

United States Senate

June 6, 2016

The Honorable Lisa Murkowski
Chairman
Energy and Natural Resources Committee
Washington, D.C. 20510

The Honorable Maria Cantwell
Ranking Member
Energy and Natural Resources Committee
Washington, D.C. 20510

Dear Chairman Murkowski and Ranking Member Cantwell:

I respectfully request that S. 2938, the Certainty for States and Tribes Act, be included in a legislative hearing at the next available opportunity. The bill will bring transparency, fairness, and accountability to the federal and Indian mineral policy-making process and is necessary due to recent Administrative actions governing federal and Indian mineral policy.

The bill reestablishes the Royalty Policy Committee, including Governors of States, their appointees and Indian Tribes who produce federal and Indian minerals and other stakeholders, to advise and inform the Secretary in the formation of mineral policies and regulations. The Royalty Policy Committee was first established in 1995. Former Secretary of the Department of Interior Ken Salazar re-chartered the Royalty Policy Committee in 2010 to allow states, Indian Tribes, and other stakeholders to advise the Secretary of Interior on the management of federal and Indian mineral leases and revenues. The Committee was intended to review, comment, and provide a forum for all stakeholders to express their views. Unfortunately, Secretary Jewell never convened the Committee under her tenure as Secretary, before commencing a series of changes to federal and Indian mineral royalty and leasing policy in 2015, and allowed the Committee's charter to lapse.

The bill also places a firm, reasonable timeline on the programmatic review of the federal coal leasing program and pause on federal coal leasing to occur and allows states to be part of that review. Finally, the bill allows for existing leases by application (LBAs) and leases by modification (LBMs) that are currently under National Environmental Policy Act (NEPA) review to proceed and creates certainty in the coal leasing process in a consistent manner following completion of respective NEPA reviews.

Production of federal and Indian oil, gas, and coal generate millions in tax revenue, bonus bids, rentals and royalties each year and thousands of good-paying jobs. Already, there have been hundreds of lay-offs in the coal, oil, and gas sector. Though we all agree the federal taxpayer must receive their fair share of federal mineral royalties, I am afraid some administrative actions could have a damaging impact on states' and tribes' budgets and ability to provide essential services; thus, states and tribes and other stakeholders must be a formal part of the federal and Indian mineral policy-making process and S. 2938 will achieve that goal.

Thank you for your consideration of this request and I look forward to working with you to bring transparency, fairness, and accountability to the federal and Indian mineral policy-making process.

Sincerely,



STEVE DAINES
United States Senator