

September 15, 2026

Re: House Natural Resources Committee Markup on H.R. 1555, the Bureau of Land Management Mineral Spacing Act

Dear Chairman Westerman, Ranking Member Huffman, and members of the House Committee on Natural Resources:

On behalf of Dakota Resource Council, Fort Berthold POWER, Northern Plains Resource Council, Powder River Basin Resource Council, Western Colorado Alliance, Western Organization of Resource Councils, and our thousands of members and split-estate landowners throughout the Intermountain West, we write to express our strong opposition to H.R. 1555 (Bureau of Land Management Mineral Spacing Act). This legislation would restrict certain split-estate landowners from the critical federal permitting and review process by deferring the application for permit to drill (APD) process to states.

H.R. 1555 seeks to eliminate the federal APD requirements for split-estate landowners in cases where private surface owners overlying less than 50% federal subsurface pore space. This would impact thousands of split-estate landowners throughout North Dakota, Wyoming, Colorado, New Mexico, and Montana who rely on the federal permitting process for the critical National Environmental Policy Act (NEPA) analysis and public engagement process.

Around 4 million acres of Bureau of Land Management (BLM) spacing units across the West—roughly 16% of acres under lease—would be impacted by this legislation. There are approximately 7,000 existing wells that reside on private land overlying less than 50% public minerals—that is roughly 8% of the 89,350 producing wells under BLM’s purview. For generations, split-estate landowners throughout the Powder River Basin, San Juan Basin, and the Bakken formation have fought for stronger federal and state regulatory protections during permitting, drilling, and reclamation because conflicts arise when the mineral estate dominates the surface land. Because horizontal drilling has increased and unit sizes have grown, these fragmented split-estate situations are becoming more common; therefore, proper federal and state regulations are crucial because they will affect a significant and potentially growing portion of wells and acreage.

Split-estate landowners have been faced with limited options when oil and gas companies enter their private land for purposes of drilling—either bond-on, which are often as low as \$1,000-\$2,000, or come to a surface use agreement or “good faith negotiations” with all parties involved, which also often provides limited protections for the private landowners.¹ The federal APD process, overseen by BLM, is often a landowner’s only leverage to ensure “good faith negotiations” between lessees and split-estate landowners.

Split-estate landowners have said the federal APD process and the environmental analysis are the only mechanisms that ensure a representative analysis of how the development would affect other

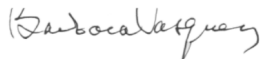
¹ <https://naturalresources.house.gov/uploadedfiles/adamitestimony04.26.07.pdf>

resources on their private land, specifically produced water impacts, subsidence, ranching, and grazing impacts. The federal permitting process also includes a Notice for Staking, Onsite Inspection, and the opportunity for lease stipulations and modifications, all crucial and necessary steps that protect split-estate landowners.

If the federal APD process was deferred to states, as H.R. 1555 seeks to do, the state permitting process would be triggered, which varies greatly between states and is often far less protective of critical resources and landowner rights. The federal APD process provides an important opportunity for landowners to engage on what happens on their surface, and without that, many landowners will be left in a vulnerable position. Another concern is that without a federal APD process, BLM has limited leverage to require bonds to be in place; the current federal permitting process requires, “The operator must identify the type of bond and the bond number on the APD form.”² It is unclear how BLM would collect and ensure that adequate bonds are in place through this proposed legislation. Without adequate bonds, split-estate landowners risk orphaned and idled wells being left on their property, which can degrade air and soil quality and jeopardize ranching and farming operations.

Our organizations and members appreciate your attention to this bill and urge the Committee to prioritize the rights and concerns of private property split-estate landowners by opposing this legislation. We thank you for your time and consideration.

Sincerely,



Dr. Barbara Vasquez
Oil & Gas Chair at Western Organization of Resource Councils