



**VIA ELECTRONIC FILING**

July 5, 2016

US Fish and Wildlife Service  
Division of Policy, Performance, and Management Programs  
5275 Leesburg Pike, MS: BPHC  
Falls Church, VA 22041

**Re: Docket No. FWS–HQ–ES–2015–0177 and 160223138-6138-01; Candidate Conservation Agreements With Assurances Policy; Federal Register Vol. 81, No. 86 (Wednesday, May 4, 2016);**

Dear Sir/Madam,

The GPA Midstream Association appreciates the opportunity to provide comments to the US Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) on the proposed revisions to the Candidate Conservation Agreements with Assurances (CCAA) Policy.

GPA Midstream has served the U.S. energy industry since 1921 as an incorporated non-profit trade association. GPA Midstream is composed of over 100 corporate members that are engaged in the gathering and processing of natural gas into merchantable pipeline gas, commonly referred to in the industry as “midstream activities.” Such processing includes the removal of impurities from the raw gas stream produced at the wellhead as well as the extraction for sale of natural gas liquid products (NGLs) such as ethane, propane, butane, and natural gasoline or in the manufacture, transportation, or further processing of liquid products from natural gas. GPA Midstream membership accounts for more than 90% of the NGLs produced in the United States from natural gas processing.

GPA Midstream requests the USFWS and NMFS (Services) withdraw the proposed policy changes, or significantly revise the proposed changes to focus purely on making minor changes that eliminate confusion over use of the phrase “other necessary properties” – the Services’ stated basis for these revisions. In contrast to this statement of purpose, the proposed policy revisions would create more uncertainty and risk for property owners and make significant changes to the CCAA process and on-the-ground conservation approaches GPA Midstream feels are unwarranted and overly burdensome.

GPA Midstream has expressed concerns in other recent comment letters that the present USFWS regulatory agenda has attempted to implement numerous broad sweeping regulatory and policy changes on a piecemeal basis. GPA Midstream once again expresses concern over the large number of proposed changes being made and the potential cumulative impacts of the changes on landowners and the regulated community. The Services have not provided the public with an analysis of the combined effect of the CCAA Policy changes when combined with other recent USFWS regulatory changes. Nor have the Services given the public an opportunity to comment on the impact of the CCAA Policy changes when considered cumulatively as part of the larger USFWS regulatory agenda. The Service should conduct a separate NEPA analysis of the cumulative effects of all the proposed regulation changes when considered together.

The Services should not include “net conservation benefit” in the proposed CCAA Policy. Such an approach does not seem appropriate or practical for early, pre-listing, voluntary conservation measures. Taken at face value, and as defined in the proposed policy revisions, this approach leaves no room for avoidance and minimization efforts, which are essential components of balancing development activities with species conservation. Furthermore, this concept is predicated on the assumption, and potential requirement, that the success of a CCAA will be based upon an increase in species populations or improvement in habitat. Many other critical factors such as weather patterns, food sources, and disease can have a major influence on species populations; therefore, it is impractical to use population increase as a goal or metric for the success of a CCAA. Under the Services’ proposed “net conservation benefit” approach, it appears that the assurances provided in a CCAA could be at risk, or questionable, should a “net conservation benefit” not be realized. Such a scenario would be a significant disincentive for property owners due to the future uncertainty and financial risk involved.

The proposed CCAA Policy definition for “net conservation benefit” would require property owners to “reduce or eliminate...current and future threats.” The addition of this language also creates ambiguity and subjects property owners to arbitrary future requirements and costs that could potentially act as a disincentive for enrolling in a CCAA.

The Services have removed, without any explanation or justification, the standard that CCAAs must “preclude or remove any need to list.” GPA Midstream requests that the Services’ keep this standard in place or provide a scientific justification for removing the standard in a revised policy with another public comment period. A primary driver for landowners to perform voluntary conservation measures and enroll in CCAAs is the possibility that CCAAs will preclude a species from being listed. Without this incentive, and with added uncertainties from the changes discussed above, CCAAs will be much less practical or attractive to landowners.

GPA Midstream appreciates your consideration of our comments on the CCAA Policy revisions. GPA Midstream requests that the Services make any future CCAA Policy revisions available for public comment prior to finalizing the document with additional explanation and justification for

the proposed changes. We offer our continued assistance as the Services consider the comments received and prepare the final revised CCAA Policy.

GPA Midstream appreciates your consideration of our comments on the proposed revisions to the regulations for CCAAs. As the process moves forward, please contact me at (202)279-1664 or [mhite@gpaglobal.org](mailto:mhite@gpaglobal.org) if GPA Midstream can be of assistance.

Sincerely,

Matthew Hite  
Vice President of Government Affairs  
GPA Midstream Association

