

# Congressional Review Act Disapproval for: U.S. Fish and Wildlife Service: Management of Non-Federal Oil and Gas Rights

## **Avoid Expanding Government & Duplicative Regulations**

## **Protect Property Rights & State's Rights**

## **Stop Keep-It-In-The-Ground & Unwarranted Prosecution**

- There are over 5,000 oil and gas wells on 107 units of the National Wildlife Refuge System (Refuge System) out of a total of 599 refuge units managed by the United States Fish & Wildlife Service (Service). 1,665 wells are actively producing oil and gas.
- The Service estimates another 32 refuges and 4 Wetland Management Districts could potentially experience oil and gas proposals at some point.
- The Service recently finalized regulations governing the exercise of non-federal oil and gas rights within the Refuge System located outside the State of Alaska.
- The regulations apply to oil and gas activities associated with any private, state, or tribally owned mineral interest beneath the Service-administered surface estate.
- Non-federal mineral rights, like other private property within the boundaries of the Refuge System, are governed by state law.
- Currently, the Service may require a special use permit under unit specific deed language and enter into voluntary permitting arrangements to minimize impacts they believe will not be protected by other permitting agencies. The Service also has the same rights as all other surface owners under state laws.
- The new regulations are duplicative and potentially inconsistent with existing regulations to protect the environment through drilling, development, and production standards; setbacks; ground water protection measures; financial assurance requirements; spill reporting; and reclamation requirements.
- The Service does not have the expertise and personnel to implement this new permitting system and will rely on new fees to cover the cost.
- There is no demonstrated need for additional permitting regulations other than acting as an added deterrent to keep these non-federal resources in the ground.
- It seems the interest is to increase inspection, penalties, and other scrutiny on oil and gas operators already enforced by states. In the rule the Service says, "Making violation of non-conflicting provisions of State oil and gas law and regulations a prohibited act under the rule allows us to enforce on refuges as a matter of Federal law, the same requirements already imposed on operators by a state."
- Orphaned wells long out of production before modern state and federal rules won't be resolved by this new permitting regime. As the Service knows, states have developed programs for plugging and reclaiming these wells. If the desire is to expedite this process Congress must authorize and appropriate such action or private resources could assist the Service or state programs.