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Opening Statement of
Chairman John Fleming
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
On Tuesday, May 20, 2014
1324 Longworth House Office Building Full Committee Oversight Hearing on
"Oil and Gas Activities within Our Nation's National Wildlife Refuge System"

Good afternoon, Today, the Subcommittee will examine the Fish and Wildlife Service's recent efforts to further regulate oil and gas activities within the National Wildlife Refuge System.

There are about 1,670 active oil and gas wells within the refuge system. Nearly 70 percent of those wells are located in the State of Louisiana including two gas wells at the Red River National Wildlife Refuge in my Congressional District.

In the vast majority of cases, these wells existed before the refuge was established, the Fish and Wildlife Service did not acquire the non-federal mineral rights and the owners of this subsurface property have ever legal right to develop their oil and gas resources.

This does not mean, however, that these oil and gas activities are unregulated. In fact, both the Fish and Wildlife Service and 43 states have oil and gas regulations. In every state in which the Service has identified active and inactive wells, regulations have been adopted which protect the environment and public safety through each stage of the extraction process.

More than a decade ago, the Government Accountability Office (GAO) told the Fish and Wildlife Service that it needed to better train its staff, improve its data collection efforts and establish a comprehensive inventory of oil and gas wells and infrastructure on refuge lands.

Although the Service has failed to fully implement those recommendations, the agency has skipped ahead to issue An Advanced Notice of Proposed Rulemaking that telegraphs their intention to produce a panoply of new federal regulations.

While no one should be surprised that this Administration wants more federal restrictions on our energy industry, it is disappointing that the Fish and Wildlife Service didn't fully

implement GAO's recommendations on staffing, data collection, and a nationwide tracking system first before embarking on this latest regulatory effort.

Nevertheless, since curbing this insatiable regulatory appetite is not likely, I would like to highlight several comments I made in my April 23st letter to Director Dan Ashe. First, any new federal regulations must recognize that states are already regulating development, and should have primacy over these oil and gas wells within the refuge system.

Second, the Service should not duplicate functions already conducted by the states.

Third, the Service must not establish unreasonable new fees that would have the effect of denying access to non-federal minerals legally owned by both large and small energy companies.

In addition, it is essential that the Service make it crystal clear that it will honor the private property rights of subsurface mineral owners. To do otherwise, is to violate their 5th Amendment Constitutional rights.

Finally, horizontal drilling from private lands to access oil and gas under a refuge should not fall under the Service's jurisdiction and any future rules should not try to add a new, duplicative layer of regulation over those activities. It frankly makes little sense to require a private landowner to obtain a bond, federal permits or to pay any fees for drilling on their own property. In the unlikely event of a spill, it is these landowners and not the federal government who will be required to clean-up their own property and any adjacent affected lands.