



**VIA ELECTRONIC FILING**

August 29, 2016

US Fish and Wildlife Service  
Division of Policy, Performance, and Management Programs  
MS: BPHC  
5275 Leesburg Pike  
Falls Church, VA 22041-3803

**Re: Docket No. FWS-HQ-ES-2016-0004; Notice of Availability and Request for Public Comment on the Joint U.S. Fish and Wildlife Service and National Marine Fisheries Service Habitat Conservation Planning Handbook; Federal Register Vol. 81, No. 124 (Tuesday, June 28, 2016);**

Dear Sir/Madam,

The GPA Midstream Association (GPA Midstream) appreciates the opportunity to provide comments on the US Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (in combination, Services) proposed revisions to the Habitat Conservation Planning (HCP) Handbook. GPA Midstream strongly requests the Services withdraw the proposed HCP Handbook changes on the basis that the Services have neither provided a clear basis of need, nor finalized numerous other recently proposed policies and regulations with similar concepts. Many of the proposed changes could have a significant impact on the industry due to substantial changes and newly added hurdles in the Services' approach to Habitat Conservation Plans and permitting requirements. This is contrary to the stated purpose of the HCP Handbook revisions.

GPA Midstream is a non-profit trade organization made up of over 100 corporate members, all of whom are engaged in the processing of natural gas into merchantable pipeline gas, or in the manufacture, transportation, or further processing of liquid products from natural gas. GPA Midstream membership accounts for approximately 92% of all natural gas liquids produced by the midstream energy sector in the United States. Our members also produce, gather, transmit, and market natural gas and natural gas liquids.

The Services' Federal Register notice indicates the proposed changes reflect current practices, guidance, and policies; however, the proposed HCP Handbook revisions include changes which are reflected in other recently proposed and unfinalized regulations and policies. Many of the proposed changes, requirements, and conditions of approval appear to be regulatory in nature and would have significant influence on the Services' regulatory authority and decision making

process. Some of the concepts included in the HCP Handbook revisions are still in “draft” form and should not be referenced as current guidance or policies. Such far reaching changes should not be implemented through guidance, but rather through rulemaking using the appropriate administrative procedures.

Proposing numerous concurrent policy, guidance, and regulation changes with relatively short comment periods does not provide an opportunity for meaningful public input on overall regulatory landscape changes, particularly when the USFWS has not provided the public with an analysis of the impacts of all proposed changes. GPA Midstream has expressed concerns in other recent comment letters that the present USFWS regulatory agenda has attempted to simultaneously implement numerous broad sweeping regulatory and policy changes on a piecemeal basis. Furthermore, many of the changes have been proposed without a clear statement of scientific or legal need and the scope of the changes has far exceeded the stated basis of need in the Federal Register notices. GPA Midstream once again expresses great concern over the large number of proposed changes being made and the potential cumulative impacts of the changes on landowners and the regulated community. GPA Midstream requests the USFWS conduct an analysis of all regulatory and policy changes proposed under the current regulatory agenda and provide the analysis to the public with a 90-day review period so that the public can effectively review and comment on the numerous substantial changes as a whole.

GPA Midstream strongly cautions the Services against attempting to address climate change impacts at a local habitat scale or within the planning horizon of a Habitat Conservation Plan or Incidental Take Permit. This type of approach is scientifically inappropriate and highly flawed and will increase project costs without any assurances of wildlife benefits. The National Oceanic and Atmospheric Administration’s *Frequently Asked Questions* cite a report from the International Panel on Climate Change which states that climate change models exhibit reliability at continental scales and above, yet significant errors are prevalent at smaller scales.<sup>1</sup> It is not plausible to model climate change at a habitat scale, adequately assess a changing climate’s impact on species, or mitigate for potential long term future climate impacts in the relatively short term of a Habitat Conservation Plan. It is GPA Midstream’s belief that the Services are neither technically equipped nor statutorily authorized to model and regulate climate change or use climate change impacts as a condition of approval. GPA requests removing all such revisions related to modeling or addressing climate change from the HCP Handbook.

GPA Midstream has reviewed a joint comment letter under this same docket prepared by the Independent Petroleum Association of America, American Exploration & Production Council, American Petroleum Institute, Petroleum Association of Wyoming, and Western Energy Alliance (Joint Trades). GPA Midstream agrees wholly with the concerns and recommendations

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<sup>1</sup> IPCC, 2007: Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.

contained in the Joint Trades' comment letter. Should the Services not withdraw the proposed HCP Handbook changes in their entirety, we strongly urge the Services to adopt the Joint Trades' proposed revisions and recommendations.

GPA Midstream appreciates your consideration of our comments on the proposed revisions to the HCP Handbook. 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