

Congress of the United States
Washington, DC 20510

February 7, 2012

The Honorable Ken Salazar
Secretary
United States Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Secretary Salazar:

We write to provide our comments on the Bureau of Land Management's (BLM's) Draft Programmatic Environmental Impact Statement (PEIS) for Oil Shale and Tar Sands. Our strongly held view is that the premise of the PEIS is supported by neither the spirit nor letter of the law, that the alternatives considered by this document are deficient, and that all of the preferred alternatives run contrary to the needs of the nation and of the President's State of the Union message calling for an "all-of-the-above strategy that develops every available source of American energy." The BLM's stated preference for reducing the available acreage of oil shale and oil sands development by more than 75 percent causes the President's statement to ring hollow.

Congress enacted the Oil Shale, Tar Sands, and Other Strategic Unconventional Fuels Act as part of the Energy Policy Act of 2005 (EPAcT 2005), which passed with a large bipartisan majority. The law recognized the national strategic importance of developing domestic unconventional fuels and called for an effort by the relevant agencies of this government to "coordinate and accelerate the commercial development" of oil shale and oil sands. That is the spirit and letter of the law. With this announcement, the BLM is pursuing a path that is contrary to the clear intent of the law.

As required by EPAcT 2005, three years of intensive studies, widespread stakeholder input, and robust public comment led to a comprehensive report by the Task Force on Strategic Unconventional Fuels and a final Oil Shale Rule in 2008 which set forth 2 million acres of land available for potential oil shale development. We fail to understand why that massive regulatory process, completed by countless government professionals, is being arbitrarily discarded by the BLM. We also cannot discern whereby the BLM has the authority to unilaterally reverse enacted law or to break precedent by willfully failing to offer a No-Action Alternative. Even the BLM's early announcement that it would revisit the 2008 Oil Shale Rule to consider wilderness characteristics would have been forbidden by the Congressional funding moratorium on the Department of the Interior Secretarial Wildlands Order 3310.

It is well known that the Department of Energy has determined that U.S. oil shale resources are about three times as large as the proven oil reserves of Saudi Arabia. As the world and our President must deal with an increasingly dangerous Middle East, it is unconscionable at this time to retreat from one of America's greatest potential energy sources, especially when industry has shown the will and the means to move forward.

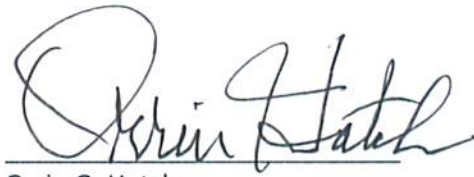
As you well know, oil shale has been commercially produced and sold competitively in global oil markets for decades. There is no lack of existing technology or data associated with that technology. Moreover, there has already been an impressive level of investment by members of industry ready to bring current and enhanced technology to American oil shale deposits. What is needed is a regulatory atmosphere that encourages this trend. Sadly, it appears that your administration has taken every opportunity to send the opposite signal to this burgeoning industry. The latest move by the BLM to restrict by more than 75 percent the acreage available to possible oil shale research and development would do harm to this industry and our nation's energy security.

We strongly urge you to bring your department's actions in line with the current law and the stated goals of the President Barack Obama. Rather than retreat from this important and strategic undertaking, you should take steps to vigorously defend the 2008 Oil Shale PEIS.

Sincerely,



Michael S. Lee
United States Senator



Orrin G. Hatch
United States Senator



Jim Matheson
Member of Congress



Rob Bishop
Member of Congress



Jason Chaffetz
Member of Congress