM
To: Allard, Phil
Cc: Kornze, Neil G
Subject: RE: Potash

Need the comments doc in partic - thanks

From: Allard, Phil
Sent: Wednesday, November 28, 2012 4:11 PM
To: Farquhar, Ned
Cc: Kornze, Neil G
Subject: Potash

Ned,

Neil stopped by and said you are interested in the potash documents. The finals are now with Exec. Sec., but to my knowledge nothing has changed since they were wrapped up Friday 11/16. I believe these to be the last versions that you saw.

Phil

From: [Burke, Marcilynn](#)
To: [Farquhar, Ned](#); [Barlan, Bryce](#)
Subject: RE: Attaching potash comment responses version
Date: Thursday, November 29, 2012 5:46:53 PM

Thanks for the effort. Who knew it would be so hard! I will wait for confirmation before reviewing.

Thanks,

Marcilynn

Marcilynn A. Burke
Acting Assistant Secretary, Land and Minerals Management
U.S. Department of the Interior • 1849 C St., NW • Washington, DC 20240
(202) 208-6734 (voice) • (202) 208-3619 (fax)
Marcilynn_Burke@ios.doi.gov

-----Original Message-----

From: Farquhar, Ned
Sent: Thursday, November 29, 2012 3:44 PM
To: Burke, Marcilynn; Barlan, Bryce
Subject: FW: Attaching potash comment responses version

-----Original Message-----

From: Lin, Janet H
Sent: Thursday, November 29, 2012 2:49 PM
To: Farquhar, Ned; Cardinale, Richard
Subject: Attaching potash comment responses version

Ned and Rich: Sorry this took so long - Phil is out, so I am sending you the latest version surnamed by the Solicitor's office. With all the back and forth - Phil is the one who knows what is absolutely current, so finding a copy was surprisingly difficult. This should be the final or very close to it. He will be in tomorrow, and I will verify.

From: [Cardinale, Richard](#)
To: [Farquhar, Ned](#); [Barlan, Bryce](#)
Subject: RE: SO on Potash
Date: Thursday, November 29, 2012 8:17:42 AM

Spoke to Fay. Her office has the version of the SO that Fay delivered to the Secretary's Office yesterday. As soon as a member of her staff comes in, she will have it e-mailed to me. Her office does not have the comment analysis. I will work with Janet to get that document.

Rich

-----Original Message-----

From: Farquhar, Ned
Sent: Wednesday, November 28, 2012 5:23 PM
To: Barlan, Bryce; Cardinale, Richard
Subject: RE: SO on Potash

Rih - Per Bryce's note, can we get the latest comments section of the potash package from ExecSec? Phil sent a note saying it hadn't changed but when I probed back, I got an out of office email response.

From: Barlan, Bryce
Sent: Wednesday, November 28, 2012 5:20 PM
To: Farquhar, Ned
Subject: RE: SO on Potash

I would think we'd have to reach out to Exec Sec to get the latest and greatest.

Do you have a contact there?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

From: Farquhar, Ned
Sent: Wednesday, November 28, 2012 5:17 PM
To: Barlan, Bryce
Subject: RE: SO on Potash

is there a later version?

From: Barlan, Bryce
Sent: Wednesday, November 28, 2012 4:42 PM
To: Farquhar, Ned
Subject: FW: SO on Potash

Here you go Ned.

This is the latest version that I have. The redlined word doc illustrates where the solicitors saw our comments and made recommendations to modify or maintain the edits we provided. The other version is simply a clean copy.

Bryce Barlan

Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Allard, Phil
Sent: Thursday, November 15, 2012 10:39 AM
To: Wilson, Hazel A; Howarth, Robert; Iudicello, Fay
Cc: Fugate, Barbara; Hawbecker, Karen; Barlan, Bryce; Lin, Janet H; Kornze, Neil G; Cardinale, Richard
Subject: SO on Potash

Both Mike Pool and Jack Haugrud have surnamed this version and it incorporates the greater part of ASLM's edits. This is the version that went to Hilary Tompkins for review this morning. This means, I believe, that it is the closest to a final of the Order that we have at the moment.

I have attached both a clean version and a track changes version of the document.

Phil

From: [Farquhar, Ned](#)
To: [Cardinale, Richard](#); [Barlan, Bryce](#)
Subject: RE: SO on Potash
Date: Thursday, November 29, 2012 9:34:14 AM

Thank you! NF

-----Original Message-----

From: Cardinale, Richard
Sent: Thursday, November 29, 2012 9:33 AM
To: Farquhar, Ned; Barlan, Bryce
Subject: RE: SO on Potash

Spoke to Janet and she is going to hunt it down. Phil is out until tomorrow. Exec. Sec. does not have the comment analysis because it does not go through Departmental review.

Rich

-----Original Message-----

From: Farquhar, Ned
Sent: Thursday, November 29, 2012 9:30 AM
To: Cardinale, Richard; Barlan, Bryce
Subject: RE: SO on Potash

We need the comments doc.

-----Original Message-----

From: Cardinale, Richard
Sent: Thursday, November 29, 2012 8:11 AM
To: Farquhar, Ned; Barlan, Bryce
Subject: RE: SO on Potash

Are you referring specifically to the Secretary's Order or to the Comment Analysis, or both?

-----Original Message-----

From: Farquhar, Ned
Sent: Wednesday, November 28, 2012 5:23 PM
To: Barlan, Bryce; Cardinale, Richard
Subject: RE: SO on Potash

Rih - Per Bryce's note, can we get the latest comments section of the potash package from ExecSec? Phil sent a note saying it hadn't changed but when I probed back, I got an out of office email response.

From: Barlan, Bryce
Sent: Wednesday, November 28, 2012 5:20 PM
To: Farquhar, Ned
Subject: RE: SO on Potash

I would think we'd have to reach out to Exec Sec to get the latest and greatest.

Do you have a contact there?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243

From: Allard, Phil
To: Barlan, Bryce; Fugate, Barbara
Subject: RE: Potash Order Surname
Date: Thursday, November 15, 2012 3:31:11 PM

Bryce,

Since Jack completed his work on the document after consulting directly with the Secretary and since this is a BLM document that will be CCed to ASLM, I finalized it. Mike has signed it and it is now in the package that is being sent to the Secretary so I think it is too late. Here is a response to the comments that you have submitted.

You asked if there was only one Carlsbad plan. Here is what the EA says: "The applicable land use plan for this action is the 1988 Carlsbad Resource Management Plan (RMP) and Final Environmental Impact Statement (BLM February 1986) and the Carlsbad RMP Amendment (RMPA) and Final Environmental Impact Statement for Oil and Gas Resources (BLM January 1997), which were approved as the Final RMP and RMPA for the BLM-Carlsbad Field Office (CFO) by the Record of Decisions (ROD), signed September 30, 1988 and October 10, 1997, respectively. The Special Status Species RMPA ROD was signed on May 2, 2008, and amends the RMP and 1997 RMPA." Based on this there are two land use plans that are in use. Both of these have been amended by the 2008 RMPA so one could argue that there are three places to look for decisions related to the management of the area.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

So, let me know if this doesn't respond appropriately or completely to your concerns.

Phil

-----Original Message-----

From: Barlan, Bryce
Sent: Thursday, November 15, 2012 3:04 PM
To: Allard, Phil; Fugate, Barbara
Subject: RE: Potash Order Surname

Barbara/Phil,

I took a look at Jack's edits. It seems like the following MAB edits would be the only ones applicable at this point.

What do you think? Is it too late to incorporate them?

Bryce Barlan

Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

From: Allard, Phil
Sent: Thursday, November 15, 2012 2:23 PM
To: Barlan, Bryce; Fugate, Barbara
Cc: Cardinale, Richard; Lin, Janet H; Blank, Harvey
Subject: RE: Potash Order Surname

Bryce and Barbara,

Thank you both for all of your help with this.

Phil

-----Original Message-----

From: Barlan, Bryce
Sent: Thursday, November 15, 2012 1:42 PM
To: Fugate, Barbara; Allard, Phil
Subject: Potash Order Surname

FYI - Marcilynn just signed the Potash Order...the version that the Solicitors had signed off on.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: [Androff, Blake](#)
To: [Barlan, Bryce](#)
Cc: [Kelly, Kate P](#)
Subject: Potash press release
Date: Thursday, November 15, 2012 4:18:25 PM

Hi Bryce --

I got your voicemail message. We'd be happy to share the potash release with you so ASLM Burke could have a chance to review before it is released. Kate Kelly (cc'ed on this email) is currently editing it and will be providing it to the larger group for review once it's ready.

Thanks!

Best,

Blake

--

Blake Androff
Deputy Director of Communications
U.S. Department of the Interior
Office: (202) 208-6416 | Cell: (202) 725-7435

From: [Blake Androff](#)
To: [Barlan, Bryce](#)
Cc: [Kelly, Kate P](#)
Subject: Re: Potash press release
Date: Friday, November 16, 2012 7:41:07 AM

Absolutely. The potash announcement has been postponed but we will shoot around the press release once it is ready and we have a new date.

Sent from my iPhone

On Nov 16, 2012, at 7:05 AM, "Barlan, Bryce" <BBarlan@blm.gov> wrote:

Greetings Blake/Kate,

Was wondering whether the ASLM still has an opportunity to review the comm material.

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Barlan, Bryce
Sent: Thursday, November 15, 2012 02:40 PM
To: Androff, Blake <blake_androff@ios.doi.gov>
Cc: Kelly, Kate P
Subject: RE: Potash press release

Much appreciated. Thank you!

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov
From: Androff, Blake [mailto:blake_androff@ios.doi.gov]
Sent: Thursday, November 15, 2012 4:18 PM
To: Barlan, Bryce
Cc: Kelly, Kate P
Subject: Potash press release
Hi Bryce --

I got your voicemail message. We'd be happy to share the potash release with you so ASLM Burke could have a chance to review before it is released. Kate Kelly (cc'ed on this email) is currently editing it and will be providing it to the larger group for review once it's ready.

Thanks!
Best,
Blake

--

Blake Androff

Deputy Director of Communications

U.S. Department of the Interior

Office: (202) 208-6416 | Cell: (202) 725-7435

From: [Cunningham, Celina P](#)
To: [Barlan, Bryce](#)
Subject: RE: Emailing: potash.Par.41366.Image.-1.-1.1
Date: Wednesday, November 14, 2012 1:01:35 PM

Thanks for sending this! I appreciate having a visual for the process.

-----Original Message-----

From: Barlan, Bryce
Sent: Tuesday, November 13, 2012 3:12 PM
To: Cunningham, Celina P
Subject: Emailing: potash.Par.41366.Image.-1.-1.1

FYI

So here's one method of the potash mining process. Behind the scraper is a conveyor system that transports the potash to a shaft that brings the aggregate to the surface.

There are also some other similar ways of doing this that are slightly different, but you get the idea.

From: [Boddington, Celia](#)
To: [Barlan, Bryce](#)
Subject: Re: NPRA and Potash SO Comm Material
Date: Wednesday, November 14, 2012 2:50:27 PM

My fault. I forgot to do an out of office message.

----- Original Message -----

From: Barlan, Bryce
Sent: Wednesday, November 14, 2012 04:06 AM
To: Boddington, Celia
Subject: Re: NPRA and Potash SO Comm Material

Sorry. I didn't know (b) (6)

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

----- Original Message -----

From: Boddington, Celia
Sent: Wednesday, November 14, 2012 02:48 AM
To: Barlan, Bryce
Subject: RE: NPRA and Potash SO Comm Material

Bryce -- I'm out of the country. I'm clueless! Sorry. Celia

From: Barlan, Bryce
Sent: Tuesday, November 13, 2012 4:52 PM
To: Lin, Janet H; Boddington, Celia
Subject: Re: NPRA and Potash SO Comm Material

Really? So this Thursday/Friday may not be a go?

I know you're busy, but is there a quick one-liner you can share as the reason why?

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

----- Original Message -----

From: Lin, Janet H
Sent: Tuesday, November 13, 2012 02:49 PM
To: Barlan, Bryce; Boddington, Celia
Subject: RE: NPRA and Potash SO Comm Material

We just got Potash, so we will review tonight and get them up tomorrow am. NPRA is on hold.

-----Original Message-----

From: Barlan, Bryce
Sent: Tuesday, November 13, 2012 4:42 PM
To: Lin, Janet H; Boddington, Celia
Subject: NPRA and Potash SO Comm Material

Greetings Janet/Celia,

Would you please share the comm material for these projects with us?

We'd like an opportunity to review.

Thanks!

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: [Allard, Phil](#)
To: [Baran, Bryce](#)
Subject: RE: NOA
Date: Wednesday, November 14, 2012 3:20:44 PM

I am accepting all of the changes to the NOA. You had this concern:

[REDACTED] (b) (6) [REDACTED]
[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

From: Allard, Phil
To: Cardinale, Richard; Barlan, Bryce
Subject: FW: Attaching Potash Order, NOA for comment responses, & Decision Memo for Secy
Date: Tuesday, November 13, 2012 3:05:52 PM

I have been having difficulties with my email today, but I wanted to make sure you understood that Karen has surnamed the documents you are reviewing. We had a call with SOL and New Mexico today at 1:00 and there will be no further changes to the materials from us. Jack has some suggestions for the NOA (he wants it to reference the EA) and is looking at the Decision Memo.

From: Fugate, Barbara
Sent: Friday, November 09, 2012 4:16 PM
To: Lin, Janet H; Allard, Phil
Cc: Hawbecker, Karen; Blank, Harvey
Subject: Attaching Potash Order, NOA for comment responses, & Decision Memo for Secy

Janet (and Phil when you get back) –

Karen has just surnamed the attached documents that are revised versions of the ones included in the initial surname package: (1) proposed final 2012 Secretary's Potash Order; (2) Notice of Availability of BLM's comment responses; and (3) Decision Memorandum for the Secretary. Please note that we have just transmitted this surname package to the front office, so Jack and Hilary have not yet reviewed these versions.

I'm also attaching a redline version of the proposed final Order showing the revisions that have been made to the July 13, 2012, proposed Order and a redline version of the draft Decision Memorandum showing DMR revisions to the version BLM sent on November 7 in response to DMR's initial edits. We are currently reviewing BLM's responses to DMR's suggested edits to the comment responses and the EA. Please let me know if you have questions. Thank you.

Barbara

From: [Lassiter, Tracie L](#)
To: [Barlan, Bryce](#)
Subject: Anyword on background for Potash Briefing in the am?
Date: Wednesday, October 03, 2012 4:36:42 PM

Thanks,

*Tracie L. Lassiter
U.S. Department of the Interior
Office of the Secretary
Land & Minerals Management
1849 C. Street, NW, Room 6615
Washington, DC 20240
(o) 202-208-6734
(f) 202- 208-3619
Tracie_Lassiter@ios.doi.gov*

From: [Lin, Janet H](#)
To: [Barlan, Bryce](#); [Boddington, Celia](#)
Subject: RE: NPRA and Potash SO Comm Material
Date: Tuesday, November 13, 2012 4:49:26 PM

We just got Potash, so we will review tonight and get them up tomorrow am. NPRA is on hold.

-----Original Message-----

From: Barlan, Bryce
Sent: Tuesday, November 13, 2012 4:42 PM
To: Lin, Janet H; Boddington, Celia
Subject: NPRA and Potash SO Comm Material

Greetings Janet/Celia,

Would you please share the comm material for these projects with us?

We'd like an opportunity to review.

Thanks!

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: [Boddington, Celia](#)
To: [Barlan, Bryce](#)
Subject: RE: NPRA and Potash SO Comm Material
Date: Wednesday, November 14, 2012 4:49:10 AM

Bryce -- I'm out of the country. I'm clueless! Sorry. Celia

From: Barlan, Bryce
Sent: Tuesday, November 13, 2012 4:52 PM
To: Lin, Janet H; Boddington, Celia
Subject: Re: NPRA and Potash SO Comm Material

Really? So this Thursday/Friday may not be a go?

I know you're busy, but is there a quick one-liner you can share as the reason why?

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

----- Original Message -----

From: Lin, Janet H
Sent: Tuesday, November 13, 2012 02:49 PM
To: Barlan, Bryce; Boddington, Celia
Subject: RE: NPRA and Potash SO Comm Material

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Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: [redacted]
To: [redacted]
Cc: [redacted]; [redacted]; [redacted]
Subject: RE: SO - Potasi
Date: Wednesday, November 14, 2012 10:33:01 AM

mazoi.

We just completed our review and have provided our surnames. Bryce Berlan, our BLM analyst is going to include a track changes copy with our edits. You had advised yesterday that Exec. Sec. was aware that this document was evolving. The track changes copy reflects our recommended edits (Ned's Bryce's and mine), which has been reviewed by Ned Farquhar. Bryce will send you the electrons with the track changes so that you will have them as the document evolves. Bryce is going to bring the package to Pam right now.

Question: Is the hard copy that you delivered to us yesterday the same version that Janet Lin sent out last Friday evening at 5:21 PM?

Rich

From: Wilson, Hazel A
Sent: Wednesday, November 14, 2012 10:23 AM
To: Cardinale, Richard
Subject: SO - Potasi

Rich,

Just checking on the A/S –LM surname on the subject SO. Pls. advise. Thanks much.

From: Fugate, Barbara
To: Lin, Janet H; Barlan, Bryce; Juen, Jesse J; Herrell, Tony J; Allard, Phil; Stovall, James K; Hawbecker, Karen; Blank, Harvey; Cardinale, Richard; Barlan, Bryce; Nedd, Michael D; Pool, Michael J; Kornze, Neil G; Velasco, Janine; Decker, Julie A; Hanson, Joshua E; Iudicello, Fay; Wilson, Hazel A; Boddington, Celia; Krauss, Jeff
Subject: SMALL WORD CHANGE in Order -RE: SURNAME VERSION Potash Order, NOA for comment responses, & Decision Memo for Secy
Date: Friday, November 09, 2012 6:51:11 PM

I just caught a wording glitch in the Order: (b) (5)

Thank you.

From: Lin, Janet H
Sent: Friday, November 09, 2012 5:21 PM
To: Barlan, Bryce; Juen, Jesse J; Herrell, Tony J; Juen, Jesse J; Herrell, Tony J; Allard, Phil; Stovall, James K; Fugate, Barbara; Hawbecker, Karen; Blank, Harvey; Cardinale, Richard; Barlan, Bryce; Nedd, Michael D; Fugate, Barbara; Pool, Michael J; Kornze, Neil G; Velasco, Janine; Decker, Julie A; Hanson, Joshua F; Iudicello, Fay; Wilson, Hazel A; Boddington, Celia; Krauss, Jeff
Subject: SURNAME VERSION Potash Order, NOA for comment responses, & Decision Memo for Secy

Attached are the versions that will begin making their way simultaneously through ASLM, BLM Director's Office, Exec Sec, and SOL. Please use these versions for those of you who have paper packages. BLM-NM - could you send us your e-surname of these versions?

Fay and Hazel: I believe Phil has mentioned that this Secretarial Order (b) (5)

We appreciate your consideration of these factors as you conduct your review.

From: Fugate, Barbara
Sent: Friday, November 09, 2012 4:16 PM
To: Lin, Janet H; Allard, Phil
Cc: Hawbecker, Karen; Blank, Harvey
Subject: Attaching Potash Order, NOA for comment responses, & Decision Memo for Secy

Janet (and Phil when you get back) -

Karen has just surnamed the attached documents that are revised versions of the ones included in the initial surname package: (1) proposed final 2012 Secretary's Potash Order; (2) Notice of Availability of BLM's comment responses; and (3) Decision Memorandum for the Secretary. Please note that we have just transmitted this surname package to the front office, so Jack and Hilary have not yet reviewed these versions.

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Barbara

From: Cardinale, Richard
To: Barlan, Bryce; Farquhar, Ned
Subject: Re: Potash Order Supporting Docs
Date: Saturday, November 10, 2012 3:54:24 PM

Bryce,

Thanks so much for your email. Please do not beat yourself up over this. You had no control over the changes and both Ned and I know the process was not ideal. I printed the documents Janet sent last evening, shortly before I left the office. I also brought the package that you made for Ned and me, for comparison purposes. Thanks for your all your time and attention to this. Your efforts are greatly appreciated.

Rich

From: Barlan, Bryce
Sent: Saturday, November 10, 2012 11:32 AM
To: Farquhar, Ned; Cardinale, Richard
Subject: RE: Potash Order Supporting Docs

Ned/Rich,

I apologize for causing any confusion with the documents I provided to you yesterday to take home for your review.

When I first received the surname package back in mid-October, I was informed that the only document missing was the comment analysis document. The NOA and Secretarial Order would be left as is. The only thing I was warned that would be changed would be the SO, but that would be only if there was a significant reason to modify the SO based on the Solicitors' review of the comment analysis document.

I did a quick comparison between the documents I gave to you in a folder and the documents Janet shared with us late yesterday. There are differences in the documents – the Order and the NOA. There are more significant changes in the NOA than the Order. Nonetheless, there are changes in both.

Looks like the whole idea of receiving an early package and performing an early review did not work in my favor.

I'm going to have to review all the documents Janet provided yesterday so I can better understand what these changes are.

With that said, I think it'd be safe to say NOT to review the documents I printed out for you.

Sorry about this guys.

I will share with you all my new edits on Tuesday.

Bryce Barlan

Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Barlan, Bryce
Sent: Friday, November 09, 2012 1:54 PM
To: Farquhar, Ned; Cardinale, Richard
Subject: Potash Order Supporting Docs

Ned/Rich,

I dropped off on your chairs a copy of the following supporting documents for the Secretarial Potash Order;

1. **Proposed Potash Order** – A copy of the potash order in track changes indicating where edits were made as a result of the comments that were received. It also contains edits I've made.
2. **Notice of Availability** – A copy of the NOA with my edits only in track changes
3. **Comments Analysis Document** – All substantive comments with an analysis of those comments, including edits and notes provided by the solicitors.
4. **Environmental Assessment** – A copy of the EA in track changes with edits made by the solicitors.

I've attached an electronic version of these documents to this email for convenience.

I still have the main surnaming package and can give it to you if you wish.

As soon as I receive a Karen Hawbecker-approved comment analysis document, I will share it with you all.

Please let me know if you have any questions.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Cardinale, Richard
To: Barlan, Bryce
Subject: Re: Potash Order Supporting Docs
Date: Saturday, November 10, 2012 3:55:05 PM

I will give you my edits before Tuesday. Thanks.

From: Barlan, Bryce
Sent: Saturday, November 10, 2012 03:25 PM
To: Farquhar, Ned; Cardinale, Richard
Subject: Re: Potash Order Supporting Docs

I failed to mention that my thinking is that we perform a concurrent review amongst ourselves and submit them to BLM in one package.

I can tell you right now that the edits I'm providing can easily be incorporated. I have not identified any major concerns.

I hope this plans work for you all. Please tell me or I can touch base with you on Tuesday if otherwise.

Have a good weekend.

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Barlan, Bryce
Sent: Saturday, November 10, 2012 09:32 AM
To: Farquhar, Ned; Cardinale, Richard
Subject: RE: Potash Order Supporting Docs

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With that said, I think it'd be safe to say NOT to review the documents I printed out for you.

Sorry about this guys.

I will share with you all my new edits on Tuesday.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

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Sent: Friday, November 09, 2012 1:54 PM
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Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Farquhar, Ned
To: Cardinale, Richard; Lin, Janet H; Barlan, Bryce
Subject: Potash
Date: Friday, November 09, 2012 5:21:00 PM

Janet – please include me on all emails related to the potash SO from here on out. I need to know where the doc is and what condition it's in. Also the status of SOL review and revision and where BLM is on incorporating SOL revisions. Thanks, NF

Ned Farquhar
Deputy Assistant Secretary
Land and Minerals Management
US Department of the Interior
1849 C Street NW - Room 6614
Washington, DC 20240
202-208-6734 office
202-253-0174 cell

From: Iudicello, Fay
To: Lin, Janet H; Juen, Jesse J; Herrell, Tony J; Allard, Phil; Stovall, James K; Fugate, Barbara; Hawbecker, Karen; Blank, Harvey; Cardinale, Richard; Barlan, Bryce; Nedd, Michael D
Cc: Pool, Michael J; Kornze, Neil G; Velasco, Janine; Decker, Julie A; Hanson, Joshua E; Wilson, Hazel A
Subject: RE: Potash-O&G Order timeline
Date: Friday, November 09, 2012 11:32:27 AM

Whoa... this is a Secretarial Order ... we need this NOW if you want to send to FR on 11/16. We handle DOI surname process... Phil needs to sit down w Hazel TODAY.

Fay S. Iudicello
Director, Office of the Executive
Secretariat and Regulatory Affairs
1849 "C" Street NW MS-7328
Washington, DC 20240-0001
(202) 208-3181 Office
(202) 219-2100 Fax
(202) 251-0135 Cell

From: Lin, Janet H
Sent: Friday, November 09, 2012 11:19 AM
To: Juen, Jesse J; Herrell, Tony J; Allard, Phil; Stovall, James K; Fugate, Barbara; Hawbecker, Karen; Blank, Harvey; Cardinale, Richard; Barlan, Bryce; Nedd, Michael D
Cc: Pool, Michael J; Kornze, Neil G; Velasco, Janine; Decker, Julie A; Hanson, Joshua F; Iudicello, Fay
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THANK YOU EVERYONE! We know this effort is the result of many, many hours of work – especially by BLM-NM, Phil, and SOL and others, so we appreciate your effort to get to the finish line.

From: Lin, Janet H
To: Iudicello, Fay; Juen, Jesse J; Herrell, Tony J; Allard, Phil; Stovall, James K; Fugate, Barbara; Hawbecker, Karen; Blank, Harvey; Cardinale, Richard; Barlan, Bryce; Nedd, Michael D
Cc: Pool, Michael J; Kornze, Neil G; Velasco, Janine; Decker, Julie A; Hanson, Joshua E; Wilson, Hazel A
Subject: RE: Potash-O&G Order timeline
Date: Friday, November 09, 2012 12:57:16 PM

Phil is out today. I am calling you now.

From: Iudicello, Fay
Sent: Friday, November 09, 2012 11:32 AM
To: Lin, Janet H; Juen, Jesse J; Herrell, Tony J; Allard, Phil; Stovall, James K; Fugate, Barbara; Hawbecker, Karen; Blank, Harvey; Cardinale, Richard; Barlan, Bryce; Nedd, Michael D
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Subject: RE: Potash-O&G Order timeline
Date: Friday, November 09, 2012 4:37:27 PM

Janet, Tony has been in the field all day. We do have some comm. materials including Q&A's but we won't be able to have them up to you all til Tuesday if that is OK.

Jesse

From: Lin, Janet H
Sent: Friday, November 09, 2012 9:21 AM
To: Juen, Jesse J; Herrell, Tony J; Allard, Phil; Stovall, James K; Fugate, Barbara; Hawbecker, Karen; Blank, Harvey; Cardinale, Richard; Barlan, Bryce; Nedd, Michael D; Boddington, Celia; Krauss, Jeff; Cardinale, Richard
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To: Juen, Jesse J; Herrell, Tony J; Allard, Phil; Stovall, James K; Fugate, Barbara; Hawbecker, Karen; Blank, Harvey; Cardinale, Richard; Barlan, Bryce; Nedd, Michael D; Boddington, Celia; Krauss, Jeff; Cardinale, Richard
Cc: Pool, Michael J; Kornze, Neil G; Velasco, Janine; Decker, Julie A; Hanson, Joshua F
Subject: RE: Potash-O&G Order timeline
Date: Friday, November 09, 2012 11:20:44 AM

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To: Juen, Jesse J; Herrell, Tony J; Allard, Phil; Stovall, James K; Fugate, Barbara; Hawbecker, Karen; Blank, Harvey; Cardinale, Richard; Barlan, Bryce; Nedd, Michael D
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THANK YOU EVERYONE! We know this effort is the result of many, many hours of work – especially by BLM-NM, Phil, and SOL and others, so we appreciate your effort to get to the finish line.

From: Lin, Janet H
To: Barlan, Bryce; Cardinale, Richard; Allard, Phil
Subject: RE: Attaching DMR's comments on draft potash order
Date: Friday, November 09, 2012 10:30:14 AM

Bryce - The SOL is looking at that version now. You can either look at that now - or wait until this afternoon for the SOL version. I'm on the phone with SOL now and the plan is to get you a staff surnamed (Barbara, Harvey, Karen) version by this afternoon. That will be the version they convey to Jack/Hilary. Let us know how you would like to proceed. Friday is the date for signing AND sending the NOA to the FR. (This is new from when I last talked to Rich - at that time, we thought we would be sending the NOA to FR on Tuesday for a Friday publication).

From: Barlan, Bryce
Sent: Friday, November 09, 2012 10:02 AM
To: Lin, Janet H
Subject: FW: Attaching DMR's comments on draft potash order

Greetings Janet,

Rich gave me the download not too long ago regarding the potash announcement.

I was hoping to get the most recent version of the (i) NOA, (ii) comment analysis document, and the (iii) the Potash Order so to allow folks up here to start their review.

Phil shared with me a November 5 version of the Potash Order (attached here), but I was wondering if there was something more recent. If there is, could I please get a copy?

As for the comment analysis document, the most recent version I have is an October 31 version, which he shared with me on November 2 (also attached here).

With regards to the NOA, I don't have anything new on that one. Whatever we received when the surnaming package was sent up here (October 15) is the only version I have.

What do you think?

I've cc'ed Josh here so he too knows what I have on file.

Thanks all. Your help would be greatly appreciated.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114

Fax: 202-208-6243

bbarlan@blm.gov

From: Allard, Phil
Sent: Tuesday, November 06, 2012 1:09 PM
To: Barlan, Bryce
Cc: Cardinale, Richard; Lin, Janet H
Subject: FW: Attaching DMR's comments on draft potash order

Bryce,

Could you please print out this version of the Order and place it in the surname package. If you are jammed for time let me know and I will print out one in track changes and one in final and bring them up.

As you can see from the notes below this version has been accepted by the Solicitor's Office through Karen.

Thanks,

Phil

From: Hawbecker, Karen
Sent: Tuesday, November 06, 2012 1:03 PM
To: Allard, Phil
Cc: Blank, Harvey; McNeer, Richard; Johnson, Lynn; Umshler, Sue; Fugate, Barbara; Herrell, Tony J; Stovall, James K; Lin, Janet H
Subject: RE: Attaching DMR's comments on draft potash order

Phil, I looked at it last night. I'm okay with Barbara's latest version. Please go ahead with replacing the version in the ASLM surname package. Thanks. -Karen

From: Allard, Phil
Sent: Tuesday, November 06, 2012 11:16 AM
To: Fugate, Barbara; Herrell, Tony J; Stovall, James K; Lin, Janet H
Cc: Hawbecker, Karen; Blank, Harvey; McNeer, Richard; Johnson, Lynn; Umshler, Sue
Subject: RE: Attaching DMR's comments on draft potash order

Barbara,

Thank you for your hard work on this. I think BLM is fine with all of your changes in this version.

Karen, I will update my records and make this most recent version from Barbara the "official version." I note that she corrected a variety of small, but important, errors. 

 Please let me know if you are satisfied with this version so that I may replace the version in ASLM's surname package with this one.

Many thanks,

Phil

From: Fugate, Barbara

Sent: Monday, November 05, 2012 7:55 PM

To: Allard, Phil; Herrell, Tony J; Stovall, James K

Cc: Hawbecker, Karen; Blank, Harvey; McNeer, Richard; Johnson, Lynn; Umshler, Sue

Subject: Attaching DMR's comments on draft potash order

Phil, Tony, and Jim –

I am attaching DMR's comments on the revisions to the proposed Potash Order. Please let me know if you have questions. Thank you.

Barbara

From: Allard, Phil
To: Barlan, Bryce
Subject: Out of Office: Attaching DMR's comments on draft potash order
Date: Friday, November 09, 2012 10:48:35 AM

I will be out of the office returning November 14. I will answer mesasge when I return. For immediate assistrace please contact Josh Hanson or Julie Decker at 202 208-3081.

From: Lin, Janet H
To: Juen, Jesse J; Herrell, Tony J; Allard, Phil; Stovall, James K; Fugate, Barbara; Hawbecker, Karen; Blank, Harvey; Cardinale, Richard; Barlan, Bryce; Nedd, Michael D
Cc: Pool, Michael J; Kornze, Neil G; Velasco, Janine; Decker, Julie A; Hanson, Joshua F; Iudicello, Fay
Subject: Potash-O&G Order timeline
Date: Friday, November 09, 2012 11:19:02 AM

Hi All - We need to have the Potash Order ready for signature and the FR documents ready to be sent to the Federal Register by next Friday, Nov. 16. This means – up to the Department no later than Thurs. Timing is for internal purposes right now – so close hold.

Phil sent SOL the latest BLM comments last week which SOL is working to finish review at the staff level this afternoon. A package with the versions that we hope will have Barbara/Harvey/Karen surnames will be distributed via e-mail this afternoon.

Those versions should then be put into the surname package SOL has and the surname package ASLM has for review and moved forward. The Director's office surnamed a previous version, but will review this version simultaneously and get you all our surname as soon as possible. BLM-NM - please e-mail us your surname on the latest as soon as you review the latest. Phil is out – so send everything to me, as well.

THANK YOU EVERYONE! We know this effort is the result of many, many hours of work – especially by BLM-NM, Phil, and SOL and others, so we appreciate your effort to get to the finish line.

From: [Allard, Phil](#)
To: [Barlan, Bryce](#)
Subject: RE: Potash Comment on the BLM Weekly Report
Date: Thursday, November 01, 2012 1:11:26 PM

Here is the timeline. January 9, 2012, Secretary Salazar asks for the JITC input. On April 5, 2012, the JITC provided their suggestions for a new Order. The BLM worked with the Solicitor's Office to prepare a draft using JITC's suggestions and other information. On July 13, 2012, this draft was published for comment. On August 3, 2012, the JITC sent comments in on the draft.

From: Barlan, Bryce
Sent: Thursday, November 01, 2012 11:56 AM
To: Allard, Phil
Subject: Potash Comment on the BLM Weekly Report

Phil,

I know this is not typically your area of responsibility, but I was hoping you may have an answer.

The weekly report Jeff Krauss submits to ASLM (and others) had the following item:

Update: Potash Final Secretarial Order: The Joint Industry Technical Committee submitted recommended changes to the 1986 Secretary's Potash Order. The proposed final 2012 Secretary's Order is scheduled to be signed in Nov.

Can you tell me around when JITC submitted their recommended changes to the 1986 SO? I know the JITC was formed in 2011, but would you happen to know when they submitted their comments?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: [Barlan, Bryce](#)
To: [Lin, Janet H](#)
Subject: Potash Order
Date: Monday, October 22, 2012 1:39:00 PM

Hey Janet,

I wanted to touch base regarding the potash order surnaming package.

Currently we have all the pertinent documents except for comment analysis document. It is our understanding that the Solicitors are editing (or have completed their edits) to the analysis document.

Have you folks already seen the edits made by the SOLs? If so, would you please share with me a copy of the version that BLM approves of?

I would like to share it with these folks.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Allard, Phil
To: Barlan, Bryce
Subject: RE: Potash documents
Date: Wednesday, October 10, 2012 10:17:08 AM

It is with Mike Pool right now so I think this afternoon.

From: Barlan, Bryce
Sent: Wednesday, October 10, 2012 9:59 AM
To: Allard, Phil
Subject: RE: Potash documents

Phil,

When do you anticipate on sending a surnaming package up here?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Allard, Phil
Sent: Thursday, October 04, 2012 2:24 PM
To: Burke, Marcilynn; Farquhar, Ned; Hawbecker, Karen; Lin, Janet H; Pool, Michael J; Kornze, Neil G
Cc: Barlan, Bryce; Vogt, Vincent N
Subject: Potash documents

Here are copies of the documents as they currently exist for the potash order. I would be happy to discuss them further if needed. We are still missing a few (press materials for example) but I will add these as we move ahead.

From: [Allard, Phil](#)
To: [Barlan, Bryce](#)
Subject: RE: Potash stuff
Date: Wednesday, October 10, 2012 3:56:15 PM

You can share the comment analysis if you want.

From: Allard, Phil
Sent: Wednesday, October 10, 2012 3:55 PM
To: Barlan, Bryce
Subject: RE: Potash stuff

From: Barlan, Bryce
Sent: Wednesday, October 10, 2012 3:54 PM
To: Allard, Phil
Subject: RE: Potash stuff

Thanks!

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Allard, Phil
Sent: Wednesday, October 10, 2012 3:45 PM
To: Barlan, Bryce
Subject: Potash stuff

From: [Hawbecker, Karen](#)
To: [Barlan, Bryce](#)
Subject: RE: Potash Order
Date: Monday, October 15, 2012 4:21:57 PM

Hi Bryce, I've completed my review of the EA. I sent our combined DMR edits to BLM last week. We asked them to prepare to post it on their web site in advance of the order coming out in November. Janet Lin is in the process of vetting the early posting idea with decision makers higher up in the Department.

Barbara Fugate is in the process of conducting a close review of the comment analysis. It is requiring a lot of work. She hopes to complete her review tomorrow or Wednesday at the latest. --Karen

From: Barlan, Bryce
Sent: Monday, October 15, 2012 4:09 PM
To: Hawbecker, Karen
Subject: Potash Order

Hey Karen,

Hope all is well. Hate to bug you about this, but have you all had any luck on the EA and the Comment Analysis document?

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: [Cunningham, Celina P](#)
To: [Barlan, Bryce](#)
Subject: potash
Date: Thursday, October 04, 2012 12:45:43 PM

Current language:

(b) (5)



FYI - Ned added highlighted text and feels it's important we note this whenever communicating about potash.

Celina Cunningham
Special Assistant
Office of the Assistant Secretary
Land and Minerals Management
U.S. Dept. of the Interior
(202) 208-5348
celina_cunningham@ios.doi.gov

From: [Barlan, Bryce](#)
To: [Cunningham, Celina P](#)
Subject: RE: Short report on share point
Date: Tuesday, September 25, 2012 5:00:00 PM

I inserted something minimal – the Secretary's O&G and Potash Order.

Please let me know if you have any questions.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Cunningham, Celina P
Sent: Tuesday, September 25, 2012 8:58 AM
To: Davis, Vermell; Mouritsen, Karen E; McQuilliams, Jully; Barlan, Bryce
Subject: Short report on share point

Hi all – a new short report doc is on the sharepoint for this week. Since MAB is traveling on Thursday, I'll have to get a draft to her earlier than usual so please make your additions by 5 pm today. If there is something you think is worth mentioning but you are still tracking down info, please put a note in brackets or add a comment so I know what's coming down the pike.

Thanks!

Celina Cunningham
Office of the Assistant Secretary
Land and Minerals Management
U.S. Dept. of the Interior
1849 C St., NW, Washington, DC 20240
(202) 208-5348
celina_cunningham@ios.doi.gov

From: [Barlan, Bryce](#)
To: [Lin, Janet H](#); [Luckey, Lauren](#); [Walker, Claudia B](#)
Subject: RE: Potash Briefing paper
Date: Tuesday, September 25, 2012 5:13:00 PM

MAB and NF are both in meetings right now.

I'll touch base with them and get back to you all when I receive word.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Lin, Janet H
Sent: Tuesday, September 25, 2012 5:09 PM
To: Luckey, Lauren; Walker, Claudia B; Barlan, Bryce
Subject: FW: Potash Briefing paper

Bryce and Lauren: So I hate to say this, but I realize now that we have a briefing for Ned on Tues (which Marcilynn can't make) and a briefing Wed for Marcilynn (which David doesn't need). Instead of doing two for ASLM, can we brief both of them on Wed in the David time slot?

Ugh!

From: Marsters, Lizzie
Sent: Tuesday, September 25, 2012 3:51 PM
To: Lin, Janet H; Allard, Phil; Pool, Michael J; Herrell, Tony J; Juen, Jesse J; Kornze, Neil G; Stovall, James K; Rees, Gareth C.; Barlan, Bryce; Cardinale, Richard; Anderson, Michael D; Luckey, Lauren; Pool, Michael J; Walker, Claudia B
Subject: RE: Potash Briefing paper

Thanks Janet – David may not be in town next Wednesday, but this briefing paper might suffice. I'll let you know if he needs a briefing in addition.

From: Lin, Janet H
Sent: Tuesday, September 25, 2012 3:39 PM
To: Allard, Phil; Pool, Michael J; Herrell, Tony J; Juen, Jesse J; Kornze, Neil G; Stovall, James K; Rees, Gareth C.; Barlan, Bryce; Cardinale, Richard; Anderson, Michael D; Luckey, Lauren; Pool, Michael J; Walker, Claudia B; Marsters, Lizzie
Subject: Potash Briefing paper

Attached is the briefing paper for the ASLM briefing next Tuesday and the Deputy Secretary briefing next Wednesday.

From: [Barlan, Bryce](#)
To: [Lin, Janet H](#); [Luckey, Lauren](#); [Walker, Claudia B](#)
Subject: RE: Potash Briefing paper
Date: Tuesday, September 25, 2012 5:16:00 PM

Janet,

BTW – Will there be no briefing for David at all or is it just postponed for a later date?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Barlan, Bryce
Sent: Tuesday, September 25, 2012 5:13 PM
To: Lin, Janet H; Luckey, Lauren; Walker, Claudia B
Subject: RE: Potash Briefing paper

MAB and NF are both in meetings right now.

I'll touch base with them and get back to you all when I receive word.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Lin, Janet H
Sent: Tuesday, September 25, 2012 5:09 PM
To: Luckey, Lauren; Walker, Claudia B; Barlan, Bryce
Subject: FW: Potash Briefing paper

Bryce and Lauren: So I hate to say this, but I realize now that we have a briefing for Ned on Tues (which Marcilynn can't make) and a briefing Wed for Marcilynn (which David doesn't need). Instead of doing two for ASLM, can we brief both of them on Wed in the David time slot?

Ugh!

From: Marsters, Lizzie

Sent: Tuesday, September 25, 2012 3:51 PM

To: Lin, Janet H; Allard, Phil; Pool, Michael J; Herrell, Tony J; Juen, Jesse J; Kornze, Neil G; Stovall, James K; Rees, Gareth C.; Barlan, Bryce; Cardinale, Richard; Anderson, Michael D; Luckey, Lauren; Pool, Michael J; Walker, Claudia B

Subject: RE: Potash Briefing paper

Thanks Janet – David may not be in town next Wednesday, but this briefing paper might suffice. I'll let you know if he needs a briefing in addition.

From: Lin, Janet H

Sent: Tuesday, September 25, 2012 3:39 PM

To: Allard, Phil; Pool, Michael J; Herrell, Tony J; Juen, Jesse J; Kornze, Neil G; Stovall, James K; Rees, Gareth C.; Barlan, Bryce; Cardinale, Richard; Anderson, Michael D; Luckey, Lauren; Pool, Michael J; Walker, Claudia B; Marsters, Lizzie

Subject: Potash Briefing paper

Attached is the briefing paper for the ASLM briefing next Tuesday and the Deputy Secretary briefing next Wednesday.

From: Barlan, Bryce
To: Lin, Janet H
Subject: Accepted: ASLM Potash Briefing - [Bridge Line: 1 (b) (5) (b) (6)]
Start: Thursday, October 04, 2012 11:00:00 AM
End: Thursday, October 04, 2012 12:00:00 PM
Location: BLM_WO_MIB_RM5071_Conference_Room

From: Farquhar, Ned
To: Allard, Phil; Eunate, Barbara
Cc: Baran, Bryce
Subject: potash SO - Comment 33
Date: Friday, September 28, 2012 3:02:07 PM

I think Phil is going to send me [REDACTED]

[REDACTED] It could consist of something like this:

[REDACTED]

Ned Farquhar
Deputy Assistant Secretary
Land and Minerals Management
US Department of the Interior
1849 C Street NW - Room 6614
Washington, DC 20240
202-208-6734 office
202-253-0174 cell

From: [Barlan, Bryce](#)
To: [Cunningham, Celina P](#)
Subject: FW: potash SO - Comment 33
Date: Friday, September 28, 2012 3:14:00 PM

FYI ☺

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Farquhar, Ned
Sent: Friday, September 28, 2012 3:01 PM
To: Allard, Phil; Fugate, Barbara
Cc: Barlan, Bryce
Subject: potash SO - Comment 33

I think Phil is going to send me 
 It could consist of something like this:



Ned Farquhar
Deputy Assistant Secretary
Land and Minerals Management
US Department of the Interior
1849 C Street NW - Room 6614
Washington, DC 20240
202-208-6734 office
202-253-0174 cell

From: Barlan, Bryce
To: Lin, Janet H
Subject: Accepted: Potash Order Pre-Brief - (Bridge Line: (b) (5) passcode: (b) (5)

From: [Allard, Phil](#)
To: [Barlan, Bryce](#)
Subject: Re: potash SO - Comment 33
Date: Monday, October 01, 2012 10:59:20 AM

5631 but I am out of the office until about noon.

From: Barlan, Bryce
Sent: Monday, October 01, 2012 08:25 AM
To: Allard, Phil
Subject: RE: potash SO - Comment 33

Where do you sit these days, Phil?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Allard, Phil
Sent: Monday, October 01, 2012 10:04 AM
To: Farquhar, Ned; Fugate, Barbara
Cc: Barlan, Bryce
Subject: Re: potash SO - Comment 33

We will work to incorporate something along these lines. We will also refernce to the science statement in the Order to give things a bit more depth.

From: Farquhar, Ned
Sent: Friday, September 28, 2012 01:01 PM
To: Allard, Phil; Fugate, Barbara
Cc: Barlan, Bryce
Subject: potash SO - Comment 33

I think Phil is going to send me (b) (5)
(b) (5) It could consist of something like this:

(b) (5)

Ned Farquhar
Deputy Assistant Secretary
Land and Minerals Management
US Department of the Interior

1849 C Street NW - Room 6614

Washington, DC 20240

202-208-6734 office

202-253-0174 cell

From: [Allard, Phil](#)
To: [Barlan, Bryce](#)
Subject: Re: Potash Order
Date: Monday, September 24, 2012 4:39:45 PM

I will bring you something tomorrow AM.

----- Original Message -----

From: Barlan, Bryce
Sent: Monday, September 24, 2012 01:14 PM
To: Allard, Phil
Subject: FW: Potash Order

Hey Phil,

I was wondering if there's a revised list of consolidated comments (like the one attached which you shared with me a couple of weeks ago) that can be shared with ASLM.

What do you think?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

From: Allard, Phil
Sent: Friday, September 14, 2012 4:24 PM
To: Barlan, Bryce
Subject: RE: Potash Order

We should have a first cut at a response to comments by 9/20. I have attached a summary of comments to this message. I am not certain that this is all of them, but it is most. I believe the Solicitor may be reaching out to Ned shortly on the JITC comments which generally look like things we can accept.

-----Original Message-----

From: Barlan, Bryce
Sent: Friday, September 14, 2012 4:21 PM
To: Allard, Phil
Subject: RE: Potash Order

Yes. Will the summaries be able to be shared before then?

Sorry to sound too eager.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

From: Allard, Phil
Sent: Friday, September 14, 2012 4:17 PM
To: Barlan, Bryce
Subject: RE: Potash Order

Sorry, I meant the week after next. Will he be back the week of 9/24?

-----Original Message-----

From: Barlan, Bryce
Sent: Friday, September 14, 2012 4:16 PM
To: Allard, Phil
Subject: RE: Potash Order

(b) (3)

Can he conference in?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

From: Allard, Phil
Sent: Friday, September 14, 2012 4:15 PM
To: Barlan, Bryce
Subject: RE: Potash Order

We are trying to get a meeting with the team with Mike set up for Monday. Adjacent to that could be convenient. We intend to do a few meetings during the week so we can make something work if Monday is out.

-----Original Message-----

From: Barlan, Bryce
Sent: Friday, September 14, 2012 4:11 PM
To: Allard, Phil
Subject: Potash Order

Phil,

I got a note from Ned earlier.

When the strike teams gather in WO, please let Ned and I know. He wants to drop in and thank them. I need to make sure these visits get on his calendar.

And as soon as you all have the summaries prepared, would you share it with us. He asked for them, in particular.

Need I run this by Janet or anyone first?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior

Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Pollet, Jolie
To: Barlan, Bryce
Subject: Re: pdf of fed reg notice and potash order 070312
Date: Thursday, July 05, 2012 8:27:10 AM

Thank you!

From: Barlan, Bryce
Sent: Thursday, July 05, 2012 06:09 AM
To: Burke, Marcilynn
Cc: Cardinale, Richard; Pollet, Jolie
Subject: Fw: pdf of fed reg notice and potash order 070312

As requested.

Docs should be attached to this email.

Let me know if you have trouble.

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Cardinale, Richard
Sent: Wednesday, July 04, 2012 06:12 AM
To: Barlan, Bryce; Pollet, Jolie
Subject: Fw: pdf of fed reg notice and potash order 070312

From: Hawbecker, Karen
Sent: Tuesday, July 03, 2012 05:25 PM
To: Cardinale, Richard
Cc: Haugrud, Jack; Blank, Harvey
Subject: FW: pdf of fed reg notice and potash order 070312

Rich, I've attached for your reference copies of the draft potash order and NOA surnamed by the Solicitor's Office with edits noted. In addition, as Harvey discussed with you, we have also reviewed the July 3rd ASLM edits to the draft potash order. We have no objection to the ASLM edits, [REDACTED]

[REDACTED] Thank you. --Karen

From: Hawbecker, Karen
Sent: Tuesday, July 03, 2012 4:46 PM
To: Lin, Janet H; Allard, Phil
Cc: Fugate, Barbara; Blank, Harvey; Umshler, Sue; Johnson, Lynn
Subject: FW: pdf of fed reg notice and potash order 070312

Janet and Phil, Here are the surnames from Harvey, me, Jack and Hilary on the draft order. The

From: Barlan, Bryce
To: Lin, Janet H
Subject: Accepted: Potash Order Briefing - (Bridge Line: (b) (5) passcode: (b) (5))

From: Pollet, Jolie
To: Barlan, Bryce
Subject: potash blurb
Date: Wednesday, July 11, 2012 4:17:06 PM

This is what I will add to the short report.

On Thursday, the Secretary will announce the release of the Draft Secretarial Order on Oil and Gas and Potash Development Within the Designated Potash Area, Eddy and Lea Counties, New Mexico. The announcement will occur from Albuquerque's New Mexico Museum of Natural History. Following the announcement, the Secretary will host a stakeholder meeting and a press call where he expects congressional participation. This order updates the previous Secretary's Order that addresses conflicts between potash and oil and gas operators. The updates are designed to further promote efficient development of potash, oil and gas resources, while minimizing conflicts and ensuring safety of operations. Industry representatives have been working together to propose a mutually acceptable path forward. The opportunity to finalize a Secretarial Order that has the potential support of both industries is historic – particularly in light of the long and contentious history of this issue.

Jolie Pollet
On temporary assignment with DOI ASLM (June 18-July 13)
cell phone 907-223-6930
desk phone 202-208-5348

Renewable Resources Branch Chief
BLM - Alaska State Office, Anchorage, AK

From: Barlan, Bryce
To: Allard, Phil
Subject: Potash SO
Date: Monday, August 20, 2012 4:49:21 PM

Hey Phil,

How are we on this second order?

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Barlan, Bryce
To: Allard, Phil
Subject: Re: Potash SO
Date: Monday, August 20, 2012 5:05:40 PM

Awesome. Thank you.

Did you hear DH wants the Onshore Orders to be completed for review and ready to be sent to OIRA by the end of the month?

Not trying to start rumors but have you heard that because I have.

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

----- Original Message -----

From: Allard, Phil
Sent: Monday, August 20, 2012 02:56 PM
To: Barlan, Bryce
Subject: Re: Potash SO

Comment period extended until 8/30. JITC comments are pretty reasonable. One comment letter not so hot.

----- Original Message -----

From: Barlan, Bryce
Sent: Monday, August 20, 2012 02:49 PM
To: Allard, Phil
Subject: Potash SO

Hey Phil,

How are we on this second order?

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: [Barlan, Bryce](#)
To: [Allard, Phil](#)
Cc: [Lin, Janet H](#)
Subject: Potash Order
Date: Tuesday, September 11, 2012 11:15:00 AM

Phil,

Ned asked about the BLM's plans to address the comments received on the potash order.

Can BLM give folks up here an idea as to what the next steps are for collecting, summarizing, and preparing a plan to address comments?

As to how the message should be conveyed, I wasn't given an idea on that.

How about a half-pager? Just throwing it out there. What do you think?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Farquhar, Ned
To: Barlan, Bryce
Subject: Out of Office: potash and fracturing meetings
Date: Friday, September 14, 2012 3:16:17 PM

I am out of the office, not much email, from September 14, through September 23. If you have an urgent issue or concern, please feel free to email or call the Chief of Staff on our hallway, Richard Cardinale, available at 202 208 6734, or at richard_cardinale@ios.doi.gov. You are also welcome to call me on my cell phone which will work sporadically (b) (6) At times it will be forwarded to another phone in the 603 area code. Thank you,
Ned Farquhar

From: [Barlan, Bryce](#)
To: [Allard, Phil](#)
Subject: RE: Potash Order
Date: Friday, September 14, 2012 4:16:00 PM

(U) (0)

Can he conference in?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

From: Allard, Phil
Sent: Friday, September 14, 2012 4:15 PM
To: Barlan, Bryce
Subject: RE: Potash Order

We are trying to get a meeting with the team with Mike set up for Monday. Adjacent to that could be convenient. We intend to do a few meetings during the week so we can make something work if Monday is out.

-----Original Message-----

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To: Allard, Phil
Subject: Potash Order

Phil,

I got a note from Ned earlier.

When the strike teams gather in WO, please let Ned and I know. He wants to drop in and thank them. I need to make sure these visits get on his calendar.

And as soon as you all have the summaries prepared, would you share it with us. He asked for them, in particular.

Need I run this by Janet or anyone first?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: [Barlan, Bryce](#)
To: [Allard, Phil](#)
Subject: RE: Potash Order
Date: Friday, September 14, 2012 4:27:00 PM

Can this be shared, or not just yet.

Thanks BTW.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

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Sent: Friday, September 14, 2012 4:24 PM
To: Barlan, Bryce
Subject: RE: Potash Order

We should have a first cut at a response to comments by 9/20. I have attached a summary of comments to this message. I am not certain that this is all of them, but it is most. I believe the Solicitor may be reaching out to Ned shortly on the JITC comments which generally look like things we can accept.

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To: Barlan, Bryce
Subject: RE: Potash Order

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-----Original Message-----

From: Barlan, Bryce

Sent: Friday, September 14, 2012 4:16 PM
To: Allard, Phil
Subject: RE: Potash Order

(b) (6)

Can he conference in?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

From: Allard, Phil
Sent: Friday, September 14, 2012 4:15 PM
To: Barlan, Bryce
Subject: RE: Potash Order

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To: Allard, Phil
Subject: Potash Order

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From: [Allard, Phil](#)
To: [Barlan, Bryce](#)
Subject: RE: Potash Order
Date: Friday, September 14, 2012 4:27:48 PM

According to Barbara Fugate Ms. Tomkins is OK with it. I am not certain why. I think that BLM would default to FLPMA's definition of multiple use in the absence of the line that JITC wants out of the definition. It does not mean every use on every acre.

-----Original Message-----

From: Barlan, Bryce
Sent: Friday, September 14, 2012 4:25 PM
To: Allard, Phil
Subject: RE: Potash Order

I spoke to him about that. He seemed skeptical about accepting their co-development edit.

Other than that, he didn't express concern with their edits.

Just FYI.

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-----Original Message-----

From: Allard, Phil
Sent: Friday, September 14, 2012 4:24 PM
To: Barlan, Bryce
Subject: RE: Potash Order

We should have a first cut at a response to comments by 9/20. I have attached a summary of comments to this message. I am not certain that this is all of them, but it is most. I believe the Solicitor may be reaching out to Ned shortly on the JITC comments which generally look like things we can accept.

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bbarlan@blm.gov

From: [Barlan, Bryce](#)
To: [Allard, Phil](#)
Subject: RE: Potash Order
Date: Friday, September 21, 2012 11:04:00 AM

Hey Phil,

Any updates on the order? Has a briefing been scheduled for next week?

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US Department of the Interior
Office: 202-208-4114
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To: Barlan, Bryce
Subject: RE: Potash Order

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From: [Barlan, Bryce](#)
To: [Lin, Janet H](#); [Allard, Phil](#)
Subject: Re: Potash Order
Date: Friday, September 21, 2012 12:59:55 PM

Will do. That's all!

Will get back asap

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

----- Original Message -----

From: Lin, Janet H
Sent: Friday, September 21, 2012 10:15 AM
To: Allard, Phil; Barlan, Bryce
Subject: RE: Potash Order

I'm working on the Departmental stuff today. The briefing for ASLM will be the first part of the first week of October. Bryce - any assistance with Ned's calendar would be helpful.

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From: Allard, Phil
Sent: Friday, September 21, 2012 12:08 PM
To: Barlan, Bryce
Cc: Lin, Janet H
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We are happy to schedule something. Who controls Ned's calendar?

-----Original Message-----

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From: [Barlan, Bryce](#)
To: [Lin, Janet H](#); [Allard, Phil](#)
Subject: RE: Potash Order
Date: Friday, September 21, 2012 3:08:00 PM

How much time would you like?

I'll try to see what I can do to squeeze in a time.

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-----Original Message-----

From: Lin, Janet H
Sent: Friday, September 21, 2012 2:53 PM
To: Barlan, Bryce; Allard, Phil
Subject: RE: Potash Order

Isn't there any time M, T (Oct 1-2)? We are simultaneously working to brief David Hayes W, R, F and want to brief ASLM first.

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From: Barlan, Bryce
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Subject: RE: Potash Order

Hi Janet/Phil,

In addition to Ned, MAB would like to attend. Her calendar is most open on Thursday (after 3:00) and Friday (after 1:00).

Does this present a dilemma for you?

And just so I get this straight, this meeting would be the final briefing for the ASLM. Is that right?

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-----Original Message-----

From: Barlan, Bryce
Sent: Friday, September 21, 2012 1:00 PM
To: Lin, Janet H; Allard, Phil
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Will do. That's all!

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From: [Lin, Janet H](#)
To: [Barlan, Bryce](#); [Allard, Phil](#)
Subject: RE: Potash Order
Date: Friday, September 21, 2012 3:11:04 PM

1 hour

-----Original Message-----

From: Barlan, Bryce
Sent: Friday, September 21, 2012 3:09 PM
To: Lin, Janet H; Allard, Phil
Subject: RE: Potash Order

How much time would you like?

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From: Allard, Phil
To: Barlan, Bryce; Lin, Janet H
Subject: RE: Potash Order
Date: Friday, September 21, 2012 3:11:13 PM

I think we could get it done in 45 minutes.

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Sent: Friday, September 21, 2012 3:09 PM
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Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

From: Allard, Phil
Sent: Friday, September 14, 2012 4:30 PM
To: Barlan, Bryce
Subject: RE: Potash Order

Certainly with Ned and Marcilynn, but I would not send it further afield. Also, please understand that

this is a paraphrase of what was said in the comment letters. I don't know if we captured every last thing.

-----Original Message-----

From: Barlan, Bryce
Sent: Friday, September 14, 2012 4:27 PM
To: Allard, Phil
Subject: RE: Potash Order

Can this be shared, or not just yet.

Thanks BTW.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
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bbarlan@blm.gov

-----Original Message-----

From: Allard, Phil
Sent: Friday, September 14, 2012 4:24 PM
To: Barlan, Bryce
Subject: RE: Potash Order

We should have a first cut at a response to comments by 9/20. I have attached a summary of comments to this message. I am not certain that this is all of them, but it is most. I believe the Solicitor may be reaching out to Ned shortly on the JITC comments which generally look like things we can accept.

-----Original Message-----

From: Barlan, Bryce
Sent: Friday, September 14, 2012 4:21 PM
To: Allard, Phil
Subject: RE: Potash Order

Yes. Will the summaries be able to be shared before then?

Sorry to sound too eager.

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From: Allard, Phil
Sent: Friday, September 14, 2012 4:17 PM
To: Barlan, Bryce
Subject: RE: Potash Order

Sorry, I meant the week after next. Will he be back the week of 9/24?

-----Original Message-----

From: Barlan, Bryce
Sent: Friday, September 14, 2012 4:16 PM
To: Allard, Phil
Subject: RE: Potash Order

(b) (6)

Can he conference in?

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From: Allard, Phil
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From: Barlan, Bryce
Sent: Friday, September 14, 2012 4:11 PM
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Subject: Potash Order

Phil,

I got a note from Ned earlier.

When the strike teams gather in WO, please let Ned and I know. He wants to drop in and thank them. I need to make sure these visits get on his calendar.

And as soon as you all have the summaries prepared, would you share it with us. He asked for them, in particular.

Need I run this by Janet or anyone first?

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US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Barlan, Bryce
To: Allard, Phil; Lin, Janet H
Subject: Re: Potash Order
Date: Friday, September 21, 2012 3:11:37 PM

I'm looking as we speak

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

----- Original Message -----

From: Allard, Phil
Sent: Friday, September 21, 2012 01:11 PM
To: Barlan, Bryce; Lin, Janet H
Subject: RE: Potash Order

I think we could get it done in 45 minutes.

-----Original Message-----

From: Barlan, Bryce
Sent: Friday, September 21, 2012 3:09 PM
To: Lin, Janet H; Allard, Phil
Subject: RE: Potash Order

How much time would you like?

I'll try to see what I can do to squeeze in a time.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

From: Lin, Janet H
Sent: Friday, September 21, 2012 2:53 PM
To: Barlan, Bryce; Allard, Phil
Subject: RE: Potash Order

Isn't there any time M, T (Oct 1-2)? We are simultaneously working to brief David Hayes W, R, F and want to brief ASLM first.

-----Original Message-----

From: Barlan, Bryce
Sent: Friday, September 21, 2012 2:15 PM
To: Lin, Janet H; Allard, Phil
Subject: RE: Potash Order

Hi Janet/Phil,

In addition to Ned, MAB would like to attend. Her calendar is most open on Thursday (after 3:00) and Friday (after 1:00).

Does this present a dilemma for you?

And just so I get this straight, this meeting would be the final briefing for the ASLM. Is that right?

Bryce Barlan
Office of the Assistant Secretary
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US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

-----Original Message-----

From: Barlan, Bryce
Sent: Friday, September 21, 2012 1:00 PM
To: Lin, Janet H; Allard, Phil
Subject: Re: Potash Order

Will do. That's all!

Will get back asap

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

----- Original Message -----

From: Lin, Janet H
Sent: Friday, September 21, 2012 10:15 AM
To: Allard, Phil; Barlan, Bryce
Subject: RE: Potash Order

I'm working on the Departmental stuff today. The briefing for ASLM will be the first part of the first week of October. Bryce - any assistance with Ned's calendar would be helpful.

-----Original Message-----

From: Allard, Phil
Sent: Friday, September 21, 2012 12:08 PM
To: Barlan, Bryce
Cc: Lin, Janet H
Subject: RE: Potash Order

We are happy to schedule something. Who controls Ned's calendar?

-----Original Message-----

From: Barlan, Bryce
Sent: Friday, September 21, 2012 11:05 AM
To: Allard, Phil
Subject: RE: Potash Order

Hey Phil,

Any updates on the order? Has a briefing been scheduled for next week?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management

US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
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And as soon as you all have the summaries prepared, would you share it with us. He asked for them, in particular.

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From: [Lin, Janet H](#)
To: [Luckey, Lauren](#); [Barlan, Bryce](#)
Subject: Potash meeting
Date: Monday, September 24, 2012 8:45:57 AM

Bryce - we have an all employee event that morning. Can we look for another time?

From: Barlan, Bryce
To: Lin, Janet H; Luckey, Lauren
Subject: Re: Potash meeting
Date: Monday, September 24, 2012 9:09:24 AM

I'll check and get back to you real quick.

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

----- Original Message -----

From: Lin, Janet H
Sent: Monday, September 24, 2012 06:45 AM
To: Luckey, Lauren; Barlan, Bryce
Subject: Potash meeting

Bryce - we have an all employee event that morning. Can we look for another time?

From: Barlan, Bryce
To: Pollet, Jolie
Subject: Re: Potash
Date: Friday, June 29, 2012 6:46:47 PM

Jolie,

Thank you. I appreciate the note.

Here's my take on his response on the two items:

Specific plan of development - (b) (5) [Redacted]
[Redacted]
[Redacted]
[Redacted]

(b) (5) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

In any case, maybe more than what you wanted know, but I wanted to give you an idea as to how I would give my comment related to this item.

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Now that he's explained their reasoning for this language, what do you think?

Are his explanations valid?

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Pollet, Jolie
Sent: Friday, June 29, 2012 02:58 PM
To: Barlan, Bryce
Subject: Fw: Potash

Fyi

From: Allard, Phil

Sent: Friday, June 29, 2012 01:30 PM
To: Pollet, Jolie
Cc: Lin, Janet H
Subject: RE: Potash

Jolie,

As I think I mentioned earlier we are not making any changes, including those needed to conform the Order to the GPO style Manual, at this time. The version on which you commented is still being reviewed by Jack Haugrud and I don't expect his review to be completed before Monday. Once his comments are returned I will use his version as the new control version and see if there are any remaining changes needed to conform to the style manual.

I think I should provide a little deeper background on the issue for you. The link below is to ALJ McDonald's decision on a series of Applications for Permit to Drill the BLM rejected under the 1986 Order. The introduction should help give a sense on how the BLM has been managing the area. You might want to skim the rest because it is a very comprehensive decision. The key point to take home from this is that the BLM has been managing under the 1986 Order on a reactive, APD by APD basis.

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(b) (5)



(b) (5)

As I understand it you do not have an extensive background in potash. Here are a couple of documents that may be interesting. USGS commodity summary for potash.

<http://minerals.usgs.gov/minerals/pubs/commodity/potash/mcs-2012-potas.pdf>

Historic production and value information for potash.

<http://minerals.usgs.gov/ds/2005/140/ds140-potas.pdf>

There are a few stories to tell about this historic production document. Note that the US was 100% import reliant for potash up until 1915. Basically up until this time Germany was the sole producer of potash. When they shifted to a war footing imports stopped from Germany dramatically slowed.

That is all for now.

Phil

From: Pollet, Jolie

Sent: Thursday, June 28, 2012 9:33 AM

To: Allard, Phil

Cc: Lin, Janet H

Subject: RE: Potash

Phil – Attached is the electronic version with track changes; Marcilynn had asked me to forward these suggested changes to BLM. The vast majority of the suggested changes reflect the need to correct typos and formatting. As you know, we don't have the hard copy surname package up here yet, and so it's quite possible someone else has found these errors already. The other comments are those that Marcilynn wanted me to share with BLM.

Please let me know if I can provide additional information. Thanks.

Jolie

Jolie Pollet

On temporary assignment with DOI ASLM (June 18-July 13)

cell phone 907-223-6930

desk phone 202-208-5348

Renewable Resources Branch Chief

BLM - Alaska State Office, Anchorage, AK

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To: Pollet, Jolie

Cc: Lin, Janet H

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I would be happy to look at Marcilynn's comments. I believe that both Marcilynn and you have electronic versions of the order. Look for a message from me at 3:51 yesterday. I will take the comments on paper or electronically.

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Phil

From: [Barlan, Bryce](#)
To: [Pollet, Jolie](#)
Subject: Re: Potash
Date: Saturday, June 30, 2012 12:57:55 PM

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[REDACTED]

As I think about this more, I don't think going back to Phil for further discussions is necessary or will help. They seem pretty adamant.

What I would recommend is that when you receive the official surname and Ned and Marcilynn initiate their review, you can notify them of the situation (i.e., let them know you've received feedback from BLM about those questions, explain to them Phil's message, and make them determine how best to proceed).

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Just my thoughts. We can discuss further on Monday.

Stay cool in this hot weather.

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Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

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Sent: Friday, June 29, 2012 04:46 PM
To: Pollet, Jolie
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Thank you. I appreciate the note.

Here's my take on his response on the two items:

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(b) (5)

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Subject: Fw: Potash

Fyi

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From: [Barlan, Bryce](#)
To: [Pollet, Jolie](#)
Subject: Re: Potash
Date: Saturday, June 30, 2012 9:46:25 PM

Do u have power?

its hot as heck here.

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

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[REDACTED]

[REDACTED]

[REDACTED]



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Phil

From: Pollet, Jolie
To: Barlan, Bryce
Subject: Re: Potash
Date: Saturday, June 30, 2012 9:50:25 PM

Yes - I didn't lose electricity at all. Need some AC??? it looked like a tornado or a hurricane last night. I saw a cafe umbrella tumbling end over end and flying through the air. Trash cans flying. It was crazy!

Let me know if I can help. I have a sofa bed.

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Sent: Saturday, June 30, 2012 07:46 PM
To: Pollet, Jolie
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[REDACTED]

As I think about this more, I don't think going back to Phil for further discussions is necessary or will help. They seem pretty adamant.

What I would recommend is that when you receive the official surname and Ned and Marcilynn initiate their review, you can notify them of the situation (i.e., let them know you've received feedback from BLM about those questions, explain to them Phil's message, and make them determine how best to proceed).

In this case, the pressure's off of you and it'll up to Marcilynn and Ned on how to proceed.

Just my thoughts. We can discuss further on Monday.

Stay cool in this hot weather.

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Barlan, Bryce
Sent: Friday, June 29, 2012 04:46 PM
To: Pollet, Jolie
Subject: Re: Potash

Jolie,

Thank you. I appreciate the note.

Here's my take on his response on the two items:

Specific plan of development - (b) (5)
[Redacted]

The proper term to use is (b) (5)
[Redacted]

In any case, maybe more than what you wanted know, but I wanted to give you an idea as to how I would give my comment related to this item.

(b) (5)
[Redacted]

Now that he's explained their reasoning for this language, what do you think?

Are his explanations valid?

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Pollet, Jolie
Sent: Friday, June 29, 2012 02:58 PM
To: Barlan, Bryce
Subject: Fw: Potash

Fyi

From: Allard, Phil
Sent: Friday, June 29, 2012 01:30 PM
To: Pollet, Jolie
Cc: Lin, Janet H
Subject: RE: Potash

Jolie,

As I think I mentioned earlier we are not making any changes, including those needed to conform the Order to the GPO style Manual, at this time. The version on which you commented is still being reviewed by Jack Haugrud and I don't expect his review to be completed before Monday. Once his comments are returned I will use his version as the new control version and see if there are any remaining changes needed to conform to the style manual.

I think I should provide a little deeper background on the issue for you. The link below is to ALJ McDonald's decision on a series of Applications for Permit to Drill the BLM rejected under the 1986 Order. The introduction should help give a sense on how the BLM has been managing the area. You might want to skim the rest because it is a very comprehensive decision. The key point to take home from this is that the BLM has been managing under the 1986 Order on a reactive, APD by APD basis.

<http://www.oha.doi.gov:8080/isysquery/8f2f23bc-873f-4eda-b3a6-314bcb3dd321/7/doc/1BLA%2092-612%20IN%20RE%20YATES%20PETROLEUM%20CORP.%207-7-03.pdf#xml=http://www.oha.doi.gov:8080/isysquery/8f2f23bc-873f-4eda-b3a6-314bcb3dd321/7/hilite/>

(b)(5)



As I understand it you do not have an extensive background in potash. Here are a couple of documents that may be interesting. USGS commodity summary for potash.
<http://minerals.usgs.gov/minerals/pubs/commodity/potash/mcs-2012-potas.pdf>

Historic production and value information for potash.
<http://minerals.usgs.gov/ds/2005/140/ds140-potas.pdf>

There are a few stories to tell about this historic production document. Note that the US was 100% import reliant for potash up until 1915. Basically up until this time Germany was the sole producer of potash. When they shifted to a war footing imports stopped from Germany dramatically slowed.

That is all for now.

Phil

From: Pollet, Jolie
Sent: Thursday, June 28, 2012 9:33 AM
To: Allard, Phil
Cc: Lin, Janet H
Subject: RE: Potash

Phil – Attached is the electronic version with track changes; Marcilynn had asked me to forward these suggested changes to BLM. The vast majority of the suggested changes reflect the need to correct typos and formatting. As you know, we don't have the hard copy surname package up here yet, and so it's quite possible someone else has found these errors already. The other comments are those that Marcilynn wanted me to share with BLM.

Please let me know if I can provide additional information. Thanks.

Jolie

Jolie Pollet

On temporary assignment with DOI ASLM (June 18-July 13)
cell phone 907-223-6930
desk phone 202-208-5348

Renewable Resources Branch Chief
BLM - Alaska State Office, Anchorage, AK

From: Allard, Phil
Sent: Thursday, June 28, 2012 9:23 AM
To: Pollet, Jolie
Cc: Lin, Janet H
Subject: Potash

I would be happy to look at Marcilynn's comments. I believe that both Marcilynn and you have electronic versions of the order. Look for a message from me at 3:51 yesterday. I will take the comments on paper or electronically.

At this point the draft of the Order we sent out yesterday is "locked" and we won't make any changes until we hear back from Jack Haguard. Once his comments come in we may "unlock" the document.

Phil

From: [Barlan, Bryce](#)
To: [Whitlock, Jenna](#)
Subject: Re: potash
Date: Thursday, June 28, 2012 6:02:58 PM

Yes mam.

It is a revision of an old (1939 vintage) SO that talks about how the development of oil and gas and potash may occur concurrently or sequentially.

Very technical and detailed in nature and applies to Southeast New Mexico only.

I bet that last part relieved you, huh?

Or did you have other concerns?

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Whitlock, Jenna
Sent: Thursday, June 28, 2012 03:59 PM
To: Barlan, Bryce
Subject: potash

So there's a SO???? Can you give me any tidbits?

Jenna Whitlock, Associate State Director
Utah BLM
(801) 539-4010 office
(801) 503-6254 cell
(801) 539-4013 fax

From: [Barlan, Bryce](#)
To: [Whitlock, Jenna](#)
Subject: Re: potash
Date: Thursday, June 28, 2012 6:44:43 PM

I kind of figured that's why you were asking.

I had heard about that situation - very briefly.

(b) (6)
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

All is well?

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Whitlock, Jenna
Sent: Thursday, June 28, 2012 04:05 PM
To: Barlan, Bryce
Subject: RE: potash

I was thinking it was for NM. No other concerns – we're just dealing with an issue on potash in our Moab office. But no O&G conflicts so we're good. Are you packing up your house to move?? How's your sweet pea?

From: Barlan, Bryce
Sent: Thursday, June 28, 2012 4:03 PM
To: Whitlock, Jenna
Subject: Re: potash

Yes mam.

It is a revision of an old (1939 vintage) SO that talks about how the development of oil and gas and potash may occur concurrently or sequentially.

Very technical and detailed in nature and applies to Southeast New Mexico only.

I bet that last part relieved you, huh?

Or did you have other concerns?

Bryce Barlan

Office: 202-208-4114

Mobile: 202-699-0700

bbarlan@blm.gov

From: Whitlock, Jenna

Sent: Thursday, June 28, 2012 03:59 PM

To: Barlan, Bryce

Subject: potash

So there's a SO???? Can you give me any tidbits?

Jenna Whitlock, Associate State Director

Utah BLM

(801) 539-4010 office

(801) 503-6254 cell

(801) 539-4013 fax

From: Barlan, Bryce
To: Whitlock, Jenna
Subject: Re: potash
Date: Thursday, June 28, 2012 7:17:30 PM

Is she? I hope so

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Whitlock, Jenna
Sent: Thursday, June 28, 2012 05:15 PM
To: Barlan, Bryce
Subject: RE: potash

Sounds like high finance! Glad to hear all's well with you. Joliet sounds like she's having fun. j

From: Barlan, Bryce
Sent: Thursday, June 28, 2012 4:45 PM
To: Whitlock, Jenna
Subject: Re: potash

I kind of figured that's why you were asking.

I had heard about that situation - very briefly.

(b) (5)
[Redacted text block consisting of several lines of blacked-out content]

All is well?

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Whitlock, Jenna
Sent: Thursday, June 28, 2012 04:05 PM
To: Barlan, Bryce
Subject: RE: potash

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Office: 202-208-4114
Mobile: 202-699-0700
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To: Barlan, Bryce
Subject: potash

So there's a SO???? Can you give me any tidbits?

Jenna Whitlock, Associate State Director
Utah BLM
(801) 539-4010 office
(801) 503-6254 cell
(801) 539-4013 fax

From: [Barlan, Bryce](#)
To: [Pollet, Jolie](#)
Subject: RE: Potash-OG Secretarial Order_to ASLM_july2
Date: Tuesday, July 03, 2012 12:04:00 PM

Jolie,

Looks like we're good to go. Anything you want me to do on this end?

Although BLM said they'd like comments by noon, I think it'd be okay for us to submit the package after then. We already know that it's been signed (with a contingency, of course).

And, it'd be great if you can get this through the finish line.

However, I'll operate under what you think is best.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Burke, Marcilynn
Sent: Tuesday, July 03, 2012 11:57 AM
To: Pollet, Jolie
Cc: Farquhar, Ned; Barlan, Bryce; Cardinale, Richard
Subject: Re: Potash-OG Secretarial Order_to ASLM_july2

I'm ok with the comments. [REDACTED]

With that, I'm surmising subject to seeing SOL's comments.

Thanks,

Marcilynn

Marcilynn A. Burke
Acting Assistant Secretary, Land and Minerals Management
U.S. Department of the Interior
1849 C St., NW • Washington, DC 20240
(202) 208-6734 (voice) • (202) 208-3619 (fax)
Marcilynn_Burke@ios.doi.gov

On Jul 2, 2012, at 6:26 PM, "Pollet, Jolie" <jpollet@blm.gov> wrote:

Marcilynn – Here is the electronic version of the draft SO. Ned heard from Jack H, and Jack reports that Hilary hasn't seen their edits yet and she probably won't get to review their edits until tomorrow late morning or early afternoon. Jack suggested you surname subject to review of their edits. He assured Ned he would get the electronic version of their edits as soon as they were available. I will walk over the hard copy package to you now...

Jolie

Desk 202-208-5348

Cell 907-223-6930

<Potash-OG Secretarial Order_to ASLM_july2.docx>

From: [Pollet, Jolie](#)
To: [Barlan, Bryce](#)
Subject: Re: Potash-OG Secretarial Order_to ASLM_july2
Date: Tuesday, July 03, 2012 12:39:29 PM

I will be there soon and we can talk about next steps. Thank you!!

From: Barlan, Bryce
Sent: Tuesday, July 03, 2012 10:04 AM
To: Pollet, Jolie
Subject: RE: Potash-OG Secretarial Order_to ASLM_july2

Jolie,

Looks like we're good to go. Anything you want me to do on this end?

Although BLM said they'd like comments by noon, I think it'd be okay for us to submit the package after then. We already know that it's been signed (with a contingency, of course).

And, it'd be great if you can get this through the finish line.

However, I'll operate under what you think is best.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Burke, Marcilynn
Sent: Tuesday, July 03, 2012 11:57 AM
To: Pollet, Jolie
Cc: Farquhar, Ned; Barlan, Bryce; Cardinale, Richard
Subject: Re: Potash-OG Secretarial Order_to ASLM_july2

I'm ok with the comments. (b) (5)

With that, I'm surmising subject to seeing SOL's comments.

Thanks,

Marcilynn

Marcilynn A. Burke

Acting Assistant Secretary, Land and Minerals Management
U.S. Department of the Interior
1849 C St., NW • Washington, DC 20240
(202) 208-6734 (voice) • (202) 208-3619 (fax)
Marcilynn_Burke@ios.doi.gov

On Jul 2, 2012, at 6:26 PM, "Pollet, Jolie" <jpollet@blm.gov> wrote:

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Jolie

Desk 202-208-5348

Cell 907-223-6930

<Potash-OG Secretarial Order_to ASLM_july2.docx>

From: [Barlan, Bryce](#)
To: [Pollet, Jolie](#)
Subject: Re: Potash SO edits
Date: Monday, July 02, 2012 11:37:09 PM

Sounds good. Have a good evening.

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Pollet, Jolie
Sent: Monday, July 02, 2012 07:11 PM
To: Barlan, Bryce
Subject: Re: Potash SO edits

That would be great. The hard copy is on my desk in the folder. She didn't want to take the folder...

Thank you! Hug Joanna :)

From: Barlan, Bryce
Sent: Monday, July 02, 2012 06:53 PM
To: Pollet, Jolie
Subject: Re: Potash SO edits

Sounds good.

Do you want me to work with her if she comes into the office with edits and comments (assuming you're not in the office)?

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Pollet, Jolie
Sent: Monday, July 02, 2012 05:26 PM
To: Barlan, Bryce
Subject: RE: Potash SO edits

Thanks! I talked with MAB. She was taking home the order...I suppose we will hear from her tomorrow...???

Jolie Pollet
On temporary assignment with DOI ASLM (June 18-July 13)
cell phone 907-223-6930
desk phone 202-208-5348

Renewable Resources Branch Chief
BLM - Alaska State Office, Anchorage, AK

From: Barlan, Bryce
Sent: Monday, July 02, 2012 7:04 PM
Cc: Pollet, Jolie
Subject: Re: Potash SO edits

Jolie,

Just let me know whatever you need for tomorrow morning.

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Haugrud, Jack
Sent: Monday, July 02, 2012 03:58 PM
To: Farquhar, Ned
Cc: Barlan, Bryce; Burke, Marcilynn; Cardinale, Richard; Pollet, Jolie
Subject: RE: Potash SO edits

Hilary hasn't a chance to look at it yet, and she has tribal meetings first thing tomorrow morning, so I doubt she'll have a chance until later tomorrow morning or early afternoon. We'll send you an electronic copy as soon as it's available, but it sounds like a good idea to surname subject to review of our edits. Marcilynn, if you get done tomorrow morning, I can be sure Hilary has your edits when she reviews.

From: Farquhar, Ned
Sent: Monday, July 02, 2012 5:53 PM
To: Haugrud, Jack
Cc: Barlan, Bryce; Burke, Marcilynn; Cardinale, Richard; Pollet, Jolie
Subject: Potash SO edits

Jack – How will Marcilynn see your/Hilary's edits to the draft potash SO? Marcilynn will look at this tomorrow morning and (although I will be out for a couple weeks starting tomorrow morning for the second hip replacement) we will try to get you her edits as fast as we can. Maybe she will need to surname subject to subsequent review of SOL edits? NF

Ned Farquhar
Deputy Assistant Secretary
Land and Minerals Management
US Department of the Interior
1849 C Street NW - Room 6614
Washington, DC 20240
202-208-6734 office
202-253-0174 cell

From: Barlan, Bryce
To: Pollet, Jolie
Subject: Re: Potash SO edits
Date: Tuesday, July 03, 2012 8:07:43 AM

Wait a minute...

Is Marcilynn even coming into the office today?

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Barlan, Bryce
Sent: Monday, July 02, 2012 09:37 PM
To: Pollet, Jolie
Subject: Re: Potash SO edits

Sounds good. Have a good evening.

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Pollet, Jolie
Sent: Monday, July 02, 2012 07:11 PM
To: Barlan, Bryce
Subject: Re: Potash SO edits

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Thank you! Hug Joanna :)

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To: Pollet, Jolie
Subject: Re: Potash SO edits

Sounds good.

Do you want me to work with her if she comes into the office with edits and comments (assuming you're not in the office)?

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Pollet, Jolie
Sent: Monday, July 02, 2012 05:26 PM
To: Barlan, Bryce
Subject: RE: Potash SO edits

Thanks! I talked with MAB. She was taking home the order...I suppose we will hear from her tomorrow...???

Jolie Pollet
On temporary assignment with DOI ASLM (June 18-July 13)
cell phone 907-223-6930
desk phone 202-208-5348

Renewable Resources Branch Chief
BLM - Alaska State Office, Anchorage, AK

From: Barlan, Bryce
Sent: Monday, July 02, 2012 7:04 PM
Cc: Pollet, Jolie
Subject: Re: Potash SO edits

Jolie,

Just let me know whatever you need for tomorrow morning.

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
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From: Haugrud, Jack
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From: Farquhar, Ned
Sent: Monday, July 02, 2012 5:53 PM
To: Haugrud, Jack
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Subject: Potash SO edits

Jack – How will Marcilynn see your/Hilary's edits to the draft potash SO? Marcilynn will look at this

tomorrow morning and (although I will be out for a couple weeks starting tomorrow morning for the second hip replacement) we will try to get you her edits as fast as we can. Maybe she will need to surname subject to subsequent review of SOL edits? NF

Ned Farquhar
Deputy Assistant Secretary
Land and Minerals Management
US Department of the Interior
1849 C Street NW - Room 6614
Washington, DC 20240
202-208-6734 office
202-253-0174 cell

From: Pollet, Jolie
To: Barlan, Bryce
Subject: Re: Potash SO edits
Date: Tuesday, July 03, 2012 8:11:12 AM

I didn't think so, so not sure what to do. Maybe she will surname from afar...?????

From: Barlan, Bryce
Sent: Tuesday, July 03, 2012 06:07 AM
To: Pollet, Jolie
Subject: Re: Potash SO edits

Wait a minute...

Is Marcilynn even coming into the office today?

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Barlan, Bryce
Sent: Monday, July 02, 2012 09:37 PM
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bbarlan@blm.gov

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Subject: RE: Potash SO edits

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Jolie Pollet
On temporary assignment with DOI ASLM (June 18-July 13)
cell phone 907-223-6930
desk phone 202-208-5348

Renewable Resources Branch Chief
BLM - Alaska State Office, Anchorage, AK

From: Barlan, Bryce
Sent: Monday, July 02, 2012 7:04 PM
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Jolie,

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Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Haugrud, Jack
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Deputy Assistant Secretary
Land and Minerals Management
US Department of the Interior
1849 C Street NW - Room 6614
Washington, DC 20240
202-208-6734 office
202-253-0174 cell

From: Barlan, Bryce
To: Cardinale, Richard
Subject: Re: pdf of fed reg notice and potash order 070312
Date: Wednesday, July 04, 2012 7:59:29 AM

Hey Rich,

Would you mind forwarding the message that Karen sent you?

By hitting "reply to" versus "forward," any attachments associated with the original email message is not included as part of the message.

At least that's what I noticed when using my blackberry.

And too bad the document they are sharing with you is a pdf version. We couldn't do a quick compare of our version and their version in microsoft word.

We'll compare the two documents the traditional way.

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Cardinale, Richard
Sent: Tuesday, July 03, 2012 04:14 PM
To: Hawbecker, Karen
Cc: Pollet, Jolie; Barlan, Bryce; Burke, Marclynn
Subject: Re: pdf of fed reg notice and potash order 070312

Many thanks, Karen.

From: Hawbecker, Karen
Sent: Tuesday, July 03, 2012 05:25 PM
To: Cardinale, Richard
Cc: Haugrud, Jack; Blank, Harvey
Subject: FW: pdf of fed reg notice and potash order 070312

Rich, I've attached for your reference copies of the draft potash order and NOA surnamed by the Solicitor's Office with edits noted. In addition, as Harvey discussed with you, we have also reviewed the July 3rd ASLM edits to the draft potash order. We have no objection to the ASLM edits, 01/51

[REDACTED], Thank you. --Karen

From: Hawbecker, Karen
Sent: Tuesday, July 03, 2012 4:46 PM
To: Lin, Janet H; Allard, Phil
Cc: Fugate, Barbara; Blank, Harvey; Umshler, Sue; Johnson, Lynn
Subject: FW: pdf of fed reg notice and potash order 070312

From: Barlan, Bryce
To: Cardinale, Richard; Pollet, Jolie
Subject: Re: pdf of fed reg notice and potash order 070312
Date: Wednesday, July 04, 2012 11:43:49 AM

Thanks Rich!

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Cardinale, Richard
Sent: Wednesday, July 04, 2012 06:12 AM
To: Barlan, Bryce; Pollet, Jolie
Subject: Fw: pdf of fed reg notice and potash order 070312

From: Hawbecker, Karen
Sent: Tuesday, July 03, 2012 05:25 PM
To: Cardinale, Richard
Cc: Haugrud, Jack; Blank, Harvey
Subject: FW: pdf of fed reg notice and potash order 070312

Rich, I've attached for your reference copies of the draft potash order and NOA surnamed by the Solicitor's Office with edits noted. In addition, as Harvey discussed with you, we have also reviewed the July 3rd ASLM edits to the draft potash order. We have no objection to the ASLM edits, (b) (5)

[REDACTED]. Thank you. --Karen

From: Hawbecker, Karen
Sent: Tuesday, July 03, 2012 4:46 PM
To: Lin, Janet H; Allard, Phil
Cc: Fugate, Barbara; Blank, Harvey; Umshler, Sue; Johnson, Lynn
Subject: FW: pdf of fed reg notice and potash order 070312

Janet and Phil, Here are the surnames from Harvey, me, Jack and Hilary on the draft order. The NOA is surnamed through Jack. Thank you. --Karen

From: Caminiti, Mariagrazia
Sent: Tuesday, July 03, 2012 4:40 PM
To: Hawbecker, Karen; Blank, Harvey
Subject: pdf of fed reg notice and potash order 070312

Marigrace Caminiti-Coelho
Executive Assistant to the Solicitor
US Department of the Interior

From: [Barlan, Bryce](#)
To: [Pollet, Jolie](#)
Subject: Re: email draft
Date: Tuesday, June 26, 2012 5:39:14 PM

Looks good. Short and sweet.

I think it'd be good to mention, as part of your first sentence, that the discussion with BLM was based on your preliminary review of a version of the Order that Ned had shared with me.

And as part of your second to the last sentence I would hint that a concurrent review by all parties should be executed because of the short timeline to approve this package. You could this by ending the sentence I cited with "all so we can start our concurrent review of the document."

And I wouldn't call it "an electronic version of the package.". I would call it "an electronic version of the order."

These may be minor points, but I hope these edits serve useful to you.

Bryce Barlan
Office: 202-208-4114
Mobile: 202-699-0700
bbarlan@blm.gov

From: Pollet, Jolie
Sent: Tuesday, June 26, 2012 03:27 PM
To: Barlan, Bryce
Subject: email draft

Bryce – I would send this email to Marcilynn, Ned and Rich. I would cc: you and Karen.

Marcilynn, Ned and Rich –

I just returned from a discussion with BLM on the potash Secretarial Order. BLM intends to have the surnaming package to us sometime tomorrow. The Assistant Secretary briefing on the draft Order will be Friday, with a NOA publish date of July 3.

As soon as I get the electronic version of the package, I will send it out to you. Please let me know if you need additional information. Thanks!

Jolie

Jolie Pollet
On temporary assignment with DOI ASLM (June 18-July 13)
cell phone 907-223-6930
desk phone 202-208-5348

Renewable Resources Branch Chief
BLM - Alaska State Office, Anchorage, AK

From: Pollet, Jolie
To: Barlan, Bryce
Subject: RE: Potash-O&G Secretarial Order - Schedule
Date: Tuesday, June 26, 2012 5:52:35 PM

Thank you for your confidence and help!

Jolie Pollet

On temporary assignment with DOI ASLM (June 18-July 13)
cell phone 907-223-6930
desk phone 202-208-5348

Renewable Resources Branch Chief
BLM - Alaska State Office, Anchorage, AK

From: Barlan, Bryce
Sent: Tuesday, June 26, 2012 2:10 PM
To: Pollet, Jolie
Subject: FW: Potash-O&G Secretarial Order - Schedule

Heads-up!

You're it.

Please see email trail below.

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Burke, Marcilynn
Sent: Tuesday, June 26, 2012 2:07 PM
To: Barlan, Bryce; Cardinale, Richard
Cc: Farquhar, Ned
Subject: Re: Potash-O&G Secretarial Order - Schedule

Sounds good to me.

Thanks,

Marcilynn A. Burke
Acting Asst. Secretary, Land and Minerals Mgmt.

U.S. Dept. of the Interior
1849 C St., NW, Washington, DC 20240
(202) 208-6734 (voice) (202) 208-3619 (fax)
Marcilynn_Burke@ios.doi.gov

From: Barlan, Bryce
Sent: Tuesday, June 26, 2012 02:01 PM
To: Cardinale, Richard; Burke, Marcilynn
Cc: Farquhar, Ned
Subject: RE: Potash-O&G Secretarial Order - Schedule

Rich,

Thanks for the heads-up.

I am working with Jolie on this project. She had provided a ton of valuable comments that we are working out with Phil as we speak – an early draft version at least that Ned had shared with us.

I would like to recommend that Jolie take the lead from the BLM analyst perspective in “shepherding” ASLM comments on the official surnaming package that reaches this hallway.

I think this experience, unlike surnaming packages for testimony, QFRs, etc., is a very unique opportunity for folks doing these details, primarily because it involves development of policies.

Is this okay with you all?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Cardinale, Richard
Sent: Tuesday, June 26, 2012 9:51 AM
To: Burke, Marcilynn; Barlan, Bryce
Subject: Fw: Potash-O&G Secretarial Order - Schedule

Fyi

From: Lin, Janet H
Sent: Tuesday, June 26, 2012 09:12 AM
To: Allard, Phil; Stovall, James K; Herrell, Tony J; Cranston, Craig C; Spielman, Jay R; MacDonell, George H; Farquhar, Ned; Haugrud, Jack; Iudicello, Fay; Blank, Harvey; Fugate, Barbara; Hawbecker,

Karen; Umshler, Sue; Vogt, Vincent N; Nedd, Michael D; Cardinale, Richard; Marsters, Lizzie; Iudicello, Fay; Lawyer, Mark; Murphy, Timothy; Kornze, Neil G; Pool, Michael J; Velasco, Janine; Spisak, Timothy; Juen, Jesse J; Urban, Heather; Kelly, Kate P; Lee-Ashley, Matt; Mansour, Christopher; Salotti, Christopher; Boddington, Celia; Leff, Craig S

Subject: Potash-O&G Secretarial Order - Schedule

All –

Attached is the current schedule as developed in conjunction with the Department for the publication of the draft Secretarial Order on Potash-OG. BLM-NM – could we get a briefing paper together in preparation for the briefings?

Thanks everyone for working hard on this high priority.

From: Farquhar, Ned
To: Barlan, Bryce; Burke, Marcilynn
Subject: RE: Potash Comments
Date: Thursday, June 14, 2012 2:59:58 PM

That is great, thank you! NF

Ned Farquhar
Deputy Assistant Secretary
Land and Minerals Management
US Department of the Interior
1849 C Street NW - Room 6614
Washington, DC 20240
202-208-6734 office
202-253-0174 cell

From: Barlan, Bryce
Sent: Thursday, June 14, 2012 2:52 PM
To: Farquhar, Ned; Burke, Marcilynn
Subject: RE: Potash Comments

Ned,

Reviewed the Secretarial Order.

I have no major comments. Some sentences kind of confused me so I'd like to ask someone in BLM for clarification.

But other than that, I think it looks fine.

When Phil returns, I will be asking him some questions regarding my confusion on the sentences I had trouble with.

If anything, I can run it by you later.

Bryce Barlan
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US Department of the Interior
Office: 202-208-4114
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bbarlan@blm.gov

From: Farquhar, Ned
Sent: Tuesday, June 12, 2012 7:18 PM
To: Burke, Marcilynn; Barlan, Bryce

From: [Barlan, Bryce](#)
To: [Farquhar, Ned](#)
Subject: Accepted: Meet with Bryce and Jolie - Potash Sec Order

From: Farquhar, Ned
To: Barlan, Bryce
Subject: Out of Office: Meet with Bryce and Jolie - Potash Sec. Order
Date: Friday, June 22, 2012 1:30:42 PM

I am out of email range most of the time till Thursday morning, June 28. You can call me at (b) (6) (forwarded to another phone at times) and I will get back to you as soon as I can. I will see email on Blackberry starting Monday morning, June 25. If you have an urgent issue or concern, please feel free to email or call the Chief of Staff on our hallway, Richard Cardinale, available at 202 208 6734, or at richard_cardinale@ios.doi.gov. Thank you, Ned Farquhar

From: Barlan, Bryce
To: Allard, Phil
Subject: Potash Order
Date: Tuesday, June 26, 2012 9:31:00 AM

Phil,

As mentioned last week, Ned asked me to review the Potash Order and give him any comments.

With that said, Jolie and I have reviewed the document, are preparing our comments, and would like to meet with you to discuss those comments.

How's the latter half of your day looking like (except 3:30 to 4:30)?

Bryce Barlan
Office of the Assistant Secretary
Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: Barlan, Bryce
To: Lin, Janet H
Cc: Hawbecker, Karen
Subject: BLM recommendations on revision of the Potash/O&G Conflict Sec Order
Date: Tuesday, April 17, 2012 6:09:00 PM

Greetings Janet,

Members of the potash industry are expected to meet with Ned next week (if not the end of this week).

Do you all know what the status is of BLM's recommendations to the Secretary to revise the Sec Order?
Have them been delivered to him yet?

He'd like to know what the status is, if the information is available.

Bryce Barlan
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Land and Minerals Management
US Department of the Interior
Office: 202-208-4114
Fax: 202-208-6243
bbarlan@blm.gov

From: [Hawbecker, Karen](#)
To: [Barlan, Bryce](#); [Lin, Janet H](#)
Subject: RE: BLM recommendations on revision of the Potash/O&G Conflict Sec Order
Date: Tuesday, April 17, 2012 6:14:37 PM

Bryce and Janet, Are there BLM recommendations to the Secretary? If so, could you share a copy with the Solicitor's Office? We're being asked for legal advice about this and not sure what BLM's views are. Thank you. --Karen

-----Original Message-----

From: Barlan, Bryce
Sent: Tuesday, April 17, 2012 6:09 PM
To: Lin, Janet H
Cc: Hawbecker, Karen
Subject: BLM recommendations on revision of the Potash/O&G Conflict Sec Order

Greetings Janet,

Members of the potash industry are expected to meet with Ned next week (if not the end of this week).

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He'd like to know what the status is, if the information is available.

Bryce Barlan
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Land and Minerals Management
US Department of the Interior
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bbarlan@blm.gov

From: [Lin, Janet H](#)
To: [Hawbecker, Karen](#); [Barlan, Bryce](#)
Subject: Re: BLM recommendations on revision of the Potash/O&G Conflict Sec Order
Date: Wednesday, April 18, 2012 5:51:30 AM

Bryce and Karen - I plan to come talk to Ned in follow up to the request at your meeting.

----- Original Message -----

From: Hawbecker, Karen
Sent: Tuesday, April 17, 2012 04:13 PM
To: Barlan, Bryce; Lin, Janet H
Subject: RE: BLM recommendations on revision of the Potash/O&G Conflict Sec Order

Bryce and Janet, Are there BLM recommendations to the Secretary? If so, could you share a copy with the Solicitor's Office? We're being asked for legal advice about this and not sure what BLM's views are. Thank you. --Karen

-----Original Message-----

From: Barlan, Bryce
Sent: Tuesday, April 17, 2012 6:09 PM
To: Lin, Janet H
Cc: Hawbecker, Karen
Subject: BLM recommendations on revision of the Potash/O&G Conflict Sec Order

Greetings Janet,

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He'd like to know what the status is, if the information is available.

Bryce Barlan
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