

The Next Pages Contain the Attachments to Question 8:

**Emails Between You, Your Subordinates, Others in the Oklahoma Attorney General's
Office, and Bill Whitsitt from Devon Energy**



EPA letter Draft

Whitsitt, Bill

to:

[REDACTED]

09/02/2011 02:55 PM

Cc:

"Crystal Drwenski [REDACTED]", "Ferate, AJ"

Hide Details

From: "Whitsitt, Bill" <[REDACTED]>

To: "[REDACTED]" <[REDACTED]>

Cc: "[REDACTED]" <[REDACTED]>, "Ferate, AJ" <[REDACTED]>

2 Attachments



ENV - GHG - AG letter to EPA Administrator Jackson on methane estimates (Draft 9-2-2011).docx

Patrick –

Just a note to pass along the electronic version of the draft letter to Lisa Jackson at EPA. You'll note that this version has some suggested cc recipients.

We have no pride of authorship, so whatever you decide to do on this is fine. We're just glad to provide some ideas.

If you have any questions, technical or otherwise, feel free to contact AJ Ferate or me. We'll be sure you have the right people to talk with.

Have a nice holiday weekend.

Bill

William F. Whitsitt, Ph.D.
Executive Vice President
Public Affairs

Devon Energy Corporation
20 North Broadway, Suite 1500
Oklahoma City, OK 73102-8260

[REDACTED] Direct

[REDACTED] Fax

[REDACTED] Mobile

LIPTON.NY TIMES.ORR.2014-11-06 - #0001

file:///C:/Users/234417/AppData/Local/Temp/notesBEF787/~web0705.htm

11/4/2014

From: [REDACTED]

Sent: Wednesday, October 19, 2011 1:49 PM

To: Whitsitt, Bill

Cc: [REDACTED]; [REDACTED]

Subject: Letter - Lisa Jackson - EPA - methane emissions

Hi Bill,

Thank you again for your kind assistance with General Bruning while he was in town. Scott mentioned to Larry yesterday how much help you all provided.

I have an update for you on the methane emissions letter to Administrator Jackson. Great news - It was in fact sent to Jackson on Oct. 12. We are, however, still drafting the "dear colleague" letter advising states what we sent, why we sent it and encouraging them to do so as well. We will get that letter out this week.

As you recall, the letter mentions incorrect assumptions the EPA makes about Oklahoma producers and their procedures during "flowback." Because of these state-specific references, after discussing it, we felt it was better to encourage other states to look into the matter and send their own, similar letter.

I hope this is helpful. Please feel free to broadly circulate and reference Attorney General Pruitt's letter. Please also do not hesitate to let us know how we can be of further assistance.

Thank you again!
Crystal Drwenski
Chief of Staff
Oklahoma Office of the Attorney General
[REDACTED]

Office: [REDACTED]

Cell: [REDACTED]

313 NE 21st Street, Oklahoma City, OK 73105



RE: Letter - Lisa Jackson - EPA - methane emissions

Whitsitt, Bill to: [REDACTED]

Cc: [REDACTED]; [REDACTED]

10/19/2011 02:04 PM

Crystal –

Outstanding!

The timing of the letter is great, given our meeting this Friday with both EPA and the White House OMB OIRA staff.

We also appreciate the flagging of the issue for other AGs.

Please pass Devon's thanks to Attorney General Pruitt.

And it was our pleasure to help Jon.

Bill

William F. Whitsitt, Ph.D.
Executive Vice President
Public Affairs

Devon Energy Corporation
20 North Broadway, Suite 1500
Oklahoma City, OK 73102-8260

[REDACTED] Direct

[REDACTED] Fax

[REDACTED] Mobile



From: [Whitsitt, Bill](#)
To: [REDACTED]
Cc: [Wright, Allen](#); [Rockwood, Brent](#); [Smith, Darren](#); [Luedecke, Richard](#)
Subject: RE: Notice of Intent to Sue
Date: 01/19/2013 12:57 PM

I'm not sure. Let's think about some input to EPA and OMB that might warn them that AGs from producing states will be ready to engage – and that EPA should immediately acknowledge that its methane emission estimates, that the states use as part of the suit justification, are erroneous.

Let us see what that might look like and then we'll be back in touch.

Bill

William F. Whitsitt, Ph.D.
Executive Vice President
Public Affairs

Devon Energy Corporation
333 West Sheridan Avenue Suite 900
Oklahoma City, OK 73102

[REDACTED] Direct
[REDACTED] Fax
[REDACTED] Mobile



From: [REDACTED] [mailto:[REDACTED]]
Sent: Friday, January 18, 2013 9:01 PM
To: Whitsitt, Bill
Subject: Re: Notice of Intent to Sue

Thanks, Bill. Does mean there's now no action item for us to consider?

Patrick R. Wyrick
Solicitor General
Oklahoma Office of the Attorney General

Office: [REDACTED] 8
Cell: [REDACTED]

313 NE 21st Street, Oklahoma City, OK 73105

-----"Whitsitt, Bill" <[REDACTED].com> wrote: -----

To: [REDACTED] <[REDACTED]>
From: "Whitsitt, Bill" [REDACTED]
Date: 01/18/2013 05:46PM
Subject: Notice of Intent to Sue

Hi, Patrick.

I just let General Pruitt know that BLM is going to propose a different version of its federal lands hydraulic fracturing rule thanks to input received – thanks for the help on this! We'll see the new proposal sometime next week I believe and we'll be back in touch on potential next steps.

Also, I've attached a copy of the notice we discussed.

Bill

William F. Whitsitt, Ph.D.
Executive Vice President
Public Affairs

Devon Energy Corporation
333 West Sheridan Avenue Suite 900
Oklahoma City, OK 73102

Direct
Fax
Mobile



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[attachment "Env - GHG - Methane Emissions - States Notice of Intent to Sue (12-11-12).pdf" removed by Patrick Wyrick/OAG]

From: [Whitsitt, Bill](#)
To: [REDACTED]
Cc: [REDACTED]
Subject: Potential AGs Response to NE States Notice
Date: 03/21/2013 08:37 AM
Attachments: [Env - GHG - Methane Emissions -Seven States Notice AG Letter \(Draft 3-21-13\).docx](#)
[Env - GHG - Methane Emissions -Seven States Notice AG Letter \(Draft 3-21-13\).docx](#)

Patrick –

Attached is a potential first-cut draft of a letter a (bipartisan if possible?) group of AGs might send to the acting EPA administrator and some others in the Administration in response to the NE states' notice of intent to sue for more E&P emission regulation.

It would be a shot across the bow, warning EPA not to not go down a negotiated-rulemaking or wink-at-a sue-and-settle tee-up process. If sent, I'd suggest that it be made public, at least to the Hill and to policy community publications.

It seems to me this would also be a logical outgrowth of the fossil energy AGs meeting and could be powerful with a number of signers. It is also the kind of thing that in the future could be run through the clearinghouse we discussed.

Please let me know what you and General Pruitt think, or if we can help further.

Bill

William F. Whitsitt, Ph.D.
Executive Vice President
Public Affairs

Devon Energy Corporation
333 West Sheridan Avenue Suite 900
Oklahoma City, OK 73102

[REDACTED] Direct
[REDACTED] Fax
[REDACTED] Mobile



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From: [Harder, Sheila](#)
To: [REDACTED]
Subject: Contact person for a letter sent to the Office of Management and Budget
Date: 03/12/2013 01:56 PM

Hi Patrick!

I hope you are doing well!

I sent the information below to Melissa and Sarah Lenti and then Bill requested that I send it to you as well.

Please see the following contact information for sending a letter to Jeffrey D. Zients, Acting Director of the Office of Management and Budget. Please copy Mr. Boris Bershteyn on this letter. You cannot hand-deliver a letter to Mr. Zients' office and sending it by mail is a lengthy process. I called their office and was directed to also send the letter by email to Mr. Zients' Confidential Assistant, Roxana Moussavian, at [REDACTED]

If you would like to speak with Mr. Zients, please call [REDACTED] and ask for Roxana.

Mr. Jeffrey D. Zients, Acting Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

cc: Mr. Boris Bershteyn
Acting Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

If you have any questions or concerns please don't hesitate to contact me.

Kind regards,

Sheila Harder
Executive Assistant to William F. Whitsitt, Ph.D.

Devon Energy Corporation
333 West Sheridan Avenue
Oklahoma City, OK 73102
[REDACTED] Direct
[REDACTED]

From: [Whitsitt, Bill](#)
To: [REDACTED]
Cc: [Rockwood, Brent](#); [Rosen, Rebecca](#)
Subject: States' Intent To Sue on E&P Methane Emissions
Date: 03/12/2013 01:50 PM
Attachments: [Env - GHG - Methane Emissions - States Notice of Intent to Sue \(12-11-12\).pdf](#)
[Env - GHG - Methane Emissions - States Notice of Intent to Sue \(12-11-12\).pdf](#)

Thanks for the conversation...and here is the states' letter to EPA.

Bill

William F. Whitsitt, Ph.D.
Executive Vice President
Public Affairs

Devon Energy Corporation
333 West Sheridan Avenue Suite 900
Oklahoma City, OK 73102

[REDACTED] Direct
[REDACTED] Fax
[REDACTED] Mobile



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Subject: RE: Re-proposed BLM Hydraulic Fracturing Rule

Clayton –

The re-proposed rule is actually in the review stage at OIRA (OMB's Office of Information and regulatory Analysis) prior to a version being approved for a second round of public comment.

Our goal is to have input to OIRA with a goal of its directing BLM to completely do away with the present thrust.

It is possible that OIRA will conclude its review very soon, hence our asks that calls be made to the head of OMB and/or OIRA pretty quickly. Hope this helps.

I've attached the leaked version of the re-proposal that we're working from.

Bill

William F. Whitsitt, Ph.D.
Executive Vice President
Public Affairs

Devon Energy Corporation
333 West Sheridan Avenue Suite 900
Oklahoma City, OK 73102

Direct
Fax
Mobile



From: [REDACTED] [mailto:[REDACTED]]

Sent: Thursday, March 28, 2013 11:37 AM

To: Whitsitt, Bill

Subject: Re-proposed BLM Hydraulic Fracturing Rule

Mr. Whitsitt,

Sorry to bother you but I have been unable to locate a Federal Register notice for the re-proposed BLM rule on Hydraulic fracturing on public lands. I know AG Pruitt sent a letter to OMB on the rule on March 12, 2013 but I have been unable to determine when the comment period deadline is for the re-proposed rule.

Do you know whether the re-proposed rule has been published in the Federal Register and if so, when the public comment period ends?

Thank you in advance for any assistance.

P. Clayton Eubanks
Deputy Solicitor General
Office of the Attorney General of Oklahoma
313 N.E. 21st Street
Oklahoma City, OK 73105
Tel: [REDACTED]
Fax: [REDACTED]
[REDACTED]

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[attachment "Env - HF BLM Reproposed Rule Draft to OIRA (1-18-13) .docx" deleted by Clayton Eubanks/OAG]

From: [Clayton Eubanks](#)
To: [Whitsitt, Bill](#)
Subject: RE: Re-proposed BLM Hydraulic Fracturing Rule
Date: 03/28/2013 01:24 PM

Thank you Bill, this helps! As you know, in addition to the letter we are trying to get a call with OMB set up.

P. Clayton Eubanks
Deputy Solicitor General
Office of the Attorney General of Oklahoma
313 N.E. 21st Street
Oklahoma City, OK 73105
Tel: [REDACTED]
Fax: [REDACTED]
[REDACTED]

From: "Whitsitt, Bill" [REDACTED] >
To: [REDACTED] <[REDACTED]>
Date: 03/28/2013 01:18 PM
Subject: RE: Re-proposed BLM Hydraulic Fracturing Rule

Clayton –

The re-proposed rule is actually in the review stage at OIRA (OMB's Office of Information and regulatory Analysis) prior to a version being approved for a second round of public comment.

Our goal is to have input to OIRA with a goal of its directing BLM to completely do away with the present thrust.

It is possible that OIRA will conclude its review very soon, hence our asks that calls be made to the head of OMB and/or OIRA pretty quickly. Hope this helps.

I've attached the leaked version of the re-proposal that we're working from.

Bill

William F. Whitsitt, Ph.D.
Executive Vice President
Public Affairs

Devon Energy Corporation
333 West Sheridan Avenue Suite 900
Oklahoma City, OK 73102
[REDACTED] Direct
[REDACTED] Fax

From: [Clayton Eubanks](#)
To: [REDACTED]
Subject: EPA Methane letter-7 States NOI
Date: 05/01/2013 10:42 AM
Attachments: [FINAL EPA Methane Letter without signature pages.docx](#)

Mr. Whitsitt,

Attached is the final draft of the methane letter to EPA regarding the 7 NE States NOI to sue over the regulation of methane emissions.

We have received good support on this and I would like to get the letter out in the morning. I thought we should insert a sentence or two regarding the recent EPA report indicating their initial estimates on methane emissions for two categories were too high.

Any suggestions?

Thank you.

P. Clayton Eubanks
Deputy Solicitor General
Office of the Attorney General of Oklahoma
313 N.E. 21st Street
Oklahoma City, OK 73105
Tel: [REDACTED]
Fax: [REDACTED]
[REDACTED]

From: [Rockwood, Brent](#)
To: [REDACTED]
Cc: [Whitsitt, Bill](#)
Subject: RE: EPA Methane letter-7 States NOI
Date: 05/02/2013 04:55 PM
Attachments: [EPAMethane050213.pdf](#)

Clayton: I'm glad the Devon team could help, and thanks for all of your work on this.

Best regards,

Brent Rockwood
Director, Public Policy & Government Affairs

Devon Energy Corporation
333 West Sheridan Avenue
Oklahoma City, OK 73102
[REDACTED] Direct
[REDACTED] Mobile



From: [REDACTED] [mailto:[REDACTED]]
Sent: Thursday, May 02, 2013 4:51 PM
To: Rockwood, Brent
Cc: Whitsitt, Bill
Subject: RE: EPA Methane letter-7 States NOI

I sent the letter today. The final version is attached.

Thanks for all your help on this.

P. Clayton Eubanks
Deputy Solicitor General
Office of the Attorney General of Oklahoma
313 N.E. 21st Street
Oklahoma City, OK 73105
Tel: [REDACTED]
Fax: [REDACTED]

From: "Rockwood, Brent" <[REDACTED]>
To: [REDACTED]
Date: 05/02/2013 04:27 PM

Subject: RE: EPA Methane letter-7 States NOI

Clayton: I just wanted to follow up to see if you needed anything else from the Devon team. Also, when is AG Pruitt planning to send the letter?

Best regards,

Brent Rockwood

Director, Public Policy & Government Affairs

Devon Energy Corporation

333 West Sheridan Avenue
Oklahoma City, OK 73102

Direct

Mobile



From: Whitsitt, Bill

Sent: Wednesday, May 01, 2013 1:29 PM

To: [REDACTED]

Cc: Wright, Allen; Rockwood, Brent; Smith, Darren; Sandlin, Jesse

Subject: FW: EPA Methane letter-7 States NOI

Clayton –

Here you go. Please note that you could use just the red changes, or both red and blue (the latter being some further improvements from one of our experts) or none.

Hope this helps.

Thanks for all your work on this!

Bill

William F. Whitsitt, Ph.D.

Executive Vice President

Public Affairs

Devon Energy Corporation

333 West Sheridan Avenue Suite 900
Oklahoma City, OK 73102

Direct

Fax

Mobile

Another sign-on opportunity. Attached is a letter we have prepared to the Department of Interior (BLM) on the Bureau of Land Management's Revised proposed hydraulic fracturing rule to apply on federal and Indian lands under BLM control. I think the letter speaks for itself and the issues involved. For a short synopsis, BLM previously issued a proposed rule to regulate hydraulic fracturing on all federal and Indian lands, after comment and a strong push from several States, Tribes, industry and trade groups, the BLM withdrew the proposed rule for revision. On May 24, 2013 the BLM reissued a revised proposed rule, the revised rule, while incorporating some of the changes suggested in comments, is still an unnecessary and over- burdensome rule that duplicates state efforts at an enormous cost to oil and gas producers.

States have an excellent record of protecting the environment and public health, while simultaneously facilitating oil & natural gas development and promoting economic growth. Rather than force an unnecessary, one-size-fits-all regulatory regime on top of carefully crafted state-specific programs, BLM should instead work with states on how best to address any health, safety or environmental issues arising from hydraulic fracturing and related operations on federal lands by deferring to proven state regulatory and enforcement programs. By focusing too much on achieving "consistent" regulation (that we hear from DOI and BLM as being needed), rather than the best regulation, the BLM's proposal fundamentally ignores local and regional differences among states. The attached letter also focuses on the Clean Water Act issues inherent in the BLM proposed rule and questions whether the BLM has any authority to regulate state water resources.

The comment deadline for the proposed rule is August 23, 2013, if your State is interested in joining this letter please let me know on or before **AUGUST 19, 2013.**

Thank you.

P. Clayton Eubanks
Deputy Solicitor General
Office of the Attorney General of Oklahoma
313 N.E. 21st Street
Oklahoma City, OK 73105
Tel: [REDACTED]
Fax: ([REDACTED])
[REDACTED]

Swanson, Cory

From: [REDACTED]
Sent: Friday, August 23, 2013 10:43 AM
To: [REDACTED]; [REDACTED]; [REDACTED];
Mattioli, Mark; Fox, Tim; VanDyke, Lawrence; Bennion, Jon; Darkenwald, Scott; Swanson,
Cory; [REDACTED]; [REDACTED]
Cc: [REDACTED]; [REDACTED]; [REDACTED]
Subject: State Comment Letter on BLM Hydraulic Fracturing - Final
Attachments: BLM Hydraulic Fracturing Rule State Sign-on Letter 8-23-2013.pdf

All,

Attached is the final State comment letter to BLM on the proposed hydraulic fracturing rule.

Thank you for supporting the letter, Oklahoma sincerely appreciates it.

Have a great weekend.

P. Clayton Eubanks
Deputy Solicitor General
Office of the Attorney General of Oklahoma
313 N.E. 21st Street
Oklahoma City, OK 73105
Tel: [REDACTED]
Fax: [REDACTED]
[REDACTED]

From: [Melissa Houston](#)
To: [Allen Wright](#)
Subject: Fwd: State Comment Letter on BLM Hydraulic Fracturing - Revised
Date: 08/23/2013 02:03 PM
Attachments: [State Attorneys General Comment Letter-BLM Hydraulic Fracturing Rule 8-23-2013.pdf](#)
[State Attorneys General Comment Letter-BLM Hydraulic Fracturing Rule 8-23-2013.pdf](#)

Sent from the iPhone of Melissa McLawhorn Houston

Begin forwarded message:

From: "Clayton Eubanks" <[REDACTED]>
To: [REDACTED]
[REDACTED]
[REDACTED]
Cc: "Tom Bates" <[REDACTED]>, "Melissa Houston"
[REDACTED] <[REDACTED]>, "Patrick Wyrick"
<[REDACTED]>
Subject: State Comment Letter on BLM Hydraulic Fracturing - Revised

All,

This is the actual letter that is being mailed today and submitted to [Regulations.gov](#), same letter, same content,

Just on slightly different letterhead.

Thanks again.

P. Clayton Eubanks
Deputy Solicitor General
Office of the Attorney General of Oklahoma
313 N.E. 21st Street
Oklahoma City, OK 73105
Tel: ([REDACTED])
Fax: ([REDACTED])
[REDACTED]

The Next Page Contains the Attachment to Question 16:

**Redacted and Unredacted Excerpts from the Letter That Woodlands Compounding
Pharmacy Sent to TDCJ**

Dear Sirs and Madam:

I am the owner and pharmacist-in-charge of the [REDACTED]
the pharmacy that has provided [REDACTED] with vials of compounded pentobarbital.

Based on the phone calls I had with [REDACTED] of [REDACTED] regarding its request for these
drugs, including statements that she made to me, it was my belief that this information

Dear Sirs and Madam:

I am the owner and pharmacist-in-charge of the Woodlands Compounding Pharmacy,
the pharmacy that has provided TDCJ with vials of compounded pentobarbital.

Based on the phone calls I had with Erica Minor of TDCJ regarding its request for these
drugs, including statements that she made to me, it was my belief that this information

[...]

would be kept on the "down low" and that it was unlikely that it would be discovered that
my pharmacy provided these drugs. Based on [REDACTED] requests, I took steps to
ensure it would be private. However, the State of [REDACTED] misrepresented this fact
because my name and the name of my pharmacy are posted all over the internet. Now
that the information has been made public, I find myself in the middle of a firestorm that
I was not advised of and did not bargain for. Had I known that this information would be
made public, which the State implied it would not, I never would have agreed to provide
the drugs to the [REDACTED]

would be kept on the "down low" and that it was unlikely that it would be discovered that
my pharmacy provided these drugs. Based on Ms. Minor's requests, I took steps to
ensure it would be private. However, the State of Texas misrepresented this fact
because my name and the name of my pharmacy are posted all over the internet. Now
that the information has been made public, I find myself in the middle of a firestorm that
I was not advised of and did not bargain for. Had I known that this information would be
made public, which the State implied it would not, I never would have agreed to provide
the drugs to the TDCJ.