

# **U.S. Fish and Wildlife Service**

## **National Wildlife Refuge System Revision of Regulations Governing Non-federal Oil and Gas Activities**

### **Advance Notice of Public Rulemaking**

### **Public Comment Analysis**

December 1, 2014



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## **GUIDE TO THE PUBLIC COMMENT ANALYSIS**

### ***INTRODUCTION***

The U.S. Fish and Wildlife Service (Service) sought public comment through an Advanced Notice of Proposed Rulemaking (ANPR) to assist in developing a proposed rule on managing activities associated with non-Federal oil and gas development on National Wildlife Refuge lands (Refuges). A first comment period opened on February 24, 2014, and closed on April 25, 2014. The Service then reopened the comment period from June 9, 2014, to July 9, 2014. This report summarizes all comments received during both comment periods.

Regulations governing non-Federal oil and gas development on Refuges have been in effect for more than 54 years and have not been updated during that period. The Service is seeking public input on how to improve resource protection aspects of the regulations, while taking into account the advances in oil and gas technology and industry practices.

Through the ANPR, the Service posed a series of questions on the following topics: plans of operations and special use permits, operating standards, financial assurances, access fees, noncompliance, existing operations, and impacts from the proposed rulemaking. Considering both comment periods, the Service received 79,611 correspondences. The Service also received comments from a Federal agency after the official comment period had closed, bringing the total number of correspondences to 79,612 (Table 1)<sup>1</sup>.

### ***THE COMMENT ANALYSIS PROCESS***

The Service developed a coding structure to help sort comments into logical groups by topics and issues. To summarize the comments received during both comment periods, we first assigned a code to each of the questions posed in the ANPR (Table 2). We then coded all comments to demarcate which portions corresponded to each question, if any. When a correspondence addressed a question we selected a portion of text to characterize the nature of the response (Table 3). We did not edit these quotes for grammar or spelling. In some cases we took excerpts from longer passages; ellipses denote missing text. Occasionally, we were unable to isolate a representative quote to characterize a response and instead refer the reader to the original submission; all correspondences are available for public viewing in their entirety at Regulations.gov (ID: FWS-HQ-NWRS-2012-0086-0001 and FWS-HQ-NWRS-2012-0086)<sup>2</sup>. During our analysis we also characterized responses based on the type of respondent (Table 1) and the respondent's state or territory of origin (Table 4).

Through the analysis the Service attempted to capture the full range of public responses to the questions in the ANPR; however, we encourage caution when interpreting the results of our analysis. First, comments received by the agency do not necessarily represent the views of the

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<sup>1</sup> Several correspondences had more than one signature. The total number of signatures for the 79,612 correspondences totaled 79,629. See Table 1 for details.

<sup>2</sup> Excluding comments received from the U.S. Environmental Protection Agency, which were submitted directly to USFWS after the second comment period had closed.

entire public. Second, for this report we selected excerpts from comments contained in correspondences. Furthermore, this was not a vote-counting process; the emphasis was on the content of the comments rather than the number of times a comment was received.

### ***DEFINITION OF TERMS***

Primary terms used in the document are defined below.

*Correspondence:* A correspondence is the entire document received from a commenter.

*Comment:* A comment is a portion of text within a piece of correspondence that addresses a question from the ANPR.

*Code:* A code identifies the question from the ANPR that a comment addresses.<sup>3</sup>

*Quotes:* Representative quotes that have been taken directly from the text of comments in order to exemplify responses. Quotes have not been edited for spelling or grammar.

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<sup>3</sup> We developed one additional code, “PO4”, which did not correspond to a question from the ANPR. We assigned this code to text that addressed specific recommendations regarding what the proposed regulations should prohibit, allow, or require.

**Table 1.** Number of signatures found on 79,612 correspondences received in response to the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014, arranged by commenter type.

<b>Commenter Type</b>	<b># of Signatures</b>	<b>% of Signatures*</b>
Form Letter	79,555	N/A
Unaffiliated Individual	36	48.0
Conservation Organization	13	18.7
State Agency	8	10.7
Individual Business**	8	10.7
Business Association	5	6.7
County	2	2.7
Tribal Agency	1	1.3
Federal Agency***	1	1.3
<b>Total</b>	<b>79,629</b>	<b>100</b>
<p><i>*Percent values exclude one form letter with 32,150 signatures and one form letter containing 47,405 signatures. Both form letters were affiliated with conservation organizations.</i></p> <p><i>**Includes two Alaska Native Corporations.</i></p> <p><i>***Submitted comments directly to the Service outside of the comment period.</i></p>		

**Table 2.** Questions posed in Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014, with affiliated codes and the number and percentage of comments received during both comment periods.

Issue	Question	Code	# of Comments	% of Comments
Plans of Operations and Special Use Permits	Should [National Park Service] NPS and/or [U.S. Forest Service] FS requirements serve as a model for managing oil and gas operations on Refuge lands? If so, should the Service take special note of specific aspects of either set of requirements in crafting its own regulations?	PO1	17	10.4
	Do you have recommendations for alternatives to the processes described above that would allow for effective oversight and management of non-Federal oil and gas operations on Refuges? What are the benefits and costs of suggested alternatives?	PO2	6	3.7
	Do you know of ways that the Service could implement an efficient and effective permitting process similar to that described above or recommended in the previous question, that reduces the burden of compliance for both operators and refuge staff?	PO3	4	2.4
	Comments making specific recommendations on what the proposed regulations should prohibit, allow, or require.	PO4*	22**	13.4
Operating Standards	Do you have recommendations for how the Service can best ensure that operators are conducting operations under effective, enforceable operating standards in our proposed rule?	OS1	10	6.1
	How can the Service best verify that operators are complying with applicable standards?	OS2	4	2.4
	How can the Service best ensure that the standards selected are effective and enforceable? Please provide examples with data.	OS3	3	1.8
	Do you have recommendations for the Service in developing a proposed rule that can adapt to technological advances in oil and gas development?	OS4	6	3.7
	What criteria could be used as targets in plans of operation using best technical and management practices, and how would compliance be assessed?	OS5	1	0.6
Financial Assurances	Should the FWS simply adopt the financial assurance instruments and process used by one of our sister agencies (e.g., performance bonds, irrevocable letters of credit, and cash)? If so, please describe the advantages or disadvantages of the different systems with a recommended model.	FA1	9	5.5
	Are there alternatives to the existing financial assurance instruments used by our sister agencies (e.g., performance bonds, irrevocable letters of credit, and cash) that will protect the taxpayer if refuge resources are damaged by non-Federal oil and gas operations on lands and waters of Refuges?	FA2	4	2.4

*\*This code was used to denote comments that did not correspond to a question posed in the ANPR, but that addressed specific recommendations on what the proposed regulations should prohibit, allow, or require. \*\*Questions were addressed in one form letter with 32,150 signatures and one form letter with 47,405 signatures. Form letters were each counted as a single correspondence for the purposes of this table. Note: the number of comments does not equal the number of comments because several correspondences contained comments on multiple topics.*

**Table 2 continued.** Questions posed in Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014, with affiliated codes and the number and percentage of comments received during both comment periods.

Issue	Question	Code	# of Comments	% of Comments
Financial Assurances	If so, please describe the advantages or disadvantages of one type of instrument over another, and how it would be designed.	FA3	0	0
Access Fees	What is the best and most efficient way to ensure that financial assurances are maintained when ownership of the operation is transferred or sold?	FA4	3	1.8
	What is a fair and reasonable method for the Service to calculate fees for the privilege of access across federally owned lands?	AF1	11	6.7
Access Fees Non-compliance	How could the Service establish incentives for operators to use existing roads or limit access to protect refuge resources in the proposed rulemaking?	AF2	7	4.3
	What are the most effective means for the Service to encourage compliance with an established plan of operations and operating standards?	NC1	9	5.5
Non-compliance Existing Operations	Are there new and emerging technologies, techniques, and verification systems that would improve effectiveness and efficiency of monitoring and verifying compliance with regulations and permit requirements?	NC2	2	1.2
	Are some penalties and/or deterrence techniques more effective than others to ensure compliance?	NC3	1	0.6
	Could a system be designed based on transparency of plans, operations, and practices that would foster use of better practices and compliance, and make it easier for the Service and public to understand oil and gas operations?	NC4	2	1.2
	What is a fair and reasonable timeline for the Service to bring existing operations into compliance with the new regulations?	EO1	9	5.5
Existing Operations Impacts from Proposed Rulemaking	Is there a way to stagger certain aspects of compliance that would make it less burdensome on both operators and Refuge staff?	EO2	3	1.8
	Keeping the limited scope of the [Programmatic Environmental Impact Statement] PEIS in mind, what do you believe are the important national impacts for the Service to analyze in the PEIS for a proposed rule on non-Federal oil and gas operations on Refuges (e.g., impacts to daily refuge operations, costs involved in monitoring)?	IM1	20**	12.2
Impacts from Proposed Rulemaking	What unique legislation or legal consideration should the PEIS take into account when analyzing potential impacts on specific regions or states?	IM2	11	6.7

*\*This code was used to denote comments that did not correspond to a question posed in the ANPR, but that addressed specific recommendations on what the proposed regulations should prohibit, allow, or require. \*\*Questions were addressed in one form letter with 32,150 signatures and one form letter with 47,405 signatures. Form letters were each counted as a single correspondence for the purposes of this table. Note: the number of comments does not equal the number of comments because several correspondences contained comments on multiple topics.*

**Table 3.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Plans of Operations and Special Use Permits	PO1	Sportsmen for Responsible Energy Development	Conservation Organization	"We...urge the United States Fish and Wildlife Service (USFWS) to adopt a permitting system similar to those currently employed by both the National Park Service and the United States Forest Service."
		Wyoming Outdoor Council	Conservation Organization	"We urge the FWS to fully consider the provisions of the NPS and FS operating plans and establish them as FWS regulatory requirements, especially if that would advance the objectives of the 50 C.F.R. § 29.32 regulation. The NPS and FS operating plan requirements should be viewed through the 29.32 lens, and if adopting NPS and FS standards would help advance those objectives, they should be adopted."
		Defenders of Wildlife	Conservation Organization	"Like the NPS, the FWS is clearly a primary rather than multiple use, agency. Thus, FWS should have similar regulations as NPS to regulate non-federal oil and gas activity, especially under the mandate of the NWRSA."
		Northern Alaska Environmental Law Center and The Wilderness Society	Conservation Organization	"FWS should provide better requirements than those in place by other agencies and draw up improved regulations...Still, FWS can learn from what has (and has not) been included in other agencies' regulations."
		Center for Biological Diversity, Earthjustice, Energy & Conservation Law, the Natural Resources Defense Council, and the San Luis Valley Ecosystem Council	Conservation Organization	"The National Park Service regulation of oil and gas provides guidance for the National Wildlife Refuge System... The Forest Service has also used various conditions and limitations to protect federal surface that could provide effective example and land management tools...Further, the BLM and Forest Service do not provide a good model for the Refuge System, which is not subject to the multiple use mandates of the Multiple Use/Sustainable Yield Act that are applicable to BLM and the Forest Service."
		Friends of the Florida Panther Refuge	Conservation Organization	"FWS should look to the National Park Service and the U.S. Forest Service, agencies with much more comprehensive oversight of exploration and development of non-federal oil and gas operations on their lands."



**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Plans of Operations and Special Use Permits	PO1	County of Prince William, Virginia	County	"A special use permit administered by the U.S.F.W.S. is likely a good model. Also, consider adding consultation with local governments to the model."
		NordAq Energy, Inc.	Individual Business	"NordAq does not approve of the adoption of existing policies and procedures in use by the National Park Service (NPS) or Forest Service (FS). These should not be implemented without industry review and consultation...A preferred lead reviewer for industry would be the American Petroleum Institute (API), who has the recognized expertise to conduct such a review."
		Bret A. Sumner and William E. Sparks (on behalf of Ultra Resources, Inc.)	Individual Business	"FWS asks whether it should use U.S. Forest Service or National Park Service requirements as a model for managing oil and gas operations on NWRS lands. Due to the nature of split estate issues and the uniqueness of each of the properties within the NWRS, Ultra believes that a one-size-fits all set of regulations will not serve FWS's needs."
		Cook Inlet Region, Inc.	Individual Business	"CIRI does not consider it appropriate to rely upon the wholesale adoption of the regulatory requirements of any other federal land management agency, in this case the National Park Service (NPS), to govern national wildlife refuges. The NPS regulatory regime would be particularly incongruous, given its primary focus on preservation rather than resource development. Any proposed rulemaking must recognize the increased flexibility for the management of national wildlife refuges under the National Wildlife Refuge System Administration Act and other laws, which expressly contemplate secondary uses like oil and gas development under the compatibility test, compared to the stringent requirements applicable to National Park System lands governed by the NPS Organic Act."
		Independent Petroleum Association of America and the American Petroleum Institute*	Business Association	"Neither the National Park Service ('NPS') nor the United States Forest Service (the 'Forest Service') manage federal lands in a manner that should serve as a model for managing oil and gas operations on Refuge System lands. First, these agencies rules are duplicative of state permitting requirements...Second, both NPS and Forest Service overreach in their requests for information from oil and gas operators...Third, operators, with good reason, expect an additional layer of permitting will drag the process out even longer...Finally, many Refuges have limited staff resources...While FWS has undertaken efforts to educate employees on the oil and gas industry, this does not translate into the ability to exercise independent judgment on complex technical and legal issues that require substantial experience and expertise."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Plans of Operations and Special Use Permits	PO1	Alaska Oil and Gas Association	Business Association	"AOGA would not encourage this wholesale adoption approach, particularly as it relates to the question of whether 'NPS and/or FS requirements [should] serve as a model for managing oil and gas operations on Refuge System lands.' Given that natural and inherent differences associated with oil and gas production in this particular area, it would not be prudent to adopt regulations promulgated by agencies that lack the requisite experience in this field and this area. Rather, AOGA would encourage the USFWS to seek oil and gas specific industry review and consultation in order to determine what, if any, regulations might be necessary, and the manner in which those regulations are implemented."
		David L Allin	Unaffiliated Individual	"There was also a mention of a GAO recommendation that existing policies governing oil and gas development on land managed by the National Park Service and Forest Service be accepted by the FWS. That plan doesn't make much sense because oil and gas development is banned on most of the land managed by the National Park Service and there is limited mineral development work on land managed by the Forest Service."
		Christopher Ford	Unaffiliated Individual	"In responding to the proposed rule, Issue 1, I believe that the Operational aspect provides sufficient oversight, but I do caution on portions being subject to unfair practices due to political pressure. Question 1(a) - I believe the model by the NPS/FS would be a good model to build off of, taking into consideration my earlier statement."
		State of Utah, Office of the Governor, Public Lands Policy Coordination	State Agency	"The FS regulations pertain to federal mineral leases and the surface effects of the leases, and operations where the mineral estate is owned by the federal government. This Notice specifically refers to essentially a split-estate with no federal mineral ownership."
		Oklahoma Department of Wildlife Conservation	State Agency	"The FWS should look at the NPS/FS/BLM and state entities rules and guidelines that own the surface but not the minerals below when crafting requirements."
		The State of Alaska ANILCA Implementation Program	State Agency	"In 1981, the NPS promulgated implementing regulations at 36 CFR 13.10-13.16, which recognized these important ANILCA provisions, and explicitly negated the applicability of 36 CFR 9B in Alaska...the Service's revised regulations need to also exempt Alaska."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Plans of Operations and Special Use Permits	PO2	Wyoming Outdoor Council	Conservation Organization	"But in addition we believe the FWS should also consider Bureau of Land Management (BLM) oil and gas operations requirements...We would especially note the oil and gas leasing reforms that BLM adopted in 2010...now under BLM Manual H-1624-1...In addition the BLM has extensive requirements for lease operations, primarily implemented through the application for permit to drill (APD) process. Among other things, an Eight-Point Technical Plan and a Thirteen-Point Surface Use Plan have to be filed as part of an APD...In addition, BLM's Onshore Order No.1 ('Approval of Operations') contains a host of operating requirements."
		Center for Biological Diversity, Earthjustice, Energy & Conservation Law, the Natural Resources Defense Council, and the San Luis Valley Ecosystem Council	Conservation Organization	"Some helpful management tools and guidance may also be found in the range of conditions and limitations provided in the Bureau of Land Management's mineral development policies and authorities...However, the BLM authorities do not provide a model that is easily applied to Wildlife Refuges since BLM is also charged with implementing the Mineral Leasing Act. BLM acts in the mixed and often conflicted role of promoting federal mineral development and protecting federally owned surface."
		Northern Alaska Environmental Law Center and The Wilderness Society	Conservation Organization	This commenter provided extensive comments on this topic. Please see: <a href="http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0040">http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0040</a>
		Western Energy Alliance	Business Association	"BLM has the experience of managing oil and natural gas development on about 700 million acres of federal mineral estate, vastly more expertise than the National Park Service (NPS) or the U.S. Forest Service (USFS). Based on that expertise, BLM regulations, not NPS or USFS regulations, should serve as a model, if FWS decides to move forward with the promulgation of permitting rules."
		David L Allin	Unaffiliated Individual	"In the western states where I work, there already exists a sufficient regulatory system to rely upon to govern and insure best practices by the industry...In states that don't have existing oil and gas regulatory agencies, the FWS should look to the existing BLM regulatory framework as a model."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Plans of Operations and Special Use Permits	PO2	Little River Band of Ottawa Indians Natural Resources Department	Tribal Agency	"The Federal Register notice indicates that there are several standards put forward or in effect by other agencies and organizations. While we are not familiar with all of these guidelines, there are some models which the Service should specifically and deliberately avoid. One of these is, almost without exception, the various regulatory frameworks (or, in many cases, the lack of such frameworks) in the state governments. Generally speaking, states have proven wholly inadequate in regulating energy extraction industries, which has led to widespread abuses."
	PO3	NordAq Energy, Inc.	Individual Business	"It will be critical to implement a process that is in alignment with other existing application processes and reporting obligations. Preferably that which is required by the respective state and/or federal agency, which helps ensure consistency, ease of application, operation, and implementation."
		Christopher Ford	Unaffiliated Individual	"I believe that with today's technology in the advancement of 'smart phones' and tablets, an application could be developed that would allow the permit holder ways to provide photographic documentation of compliance, that could be downloaded by the NPS/FS/EPA for review. This would alleviate an on-scene inspection, unless warranted."
		State of Utah, Office of the Governor, Public Lands Policy Coordination	State Agency	"Duplication of efforts and personnel costs can be avoided if NWR personnel could focus on the surface natural resources. Each NWR could enter into a Memorandum of Understanding with a state regulatory agency to define roles and lines of communications."
		Oklahoma Department of Wildlife Conservation	State Agency	"Recommendations for an efficient and effective permitting process would be to have one person of contact per Refuge or region. It will allow that one person to coordinate with the operators and Refuge employees. An alternative would be for the NWR to enter into a Memorandum of Understanding with a state regulatory agency to ease the burden of compliance."
	PO4	Sportsmen for Responsible Energy Development	Conservation Organization	"To implement this instructive regulation, USFWS should adopt a permitting system that requires the completion of full plans of operations, including technologies used, placement of facilities, mitigation and reclamation standards before access is approved...Plans of operations should also include adaptive monitoring and impact thresholds to require changes in timing or use if predicted impacts to fish and wildlife are exceeded."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Plans of Operations and Special Use Permits	PO4	Defenders of Wildlife	Conservation Organization	This commenter provided extensive comments on this topic. Please see: <a href="http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0026">http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0026</a>
		Center for Biological Diversity, Earthjustice, Energy & Conservation Law, the Natural Resources Defense Council, and the San Luis Valley Ecosystem Council	Conservation Organization	"In order to avoid the identified inconsistencies across refuges and to ensure compliance with NEPA and other laws such as the Endangered Species Act and National Historic Preservation Act that are triggered by the exercise of agency discretion and action, the use of permitting should replace the ad hoc implementation of current regulations...The FWS must provide the public with a map of all split estate lands in the system where federal surface lies above non-federal oil and gas resources...The FWS must also establish a robust public notification system for development on federal lands, including all adjacent landowners, water managers, and local officials. The FWS must also create an easily accessible public website with information on current and pending oil and gas activities, including the name of the oil and gas operators, as well as information on the operator's performance record on federal lands including its compliance record and any fines levied or civil or criminal actions brought against the operator."
		Defenders of Wildlife online activists letter*	Conservation Organization Members	"The FWS should establish reasonable regulations to require special use permits that direct operators to use the least environmentally damaging practices and technology, notify the FWS when they are on the refuge, plan for the removal of waste materials, develop emergency response and reclamation plans, post adequate bonds, and other reasonable restrictions and provisions."
		Friends of the Florida Panther Refuge	Conservation Organization	This commenter provided extensive comments on this topic. Please see: <a href="http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0034">http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0034</a>
		Fabian Attorneys at Law (on behalf of Thurston Energy, LLC)	Individual Business	"Federal and state environmental laws already regulate the operations of the mineral estate owner and protect the surface estate land...Consequently, with the application of all federal, state, and division laws and regulations, there is no need for any additional regulation of the operations of the mineral estate owner."
		NordAq Energy, Inc.	Individual Business	"NordAq recommends that the Service consult with each NWR to determine their policy for non-Federal E&P projects, ascertain if there is commonality and build upon these for a standard. Industry should be allowed to participate in the process and identify successes, conflicts, and suggested resolution."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Plans of Operations and Special Use Permits	PO4	Apache Alaska Corporation	Individual Business	"Apache believes that no action needs to be or should be taken which affects Alaska refuges or those operating within them. Apache and other operators in Alaska are proceeding under the provisions of ANCSA and ANILCA, which include mechanisms to promote the economic development of private inholdings while safeguarding public interests in Alaska refuges. Therefore, Apache respectfully requests and recommends that Alaska be fully exempted from any proposed new regulations under the ANPR."
		Doyon Limited	Individual Business	"Any regulations to be proposed pursuant to the ANPR should explicitly recognize that activities associated with oil and gas development on lands conveyed to Alaska Native Corporations pursuant to ANCSA will not be governed by the new regulations applicable to Refuge lands."
		Bret A. Sumner and William E. Sparks (on behalf of Ultra Resources, Inc.)	Individual Business	This commenter provided extensive comments on this topic. Please see: <a href="http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0028">http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0028</a>
		Cook Inlet Region, Inc.	Individual Business	Pursuant to the Surface Use Plan, CIRI's landholdings are already subject to a well-established management program specific to the Kenai Refuge. This management program has proven to be efficient and effective, and CIRI has developed a cooperative and successful relationship with the Refuge. Given this existing management program, the regulatory regime discussed in the ANPR -- including requirements for plans of operation, special use permits, operating standards, financial assurances, and other proposed elements -- is unnecessary and duplicative, threatens to undermine the successful working relationship between CIRI and the Kenai Refuge, and would be in conflict with the Terms and Conditions, adversely affecting CIRI's established property rights and a long-standing and complex negotiated agreement."
		Western Energy Alliance	Business Association	"We question the need for additional permitting regulations in NWRS lands because existing federal, state and tribal regulations already apply to non-federal mineral development within the NWRS. Further, these regulatory mechanisms already achieve the same goals that FWS expresses in its ANPR."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Plans of Operations and Special Use Permits	PO4	Independent Petroleum Association of America and the American Petroleum Institute*	Business Association	This commenter provided extensive comments on this topic. Please see: <a href="http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0035">http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0035</a>
		Alaska Oil and Gas Association	Business Association	"...the proposed rules will likely not be appropriate for application in Alaska. If additional regulations are necessary, those regulations should be narrowly tailored to address concerns related to non-Federal oil and gas projects in the KNWR. In that vein, it may also be prudent for the USFWS to consult with each NWR to ascertain the respective policies that currently exist regarding non-Federal exploration and production to assist guiding its next steps. AOGA would also encourage the USFWS to allow for industry input to help identify successes, conflicts, and suggested resolutions. Ultimately, it will be crucial that any newly implemented processes correspond and align with already existing regulations."
		Christopher Lish	Unaffiliated Individual	"Your new rules should require full review through management planning that protects the wildlife refuge, avoids later conflicts, and completes and environmental impact statement before any site-specific oil and gas development occurs."
		Paul Pickell	Unaffiliated Individual	"Where possible, the Service should implement rules to increase the redundancy of access corridors already present within the Refuge System and limit the creation of new access corridors, especially corridors related to exploratory reflection seismology...The Service should develop rules around concentrating oil and gas activity to specific regions of a refuge, as opposed to equally dispersing the activity, in order to minimize the impact that the activities will have on the entire refuge."
		Natural Resources Defense Council online activists letter**	Conservation Organization Members	"Your new rules should require full review through management planning that protects the wildlife refuge and avoids later conflicts and an environmental impact statement to be prepared before any site-specific oil and gas development occurs."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Plans of Operations and Special Use Permits	PO4	State of Utah, Office of the Governor, Public Lands Policy Coordination	State Agency	"DOGM would suggest that a special use permit or surface use agreement is the most reasonable and flexible management tool since probably all subsurface mineral rights under NWR lands are not vested in the federal government."
		The State of Arizona Game and Fish Department	State Agency	"The Department believes minimizing impacts to natural resources is paramount for our Refuge Systems and sufficient bonding should be required. Thus, the issuance of a special use permit should require a permittee to mitigate all unavoidable impacts to natural resources, either on or offsite for both wildlife and their habitat. Mitigation offsets should be standardized and allow for 100% compensation of these losses. Mitigation should occur for all wildlife species, including state responsibility species. Mitigation should account for habitat fragmentation, disruption of life histories of wildlife, impacts to habitat, nesting disturbance, loss or degradation of forage, and for loss of recreational opportunities associated with wildlife, as well as public access. Best Management Practices should be developed that minimize disturbance to wildlife and habitat, including vehicular traffic, light, noise, air, and water pollution. We believe the rule should also include regulation that requires disclosure of any fracking fluids that would be used, capture and disposal offsite of all potential spillage and waste, and prohibits off-gassing of flaring of gas (i.e. all substances used in the process or resulting from the process should be captured and contained).
		Colorado Parks and Wildlife	State Agency	"Within the range of alternatives that the FWS will develop resulting from the oversight questions they are trying to answer, CPW suggests that the Service incorporate a two tiered approach to management actions across the Refuge System. CPW envisions the first tier consisting of a nation-wide set of policies that would be applicable to any Refuge land in any development scenario. The second tier management actions would consist of a nation-wide Standard Operating Practices pick list of BMP's that would be applicable to any Refuge land. In conjunction with the nation-wide BMP list each state should generate a list of state-specific BMP's that reflect wildlife protections unique to the species found on the Refuge lands within the state."
		State of New Mexico Department of Game and Fish	State Agency	This commenter provided extensive comments on this topic. Please see: <a href="http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0037">http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0037</a>



**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Plans of Operations and Special Use Permits	PO4	Little River Band of Ottawa Indians Natural Resources Department	Tribal Agency	This commenter provided extensive comments on this topic. Please see: <a href="http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0025">http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0025</a>
Operating Standards	OS1	Wyoming Outdoor Council	Conservation Organization	"Besides the sources of potential operating standards that are mentioned in the Federal Register notice we believe the following sources might also provide valuable potential operating standards. In addition to the BLM 'Gold Book' which is mentioned in the Federal Register notice, the BLM also has published an extensive array of 'best management practices' (BMP) that can reduce the impacts of oil and gas development...The BLM has a wide array of IMs in place, and the FWS should review them to determine if other IMs might also provide useful operating standards...Another useful source of BMPs is provided by the University of Colorado. Its Intermountain Oil and Gas BMP Project provides a wide array of BMPs for consideration...the FWS should give special attention to reclamation needs in its operating standards, and we request that it do so."
		Northern Alaska Environmental Law Center and The Wilderness Society	Conservation Organization	This commenter provided extensive comments on this topic. Please see: <a href="http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0040">http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0040</a>
		Center for Biological Diversity, Earthjustice, Energy & Conservation Law, the Natural Resources Defense Council, and the San Luis Valley Ecosystem Council	Conservation Organization	"Rather than attempting to identify appropriate operating standards on an ad hoc basis for each individual Refuge or proposed lease, FWS should adopt a maximally-protective set of operating standards for all oil and gas operations throughout the refuge system. If flexibility is desired, the burden should be on the project proponent to demonstrate, by clear and reliable scientific evidence, that its proposed plan of operations would have fewer adverse resource impacts than the nationwide standards."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Operating Standards	OS1	Fabian Attorneys at Law (on behalf of Thurston Energy, LLC)	Individual Business	"This existing regulation has the flexibility and the reasonableness standards that are required in various split-estate situations. The Service's proposal for specific plans of operations, special use permits, operating standards, financial assurances, access fees, non-compliance regulations, and the regulation of existing operations, would not have the flexibility required for the various split-estate situations and the variety of terrain and geographical issues."
		NordAq Energy, Inc.	Individual Business	"...there must be flexibility in the implementation of operating requirements based upon industry practices and a practical means of environmental protection...A general standard set of regulatory practices with a subset of location-specific standards should be developed."
		Western Energy Alliance	Business Association	"Operating standards should be applied with the maximum amount of flexibility possible."
		Independent Petroleum Association of America and the American Petroleum Institute*	Business Association	"Any regulations must promote flexibility to account for different habitats, operating conditions, technical feasibility, and economic realities...FWS' regulations and policies already acknowledge that the Refuge Manager is in the best position to work with operators on a specific development project...The current regulations also reflect this need for flexibility through consistent use of the term 'practicable'...if an individual has a private mineral right under a Refuge and they are drilling from private lands, FWS does not, and will not prescribe the method of extraction. We expect to see this representation reflected in any proposed regulations."
		Alaska Oil and Gas Association	Business Association	"AOGA would encourage the USFWS to create standards that are tailored to each respective NWR...Creation of meaningful and efficient operating standards must take into account those policies and institutions that are currently in place and effective...AOGA would suggest that any new operating standards should be designed with efficiency and simplicity at the forefront...AOGA would encourage utilizing regulatory language already governing oil and gas operations in Alaska, as it will lead to a more efficient and fluid transition."
Oklahoma Department of Wildlife Conservation	State Agency	"The Service should have a surface damage or use agreement in place that specifies bonding requirements and stipulations that the operator needs to agree to before being granted access."		

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Operating Standards	OS1	State of Utah, Office of the Governor, Public Lands Policy Coordination	State Agency	"If any operating rules are adopted that should apply to surface estate natural resources, such as assistance in ways to minimize impacts in the siting of pads and roads, control of noxious weeds, or critical habits. A 'no surface occupancy' stipulation as access to the non-federal mineral estate would likely not meet the standard for reasonable access."
	OS2	Wyoming Outdoor Council	Conservation Organization	"Assuring compliance with the operating standards can best be assured by adopting strong, mandatory language in the regulations that FWS adopts. The FWS indicates that rather than adopting particular operating standards it might 'leave some flexibility' by providing only criteria that 'operators could address in their plan of operations.' 79 Fed. Reg. 10082. We would discourage this approach...At a minimum, the regulations should contain language that ensures that any 'flexibility' provided to operators will not allow sub-standard operating standards to be treated as acceptable. Standard language could be utilized, along the lines of: 'alternative standards not less protective or stringent than those provided for in this rule may be approved by the authorized officer upon making a determination that these alternative standards meet the requirements and intent of this rule, with opportunity being provided for public comment.'...Verification of compliance with and adherence to the operating standards could be provided for by doing mandatory site inspections and requiring operators to submit, and certify, relevant documentation and evidence."
		NordAq Energy, Inc.	Individual Business	"Within a refuge the position of Refuge Operations Specialist (specifically, Oil and Gas) serves to review field operations and operator reports allowing that individual to have current working knowledge and to ensure compliance."
		Alaska Oil and Gas Association	Business Association	"Additionally, the USFWS could monitor compliance through some manner of monthly activity reporting to the NWR, along with production monitoring...Compliance should be evaluated by whether the operator has submitted proper notifications, met deadlines, conducted authorized work, maintained integrity monitoring and avoided or responded to environmental incidents."
		Oklahoma Department of Wildlife Conservation	State Agency	"An agreement that is signed by the operator and the Service will assist in forcing noncompliance if needed."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Operating Standards	OS3	Wyoming Outdoor Council	Conservation Organization	"Verification of compliance with and adherence to the operating standards could be provided for by doing mandatory site inspections and requiring operators to submit, and certify, relevant documentation and evidence. This would also help ensure the regulations were effective and enforceable."
		NordAq Energy, Inc.	Individual Business	"Monthly operating reports should be required from each operator to the NWR. These reports should include summaries of production monitoring, environmental incidents, accident reports, spill reports, wildlife interaction and Special Use Permit status. This provides a mechanism for confirmation of reporting and compliance."
		Bret A. Sumner and William E. Sparks (on behalf of Ultra Resources, Inc.)	Individual Business	"FWS asks how it can best ensure that operators are conducting operations under effective, enforceable operating standards. Ultra believes that FWS should rely on the local standards of the state in which the NWRS lands exist as local practices and procedures will best reflect technologies available for the local formations being developed. In the alternative, Ultra recommends using the BLM's Gold Book as a guide as it provides standards utilized by the oil and gas industry on most federal lands."
	OS4	National Association of Royalty Owners	Business Association	"Using current and recent advances in technology, it is possible to develop much of the non-Federal mineral estate under lower-48 Refuge lands without ever using or disturbing the Refuge's surface estate...Activity originating on non-federal surface estate and accessing non-federal subsurface estate should be explicitly exempted from this proposed rulemaking."
		Sportsmen for Responsible Energy Development	Conservation Organization	"Given current advances in directional drilling, USFWS should seek to encourage private mineral owners to access oil and gas from points outside refuge lands where possible."
		Wyoming Outdoor Council	Conservation Organization	At a minimum, the regulations should contain language that ensures that any 'flexibility' provided to operators will not allow sub-standard operating standards to be treated as acceptable. Standard language could be utilized, along the lines of: 'alternative standards not less protective or stringent than those provided for in this rule may be approved by the authorized officer upon making a determination that these alternative standards meet the requirements and intent of this rule, with opportunity being provided for public comment.' Incorporating this type of language into the regulations could also allow for technological advances in operating standards and procedures to be accommodated."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Operating Standards	OS4	Northern Alaska Environmental Law Center and The Wilderness Society	Conservation Organization	"FWS should not rely on industry standards, as suggested at 72 Fed. Reg. 100082, but should update regulations regularly based on changes in industry standards as well as public comment and review. FWS should consider terms for permits that are far shorter than 50 years (see 50 CFR §29.21-3), such as five years...FWS should have the authority to determine that a plan or permit needs to be modified due to significant changes in technology, environmental or economic changes, or other circumstances regarding that operation, and require public comment at that time. FWS should have the authority to suspend operations for a certain period upon a determination that immediate and irreparable damage will result from continuation in force of a lease..."
		NordAq Energy, Inc.	Individual Business	"NordAq appreciates that the Service acknowledges the need for a process which is dynamic, in line with technological developments that can be implemented without compromise to the NWR as part of the rulemaking process. It is suggested that added flexibility and discretion be granted to refuge management in order to respond to operator needs as they become known."
		James Marshall***	Unaffiliated Individual	"Using current and recent advances in technology, it is possible to develop much of the non-Federal mineral estate under Refuge lands in our area without ever using or disturbing the Refuge's surface estate...Activity originating on non-federal surface estate and accessing non-federal subsurface estate should be explicitly exempted from this proposed rulemaking."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Operating Standards	OS5	NordAq Energy, Inc.	Individual Business	"Criteria should be based upon standard regulatory practices governing hydrocarbon production and practical approaches to dealing with environmental conditions. The Plan of Operations (PO) to be developed and approved is the operator's description of how it 'plans to operate' with a subset addressing environmental protection and monitoring. One element of monitoring criteria would be through a SCADA system (supervisory control and data acquisition) used to monitor production operations. A PO document prepared by each oil and gas operator describing hydrocarbon production should not require modification once accepted, unless the operator elects to implement a significant operational change. Such change would likely be subject separate agency permitting which would in turn warrant a plan amendment and review. Use of Bureau of Land Management onshore regulatory language [43 CFR 3160] is suggested since industry is familiar with this. However, local state regulatory language (conservation commission or natural resources) should also be evaluated for applicability. Compliance would be achieved by monthly activity reporting to the NWR combined with production monitoring. Annual reporting should be in the form of a Plan of Development (POD), consistent with lease language, for the coming year to forecast planned work activity and timing; subject to review and approval by the refuge manager. The mineral interest owner (Lessor) will have the authority to review and approve both Plans of Operation and Development prepared by the Lessee. Compliance will be assessed by whether the operator has submitted proper notifications (PO's/POD's), met deadlines, conducted authorized work, maintains integrity monitoring and avoided or responded to environmental incidents."
Financial Assurances	FA1	Sportsmen for Responsible Energy Development	Conservation Organization	"Adequate performance bonds should be required to ensure that operators comply with these plans and that promised reclamation is completed."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Financial Assurances	FA1	Wyoming Outdoor Council	Conservation Organization	"It appears the FWS is considering adopting models that the FS and NPS have in place. We encourage full consideration of these measures and adoption of them if they will help protect Refuge resources and values. However, we believe the FWS should also consider the bonding system of the BLM for oil and gas operations on the public lands...it can increase bond amounts as necessary to ensure that the full costs of plugging, abandonment, reclamation, and other issues are recovered...Likewise, the FWS should ensure that it retains authority to increase bond amounts if such is necessary to ensure proper plugging, abandonment, and reclamation of oil and gas wells on Refuge system lands.
		Northern Alaska Environmental Law Center and The Wilderness Society	Conservation Organization	"FWS should require a bond or any other financial instrument capable of fully covering operations, as well as anticipated restoration to original conditions and monitoring costs (amounts in §29.21-2(3) are not enough; instrument should last for the life of project, including successful restoration meeting rehabilitation goals, not just during construction, as provided in §29.21-9(g))."
		Center for Biological Diversity, Earthjustice, Energy & Conservation Law, the Natural Resources Defense Council, and the San Luis Valley Ecosystem Council	Conservation Organization	"The FS model is not acceptable. Financial assurance should not be discretionary. There are too many instances of irresponsible oil and gas companies leaving a legacy of pollution and damage on public lands, without the resources needed to rectify the harm. The BLM model is also not acceptable. A recent investigation by the U.S. Government Accountability Office found that the BLM's minimum bond amounts have not been updated in more than 50 years and may not be sufficient to encourage all operators to comply with reclamation requirements. In addition, the criteria for deciding when to increase a bond is vague, and BLM does not have the data to value potential liability and monitor agency performance. In addition, the GAO found that BLM has not consistently implemented its policies for managing potential liabilities. FWS must go beyond what other agencies have done and establish a reasonable policy that is appropriate for the full range of potential risks associated with oil and gas development."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Financial Assurances	FA1	NordAq Energy, Inc.	Individual Business	"The concept of bonding to assure dismantlement, removal, and restoration (DRR) is not an unreasonable obligation for an operator...it is increasingly difficult to obtain bonding for such obligations. The Service needs to assist industry in a means to resolve the matter to facilitate operations to allow the mineral interest owner the ability to have its interests developed. One option to incorporate would be for participation by the mineral interest owner in the process as it is to their benefit to initiate and maintain responsible E&P operations."
		Independent Petroleum Association of America and the American Petroleum Institute*	Business Association	"FWS' Management Guide points out that the agency does not have authority in all instances to impose a bond. In those instances where FWS does have authority, operators request that FWS rely on the nationwide or statewide bonds that different agencies already require under independent regulatory authority. If an adjustment is needed to an existing bond, then the adjustment should be limited to a specific circumstance, e.g. reclamation. Across-the-board bond increases punish prudent operators and are ineffective for bringing non-compliant operators into compliance. This is likewise true of orphan well funds, which should also be excluded from any new regulations."
		Alaska Oil and Gas Association	Business Association	"The USFWS aims to require bonds that will ensure that 'adequate funds will be available to restore the site, remove equipment and contaminated soil, and revegetate the area.' AOGA believes that this aspect of the proposed rule-making is reasonable, but would encourage the USFWS to create standards that correspond to each respective NWR. Depending on the location of an operation, the USFWS should allow for some degree of flexibility in creating its financial assurances mandate. For example, in order to achieve this goal, it may be prudent to allow for some collaboration between the mineral owner and the oil and gas operator to meet the burden of ensuring proper dismantlement, removal and restoration (DR&R)."
		Christopher Ford	Unaffiliated Individual	"I feel that a performance bond is the most effective way to ensure that any financial requirements are not incurred by the taxpayers. A proper evaluation, plus, cost of living increases, should be conducted, for the duration of the bond, to cover all costs of a 'worst case' scenario."
		Oklahoma Department of Wildlife Conservation	State Agency	"Yes the FWS should adopt financial assurance instruments to protect itself and for use as an enforcement tool."



**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Financial Assurances	FA2	Wyoming Outdoor Council	Conservation Organization	"Performance bonds are likely the best way to ensure these needs are met. Other mechanisms might perhaps be acceptable, but only if they are assured to be: 1) available when and if needed; 2) not subject to cancellation or abandonment by the operator; 3) are subject to modification if needed to adequately meet the costs of rehabilitation and; 4) are transferred as a matter of law to any subsequent operators in the chain of custody. A mechanism such as an irrevocable letter of credit might be appropriate for ensuring that subsequent owners of oil and gas lease rights are obligated to abide by, maintain, and honor a bond. In any event, the regulations must provide assurance that subsequent operating rights owners continue to be covered by, and bound by, the bond."
		State of Utah, Office of the Governor, Public Lands Policy Coordination	State Agency	"The Service may want to consider requiring financial assurances for other surface natural resource damage such as roads, pipelines, and long term vegetation establishment."
		Oklahoma Department of Wildlife Conservation	State Agency	"Performance surety bond from a surety company licensed to do business in the specific state. Require that the bond is conditioned on the observances and compliance with the terms of the surface agreement. The bond will be maintained and it shall remain in effect as long as the operator is drilling or operating a well on NWR lands, or until released by the Refuge. The bond be subject to forfeiture to the NWR upon noncompliance of any terms of the agreement and any provisions in the lease for the property."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Financial Assurances	FA2	Little River Band of Ottawa Indians Natural Resources Department	Tribal Agency	"Throughout the history of the management of public lands in America, a major trend with respect to the extractive industries has been through absurdly low fees, which essentially amounts to a government subsidization of their activities...A reasonable regulatory authority would allow the Service to recoup its costs for the administration of any costs necessary to implement a competent, diligent oversight of the entire program. Along these lines, the Service should allow its Refuges to consider whatever financial responsibility instruments they deem necessary. These could include bonds, letters of credit, cash, escrow accounts, or other means. The Service should have standards to assure sufficiency, but also maintain flexibility to determine those assurances on a case-by-case basis."
	FA3	No comments	FA3	No comments
	FA4	NordAq Energy, Inc.	Individual Business	"Financial assurances are maintained by obligating the new operator (assignee) to obtain bonding prior to approval of the assignment or that it becomes effective as of the date of approval of the assignment by the mineral interest owner and refuge manager. The new operator should be fully informed and acknowledge this obligation prior to sale or transfer."
		Christopher Ford	Unaffiliated Individual	"The performance bond would be the obligation of the new buyer/owner of the property/rights, to the seller of the property. It should be kept between the two parties, with the government maintaining control of the actual bond/cash."
		Oklahoma Department of Wildlife Conservation	State Agency	"Include a clause in the agreement the requires if at any time during the existence of the well, the operator changes, the FWS or NWR will be notified immediately and any new operator shall sign a new agreement and shall observe and fulfill all requirements and stipulations of this agreement, and shall furnish a copy of new bonds to replace the existing bonds."
Access Fees	AF1	National Association of Royalty Owners	Business Association	"Other costs to the oil and gas developer incurred as a result of requirements by the surface estate owner should also be taken into consideration when calculating what is a fair and reasonable fee structure. These other costs could include the cost and time of preparation Environmental Impact Statements and reports unique to the federal surface estate, rights-of-way fees for pipelines and roads, and lease maintenance and operational drilling and service costs associated with lengthy application processes."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Access Fees	AF1	Wyoming Outdoor Council	Conservation Organization	"In general, access fees should be set at fair market values, but perhaps lesser rates could be charged if the mineral estate owner was willing to enter into access restrictions that more fully protect Refuge resources."
		Northern Alaska Environmental Law Center and The Wilderness Society	Conservation Organization	"FWS should update access fees in §29.21-2 and charge fees that are high enough to cover the estimated costs of evaluating plans of operation and permits...However, user fees can provide perverse incentives to land manager to allow activities, perhaps with less scrutiny, thereby enhancing tight budgets or meeting agency, so the system for fees should be carefully evaluated for the entire NWRS to avoid this influence to the degree possible."
		Center for Biological Diversity, Earthjustice, Energy & Conservation Law, the Natural Resources Defense Council, and the San Luis Valley Ecosystem Council	Conservation Organization	"Access fees should be charged for all industrial uses and reflect the full costs to the public and the agency of road use, repair, and restoration...the agency should charge fees for impacts to all federal lands. The NPS' proposal also includes the authority to accept in-kind reclamation in lieu of fees, which can be acceptable if strong standards are in place."
		Friends of the Florida Panther Refuge	Conservation Organization	"In order to incentivize operators to utilize the most appropriate areas and least sensitive lands for oil and gas activities, FWS should consider making the fees and regulatory requirements with activities proposed on Refuges appropriately high to reduce the level of interest of conducting business within Refuge boundaries."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Access Fees	AF1	NordAq Energy, Inc.	Individual Business	"Access fees should be calculated on whether the ROW access requested is for new or existing, if existing, the party who maintains the ROW is to receive a maintenance fee for the additional use. If new, the operator who constructs and maintains the ROW should only be required to have a performance bond to cover removal and restoration as well as an annual rental payment for the ROW permit...The most reasonable fee calculation will be for the duration and nature of ROW granted and what it encompasses (road, road and pipeline, or for a pipeline or utility corridor). NordAq believes FWS already has a formula for ROW calculation and is satisfied with the methodology applied at KNWR."
		Doyon Limited	Individual Business	"...under Title XI of ANILCA, access is not merely a 'privilege'; rather, ANILCA provides for specific access rights that must be accompanied under any new regulations that may be issued pursuant to this ANPR."
		Independent Petroleum Association of America and the American Petroleum Institute*	Business Association	"And should FWS impose access fees that diminish the value of the mineral estate, FWS must be prepared to pay just compensation to operators whose property interest has been injured."
		Alaska Oil and Gas Association	Business Association	"The most practical approach to calculate access fees would create two distinctive categories: new and existing. For new right-of-way (ROW) access, AOGA would suggest that the USFWS only require a performance bond to cover removal and restoration for an operator that constructs and maintains that ROW. Of course, an annual rental payment may also apply. For existing ROW access, AOGA would suggest that the USFWS allow the party who maintains the ROW to receive a maintenance fee for additional use."
		James Marshall***	Unaffiliated Individual	"Other costs to the oil and gas developer incurred as a result of requirements by the surface estate owner should also be taken into consideration when calculating what is a fair and reasonable fee structure. These other costs could include the cost of preparation of Environmental Impact Statements and reports unique to the federal surface estate and/or fees for rights of way for pipelines, well pads, and roads."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Access Fees	AF1	Oklahoma Department of Wildlife Conservation	State Agency	"A fair and reasonable method for the Service to calculate fees for the privilege of access is to see what state owned land is receiving for access. A second way is to conduct appraisal to see what a cost of before and after to realize the possible impact of the access."
	AF2	Wyoming Outdoor Council	Conservation Organization	"In general, access fees should be set at fair market values, but perhaps lesser rates could be charged if the mineral estate owner was willing to enter into access restrictions that more fully protect Refuge resources."
		Northern Alaska Environmental Law Center and The Wilderness Society	Conservation Organization	"FWS should charge significantly higher access fees for new roads and vehicles that will use them, among other ideas that should be considered."
		Center for Biological Diversity, Earthjustice, Energy & Conservation Law, the Natural Resources Defense Council, and the San Luis Valley Ecosystem Council	Conservation Organization	"While it is appropriate for the FWS to encourage operators to access their oil and gas operations from existing roads that the FWS administers, and at a time, place, and manner that protects refuge resources to the maximum extent practicable, the FWS must first promulgate a rule that directs Wildlife Refuge managers to use the full scope of their authority to protect the Refuges."
		NordAq Energy, Inc.	Individual Business	"Incentives may not be necessary. If an operator can use an existing access and limit new road access it will be an economic benefit since the ROW calculation fee will be reduced. The FWS could grant discretionary ROW rental reductions when an operator makes this election as a means to reduce their development footprint within an NWR. The individual NWR should have the authority to limit vehicular access if conditions warrant, as mentioned in (a) previously."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Access Fees	AF2	Independent Petroleum Association of America and the American Petroleum Institute*	Business Association	"Operators are already incentivized to use existing roads where such roads are adequate, as it reduces operating costs. If access fees are required, we believe access should be granted free from conditions."
		Alaska Oil and Gas Association	Business Association	"As far as creating incentives to promote the use of existing ROW's and limiting inappropriate access in concerned, AOGA believes that approach may not be necessary. If operators can avail themselves of already existing access, there is a natural economic incentive as it will likely result in the ROW calculation fee being reduced. However, the USFWS could grant discretionary ROW rental reduction if an operator chooses to use existing ROW's to limit the potential impacts associated with creating new and alternative ROW's."
		Oklahoma Department of Wildlife Conservation	State Agency	"The Service could encourage operators to use existing roads by entering into a road use agreement where the operator is charged a time access fee and required to maintain the road for its use instead of a higher fee for new road construction."
Noncompliance	NC1	Wyoming Outdoor Council	Conservation Organization	"The regulations could be built so as to pursue these remedies incrementally, first attempting to work with operators to correct problems, but then moving to more formal notices of noncompliance and assessment of monetary penalties, and finally seeking remedies in court. However, we think it is important that not only <u>monetary</u> penalties be levied, but also there must be provisions for directly modifying behavior; <u>compliance orders</u> must be put in place either by agreements or as a result of formal notices of noncompliance, and of course at the judicial remedy stage injunctions mandating performance can be obtained."
		Northern Alaska Environmental Law Center	Conservation Organization	"Regulations should clearly state that authorizations are revocable for non-compliance. In addition to revocations and suspensions, FWS officers should be authorized to issue citations and assess fines, and other civil and criminal penalties for non-compliance, negligence, etc."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Noncompliance	NC1	Center for Biological Diversity, Earthjustice, Energy & Conservation Law, the Natural Resources Defense Council, and the San Luis Valley Ecosystem Council	Conservation Organization	This commenter provided extensive comments on this topic. Please see: <a href="http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0029">http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0029</a>
		NordAq Energy, Inc.	Individual Business	"The FWS should consider regulatory language similar to that which is used by BLM for conducting E&P operations. Should this prove unworkable then regulatory language by the state agency overseeing E&P activity should be evaluated."
		Independent Petroleum Association of America and the American Petroleum Institute*	Business Association	"FWS acknowledges that it has worked positively with operators to address spills. This type of cooperation allows operators to address any concerns FWS may have and is an effective and productive method to remedy noncompliance and avoid future challenges. Accordingly, compliance issues should be addressed on a case-by-case basis pertinent to the violation, with cooperation anticipated to be the primary method of dealing with noncompliance."
		Alaska Oil and Gas Association	Business Association	"AOGA would suggest creating a regulatory scheme that would be consistent with the language that currently exists through Alaska regulatory agencies. Of course, to engage in effective and meaningful supervision requires that the USFWS obtain appropriate resources (staffing, monitoring, etc.)...Finally, AOGA would, once again, encourage the USFWS to model any punitive aspects of noncompliance with those that already exist in the local jurisdiction."
		James Perdue	Unaffiliated Individual	"Fees should be charged to permit a refuge to hire an enforcement person to oversee the drilling or extraction process. Such enforcement person should not be associated with or chosen by the extraction company."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Noncompliance	NC1	State of Utah, Office of the Governor, Public Lands Policy Coordination	State Agency	"When considering rule making the Service should be aware of the specialized nature of conducting oil and gas inspections require qualified and trained individuals. Small refuges, with limited oil and gas operations, could not afford to staff the safety and environmental issues... a memorandum of understanding between the state and NWR could establish roles and communication to prevent duplication of efforts."
		Oklahoma Department of Wildlife Conservation	State Agency	"An effective way is communication with Refuge staff so they are aware of what permissible activity is and what is not. State's with a statutory responsibility to regulate oil and gas should be leveraged to ensure compliance."
	NC2	Northern Alaska Environmental Law Center	Conservation Organization	"Applicants should be required to provide GPS map layers and digital information of project information and the environmental data they have collected, as an integral part of their application to FWS... FWS should develop and standardize digital record keeping systems so that it understands the nature of these oil and gas development activities and infrastructure, as well as its permits, on each refuge where it takes place, as well as across the NWRS."
		NordAq Energy, Inc.	Individual Business	"As noted previously, use of a SCADA-type system can provide the operator real-time monitoring which can be a part of compliance monitoring. Not all processes can be tied to a SCADA system and an operator should not be unduly burdened to implement a monitoring system that is impractical or has questionable reliability. Linked with this is the need for the Service to dedicate appropriate staffing within each NWR for oversight when there are non-Federal mineral extraction activities."
	NC3	NordAq Energy, Inc.	Individual Business	"Penalties and deterrence techniques are effective."



**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Noncompliance	NC4	Wyoming Outdoor Council	Conservation Organization	"To help ensure compliance with these rules the FWS should ensure that it publishes these requirements - and potential penalties - widely so that operators are aware of the conditions under which they operate. It should consider providing individual notice to each of the operators who are operating on Refuge lands. Another element of compliance could be other governmental agencies that have authority over operations. The FWS should consider whether the EPA, state agencies, or others might have legal authority...The FWS should make provisions for working with and cooperating with these agencies in these regulations..."
		NordAq Energy, Inc.	Individual Business	"The Plan of Operations approval process must remain between the operator (lessor), mineral owner (lessee), and NWR Manager. Once this document has been finalized and approved it could be made available on the web page for the NWR, as long as confidential information is not disclosed or has been redacted. The public should not be involved in the review or approval process. A NWR may be publicly accessible, but the authorized E&P operation is not in and of itself a public process."
Existing Operations	EO1	Wyoming Outdoor Council	Conservation Organization	"All operations should be brought into compliance with the regulations as soon as possible."
		Northern Alaska Environmental Law Center	Conservation Organization	"Similar to the terms of 36 CFR § 9.33, operators should have 60 days to submit a proposed plan of operations. A financial assurance instrument should also be submitted at this time. The Refuge manager should undertake public review process and make a compatibility determination to assess whether operations should be allowed to continue...Similar to 36 CFR § 9.33, if operations pose an immediate threat of significant injury to federally owned or controlled lands or waters or interests in lands and waters, the operator should be required to suspend operations immediately until the threat is removed or remedied."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Existing Operations	E01	Center for Biological Diversity, Earthjustice, Energy & Conservation Law, the Natural Resources Defense Council, and the San Luis Valley Ecosystem Council	Conservation Organization	"It is fair and reasonable for the FWS to bring existing operations into compliance with the new regulations as soon as possible. This will differ by standard. For example, an operator can construct noise barriers within a month, while it might take 3 months to safely remediate a system of open air pits that are a threat to wildlife and to replace all open air pits with closed tanks."
		NordAq Energy, Inc.	Individual Business	"A one-year time frame is suggested for implementation after regulations have been developed and published. This allows each party to effect the adjustments required."
		Bret A. Sumner and William E. Sparks (on behalf of Ultra Resources, Inc.)	Individual Business	"FWS asks how it should bring existing operations into compliance with the new regulations. As discussed in Section I above, FWS's current regulations provide for the protection of existing mineral interests on refuge lands. 50 C.F.R. § 29.32. FWS cannot retroactively apply new regulations to existing operations and FWS should not attempt to do so."
		Independent Petroleum Association of America and the American Petroleum Institute*	Business Association	"We request that FWS 'grandfather' existing operations and refrain from retroactive application in order to further recognize these important legal rights."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Existing Operations	E01	Alaska Oil and Gas Association	Business Association	"AOGA would suggest that the USFWS allow for a reasonable period of time following the adoption of new regulations to permit relevant parties to make the necessary adjustments to ensure compliance. Without knowing the breadth of what these new regulations may be, it is difficult to suggest a specific time that would be reasonable. However, generally speaking, AOGA believes that a period of twelve to eighteen months would suffice. In order to facilitate a smooth transition, the USFWS should grant discretion for each respective NWR to determine the manner and speed by which existing operators conform to new regulations. This approach would allow for the creation of meaningful and achievable deadlines that will take into account the resources available to meet those goals."
		Oklahoma Department of Wildlife Conservation	State Agency	"The Service would need to clarify what new rules they would require existing operators to come into compliance with."
		State of Utah, Office of the Governor, Public Lands Policy Coordination	State Agency	"This issue is really unclear until there is more clarification on exactly what new rules are developed and how they affect existing operations. This will likely be a legal issue and depend on the existing surface use agreements each NWR has with the operator."
	E02	Wyoming Outdoor Council	Conservation Organization	"The FWS might make a preliminary assessment of the degree to which an operation is creating problems for Refuge resources and require that plans of operations be developed and approved in a staggered manner based on the severity of existing impacts. For example, impact levels might be rated as slight, moderate, serious, and extreme, with plans of operations required within 4 years, 3 years, 2 years, and 1 year, respectively."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Existing Operations	EO2	Center for Biological Diversity, Earthjustice, Energy & Conservation Law, the Natural Resources Defense Council, and the San Luis Valley Ecosystem Council	Conservation Organization	"Staggering certain aspects of compliance might be appropriate where an operator has extensive operations or in a particularly rural area where the resources needed to bring an operation into compliance are limited."
		NordAq Energy, Inc.	Individual Business	"NWR's should have the discretion to determine when operator deliverables are due so that staff have time to review, request modifications, or approve. The operator needs to participate in this decision process to ensure that they can meet the deadlines. If the POD process is implemented, these should be due 60 days prior to expiration so that there is time to review before a decision to accept, deny, or modify is made. Because POD's are a projection of coming activities for a one-year term the NWR should have the option when to establish a due date."
Impacts from Proposed Rulemaking	IM1	Wyoming Outdoor Council	Conservation Organization	"The FWS should bear in mind the positive impacts to the public interest of this rulemaking as much as any negative impacts that operators might perceive...there is a national interest first and foremost in protecting Refuge wildlife resources, especially of rare or endangered species and economically/socially/culturally/recreationally valuable species such as ducks."
		Defenders of Wildlife	Conservation Organization	"Habitat loss and degradation from installation of roads, well pads, pipelines and related infrastructure. Temporary and permanent disturbance of wildlife species from construction, operation and maintenance of non-federal oil and gas facilities. Disturbance and habitat loss and degradation from seismic and other types of oil and gas exploration. Environmental effects of spills of oil, produced water, drilling chemicals, and other toxic chemicals associated with oil and gas development. Climate change. Impacts on priority wildlife-dependent uses."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Impacts from Proposed Rulemaking	IM1	Northern Alaska Environmental Law Center	Conservation Organization	"FWS must do more than 'avoid or minimize' non-Federal oil and gas operations on Refuge System lands, it must provide sufficient protection to uphold the purposes of the Refuge and the System for these lands. Furthermore, it must also consider adverse impacts to fish and wildlife, plants, hydrological values, water quality and quantity, scenic values, wilderness values, and in Alaska subsistence resources and uses...FWS should address how climate change may affect oil and gas exploration, development, production, and transportation operations in the Refuges...The FWS should also address fossil fuel emissions resulting from the cumulative oil and gas development on the Refuges...FWS should consider the impacts of directional drilling that may take place adjacent to Refuge boundaries..."
		Center for Biological Diversity, Earthjustice, Energy & Conservation Law, the Natural Resources Defense Council, and the San Luis Valley Ecosystem Council	Conservation Organization	This commenter provided extensive comments on this topic. Please see: <a href="http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0029">http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0029</a>
		Friends of the Florida Panther Refuge	Conservation Organization	"...the EIS should include an analysis of the following effects: Habitat loss and degradation from installation of roads, well pads, pipelines and related infrastructure. Temporary and permanent disturbance of wildlife species from construction, operation and maintenance of non-federal oil and gas facilities. Disturbance and habitat loss and degradation from seismic and other types of oil and gas exploration. Environmental effects of spills of oil, produced water, drilling chemicals, and other toxic chemicals associated with oil and gas development. Climate change. Impacts on priority wildlife-dependent recreational uses."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Impacts from Proposed Rulemaking	IM1	Northern Alaska Environmental Law Center and The Wilderness Society	Conservation Organization	"FWS should address how climate change may affect oil and gas exploration, development, production, and transportation operations in the Refuges...The FWS should also address fossil fuel emissions from the cumulative oil and gas development in Refuges...FWS should consider the impacts of directional drilling that may take place adjacent to Refuge boundaries, including air pollution and chemical spills, effects from hydraulic fracturing, hydrology including ground water, federal reserved water rights, impacts from refuge visual resources, noise impacts to fish, wildlife, recreation, and subsistence resources and uses, impacts to wilderness values, and other refuge resources."
		United States Environmental Protection Agency	Federal Agency	"EPA believes the PEIS should evaluate potential impacts and mitigation options related to climate change, air quality, ground water and surface water, wetlands and induced seismic activity."
		NordAq Energy, Inc.	Individual Business	"Creating overly burdensome regulatory oversight under the guise of NWR protection is a concern of industry and the mineral interest owners. It is the burden of the Service to remain focused and only address 'activities associated with non-Federal oil and gas development on lands and waters of the National Wildlife Refuge System'."
		Bret A. Sumner and William E. Sparks (on behalf of Ultra Resources, Inc.)	Individual Business	"As FWS undertakes its proposed rulemaking, it must ensure that it allows for a balanced review of oil and gas development proposals and assesses any negative impacts of mitigation proposals on state and private mineral rights. FWS may not improperly elevate environmental concerns over other appropriate considerations or seek to create a set of regulations that restricts all environmental impacts on the subject lands. Any environmental NEPA analysis must also include the economic impacts to the orderly development of oil and gas within a NWR. This includes a socioeconomic analysis that details the negative impacts any restrictions will have on state and private mineral development and the impacts to local and state economies and taxes."
		Cook Inlet Region, Inc.	Individual Business	"The ability of CIRI's shareholders to maintain their traditions and communities, and to benefit from the diverse and critical services that CIRI provides depend on access to our natural resources and ability to responsibly develop them without unnecessary and unauthorized restrictions and regulations. Unauthorized, additional, and duplicative regulations will diminish the ability of CIRI to provide for its shareholders and conduct the development Congress intended in enacting ANCSA and ANILCA."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Impacts from Proposed Rulemaking	IM1	Independent Petroleum Association of America and the American Petroleum Institute*	Business Association	"We believe there are better ways to partner with operators to address specific issues at specific locations than to move forward with an overly broad rulemaking. Representatives from our members are available at FWS' convenience to discuss any operational, environmental, or management concerns."
		Alaska Oil and Gas Association	Business Association	"Ultimately, AOGA's primary concern is ensuring that any proposed regulations only address those activities associated with non-Federal oil and gas development on lands and waters of the National Wildlife Refuge System, and that those regulations not prove to be merely duplicative of already existing regulations and policies. Regulations that are not narrowly tailored to reasonable and justifiable endeavors will result in adverse implications for both mineral interest owners as well as operators."
		Paul Pickell	Unaffiliated Individual	"A primary concern related to oil and gas extraction within the Refuge system is the increase in access corridors. Many studies have demonstrated that wildlife is particularly sensitive to the clearing of forest or underbrush for access corridors because movement rates of wildlife are accelerated [1]. These effects can exasperate predator-prey relationships and cause severe changes to habitat use and ecosystem structure, which is counter to the purpose of the Refuge System to be areas of refuge from human land use [2]...Reclaiming land disturbed by oil and gas activity is a precarious science and any standards for reclaiming land within the Refuge System should be written cautiously so as to promote the native integrity of the ecosystem. Transportation of exotic and non-native species into the Refuge System is already a problem, but the Service can control the species of plants that humans reintroduce and these should primarily be endemic, rapid colonizers that would appear following disturbance...oil and gas activities can change how wildlife utilize the ecosystem. In particular, large trucks and operational equipment are necessary to assemble the extraction site. The weight from these equipment can compact soils, which makes successful land reclamation very challenging. Additionally, the noise associated with these equipment and the extraction operations will cause wildlife to avoid utilization of adjacent habitats."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Impacts from Proposed Rulemaking	IM1	Natural Resources Defense Council online activists letter**	Conservation Organization Members	"Oil and gas exploration and production can destroy habitat with road-building and other construction, disturb wildlife with noise and light, spill toxic chemicals and waste, emit dangerous air pollutants and pollute rivers, streams and wetlands."
		State of Utah, Office of the Governor, Public Lands Policy Coordination	State Agency	"...one of the most important first steps is legal considerations. What exactly is the NWR legally allowed to regulate on non-federal oil and gas exploration, development, and production?"
		The Virginia Department of Conservation and Recreation's Division of Natural Heritage	State Agency	"DCR is concerned oil and gas development activities will impact natural heritage resources and critical habitat on wildlife refuges. Therefore to avoid adverse impacts to documented occurrences of natural heritage resources, DCR recommends no surface occupancy for non-Federal oil and gas development within the National Wildlife System in Virginia; and careful environmental consideration to address hydrologic or other environmental disturbance for any extraction on the Refuge System in Virginia."
		Colorado Parks and Wildlife	State Agency	"The CPW supports an approach for reducing impacts from oil and gas disturbance that includes: 1) avoiding sensitive wildlife habitats, 2) minimizing operational impacts and 3) mitigating the remaining impacts from oil and gas development. The CPW defines 'avoidance' as locating facilities outside of sensitive habitats or conducting operations outside of biologically sensitive time periods; 'minimization' as conducting operations outside of biologically sensitive time periods or reducing impacts through application of best management practices (BMPs); and 'mitigation' as offsetting the remaining residual impacts through implementation of compensatory measures...The Fish and Wildlife Service should closely evaluate the economic impacts from any anticipated loss of wildlife, hunting and fishing opportunity, recreation and tourism on the Refuge, state agencies, and local communities from oil and gas development."
		State of New Mexico Department of Game and Fish	State Agency	"Potential impacts to wildlife and habitat from oil and gas development include: habitat loss, degradation and fragmentation (including noise disturbance); erosion and impaired water quality; and, direct physical and chemical hazards."
		Oklahoma Department of Wildlife Conservation	State Agency	"An important impact is legal considerations differing from state to state regarding mineral rights and surface rights. State handling pooling and unitization differently how will that affect a NWR and its boundaries. Would these new rules be any less restrictive because the minerals are not owned by the Refuge?"



**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Impacts from Proposed Rulemaking	IM1	Little River Band of Ottawa Indians Natural Resources Department	Tribal Agency	This commenter provided extensive comments on this topic. Please see: <a href="http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0025">http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0025</a>
	IM2	Sportsmen for Responsible Energy Development	Conservation Organization	"USFWS should incorporate the Council on Environmental Quality's mitigation guidelines and the Department of the Interior's new landscape-level mitigation policy into development and mitigation plans."
		Wyoming Outdoor Council	Conservation Organization	"The environmental impact state prepared in support of this rulemaking should be fully cognizant of the National Wildlife Administration Act of 1966 and subsequent amendments. The mission of the FWS defined in that Act, its policies, and its compatibility standard should be carefully followed. In addition, the National Environmental Policy Act (NEPA) itself establishes important legal requirements that should be accounted for and adhered to at a regional and state level."
		Northern Alaska Environmental Law Center and The Wilderness Society	Conservation Organization	"Non-federal oil and gas development in Refuges in Alaska should be included in the regulations. Both ANILCA and ANCSA also need to be considered for Refuges in Alaska...The Arctic Refuge has unique protections. Oil and gas leasing, exploration, development and production are prohibited in the Arctic National Wildlife Refuge by law. The Arctic Refuge existed prior to ANCSA and therefore the Native Corporation lands within the original refuge lands are subject to 22g...Compatibility determinations are required for these '22(g)' lands, among other FWS regulatory requirements...Tribal government-to-government consultation is important in Alaska."
		Center for Biological Diversity, Earthjustice, Energy & Conservation Law, the Natural Resources Defense Council, and the San Luis Valley Ecosystem Council	Conservation Organization	This commenter provided extensive comments on this topic. Please see: <a href="http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0029">http://www.regulations.gov/#!documentDetail;D=FWS-HQ-NWRS-2012-0086-0029</a>

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Impacts from Proposed Rulemaking	IM2	County of Prince William, Virginia	County	"When analyzing potential impacts on specific regions ensure the programmatic environmental impact statement consults with local governments and considers economic and socio-economic impacts to local governments and local economies, in addition to natural and cultural resources."
		NordAq Energy, Inc.	Individual Business	"The affected parties must be identified and how they will be affected by the outcome. If the process results in rulemaking that limits non-Federal oil and gas development, then the mineral interest owner is irreparably harmed. Secondly, industry is greatly affected if it must operate under unworkable conditions; such situations will deter current and future development. The federal government must honor its commitment to allow non-Federal oil and gas activity and seek the most reasonable alternative to address the perceived grievances cited as the need to initiate this rulemaking."
		Doyon Limited	Individual Business	"ANILCA included unique and specific provisions to guarantee that such landowners would have reasonable access to inholdings within or effectively surrounded by one or more conservation system units ('CSUs'), national recreation areas, national conservation areas, or areas of public lands designated as wilderness study so that they could make economic and other use of their property. It should be without dispute that any regulations that USFWS issues pursuant to this ANPR must be fully consistent with these provisions...Given that ANCSA established the Alaska Native Corporations as vehicles for economic development, providing for access for use of the lands conveyed to those entities under ANCSA is critical to fully realizing the settlement of aboriginal land claims achieved under that Act."
		Cook Inlet Region, Inc.	Individual Business	"More generally, a Refuge System-wide rulemaking applied to CIRI's holdings in the Kenai Refuge fails to recognize that non-Federal oil and gas activities in Alaska national wildlife refuges are governed by the provisions of ANCSA and ANILCA."
		The State of Alaska ANILCA Implementation Program	State Agency	"ANILCA provides separate statutory authority, specific to Alaska, which pertains to oil and gas development of non-federal lands within the boundaries of national wildlife refuges...ANILCA Section 1110(b) explicitly protects access by State and private landowners, including owners of subsurface rights underlying public lands, for exploration and development purposes...State and private inholdings are therefore not part of the national wildlife refuges in Alaska, even though such inholdings fall within refuge external boundaries. State and private inholdings are therefore not subject to CSU-specific regulation."

**Table 3 continued.** Sample quotes from correspondences for the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014. Quotes were not edited for grammar or spelling.

Issue	Code	Commenter	Commenter Type	Sample Quote
Impacts from Proposed Rulemaking	IM2	The Virginia Department of Conservation and Recreation's Division of Natural Heritage	State Agency	"Due to the legal status of several of the natural heritage resources, DCR also recommends coordination with USFWS-Virginia Field Office and the Virginia Department of Game and Inland Fisheries (VDGIF) to ensure compliance with protected species legislation."
		Colorado Parks and Wildlife	State Agency	"Any revenue that is generated from oil and gas development on the Refuge System should be earmarked back to the Refuge lands where it is generated to help offset impacts."
*This letter had 32,150 signatures. **This letter had 47,405 signatures. ***22 unaffiliated individuals submitted letters identical to that of James Marshall.				

**Table 4.** State or territory of residence identified for 79,629 signatures found on 79,112 correspondences received in response to the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014.

State or Territory	# of Signatures	% of Signatures
AK	266	0.334
AL	295	0.370
AR	113	0.142
AS	1057	1.327
AZ	898	1.128
CA	13062	16.404
CO	2823	3.545
CT	1020	1.281
DC	212	0.266
DE	173	0.217
FL	1818	2.283
FM	2410	3.027
GA	969	1.217
GU	6	0.008
HI	473	0.594
IA	433	0.544
ID	1883	2.365
IL	1834	2.303
IN	660	0.829
KS	412	0.517
KY	491	0.617
LA	317	0.398
MA	1295	1.626
MD	609	0.765
ME	922	1.158
MH	1348	1.693
MI	2009	2.523
MN	1365	1.714
MO	492	0.618
MP	537	0.674
MS	310	0.389
MT	284	0.357
NC	1073	1.347
ND	321	0.403
NE	1304	1.638
NH	842	1.057

**Table 4 continued.** State or territory of residence identified for 79,629 signatures found on 79,112 correspondences received in response to the Advance Notice of Proposed Rulemaking on oil and gas, February 24, 2014.

State or Territory	# of Signatures	% of Signatures
NJ	4477	5.622
NM	1422	1.786
NV	309	0.388
NY	2416	3.034
OH	2029	2.548
OK	341	0.428
OR	2385	2.995
PA	1279	1.606
PR	1584	1.989
PW	39	0.049
RI	259	0.325
SC	486	0.610
SD	128	0.161
TN	863	1.084
TX	3076	3.863
UT	480	0.603
VA	976	1.226
VI	20	0.025
VT	1032	1.296
WA	3004	3.772
WI	671	0.843
WV	897	1.126
WY	154	0.193
International	6599	8.292
Unspecified	367	0.456
<b>Total</b>	<b>79629</b>	<b>100.000</b>