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Office of the Governor

September 16, 2011

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

Like you, I am working to find new ways to create jobs and foster business growth in my state. Nevada has the highest unemployment rate in the nation and I have recently learned the rate increased again during the month of August. I am writing to you today to ask for your assistance in making changes at the federal level that will specifically and almost immediately clear the way for job growth in my state, and perhaps several others.

The primary job-creation engine for rural Nevada is the hardrock mining industry. Mining companies provide thousands of good jobs for residents of Nevada, pay millions of dollars in tax revenues, and help support other parts of the State's economy through purchases of equipment, supplies and mining-related services. Many mining companies are seeking to undertake new mining projects in Nevada and to expand existing projects. All of these efforts will add jobs and generate urgently needed tax revenues.

In order to conduct new mining operations or significantly expand existing operations on the public lands in Nevada, mining companies must obtain approvals from the Bureau of Land Management (BLM) and other federal agencies for their plans of operation. It has come to my attention that it now takes upwards of four to five years – and in some cases a dozen years – to fully and finally approve a plan of operations.

I have been in contact with Secretary Ken Salazar and BLM Director Bob Abbey about many of the issues related to this approval process, and they have been most helpful. However, based upon recent discussions with Nevada mining companies, suppliers, rural legislators, and community leaders, I believe there are certain actions you can take as President that will speed up one aspect of the permit process, without sacrificing environmental protection. These include a cessation in the requirement that all Federal Register notices be approved in the Department of Interior's (DOI) Washington, D.C. headquarters before being allowed to be published in the Federal Register.


Prior to 2001, BLM state offices had the authority to send notices required to be published in the Federal Register directly to the Federal Register without prior review by DOI's Washington, D.C. headquarters. Items that could be sent directly by the state office to the Federal Register included Notices of Intent to prepare an EIS and Notices of Availability of an EIS. This system worked well, without any untoward effect on the environment. Early in the George W. Bush Administration, this policy was changed, requiring BLM state offices to send all Federal Register notices to Washington, D.C. for review and approval. This policy change has proven to cause significant and costly delays early in the approval process.

This particular Washington, D.C. review, simply to post notices in the Federal Register, is a multi-layer process, requiring approval sequentially by many different offices within DOI before a notice can be sent. This multi-step review process lengthens by many months, and in some cases years, the amount of time it takes to get a permit to begin a new mining operation, or to expand an existing operation, on public lands. I have been told by mining companies in my State that notices have languished in Washington, D.C. for well over a year, even though, at the end of the process, DOI's Washington, D.C. headquarters makes no changes to the actual underlying documents, but merely approves the decisions that have already been made by those who are most able to make the right decisions (i.e., the BLM state offices).

In light of the inordinate delays caused by the multi-step headquarters review process, and its impact in stifling job creation, I urge that you direct DOI and BLM to allow state offices to send items directly to the Federal Register unless the state office believes, in its discretion, that Washington, D.C. review is needed. This single step, consistent with your – and my – stated desire to remove regulations that are overly burdensome for job-creating businesses, could be extremely beneficial to my state.

I stand ready to work alongside Secretary Salazar and Director Abbey on this endeavor. I have the greatest respect for both men and know they would respond to your leadership on this timely and important issue. Thank you for your consideration.

Sincere regards,


BRIAN SANDOVAL
Governor

cc: The Honorable Ken Salazar, Secretary of the Interior
Robert Abbey, Director, Bureau of Land Management
Senator Harry Reid
Senator Dean Heller
Congressman Mark Amodei
Congresswoman Shelley Berkley
Congressman Joe Heck