

Report Abstract

U.S. Fish and Wildlife Service: Opportunities Remain to Improve Oversight and Management of Oil and Gas Activities on National Wildlife Refuges

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The mission of the Department of the Interior's (DOI) Fish and Wildlife Service (FWS) includes administering a national network of refuges for the conservation, management, and, where appropriate, restoration of fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations. The refuges are unique in that they are the only federal lands managed primarily for the benefit of wildlife. The refuge system's 95 million acres, which represent more than 14 percent of all federal lands and are found in every state, include land that has always been federally owned and land that has been acquired from others. While the federal government owns almost all of the surface lands in the system, in many cases it does not own the subsurface mineral rights. Subject to some restrictions, owners of subsurface mineral rights have the legal authority to explore for mineral resources such as oil and gas and to extract resources that are found. In August 2003, we reported that oil and gas activities were occurring on many wildlife refuges and that little was known about the effects of those activities on refuge resources. We also reported that FWS oversight of oil and gas activities needed improvement, in part because of uncertainties related to FWS's authority to require oil and gas operators to obtain access permits before conducting exploration and production activities. In addition, we reported that FWS guidance regarding land acquisition was unclear and potentially exposed the federal government to situations where it could unknowingly acquire contaminated land. To address these deficiencies, we made a number of recommendations that, if implemented, we believed would improve FWS's ability to protect refuge resources. On May 3, 2007, we briefed House Committee on Natural Resources staff on the extent to which FWS had taken corrective measures to address the problems that we previously identified. We reported that FWS has taken steps to implement some of our recommendations, but we believe that more action is needed. We consider all but one of the recommendations from our 2003 report to be open. This document provides further details about the findings and recommendations in our 2003 report and the status of FWS actions to implement those recommendations.

DOI stated that it partially concurred with our assessment of its progress in implementing our recommendation regarding adequate training for staff responsible for overseeing oil and gas activities. In particular, DOI disagreed that, as we wrote in the draft briefing document, the training should be required for appropriate personnel. Instead, DOI stated that voluntary enrollment was sufficient. Our intent in suggesting that training be required was to ensure that appropriate personnel attended. We accept DOI's assurances that the training has been well received and attended, and its claim that making the training mandatory at this time is not necessary. We expect that DOI would change this policy if it finds in the future that appropriate personnel are not seeking such training. Accordingly, we will close this recommendation. Additionally, DOI stated that it does not believe that our recommendation from the 2003 report that the Secretary of the Interior and the Director of FWS work with DOI's Office of the

Solicitor to seek from Congress any necessary additional authority over outstanding and reserved mineral rights is necessary. DOI asserted that it is able, under its existing authorities, to effectively manage and oversee oil and gas development activities on national wildlife refuges and that it is able to do so without infringing on the private property rights of mineral owners. We appreciate DOI's belief that it can protect the public's surface interests in national wildlife refuge lands with the authority it currently has. However, we do not believe that DOI has adequate information on which to base this claim. In particular, FWS has not comprehensively assessed the extent of the damages occurring on refuge lands due to oil and gas activities and it has yet to publicly clarify the extent of its current authority over private mineral rights. 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. Before Congress can do so, DOI must inform the Congress as to what authority FWS might require to adequately protect refuge resources.

Subject Terms

Policy evaluation
Mineral rights
Mineral bearing lands
Land management
Gas resources
Federal property
Environmental protection
Environmental policies
Employee training
Public lands
Wildlife conservation