



INDUSTRIAL COMMISSION OF NORTH DAKOTA

Jack Dalrymple
Governor

Wayne Stenehjem
Attorney General

Doug Goehring
Agriculture Commissioner

March 15, 2016

The Honorable Neil Kornze
Director
Bureau of Land Management
1849 C Street NW, Room 5665
Washington, D.C. 20240

Re: Request for an Extension of the Public Comment Period for Waste Prevention, Production Subject to Royalties, and Resource Conservation, Docket ID No. BLM-2016-0001

Dear Director Kornze:

The North Dakota Industrial Commission (NDIC) is requesting a 60-90 day extension to the comment period for the proposed Waste Prevention, Production Subject to Royalties, and Resource Conservation (venting and flaring) rule due to the following concerns about the proposed rule:

The proposed rule is very complex, interacts with, and potentially conflicts with several other recently proposed rules such as the Environmental Protection Agency's New Source Performance Standards Subpart OOOOa, and BLM's Onshore Orders Numbers 3, 4 and 5.

Due to North Dakota's unique history of land ownership, a significant portion of the State consists of split-estate lands that will be adversely affected by the proposed rule that improperly asserts surface jurisdiction over split-estate lands. Many portions of the proposed rule are not consistent with North Dakota's comprehensive oil and gas regulations found at North Dakota Administrative Code (NDAC) Chapter 43-02-03 potentially creating conflicts with North Dakota's ability to administer its oil and gas regulatory program.

There is also the potential for significant adverse impacts on state revenues through prescriptive flare volume and production limits. Preliminary estimates indicate compliance with this rule could impact as much as 33% of North Dakota spacing units.

In addition the leak detection and repair requirements may restrict use of new developing technologies and potentially expose workers to extremely hazardous seasonal work conditions.

The State of North Dakota is ranked 2nd in the United States among all states in the production of oil and gas. North Dakota produces approximately 400 million barrels of oil per year and 465 billion cubic feet of natural gas per year. In order to provide for better evaluation of the proposed rule and

collection of better information from the states on this highly technical matter, BLM should provide an additional 60-90 days of comment time to collect substantive input and ensure a truly deliberative rulemaking process.

Thank you for your consideration of our request.

Sincerely,
North Dakota Industrial Commission

Handwritten signature of Jack Dalrymple in blue ink.

Jack Dalrymple, Chairman
Governor

Handwritten signature of Wayne Stenehjem in blue ink.

Wayne Stenehjem
Attorney General

Handwritten signature of Doug Goehring in blue ink.

Doug Goehring
Agriculture Commissioner