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EPA PROPOSES NEW REGULATIONS FOR OIL AND GAS SECTOR

New sweeping regulatory requirements for the oil and gas industry have been proposed by the U.S. Environmental Protection Agency (EPA), this time aiming to reduce air emissions by the sector. In the announcement of the rule proposal on Tuesday, August 18, 2015, the EPA said it hopes to cut methane emissions from oil and gas drilling by 40 to 45 percent from 2012 levels by the year 2025. The new rules also strive to provide clarification regarding permitting requirements for the industry. The

initiative is part of the Obama Administration's campaign to address climate change.

"Through our cost-effective proposed standards, we are underscoring our commitment to reducing the pollution fueling climate change and protecting public health while supporting responsible energy development, transparency and accountability," said EPA Administrator Gina McCarthy of the proposed rules. "Cleaner-burning energy sources like natural gas are key compliance options for our Clean Power Plan and we are committed to ensuring safe and responsible production that supports a robust clean energy economy."

As part of the proposal, the EPA will seek to update New Source Performance Standards (NSPS) finalized in 2012 to address methane as well as volatile organic compound (VOC) emissions for sources covered under the federal rules. The new proposal also will require that the industry reduce methane and VOC emissions from hydraulically fractured and refractured oil wells. It will also apply to methane and VOC reductions "downstream" from wells and production sites -- covering equipment in the natural gas transmission segment of the industry that were not previously regulated under the agency's 2012 NSPS rules.

Specifically, the proposal requires:

- · Finding and repairing leaks;
- · Capturing natural gas from the completion of hydraulically fractured oil wells;
- · Limiting emissions from new and modified pneumatic pumps; and
- · Limiting emissions by several types of equipment used at natural gas transmission compressor stations, including compressors and pneumatic controllers.

However, state and federal officials have warned of the impact such rules could have, by threatening to hamper future development and inflicting serious economic consequences. "The EPA's proposed methane rule is yet another example of the Obama administration's war on American energy jobs. The EPA's own data shows that methane emissions in the United States decreased by almost 15 percent be tween 1990 and 2013, yet EPA is forging ahead with this extraneous and unnecessary regulation," commented Texas Congressman Lamar Smith, chair of the U.S. House Committee on Science, Space, and Technology. "Instead of conspiring with extreme environmental interests, EPA should stop punishing cooperative industry stakeholders and start partnering with them in their current efforts to capture methane in a responsible manner. The EPA's opposition to responsible, market-driven, 'all-of-the-above' domestic energy development is on full display with the announcement of this new regulation."

Railroad Commission Chairman David Porter also issued a statement reacting to the EPA's actions to cut methane emissions, saying, "Like the Clean Power Plan, these burdensome rules will be used by the EPA as a weapon in President Obama's war on fossil fuels. These excessive regulations are another blatant attack on the oil and gas industry that will further impede America's energy security, kill jobs and put even more stress on our national and state economies."

Even though operators are producing more oil and gas from major shale basins, methane emissions have already been falling, data from the EPA's Greenhouse Gas Reporting Program showed at the end of last year. The EPA has acknowledged efforts made by the industry to lessen air emissions, from the voluntary implementation of new technologies by the E&P sector in addition to other operational improvements. Despite the fact that industry has already taken initiative to reduce emissions -- and will continue to do so -- the Administration still has elected to proceed forward with its plans to impose new methane rules on America's energy producers.

Of the EPA's latest regulatory proposal, TIPRO President Ed Longanecker said, "The Obama Administration is yet again proposing costly regulations with little, if any, true environmental benefit. The politically-driven climate change agenda of the Obama Administration is not based in reality. Many of these goals can be achieved without more onerous regulations on the oil and gas sector. The added cost and uncertainty associated with this new proposal will put further pressure on an industry struggling with depressed commodity prices, with the potential of causing additional harm to our state and national economy."

The EPA will accept public comment on the proposal for 60 days after it is published in the Federal Register, expected to happen the first week of September. The agency also intends to host public hearings on the proposed methane standards for the oil and gas industry.

For complete details on the proposed regulations, visit the following link: www.epa.gov/airquality/oilandgas/actions.html.

President's Message

TIPRO Members -

Last Friday, August 21, the U.S. Energy Information Administration (EIA) released data concerning major fossil fuel producing states and the related taxes collected in the first quarter of 2015. According to the EIA, Texas, the nation's largest oil and natural gas producing state, collected \$931 million in severance tax revenues in the first quarter of 2015. The first-quarter total is down 46 percent from the \$1.7 billion collected in the third quarter of 2014. However, severance taxes cover only 11 percent of the state operating budget. Texas state and local governments also derive greater oil and natural gas revenues from state land leases and local property taxes.

Taxes paid by the Texas oil and natural gas industry, including the severance tax, remain an important source of funding for all aspects of our state economy, including education, public safety, transportation, water conservation, and children's protective services, to name a few. Last year, the industry paid a record \$15.6 billion in taxes and royalty payments to the state. Between 2009-2014, the combined amount paid from the oil and gas sector exceeded \$62 billion. The Texas Rainy Day Fund, which is almost entirely dependent on oil and natural gas severance taxes, has a projected balance of \$11.7 billion.



Ed Longanecker

Fluctuations in severance taxes collected from oil and natural gas production in Texas is not a new phenomenon, and directly reflects the same volatility we have experienced during previous cycles. While the Texas oil and gas industry is without question one of the most significant and impactful industries in our state from an economic perspective, our state economy is also much more diversified than it was during previous downturns.

It's important to keep the historical significance of these issues in perspective. We understand that volatility in our industry is inventible and that commodity prices will eventually rebound. The Texas oil and gas industry will remain a cornerstone of our state, local and national economy for decades to come. With your support, TIPRO will also continue to be one of the most effective advocacy organizations for our industry, providing a comprehensive slate of programmatic activities, regular member communication, and extensive legislative and regulatory resources. Thank you for continued membership and support.

Sincerely,

Ed Longanecker

Texas Attorney General presses EPA to delay WOTUS rules

In a joint effort with 30 other states across the country, Texas Attorney General Ken Paxton called on the U.S. Environmental Protection Agency (EPA) to extend the effective date of the planned "Waters of the United States" (WOTUS) rule, scheduled to go into effect on Friday, August 28, 2015. The controversial WOTUS regulations by the EPA and U.S. Army Corps of Engineers (ACOE) revise the regulatory definition of "navigable waters" under the Clean Water Act, granting the EPA, ACOE and other federal entities new authority to manage streams, wetlands and other smaller bodies of water not previously under the control of the federal government.

"The EPA's attempt to vastly expand their jurisdiction over land and water, essentially regulating everything down to backyard mud puddles, should concern every property owner," Attorney General Paxton said. "Texas and 30 other states are sending the message that we will not back down to an aggressive and power hungry federal government."

After the WOTUS rule was finalized in May, it was immediately challenged by numerous states, and legal battles are still ongoing. On June 29, 2015, the state of Texas filed a lawsuit challenging the federal rule. Plaintiffs joining in the multi-agency, multi-state suit against the EPA included: the Texas Railroad Commission, Texas Department of Agriculture, Texas Commission on Environmental Quality, Texas Department of Transportation, Texas General Land office, Texas Water Development Board, the state of Louisiana and the state of Mississippi. In the suit, the parties collectively argue that the new WOTUS regulations violate the U.S. Constitution, federal law and U.S. Supreme Court precedent, and will place costly burdens on landowners in Texas. Ultimately the WOTUS rule will cause unnecessary hardship to farmers, private property owners and businesses having a detrimental effect on local and state economies.

Attorney General Paxton, along with the 30 other states, have requested that the EPA delay the effective date of the water rules by at least nine months, in order to allow the courts to have adequate time for appropriate judicial review and to resolve the merits of the significant legal challenges that are still pending.

TIPRO Calendar of Events

SEPTEMBER 9, 2015

HOUSTON — IPAA/TIPRO
Leaders in Industry
Luncheon, 11:30 a.m.
Houston Petroleum Club.
For info, call: (832) 233-5502.

OCTOBER 14, 2015

HOUSTON — IPAA/TIPRO Leaders in Industry Luncheon, 11:30 a.m. Houston Petroleum Club. For info, call: (832) 233-5502. OCTOBER 27, 2015
HOUSTON — Texas
Top Producers
Awards Banquet,
Houston Petroleum Club.
For info, call: (512) 477-4452.

NOVEMBER 18, 2015
HOUSTON — IPAA/TIPRO
Leaders in Industry
Luncheon, 11:30 a.m.
Houston Petroleum Club.
For info, call: (832) 233-5502.

New laws set to take effect on September 1

Following the 84th Legislative Session, new laws will take effect beginning September 1, 2015. TIPRO members should be advised of the policies below that will become effective on the first of September:

House Bill 1:

House Bill 1 - the General Appropriations bill - appropriates \$209.4 billion for the upcoming biennium, allocating funding for the state budget. TIPRO actively supported House Bill 1 during session, working with budget conferees to ensure agencies including the Texas Railroad Commission (RRC) and Texas Commission on Environmental Quality (TCEQ) received all necessary appropriations.

House Bill 7:

House Bill 7 seeks to address the growth of unspent dedicated revenue within the General Revenue Fund. The legislation was put forth to address amounts, availability and use of certain statutorily dedicated revenue. Amongst its provisions, House Bill 7 amends the Natural Resource Code to redirect pipeline safety inspection fee revenue, oil and gas disposal well permit fee revenue, and oil and gas regulation tax receipts from the General Revenue Fund to the Oil and Gas Regulation and Clean-up Fund totaling an addition of more than \$13 million for the 2016-2017 biennium. Under the bill, the Texas Emissions Reduction Plan (TERP) - Off-Road Heavy Duty Diesel Equipment Surcharge also will be reduced from 2 percent to 1.5 percent.

House Bill 163:

House Bill 163 amends Chapter 8 of the State Water Code to address regional water issues through interstate cooperation. The policy provides for the creation of the Southwestern States Water Commission to facilitate this initiative.

House Bill 1331:

House Bill 1331 transfers the ownership of drill cuttings, offering clarification in statute that once an operator has transferred drill cuttings to a third party for subsequent beneficial use, the operator can no longer be held liable in tort for a consequence of the subsequent use.

House Bill 2230:

House Bill 2230 amends the Injection Well Act in the Water Code to allow the TCEQ to use its class V injection well authority -- by individual permit, by general permit or permit by rule -- for the injection of nonhazardous brine from a desalination operation or nonhazardous drinking water treatment residuals into a Class II injection well that is permitted by the RRC. Supporters of the bill say that allowing the use of class II wells for the disposal of class V-authorized, nonhazardous desalination waste streams will improve desalination efforts by reducing the need for applicants to go through a time-consuming and costly permitting process.

Senate Bill 709:

Senate Bill 709 amends current law relating to procedures for certain environmental permit applications. Previously there was no timeline to complete a contested case hearing, and the process would significantly delay the issuance of a permit. Over time, the process had become detrimental to the state's ability to competitively attract business due to the uncertainty and expense created by the threat of a lengthy contested case hearing. During the legislative session, TIPRO joined other industry trade associations in developing and distributing information to the legislature promoting the benefits of this bill. TIPRO also worked with members in both chambers in preparation for the bill's respective committee hearings and floor debates. The legislation codifies recent court decisions affirming the TCEQ's discretion to determine who is an affected party in a contested case. The bill also establishes that the starting place for a contested case hearing is under a presumption that a draft permit issued by the TCEQ meets all legal and technical requirements and is protective of public health and the environment. Under Senate Bill 709, only a person or group that has openly participated in the TCEQ permitting process may trigger a contested case hearing on a permit. The approved legislation still preserves previous public participation opportunities available in the environmental permitting process.

Senate Bill 757:

Senate Bill 757 will amend the Estates Code, Natural Resources Code, and Tax Code to repeal the crude oil regulatory tax and the sulphur production tax.

Senate Bill 903:

This legislation amends Natural Resources Code provisions relating to procedures for the management, sale, or lease of certain state-owned real property and the management or collection of related funds, including certain procedures regarding disputed oil and gas royalties owed to the state. The bill requires payments of principal, interest, and lease rental for public school and asylum land to be accounted for in a similar form but separate from first payments on land and prescribes certain procedures to be followed by the comptroller of public accounts and the commissioner of the General Land Office regarding those payments.

TWO LAWYERS WALKINTO ABAR...

The owner buys them both a beer to thank them for helping secure the land for his bar, navigating tax issues, and reviewing his employee handbook. Cheers.

At Gray Reed, our work is no joke . . . because our practice revolves around your business.

And whatever your needs are, we can handle them. After all, that's what we've been doing in Texas for over 30 years. We're all about your bottom line – we'll leave the punchlines to someone else.







GOVERNOR ABBOTT APPOINTS LEGISLATORS TO SOUTHWESTERN STATES WATER COMMISSION

Texas Governor Greg Abbott has appointed state Senator Charles Perry and Representative Lyle Larson to serve on the Southwestern States Water Commission for terms set to expire on February 1, 2019 and February 1, 2017, respectively. This appointment will be effective September 1, 2015.

Legislation passed earlier this year approved the creation of the Southwestern States Water Commission, a new entity charged with facilitating interstate cooperation to help resolve regional water issues. The commission consists of three members: the governor or his designee; a member of the standing committee of the Senate that has jurisdiction over water, appointed by the governor; and a member of the standing committee of the House that has jurisdiction over natural resources, appointed by the governor. The commissioners will be tasked with sitting down with representatives from Oklahoma, Louisiana, New Mexico, and Arkansas, as well as representatives from the government of Mexico, to discuss water-related issues.

The Southwestern States Water Commission will also serve as a regional incubator of ideas regarding how to augment water supplies using innovation and emerging technology, including but not limited to: aquifer storage and recovery (ASR), desalination, and weather modification. Commissioners may contact and negotiate with other states regarding the need for establishing interstate compacts, addressing groundwater problems, needs, and supplies, if an aquifer underlies several states, and addressing other related subjects that would be beneficial to the states relating to the conservation and beneficial use of water.

Both legislators appointed by Governor Abbott have worked to modify state policy in support of water conservation and infrastructure development in the Lone Star State. Senator Charles Perry of Lubbock is a practicing CPA and was first elected to the Texas Senate in 2014 after serving two terms in the Texas House of Representatives. Senator Perry currently chairs the Senate Committee on Agriculture, Water and Rural Affairs. Representative Lyle Larson of San Antonio is a small business owner. Representative Larson was first elected to the Texas House of Representatives in 2010. He serves on the House Committees on Natural Resources, as well as the House Committees on Culture, Recreation and Tourism, Calendars, and General Investigation and Ethics.

EAGLE FORD OIL PRODUCTION CONTINUES TO RISE, DESPITE SUPPRESSED OIL PRICES

Oil production in the Eagle Ford Shale formation remains strong, despite low commodity prices, according to Bentek Energy, an analytics and forecasting unit of Platts. In July, output was up 10,000 barrels per day (b/d) in the South Texas Eagle Ford basin compared to June, bringing average oil production levels to 1.6 million b/d in the Texas shale play, Bentek calculates.

In its new report released August 21, Bentek says that crude oil production in the North Dakota section of the Bakken shale formation of the Williston Basin also increased slightly in July, rising about 500 b/d from the month prior. Production from the two

prolific shale plays collectively grew by 13 percent from a year ago.

"It is the flight to quality and higher returns that is keeping crude production going in those two key shale basins," said Sami Yahya, Bentek energy analyst. "Initial production (IP) rates have been improving, especially in the oily window of the Eagle Ford Basin. As well, producers in the Eagle Ford are currently drilling 2.5 wells per rig per month, which is higher than the national average of 1.5 wells. Drill times have been improved from an average of 15 days per well in 2014 to roughly 11 days per well in 2015."

Bentek cites reduced drill times, along with substantial cost savings protocols and other efficiency gains as factors that have supported drilling activity and production in Texas and North Dakota, even with current market conditions.

Bentek analysis shows that from July 2014 to July 2015, total U.S. crude oil production increased by approximately 550,000 b/d. Oil prices continue to slide downward, though. The Platts Eagle Ford Marker, a daily price assessment reflecting the value of oil from the Eagle Ford, has maintained an average price of \$48.14/b in the first seven months of 2015.



GLO COMMISSIONER PUSHES FOR ENDANGERED SPECIES REFORM

Texas Land Commissioner George P. Bush is leading a 23-state effort to advocate for reform of the Endangered Species Act (ESA), joining forces with other land commissioners across the nation to end abuse of the federal policy, the General Land Commission (GLO) revealed on Wednesday, August 26, 2015.

"The ESA was designed to preserve biodiversity, not enrich trial lawyers and political activists," commented Commissioner Bush. "So we've joined with our Western allies to put an end to 'sue and settle' and force the Obama administration to be upfront with the American people. It's time to prioritize scientific assessments in conservation when dealing with property rights and our national security."

"If the ESA was used as intended, we would utilize it to preserve species and we would celebrate when one gets taken off the endangered list," Commissioner Bush noted. "Some in the media seem to believe that having a species removed from the list is terrible, but it's really a victory for ranchers, farmers and conservationists. It means that the animal is thriving."

The GLO explains that under a little reported provision of the Act, environmental groups have been suing the federal government to have a species listed as endangered. The government often settles the lawsuits, and then pays for the groups' legal expenses. The result of this arrangement is that species are listed as endangered with little-to-no scientific data to justify it, all while the activist groups rake in taxpayer dollars, argues the Texas agency. The tactic of "sue and settle" has also led to a flood of litigation in recent years, with 120 species currently under review for protection.

Once a species is listed as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS), vast restrictions and activity bans are enforced on lands identified as critical habitat for a listed species, threatening to decimate an area's key industries and debilitate the regional economy. An endangered listing also can prompt a loss of value and reduction of income from congressionally-granted state trust lands and public lands, negatively impacting the beneficiaries of these lands, such as public school children and other beneficiaries, the GLO maintains.

Consequently, this summer, at the annual conference of the Western States Land Commissioners Association (WSLCA), Commissioner Bush presented a formal resolution calling on Congress to reform the Endangered Species Act and put a stop to the questionable "sue and settle" practice by environmental groups. The resolution also calls on the USFWS and the National Marine Fisheries Service to consider local and state data on wildlife before determining a species is qualified for endangered status.

WSLCA voted to unanimously approve the resolution. In the months ahead, member states of WSLCA will work to inform the Congressional delegations of their respective states on the urgency of the group's ESA resolution.

SCHLUMBERGER TO ACQUIRE SERVICE PROVIDER CAMERON INTERNATIONAL

Schlumberger Ltd. announced on Wednesday, August 26, it will acquire Cameron International in a cash-and-stock deal valued at about \$14.8 billion. Schlumberger is one of the world's largest oilfield service companies.

The merger will combine two complementary technology portfolios into a "pore-to-pipeline" products and services offering to the global oil and gas industry. On a pro-forma basis, the combined company had 2014 revenues of \$59 billion.

"This agreement with Cameron opens new and broader opportunities for Schlumberger," remarked Paal Kibsgaard, chairman and chief executive officer of Schlumberger. "At our investor conference in June 2014, we highlighted how the E&P industry must transform to deliver increased performance at a time of range-bound commodity prices. With oil prices now at lower levels, oilfield services companies that deliver innovative technology and greater integration while improving efficiency, which our customers increasingly demand, will outperform the market. We believe that the next industry technical breakthrough will be achieved through integration of Schlumberger's reservoir and well technologies with Cameron's leadership in surface, drilling, processing and flow control technologies. Deep reservoir knowledge further enabled by instrumentation, software and automation, will launch a new era of complete drilling and production system performance."

"Together, we will create a premier oilfield equipment and service company with an integrated and expanded platform to

drive accelerated growth," added Jack Moore, chairman and CEO of Cameron. "By bringing together Cameron and Schlumberger, we will be uniting two great companies with successful track records, performance and value creation."

The transaction is subject to Cameron shareholders' approval, regulatory approvals and other customary closing conditions. It is anticipated that the closing of the transaction will occur in the first quarter of 2016.



FEDS ALLOW TEXAS CRUDE TO BE EXPORTED TO MEXICO

On Friday, August 14, 2015, the United States Department of Commerce announced the approval of licenses to export crude oil produced in America. The approved contracts allow for a "swap" of U.S. light crude oil in exchange for imports of heavy Mexican crude oil. Currently U.S. policy prohibits the export of crude oil due to a ban that was established in 1975 - however, the recent decision by federal leaders has given hope that the U.S. government may soon lift the ban on crude oil exports.

"Texas will gain tremendously from this oil swap agreement. The petroleum industry in Texas, in large part due to shale production, such as the Eagle Ford Shale in my district, has revitalized our nation's economy," commented Congressman Henry Cuellar, D-Texas. "These swaps will further positively impact energy exploration in Texas and the United States."

Exporting the light Texas crude to Mexico will provide a larger market for American production, experts explain, especially considering that many U.S. refineries have been dealing with a capacity shortage for light crude due to the spike in shale output.

"An agreement like this is a strong step toward North American energy security, which is an integral part of our National Security. I believe it will open the door for more reforms that move North America towards energy independence," said U.S. Representative Will Hurd, R-Texas. "Energy trade is a key component of our economic relationship with Mexico and recent changes in their energy policies have given us an opportunity to strengthen that exchange. The American Energy Renaissance that has flourished in Texas due to Eagle Ford, Permian Basin and Barnett shale exploration will continue to strengthen because of this decision."

FEE FOR FORM P-5 RENEWALS CAN NOW BE SUBMITTED ONLINE

Effective August 24, 2015, the Texas Railroad Commission says that oil and gas operators and master metered properties doing business in Texas can now submit the fees associated with filing the annual renewal of their Form P-5, *Organization Report*, online for a convenience fee. However, the Form P-5 must still be submitted in hard copy format to the commission.

All operators engaged in activities regulated by the commission's oil & gas division are required to submit an Organization Report (Form P-5) to the agency each year.

The commission notes that oil and gas operators and master metered properties must still submit the initial fee to file their first Form P-5 using cash, credit card, cashier's check or money order. Financial assurance must continue to be submitted in a cashier's check, letter of credit or bond.

To submit a fee online, visit: www.rrc.texas.gov/oil-gas/operator-and-organization-requirements-and-responsibilities/online-payments/.

For questions regarding this announcement, call (512) 463-6772 or email p5@rrc.state.tx.us.

MIDLAND MAINTAINS LOWEST UNEMPLOYMENT RATE IN TEXAS

Midland, Texas, again posted the lowest unemployment rate in the state in July, according to new figures released August 21st by the Texas Workforce Commission (TWC). The city of Midland is located in the heart of West Texas' Permian Basin.

Although the city's workforce is currently seeing greater diversification in employment opportunities, particularly in wake of low oil prices, job creation is still being reported by Midland companies.

For the 12 months from July 2014 to July 2015, Midland added approximately 3,000 jobs for a growth rate of 3.1 percent.

Across the Lone Star State, job growth continues, with employer payrolls in Texas expanding 57 of the past 58 months, notes the TWC.

"Texas employers added 31,400 jobs in July, resulting in an increase of 260,500 positions over the year," said Andres Alcantar, chairman of the TWC. "The steady growth in jobs demonstrates the strength and diversity of the Texas economy."





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Texas Independent Producers & Royalty Owners Association

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