

# Topics for comment are in paragraph 4. National Park Service to revise non-federal oil and gas regulations

WASHINGTON – On November 25, 2009, the National Park Service published in the Federal Register (74 FR 61596) an Advance Notice of Proposed Rulemaking to obtain early public input to help the Agency in its effort to revise its Servicewide regulations governing the exercise of non-federal (both private and state held) oil and gas rights in parks at 36 CFR Part 9, Subpart B.

Nonfederal oil and gas rights exist in units of the National Park System because 1) the rights predate the creation of the units, 2) they are encumbrances on lands added to parks through boundary expansions, or 3) in Alaska, the rights are part of the selections made by Native Corporations under the Alaska Native Claims Settlement Act. Currently, 13 of the 392 park units servicewide have active non-federal oil and gas operations.

The National Park Service first promulgated the 9B regulations more than 30 years ago. The regulations have not been substantively revised since. These regulations, as described under the current rule, are “designed to insure that activities undertaken pursuant to these rights are conducted in a manner consistent with the purposes for which the National Park System and each unit thereof were created, to prevent or minimize damage to the environment and other resource values, and to insure to the extent feasible that all units of the National Park System are left unimpaired for the enjoyment of future generations.” The regulations require a prospective nonfederal oil and gas operator to submit and obtain National Park Service approval of a plan of operations, and post a bond prior to commencing activities inside park boundaries.

Through this Advance Notice of Proposed Rulemaking the National Park Service hopes to obtain public input on the following topics:

- \*Options for bringing exempt operators (currently 53% of operations servicewide) under the umbrella of the regulations,
- \*Ways to enhance the incentives for operators to develop their oil and gas rights in parks by using directional drilling techniques from surface facilities located outside park boundaries,
- \*Alternative methods of assuring that the NPS is protected in the event an operator defaults on its operational and reclamation obligations,
- \*Ideas on how to improve operating standards,
- \*Ways to assure regulatory compliance, including enforcement; and
- \*Reaction to possible access fees for crossing federally owned land in parks.

The Advance Notice of Proposed Rulemaking comment period is open for a total of 60 days and closes January 25, 2010. The 13 units of the national park system affected by non-federal oil and gas operations are Alibates Flint Quarries National Monument (TX), Aztec Ruins

National Monument (NM), Big Cypress National Preserve (FL), Big Thicket National Preserve (TX), Big South Fork National River and Recreation Area (TN, KY), Cuyahoga Valley NP(OH), Fort Union Trading Post National Historic Site (ND), Gauley River National River (WV), Lake Meredith National Recreation Area (TX), New River Gorge National River (WV), Obed Wild and Scenic River(TN), Padre Island National Seashore (TX), Tallgrass Prairie National Preserve(KS)

For further information please contact Carol McCoy, Chief, Planning, Evaluation and Permits Branch, National Park Service, Geologic Resources Division, 303-969-2096, or Ed Kassman, Regulatory Specialist, National Park Service, Geologic Resources Division, 303-969-2146.

The Comment period ends January 25. Linea Sundstrom will be submitting a letter on behalf of the ARARA Conservation Committee, but she encourages all members to submit their own letters as well. You may submit comments, identified by RIN 1024-AD78, by any of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Fax: 303-987-6792. Attn: 9B Rulemaking Team. Include RIN 1024-AD78 on cover page.

Mail: Department of the Interior; National Park Service; Attention: 9B Rulemaking Team, Geologic Resources Division, National Park Service, P.O. Box 25287, Denver, Colorado 80225-0287.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Participation" heading of the SUPPLEMENTARY INFORMATION section of this document.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.