

Congress of the United States
Washington, DC 20510

August 23, 2013

The Honorable Sally Jewell
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, NW, Room 5665
Washington, DC 20240

Dear Secretary Jewell:

We write today with concerns regarding the Bureau of Land Management's (BLM) proposed hydraulic fracturing rule (*Federal Register*, May 24, 2013) and request North Dakota and our tribes, and similar states, be exempted from the final rule.

We appreciate you accepting our invitation to see North Dakota's oil and gas production first hand. The unique geology, technology, and innovation in North Dakota exemplifies why a one-size-fits-all federal approach to oil and gas regulation does not work. You were correct when you noted in North Dakota that our state's resources would be affected by a national energy policy and by rules that are developed to regulate the development of federal oil and gas leases.

After seeing our development and visiting with local officials, you observed that North Dakota has a "very sophisticated" oil and gas regulatory framework and that it is a model worth studying. North Dakota's successful record in managing its energy development is becoming a model for the nation. The federal government should allow states and tribes to continue to move forward with their own sophisticated regulatory framework instead of stifling them with a generic blanket of federal regulations. We believe such federal regulations will hamper innovative approaches being developed throughout the country.

The North Dakota Industrial Commission (NDIC), made up of the Governor, the Attorney General, and the Agriculture Commissioner, directly oversee and regulate the industry through the Department of Mineral Resources (DMR). The NDIC and DMR have already put strong regulations in place requiring operators to disclose the chemicals they use in fracturing activities as well as regulations addressing hydraulic fracture stimulation, well-bore integrity, flowback, and cement bond testing. State oversight and the unique expertise and experience of our regulators resulted in the NDIC approving extensive new rules regarding well completions in 2012. States require this flexibility and primacy in regulating oil and gas production in order to make adjustments based on their expertise and on the ground assessments. The NDIC and DMR are in the best position to determine what regulations are best for oil and gas production in North Dakota.

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We request that the BLM final rule on hydraulic fracturing exempt North Dakota and Indian lands in our state from its final rule and recognize the primacy of states to develop the criteria, oversee implantation, and ensure compliance with state-developed regulations. We look forward to working with you to ensure that states and tribes are able to develop our resources with good environmental stewardship.

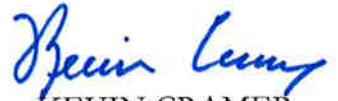
Sincerely,



JOHN HOEVEN
U.S. Senator



HEIDI HETTKAMP
U.S. Senator



KEVIN CRAMER
U.S. Congressman