

January 19, 2024

Dr. Howard Shelanski, Director  
Office of Information and Regulatory Affairs (OIRA)  
Office of Management and Budget  
Executive Office of The President  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Ref: Bureau of Land Management's Proposed Waste Prevention, Production Subject to Royalties, and Resource Conservation Rule (Docket ID No. BLM-2022-0003; RIN: 1004-AE79)

Dear Dr. Shelanski,

The Evangelical Environmental Network thanks the BLM for the proposed Waste Prevention, Production Subject to Royalties, and Resource Conservation Standard. The proposal provides substantial benefits but falls short as the industry has failed to be good stewards as our faith requires. More action is needed. As the 18<sup>th</sup> Century evangelist John Wesley stated:

***"We are now God's stewards. We are indebted to him for all we have... A steward is not at liberty to use what is lodged in his hands as he pleases, but as his master pleases... He is not the owner of any of these things but barely entrusted with them by another... now this is exactly the case of everyone with relation to God. We are not at liberty to use what God has lodged in our hands as we please, but as God pleases."***<sup>i</sup>

Since the gas industry began, it has failed to steward God's resources well. It has carelessly wasted away natural gas through routine venting and flaring. If captured and used, this gas could instead meet domestic energy needs, generating more revenue for taxpayers, private landowners, and local communities through increased royalties. As of 2019, BLM reported approximately 150 billion cubic feet of methane (about \$400 million worth of natural gas) has been wastefully flared on federal and tribal lands alone – representing a dramatic increase in flaring since 2008 when a GAO analysis estimated 128 billion cubic feet was lost from federal leases. BLM's analysis demonstrates that flaring is by far the most significant source of waste on BLM leases and also finds that a substantial portion of this lost gas was economically recoverable

If put to use, this natural gas could have provided energy to 2.1 million households – nearly all of the households in New Mexico, North Dakota, Utah, and Wyoming combined. Additionally, federal royalties on this wasted gas would have yielded more than \$50 million to taxpayers, with approximately 50% of these royalty payments returned to states and tribes to fund local communities, schools and education, health care, and critical infrastructure.

Studies of the oil and gas industry likewise indicate that actual amounts of waste from the sector exceed even the EPA's inventory estimates. One synthesis study using results from several ground-based, facility-scale measurements validated with aircraft observations estimated methane emissions from the entire U.S. oil and gas supply chain to be approximately 60% higher than the EPA's inventory estimate in 2015. Similarly, a large sample-size study in the New Mexico Permian Basin based on comprehensive aerial surveys in 2018-2020

found methane emissions from upstream and midstream oil and gas industry sources to be 6.5 times higher than those reported by the EPA's greenhouse gas inventory estimates.<sup>ii</sup>

Under the Mineral Leasing Act, BLM has longstanding and broad authority to prevent the waste of federal and Tribal minerals. BLM also has authority and responsibility under the Federal Land Policy and Management Act to manage federal public lands "without permanent impairment to the productivity of the land and quality of the environment" and to "prevent unnecessary or undue degradation of the lands."

Given this authority, BLM has an opportunity to improve upon its proposed regulation by moving beyond a royalty-based approach to disallowing venting or flaring unless the gas is unavoidably lost. This would be in line with CO and NM approaches, which prohibit flaring subject to specific, enumerated exceptions.

BLM's own accounting and analysis of the scale of waste show it likely represents only a portion of the total problem and that the amount of federal and Tribal gas wasted is likely much higher<sup>iii</sup>. BLM's analysis of ONRR data captures only the waste that is self-reported by operators, and omits inadvertently lost gas (i.e., through leaks, abandoned wells and the like) and under-reporting by operators. Studies comparing satellite imagery with reported volumes illustrates this. For example, operators in New Mexico reported to the state flaring 28.9 Bcf of gas, while satellite data for the same period indicates operators actually flared about 50% more: 42.4 Bcf.<sup>iv</sup> Similar discrepancies exist between different sources of government data: the 2010 GAO report BLM relies on in the RIA used EPA data to estimate that the amount of gas vented or flared on federal land in 2008. The estimate cited is 126 Bcf. However, data collected by ONRR for the same period indicates that only 15 Bcf was lost in 2008.<sup>v</sup> If the GAO numbers are correct, this represents under-reporting to ONRR of nearly 90%.

Disallowing venting or flaring would not only most effectively prevent waste of our precious natural resources and provide significant economic benefits, but would also yield significant benefits to public health.

Wasteful industry practices like non-emergency venting and flaring threaten the health of our most precious resource: our children. Venting and flaring of natural gas spews dangerous levels of black carbon also known as soot (PM<sub>2.5</sub>) and other life-threatening toxics into communities near gas production sites. Breathing air polluted with PM<sub>2.5</sub> has been associated with preterm birth, cardio-pulmonary diseases, dementia, and even death. It is past time to ban all flaring and routine venting in order to be good stewards of our national resources and to defend our kids' health.

That's why it's critical that BLM take every step possible to eliminate waste that harms our natural resources, air, and climate.

We strongly encourage BLM to move away from the royalty-based approach and adopt clear waste prevention standards resembling those in leading states like New Mexico and Colorado.

The cost benefits and even revenue opportunities of the industry ending these wasteful practices are immense. We urge OMB and BLM to finalize the waste rule as soon as is feasible to capture these economic, health, and environmental benefits now.

Sincerely,



Rev. Dr. Jessica Moerman, President/CEO  
Evangelical Environmental Network

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<sup>i</sup> [https://fmcic.ca/wp-content/uploads/A5\\_Wesley-Sermon-51\\_GOOD-STEWARD.pdf](https://fmcic.ca/wp-content/uploads/A5_Wesley-Sermon-51_GOOD-STEWARD.pdf)

<sup>ii</sup> Chen et. al, Quantifying Regional Methane Emissions in the New Mexico Permian Basin with a Comprehensive Aerial Survey, 56 Sci. Technol. 4317-4323, 4321 (March 23, 2022), <https://pubs.acs.org/doi/10.1021/acs.est.1c06458>.

<sup>iii</sup> Taxpayers for Common Sense, Gas Giveaways II: Methane Waste on Federal Lands is Business as Usual, August 2022.

<sup>iv</sup> *Id.* citing VIIRS Nightfire data, collected by the Earth Observation Group (EOG) at the Colorado School of Mines, reported by SkyTruth – <https://skytruth.org/2022/01/monthly-methane-flaring-summary-data-now-available-in-alerts/>.

<sup>v</sup> *Id.* citing GAO-11-34 (2010).