



What is the Refuge Oil and Gas Rule?

The U.S. Fish and Wildlife Service's (FWS) "Non-Federal Oil and Gas Development Within the National Wildlife Refuge System" rule updates 50 year-old regulations to ensure future oil and gas extraction activities on refuges are conducted responsibly and with the least amount of environmental disturbance. Refuges located in the State of Alaska are exempt from this rule.

Included among the most important updates to the old regulations are the requirements that all oil and gas projects must reclaim the land by plugging old wells, removing all aboveground structures, equipment, roads, and contaminating substances, reestablishing native vegetation, and restoring disturbed areas to productive habitat.

More than 1700 active oil and gas wells are situated on over 100 national wildlife refuges across the country. While the FWS owns the land within a refuge boundary, private individuals often possess the subsurface mineral resources and retain the right to develop these resources.

Major problems arise when leaks, spills, or abandoned equipment pollute the environment and harm the wildlife that our refuges were established to protect. The oil and gas rule updates outdated, vague guidelines for refuge oil and gas development with effective, specific environmental restoration and equipment cleanup requirements that ensure continued protected of refuge wildlife.

Why is the Rule Under Threat?

Opponents argue the FWS is guilty of federal overreach and that the rule will increase costs for oil and gas drilling operations on national wildlife refuges.

It is hardly overreach for the FWS to update oil and drilling restoration and cleanup procedures occurring on Refuge System lands. Any costs associated with equipment cleanup, spill prevention measures, or environmental restoration should be the responsibility of the entity extracting the subsurface resources and not burden the FWS with additional maintenance backlog pressures.

Because the rule was finalized in December 2016, it is vulnerable to attack from a rarely used, yet aggressive legislative tool known as the Congressional Review Act. Representative Kevin Cramer (R-ND) has introduced a resolution in the House to kick off the process of permanently voiding the rule.



What is the Congressional Review Act?

The Congressional Review Act (CRA) allows Congress to permanently overturn recently enacted agency rules with a simple majority vote in the House and Senate with no possibility of a filibuster. Because the President still retains veto authority, a successful CRA process requires one party to control both chambers of Congress and hold the Presidency — the current political scenario in Washington, DC.

The CRA allows lawmakers to target rules passed within the last 60 legislative days of the previous congress. This means all rules finalized after June 13, 2016, are potential targets.

The CRA is often referred to as a “scorched-earth” tactic, and for good reason — once a rule is overturned, agencies are prohibited from ever issuing a substantially similar rule in the future (barring an act of Congress).

Representative Cramer has introduced a resolution (H.J. Res. 45) in the House to begin the process of permanently voiding the oil and gas rule under the Congressional Review Act. Five other lawmakers have cosponsored Rep. Cramer’s resolution: Andy Biggs (R-AZ), Louie Gohmert (R-TX), Paul Gosar (R-AZ), Dan Newhouse (R-WA), and Aumua Amata Radewagen (R-American Samoa).



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What Happens if the CRA Successfully Voids the Oil and Gas Rule?

If Congress overturns this rule, the FWS will be forced to operate under the existing outdated and inadequate regulations. Current FWS procedures for oil and gas operations on refuge lands are more than 50 years old, and as a result 15 percent of all national wildlife refuges are littered with equipment and trash left behind after wells run dry.

Should Rep. Cramer succeed in eliminating the oil and gas rule,

the FWS will not be able to ensure inactive wells are plugged, all above-ground equipment is removed, and habitat is sufficiently restored.

Additionally, updating the old guidelines with clear permitting procedures and specific spill prevention and reclamation requirements will allow oil and gas operators to more easily navigate the regulatory process on FWS lands.



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TAKE ACTION

You can take action to prevent the oil and gas rule from becoming a casualty of the CRA by contacting your lawmakers and urging them to vote against H.J. Res. 45 and any attempts to void the refuge oil and gas rule.

Your Congressmen and Senators need to hear from supporters like YOU who care about the National Wildlife Refuge System and work hard to protect and enhance the world’s largest system of protected lands dedicated to wildlife conservation.

For questions or concerns, please contact Desiree Sorenson-Groves (dgroves@refugeassociation.org) or Taylor Tench (ttench@refugeassociation.org)