

From: [Huggler, Matthew](#)
To: [Maureen Foster](#); [Virginia Johnson](#)
Cc: [Casey Hammond](#); [Charisa Morris](#); [Jim Kurth](#); [Guertin, Stephen](#)
Subject: FWS BP on Non-Federal Oil and Gas Rule
Date: Friday, March 31, 2017 2:51:18 PM
Attachments: [FWS HQ - Non-Fed Oil Gas Activities on NWRS BP.docx](#)
[50 CFR Part 29D.pdf](#)

Maureen, Virginia -

Also at our Tuesday afternoon meeting this week, you requested a briefing paper on our non-federal oil and gas rule. Please see the attached briefing paper and attachment.

If you need any additional information, please let us know.

We are also working on the related reviews requested by Secretarial Order 3349.

Thanks and have a nice weekend,

- Matt

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INFORMATION/BRIEFING MEMORANDUM FOR THE SECRETARY

DATE: March 29, 2017

FROM: Jim Kurth, Acting Director, U.S. Fish and Wildlife Service

SUBJECT: Management of Non-Federal Oil and Gas Activities within the National Wildlife Refuge System

To provide an overview of the U.S. Fish and Wildlife Service's (FWS) management of non-federal oil and gas activities within the National Wildlife Refuge System (NWRS), particularly the applicable rule at 50 CFR, Part 29D.

BACKGROUND

- Non-Federal oil and gas exploration and development occurs in NWRS lands where mineral rights remain in private, state or tribal ownership. FWS's data indicate that up to 4,000 oil and gas wells lie on 107 NWRS units. Many of these wells have been properly plugged and require no further management actions, meaning that the actual number of non-Federal wells operating within the NWRS is likely 2,500 – 3,000.

DISCUSSION

- Oil and gas rights holders are entitled to reasonable access to explore for and develop their oil and gas resources on National Wildlife Refuges.
- Activities associated with developing these resources have negative impacts on wildlife, habitat, wildlife-dependent recreation, and the health and safety of employees and visitors, which compromises the purposes for which the surrounding refuge was established. However, many of these impacts can be avoided or minimized through coordination and cooperation between FWS staff and the operator.
- While FWS has had many local successes working with oil and gas operators to achieve resource protections in tandem with oil and gas development, there are many examples of unnecessary and preventable impacts on natural resources.
- The Government Accountability Office (GAO) primarily attributed these management shortfalls to FWS personnel lacking the necessary clarity of authorities and regulatory tools which it deemed essential for effective oil and gas management. As a result, FWS promulgated a rule which allows for the continued exercise of non-Federal oil and gas rights while avoiding or minimizing unnecessary impacts.
- The FWS oil and gas rule at 50 CFR, Part 29D:
 - Does not prohibit oil and gas development on NWRS lands, but establishes national regulatory consistency to the benefit of both oil and gas operators and refuge managers;
 - Is specifically designed to avoid regulatory burdens and ensure benefits to refuge resources and uses outweigh regulatory burdens and costs;
 - Avoids procedural and operational duplication with state regulatory programs by focusing on surface activities and establishes the functional equivalent of a "surface use agreement" between the Service and operator;

- Contains a permitting process centered around flexible, site-specific operating standards for operations that create new impacts (e.g., new operations and expansion of existing operations) and ensures operators reclaim and restore habitat disturbed by their activities to protect wildlife for future generations;
- Analysis led us to NOT select the environmentally preferred alternative specifically because costs (to both the Service and the regulated community) outweighed the benefits; and,
- Will apply to about 400 businesses (5 percent of all U.S. oil and gas extraction businesses).

NEXT STEPS

On December 14, 2016, the FWS oil and gas rule became final and is currently being implemented with existing staff resources.

On March 29, 2017, the Secretary of the Interior issued Secretarial Order 3349. The Order implements the review of agency actions directed by the President's Executive Order entitled, "Promoting Energy Independence and Economic Growth." Among other things, the Secretarial Order directs FWS to review its oil and gas rule within 21 days to determine whether it is fully consistent with the policy set forth in Section 1 of the Executive Order. FWS is currently conducting this review.

ATTACHMENTS

- 50 CFR, Part 29D
- GAO reports:
 - 2003 GAO Report: <http://www.gao.gov/assets/240/239441.pdf>
 - 2007 GAO Report: <http://www.gao.gov/assets/100/95007.pdf>
 - 2015 OIG Report: <https://www.doioig.gov/sites/doioig.gov/files/CREVFWS00022014Public1>

From: [Irwin, Thomas](#)
To: [Charisa Morris](#); [Anya Rushing](#)
Subject: FWS Overview Presentation
Date: Wednesday, May 3, 2017 1:34:34 PM
Attachments: [FWS Overview Presentation.pdf](#)

If you also need the PowerPoint version, let me know.

Thomas

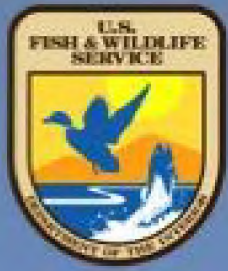
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Overview Presentation



May 2017

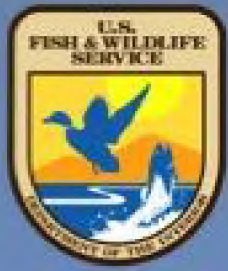
www.fws.gov



U.S. Fish & Wildlife Service

Our Mission

“Working with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people”

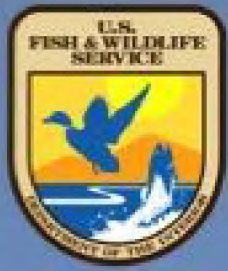


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DOI Operations Priorities

Priorities for new Administration:

- Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce
- Hiring Controls memo for DOI
- Managing Grants Cooperative Agreements and other Significant Actions before decisions
- Secretarial Orders on American Energy Independence, Conservation Stewardship and Outdoor Recreation, etc



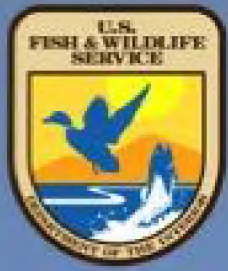
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By the Numbers

Our work spans the globe, including:

- **565** National Wildlife Refuges
- **20 Million Acres** of Wilderness
- **72** National Fish Hatcheries
- **80** ES Field Offices
- **7** National Monuments
- **8 Law Enforcement Agents** at U.S. Embassies worldwide
- Projects funded in more than **75 countries**





U.S. Fish & Wildlife Service

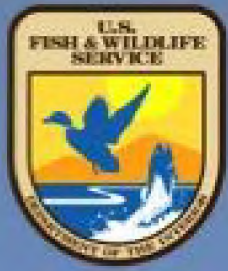
National Wildlife Refuge System

- Nearly **48 Million** annual visitors
- Major **rural economic driver**
- **Significant hunting and fishing opportunities**
- **Ongoing work to support SO 3347 to promote additional hunter and angler access**

565 National Wildlife Refuges provide key habitat for:

- **220+ mammal species**
- **700+ bird species**
- **1000+ fish species**
- **380+ Threatened or Endangered species**





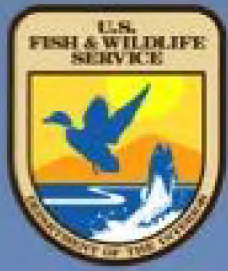
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Migratory Bird Program

Sustaining healthy migratory bird populations through:

- Working with partners across North America to **maintain healthy migratory game bird populations**;
- Protecting and conserving non-game migratory bird populations **across their range** in North and South America;
- Administering grant programs **supporting partnership-driven bird habitat conservation** projects;
- **Working with landowners** to avoid/reduce development impacts to birds;
- Supporting a **nationwide network** of bird conservation Joint Ventures.





U.S. Fish & Wildlife Service

Endangered Species Program

We work to protect and recover 1,966 listed species (U.S. and foreign). Ongoing work to support SO 3349 on regulations and larger Executive Orders:

- 1,059 Endangered animals and plants in the United States
- 313 Threatened animals and plants in the United States
- 594 endangered and threatened foreign species

We work by:

- Providing consultation to other Federal Agencies;
- Providing, grants, tools and technical assistance to landowners;
- Implementing listing and recovery actions;
- Issuing permits and providing predictability for stakeholders;





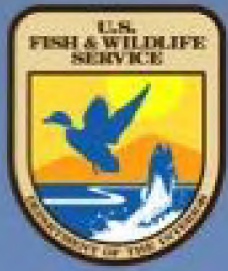
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Fish & Aquatic Conservation

We're focused on **science-based conservation** & restoration of **native fish & aquatic species**. Significant support for angling and boating constituencies. Ongoing work to support SO 3347 to promote additional angler access.

- 200+ field stations, including **72 National Fish Hatcheries, 7 Fish Technology Centers**
- **2 million+** annual visitors
- We've worked with **over 700 partners** to remove **1,638+** dams and other barriers -
 - Reopened **24,000** river miles
 - Reconnected **170,000** acres of wetlands to natural stream flows





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International Affairs Program

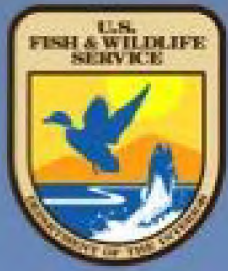
- Wildlife Without Borders Species, Regional and Global Grant Programs have funded conservation projects in **over 75 countries.**



- We **ensure sustainable wildlife trade**, issuing **20,000+** permits annually.

- We work with range countries across the globe, **providing tools, training and funding** to help them **and sustain native species, including elephants, rhinos and tigers.**



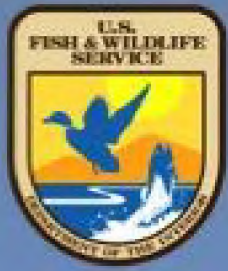


U.S. Fish & Wildlife Service

Wildlife and Sport Fish Restoration

- Wildlife and Sport Fish Restoration Programs provide **vital funding for conservation at the state and local level**, including habitat restoration, research and recreation. **Significant support for hunting, angling and boating including Three R's.**
 - Over **\$1 Billion annually in dedicated funding** from excise taxes on hunting and fishing equipment
- WSFR Grant Programs also fund infrastructure for **recreational boating and fishing.**
- We administer State and Tribal Wildlife Grants to **support their priority conservation efforts.**





U.S. Fish & Wildlife Service

Office of Law Enforcement

- OLE works domestically and internationally to **enforce wildlife laws and protect vulnerable species**. Strong partnership and cooperation with State Fish and Game Agencies.
 - **208 special agents** conduct investigations of poaching and illegal trade; and
 - **140 wildlife inspectors** stationed at U.S. ports examine cargo shipments to ensure compliance with U.S. laws.
- National Wildlife Forensics Lab - **analysis of evidence in wildlife crimes**
- **Training and technical investigative support** for foreign game wardens and wildlife officers

