



January 9, 2024

Inspector General Mark Lee Greenblatt
Office of Inspector General
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Submitted Via Hotline Form

RE: Update Request for Investigation with New Information

Dear General Greenblatt:

I am writing on behalf of Public Employees for Environmental Responsibility (PEER) to update our June 21, 2022, request to your office with new information for review of the widespread practice within the U.S. Bureau of Land Management (BLM) of issuing exemptions for habitat protections to oil and gas operators, among others. We have recent information that shows that the BLM practice of rubberstamping exemptions is not just impacting the Sage Grouse in Wyoming but extends to the habitat of the endangered Lesser Prairie Chicken in New Mexico.

Records obtained by PEER under the Freedom of Information Act show that during the two-year period between January 2020 and April 2023, BLM denied only one of the 76 industry-requested waivers, exemptions, and exceptions. There are seven requests without any agency response at all. These permissions circumvented protections like distance buffers and mating season timing restrictions, which are crucial for safeguarding Lesser Prairie Chicken habitat.

These waivers were all issued by BLM's Carlsbad, New Mexico Field Office, where the bird's status has been upgraded to endangered from threatened under the U.S. Endangered Species Act. The primary threat to the survival of the Lesser Prairie Chicken is the continued fragmentation of its shrinking habitat, a trend abetted by the BLM.

The Lesser Prairie Chicken is a species of prairie grouse commonly recognized for its colorful spring mating display. Once common throughout the American Southwest, its historic range has been diminished by 90%. Lesser Prairie Chickens need large tracts of intact native grasslands to thrive. As its populations have declined drastically, the bird's continued survival depends upon enforcing use restrictions in its prime habitat, much of which is on lands supervised by the BLM.

For these reasons, we believe that the subject matter of this request merits your office's attention. To that end, PEER would urge that you undertake an inquiry to determine –

1. The number and scope of such exemptions granted in each field office. A breakdown of such exemptions by species, by FO, and by state issued on an annual basis would give some indication of whether any inappropriate issuance of exemptions was localized or widespread;
2. Through a confidential survey or set of interviews, the extent to which the concerns of BLM resource specialists and biologists assessing the exemptions have been disregarded, or they have been pressured by their managers to set aside their professional judgment to ignore or inappropriately minimize the impacts of commercial activities on threatened, endangered and special status species; and
3. The extent to which BLM provided responsible supervision and evaluation of their FO exemption issuances so that the cumulative impacts of the exemptions can be assessed.

We believe the involvement by your office is timely and prudent in that both your office and the BLM will have to expend far more resources on this subject if abuse of these exemptions result in robust judicial intervention.

Besides the enclosed document, we would be happy to provide your office with all of the exemption records we have obtained and all of the FOIA correspondence that we have had with both the responsive and nonresponsive FOs as well as the appeal. Should you desire any further information from us, please do not hesitate to contact me.

Sincerely,

Tim Whitehouse
Executive Director

Attachment:
Spreadsheet documenting BLM NM waiver exceptions



Data obtained by Public Employees for Environmental Responsibility under the Freedom of Information Act for any proposed or approved alterations, waivers, exemptions, exceptions, modifications, revisions, or other deviations from Lesser Prairie-Chicken (LPC) timing stipulations, distance buffers, or any other LPC protections related to any oil and gas or coal project on BLM land, January 2020 - April 2023. **December 19, 2023**

BLM Field Office	Applicant	Application Lease # / Well Names / Any Identifying Information	Exemption Granted?	Date of Exemption Approval	File Location	Notes
Carlsbad	3R Operating, LLC	"Thunderbird 3-10 FED COM 2BS 3H/Thunderbird 3-10 FED COM 2BS 4H"	Y	2/14/2023	Folder 4, PDF 61, 66, 144	
Carlsbad	Advance Energy Partners	"Anderson Fed Com, Margarita Fed Com wells"	Y	1/29/2021, 4/5/2021	Folder 1, PDF 156-157, 159-160	Same well approval as for both exemptions, with different approval dates within the same year. Earlier exemption was only for the 2021 breeding season, but the second approval was for both 2021 and 2022.
Carlsbad	Advance Energy Partners	"Margarita 13 Federal Com wells"	Y	1/26/2023	Folder 4, PDF 67-68, Folder 5, PDF 146-147	
Carlsbad	Apache Corporation	"Black & Tan Federal Com wells"	Y	2/27/2020	Folder 1, PDF 169	

Carlsbad	Ascent Energy	"Big Bucks Fed Com, Big Staggs Fed Com wells"	Y	2/24/2021	Folder 1, PDF 158	Exemption is for two separate requests both recieved by BLM office on Feb 4th, 2021
Carlsbad	Ascent Energy	"Gavilion Fed Com wells"	Y	11/19/2021	Folder 1, PDF 65-66	
Carlsbad	Caza Petroleum	"Desert Rose 17-8 Federal wells"	Y	2/18/2022	Folder 1, PDF 69-70, Folder 4, PDF 98-99	
Carlsbad	Caza Petroleum	"Eagleclaw 5-8 Federal wells"	Y	12/10/2021	Folder 1, PDF 71, 93	
Carlsbad	Centennial Resource Production LLC	"Cheddar Fed Com wells"	Y	03/17/2022	Folder 1, PDF 75	
Carlsbad	Centennial Resource Production LLC	"Mozzarella and Cheddar Federal Comm wells"	Y	2/27/2020	Folder 1, PDF 166	
Carlsbad	Centennial Resource Production LLC	"Mozzarella Federal Com wells"	Y	1/20/2021	Folder 1, PDF 147	
Carlsbad	Chisholm Energy	"Additional Jade 34-3 wells"	Y	04/21/2022	Folder 1, PDF 72, Folder 4, PDF 110	Additional wells approved including those approved on January 21st, 2022
Carlsbad	Chisholm Energy	"Bel-Air 5-8, Ram 2-11, Anaconda 11-14, & Minis 1 wells"	Y	1/21/2022	Folder 1, PDF 61-62	
Carlsbad	Chisholm Energy	"Diamondback 24-25 Fed Com 2BS 1H well"	Y	03/02/2020	Folder 1, PDF 165	

Carlsbad	Chisholm Energy	"Diamondback, Stetson, Aztec wells"	Y	2/10/2021	Folder 1, PDF 151-152	
Carlsbad	Chisholm Energy	"Stetson wells"	Y	2/12/2021	Folder 1, PDF 145	
Carlsbad	COG Operating LLC	"Squints and War Eagle Federal Com wells"	Y	2/27/2020	Folder 1, PDF 167	
Carlsbad	Colgate Energy	NMNM-013276	Y	1/26/2023	Folder 4, PDF 191-192, Folder 5, PDF 152-153	
Carlsbad	Conoco Phillips	"COG Operating Gin and Tonic, War Eagle, Bedlington wells"	Y	03/05/2021	Folder 1, PDF 141-142	
Carlsbad	Conoco Phillips	"Gin and Tectonic Fed Com wells"	Y	3/1/2023	Folder 4, PDF 175-176, Folder 5, PDF 154-155	
Carlsbad	Conoco Phillips	"Gin and Tectonic, Bedlington wells"	Y	01/18/2022	Folder 1, PDF 73-74	
Carlsbad	Conoco Phillips	"Gin and Tonics, Queso, Calzone wells"	Y	1/4/2023	Folder 4, PDF 177-178, Folder 5, PDF 150-151	
Carlsbad	DCP Operating Company LLC	NM-142853	Y	5/14/2021	Folder 1, PDF 102, 118	

Carlsbad	Devon Energy Corporation	"Alley Cat, Boundary Raider, Magic Cat, Right Meow, Sneaky Snake wells"	Y	2/25/2022	Folder 1, PDF 78-79	
Carlsbad	Devon Energy Corporation	"Cool Cat and AND Kittens Wells"	Y	03/10/2023	Folder 1, PDF 1, Folder 5, PDF 20	
Carlsbad	Devon Energy Corporation	"Exotic Cat, Floofy Cat, & Boundary Raider wells"	Y	12/08/2022	Folder 5, PDF 156-157	
Carlsbad	Devon Energy Corporation	"Froderick 30 Federal Com wells"	Y	2/3/2021	Folder 1, PDF 121-122, 123-124	
Carlsbad	Devon Energy Corporation	"Right Meow, Sneaky Snake, Catty Shack, & Boundary Raider wells"	Y	1/3/2022	Folder 1, PDF 76-77	
Carlsbad	Devon Energy Corporation	"Stray Cat wells"	Y	4/5/2023	Folder 5, PDF 21	
Carlsbad	Devon Energy Corporation	"Todd Master Developement Plan, Thistle Unit, Danger Noodles"	Y	12/7/2020	Folder 1, PDF 98-99, 114-115	New wells being developed in the area naming conventations include Bora Bora, Boundary Raider, Catty Shack, Right Meow, Todd, or Danger Noodle

Carlsbad	Earthstone Operating LLC	"Jade wells"	Y	02/14/2023	Folder 1, PDF 3,18, Folder 4, PDF 114	
Carlsbad	Earthstone Operating LLC	"Mescalero wells"	Y	1/24/2023	Folder 1, PDF 7,20, Folder 4, PDF 115	
Carlsbad	Earthstone Operating LLC	"Thunderball wells"	Y	03/08/2023	Folder 1, PDF 1, Folder 4, PDF 116, 117	
Carlsbad	Earthstone Operating LLC	NMNM097896	No Response	n/a	Folder 1, PDF 40, 44, 46, 48, 50, 52, 55	
Carlsbad	Earthstone Operating LLC	NMLC0060549	N	12/28/2022	Folder 1, PDF 6, Folder 4, PDF 113	Well names: Corvette 4-33 Fed 2BS Com 1H, 2H. Corvette 4-33 Fed 1BS Com 5H,6H.
Carlsbad	EOG Resources	"Amazing 19 Fed Com wells"	Y	2/16/2023	Folder 1, PDF 11-12, Folder 4, PDF 14-15. Folder 5, PDF 31-32	
Carlsbad	EOG Resources	"Fed Com 3 wells"	Y	1/25/2022	Folder 3, PDF 53-54	Exemption request also included Modelo Fed Com 10 wells, but these wells are not located within the LPC timing restriction area
Carlsbad	EOG Resources	"Inga 33 Fed Com wells"	Y	No Date (2023)	Folder 3, PDF 93-94	Exemption for the 2023 LPC breeding season

Carlsbad	EOG Resources	"Pegasus 3 & Modelo 3 Fed Com wells"	Y	4/27/2022	Folder 1, PDF 83-84	
Carlsbad	EOG Resources	"Pegasus 3 Fed Com Pad H"	Y	4/13/2022	Folder 1, PDF 82	Additonal well approval due to updated developement schedule
Carlsbad	EOG Resources	"Pegasus 3 Fed Com wells"	Y	2/4/2022	Folder 1, PDF 80-81	
Carlsbad	EOG Resources	"Pegasus 3 Fed Com wells"	Y	1/26/2023	Folder 1, PDF 9-10, Folder 4, PDF 20-21, Folder 5, PDF 35-36	
Carlsbad	EOG Resources	NM-143754	Y	03/09/2023	Folder 1, PDF 13-14, Folder 5, PDF 39-40	This exemption compliments an existing exemption approved on January 26th, 2023
Carlsbad	EOG Resources	NMNM-062225,094850	Y	3/5/2021	Folder 1, PDF 96-97, 110-111	
Carlsbad	EOG Resources	ROW NMNM141064	Y	3/16/2021	Folder 1, PDF 125,126	
Carlsbad	Mack Energy Corp.	"Nosler well"	Y	3/5/2021	Folder 1, PDF 92, 109	Well Location is outside of the area where the 2021 LPC timing restrictions apply
Carlsbad	Matador Resource Company	"Big Stag, Big Bull, Gavilion, Nina Cortell, Pony Express, & Silver Fed wells"	Y	No Date	Folder 5, PDF 72-73, 74-75	Approval for the 2023 LPC breeding season, PDF 74-75 are duplicate files of 72-73

Carlsbad	Matador Resource Company	"Rodney Robinson & Nina Cortell Fed Com wells"	Y	02/25/2022	Folder 1, PDF 85-86	
Carlsbad	Matador Resource Company	"Rodney Robinson Fed Com Wells"	Y	2/25/2021	Folder 1, PDF 94-95, 112-113	
Carlsbad	Matador Resource Company	NMNM-138876, 126492	Y	1/24/2023	Folder 1, PDF 21 - 22, 42-43 Folder 5, PDF 68-69, 70-71	
Carlsbad	Matador Resource Company	NMNM - 107611, 104724, 051844, 111243, 104718, 094891	No Response	n/a	Folder 1, PDF 36 - 37	
Carlsbad	Matador Resource Company	NMNM - 134878, 138875, 134878, 136218, 57683, 89889, 111243	No Response	n/a	Folder 1, PDF 34 - 35	
Carlsbad	Matador Resource Company	NMNM-092187, 553706, 014155	No Response	n/a	Folder 1, PDF 27-28	
Carlsbad	Matador Resource Company	NMNM-108976, 134877, 013280, 107610	No Response	n/a	Folder 1, PDF 32	
Carlsbad	Matador Resource Company	NMNM-138876, 126492	No response	n/a	Folder 1, PDF 67-68	Same exemption application (lease number) as another entry, but for a different year

Carlsbad	Matador Resource Company	NMNM-86147, 55952	No Response	n/a	Folder 1 PDF 63-64	Same exemption application (lease number) as another entry, but for a different year
Carlsbad	Matador Resource Company	NMNM-86147, 55952	No Response	n/a	Folder 1, PDF 38-39	
Carlsbad	Mewbourne Oil Company	"Bilbrey 34/27 wells"	Y	12/17/2020	Folder 1, PDF 10,108,127	Additional exemption to an additional well within the Bilbrey 34/27 wells
Carlsbad	Mewbourne Oil Company	"Bilbrey 34/27 Wells"	Y	11/13/2020	Folder 1, PDF 93, 128	
Carlsbad	Mewbourne Oil Company	"Dragonstone, Caper, Castle Black, Winterfell, Perro Loco, Bravos, Sand Chute wells"	Y	2/2/2023	Folder 5, PDF 89-90, 142-143	
Carlsbad	Mewbourne Oil Company	"Phoenix wells"	Y	2/14/2022	Folder 1, PDF 87-88, Folder 1, PDF 89-90	Orginal Exemption was from March 1st - March 15th, 2022 (Folder 1, PDF 87-88), but due to unforeseen circumstances within the company, extension was extended until April 15th, 2022.
Carlsbad	Morcor Energy LLC	"Caza Talon wells"	Y	2/18/2021	Folder 1, PDF 146	
Carlsbad	MR NM Operating	"Picard Federal wells"	Y	2/16/2022	Folder 1, PDF 91	Exemption request only includes wells that do not fall within the area where LPC timing stipulations apply.

Carlsbad	Occidental Oil & Gas Corporation	"Sections 14,24, and 25-T 22 S-R 31 E, Sections 17, 18, 19 T 22 S R 32 E	Y	03/01/2023	Folder 5, PDF 106-107, 138-139	This request compliments an exemption request approved on 12/19/2022
Carlsbad	Occidental Oil & Gas Corporation	"Top Spot 12_13, Party Trap 6_31, Dr Awkward 17_08, I Prefer Pi 18_07, Lost Tank 30_19, Taco Cat 27_34, Lion Oil 28_33, and Senile Felines 18_7 wells"	Y	4/23/2020	Folder 1, PDF 163-164	Exemption applies to both 2020 and 2021 LPC breeding season
Carlsbad	Occidental Oil & Gas Corporation	"Top Spot 12_13, Party Trap 6_31, Dr Awkward 17_08, I Prefer Pi 18_07, Lost Tank 30_19, Taco Cat 27_34, Lion Oil 28_33, Stack Cats 25_36, Llama Mall 2_35 wells"	Y	No Date	Folder 1, PDF 104-105	This exemption applied to both 2021 and 2022 LPC timing restrictions. Correspondance with USFWS present in Folder 5, PDF 102-103. USFWS appeared to be contacted for status of pending well/survey equipment approval
Carlsbad	Occidental Oil & Gas Corporation	"Top Spot, Stack Cats, Llama Mall, & Tuna Nut wells"	Y	12/19/2022	Folder 5, PDF 104-105. 140-141	

Carlsbad	Permits West	"Cutbow wells"	Y	2/3/2023	Folder 4, PDF 78, 149	Additonal request exemption for additonal wells within a request that was orginally approved on January 24th, 2023
Carlsbad	Permits West	"Cutbow wells"	Y	1/24/2023	Folder 4, PDF 79, Folder 5, PDF 148	
Carlsbad	Permits West	NMMN-128836 (Surface)	Y	12/28/2022	Folder 1, PDF 58, Folder 5, PDF 145	
Carlsbad	Price LLC	"Read & Stevens, Inc North Lea 9 Fed Com wells"	Y	2/18/2021	Folder 1, PDF 103	
Carlsbad	Pronto Midstream, LLC	NM-144944	Y	03/14/2023	Folder 1, PDF 23, Folder 5, PDF 87	
Carlsbad	Titus Oil and Gas, LLC	"Wild Salsa wells"	Y	1/25/2021	Folder 1, PDF 106-107, 119-120	
Carlsbad	Wayne Price, Consultant for Read and Stevens	"North Lea 10 Federal Com 2H well"	Y	No date	Folder 1, PDF 162	Exemption for the 2020 LPC breeding season