May 30, 2014

Mr. Tim Spisak
Senior Advisor – Conventional Energy
Bureau of Land Management
Washington, D.C.

RE: Comments of IPAA on Bureau of Land Management Venting & Flaring Public Outreach (NTL-4A)

Dear Mr. Spisak:

The Independent Petroleum Association of America ("IPAA") appreciates this opportunity to comment on the information provided during the four Venting & Flaring Public Outreach meetings held by the Bureau of Land Management ("BLM") in March and May of this year.[1] This comment letter supplements preliminary comments jointly filed by IPAA and the American Exploration & Production Council ("AXPC") on May 2, 2014.

IPAA represents thousands of independent oil and natural gas producers and service companies across the United States. Independent producers develop 95 percent of American oil and gas wells, produce 68 percent of American oil, and produce 82 percent of American natural gas.

Our members question the need for new or amended venting and flaring rules because the U.S. Environmental Protection Agency ("EPA") and the states have already promulgated emissions control regulations for oil and gas operations. Several states have recently passed even more stringent requirements, others are poised to do the same, and the EPA is currently seeking comments on five methane reduction strategy white papers. In light of the preceding, we believe that this rulemaking initiative is unnecessary, premature, and would very possibly result in duplicative or inconsistent regulatory requirements.

We also note that, although the sudden rush to revise or replace NTL-4A is very clearly part of the White House's Methane Reduction Strategy, any rulemaking must be conducted under the Mineral Leasing Act ("MLA") and must be based on waste prevention and royalty issues. Some commenters have suggested that the federal Clean Air Act ("CAA") and the

[1] Golden, Colorado (March 19, 2014); Albuquerque, New Mexico (May 7, 2014); Dickinson, North Dakota (May 9, 2014); and Washington DC (May 15, 2014).

Federal Land Policy and Management Act ("FLPMA") provide the BLM with general rulemaking authority over air quality and greenhouse gas ("GHG") standards. These contentions are inaccurate and misplaced because Congress reserved this authority to the EPA and the states.

In addition to these statutory issues, IPAA notes that a venting and flaring rulemaking may prove counterproductive—reducing royalties by driving capital investments away from federal lands. Oil and gas production involves very large capital expenditures and several of the BLM's proposed measures would further increase capital requirements and could even strand investments by imposing retroactive requirements. In particular, our members are concerned that periodic reevaluation of infrastructure requirements could lead to the shut-in and abandonment of wells. IPAA believes that an alternative approach, such as streamlining the permitting process for gas gathering infrastructure, would prove more effective.

In the sections below, we more fully explore the fundamental jurisdictional concerns raised by the information provided during the public outreach process. We also briefly address several of the more significant policy and technical concerns raised by our members.

Under the MLA, Rulemaking is Limited to the Prevention of Waste

We understand that the venting and flaring rulemaking would be an update to NTL-4A, which was last revised on January 1, 1980. In light of pending EPA methane reduction white papers, the ongoing implementation of NSPS Subpart OOOO, and the likelihood of additional EPA rules, and state emissions control regulations, we believe that revising or replacing NTL-4A is unnecessary and premature. If the BLM nevertheless proceeds with a proposal, the proposed regulations must adhere to the intent and limitations of the MLA.

NTL-4A, titled "Royalty or Compensation for Oil and Gas Lost" and issued pursuant to what is now 43 CFR Part 3160 (Onshore Oil and Gas Operations), addresses whether produced natural gas not captured for sale is royalty-bearing. The MLA was the primary authority for these regulations and limits the BLM's authority to revise or replace NTL-4A.[2]

Section 16 of the MLA states that oil and gas permits and leases must require that oil and gas operators "use all *reasonable* precautions to prevent waste of oil or gas."[3] When the

[2] 43 CFR § 3160.0-3 sets forth the statutory authorities for 43 CFR 3160. Although the National Environmental Policy Act ("NEPA") is also one of the listed authorities, we note that NEPA is a procedural statute and does not provide federal agencies with the authority to issue substantive environmental quality regulations.

[3] Emphasis added.

MLA was passed in 1920, the term "waste" meant the unreasonable loss of mineral resources and associated economic benefits. Accordingly, reasonableness is assessed using an economic cost-benefit analysis, with "waste" generally understood to mean a preventable loss, the value of which exceeds the cost of avoidance.[4]

As required by the MLA, the BLM's current regulations for the prevention of waste incorporate both reasonability and economic considerations. The BLM has defined "waste of oil or gas" as including "avoidable surface loss of oil or gas," meaning venting or flaring of produced gas resulting from negligence, a failure to take "all *reasonable* measures to prevent and/or control the loss," or a failure to comply with applicable regulations and orders. [5] Operators must market hydrocarbons, but only if doing so is "economically feasible."[6]

NTL-4A further clarifies whether natural gas venting and flaring is avoidable (and therefore royalty-bearing). In general, royalties do not attach if the gas is used for beneficial purposes, vented or flared pursuant to BLM or state agency authorizations, or unavoidably lost. For example, venting or flaring is authorized for certain well purging and well testing activities and storage tank emissions are recognized as an unavoidable loss.

There are two provisions in 43 CFR Part 3160 that address environmental quality. 43 CFR § 3161.2 directs the BLM to require that operations be conducted in a manner which protects environmental quality and 43 CFR § 3162.5-1 imposes corresponding obligations on operators. We anticipate that the BLM will receive comments portraying these regulatory provisions as a mandate for the BLM to stray beyond waste minimization and royalty issues.

However, the BLM has explained that these provisions merely require compliance with other applicable laws, such as the Safe Drinking Water Act, that are not themselves statutory authorities for the 43 CFR Part 3160 regulations.[7] Accordingly, these provisions are not based on some hypothetical general authority in the MLA pursuant to which the BLM may promulgate sweeping environmental quality regulations. Quite the opposite, these provisions are part of a regulatory structure in which the BLM must condition oil and

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[4] *See* WILLIAMS AND MEYERS, OIL AND GAS LAW vol. 8 at 1133 (2013) (citing McDonald, *Petroleum Conservation in the United States: An Economic Analysis* (1971)).

[5] 43 CFR § 3160.0-5 (emphasis added).

[6] *Id.* § 3162.7-1(a).

[7] 47 Fed. Reg. 47,758, 47,759 (Oct. 27, 1982).

gas authorizations on compliance with environmental programs (including air quality) over which it does not have jurisdiction.

In sum, the MLA, and the BLM's implementing regulations do not prohibit all oil and gas waste—they require only *reasonable* and *economic* measures for the prevention of waste. If the BLM proceeds with a regulatory proposal, the agency must ensure, pursuant to the MLA, that the rule is based on (and limited to) the reasonableness and economic feasibility of preventing and minimizing the waste of oil and gas resources.

The BLM Cannot Establish Air Quality Standards and Implementation Plans

In its public outreach sessions, the BLM communicated that, if a venting and flaring rule is proposed, its scope would be based, not on air quality, but on waste minimization and royalty concerns. As discussed above, IPAA believes that any rules proposed must be based on the MLA and that statute's narrow focus on the reasonable and economically feasible minimization of waste.

However, numerous commenters have urged the BLM to focus its rulemaking efforts on ambient air quality and climate change concerns, on grounds that certain provisions in FLPMA and the CAA provide the requisite authority. These allegations are incorrect—FLPMA and the CAA require the BLM to condition oil and gas approvals on compliance with CAA requirements established by the EPA and the states, but otherwise limit the BLM to an advisory role. As discussed below, any rulemaking based on air quality concerns would trespass on the express jurisdictions of the EPA and the states, contrary to Congressional intent.

The CAA Reserves Air Quality Jurisdiction to the EPA and the States

The CAA "creates a complex regulatory regime designed to protect and enhance the quality of the Nation's air resources."[8] The essential structure of the modern CAA emerged in 1970, when Congress amended the statute to require that the EPA establish primary and secondary National Ambient Air Quality Standards ("NAAQS")[9] and that the states develop

[8] *Sierra Club v. Jackson*, 648 F.3d 848, 851 (D.C. Cir. 2011) (citing 42 U.S.C. § 7401(b)(1)).

[9] The primary NAAQS are established based on the protection of public health. The secondary NAAQS are set based on "public welfare," meaning a wide set of potential concerns, including visibility impacts and impacts on wildlife and vegetation. *See* 42 U.S.C. § 7409(b).

State Implementation Plans ("SIPs")[10] designed to bring nonattainment areas into compliance with the NAAQS.

The CAA ensures nationwide consistency through the establishment of air quality standards and oversight by the EPA, while also promoting flexibility by allowing the states to determine the nature and scope of the emissions control measures best suited, based on their separate circumstances, to achieving and maintaining compliance with the NAAQS.[11] Significantly, Congress assigned each state the "primary responsibility for assuring air quality *within the entire geographic area comprising such state* . . . ."[12] This structure does not provide a jurisdictional role for the BLM.

The CAA Provides Only Limited, Advisory Roles for Federal Land Managers

In 1977, Congress amended the CAA to establish the Prevention of Significant Deterioration permitting program and provisions addressing visibility at "Class I" areas, such as national parks. Congress assigned the EPA responsibility for promulgating a list of Class I areas for which visibility is an important value and assigned the states responsibility for revising their SIPs to include measures to make reasonable progress towards national visibility goals.[13]

Significantly, Congress provided only a very limited role for federal land managers, such as the BLM. Most relevant here, 42 U.S.C. § 7475(d)(2) states that federal land managers must consult with the EPA regarding whether certain proposed major stationary sources could have an adverse impact on air quality related values within a Class I area and may file notices alleging that these sources may cause or contribute to a change in air quality.[14]

The above provision states that federal land managers "have an affirmative responsibility to protect the air quality related values (including visibility) of any such lands within a

[10] Under certain circumstances, such as a state's failure to submit an approvable SIP, the EPA may backfill by promulgating a Federal Implementation Plan (FIP). 42 U.S.C. § 7410(c). The CAA does not provide for the issuance of FIPs by other federal agencies.

[11] "The Congress finds that air pollution prevention . . . and air pollution control at its source is the primary responsibility of States and local governments . . . ." 42 U.S.C. § 7401(a)(3).

[12] 42 U.S.C. § 7407(a) (emphasis added).

[13] 42 U.S.C. §§ 7491(a)(2) & (b)(2).

[14] Federal land managers were also required to consult with the EPA regarding the EPA's promulgation of a list of Class I areas for which visibility is an important value and to consult with the states on proposed revisions to SIPs. 42 U.S.C. §§ 7491(a)(2) & (d).

class I area . . . ." Some commenters have cited this language, without context, to incorrectly assert that it provides the BLM with general authority to pass air quality standards and to otherwise base revisions to NTL-4A on air quality concerns.

To counteract any misperception, we note that this language is buried in the air permitting provisions. Read with the surrounding text, the "affirmative responsibility" of federal land managers is merely to consult with the EPA and to provide notice where a proposed major stationary source may cause a change in air quality. As acknowledged by other federal land managers, this provision does not provide a basis for the BLM or other federal land managers to issue air quality standards or implementation plans.[15]

Other than the advisory role described above, the CAA includes "conformity" provisions that prohibit the BLM and other federal agencies from engaging in, supporting, or approving any activity which does not conform to a CAA implementation plan (i.e., a SIP or FIP).[16] These provisionswere primarily passed to force federal agencies to meet the same requirements as industry and other sources of air emissions and do not provide a basis for the BLM to pass air quality standards.[17]

BLM Regulation of Air Quality Would Infringe the Jurisdiction of the EPA and the States

Based on the above, it is exceedingly clear that Congress did not intend for federal land managers, including the BLM, to function as air quality agencies. Those roles were assigned exclusively to the EPA and the states, with other agencies serving as consultants in narrowly-defined areas. This structure was already clear in 1970, was reinforced by the dearth of air quality provisions in FLPMA (1976), and was reaffirmed by the 1977 CAA Amendments.

Our members have expressed strong concerns that the BLM intends to regulate venting and flaring from oil and gas operations based on air quality goals, and not the MLA, despite Congressional intent that jurisdiction over these issues be reserved to the EPA and the

[15] In a 2010 report, the U.S. Forest Service, the National Park Service, and the U.S. Fish & Wildlife Service all stated that "[federal land managers] have no permitting authority under the Clean Air Act, and they have no authority under the Clean Air Act to establish air quality-related rules or standards." *Federal Land Managers' Air Quality Related Values Work Group (FLAG): Phase I Report—Revised (2010)* at xii (Oct. 2010), *available at* http://www.nature.nps.gov/air/pubs/pdf/flag/FLAG_2010.pdf.

[16] 42 U.S.C. § 7506(c).

[17] Of note, the conformity provisions do not allow federal agencies the discretion to determine when and how to make conformity decisions—Congress assigned even that level of authority to the EPA. 42 U.S.C. § 7506(c)(4)(A) ("The Administrator shall promulgate, and periodically update, criteria and procedures for determining conformity . . . .").

states. Our members are also concerned that the BLM will impose regulations which duplicate and/or conflict with EPA and/or state requirements.

In support, we note that many of the venting/flaring reduction options included by the BLM in the materials presented during the four public outreach sessions were clearly based on air quality measures, in particular the EPA's NSPS Subpart OOOO standards and certain state oil and gas emissions control regulations.

When promulgating air quality regulations, the EPA and the states must make numerous "line-drawing" decisions, such as identifying the emissions sources for which controls are needed, specifying the stringency of controls, and determining whether controls should apply to existing sources. These EPA and state regulations are already effective and the BLM already requires compliance with these regulations as a condition of leases and drilling permits.

Therefore, the only reasons for the BLM to pass regulations based on air quality would be to duplicate EPA and state requirements, which would be unnecessary, or to implement different or more stringent air quality measures. For example, the BLM's venting and flaring slide presentation appears to contemplate extending NSPS Subpart OOOO requirements for gas wells to oil wells and extending requirements for new sources to existing sources. These actions would constitute the BLM impermissibly replacing the regulatory considerations of the EPA and the states with its own contrary judgments.

The end conclusion is simple: to avoid trespassing on the air quality jurisdiction of the EPA and the states, the BLM must restrict its assessment of how and whether to revise or replace NTL-4A to the concerns jurisdictionally permitted under the MLA—waste prevention and royalties.

The BLM Does Not Have Jurisdiction to Regulate GHGs

During the four public outreach meetings, our members heard repeated comments regarding the need for stringent venting and flaring regulations as a means to reduce greenhouse gas (GHG) emissions. We also understand that the sudden rush to rulemaking on this issue is largely driven by the White House's pan-agency methane reduction initiative.

Our comments above regarding the CAA apply equally to the BLM's lack of jurisdiction to regulate GHGs. In addition, we note that the United States Supreme Court has already weighed in on the issue of regulatory jurisdiction over GHG emissions and concluded in

American Electric Power Co. v. Connecticut that such authority is vested in the EPA and the states.[18] The Court stated the following:

- "The critical point is that Congress delegated to EPA the decision whether and how to regulate carbon-dioxide emissions from power plants . . . ."
- "The appropriate amount of regulation in a particular greenhouse gas-producing sector requires informed assessment of competing interests. The Clean Air Act entrusts such complex balancing to EPA in the first instance, in combination with state regulators."

FLPMA Does Not Grant the BLM Jurisdiction to Promulgate Air Quality Standards

Section 108(a)(8) is a Non-Jurisdictional Policy Statement

As discussed above, the CAA prohibits the BLM from independently regulating air quality. However, certain commenters have asserted that Section 101(a)(8) of FLPMA nevertheless provides the BLM with broad and independent authority over air quality issues. Accordingly, we are also providing comments regarding the lack of BLM authority to pass air quality rules pursuant to FLPMA.

Section 101(a)(8) of FLPMA is very clearly a policy statement and is not a mandate or a jurisdictional grant—assertions that this provision provides the BLM with broad authority over air quality issues are either mistaken or a deliberate attempt to mislead. Properly quoted, Section 101(a)(8) states:[19]

> The Congress declares that it is the policy of the United States that . . . the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values . . . .

To forestall any interpretations that the above language is no more than aspirational, Congress also stated that "[t]he policies of this Act shall become effective only as specific

[18] 131 S. Ct. 2527 (2011). This case did not present an ideological split. The majority opinion was delivered by Justice Ginsburg, who was joined by Justices Roberts, Scalia, Kennedy, Breyer, and Kagan. Justice Alito filed a concurring opinion and was joined by Justice Thomas. Justice Sotomayor took no part in the consideration or decision of the case.

[19] 43 U.S.C. § 1701(a)(8). The BLM cites this provision in the "Authority" section of its Air Resource Management Program Manual, but properly notes that this language is a Congressional policy objective and does not explicitly state that this language confers a jurisdictional grant upon the agency.

statutory authority for their implementation is enacted by this Act or by subsequent legislation . . . ."[20]

Despite clear and express drafting by Congress, commenters often cite Section 101(a)(8) as a mandate, arguing that the BLM must manage the public lands in a manner that protects air and atmospheric values. For example, sixteen organizations made this exact assertion in a joint letter submitted to Secretary Sally Jewell in January 2014.[21]

FLPMA speaks for itself on this issue—the statute's policy goals are not a grant of regulatory authority. We comment here only to spotlight language (regarding policy) that is commonly omitted by others and to counteract the egregious mischaracterization of the statute as a Congressional mandate for BLM regulations concerning air quality.

FLPMA Requires Only that the BLM Provide for Compliance with Air Quality Regulations Promulgated by Other Federal Agencies and the States

Section 202(c)(8) is the only clear statutory command in FLPMA regarding air quality. It states that, when developing land use plans, the BLM must "provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans."[22]

This provision is clear evidence that Congress did not consider the BLM to be an air quality agency. Instead of directing that the BLM develop air emissions standards for federal lands, Congress simply required that the BLM condition land use approvals on compliance with the air quality standards and implementation plans developed by other federal agencies and the states.[23]

The above assessment is consistent with and reinforced by the conformity provisions and limited role for federal land managers established under the CAA Amendments of 1977, as previously discussed.

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[20] 43 U.S.C. § 1701(b).

[21] The letter faithfully reproduced the language in Section 101(a)(8), but omitted text from the beginning of Section 101(a) declaring the subsequent language to be policies. The letter is available at:

http://www.eenews.net/assets/2014/03/20/document_gw_01.pdf.

[22] 43 U.S.C. § 1712(c)(8).

[23] *See WildEarth Guardians v. Salazar*, 880 F. Supp. 2d 77, 94 (D.D.C. 2012) (concluding that the BLM satisfied its FLPMA obligations by preparing an oil and gas lease requiring compliance with air and water quality standards).

Normal Oil and Gas Emissions are Not Unnecessary or Undue Degradation ("UUD"); UUD is Determined on a Case-By-Case, Location-Specific Basis

As a final consideration, we note that FLPMA includes a requirement that, in managing the public lands, the Secretary shall "take any action necessary to prevent unnecessary or undue degradation of the lands."[24] When it comes to air quality, UUD must be read in conjunction with the CAA and Section 202(c)(8) of FLPMA as being applied on a case-by-case basis to ensure compliance with the air quality standards passed by the EPA and SIP provisions promulgated by the states.

For mining operations the BLM has defined UUD as including activities not "reasonably incident" to prospecting, mining, or processing operations.[25] Although UUD has not been defined for oil and gas exploration and production activities, the preceding definition indicates that impacts which are normal and typical are not UUD. In fact, this is the exact position adopted by the Interior Board of Land Appeals ("IBLA"). In *Biodiversity Conservation Alliance* (IBLA 2004-316, 2005-3), the IBLA recognized that the approval of oil and gas development does not constitute UUD and that UUD must be something more than the usual effects anticipated from such development.[26]

Regardless, how UUD applies to air emissions should be determined in the context of the CAA and the other provisions in FLPMA and the CAA. As discussed elsewhere, the CAA established an elaborate system of combined federal-state jurisdiction, but assigned federal land managers no more than an advisory role. We have also noted that there is only one clear statutory command in FLPMA regarding air quality and that provision limits the BLM's role to ensuring compliance with air quality requirements passed by other federal and state agencies.

In light of the preceding, it is difficult to imagine that Congress intended UUD (an undefined term) to provide the BLM with the authority to set nationwide air quality standards, much less standards different or more stringent than those established by the EPA and the states. In other words, to read such general language as giving the BLM extensive national air quality powers, powers that bypass the entire structure of the CAA, just doesn't make sense.

Lastly, we note that the multiple-use mandate imposed by FLPMA necessitates that, when it comes to air emissions, the BLM assess UUD issues on a case-by-case basis, and not as part of a nationwide rulemaking. For example, in a 2010 case concerning the scope of the BLM's

[24] 43 U.S.C. § 1732(b).

[25] 43 CFR § 3809.5.

[26] 174 IBLA 1 (2008).

UUD obligations, the District Court for the District of Columbia held that "the BLM was not required, under FLPMA, to adopt the practices best suited to protecting wildlife, but instead to balance the protection of wildlife with the nation's immediate and long-term need for energy resources and the lessee's right to extract natural gas."[27]

The competing needs associated with various land parcels will vary from place to place, but this is especially the case for air quality, for which a nationwide system of air monitoring stations has been established and for which site-specific air dispersion modeling is commonplace in permit applications. This means that the BLM's assessment of air quality UUD issues, associated with the balancing of interests required by FLPMA, must be location specific and cannot provide the basis for a nationwide air quality rule.

Other Considerations and Comments

As previously noted, this comment letter is focused primarily on communicating our members' substantial jurisdictional concerns. However, we are also providing brief comments regarding several other significant issues. Because the list of issues discussed below are not exhaustive, IPAA is also fully endorsing the broader list of issues included in separate comments to be submitted by the AXPC.

"Best Practices" Must be Identified Based on Waste Prevention Criteria

The BLM's presentation materials note that NTL-4A no longer reflects best management practices and that the agency will consider Federal, tribal, and state rules and industry best practices as part of the venting and flaring public outreach process. These statements provide no insight into the criteria that the BLM will use to identify the new best practices that would be incorporated into a revised NTL-4A or a replacement rule.

Many of the venting and flaring practices currently required by EPA and state rules were identified and selected based on a cost-benefit analysis for the reduction of air pollutants, such as volatile organic compounds and hazardous air pollutants and not for waste minimization. These best practices for air quality control are not necessarily best practices for waste minimization.

The issue is that the metrics for pollution control are very different than the metrics for waste prevention. In the air quality world, best practices may result in a net cost of thousands or even tens of thousands of dollars per ton of emissions reduction and yet be

[27] *Theodore Roosevelt Conservation Partnership v. Salazar*, 744 F. Supp. 2d 151, 157–58 (D.D.C. 2010). *See also Biodiversity Conservation Alliance v. BLM*, No. 09-CV-08-J (D. Wyo. 2010) (noting in the context of whether UUD obligations were met that the BLM is required to balance interests pursuant to its multiple use mandate).

deemed cost-effective. In contrast, the economic analysis for waste prevention is based on conservation of a valuable resource and therefore considers whether the prevention costs exceed the value gained—a net zero metric.

If the BLM proceeds with a rule proposal, best practices cannot be selected on grounds that they are already widely-employed because the very reason they have become commonplace is for purposes of air quality. Instead, the BLM must choose best practices based on an independent assessment of waste minimization principles, such as an analysis of the value of the resources preserved and the associated costs.

Infrastructure Expectations Should Not Change Over Time

The installation of additional infrastructure, which we understand to mean requirements to install gas collection pipelines, was included in the BLM's public outreach materials as one of the measures that could be included in a possible venting and flaring rule. These same materials note the possibility of periodic economic reevaluations.

As a result, our members are very concerned that the BLM will approve flaring during the early stages of field development, but may then revoke or deny renewal of those approvals and at some undetermined point require the shut-in of existing wells pending the permitting and installation of gas collection pipelines.

Oil and gas leasing, exploration, well drilling, and well completion involve very large capital expenditures. Accordingly, before drilling commences, operators need assurances that wells will not be shut-in and the associated capital will not be stranded. In addition, given the significant delays and difficulties in obtaining permits for infrastructure projects on public lands, shut-ins could last for several years. Due to time discounting, production delays would result in a net loss of value, even if the same volume of reserves were ultimately recovered.

If BLM rulemaking increases uncertainty with regard to the long-term viability of capital investments, many operators will reduce or eliminate their capital investments on federal lands. This would have the counterproductive effect of reducing production on federal lands and reducing net royalties received by the federal government, the states, and the tribes. Therefore, infrastructure requirements, if any, should not be retroactively imposed.

Streamlining Infrastructure Permitting Would More Effectively Meet the BLM's Goals

Regulatory obstacles to obtaining timely permits have significantly inhibited the construction of natural gas collection infrastructure, which in turn has resulted in flaring.

This phenomenon is particularly significant on federal lands, due to overly lengthy and arduous permitting requirements.

IPAA believes that a command-and-control rule that mandates controls and/or imposes one-size-fits-all venting and flaring restrictions is the wrong way to address venting and flaring, as it will dis-incentivize capital investments on public lands. Instead, we believe that efforts to streamline the siting, permitting, and construction of natural gas infrastructure on federal lands would better achieve the BLM's policy goals.

IPAA appreciates the opportunity to provide these comments regarding venting and flaring under NTL-4A. Please feel free to contact me at dnaatz@ipaa.org if you have any questions regarding the issues discussed herein.

Dan Naatz
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Independent Petroleum Association of America