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

Re: Comments on Proposed Rule and DEIS for Management of Non-Federal Oil and Gas Rights on National Wildlife Refuges

To Whom It May Concern:

This letter provides the comments of the American Petroleum Institute ("API") and the Independent Petroleum Association of America ("IPAA") (the "Associations") in response to the U.S. Fish and Wildlife Service's (the "Service") proposed rule and associated draft environmental impact statement ("DEIS") addressing the management of non-federal oil and gas rights on National Wildlife Refuge System ("NWRS") lands and waters. *See* 80 Fed. Reg. 77,200 (Dec. 11, 2015) ("Proposed Rule"). The Associations appreciate the Service's consideration of these comments.

I. INTRODUCTION

API is a national trade association representing over 625 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 and its members are dedicated to meeting environmental requirements, while economically developing and supplying energy resources for consumers.

IPAA represents thousands of independent oil and natural gas producers and service

companies across the United States. Independent producers develop 95 percent of domestic oil and gas wells, produce 54 percent of domestic oil, and produce 85 percent of domestic natural gas. IPAA is dedicated to ensuring a strong, viable domestic oil and natural gas industry, recognizing that an adequate and secure supply of energy is essential to the national economy.

The Proposed Rule, if promulgated in final, would mark a sea change in the management of non-federal oil and gas activities on NWRS lands. However, as explained below, the authority claimed by the Service to promulgate the proposed regulations is not as broad as the Service assumes. Although a mineral interest owner's use of surface NWRS lands must be reasonable and provide due regard for federal interests, the Service may not condition access upon a permitting system containing burdensome requirements. We respectfully recommend that the Service instead perform a genuine assessment of the effectiveness of recent guidelines administered through a program that is sufficiently funded and staffed. Such an assessment may demonstrate that a new regulatory program is unnecessary or, alternatively, that narrowly targeted regulatory modifications are needed. Should the Service nevertheless proceed with the regulatory program it currently proposes, we provide specific comments on certain aspects of the Proposed Rule in Section II.D below, notwithstanding our general objections to the Proposed Rule.

II. COMMENTS

A. The Service's authority to regulate holders of subsurface mineral interests is limited.

The Proposed Rule states that the Service has authority to require permits for, and to regulate, the access and use of NWRS lands by mineral interest holders. However, the Proposed Rule overlooks applicable law that is not consistent with the scope of authority assumed by the Service. NWRS lands are primarily acquired by the United States pursuant to the Migratory Bird Conservation Act ("MBCA"). With respect to acquisitions of land from private parties, the MBCA provides:

> [R]ights-of-way, easements, and reservations retained by the grantor or lessor from whom the United States receives title under this or any other Act for the acquisition by the Secretary of Interior of areas for wildlife refuges shall be subject to rules and regulations prescribed by the Secretary of Interior for the occupation, use, operation, protection, and administration of such areas as inviolate sanctuaries for migratory birds or as refuges for wildlife; and *it shall be expressed in the deed or lease* that the use, occupation, and operation of such rights-of-way, easements and reservations shall be subordinate to and subject to such rules and regulations as are set out in such deed or lease or, if deemed necessary by the Secretary of Interior, to such rules and regulations as may be prescribed by him from time to time.

16 U.S.C. § 715e (emphasis added). The Supreme Court has confirmed that Congress included this provision "to require the Secretary either to include his rules or regulations in the contract itself or to state in the contract that the reservation or easement would be subject to regulations promulgated 'from time to time.'" *United States v. Little Lake Misere Land Co.*, 412 U.S. 580, 597-98 (1973); *see Minard Run Oil Co. v. U.S. Forest Serv.*, 2009 U.S. Dist. LEXIS 116520, *76 (W.D. Pa. Dec. 15, 2009) ("a federal agency's authority to regulate in a split-estate context is properly determined by the terms of the specific statute pursuant to which the federal estate was acquired").

In addition, Congress explicitly decided to eliminate an amendment to the National Wildlife Refuge System Administration Act ("NWRSAA") in 1966 that would have specifically provided the Secretary of Interior with regulatory authority over the surface use of NWRS lands by holders of mineral interests. *See Caire v. Fulton*, 1986 U.S. Dist. LEXIS 31049, *17-18 (W.D. La. 1986). Although the NWRSAA was substantially amended in 1997 by the National Wildlife Refuge System Improvement Act ("Improvement Act"), the Improvement Act did not include specific authority addressing mineral rights and it retained, in similar form, the original provisions of the NWRSAA that generally allow the Secretary to permit certain uses and prescribe regulations. *Compare* 16 U.S.C. § 668dd(d) *with* Public Law 89-669, Oct. 15, 1966. In other words, Congress took no action in the Improvement Act to alter the balance it struck in 1966 when it expressly chose not to regulate the surface use of NWRS lands by mineral interest holders. Consistent with this legislative history, the Service has long interpreted its authority over holders of subsurface mineral rights to be limited.[1]

We recognize, as explained in the Proposed Rule, that some courts have construed the NWRSAA to generally provide the Service with authority to require permits for, and to regulate, uses of NWRS lands pursuant to the sovereign police power of the United States. *See School Bd. of Avoyelles Parish v. U.S. Dept. of Int.*, 647 F.3d 570 (5th Cir. 2011); *Burlison v. U.S.*, 533 F.3d 419 (6th Cir. 2008). However, neither *Avoyelles Parish* nor *Burlison* involved split estates

[1] *See* Memorandum from Gale Norton, Assoc. Solicitor, Conservation and Wildlife, to the Assistant Sec'y, Fish and Wildlife and Parks (Dec. 22, 1986); FWS Service Manual pt. 612; *see also Caire*, 1986 U.S. Dist. LEXIS at *36 (holding that United States "forfeited by statutory exception and stipulation its authority to require entry permits and impose regulatory schemes on owners and their assigns of specifically reserved mineral interests"). The General Accounting Office has also taken the position that the current version of the NWRSAA does not address the Service's authority over subsurface mineral interest holders. *See* GAO, *U.S. Fish & Wildlife Serv.: Opportunities Remain to Improve Oversight & Mgmt. of Oil & Gas Activities on Nat'l Wildlife Refuges*, GAO-07-829R (Wash., D.C. June 29, 2007) ("We continue to believe that such information is necessary for DOI to adequately inform the Congress regarding the need for additional authority. Moreover, we believe it is for Congress, not DOI, to weigh the needs of the refuge lands and the interests of mineral owners and, ultimately, to determine what oversight authority would be appropriate."). *See also* 80 Fed. Reg. at 77,213 ("OIRA has determined that this proposed rule is significant, because it may raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive order.").

involving subsurface mineral interest holders and, therefore, do not address the lack of legislative authority regarding the use of surface lands by mineral interest holders. Moreover, the Third Circuit recently held that the U.S. Forest Service does not have the authority to require subsurface mineral interest holders to obtain a permit to access those rights on Forest Service lands. *Minard Run Oil Co. v. U.S. Forest Serv.*, 670 F.3d 236 (3rd Cir. 2011). The court's holding in *Minard Run* is premised on the statutory authority for the purchase of Forest Service lands (the Weeks Act), which states that "rights of way, easements, and reservations retained by the owner from whom the United States receives title are subject to the regulations expressed in and made part of the written instrument conveying title to the lands to the United States." *Id*. at 251 (internal quotation marks omitted; emphasis added). The Weeks Act and the MBCA use almost identical language in mandating that any regulations applicable to reserved rights in a deed (such as subsurface mineral rights) must be referenced in the deed itself.[2]

Accordingly, unless otherwise expressly conditioned in a deed in which a subsurface mineral right is reserved, the "mineral owner need not obtain consent or approval before entering land to mine for minerals." *Minard Run*, 670 F.3d at 244. However, the mineral interest holder must show "due regard" to the surface owner and may only "use as much of the surface as reasonably necessary to extract and produce the minerals," as long that use is "reasonable." *Id*. at 242, 244; *Merriman v. XTO Energy, Inc.*, 407 S.W.3d 244, 248-49 (Tex. 2013); *see also Gerrity Oil & Gas Corp. v. Magness*, 946 P.2d 913, 926-27 (Colo. 1997); *DuLaney v. Okla. State Dep't of Health*, 868 P.2d 676, 680 (Okla. 1993). Under this framework, it may be reasonable for the Service to require advance notice of entry onto NWRS lands and to impose "minor restrictions which . . . should not seriously hamper the extraction of oil and gas." *Minard Run*, 670 F.3d at 244 (quoting *United States v. Minard Run Oil Co.*, 1980 U.S. Dist. LEXIS 9570, *13 (W.D. Pa. Dec. 16, 1980)).

The Service appears to recognize the importance of deed language, stating that it "will respect any applicable deed conditions" and that the proposed regulatory requirements "apply to the extent that they do not conflict with deed conditions…." 80 Fed. Reg. at 77,202. However, under the authorities outlined above, the question is not whether the regulations conflict with deed conditions, but rather whether the deed explicitly makes reserved rights subject to federal

[2] *See* Jonathan Thrope, *Case Comment: Minard Run Oil Co. v. United States Forest Service*, 36 Harv. Envtl. L. Rev. 567, 590-91 (2012) ("There is no relevant difference between section 9 of the Weeks Act and the post-1935 section e of the MBCA. Both permit acquisitions of land encumbered by private reservations only after the relevant Secretary determines that the private use will not interfere with the purposes of the act and both require that regulations pertaining to reserved mineral rights be stated within the deed. Additionally, each contain an alternative section—section 11 in the case of the Weeks Act and section i in the case of the MBCA—that grants the respective agency very broad authority over all other private acts within the acquired land, aside from those reserved by private owners. Thus, arguments that subsequent statutes granting broad authority to the FWS have changed the status quo can likely be defeated; without explicitly referring to privately owned mineral rights, these statutes do not change the division of regulatory authority established by the MBCA.") (emphasis added).

rules and regulations. Therefore, it is not enough to include a provision stating that the regulations shall not "contravene or nullify rights vested in holders of mineral interests on refuge lands." 50 C.F.R. § 29.32(b) (as proposed). The regulations must include an additional provision that expressly applies the regulations only to NWRS lands for which the applicable deed explicitly makes subsurface mineral interests subject to federal regulation. Without such a deed restriction, the respective rights of the Service and the mineral interest holder are governed by common law.

B. Notwithstanding the Service's limited authority, a "one size fits all" approach is not appropriate.

NWRS lands are unique. Each Refuge has a different acquisition history, and the nature of the federal government's interests in Refuges varies significantly. For example, the Lower Hatchie National Wildlife Refuge in Tennessee was acquired by deeded conveyance from a private owner and subject to existing easements for pipelines, public highways, and roads at the time of the government's acquisition. *See Burlison*, 533 F.3d 419. Conversely, the Reelfoot National Wildlife Refuge comprises 2,300 acres that the Service owns outright and 7,860 acres that the State of Tennessee leases to the United States. *See Bunch v. Hodel*, 793 F.2d 129 (6th Cir. 1986). Additionally, certain Refuges are subject to unique management mandates, such as the statutory regime applicable to Alaska Refuges under the Alaska National Interest Lands Conservation Act of 1980 ("ANILCA"). Refuges are also subject to specifically tailored conservation plans, and each Refuge must have its own comprehensive conservation plan ("CCP"). 16 U.S.C. § 668dd(e)(1)(A). Congress directed the Service to manage each Refuge in a manner consistent with the CCP and to revise the plan if significant relevant changes occur. *Id.* § 668dd(e)(1)(E). For several Refuges, the CCP also requires adoption of an additional management plan.

In short, NWRS lands have different easement and access exceptions, different mineral extraction rights, different management plans, and different obligations to facilitate oil and gas development. Moreover, mineral rights law varies among states, and the interpretation of a deed or land sale contract between a private party and the government will also vary by state. *See, e.g., Petro-Hunt, LLC v. United States*, 365 F.3d 385, 393 (5th Cir. 2004). One set of rigid, generally applicable regulations, as has been proposed by the Service, is not practical and does not take into account the substantial legal and factual variations across NWRS lands. At a minimum, should the Service proceed with its proposal, the regulations should allow for, and incentivize, site-specific agreements between operators and the Service to more efficiently and effectively address the management of surface-use activities.

C. The Proposed Rule is inefficient, overbroad, and duplicative of existing requirements.

The stated premise for the Proposed Rule is that current regulations have been "ineffective at protecting refuge resources or providing operators explicit requirements for operating on refuge lands." 80 Fed. Reg. at 77,201. However, the Service does not provide sufficient information to support that claim. The Proposed Rule cites a 2015 report by the Office

of the Inspector General, but that report addresses certain instances involving reclamation of oil and gas operations on Refuges and does not document any systematic problems with pre-reclamation activities.[3]

The Inspector General's report also finds that Service-related administrative issues, such as understaffing, the failure to monitor, and the failure to train employees are a significant part of the problem the Service perceives. These issues are not remedied by more regulations, but rather by the sufficient staffing of Service field offices and the provision of adequate training so that the Service has the capacity and expertise to work with oil and gas operators. A more prudent approach would be for the Service to continue to manage oil and gas activities under the guidelines it issued in 2012—"Management of Oil and Gas Activities on National Wildlife Refuge System Lands"—for a sufficient period of time, and with necessary staffing, resources, and training, to accurately determine the areas in which those guidelines are effective and the areas in which they are not, if any. At that time, if the Service believes formal regulations are necessary to manage oil and gas activities, it can do so in an informed and targeted manner, consistent with applicable law.

The Proposed Rule is also duplicative of existing state and federal laws and regulations. For example, the Environmental Protection Agency may have authority to regulate certain aspects of operations (either directly or through a state agency) pursuant to the Clean Water Act, the Clean Air Act, or the Resource Conservation and Recovery Act. The proposed regulations are duplicative of, and potentially inconsistent with, these federal laws. *See, e.g.*, 50 C.F.R. §§ 29.111, 29.113, 29.114, and 29.117 (as proposed). The Service also incorrectly suggests that additional regulation is necessary because state laws do not adequately address environmental concerns. In every state in which the Service has identified active and inactive wells (see Attachment), state oil and gas commissions have adopted regulations that protect the environment through comprehensive drilling, development, and production standards; setbacks; ground water protection measures; financial assurance requirements; spill reporting; and reclamation requirements. *See*, *e.g*., La. Admin. Code tit. 43: IX, XI, XIII, XVIII, XIX (2013); Okla. Admin. Code §§ 165:10-1-1 (2013), *et seq*.

In sum, the Service proposes to imprudently embark on a broadly applicable set of stringent regulations that (i) are duplicative of, and inconsistent with, other federal and state laws; (ii) will demand even more federal staffing and resources to administer an unfamiliar and confusing new regulatory program; and (iii) that is of questionable legal authority and practical need. We respectfully urge the Service to consider a different, more efficient approach, such as we recommend above.

[3] Final Evaluation Report—U.S. Fish and Wildlife Service's Management of Oil and Gas Activities on Refuges, Office of the Inspector General, Report No. CR-EV-FWS-0002-2014.

D. Notwithstanding the objections stated above, the proposed regulations should be modified before they are promulgated.

Should the Service proceed to promulgate new regulations, there are a number of areas in which the proposed regulations should be modified. Without conceding our positions stated above, we offer the following comments on certain aspects of the Service's proposed regulations.

1. Geographic scope

We agree that the regulations cannot "apply to operations on neighboring private lands or non-Federal surface estates within refuge boundaries." 80 Fed. Reg. at 77,206. As addressed above, the Service's authority, if any, to regulate surface use by a subsurface mineral interest holder derives from the language of the deed to the NWRS land. Moreover, the NWRSAA addresses NWRS land, not non-federal land. The Service therefore has no authority under the NWRSAA or the MBCA to regulate activities on non-federal land.[4] For the same reasons, we agree that the regulations cannot apply to aircraft that do not land on a Refuge or to pipelines located within a Refuge under a separate deed or right-of-way. *See* 50 C.F.R. §§ 29.40, 29.50 (as proposed).[5]

2. Existing operations

We agree that the regulations should not apply to operations being conducted under existing permits or under no permit if operating in accordance with applicable laws before the final regulations are promulgated. *See* 50 C.F.R. §§ 29.43, 29.44. However, the Service must delete the phrases "subject to the provisions of this subpart" and "subject to applicable requirements of this subpart" from proposed subsections 29.43 and 29.44, respectively. The effect of these phrases is to make pre-existing operations subject to the new regulations and to apply the regulations retroactively without a legal basis for doing so. Similarly, the language subjecting pre-existing operations to the new regulations in proposed subsections 29.60, 29.61, and 29.64 must also be eliminated.[6] The only proposed regulations that can reasonably apply to pre-existing operations are those addressing the operational modifications and operator changes.

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[4] In this light, the Service should insert the phrase "located or occurring within a refuge" after "and all other activities" at the end of the definition of "operations" in 50 C.F.R. § 29.50 (as proposed). This would appropriately clarify that only incidental activities occurring within a Refuge are covered by the regulations.

[5] Additionally, we agree that access to oil and gas rights on NWRS lands in Alaska is governed by ANILCA and its implementing regulations. 16 U.S.C. § 410hh; 16 U.S.C. § 3101 *et seq.*; 43 U.S.C. § 1601 *et seq.*; 43 C.F.R. part 36; 50 C.F.R. part 29 subpart B.

[6] The reference to the applicability to 50 C.F.R. § 29.120 (as proposed) is particularly troubling because that subsection requires compliance with all operating standards in 50 C.F.R. §§29.111-119 (as proposed), which are precisely the provisions that should <u>not</u> apply to pre-existing operations.

3. Timing and appeals

The proposed period of 180 days for the processing of permit applications is unreasonably long and unduly burdens the rights of mineral interest holders. The contemplated 180-day time period is longer than those considered reasonable in existing case law. *See Minard Run*, 670 F.3d 236 (60 days); *Duncan Energy Co. v. U.S. Forest Serv.*, 109 F.3d 497, 499 (8th Cir. 1997) (considering processing times of 60 days, 74 days, and 91 days; "[t]he Forest Service has only limited authority to regulate use of the subservient surface estate by the dominant mineral estate, and its processing time must be reasonable, expeditious, and as brief as possible"). In addition to shortening the processing time for applications, we recommend that the Service include in the regulations a categorical exclusion from National Environmental Policy Act requirements and a provision stating that operations conducted in compliance with the terms of a permit are deemed to be not likely to adversely affect any species listed under the federal Endangered Species Act.

Additionally, the two-tiered appeals process proposed in the regulations is unreasonable and unduly burdensome. There should be a single, expedited administrative appeal available for challenges to actions taken by the Service under the proposed regulations. This administrative decision should be directly appealable in federal court.

4. Information requests

The proposed information requirements for permit applications are extraordinarily extensive and unduly burdensome. *See* 50 C.F.R. §§ 29.94-29.97. These requirements, particularly including proposed subsection 29.121(f), also unlawfully require the disclosure of confidential and/or proprietary information. The information requirements must be significantly scaled down so that they request only the basic information needed for the Service to assess the location and type of operations that will be undertaken. All provisions requesting confidential or proprietary information must be eliminated.

5. Access

The Service should modify the proposed regulations to make clear that the Service cannot place conditions on operations in a permit that only allows an operator to access and traverse federal lands (*i.e.*, in order to access its operations on non-federal lands). In addition, we agree that fees cannot be required for access that is already within the scope of the operator's oil and gas right or other right provided by law and that there should be no fees for emergency access. *See* 50 C.F.R. §§ 29.141, 142 (as proposed). If an access fee can be applied, then it must be reasonable and cannot burden the underlying oil and gas right or otherwise diminish the value of the mineral estate.

6. Financial assurances

We request that the Service modify proposed subsection 29.150 to provide that a bond is not required to the extent that a sufficient bond, applicable to the operation, has already been

lodged with a state authority or another federal authority. Adding a duplicative layer of bonding requirements is unfair and unreasonable, particularly for operators that have a history of full compliance. Any additional bonding should only be required on a case-by-case basis and only to the extent necessary to supplement bonds that have already been lodged.

7. Operational restrictions

The Proposed Rule states that it "contains performance-based standards that provide flexibility to resource managers and operators to use various and evolving technologies within different environments to achieve the standards." 80 Fed. Reg. at 77,203. However, the text of the proposed operational requirements is, in many instances, not faithful to this "flexible" approach. For example, the proposed regulations requiring the installation and maintenance of secondary containment, applying seasonable buffers, and specifying the location, type, and design of facilities are unreasonable and unduly burden and unlawfully diminish the value of the mineral estate. *See* 50 C.F.R. §§ 29.111-29.119 (as proposed). These requirements should be eliminated and replaced with recommended operational methods, general goals to be achieved to the extent technologically and economically feasible, and a requirement to use best management practices.

In a similar vein, the Service does not have the authority to permit only the "least-damaging" operational methods. The Service may recommend the "least damaging" methods, but the mineral interest owner is not required to modify its operations in a manner that is not economically or technologically feasible in order to access its mineral rights. Accordingly, the term "technologically feasible, least damaging methods" (as proposed) is not appropriate and should be replaced with "feasible methods." "Feasible methods" should be defined as those methods that are technologically and economically feasible, as determined by the best industry practices available.

Finally, the operational restrictions set forth in the Proposed Rule in many instances are duplicative of, or conflict with, applicable state regulations. This will inevitably result in confusion for both operators and regulatory agencies.

8. Mitigation

The Service does not have the authority to require mitigation for impacts by mandating that operators provide for "habitat creation, habitat restoration, land purchase, or other compensation." 50 C.F.R. § 29.120(g) (as proposed). This broad provision should be eliminated from the regulations as it amounts to an access fee that unreasonably and unlawfully restricts access to mineral rights.

9. Modifications

We recommend two changes to the regulations addressing modification of existing operations. First, the word "significant" should be inserted before "additional impacts" in the definition for "modifying" (proposed subsection 29.50). This would clarify that modified

permits are not (and should not be) required for minor modifications to operations that do not result in significant changes in effects to the environment. Second, proposed subsection 29.160 should be modified to clarify that the Service may amend a permit only when there is a "significant" or "substantial" modification to the permitted operation.

E. Alternative C in the DEIS must be rejected.

Alternative C, as set forth in the DEIS, would "expand" the jurisdiction of the Service to "regulate non-Federal oil and gas operations that occur on private surfaces within the boundary of a refuge (*i.e.*, inholdings) and to operations on non-Federal surface locations that use directional drilling to access non-Federal oil and gas underneath the surface of a refuge." DEIS at v. For the reasons explained in Section II.D.1 *supra*, the Service has no authority under the NWRSAA or the MBCA to regulate activities on non-federal land.[7] Accordingly, Alternative C is not "reasonable" and must be rejected. *See* 40 C.F.R. § 1502.14.

III. CONCLUSION

The legal and practical bases for the proposed regulations are, at best, questionable. As described above, the most prudent approach would be for the Service to continue to manage oil and gas activities under its 2012 guidelines for a sufficient period of time, and with adequate staffing, resources, and training, to accurately determine the areas in which those guidelines are effective and the areas in which they are not. Should the Service nonetheless proceed with this rulemaking, and notwithstanding our objections to the scope of the Service's claimed authority, we sincerely request that the Service modify the regulations as recommended above.

The Associations and our members appreciate your consideration of these comments. If you have any questions, or would like us to provide any additional information on the topics addressed in this letter, please do not hesitate to contact the undersigned.

Sincerely,

Richard Ranger
Senior Policy Advisor
Director, Upstream and Industry Operations
American Petroleum Institute

Dan Naatz
Vice President of Federal Resources
Independent Petroleum Association of America

Attachment

[7] Relatedly, we recommend that the Service insert the phrase "located or occurring within a refuge" after "and all other activities" at the end of the definition of "operations" in 50 C.F.R. § 29.50 (as proposed). This would clarify that only incidental activities occurring within a Refuge are covered by the regulations.

ATTACHMENT

State	Refuge	Active Wells	Inactive Wells	Status Not Available
Alabama	Cahaba River NWR	14		
Alaska	Kenai NWR	80	5	
Arkansas	Bald Knob NWR			3
	Cache River NWR			2
	Felsenthal NWR			57
	Overflow NWR			1
	White River NWR			2
California	Hopper Mountain NWR	13	3	
	Guadalupe-Nipomo Dunes NWR		2	
	North Central Valley Wildlife Mgmt. Area	1	2	
	Seal Beach NWR	11	18	
	Delevan NWR		1	
Indiana	Patoka River NWR	15	72	
	Big Oaks NWR		5	
	Muscatatuck NWR		1	
Kansas	Quivira NWR	6	21	
Louisiana	Atchafalaya NWR	4	42	
	Bayou Cocodrie NWR		49	
	Bayou Sauvage NWR		4	
	Bayou Teche NWR	1	34	
	Big Branch Marsh NWR		4	
	Black Bayou Lake NWR	60	25	
	Breton NWR		3	
	Cameron Prairie NWR		14	
	Cat Island NWR		5	
	Catahoula NWR	6	69	
	D'Arbonne NWR	100	183	
	Delta NWR	21	342	
	Grand Cote NWR		2	
	Lacassine NWR	5	75	
	Lake Ophelia NWR	1	55	
	Mandalay NWR	1	42	
	Red River NWR	2	55	
	Sabine NWR	17	81	
	St. Catherine Creek NWR		6	
	Tensas River NWR	4	108	
	Upper Ouachita NWR	928	482	

Michigan	Kirtlands Warbler Wildlife Mgmt. Area	1	1	
Mississippi	St. Catherine Creek NWR	13	20	
Missouri	Big Muddy Nat'l Fish and Wildlife Refuge		4	
Montana	Benton Lake NWR		2	
	Benton Lake Wetland Mgmt. Dist.	3	8	
	Bowdoin NWR	1	1	
	Bowdoin Wetland Mgmt. Dist.	18	5	
	Hailstone NWR		1	
	Halfbreed Lake NWR		5	
	Hewitt Lake NWR	9	5	
	Lake Mason NWR		2	
	Medicine Lake NWR	2	3	
	Northeast Montana Wetland Mgmt. Dist.	2	16	
New Mexico	Bitter Lake NWR	13		
North Dakota	Lake Ilo NWR	1		
Oklahoma	Deep Fork NWR	149	60	
	Little River NWR	1		
	Optima NWR	4	3	
	Salt Plains NWR	3	1	
	Tishomingo NWR	1		
	Washita NWR		1	
Texas	Anahuac NWR	4	7	
	Aransas NWR	8	56	
	Attwater Prairie Chicken NWR	10	10	
	Big Boggy NWR		1	
	Brazoria NWR	3	16	
	Caddo Lake NWR	4		
	Hagerman NWR	50	43	
	Laguna Atascosa NWR	1	7	
	Lower Rio Grande Valley NWR	68	91	
	McFaddin NWR	6	14	
	San Bernard NWR	13	14	
	Texas Point NWR		2	
	Trinity River NWR		2	
Utah	Colorado River Wildlife Mgmt. Area	1	1	