

What is Needed to Reset the Environmental and Energy Policies under a Trump Administration

- Return to original intent of governing
- Stop the overreach of the federal government
- Federalism and states' responsibility
- Congress should be doing their job

Original Intent

- The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State government are numerous and indefinite.

-James Madison

- The general government is not to be changed with the whole power of making and administering laws: its jurisdiction is limited to certain enumerated objects, which concern all the members of the republic, but which are not to be attained by the separate provisions of any.

-James Madison

Responsibilities of the states

- Regulate geologic storage of CO₂
- Spill Prevention and Control Plans
- Regulation of minerals if federal government owns less than 25% of spacing unit



Federal Acts/Agencies

- Environmental Protection Agency EPA
- Bureau of Indian Affairs BIA
- Bureau of Land Management BLM
- US Fish and Wildlife Services USFWS
- Department of The Interior DOI
- Department of Justice DOJ
- Endangered Species Act ESA
- Pipeline & Hazardous materials Safety Administration PHMSA



Let's begin the clean up and dig into these agencies proper role



Into the mess



- **BIA** has published a new final rule to update the process for obtaining rights of way on Indian land.
- Action needed: remove restriction on resale of pipelines in the right of way on Indian lands

- **BLM** has published a new final rule 43 CFR 3161.1, 3162.4-1, 3163.2, 3165.3, 3170.3, 3170.6-3170.8, and 3173.1 to replace Onshore Order 3.
- Action needed: reduce the enormous expansion of record keeping requirements
- **BLM** has published a new final rule 43 CFR 3174.1-3174.15 to replace Onshore Order 4 which sets standards for the measurement of oil.
- Action needed: revise to allow truck mounted coriolis meters

- **BLM** has published a new final rule 43 CFR 3175.10-3175.150 to update and replace its regulations (Onshore order 5) governing the measurement of natural gas produced from onshore Federal and Indian leases.
- Action needed: revise to reference API and AGA standards and not codify them in rule.
- **BLM** has published a new final rule 43 CFR Parts 3100, 3160 and 3170 to update and replace its regulations on venting and flaring of natural gas effective 1/17/16.
- House has passed a CRA to cancel this rule.
- Action needed: Senate needs to pass CRA and President Trump needs to sign it. This will allow the rule to come off the books and BLM would be prevented from similar rules in the future.

- BLM revised final regulations for hydraulic fracturing on federal and Indian lands were published in the CFR on 3/26/15 and they were scheduled to go into effect 6/24/15.
- Action needed: President Trump should issue executive order requiring DOJ to drop appeal and BLM to undo the rule. (this hearing is 3/22/17)

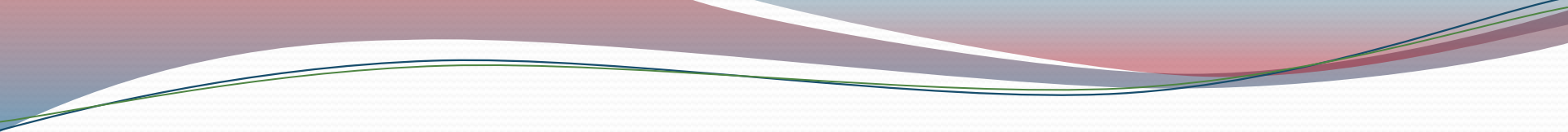
- BLM has published the North Dakota Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final EIS. (I am sure you can go state by state and find many in this situation)
- Action needed: President Trump to issue an executive order requiring DOJ to drop appeal and BLM to undo the rule.

- **EPA** On 8/26/15 a coalition of environmental organizations filed a 60 day legal notice with the U.S. Environmental Protection Agency demanding more regulation of drilling and fracking waste.
- Action needed: President Trump should issue executive order requiring DOJ to drop appeal and EPA to undo the consent agreement.

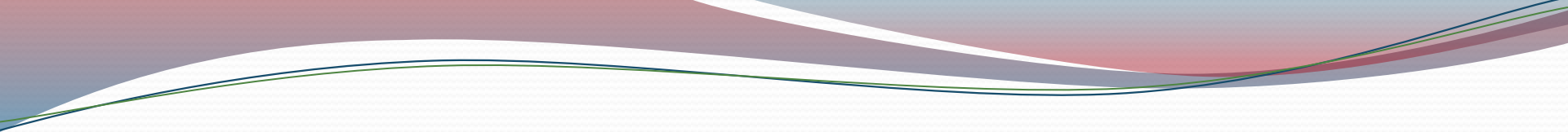
- **EPA** Prime Minister Justin Trudeau and President Barack Obama announced Thursday 3/10/16 their two countries will work together to reduce methane emissions from the oil and gas sector by 40 to 45 per cent below 2012 levels by 2025.
- Trump administration issued executive order and EPA has cancelled the ICR.
- GREAT NEWS

- **EPA** On 6/3/16 the final rule proposing a suite of changes to Clean Air Act permitting requirements for new and modified emissions sources in the oil and natural gas industry was published in the Federal Register.
- This is in conflict with the states sovereign jurisdiction over oil and gas regulations.
- Action needed: President Trump to issue executive order requiring DOJ to drop appeal and EPA to undo the rule.

- **EPA** published an advanced notice of proposed rule-making to seek comments on the information that should be reported or disclosed for hydraulic fracturing chemical substances and mixtures and the mechanism for obtaining this information.
- Action needed: President Trump should issue executive order requiring DOJ to drop appeal and EPA to withdraw the rule.

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- **EPA Administrator, Gina McCarthy, and the Assistant Secretary of the Army (Civil Works), Jo Ellen Darcy, signed the “Waters of the United States” final rule on 05/27/2015.**
 - **Trump administration issued executive order requiring DOJ to drop appeal and EPA to undo the rule.**
 - **GREAT NEWS**

- **PHMSA** Advance notice of proposed rulemaking (ANPRM) was announced 1/10/17. SUMMARY: PHMSA is considering revising the Hazardous Materials Regulations (HMR) to establish vapor pressure limits for unrefined petroleum-based products and potentially all Class 3 flammable liquid hazardous materials that would apply during the transportation of the products or materials by any mode. PHMSA is currently assessing the merits of a petition for rulemaking submitted by the Attorney General of the State of New York regarding vapor pressure standards for the transportation of crude oil. The petition requests that PHMSA implement a Reid Vapor Pressure (RVP) limit less than 9.0 pounds per square inch (psi) for crude oil transported by rail.
- Action needed: executive order requiring PHMSA to withdraw the rule.

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- **USFWS** has made a decision to list the Dakota Skipper and Powershiek Skipperling to receive protection under the Endangered Species Act. Additional potential listing of concern are the Rufa Red Knot, Sprague's Pipit, Greater Sage Grouse, Monarch Butterfly, Sturgeon Chub, and Sicklefin Chub. This is a short list of involved species from around the country.
 - Action needed: to issue executive order requiring USFWS to deny listings. Set up a better procedure for dealing with endangered species at the state level.

- **USFWS** has published a new final rule to revise Management of Non-Federal Oil and Gas Rights. Key components of the proposed rule include: A permitting process for new operations; A permitting process for well plugging and reclamation for all operations; Information requirements for particular types of operations; Operating standards so that both the Service and the operator can readily identify what standards apply to particular operations; Fees for new access beyond that held as part of the operator's oil and gas right; Financial assurance (bonding); Penalty provisions;
- Action needed: issue executive order requiring USFWS to undo the rule.

Oceti Sakowin Camp, courtesy of ND Respond



Oceti Sakowin Camp, courtesy of ND Respond



Illegal dumping in ND



Reclamation: courtesy of ND oil and Gas



Development corridor



Multi-well Pad: Courtesy of ND Oil and Gas



Reclaimed site in ND

Courtesy of ND Oil and Gas



Original Intent

- A wise and frugal government... shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government.

- *Thomas Jefferson*

- A lady asked Dr. Franklin. “Well, Doctor, what have we got a republic or a monarchy?”

“A republic,” replied the Doctor, “if you can keep it.”

- *Dr. Benjamin Franklin*

-“That’s my spot!”



A photograph of a sunset over a dark landscape. The sky is filled with warm, orange and yellow light from the setting sun, which is positioned just above the horizon. A small, dark structure, possibly a house or a shed, is silhouetted against the bright light of the sun. The foreground is dark and indistinct.

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