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–2015–0171; Revisions to Regulations for Candidate Conservation Agreements With Assurances; 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) proposed revisions to the Candidate Conservation Agreements with Assurances (CCAA) Regulations. GPA Midstream requests the USFWS withdraw the proposed regulation changes until such time that the final CCAA Policy document has been issued. Proposing regulation changes based upon a concurrent proposed policy revision is hasty, does not provide meaningful public input, and does not account for potential differences between the proposed policy changes and the final 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 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 USFWS has not provided the public with an analysis of the combined effect of the regulatory changes or given the public an opportunity to comment on the impact of the changes when considered cumulatively as part of the larger regulatory agenda.

The USFWS should not include “net conservation benefit” in the proposed CCAA regulations. 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 concurrent proposed CCAA Policy, 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 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 USFWS has removed, without any explanation or justification, the standard that CCAAs must “preclude or remove any need to list.” GPA Midstream requests that the USFWS keep this standard in place or provide a scientific or legal justification for removing the standard in a revised proposed regulation 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 regulation revisions. GPA Midstream requests that the USFWS make any future CCAA regulation 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 USFWS considers the comments received and prepares the final revised CCAA regulations.

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 if GPA Midstream can be of assistance.
Sincerely,

Matthew Hite
Vice President of Government Affairs
GPA Midstream Association