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10 Attorneys for *Amici Curiae*

11  
12 **IN THE UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND**  
14

15 STATE OF CALIFORNIA, by and through  
XAVIER BECERRA, Attorney General, and  
16 the CALIFORNIA AIR RESOURCES  
BOARD; and STATE OF NEW MEXICO, by  
17 and through HECTOR BALDERAS, Attorney  
General, *et al.*,

18 Plaintiffs,

19 v.

20 DAVID BERNHARDT, Secretary of the  
Interior; JOSEPH R. BALASH, Assistant  
21 Secretary for Land and Minerals Management,  
22 United States Department of the Interior;  
UNITED STATES BUREAU OF LAND  
23 MANAGEMENT; and UNITED STATES  
DEPARTMENT OF THE INTERIOR,

24 Defendants.  
25

Case No. 4:18-cv-05712-YGR  
[Consolidated with Case No.  
4:18-cv-05984-YGR]

**DECLARATION OF ZACHARY W.  
FITZGERALD IN SUPPORT OF  
MOTION OF MEMBERS OF  
CONGRESS AS AMICI CURIAE FOR  
LEAVE TO FILE BRIEF IN  
OPPOSITION TO PLAINTIFFS'  
MOTIONS FOR SUMMARY  
JUDGMENT**

Hon. Yvonne Gonzalez Rogers

Date: January 14, 2020  
Time: 10:00 a.m.  
Dept.: Courtroom 1, Fourth Floor  
1301 Clay Street, Oakland, CA 94612

**DECLARATION OF ZACHARY W. FITZGERALD**

I, Zachary W. Fitzgerald, declare as follows:

1. I am an attorney licensed to practice law before all courts of the State of Colorado. I am an associate with the law firm Bryan Cave Leighton Paisner LLP, counsel for members of the United States Congress, who have a strong interest in ensuring that we achieve the will of the electorate, maintain an effective balance of powers, and continue the critical development of oil and gas resources on our federal lands (“*Amici Curiae*”).

2. On August 28, 2019, I submitted an application to appear *pro hac vice* for *Amici Curiae* in this action. The application is still pending before the Court.

3. Attached as **Exhibit 1** is a true and correct copy of the list of U.S. Members of Congress and U.S. Senators comprising the *Amici Curiae*.

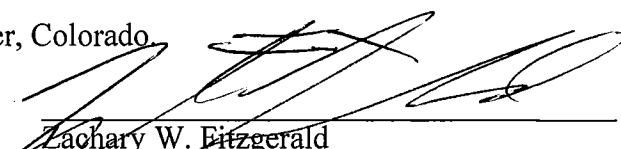
4. Attached as **Exhibit 2** is a true and correct copy of the proposed Brief of Members of Congress As *Amici Curiae* in Opposition to Plaintiffs’ Motions for Summary Judgment.

5. Attached as **Exhibit 3** is a true and correct copy of a report entitled *Fueling New Mexico, The Oil & Natural Gas Industry’s Impact on our Schools*, prepared by the New Mexico Oil and Gas Association, and downloaded on August 30, 2019 at [https://www.nmoga.org/benefits\\_of\\_oil\\_natural\\_gas](https://www.nmoga.org/benefits_of_oil_natural_gas).

6. Counsel for *Amici Curiae* conferred by email with the parties concerning the filing of this motion. Plaintiffs (State, Tribe and Conservation) and Intervenor Defendants (both State and Industry) have each consented to the filing of the motion. Federal Defendants have advised that they will take no position on the motion and proposed brief until they see the motion and brief. No party has objected to this request for leave to file the attached brief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on September 3, 2019, at Denver, Colorado.

  
Zachary W. Fitzgerald

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# Exhibit 1

**EXHIBIT 1: LIST OF AMICI**

- |    |                                       |                                       |
|----|---------------------------------------|---------------------------------------|
| 1  |                                       |                                       |
| 2  | Ralph Abraham<br>Member of Congress   | Doug Lamborn<br>Member of Congress    |
| 3  |                                       |                                       |
| 4  | Kelly Armstrong<br>Member of Congress | Debbie Lesko<br>Member of Congress    |
| 5  | Andy Biggs<br>Member of Congress      | Tom McClintock<br>Member of Congress  |
| 6  |                                       |                                       |
| 7  | Rob Bishop<br>Member of Congress      | Dan Newhouse<br>Member of Congress    |
| 8  | Kevin Brady<br>Member of Congress     | Ralph Norman<br>Member of Congress    |
| 9  |                                       |                                       |
| 10 | Liz Cheney<br>Member of Congress      | Steve Scalise<br>Member of Congress   |
| 11 | Mike Conaway<br>Member of Congress    | Pete Stauber<br>Member of Congress    |
| 12 |                                       |                                       |
| 13 | Jeff Duncan<br>Member of Congress     | Chris Stewart<br>Member of Congress   |
| 14 | Bill Flores<br>Member of Congress     | Glenn Thompson<br>Member of Congress  |
| 15 |                                       |                                       |
| 16 | Greg Gianforte<br>Member of Congress  | Scott Tipton<br>Member of Congress    |
| 17 | Louis Gohmert<br>Member of Congress   | Bruce Westerman<br>Member of Congress |
| 18 |                                       |                                       |
| 19 | Lance Gooden<br>Member of Congress    | Don Young<br>Member of Congress       |
| 20 | Paul Gosar<br>Member of Congress      |                                       |
| 21 |                                       |                                       |
| 22 | Jody Hice<br>Member of Congress       |                                       |
| 23 | Clay Higgins<br>Member of Congress    |                                       |
| 24 |                                       |                                       |
| 25 | Bill Johnson<br>Member of Congress    |                                       |
| 26 | Mike Johnson<br>Member of Congress    |                                       |
| 27 |                                       |                                       |
| 28 | Doug LaMalfa<br>Member of Congress    |                                       |

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- 1 John Barrasso  
U.S. Senator
- 2
- 3 Kevin Cramer  
U.S. Senator
- 4
- 5 Steve Daines  
U.S. Senator
- 6
- 7 Mike Enzi  
U.S. Senator
- 8
- 9 John Hoeven  
U.S. Senator
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- 11 James Inhofe  
U.S. Senator
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# Exhibit 2

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15 STATE OF CALIFORNIA, by and through  
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22 United States Department of the Interior;  
UNITED STATES BUREAU OF LAND  
23 MANAGEMENT; and UNITED STATES  
DEPARTMENT OF THE INTERIOR,  
24

25 Defendants.

Case No. 4:18-cv-05712-YGR  
[Consolidated with Case No.  
4:18-cv-05984-YGR]

**BRIEF OF MEMBERS OF CONGRESS  
AS AMICI CURIAE IN OPPOSITION TO  
PLAINTIFFS' MOTIONS FOR  
SUMMARY JUDGMENT**

Hon. Yvonne Gonzalez Rogers

Date: January 14, 2020  
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**Table of Contents**

**Page**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I. INTEREST OF THE *AMICI CURIAE* ..... 1

II. SUMMARY OF ARGUMENT ..... 2

III. BACKGROUND OF THE 2018 RULE ..... 3

IV. ARGUMENT ..... 5

    A. The Court Should Defer to the BLM’s Definition of “Waste.” ..... 5

    B. The 2018 Rule Removes Duplicative Regulatory Burdens of the 2016 Rule. .... 7

    C. Development of Oil and Gas Resources on Federal Lands Is Critical. .... 10

V. CONCLUSION ..... 12

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**TABLE OF AUTHORITIES**

1  
2  
3  
4  
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27  
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**Page(s)**

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*Adams Fruit Co., Inc. v. Barrett*,  
494 U.S. 638 (1990) ..... 9

*Bell v. Cheswick Generating Station*,  
734 F.3d 188, 190 (3d Cir. 2013) ..... 8

*Chevron, USA, Inc. v. NRDC, Inc.*,  
467 U.S. 837 (1984) ..... 6

*Ctr. for Biological Diversity v. Bureau of Land Mgmt.*,  
937 F. Supp. 2d 1140 (N.D. Cal. 2013) ..... 6

*Massachusetts v. EPA*,  
549 U.S. 497 (2007) ..... 9

*Michigan v. EPA*,  
135 S.Ct. 2699 (2015) ..... 6

*Nat’l Ass’n of Home Builders v. Defs. of Wildlife*,  
551 U.S. 644 (2007) ..... 6

*Nat’l Cable & Telecom. Ass’n v. Brand X Internet Servs.*,  
545 U.S. 967 (2005) ..... 6

*Smiley v. Citibank (S.D.), N.A.*,  
517 U.S. 735 (1996) ..... 6

*Vt. Yankee Nuclear Power Corp. v. NRDC, Inc.*,  
435 U.S. 519 (1978) ..... 8

*Wyoming v. Dep’t of Interior*,  
2017 WL 161428 (D. Wyo. 2017) ..... 9, 12

**Statutes**

5 U.S.C. § 801(g) ..... 3

30 U.S.C. § 21a ..... 6

30 U.S.C. § 187 ..... 8, 10, 12

30 U.S.C. § 189 ..... 8, 10, 12

30 U.S.C. § 223 ..... 5, 8

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1 30 U.S.C. § 225 ..... 6, 8

2 30 U.S.C. § 226 ..... 5, 8

3 42 U.S.C. § 7401 ..... 8, 9

4 42 U.S.C. §§ 7401 *et seq.* ..... 8

5 **Regulations**

6 43 C.F.R. § 3160 ..... 2

7 43 C.F.R. § 3170 ..... 2

8 43 C.F.R. § 3179.6 ..... 7

9 81 Fed. Reg. 83,008 ..... 1

10 83 Fed. Reg. 49,184 ..... 2, 3, 4, 5, 7

11 83 Fed. Reg. 49,185 ..... 3, 4

12 83 Fed. Reg. 49,186 ..... 4, 5, 7, 10

13 83 Fed. Reg. 49,188 ..... 9, 10

14 83 Fed. Reg. 49,189 ..... 7, 10

15 83 Fed. Reg. 49,191 ..... 9

16 83 Fed. Reg. 49,204 ..... 5

17 83 Fed. Reg. 49,206 ..... 5

18 **Other Authorities**

19 58 Cong. Rec. 4111 (1919) ..... 10

20 Allan Nevins, *Three Fabulous Decades* ..... 10

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23 David W. Miller, *The Historical Development of the Oil and Gas Laws of the*

24 *United States*, 51 Calif. L. Rev. 506 (1963) ..... 10, 11

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26 Realty Mgmt. 1 (Oct. 19, 2017) ..... 10

27 E.O. 13,783 ..... 3, 8

28

1 E.O. 13,783 § 1(a) ..... 3, 8, 9

2 E.O. 13,783 § 1(c) ..... 1

3 Mineral Leasing Act of February 25, 1920,

4 Pub. L. No. 66-146, §§ 14, 17, 85 Stat. 437 ..... 5, 8

5 N.M. Oil & Gas Ass’n, *Fueling New Mexico*

6 Available at [https://www.nmoga.org/benefits\\_of\\_oil\\_natural\\_gas](https://www.nmoga.org/benefits_of_oil_natural_gas) ..... 12

7 S. Rep. No. 1392 (1946) ..... 11

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1 **I. INTEREST OF THE *AMICI CURIAE***

2 *Amici Curiae* are members of the United States Congress who have a strong interest in  
3 ensuring that we achieve the will of the electorate, maintain an effective balance of powers, and  
4 continue the critical development of oil and gas resources on our federal lands.

5 In contrast, this lawsuit is an attempt to seek political action through the courts. Plaintiffs  
6 and their supporting *amici* ask the Court to ignore Congress’s role in setting national priorities and  
7 establishing the measure and limit of administrative-agency authority through legislation. They  
8 further ask the Court to ignore the President’s authority to direct Executive Branch agencies where  
9 Congress has given the authority to do so. Plaintiffs’ requested relief is inconsistent with  
10 Congress’s laws, and it would impede Congress’s aims to promote oil and gas development and  
11 cooperative federalism. Accordingly, *Amici Curiae* submit this brief in support of the intervenor  
12 defendants and in opposition to Plaintiffs’ motions for summary judgment.

13 In the final days of President Obama’s term following the 2016 presidential election, the  
14 Bureau of Land Management (BLM) promulgated the 2016 Rule,<sup>1</sup> which went beyond the BLM’s  
15 congressionally authorized authority. The 2016 Rule impermissibly regulated air quality under the  
16 guise of the Mineral Leasing Act (MLA), and it would have restrained the development of  
17 domestically produced energy resources.

18 After the election, President Trump ordered the BLM to “immediately review existing  
19 regulations that potentially burden the development or use of domestically produced energy  
20 resources and appropriately suspend, revise, or rescind those that unduly burden the development  
21 of domestic energy resources beyond the degree necessary to protect the public interest or  
22 otherwise comply with the law.” Exec. Order No. 13,783, § 1(c) (Mar. 28, 2017) (“E.O. 13,783”).

23 In response, the BLM reviewed the 2016 Rule—as it must. The BLM realized that it had  
24 overstepped its regulatory authority and underestimated certain impacts of the 2016 Rule—  
25 particularly that many provisions “would have added regulatory burdens that unnecessarily  
26 encumber energy production, constrain economic growth, and prevent job creation.” Waste

27 \_\_\_\_\_  
28 <sup>1</sup> Waste Prevention, Production Subject to Royalties, and Resource Conservation, 81 Fed. Reg. 83,008 (Nov. 18, 2016) (the “2016 Rule”).

1 Prevention, Production Subject to Royalties, and Resource Conservation; Rescission or Revision  
 2 of Certain Requirements, 83 Fed. Reg. 49,184 (Sept. 28, 2018) (to be codified at 43 C.F.R. pts.  
 3 3160 and 3170) (the “2018 Rule”). To correct those errors, the BLM replaced the 2016 Rule with  
 4 the 2018 Rule. This was a necessary administrative action. It was a course-correction of the 2016  
 5 Rule’s overreach, and it brought the BLM closer to its statutory authority.

6 *Amici Curiae*—and the American populace—have a strong interest in this critical matter,  
 7 and these *amici*<sup>2</sup> ask the Court to uphold the BLM’s proper promulgation of the 2018 Rule. The  
 8 2018 Rule, as guided by President Trump, lowers compliance costs and encourages domestic  
 9 production of energy resources while maintaining reasonable restrictions on venting and flaring  
 10 and allowing the States to regulate oil and gas operations within a cooperative-federalism  
 11 framework. It avoids the 2016 Rule’s air-quality regulations, which were beyond the BLM’s  
 12 granted authority and duplicative of the Environmental Protection Agency’s (EPA) regulatory  
 13 responsibility (as determined by Congress). And it promotes—rather than constrains—economic  
 14 growth in the United States. *Amici Curiae* support these goals.

## 15 **II. SUMMARY OF ARGUMENT**

16 Congress enacted the MLA *to promote* the prudent development of oil and gas. To make  
 17 sure the development is effective and prudent, the MLA requires the BLM to ensure lessees use all  
 18 “reasonable precautions” to prevent “waste” of oil and gas on federal land. Congress has not  
 19 chosen to define “reasonable precautions” or “waste.” So, it is the BLM’s job to interpret those  
 20 terms in line with guidance from the Executive Branch. President Trump provided the guidance  
 21 shortly after his inauguration, calling into question the 2016 Rule. The BLM responded by  
 22 promulgating the 2018 Rule. And the 2018 Rule is the appropriate culmination of the BLM’s  
 23 interpretations of those terms.

24 While the 2018 Rule corrects the errors of the 2016 Rule, that fact is immaterial. The  
 25 important point is that the BLM used its authority (correctly considered) to interpret the term  
 26 “waste” in the MLA, and this Court should defer to that interpretation. The BLM corrected its

27 \_\_\_\_\_  
 28 <sup>2</sup> *Amici Curiae* have attached a list identifying themselves individually as Ex. 1 to the Declaration  
 of Zachary W. Fitzgerald in Support of Motion for Leave to File Brief.

1 prior unlawful attempt under a prior President to regulate air quality, a task that Congress  
 2 entrusted to the EPA. The 2018 Rule removes this overlap and returns the task of regulating  
 3 methane emissions to the proper persons.

4 Finally, the 2018 Rule provides for development of oil and gas resources on federal lands.  
 5 Federal oil and gas development is critical for maintaining a strong domestic energy supply,  
 6 creating jobs, and keeping energy costs low for all Americans. That Congress, the President, and  
 7 the Executive Branch wish to focus on economic growth is a policy decision, and this Court  
 8 should defer to it.

9 For those reasons, *Amici Curiae* would supplement the efforts of counsel in opposition to  
 10 Plaintiffs' motions and raise the considerations in this brief to the Court's attention.

### 11 **III. BACKGROUND OF THE 2018 RULE**

12 In the 2018 Rule, the BLM properly revisited the 2016 Rule "in a manner that reduces  
 13 unnecessary compliance burdens, is consistent with the BLM's existing statutory authorities, and  
 14 re-establishes longstanding requirements that had been replaced." 83 Fed. Reg. 49,184 (Sept. 28,  
 15 2018) (to be codified at 43 C.F.R. pts. 3160 and 3170). The BLM revisited the 2016 Rule because  
 16 the President of the United States instructed it to do so. *See* E.O. 13,783. President Trump stated,  
 17 "It is in the national interest to promote clean and safe development of our Nation's vast energy  
 18 resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy  
 19 production, constrain economic growth, and prevent job creation." E.O. 13,783, § 1(a). In line  
 20 with President Trump's directives, the BLM reviewed the 2016 Rule and "determined it to be  
 21 inconsistent with the policy in section 1 of E.O. 13783." 83 Fed. Reg. 49,185. After the BLM  
 22 promulgated the 2018 Rule, Congress took no action to repeal it under the Congressional Review  
 23 Act.<sup>3</sup>

24 \_\_\_\_\_  
 25 <sup>3</sup> Although *amici* who support Plaintiffs appear to place much weight on the fact that Congress did  
 26 not repeal the *2016 Rule* under the Congressional Review Act, *see* ECF No. 110-1, at 6, Congress  
 27 did vote on a resolution of disapproval on the 2016 Rule which passed the U.S. House on a  
 28 bipartisan vote. Regardless, the Act itself states that a court should give *no weight* to a decision  
 not to repeal a rule under the Act. "If the Congress does not enact a joint resolution of disapproval  
 under section 802 respecting a rule, *no court or agency may infer any intent of the Congress from  
 any action or inaction* of the Congress with regard to such rule, related statute, or joint resolution  
 of disapproval." 5 U.S.C. § 801(g) (emphasis added).

1 In its review of the 2016 Rule, the BLM found that the 2016 Rule’s “approach to reduction  
2 of fugitive emissions and flaring departed from the historic approach of considering ‘waste’ in the  
3 context of a reasonable and prudent operator standard,” especially given that “the venting or  
4 flaring of some natural gas is a practically unavoidable consequence of oil and gas development.”  
5 83 Fed. Reg. 49,184–85. Further, the 2016 Rule “exceeded the BLM’s statutory authority to  
6 regulate for the prevention of ‘waste’ under the [MLA].” 83 Fed. Reg. 49,185. The 2016 Rule’s  
7 concept of “waste” constituted “a drastic departure from the concept of ‘waste’ applied by the  
8 Department of the Interior over many decades of implementing the MLA.” 83 Fed. Reg. 49,186.  
9 The BLM noted that the 2016 Rule misguidedly was “based on the premise that essentially any  
10 losses of gas at the production site could be regulated as ‘waste,’ without regard to the economics  
11 of conserving that lost gas.” *Id.*

12 But, contrary to the 2016 Rule’s novel interpretation of the term “waste,” “the BLM has  
13 historically taken the lease-specific circumstances faced by an operator—including the economic  
14 viability of capturing and marketing the gas—into account before determining that a particular  
15 loss of gas constitutes ‘waste.’” *Id.*

16 In the 2018 Rule, the BLM also noted that the 2016 Rule would have been  
17 uneconomical—an issue of critical concern to President Trump. The BLM found that “certain  
18 impacts were underestimated [in the 2016 Rule] and many provisions of the rule would have  
19 added regulatory burdens that unnecessarily encumber energy production, constrain economic  
20 growth, and prevent job creation.” 83 Fed. Reg. 49,184. The 2016 Rule “would have imposed  
21 costs exceeding its benefits,” and many of its requirements would “impose compliance costs well  
22 in excess of the value of the gas to be conserved.” 83 Fed. Reg. 49,184, 49,186.

23 For example, the 2016 Rule “would have affected existing wells, including a substantial  
24 number that are ‘marginal,’ or low-producing, and therefore less likely to remain economical to  
25 operate if subjected to additional compliance costs.” 83 Fed. Reg. 49,184. “[M]arginal oil and  
26 gas production on Federal lands supported an estimated \$2.9 billion in economic output in the  
27 national economy in FY 2015.” 83 Fed. Reg. 49,185. “To the extent that the 2016 [Rule] would  
28 have adversely impacted production from marginal wells through premature shut-ins, this

1 estimated economic output would have been jeopardized.” *Id.* “[A]pproximately 73 percent of  
 2 wells on BLM-administered leases would be considered marginal wells and . . . annual compliance  
 3 costs associated with the 2016 rule would have constituted 24 percent of an operator’s annual  
 4 revenues from even the highest-producing marginal oil wells and 86 percent of an operator’s  
 5 annual revenues from the [lowest]-producing marginal gas wells.” 83 Fed. Reg. 49,184.

6 The BLM also determined that the 2016 Rule contained “numerous administrative and  
 7 reporting requirements that would have imposed unnecessary burdens on operators and the BLM.”  
 8 *Id.* Therefore, the BLM promulgated the 2018 Rule, which “reduces unnecessary compliance  
 9 burdens and, in large part, re-establishes the longstanding requirements that the 2016 rule  
 10 replaced.” *Id.*

11 The 2018 Rule will provide greater economic benefit to the United States than the  
 12 2016 Rule would have provided, because the 2016 Rule’s compliance costs for the industry and  
 13 implementation costs for the BLM would exceed the 2016 Rule’s benefits. 83 Fed. Reg. 49,186.  
 14 From 2019 to 2028, compliance costs would be \$1.63 to \$2.08 billion *less* under the 2018 Rule  
 15 than under the 2016 Rule. 83 Fed. Reg. 49,204. Although royalties and cost savings would also  
 16 be lower, the 2018 Rule’s *net benefit* to the United States will be \$720 million to \$1.08 billion  
 17 *more* under the 2018 Rule than it would be under the 2016 Rule. 83 Fed. Reg. 49,204–05.  
 18 *Amici Curiae* cannot ignore that expected result.

19 The 2018 Rule will also reduce “the potential economic harm to small businesses” that the  
 20 2016 Rule would have imposed.” 83 Fed. Reg. 49,206. The BLM promulgated the 2018 Rule in  
 21 line with President Trump’s directives, to provide a benefit—not a burden—to this country’s  
 22 economy.

#### 23 **IV. ARGUMENT**

##### 24 **A. The Court Should Defer to the BLM’s Definition of “Waste.”**

25 Congress has recognized the importance of oil and gas development, and Congress enacted  
 26 the MLA *to promote* the prudent development of oil and gas. *See* 30 U.S.C. §§ 223, 226; Mineral  
 27 Leasing Act of February 25, 1920, Pub. L. No. 66-146, §§ 14, 17, 85 Stat. 437, 442, 443. To  
 28 make sure the development is effective and prudent, the MLA requires that lessees “use all



1 reasonable precautions to prevent waste of oil or gas developed in the land.” 30 U.S.C. § 225.  
 2 But, the MLA does not define “waste” or what the term “reasonable precautions” specifically  
 3 contemplates. And, “it is for agencies, not courts, to fill statutory gaps.” *Nat’l Cable & Telecom.*  
 4 *Ass’n v. Brand X Internet Servs.*, 545 U.S. 967, 982 (2005). In this situation, Congress impliedly  
 5 gave the BLM authority to develop a *reasonable* interpretation of the term “waste” and to assess  
 6 which precautions would be “reasonable.” In the 2018 Rule—unlike in the 2016 Rule—the BLM  
 7 acted within that authority, and the Court should defer to the BLM’s decisions in the 2018 Rule.

8 The fact that the 2018 Rule implements a different interpretation of “waste” than the 2016  
 9 Rule is not cause to reverse the BLM’s decisions. An agency is “fully entitled” to change its  
 10 mind. *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 659 (2007). “[I]f the  
 11 agency adequately explains the reasons for a reversal of policy, ‘change is not invalidating, since  
 12 the whole point . . . is to leave the discretion provided by the ambiguities of a statute with the  
 13 implementing agency.’” *Brand X Internet Servs*, 545 U.S. at 981 (quoting *Smiley v. Citibank*  
 14 *(S.D.), N.A.*, 517 U.S. 735, 742 (1996)). Even in *Chevron, USA, Inc. v. NRDC, Inc.*, 467 U.S. 837  
 15 (1984), the Supreme Court “deferred to an agency interpretation that was a recent reversal of  
 16 agency policy.” *Id.* at 982.

17 The BLM correctly changed its mind when it promulgated the 2018 Rule. An agency  
 18 “‘must consider varying interpretations and the wisdom of its policy on a continuing basis’ for  
 19 example, in response to changed factual circumstances, or *a change in administrations.*” *Brand X*  
 20 *Internet Servs*, 545 U.S. at 981 (quoting *Chevron*, 467 U.S. at 863–64) (emphasis added).  
 21 Pursuant to President Trump’s directive, the BLM properly considered cost in the 2018 Rule as  
 22 part of its regulation of waste. *Cf. Michigan v. EPA*, 135 S.Ct. 2699, 2707 (2015) (“Agencies  
 23 have long treated cost as a centrally relevant factor when deciding whether to regulate.”). “The  
 24 Mineral Leasing Act of 1920 allows BLM to grant leases for the ‘economically sound and stable’  
 25 development of federal mineral resources, including gas and oil, on public or private lands where  
 26 the federal government controls subsurface mineral estates.” *Ctr. for Biological Diversity v.*  
 27 *Bureau of Land Mgmt.*, 937 F. Supp. 2d 1140, 1151 (N.D. Cal. 2013) (quoting 30 U.S.C. § 21a).  
 28 While the MLA’s prudent-operator standard requires operators to use “reasonable diligence” and

1 “reasonable precautions” to avoid waste, the MLA does not require operators “to lose money  
 2 capturing and marketing uneconomic gas.” 83 Fed. Reg. 49,186. Ultimately, the 2018 Rule  
 3 “allows operators to continue implementing waste reduction strategies and programs that they find  
 4 successful and to tailor or modify their programs in a manner that makes sense for their  
 5 operations.” 83 Fed. Reg. 49,184.

6 Despite alarmist language from Plaintiffs and their supporting *amici*, the 2018 Rule  
 7 discourages “excessive venting and flaring by placing volume and/or time limits on royalty-free  
 8 venting and flaring during production testing, emergencies, and downhole well maintenance and  
 9 liquids unloading.” 83 Fed. Reg. 49,184; *see, e.g., id.* at 49,199–49,203 (discussion of venting);  
 10 43 C.F.R. §§ 3179.6 (2018) (general prohibition on flaring and venting, and requirement to flare  
 11 rather than vent), 3179.101–04 (2018) (time and volume limits). The 2018 Rule also does not  
 12 rescind completely the 2016 Rule. For example, the 2018 Rule retains the 2016 Rule’s “subpart  
 13 3178 provisions, which incentivize the beneficial use of gas by making gas used for operations  
 14 and production purposes royalty free.” 83 Fed. Reg. 49,184.

15 Additionally, the BLM did not create the 2018 Rule in a vacuum. The BLM considered  
 16 opposition to the proposed 2018 Rule, but noted that commenters failed to provide any legal  
 17 authority demonstrating that “the MLA either does not provide the BLM with the discretion to  
 18 determine what constitutes ‘reasonable precautions’ and ‘undue waste,’ or that the BLM’s revision  
 19 of the 2016 rule exceeds the BLM’s discretion in this area.” 83 Fed. Reg. 49,189.

20 Finally, Congress could have, but did not, use its Congressional Review Act authority to  
 21 repeal the 2018 Rule. Plaintiffs and the *amici* supporting them may have wished for the opposite  
 22 result, but that should have no bearing on this Court’s decision. This Court should defer to the  
 23 BLM’s lawful exercise of the authority Congress gave to it as guided by the then-newly elected  
 24 President and deny summary judgment.

25 **B. The 2018 Rule Removes Duplicative Regulatory Burdens of the 2016 Rule.**

26 In 2016, rather than adhere to Congress’s grant, the BLM used the MLA as a point of  
 27 departure and acted beyond its legal authority in pursuit of a political end: regulating air quality  
 28 under the guise of waste prevention even though the EPA already regulated air quality. When the

1 political winds changed, the Executive Branch took steps to address its error. *See* E.O. 13,783.  
 2 President Trump specifically instructed the BLM to find ways to “avoid[] regulatory burdens that  
 3 unnecessarily encumber energy production[.]” E.O. 13,783, § 1(a). In response, the BLM  
 4 promulgated the 2018 Rule. Not only does the 2018 Rule hew closer to the authority granted by  
 5 Congress, but also it addresses the onerous duplication of air-quality regulation in the 2016 Rule.  
 6 This Court should defer to Congress’s and the President’s policy decisions and the BLM’s  
 7 implementation of them in this case. *See* *Vt. Yankee Nuclear Power Corp. v. NRDC, Inc.*, 435  
 8 U.S. 519, 558 (1978) (“The fundamental policy questions appropriately resolved in Congress and  
 9 in the state legislatures are *not* subject to reexamination in the federal courts under the guise of  
 10 judicial review of agency action.” (emphasis in original)).

11 To promote oil and gas development, Congress has authorized the leasing, by private  
 12 permittees, of land containing “valuable deposits of oil or gas[.]” *See* 30 U.S.C. §§ 223, 226;  
 13 Mineral Leasing Act of February 25, 1920, Pub. L. No. 66-146, §§ 14, 17, 85 Stat. 437, 442, 443.  
 14 Congress authorized the BLM to put conditions in those leases and permits requiring the lessees  
 15 and permittees to “use all reasonable precautions to prevent waste of oil or gas,” or face the risk  
 16 that the federal government would seek forfeiture of the leases and permits through court  
 17 proceedings. 30 U.S.C. § 225 (emphasis added); Pub. L. No. 66-146, § 16, 85 Stat. at 442.  
 18 Dating to 1920, Congress prescribed many of the leasing and permitting requirements, such as  
 19 how to set royalty amounts. *See, e.g.*, Pub. L. No. 66-146, §§ 14, 17–18, 85 Stat. at 442–44  
 20 (codified as amended as 30 U.S.C. §§ 223, 226). And Congress generally authorized the Secretary  
 21 of the Interior to make “rules and regulations” necessary and proper for carrying out the purpose  
 22 of the MLA: “To promote” prudent oil and gas production “on the public domain” subject to  
 23 Congress’s prescribed limits. *See id.* at §§ 30, 32, 85 Stat. at 437 (quoted material), 449–50  
 24 (codified as 30 U.S.C. §§ 187, 189).

25 Congress did *not* authorize the BLM to regulate air quality; instead, Congress gave that  
 26 authority to the EPA. *See generally* 42 U.S.C. §§ 7401 *et seq.*; *Bell v. Cheswick Generating*  
 27 *Station*, 734 F.3d 188, 190 (3d Cir. 2013) (“The Clean Air Act, 42 U.S.C. § 7401 *et seq.*, enacted  
 28 in 1970, is a comprehensive federal law that regulates air emissions under the auspices of the

1 [EPA].”). In the Clean Air Act, Congress laid out the procedures and substance required for  
 2 meaningfully regulating air quality. 42 U.S.C. §§ 7401 *et seq.* Congress intended that the EPA—  
 3 not the BLM—regulate air quality. And when the BLM looked again at the 2016 Rule, which the  
 4 President directed it to do, the BLM realized that it had overstepped its bounds. *See* 83 Fed. Reg.  
 5 49,186 (describing another court’s concerns on this issue and finding them valid).

6 In 2016, not only did the BLM stray beyond its authority, but also it created a *duplicative*  
 7 regime to regulate air quality. Where agencies’ authorities overlap, they should “administer their  
 8 obligations” to “avoid inconsistency.” *Massachusetts v. EPA*, 549 U.S. 497, 532 (2007). And,  
 9 “an agency may not bootstrap itself into an area in which it has no jurisdiction.” *Adams Fruit Co.,*  
 10 *Inc. v. Barrett*, 494 U.S. 638, 650 (1990) (internal quotation marks and citation omitted). But, the  
 11 2016 Rule “upend[ed] the . . . cooperative federalism framework and usurp[ed] the authority  
 12 Congress expressly delegated . . . to the EPA, states, and tribes to manage air quality.” *See*  
 13 *Wyoming v. Dep’t of Interior*, 2017 WL 161428, at \*8 (D. Wyo. 2017). “The asserted benefits of  
 14 the [2016] Rule are . . . already subject to EPA and state regulations.” *Id.* at \*12.

15 In the 2016 Rule, “the BLM . . . hijacked the EPA’s authority under the guise of waste  
 16 management.” *Id.* at \*8; *see also* 83 Fed. Reg. 49,186, 49,188, 49,191. Upon review of the 2016  
 17 Rule, the BLM reached the same conclusion. In the 2018 Rule, the BLM explained, “[T]he BLM  
 18 believes that the emissions-targeting provisions of the 2016 rule create unnecessary regulatory  
 19 overlap in light of EPA’s Clean Air Act authority and its analogous regulations that similarly  
 20 reduce losses of gas.” 83 Fed. Reg. 49,191. That unnecessary regulation and its associated  
 21 burdens on “the development of domestic energy resources” are exactly what President Trump  
 22 charged the BLM with removing. *See* E.O. 13,783, § 1(a).

23 The 2018 Rule respects Congress’s decisions regarding how to regulate air quality. It  
 24 ensures that the BLM’s regulations “are justified as *waste-prevention measures* under the BLM’s  
 25 MLA authority and do not usurp the Clean Air Act authority of the EPA, the states, and tribes.”  
 26 83 Fed. Reg. 49,186 (emphasis added). That is why the BLM tailored the 2018 Rule to rescind  
 27 “the provisions of the 2016 rule that imposed costs in excess of their resource conservation  
 28 benefits or created the potential for impermissible conflict with the regulation of air quality by the

1 EPA or the States under the Clean Air Act.” 83 Fed. Reg. 49,186.

2           Additionally, further regulation of methane should be left to the States. In the MLA,  
3 Congress specifically recognized the States’ important roles in federal oil and gas development.  
4 30 U.S.C. §§ 187, 189. Congress *mandated* that provisions in federal oil and gas leases could not  
5 “be in conflict with the laws of the State in which the leased property is situated.” 30 U.S.C.  
6 § 187. And Congress *mandated* that its leasing laws could not “be construed or held to affect the  
7 rights of the States . . . to exercise any rights which they may have[.]” 30 U.S.C. § 189.

8           Although *amici* supporting the Plaintiffs claim that most of the States lack comprehensive  
9 oil and gas regulations, they neglect to mention that most of the States do not produce significant  
10 oil and gas from federal lands. Ten States are responsible for ninety-nine percent of federal oil  
11 and gas production, and they all have comprehensive regulatory regimes, including regulations  
12 that restrict the venting and flaring of gas from oil and gas wells. *See* 83 Fed. Reg. 49,188; Info.  
13 Mem. from Timothy R. Spisak, Acting Assistant Dir., Energy, Minerals & Realty Mgmt. 1  
14 (Oct. 19, 2017) (cited in the record for this case as AR 19).

15           And, regarding production on Indian lands, the BLM is required to act “in the best interests  
16 of the tribes or of the individual Indian mineral owners, considering all factors affecting their  
17 interests.” 83 Fed. Reg. 49,189. Unlike the 2016 Rule, the 2018 Rule properly acts in the best  
18 economic interest of the Indian mineral owners and properly allows the States that produce the  
19 most oil and gas from federal lands to regulate the industry appropriately.

20           **C. Development of Oil and Gas Resources on Federal Lands Is Critical.**

21           World War I forced the United States to reckon with the fact that it possessed “a perilously  
22 short supply” of oil. David W. Miller, *The Historical Development of the Oil and Gas Laws of the*  
23 *United States*, 51 Calif. L. Rev. 506, 515, 528 (1963). If the United States wanted to contend at an  
24 international level, then it needed petroleum, and Congress accordingly passed the MLA in 1920,  
25 recognizing that “the discovery of these minerals [was] necessary for the prosperity of our  
26 country.” An Act to Promote the Mining of Coal, Phosphate, Oil, Gas, and Sodium on the Public  
27 Domain, Senate Debate on § 2775, 58 Cong. Rec. 4111 (1919); Miller, *supra* at 515 (citing and  
28 quoting Allan Nevins, *Three Fabulous Decades*, Am. Petrol. Inst. Q. 23 (1959)). However, the

1 MLA as originally enacted had not gone far enough to promote domestic energy development.

2 Thus, in the wake of World War II, the United States once again found itself “fearful of  
3 [its] short supply” of oil, which led to Congress amending the MLA. Miller, *supra* at 528.

4 In 1946, prompted by the “great drain placed on our crude oil reserves by World War II . . .  
5 Congress took steps to encourage more exploration and development of public lands.” Miller,  
6 *supra* at 523–24. As Senator Joseph O’Mahoney of Wyoming explained:

7 The bill is the first general revision of the Mineral Leasing Act since  
8 the act of August 21, 1935. . . . World War No. II has demonstrated  
9 beyond peradventure of doubt that the salvation of this Nation  
10 demands that we develop our petroleum reserves to the utmost, to  
the end that this Nation shall not risk loss of either industrial or  
political leadership.

11 S. Rep. No. 1392, at 1 (1946). These policy concerns remain true today.

12 *Amici Curiae* understand that the United States is, once again, a global energy leader and  
13 the largest producer of both oil and natural gas. U.S. Energy Info. Admin., *Total Petroleum and*  
14 *Other Liquids Production - 2018, International Dry Natural Gas Production - 2017*.<sup>4</sup> It is  
15 imperative that the BLM responsibly regulate federal oil and gas resources to avoid impeding that  
16 hard-won status.

17 Oil and gas development generates jobs and revenue that affect federal, state, and local  
18 budgets. There is no disputing that domestic energy production has helped to lower energy prices  
19 for American businesses and families, which in turn have helped to stabilize and *grow* our  
20 economy.

21 Additionally, as the States take the lead in regulating oil and gas development, domestic  
22 energy production has fueled the States’ public-education services. For example, the New Mexico  
23 Oil and Gas Association recently reported that oil and natural gas production have been a boon to  
24 state education budgets:

25 Oil and natural gas production is the single largest source of revenue  
26 for [New Mexico’s] budget, having provided \$2.2 billion in fiscal  
27 year 2018 and currently providing [New Mexico] with a billion-  
dollar budget surplus. Nowhere is that impact more evident than

28 <sup>4</sup> Available at <https://www.eia.gov/beta/international/> (last visited Aug. 28, 2019).

1 [New Mexico's] public schools where oil and natural gas industry  
 2 contributed more than \$822.3 million to help [New Mexico's]  
 3 school children have the best education possible. An additional  
 \$240.5 million supported colleges and universities including the  
 University of New Mexico and New Mexico State University.

4 N.M. Oil & Gas Ass'n, *Fueling New Mexico*, at 2.<sup>5</sup> The regulatory approach embraced in the  
 5 2018 Rule (and preceding the 2016 Rule) reflects a respect for cooperative federalism that  
 6 Congress wrote into the MLA, and it benefits our nation as a whole and the States individually.  
 7 *See Wyoming*, 2017 WL 161428, at \*8, \*12; *cf.* 30 U.S.C. §§ 187, 189 (deference to State laws).  
 8 The 2016 Rule put all of those benefits in jeopardy.

9 *Amici Curiae* are glad that the BLM replaced the 2016 Rule with the 2018 Rule, which  
 10 promotes oil and gas production from federal lands, the United States economy as a whole, and  
 11 the well-being of the States. It is our hope that the BLM will continue to adhere to its legislative  
 12 grant of authority and use that grant to work collaboratively, driving more innovative technologies  
 13 that build upon existing methane-emissions decreases while also continuing to implement  
 14 common-sense reforms such as the 2018 Rule.

## 15 **V. CONCLUSION**

16 The 2018 Rule returns the BLM to the authority that Congress granted. It returns to the  
 17 proper definition of “waste”—which includes the compliance costs that would constrain economic  
 18 growth—and removes the 2016 Rule’s duplicative, unauthorized regulation of air quality. The  
 19 BLM had to correct its course to respect Congress, the President, the States, and American  
 20 businesses and families. *Amici Curiae* accordingly and respectfully ask the Court to uphold the  
 21 2018 Rule and deny Plaintiffs’ motions for summary judgment.

22 Dated: September 3, 2019

Ivan London  
 Zachary W. Fitzgerald  
 K. Lee Marshall  
**BRYAN CAVE LEIGHTON PAISNER LLP**

25 By:           /s/K. Lee Marshall            
 26 K. Lee Marshall  
 Attorneys for *Amici Curiae*

27 \_\_\_\_\_  
 28 <sup>5</sup> Available at [https://www.nmoga.org/benefits\\_of\\_oil\\_natural\\_gas](https://www.nmoga.org/benefits_of_oil_natural_gas) (last visited Aug. 12, 2019) and  
 authenticated as Ex. 3 to the Declaration of Zachary W. Fitzgerald.

# Exhibit 3





# FUELING NEW MEXICO

THE OIL & NATURAL GAS INDUSTRY'S IMPACT ON OUR SCHOOLS

# EXECUTIVE DIRECTOR



A new era is on the horizon for New Mexico. As New Mexico's political leadership shifts, an unprecedented energy renaissance is taking place across America and right here in the Land of Enchantment.

Late last year it was reported that the United States became the largest producer of crude oil in the world, driven largely by the growth of energy production in places like New Mexico. This achievement gives the United States greater control of our energy future, making our country more secure, and allowing communities and economies to flourish.

Thanks to unprecedented oil and natural gas production, New Mexico now flourishes like never before. The strength of our oil and gas industry translates into strong communities, providing jobs and investment into areas of our state like Farmington, Hobbs, Artesia, and

Carlsbad, among others. These communities are the heartbeat of our oil and gas industry, responsible for more than 100,000 jobs in New Mexico. Yet the benefits of the industry are felt in every corner of our state.

Oil and natural gas production is the single largest source of revenue for our state's budget, having provided \$2.2 billion in fiscal year 2018 and currently providing the state with a billion-dollar budget surplus. Nowhere is that impact more evident than our public schools where the oil and natural gas industry contributed more than \$822.3 million to help our 330,000 school children have the best education possible. An additional \$240.5 million supported colleges and universities including the University of New Mexico and New Mexico State University.

Helping pave the way for future generations of New Mexicans is a responsibility our industry shares with everyone who cares about this state, and this responsibility is not limited to providing support for our schools. We take seriously our commitment to safely produce energy and protect the environment at the same time. We can and will continue to reduce air emissions, responsibly manage our lands, and conserve water. That's our promise to all New Mexicans today and tomorrow.

The future is bright for New Mexico, and this report highlights how the oil and gas industry is doing our part to make our state stronger and better for future generations. New Mexico has vast potential, and working together there is no limit to what we can accomplish as a state.

Yours Truly,

A handwritten signature in black ink, appearing to read 'Ryan Flynn', written in a cursive style.

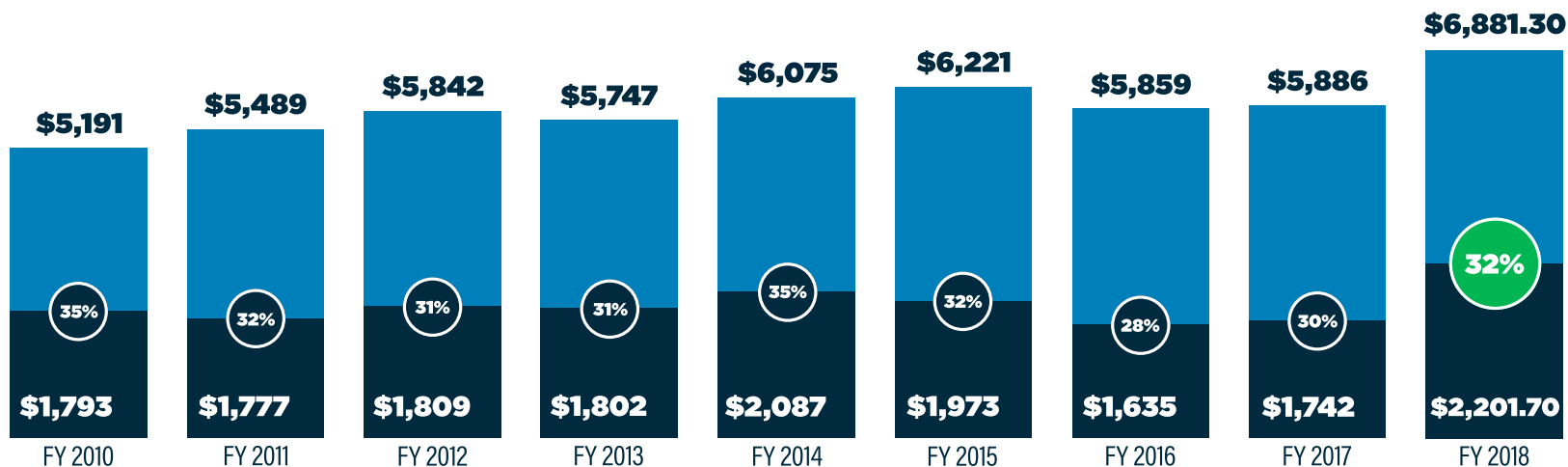
Ryan Flynn  
Executive Director  
New Mexico Oil and Gas Association

# THE IMPACT OF OIL AND GAS ON THE GENERAL FUND



REVENUE ATTRIBUTABLE TO THE OIL AND GAS INDUSTRY FOR THE GENERAL FUND **INCREASED BY \$465** MILLION FROM FY17.

## GENERAL FUND REVENUES ATTRIBUTED TO OIL AND GAS PRODUCTION THROUGH THE YEARS



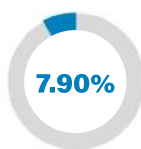
(\$ MILLIONS)

- TOTAL GENERAL FUND REVENUE
- TOTAL GENERAL FUND REVENUE ATTRIBUTED TO OIL & GAS

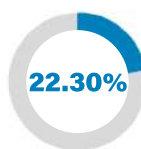
Sources: New Mexico Tax Research Institute, New Mexico Public Education Department, and United States Census Bureau.\*

# THE IMPACT OF OIL AND GAS ON THE GENERAL FUND

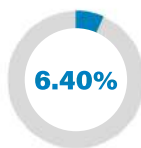
## FY18 GENERAL FUND REVENUE ATTRIBUTED TO OIL AND GAS PRODUCTION (\$ MILLIONS)



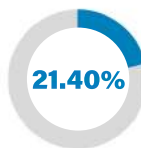
**GROSS RECEIPTS TAX**  
**O&G SHARE: \$188.00**  
 TOTAL: \$2,381.10



**COMPENSATING TAX**  
**O&G SHARE: \$188.00**  
 TOTAL: \$56.10



**PERSONAL INCOME TAX**  
**O&G SHARE: \$96.80**  
 TOTAL: \$1,519.00



**CORPORATE INCOME TAX**  
**O&G SHARE: \$22.80**  
 TOTAL: \$106.60



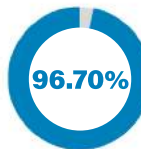
**OIL & GAS SCHOOL TAX**  
**O&G SHARE: \$450.80**  
 TOTAL: \$450.80



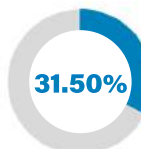
**OIL & GAS CONSERVATION TAX**  
**O&G SHARE: \$22.40**  
 TOTAL: \$22.90



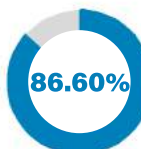
**NATURAL GAS PROCESSORS TAX**  
**O&G SHARE: \$10.80**  
 TOTAL: \$10.80



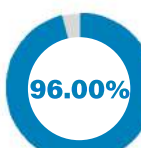
**LAND GRANT PERM. FUND INCOME**  
**O&G SHARE: \$567.50**  
 TOTAL: \$586.60



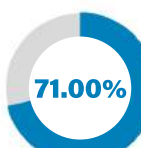
**EARNINGS ON STATE BALANCES**  
**O&G SHARE: \$1.90**  
 TOTAL: \$5.90



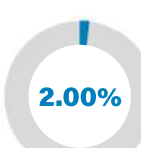
**SEV TAX PERM. FUND INCOME**  
**O&G SHARE: \$182.20**  
 TOTAL: \$210.40



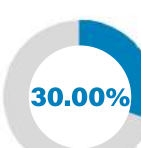
**FEDERAL MINERAL LEASING**  
**O&G SHARE: \$541.70**  
 TOTAL: \$564.20



**LAND OFFICE INCOME**  
**O&G SHARE: \$79.40**  
 TOTAL: \$111.80



**MISCELLANEOUS RECEIPTS**  
**O&G SHARE: \$0.90**  
 TOTAL: \$46.90



**REVERSIONS**  
**O&G SHARE: \$23.90**  
 TOTAL: \$79.80

# THE OIL AND GAS INDUSTRY'S BENEFITS TO NEW MEXICO SCHOOLS

**THE OIL AND GAS INDUSTRY CONTRIBUTES NEARLY ONE-THIRD OF THE FUNDING FOR OUR SCHOOLS, INFRASTRUCTURE, HEALTHCARE, AND PUBLIC SAFETY - MORE THAN ANY OTHER INDUSTRY IN NEW MEXICO.**

TOTAL EDUCATION FUNDING IN NEW MEXICO IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$1,062,828,796**



**\$822,300,741**  
TOTAL AMOUNT: K-12



**\$240,528,055**  
TOTAL AMOUNT:  
HIGHER EDUCATION



**\$38,179**  
AVG. AMOUNT PER TEACHER



**\$2,472.01**  
AVG. AMOUNT PER STUDENT

**\$822,300,741 COULD PROVIDE NEW MEXICO SCHOOLS WITH**



**17,496**  
TEACHERS



**7,475**  
SCHOOL BUSES



**387,877,708**  
SCHOOL LUNCHES



**11,747,153**  
TEXTBOOKS



**2,491,820**  
IPADS

# THE OIL AND GAS BENEFITS TO NEW MEXICO

**THE OIL AND GAS INDUSTRY CONTRIBUTES NEARLY ONE-THIRD OF THE FUNDING FOR OUR SCHOOLS, INFRASTRUCTURE, HEALTHCARE, AND PUBLIC SAFETY - MORE THAN ANY OTHER INDUSTRY IN NEW MEXICO.**



## VITAL INFRASTRUCTURE

OIL AND GAS FUNDS SUPPORT THE CONSTRUCTION OF NEW ROADS AND HIGHWAYS TO KEEP NEW MEXICO ON THE MOVE.



## NEW MEXICO GENERAL FUND

THE OIL AND NATURAL GAS INDUSTRY SUPPORTS ONE-THIRD, OR **\$2 BILLION**, OF THE STATE'S ANNUAL BUDGET.



## PUBLIC SAFETY

OIL AND NATURAL GAS HELP NEW MEXICO PUT MORE PUBLIC SAFETY OFFICERS ON THE STREETS, KEEPING OUR COMMUNITIES SAFE.



## ECONOMIC GROWTH

THE RAPIDLY EXPANDING OIL AND NATURAL GAS INDUSTRY IS GROWING NEW MEXICO'S ECONOMY AND PUTTING MORE NEW MEXICANS TO WORK.



## FUNDING FOR LOCAL SCHOOLS

STUDENTS AND TEACHERS RECEIVE MORE THAN \$1 BILLION EACH YEAR TO SUPPORT NEW MEXICO'S SCHOOLS.



## "RAINY DAY" FUND

SECURED BY OIL AND NATURAL GAS ROYALTIES, A FUND FOR NEW MEXICO'S FUTURE GENERATIONS TO BENEFIT PUBLIC SCHOOLS.



## MORE JOBS

MORE THAN **100,000** NEW MEXICANS ARE EMPLOYED AS A RESULT OF OIL AND NATURAL GAS PRODUCTION IN NEW MEXICO.



## AMERICAN ENERGY SECURITY

PRODUCING OIL AND NATURAL GAS IN NEW MEXICO MAKES AMERICA LESS RELIANT ON OTHER COUNTRIES FOR OUR ENERGY NEEDS.

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN BERNALILLO COUNTY



**676,773**  
COUNTY POPULATION



**95,689**  
K-12 STUDENTS



**197**  
K-12 SCHOOLS



**6,379**  
TEACHERS



**\$241,657,789** OF THE \$748,166,529 THAT BERNALILLO COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$105,226,682** OF THE \$325,779,200 THAT BERNALILLO COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN BERNALILLO COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$346,884,470**

**\$241,657,789 COULD PROVIDE BERNALILLO SCHOOLS WITH**



**5,142**  
TEACHERS



**2,197**  
SCHOOL BUSES



**113,989,523**  
SCHOOL LUNCHES



**3,452,254**  
TEXTBOOKS



**732,296**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN CATRON COUNTY



**3,587**  
COUNTY POPULATION



**268**  
K-12 STUDENTS



**6**  
K-12 SCHOOLS



**34**  
TEACHERS



**\$1,055,485** OF THE \$3,267,756 THAT CATRON COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$240,528,055** OF THE \$744,668,900 THAT NEW MEXICO RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN CATRON COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$1,055,485**

**\$1,055,485 COULD PROVIDE CATRON SCHOOLS WITH**



**22**  
TEACHERS



**10**  
SCHOOL BUSES



**497.870**  
SCHOOL LUNCHES



**15,078**  
TEXTBOOKS



**3,198**  
IPADS



# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN CHAVES COUNTY



**64,866**  
COUNTY POPULATION



**12,269**  
K-12 STUDENTS



**34**  
K-12 SCHOOLS



**767**  
TEACHERS



**\$28,870,837** OF THE \$89,383,397 THAT CHAVES COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$4,510,986** OF THE \$13,965,900 THAT CHAVES COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN CHAVES COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$33,381,823**

**\$28,870,837** COULD PROVIDE CHAVES SCHOOLS WITH



**614**  
TEACHERS



**262**  
SCHOOL BUSES



**13,618,319**  
SCHOOL LUNCHES



**412,441**  
TEXTBOOKS



**87,487**  
IPADS

Sources: New Mexico Tax Research Institute, New Mexico Public Education Department, and United States Census Bureau.\*

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN CIBOLA COUNTY



**26,853**  
COUNTY POPULATION



**3,702**  
K-12 STUDENTS



**20**  
K-12 SCHOOLS



**247**  
TEACHERS



**\$8,685,106** OF THE \$26,888,873 THAT CIBOLA COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$1,072,392** OF THE \$3,320,100 THAT CIBOLA COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN CIBOLA COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$9,757,498**

**\$685,106** COULD PROVIDE CIBOLA SCHOOLS WITH



**185**  
TEACHERS



**79**  
SCHOOL BUSES



**4,096,748**  
SCHOOL LUNCHES



**124,073**  
TEXTBOOKS



**26,319**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN COLFAX COUNTY



**12,174**  
COUNTY POPULATION



**1,683**  
K-12 STUDENTS



**15**  
K-12 SCHOOLS



**153**  
TEACHERS



**\$5,249,759** OF THE \$16,253,125 THAT COLFAX COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$240,528,055** OF THE \$744,668,900 THAT NEW MEXICO RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN COLFAX COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$5,249,759**

**\$5,249,759** COULD PROVIDE COLFAX SCHOOLS WITH



**112**  
TEACHERS



**48**  
SCHOOL BUSES



**2,476,301**  
SCHOOL LUNCHES



**74,997**  
TEXTBOOKS



**15,908**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN CURRY COUNTY



**49,812**  
COUNTY POPULATION



**9,805**  
K-12 STUDENTS



**28**  
K-12 SCHOOLS



**577**  
TEACHERS



**\$21,766,161** OF THE \$67,387,495 THAT CURRY COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$3,025,541** OF THE \$9,367,000 THAT CURRY COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN CURRY COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

## **\$24,791,702**

**\$21,766,161** COULD PROVIDE CURRY SCHOOLS WITH



**463**  
TEACHERS



**198**  
SCHOOL BUSES



**10,267,057**  
SCHOOL LUNCHES

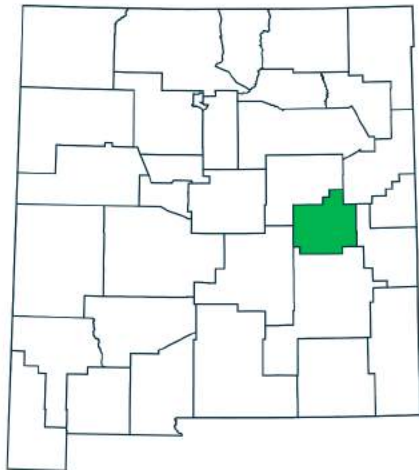


**310,945**  
TEXTBOOKS



**65,958**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN DE BACA COUNTY



**1,829**  
COUNTY POPULATION



**315**  
K-12 STUDENTS



**3**  
K-12 SCHOOLS



**29**  
TEACHERS



**\$1,019,761** OF THE \$3,157,156 THAT DE BACA COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$240,528,055** OF THE \$744,668,900 THAT NEW MEXICO RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN DE BACA COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$1,019,761**

**\$1,019,761** COULD PROVIDE DE BACA SCHOOLS WITH



**22**  
TEACHERS



**9**  
SCHOOL BUSES



**481,019**  
SCHOOL LUNCHES



**14,568**  
TEXTBOOKS



**3,090**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN DOÑA ANA COUNTY



**215,579**  
COUNTY POPULATION



**39,066**  
K-12 STUDENTS



**73**  
K-12 SCHOOLS



**2,442**  
TEACHERS



**\$97,566,806** OF THE \$302,064,416 THAT DOÑA ANA COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$56,877,619** OF THE \$176,091,700 THAT DOÑA ANA COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN DOÑA ANA COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$154,444,425**

**\$97,566,806** COULD PROVIDE DOÑA ANA SCHOOLS WITH



**2,076**  
TEACHERS



**887**  
SCHOOL BUSES



**46,022,078**  
SCHOOL LUNCHES



**1,393,812**  
TEXTBOOKS



**295,657**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN EDDY COUNTY



**56,997**  
COUNTY POPULATION



**10,827**  
K-12 STUDENTS



**27**  
K-12 SCHOOLS



**637**  
TEACHERS



**\$29,443,083** OF THE \$91,155,055 THAT EDDY COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$1,351,917** OF THE \$4,185,500 THAT EDDY COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN EDDY COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$30,794,999**

**\$29,443,083 COULD PROVIDE EDDY SCHOOLS WITH**



**626**  
TEACHERS



**268**  
SCHOOL BUSES



**13,888,247**  
SCHOOL LUNCHES



**420,615**  
TEXTBOOKS



**89,221**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN GRANT COUNTY



**27,687**  
COUNTY POPULATION



**4,197**  
K-12 STUDENTS



**15**  
K-12 SCHOOLS



**280**  
TEACHERS



**\$12,101,192** OF THE \$37,464,992 THAT GRANT COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$6,137,194** OF THE \$19,000,600 THAT GRANT COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN GRANT COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$18,238,386**

**\$12,101,192 COULD PROVIDE GRANT SCHOOLS WITH**



**257**  
TEACHERS



**110**  
SCHOOL BUSES



**5,708,109**  
SCHOOL LUNCHES



**172,874**  
TEXTBOOKS



**36,670**  
IPADS



# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN GUADALUPE COUNTY



**4,429**  
COUNTY POPULATION



**734**  
K-12 STUDENTS



**8**  
K-12 SCHOOLS



**61**  
TEACHERS



**\$2,343,386** OF THE \$7,255,065 THAT GUADALUPE COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$240,528,055** OF THE \$744,668,900 THAT NEW MEXICO RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN GUADALUPE COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$2,343,386**

**\$2,343,386** COULD PROVIDE GUADALUPE SCHOOLS WITH



**50**  
TEACHERS



**21**  
SCHOOL BUSES



**1,105,371**  
SCHOOL LUNCHES



**33,477**  
TEXTBOOKS



**7,101**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN HARDING COUNTY



**692**  
COUNTY POPULATION



**91**  
K-12 STUDENTS



**4**  
K-12 SCHOOLS



**18**  
TEACHERS



**\$844,192** OF THE \$2,613,599 THAT HARDING COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$240,528,055** OF THE \$744,668,900 THAT NEW MEXICO RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN HARDING COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$844,192**

**\$844,192 COULD PROVIDE HARDING SCHOOLS WITH**



**18**  
TEACHERS



**8**  
SCHOOL BUSES



**398,204**  
SCHOOL LUNCHES



**12,060**  
TEXTBOOKS



**2,558**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN HIDALGO COUNTY



**4,305**  
COUNTY POPULATION



**677**  
K-12 STUDENTS



**7**  
K-12 SCHOOLS



**52**  
TEACHERS



**\$2,384,484** OF THE \$7,382,304 THAT HIDALGO COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$240,528,055** OF THE \$744,668,900 THAT NEW MEXICO RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN HIDALGO COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$2,384,484**

**\$2,384,484** COULD PROVIDE HIDALGO SCHOOLS WITH



**51**  
TEACHERS



**22**  
SCHOOL BUSES



**1,124,757**  
SCHOOL LUNCHES

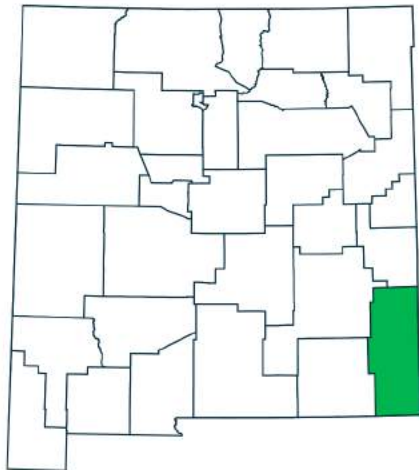


**34,064**  
TEXTBOOKS



**7,226**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN LEA COUNTY



**68,759**  
COUNTY POPULATION



**15,516**  
K-12 STUDENTS



**39**  
K-12 SCHOOLS



**913**  
TEACHERS



**\$35,937,428** OF THE \$111,261,387 THAT LEA COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$1,963,194** OF THE \$6,078,000 THAT LEA COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN LEA COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$37,900,622**

**\$35,937,428 COULD PROVIDE LEA SCHOOLS WITH**



**765**  
TEACHERS



**327**  
SCHOOL BUSES



**16,951,617**  
SCHOOL LUNCHES



**513,392**  
TEXTBOOKS



**108,901**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN LINCOLN COUNTY



**19,395**  
COUNTY POPULATION



**2,834**  
K-12 STUDENTS



**16**  
K-12 SCHOOLS



**189**  
TEACHERS



**\$7,817,920** OF THE \$24,204,087 THAT LINCOLN COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$625,360** OF THE \$1,936,100 THAT LINCOLN COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN LINCOLN COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$8,443,280**

**\$7,817,920** COULD PROVIDE LINCOLN SCHOOLS WITH



**166**  
TEACHERS



**71**  
SCHOOL BUSES



**3,687,698**  
SCHOOL LUNCHES



**111,685**  
TEXTBOOKS



**23,691**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN LOS ALAMOS COUNTY



**18,738**  
COUNTY POPULATION



**3,578**  
K-12 STUDENTS



**7**  
K-12 SCHOOLS



**256**  
TEACHERS



**\$9,011,706** OF THE \$27,900,019 THAT LOS ALAMOS COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$552,459** OF THE \$1,710,400 THAT LOS ALAMOS COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN LOS ALAMOS COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$9,564,165**

\$9,011,706 COULD PROVIDE LOS ALAMOS SCHOOLS WITH



**192**  
TEACHERS



**82**  
SCHOOL BUSES



**4,250,805**  
SCHOOL LUNCHES



**128,739**  
TEXTBOOKS



**27,308**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN LUNA COUNTY



**24,078**  
COUNTY POPULATION



**5,504**  
K-12 STUDENTS



**11**  
K-12 SCHOOLS



**344**  
TEACHERS



**\$13,419,322** OF THE \$41,545,888 THAT LUNA COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$240,528,055** OF THE \$744,668,900 THAT NEW MEXICO RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN LUNA COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$13,419,322**

\$13,419,322 COULD PROVIDE LUNA SCHOOLS WITH



**286**  
TEACHERS



**122**  
SCHOOL BUSES



**6,329,869**  
SCHOOL LUNCHES



**191,705**  
TEXTBOOKS



**40,665**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN MCKINLEY COUNTY



**72,564**  
COUNTY POPULATION



**13,293**  
K-12 STUDENTS



**57**  
K-12 SCHOOLS



**886**  
TEACHERS



**\$24,217,874** OF THE \$74,618,935 THAT MCKINLEY COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$2,777,542** OF THE \$8,599,200 THAT MCKINLEY COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN MCKINLEY COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$26,995,416**

**\$24,217,874** COULD PROVIDE MCKINLEY SCHOOLS WITH



**515**  
TEACHERS



**220**  
SCHOOL BUSES



**11,423,525**  
SCHOOL LUNCHES



**345,970**  
TEXTBOOKS



**73,387**  
IPADS



# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN MORA COUNTY



**4,551**  
COUNTY POPULATION



**492**  
K-12 STUDENTS



**6**  
K-12 SCHOOLS



**49**  
TEACHERS



**\$1,997,655** OF THE \$6,184,689 THAT MORA COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$240,528,055** OF THE \$744,668,900 THAT NEW MEXICO RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN MORA COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$1,997,655**

**\$1,997,655** COULD PROVIDE MORA SCHOOLS WITH



**43**  
TEACHERS



**18**  
SCHOOL BUSES



**942,290**  
SCHOOL LUNCHES



**28,538**  
TEXTBOOKS



**6,054**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN OTERO COUNTY



**65,817**  
COUNTY POPULATION



**6,307**  
K-12 STUDENTS



**22**  
K-12 SCHOOLS



**420**  
TEACHERS



**\$18,769,061** OF THE \$58,108,549 THAT OTERO COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$2,743,336** OF THE \$8,493,300 THAT OTERO COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN OTERO COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$21,512,397**

**\$18,769,061 COULD PROVIDE OTERO SCHOOLS WITH**



**399**  
TEACHERS



**171**  
SCHOOL BUSES



**8,853,331**  
SCHOOL LUNCHES



**268,129**  
TEXTBOOKS



**56,876**  
IPADS

Sources: New Mexico Tax Research Institute, New Mexico Public Education Department, and United States Census Bureau.\*

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN QUAY COUNTY



**8,306**  
COUNTY POPULATION



**1,453**  
K-12 STUDENTS



**12**  
K-12 SCHOOLS



**112**  
TEACHERS



**\$5,080,748** OF THE \$15,729,871 THAT QUAY COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$1,329,080** OF THE \$4,114,800 THAT QUAY COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN QUAY COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$6,409,829**

**\$5,080,748** COULD PROVIDE QUAY SCHOOLS WITH



**108**  
TEACHERS



**46**  
SCHOOL BUSES



**2,396,579**  
SCHOOL LUNCHES



**72,583**  
TEXTBOOKS



**5,396**  
IPADS

Sources: New Mexico Tax Research Institute, New Mexico Public Education Department, and United States Census Bureau.\*

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN RIO ARRIBA COUNTY



**39,159**  
COUNTY POPULATION



**5,827**  
K-12 STUDENTS



**29**  
K-12 SCHOOLS



**388**  
TEACHERS



**\$14,970,341** OF THE \$46,347,806 THAT RIO ARRIBA COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$3,371,571** OF THE \$10,438,300 THAT RIO ARRIBA COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN RIO ARRIBA COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

## **\$18,341,912**

**\$14,970,341 COULD PROVIDE RIO ARRIBA SCHOOLS WITH**



**319**  
TEACHERS



**136**  
SCHOOL BUSES



**7,061,482**  
SCHOOL LUNCHES



**213,862**  
TEXTBOOKS



**45,365**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN ROOSEVELT COUNTY



**18,847**  
COUNTY POPULATION



**3,425**  
K-12 STUDENTS



**13**  
K-12 SCHOOLS



**245**  
TEACHERS



**\$9,523,222** OF THE \$29,483,658 THAT ROOSEVELT COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$9,640,839** OF THE \$29,847,800 THAT ROOSEVELT COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN ROOSEVELT COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$19,164,061**

**\$9,523,222** COULD PROVIDE ROOSEVELT SCHOOLS WITH



**203**  
TEACHERS



**87**  
SCHOOL BUSES



**4,492,086**  
SCHOOL LUNCHES

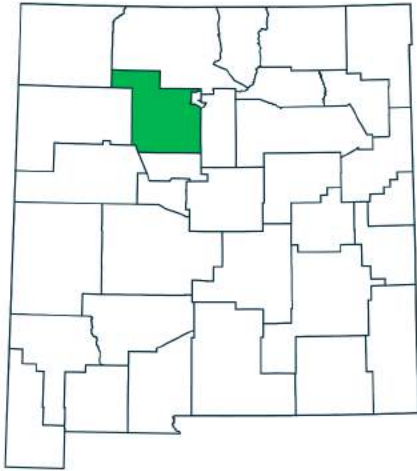


**136,046**  
TEXTBOOKS



**28,858**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN SANDOVAL COUNTY



**142,507**  
COUNTY POPULATION



**21,362**  
K-12 STUDENTS



**46**  
K-12 SCHOOLS



**1,335**  
TEACHERS



**\$58,529,239** OF THE \$181,205,074 THAT SANDOVAL COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$240,528,055** OF THE \$744,668,900 THAT NEW MEXICO RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN SANDOVAL COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$58,529,239**

**\$58,529,239** COULD PROVIDE SANDOVAL SCHOOLS WITH



**1,245**  
TEACHERS



**532**  
SCHOOL BUSES



**27,608,132**  
SCHOOL LUNCHES



**836,132**  
TEXTBOOKS



**177,361**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN SAN JUAN COUNTY



**126,926**  
COUNTY POPULATION



**24,027**  
K-12 STUDENTS



**59**  
K-12 SCHOOLS



**1,502**  
TEACHERS



**\$49,767,930** OF THE \$154,080,280 THAT SAN JUAN COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$7,399,090** OF THE \$22,907,400 THAT SAN JUAN COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN SAN JUAN COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$57,167,020**

**\$49,767,930 COULD PROVIDE SAN JUAN SCHOOLS WITH**



**1,059**  
TEACHERS



**452**  
SCHOOL BUSES



**23,475,439**  
SCHOOL LUNCHES



**710,970**  
TEXTBOOKS



**150,812**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN SAN MIGUEL COUNTY



**27,748**  
COUNTY POPULATION



**3,534**  
K-12 STUDENTS



**19**  
K-12 SCHOOLS



**236**  
TEACHERS



**\$11,073,914** OF THE \$34,284,562 THAT SAN MIGUEL COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$11,951,581** OF THE \$37,001,800 THAT SAN MIGUEL COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN SAN MIGUEL COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$23,025,495**

**\$11,073,914** COULD PROVIDE SAN MIGUEL SCHOOLS WITH



**236**  
TEACHERS



**101**  
SCHOOL BUSES



**5,223,544**  
SCHOOL LUNCHES



**158,199**  
TEXTBOOKS



**33,557**  
IPADS



# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN SANTA FE COUNTY



**148,750**  
COUNTY POPULATION



**21,093**  
K-12 STUDENTS



**54**  
K-12 SCHOOLS



**1,406**  
TEACHERS



**\$50,013,964** OF THE \$154,841,995 THAT SANTA FE COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$5,712,513** OF THE \$17,685,800 THAT SANTA FE COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN SANTA FE COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$55,726,478**

\$50,013,964 COULD PROVIDE SANTA FE SCHOOLS WITH



**1,064**  
TEACHERS



**455**  
SCHOOL BUSES



**23,591,492**  
SCHOOL LUNCHES



**714,485**  
TEXTBOOKS



**151,557**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN SIERRA COUNTY



**11,116**  
COUNTY POPULATION



**1,329**  
K-12 STUDENTS



**5**  
K-12 SCHOOLS



**89**  
TEACHERS



**\$3,425,305** OF THE \$10,604,659 THAT SIERRA COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$240,528,055** OF THE \$744,668,900 THAT NEW MEXICO RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN SIERRA COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$3,425,305**

**\$3,425,305** COULD PROVIDE SIERRA SCHOOLS WITH



**73**  
TEACHERS



**31**  
SCHOOL BUSES



**1,615,710**  
SCHOOL LUNCHES



**48,933**  
TEXTBOOKS



**10,380**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN SOCORRO COUNTY



**16,798**  
COUNTY POPULATION



**2,131**  
K-12 STUDENTS



**11**  
K-12 SCHOOLS



**164**  
TEACHERS



**\$6,146,783** OF THE \$19,030,288 THAT SOCORRO COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$11,420,343** OF THE \$35,357,100 THAT SOCORRO COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN SOCORRO COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$17,567,126**

**\$6,146,783** COULD PROVIDE SOCORRO SCHOOLS WITH



**131**  
TEACHERS



**56**  
SCHOOL BUSES



**2,899,426**  
SCHOOL LUNCHES



**87,811**  
TEXTBOOKS



**18,627**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN TAOS COUNTY



**32,795**  
COUNTY POPULATION



**4,448**  
K-12 STUDENTS



**28**  
K-12 SCHOOLS



**318**  
TEACHERS



**\$12,706,670** OF THE \$39,339,536 THAT TAOS COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$1,129,822** OF THE \$3,497,900 THAT TAOS COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN TAOS COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$13,836,492**

**\$12,706,670** COULD PROVIDE TAOS SCHOOLS WITH



**270**  
TEACHERS



**116**  
SCHOOL BUSES



**5,993,712**  
SCHOOL LUNCHES



**181,524**  
TEXTBOOKS



**38,505**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN TORRANCE COUNTY



**15,506**  
COUNTY POPULATION



**3,818**  
K-12 STUDENTS



**16**  
K-12 SCHOOLS



**255**  
TEACHERS



**\$5,734,652** OF THE \$17,754,339 THAT TORRANCE COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$240,528,055** OF THE \$744,668,900 THAT NEW MEXICO RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN TORRANCE COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$5,734,652**

**\$5,734,652 COULD PROVIDE TORRANCE SCHOOLS WITH**



**122**  
TEACHERS



**52**  
SCHOOL BUSES



**2,705,025**  
SCHOOL LUNCHES



**81,924**  
TEXTBOOKS



**17,378**  
IPADS

Sources: New Mexico Tax Research Institute, New Mexico Public Education Department, and United States Census Bureau.\*

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN UNION COUNTY



**4,187**  
COUNTY POPULATION



**582**  
K-12 STUDENTS



**6**  
K-12 SCHOOLS



**59**  
TEACHERS



**\$2,015,950** OF THE \$6,241,330 THAT UNION COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$240,528,055** OF THE \$744,668,900 THAT NEW MEXICO RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN UNION COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$2,015,950**

\$2,015,950 COULD PROVIDE UNION SCHOOLS WITH



**43**  
TEACHERS



**18**  
SCHOOL BUSES



**950,920**  
SCHOOL LUNCHES



**28,799**  
TEXTBOOKS



**6,109**  
IPADS

# THE OIL AND GAS INDUSTRY'S IMPACT ON EDUCATION IN VALENCIA COUNTY



**75,940**  
COUNTY POPULATION



**12,768**  
K-12 STUDENTS



**28**  
K-12 SCHOOLS



**709**  
TEACHERS



**\$29,153,015** OF THE \$90,257,013 THAT VALENCIA COUNTY RECEIVES FOR K-12 EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.



**\$1,708,993** OF THE \$5,291,000 THAT VALENCIA COUNTY RECEIVES FOR HIGHER EDUCATION IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY.

TOTAL EDUCATION FUNDING IN VALENCIA COUNTY IS SUPPORTED BY THE OIL AND NATURAL GAS INDUSTRY

**\$30,862,008**

**\$29,153,015 COULD PROVIDE VALENCIA SCHOOLS WITH**



**620**  
TEACHERS



**265**  
SCHOOL BUSES



**13,751,422**  
SCHOOL LUNCHES



**416,472**  
TEXTBOOKS



**88,342**  
IPADS

# THE IMPACT OF OIL AND GAS IN COMMUNITIES



**"I'M THANKFUL TO THE OIL AND GAS INDUSTRY FOR THE \$306 MILLION IT'S GIVEN TO EDUCATION IN OUR COUNTY."**  
-SERRI, TEACHER, BERNALILLO COUNTY

**"THE PUBLIC SCHOOLS BENEFIT FROM THE OIL AND GAS INDUSTRY. I UNDERSTAND THAT \$1.6 BILLION WAS GIVEN TO NEW MEXICO'S PUBLIC EDUCATION"**  
- CONNIE, TEACHER, LAS CRUCES



**"I'M MOST THANKFUL FOR THE AMOUNT OF MONEY [THE OIL AND GAS INDUSTRY] PUTS INTO EDUCATION."**  
-CHRISTINA, TEACHER

**"MY KIDS WILL GO TO COLLEGE BECAUSE OF THE ECONOMIC IMPACT OIL AND GAS HAS HAD ON THIS COMMUNITY."**  
-JENNIFER, ENGINEER, ARTESIA



**"THE OIL INDUSTRY HAS DEFINITELY PROVIDED A WAY FOR ME TO GIVE MY KIDS WHAT I DIDN'T HAVE GROWING UP."**  
- CURTIS, OIL AND GAS EMPLOYEE, CARLSBAD

**"OIL AND GAS IS INCREDIBLY IMPORTANT. WE'RE JUST VERY THANKFUL FOR ALL IT PROVIDES FOR OUR SCHOOLS AND FAMILIES."**  
-COMMISSIONER JON HENRY, ARTESIA



Sources: New Mexico Tax Research Institute, New Mexico Public Education Department, and United States Census Bureau.\*





**NEW MEXICO OIL AND GAS ASSOCIATION**

**WWW.NMOGA.ORG**

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**A STRONGER ECONOMY.  
A BRIGHTER FUTURE.**



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**CERTIFICATE OF SERVICE**

I certify that on September 3, 2019, I electronically filed the foregoing DECLARATION OF ZACHARY W. FITZGERALD IN SUPPORT OF MOTION OF MEMBERS OF CONGRESS AS *AMICI CURIAE* FOR LEAVE TO FILE BRIEF IN OPPOSITION TO PLAINTIFFS' MOTIONS FOR SUMMARY JUDGMENT; MEMORANDUM OF POINTS AND AUTHORITIES with the Clerk using the CM/ECF system, which I understand to have caused service of the filing to all counsel of record.

*/s/ K. Lee Marshall*  
K. Lee Marshall

BRYAN CAVE LEIGHTON PAISNER LLP  
1700 LINCOLN STREET  
SUITE 4100  
DENVER, CO 80203

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