

HJR

29

<TARGET><BILL>HJR 29</BILL><SUBJECT>HJR
29</SUBJECT><COMM>HRES27</COMM></TARGET>

HOUSE JOINT RESOLUTION NO. 29

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES MILLETT, Gruenberg, Fairclough, Tuck, Thompson

**Introduced: 1/17/12
Referred: Resources**

A RESOLUTION

1 **Urging the United States Department of the Interior, Bureau of Land Management, to**
2 **plug legacy wells properly and to reclaim the legacy well sites as soon as possible in**
3 **order to protect the environment in the Arctic region.**

4 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 **WHEREAS** the United States Navy and the United States Geological Survey drilled
6 approximately 137 wells on federal land in northern Alaska between 1944 and 1981, all of
7 which are now abandoned; and

8 **WHEREAS** the United States Bureau of Land Management is the current operator of
9 the abandoned wells, now referred to as legacy wells; and

10 **WHEREAS** only seven of the legacy wells have been properly plugged and
11 reclaimed; and

12 **WHEREAS** the remaining legacy wells are out of compliance with the regulations
13 adopted by the Alaska Oil and Gas Conservation Commission, and 42 of the remaining legacy
14 wells are flagrantly out of compliance; and

15 **WHEREAS** three of the legacy wells can no longer be found; and

*Barrow RAB
Fairclough rep.
Mileksit no more than
3 barrels/year.*

1 **WHEREAS** the changing geography of the Arctic puts additional legacy wells at risk
2 of being lost before remediation can occur; and

3 **WHEREAS** the Alaska Oil and Gas Conservation Commission has repeatedly
4 reminded the federal government of the obligation to plug legacy wells properly and to
5 reclaim legacy well sites; and

6 **WHEREAS** the legacy wells that have not been properly plugged and reclaimed pose
7 a significant risk to surface vegetation, groundwater, fish, land mammals, and sea mammals;
8 and

9 **WHEREAS** wood and metal debris and deteriorating buildings at the sites of the
10 legacy wells litter the landscape and detract from the natural beauty of the Arctic region; and

11 **WHEREAS** the federal government has received \$9,480,946,486 from lease sales in
12 the National Petroleum Reserve - Alaska and the outer continental shelf of the state and
13 should use a portion of those funds to plug and reclaim legacy wells in the state; and

14 **WHEREAS** the state cannot impose fines on the federal government for violating the
15 regulations of the Alaska Oil and Gas Conservation Commission, but if it could do so, the
16 fines would exceed \$8,000,000,000; if the statute of limitations were disregarded, the fines
17 would exceed \$40,000,000,000; and

18 **WHEREAS** both state and federal regulations require the plugging and reclamation of
19 legacy wells, and the federal government would not allow a private entity to remain in
20 violation of those regulations;

21 **BE IT RESOLVED** that the Alaska State Legislature urges the United States
22 Department of the Interior, Bureau of Land Management, to plug legacy wells properly and to
23 reclaim the legacy well sites as soon as possible in order to protect the environment in the
24 Arctic region.

25 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
26 the United States; the Honorable Ken Salazar, United States Secretary of the Interior; the
27 Honorable Robert V. Abbey, Director, United States Bureau of the Interior, Bureau of Land
28 Management; and the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S.
29 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
30 delegation in Congress. *A memo to all other members of Congress*

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version HJR 29
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) HJR29-LEG-COU-2-17-12 Dept. Affected Legislature
 Title "Urging the United States Dept of the Interior, Bureau of Land Mgmt to plug legacy wells properly..." Appropriation Legislative Council
 Allocation Council & Subcommittees
 Sponsor Reps Millett, Gruenberg, Fairclough, Tuck, Thompson...
 Requester Resources OMB Component Number 783

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates					
			FY13	FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS								
Full-time								
Part-time								
Temporary								

CHANGE IN REVENUES								

Estimated **SUPPLEMENTAL (FY12) operating costs** _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial Version

Prepared by Jessica Geary, Finance Manager
 Division Legislative Affairs Agency
 Approved by Pamela Varni, Executive Director
Legislative Affairs Agency

Phone 465-6626
 Date/Time 2/17/12 4:42 PM
 Date 2/17/2012

FISCAL NOTE

**STATE OF ALASKA
2012 LEGISLATIVE SESSION**

BILL NO. HJR 29

Analysis

This Legislation has zero fiscal impact on the Legislative Affairs Agency.

Alaska Legislature

Representative Charisse Millett

Session:

State Capitol Building, Room 13
Juneau, AK 99801
Phone (907) 465-3879
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Toll free (888) 269-3879



Interim:

Anchorage LIO
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Anchorage, AK 99501
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District 30

Sponsor Statement – House Joint Resolution 29

Version: 27-LS1208\A

“Urging the United States Department of the Interior, Bureau of Land Management, to plug legacy wells properly and to reclaim the legacy well sites as soon as possible in order to protect the environment in the Arctic region”

Starting in 1944 the federal government began an exploratory oil and gas drilling program in the National Petroleum Reserve-Alaska. After drilling stopped in 1981 about 130 wells, now known as legacy wells, were never properly plugged and the sites were not cleaned up.

Today those legacy wells threaten the arctic ecosystem. Potential ground water contamination from the wells could harm vegetation. Scrap metal and wood, deteriorating buildings, rusting barrels and debris litter the sites and ruin the natural beauty of the arctic.

The federal Bureau of Land Management is responsible for the wells but has so far refused to take action and claims it does not have the money. To date, the BLM has taken in more than nine billion dollars from oil and gas lease sales in NPR-A and Alaska’s outer continental shelf.

These drill sites have been out of compliance with Alaska Oil and Gas Conservation Commission regulations for decades. Unfortunately, the state cannot fine the federal government but if it could - the fines would run in the billions of dollars.

The BLM has a mission statement that states it will “sustain the health, diversity, and productivity of public lands for the use and enjoyment of present and future generations.” HJR 29 simply asks the agency to fulfill its mission and clean up its legacy wells so future generations will have an unspoiled arctic wilderness.

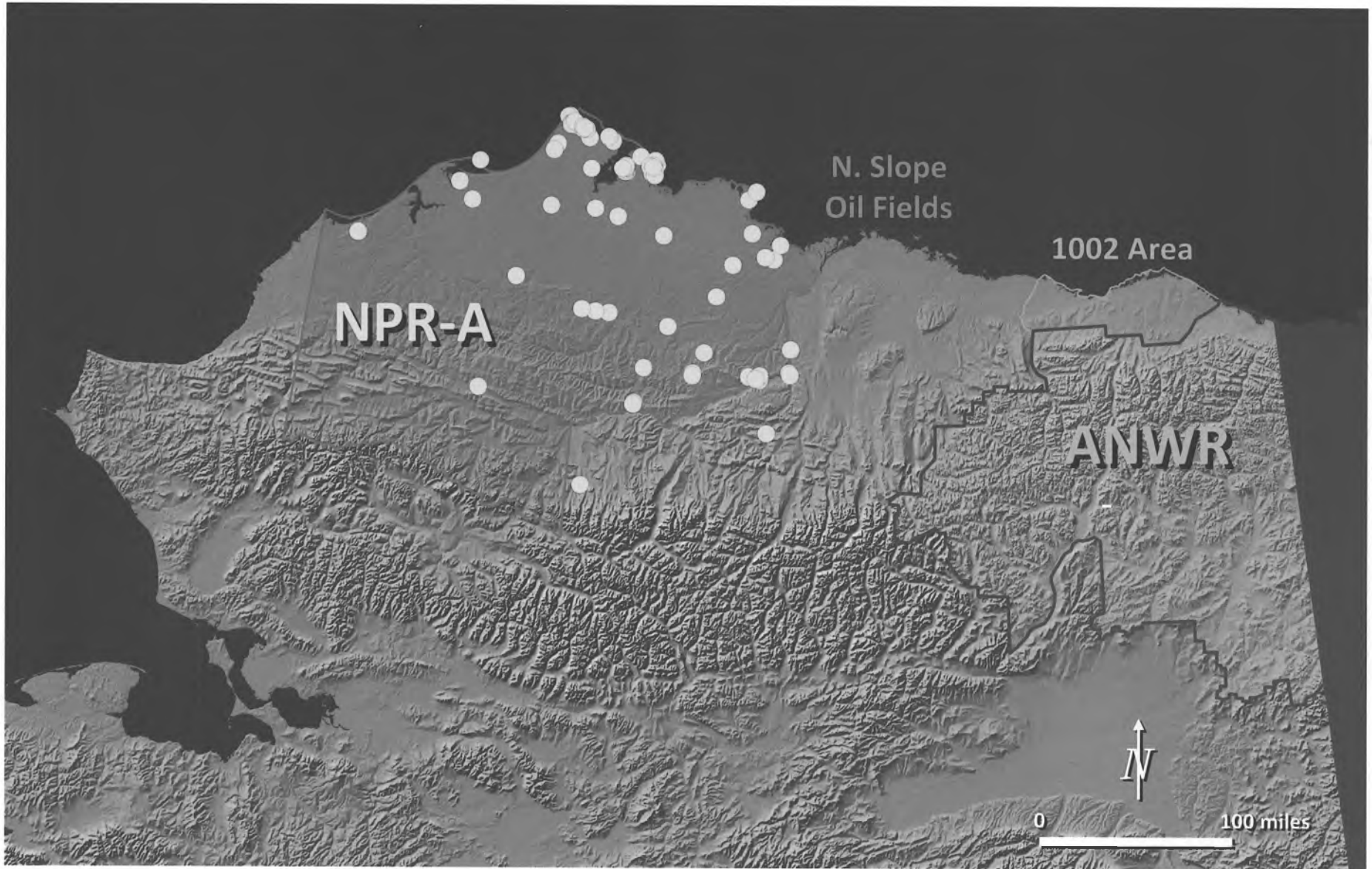
HJR 29 and it has been referred to the House Resources Committee.

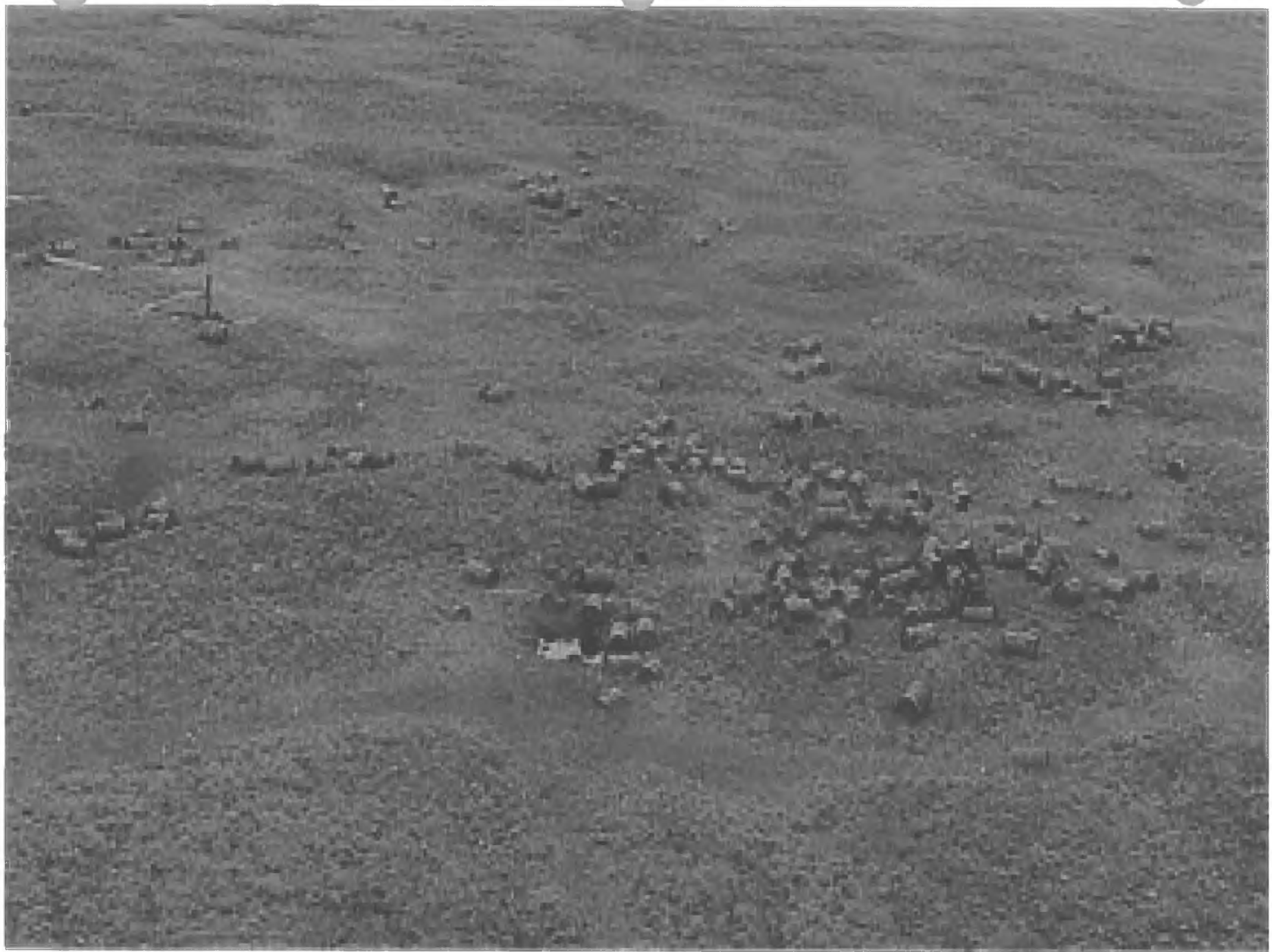
Prepared by Jeff Turner on Thursday, January 19, 2012

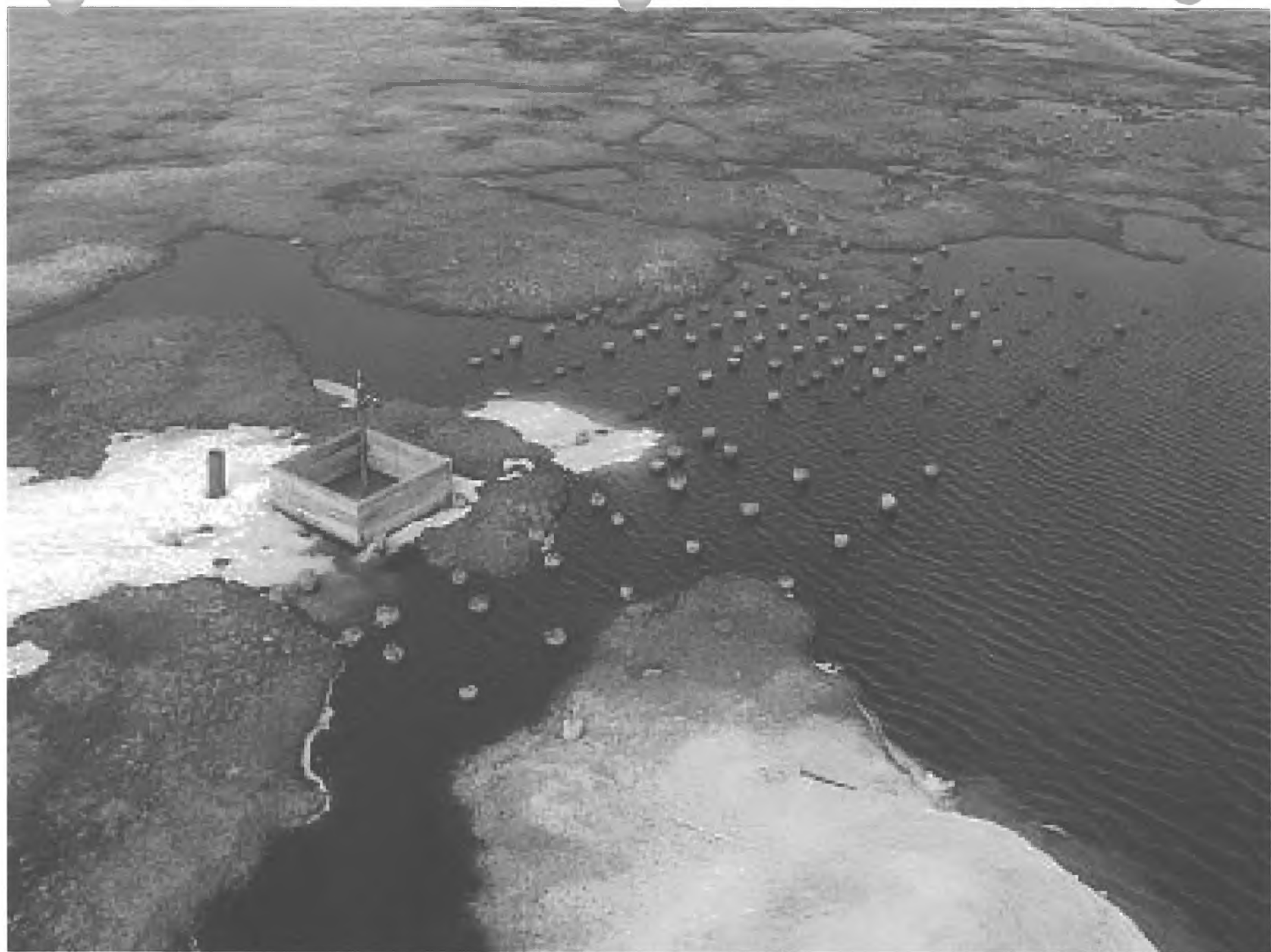
BLM Legacy Wells

Environmental Hazards
&
Eyesores

NPR-A Legacy Wells











Wellhead along with
wood and metal debris
in a natural oil seep







Natural subsidence and snowmelt have started to obscure this site.



Primitive, rusting wellhead
and wood debris



Back-up slides

Status of Legacy Wells

- 7 properly plugged and abandoned
- 5 improperly plugged and abandoned
- 32 not cased – collapsed hole & revegated surface
- 17 claimed to be used for temperature monitoring
- 33 classified as “land swap” wells
- 42 flagrantly out-of-compliance wells

Example problems

- 6 have open casing and no wellhead
- 7 have wood or metal debris on site
- 17 are filled with diesel
- 3 can no longer be found
- Of the 33 “land swap” wells, all but 3 are in need of P&A
- 3 have only a surface plug, but BLM is calling them P&A'd.

Alaska Regulations in which BLM Lacks Compliance

20 AAC 25.070 (3)

20 AAC 25.105(a) and (b)

20 AAC 25.110(a), (b), (d), and (e)

20 AAC 25.112 (b), (c), (d), (e), (f), and (g)

20 AAC 25.507 (a)



Simpson Core #26 drilled in the middle of an oil seep. Depth of the oily-water prohibits access to the wellhead.



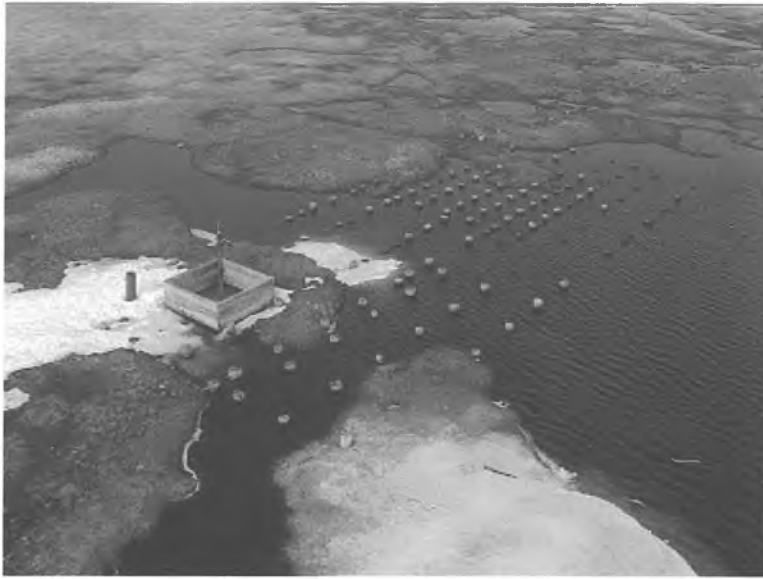
Light trash is present in the seep between Cores #30 and #30A.



Simpson Core #29



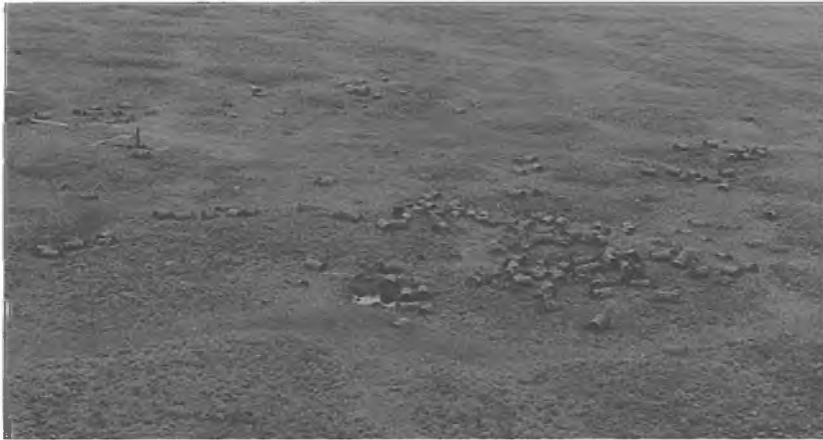
Umiat #1 is located about 5 miles from the Umiat airstrip.



East Simpson #2 is partially submerged during the spring thaw. Photo taken June 2003.



Kaolak #1 with cabin on the drill pad.



Solid waste primarily in the form of empty drums litter the area around Skull Cliff Core Test. The wellhead is in the upper left portion of the photo.



North Simpson #1 is partially submerged in the summer.



Awuna wellhead with exposed wooden pilings and Styrofoam.

Legacy Wells
Non-compliance with AOGCC Regulations

The BLM is the current operator of approximately 137 wells drilled by the Federal Government between 1944 and 1981 in northern Alaska. These wells are routinely referred to as the legacy wells. All of the wells are or have been out of compliance with multiple AOGCC regulations. Additional review would likely reveal that the wells are out of compliance with Federal regulations as well. A summary of the issues of non-compliance with AOGCC regulations follows:

- 20 AAC 25.070 (3) requires that an operator file Form 10-407 within 30 days after completion, abandonment or suspension of a well. Where Form 10-404 is required, the same 30 day time requirement applies. These forms document what work was actually performed.
 - For well operations performed after 2000, all reporting was late. The earliest was received at least 4 months late with most at least two years late and some as much as 4-1/2 years late. In fact, no Form 10-407 has ever been submitted for at least two of the wells.
- 20 AAC 25.105(a) requires that, if the operator is the landowner, all wells on the property must be abandoned within one year following permanent cessation of the operator's oil and gas activity within the field where the wells are located.
 - Because there has been no BLM operated oil and gas activity anywhere in the NPRA since the final legacy well was drilled in February of 1981, all of the legacy wells that are not currently abandoned are out of compliance.
 - Further, because the first two wells to be plugged were plugged in 2002, those wells were out of compliance for at least 21 years.
- 20 AAC 25.105 (b) requires that a well not completed as an oil, gas or service well must be properly suspended or abandoned before removal of the drilling rig.
 - Since with only one exception, none of these wells was ever completed as an oil, gas, or service well, since there has not been a drilling rig on any of these wells in over 30 years, and since none of them was properly suspended per AOGCC regulations, all of the legacy wells are or have been out of compliance including ones that are now properly plugged.
- 20 AAC 25.110(a) allows the AOGCC not to require abandonment of a well but rather to allow that the well be suspended only if the well has future utility or is located on an active pad or platform.
 - All of the legacy wells are or have at one time been out of compliance including ones that are now properly plugged.
- 20 AAC 25.110(b) requires an operator to submit to and receive approval from the AOGCC for an application for suspension of operations prior to performing the work.
 - No such application has been submitted for any of the legacy wells and none of the wells is suspended in a manner consistent with the operational details of this regulation.
- 20 AAC 25.110(d) requires the operator of a suspended well to install certain downhole plugs to ensure that all hydrocarbons and fresh waters are confined to their respective indigenous strata.
 - With few exceptions, none of the legacy wells is in compliance with this regulation.

- 20 AC 25.110(e) requires that the operator of a suspended well maintain the integrity of the location, provide the AOGCC with a status report every five years, and clear the location of all materials and debris.
 - With few exceptions, none of the wells has been left in a configuration that would allow the BLM the ability to demonstrate downhole integrity.
 - Pictures from the BLM's own report on the legacy wells show open wellbores in several cases.
 - As also demonstrated by pictures in the BLM report, rotting lumber, rusting metal, and other debris have not been cleared from many well locations.

- 20 AAC 25.112(a) requires that all uncased portions of a wellbore be plugged in a manner that ensures that all hydrocarbons and freshwater are confined to their respective indigenous strata and are prevented from migrating into other strata or to the surface.
 - Thirty-two of the legacy wells were never cased. No plugging operations have been performed or are planned on any of these wells. Rather, the earth has been allowed to slough in and the surface to revegetate. Although ten of these wells were drilled only to a depth of fifty feet or shallower and do not likely pose any threat of fluid migration, the remaining twenty-two wells were drilled deeper including seven wells drilled to depths beyond 1000 feet.

- 20 AAC 25.112(b), (c), (d), (e), (f), and (g) require specific procedures to ensure proper abandonment of a well.
 - Five of the approximately ten wells that have actually been abandoned do not meet all of the requirements of these regulations.

- 20 AAC 25.112(h) requires an operator to give the AOGCC at least 24 hours notice prior to commencing plugging operations so that a representative of the AOGCC can witness or waive the right to witness the operations.
 - Four wells were plugged in 2004 without any prior notice to the AOGCC.

- 20 AAC 25.507 (a) requires an operator to obtain prior approval when a substantive change in a previously approved activity is needed.
 - In many cases actual wellwork was substantially different from what was proposed and authorized, yet no request was ever made for approval of the change.
 - In many of these cases, the actual work did not result in the well being plugged in compliance with AOGCC regulations.

BLM Legacy Wells Safety and Environmental Compliance Issues

From 1944 to 1981, the Federal Government drilled numerous wells (called legacy wells) in northern Alaska. The Bureau of Land Management (BLM) in the Department of the Interior has become the operator of these wells.

All legacy wells are or have been out of compliance with multiple Alaska regulations.¹ Although by no means exhaustive, the following summarizes the most troubling issues²:

- Proper plugging and abandonment of wells is governed by Article 2 of the AOGCC's regulations, 20 AAC 25.105, et seq. The purposes of properly plugging and abandoning wells include public safety, protection of the environment, and protection of sources of drinking water.
- Proper plugging and abandonment of a well includes sufficient downhole cement and plugs to ensure that underground fluids cannot migrate. With few exceptions, none of the 137 legacy wells complies with this requirement.
- Proper plugging and abandonment of a well requires that all underground pipe be cut off 5 feet below ground level so that it cannot create an excavation hazard or become a problem during subsidence or other normal earth movement. With few exceptions, none of the legacy wells complies with this requirement.
- Proper plugging and abandonment of a well also requires sufficient surface remediation that the site blends in with the natural vegetation. Within a few seasons, there should be no surface indication of a well's location. Many of the legacy well sites are permanent eyesores, littered with rotting wood, rusting metal, and other debris.³ Because the legacy wells have not been properly plugged and abandoned, those wells that are revegetated have potentially more serious downhole mechanical integrity issues.
- Delaying the plugging and abandonment has already caused several of the wells to be "lost" due to subsidence and other normal earth movement. Two wells are at the bottom of what subsidence and snow melt have now turned into lakes and a third has been buried in a landslide. Additional wells simply can no longer be found, with no explanation for why. Postponing abandonment of the remaining wells puts them at risk of also becoming "lost."

Allowing these unsafe and unsightly wells to litter Alaska's wilderness while threatening both public safety and the environment is unacceptable. Nonetheless, BLM has only plugged and abandoned approximately ten of the 137 wells.

If these wells were operated by an oil company, the AOGCC would force compliance with its regulations and impose fines for any non-compliance. While the AOGCC can find BLM to be in violation of AOGCC regulations, the AOGCC has no legal authority to force the Department of the Interior into compliance.

The Federal Government should provide adequate funding specifically designated for the purpose of bringing the legacy wells into regulatory compliance.

¹ Given the condition of most of these wells, review of the applicable Federal regulations would likely reveal that the wells are out of compliance with those as well.

² Should greater specificity be desired, a separate paper, "Legacy Wells: Non-compliance with AOGCC Regulations," describes the non-compliance with AOGCC regulations in detail.

³ Pictures of littered wellsites can be found in the BLM's Legacy Well Summary Report, on their website at www.blm.gov/ak/st/en/progenergy/oil_gas/npra/legacywell.html



Alaska Conservation Alliance
"A Strong Economy and Healthy Environment Go Hand in Hand"

2/17/12

Representative Charisse Millett
State Capitol, Rm. 13
Juneau, AK 99801-1182

Dear Rep. Millett,

The Conservation Alliance supports HJR 29, which urges the Bureau of Land Management to properly plug legacy wells and reclaim legacy drill sites in the National Petroleum Reserve-Alaska. The Alaska Conservation Alliance represents over 30 conservation groups with a combined membership of over 38,000 Alaskans.

Unplugged well sites on the North Slope pose a continuing danger to the environment, and it undermines our shared objective of development occurring in a responsible manner. The legacy well sites located in the National Petroleum Reserve are some of many underreported contamination issues in Alaska. Unfortunately, despite the danger, state agencies don't have the authority to enforce penalties. The responsible federal agency, the Bureau of Land Management, lacks budgeted funds to properly plug and reclaim the drill sites. That funding shortfall needs to be addressed. The unplugged and un-reclaimed legacy well sites, like all such sites across Alaska including dozens of sites on state lands, must be properly and responsibly decommissioned.

Passing HJR 29 will send a clear message to the Federal government and the Bureau of Land Management that Alaska is serious about preserving and protecting its environment. It will also send a clear message to private companies that Alaska is consistent with its demand of responsible resource development: that no entity, government or otherwise, will be allowed to harvest the state's resources while tarnishing Alaska for future generations.

The Federal government must make good on the responsibility it undertook when the legacy sites were drilled. Passing HJR 29 will send a clear message to the federal government and private companies that Alaska is serious about preserving and protecting its environment.

For the above reasons, the Alaska Conservation Alliance supports HJR 29. We appreciate the effort to address this important issue.

Sincerely,

Andy Moderow
Executive Director
Alaska Conservation Alliance

810 N Street, Suite 203 | Anchorage, AK 99501 | 907-258-6171 | F: 907-258-6177
www.akvoice.org | www.twitter.com/ACAAlliance
www.facebook.com/AlaskaConservationAlliance



RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

February 3, 2012

Representative Charisse Millett
Alaska State Capitol
Juneau, AK 99801

Re: HJR 29, Urging the federal government to plug legacy wells in the Arctic region

Dear Representative Millett:

The Resource Development Council is writing to encourage the House Resources Committee to pass HJR 29, urging the federal government to plug legacy wells properly and to reclaim the legacy wells sites as soon as possible in order to protect the Arctic.

RDC is an Alaskan business association comprised of individuals and companies from Alaska's oil and gas, mining, forest products, tourism, and fisheries industries. Our membership includes all of the Alaska Native regional corporations, local communities, organized labor, and industry support firms. RDC's purpose is to expand the state's economic base through the responsible development of our natural resources.

The Department of the Interior and other federal agencies require that private companies operating in the Arctic explore for and produce domestic energy and mineral resources in an environmentally responsible manner. Through federal laws, regulations, and permitting, federal agencies have set a high bar to mitigate impacts to the environment. As a result, industry has been held to the highest standards – among the most stringent in the world. When violations to federal laws or permitting requirements occur, companies are held responsible, often facing steep fines.

However, in the case of federal lands in the Arctic, the federal government has not held itself to the same standards. The U.S. Navy and the U.S. Geological Survey drilled approximately 137 wells on federal lands in northern Alaska between 1944 and 1981, all of which are now abandoned. Only seven of the legacy wells were properly plugged and reclaimed. The remaining wells are out of compliance with regulations adopted by the Alaska Oil and Gas Conservation Commission (AOGCC), posing a risk to surface vegetation, groundwater, and wildlife. Additionally, debris and deteriorating buildings detract from the landscape.

The AOGCC has repeatedly reminded the federal government of the obligation to plug legacy wells and properly reclaims well sites. The state cannot impose fines on the federal government, but if it could do so, the fines would exceed \$8 billion, and much more if the statute of limitations were disregarded.

Founded 1975
Executive Director
Rick Rogers
2011-2012 Executive Committee
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Congressman Don Young
Governor Sean Parnell

HJR 29 points out the double standard and hypocrisy that exists in the federal government's regulation and permitting of resource development activities in Alaska. Clearly, the Department of Interior has not held itself to the same standards it demands industry to meet in the responsible development of Alaska's resources.

The resolution rightfully urges the federal government to comply with the same laws and requirements it demands industry to follow. The federal government should lead by example and set even a higher standard for itself.

RDC commends you for introducing HJR 29 and securing 33 cosponsors to the resolution. We strongly encourage its passage.

Sincerely,

Resource Development Council, Inc.

A handwritten signature in black ink, appearing to read "Rick Rogers", with a long horizontal flourish extending to the right.

Rick Rogers
Executive Director

Jeff Turner

From: Esther Hugo <eshugo@cityofakp.org>
Sent: Tuesday, February 07, 2012 10:49 AM
To: Jeff Turner
Subject: HJR NO. 29

I am writing this email in full support of HJR NO. 29. It's about time BLM clean the site because it's been too long. Please feel free to contact me for any questions or concerns regarding the subject. 907-661-3612/3619 or 907-661-0059, fax 907-661-3613, or email eshugo@cityofakp.org



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Alaska State Office
222 West Seventh Avenue, #13
Anchorage, Alaska 99513-7504
<http://www.blm.gov/ak>



In Reply Refer to:
1400-400 (9100)

The Honorable Eric Feige
The Honorable Paul Seaton
Resources Committee
Alaska House of Representatives
State Capitol, Suite 412
Juneau, Alaska 99801-1182

Dear Representatives Feige and Seaton:

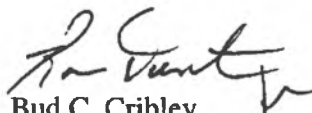
In response to your request of February 6, 2012, co-chairmen of the Alaska House Resources committee, for comments on House Joint Resolution 29 – BLM Legacy Oil Well Clean Up, we provide the following for your consideration.

The US government sponsored exploration programs between 1942 and 1982 within the National Petroleum Reserve Alaska (NPRO) to evaluate the mineral potential of the NPRO. The exploration effort left behind 136 wells and boreholes. In 1976, the Bureau of Land Management began managing the NPRO. Solid waste cleanup, plugging and remediation efforts have been occurring over time and will continue. The most recent pluggings and remediations have focused on locations impacted by coastal erosion as well as locations near Umiat.

We have an inventory describing which wells and boreholes are plugged, partially plugged, uncased, or unplugged, and assessments of the condition of the general area around the well sites. The avenue forward is dependent upon a common understanding and agreement on the status of the wells. The BLM-Alaska will work closely with State of Alaska agencies to develop responsible strategies to identify, fund, and conduct the necessary work of periodic inspection and maintenance, plugging and final abandonment, and surface cleanup.

If you have questions or require additional information, please contact Ted Murphy, Deputy State Director of Resources, at 907-271-4413.

Sincerely,


Bud C. Cribley
State Director