



September 8, 2016

Public Comments Processing, Attn: FWS-HQ-ES-2015-0165  
Division of Policy, Performance, and Management Programs  
U.S. Fish and Wildlife Service  
MS: BPHC  
5275 Leesburg Pike  
Falls Church, VA 22041-3803

Re: Request for Extension of Comment Period FWS-HQ-ES-2015-0165  
U.S. Fish and Wildlife Service  
Endangered Species Act Compensatory Mitigation Policy  
81 Fed. Reg. 61032 (Friday, September 2, 2016)

Gentlemen and Ladies:

The American Petroleum Institute (API), the Independent Petroleum Association of America (IPAA), American Exploration & Production Council (AXPC), Petroleum Association of Wyoming (PAW) and Western Energy Alliance (Alliance) (the Trades), respectfully request that the U.S. Fish and Wildlife Service (“the Service”) extend the comment deadline for the public review period for the Service’s Endangered Species Act Compensatory Mitigation Policy. The Trades ask that the Services extend the public comment period for this proposal for at least an additional 30 days, or until November 16, 2016.

API is a national trade association representing over 640 member companies involved in all aspects of the oil and natural gas industry. API’s members include producers, refiners, suppliers, pipeline operators, and marine transporters, as well as service and supply companies that support all segments of the industry. API member companies are leaders of a technology-driven industry that supplies most of America’s energy, supports more than 9.8 million jobs and 8 percent of the U.S. economy, and since 2000, has invested nearly \$2 trillion in U.S. capital projects to advance all forms of energy, including alternatives.

IPAA is the national association representing the thousands of independent crude oil and natural gas explorer/producers in the United States. It also operates in close cooperation with 44 unaffiliated independent national, state, and regional associations, which together represent thousands of royalty owners and the companies which provide services and supplies to the domestic industry. IPAA is dedicated to ensuring a strong and viable domestic oil and natural gas industry, recognizing that an

adequate and secure supply of energy developed in an environmentally responsible manner is essential to the national economy.

AXPC is a national trade association representing 31 of America's largest and most active independent natural gas and crude oil exploration and production companies. AXPC's members are "independent" in that their operations are limited to the exploration for and production of natural gas and crude oil. Moreover, its members operate autonomously, unlike their fully integrated counterparts, which operate in additional segments of the energy industry, such as refining and marketing. AXPC's members are leaders in developing and applying the innovative and advanced technologies necessary to explore for and produce natural gas and crude oil and that allows our nation to add reasonably priced domestic energy reserves in environmentally responsible ways.

The Alliance represents over 300 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in the West. Alliance members are independents, the majority of which are small businesses with an average of fifteen employees.

The existing public comment period provides only a limited window for review and comment on a new policy that is the first comprehensive treatment of the role of compensatory mitigation in the process of the Service's review of potential remedies for effects on species and habitats of concern from projects proposed by entities in the private or public sectors. The Trades acknowledge the importance of the contribution that wisely conceived policy can provide to the Service, to project proponents, and to the general public. We simply believe that such a limited review period does not provide an adequate opportunity for the public to study the information and the rationale for the proposed policy that the Service presents in the captioned Federal Register notice, to carefully consider and provide information on the potential effects on permitting and other administrative decision-making that may result from implementation of the policy as proposed, nor to draft meaningful comments on the proposal.

Publication of this proposed policy also follows the publication of the draft mitigation policy that the Service proposed jointly with National Marine Fisheries Service that is still in the process of administrative review. These initiatives and others could have a significant effect on how the Service sets and communicates expectations for conservation planning to the regulated community and to other agencies from which regulated entities may seek permits and approvals.

Given the potential consequences for future efforts to conserve species and habitats of concern in the event the proposed policy is adopted, the public comment period should be extended a suitable length of time. The Trades respectfully request that, at a minimum, the comment date for the proposed rule be extended for at least an additional 30 days, to November 16, 2016. Such an extension will better ensure that the public has an opportunity to meaningfully review the proposed policy and provide comments that will be of value to the Service in further review and final publication of the policy.

Thank you for considering this request.

Very truly yours,



Richard Ranger  
API



Dan Naatz  
IPAA



Bruce Thompson  
AXPC



Kathleen Sgamma  
Western Energy Alliance

cc: Craig Aubrey, USFWS