



**Texas
Independent
Producers and
Royalty Owners
Association**

THE TIPRO TARGET

USFWS seeks reform to Endangered Species Act rules to end years of legal confusion and regulatory overreach

The Trump Administration this week unveiled new proposed changes to Endangered Species Act (ESA) regulations that restore policies to their 2019 and 2020 framework, in a move that brings greater clarity and predictability for the the regulated community. Officials from the Department of Interior's U.S. Fish and Wildlife Service (USFWS) announced Wednesday they are rolling back government rules adopted by the Biden Administration that have been overly complex and burdensome for businesses. USFWS Director Brian Nesvik said that the actions to update ESA rules reaffirm the administration's commitment to science-based conservation while working hand-in-hand with America's energy, agricultural and infrastructure priorities.

The USFWS' proposed rules are listed below:

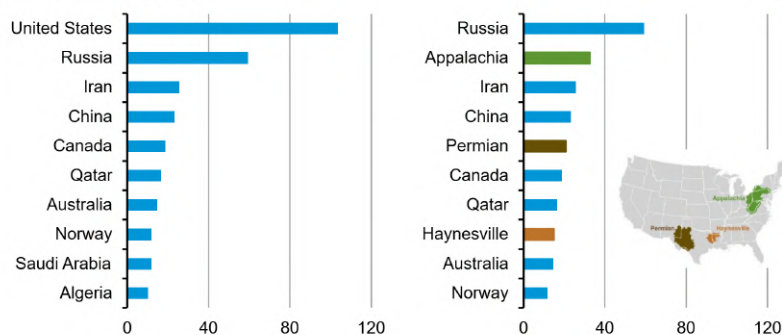
- **Listing and critical habitat (50 CFR part 424):** The USFWS in coordination with the Department of Commerce's National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) jointly propose to restore the 2019 regulatory text governing listing, delisting and critical habitat determinations. The proposal ensures decisions are based on the best scientific and commercial data available while allowing transparent consideration of economic impacts. It reestablishes the longstanding two-step process for designating unoccupied habitat, restores clarity to the definition of "foreseeable future" and reinstates flexibility to determine when designating critical habitat is not prudent.
- **Interagency cooperation (50 CFR part 402):** The USFWS and NMFS jointly propose to return to the 2019 consultation framework by reinstating definitions of "effects of the action" and "environmental baseline," removing the 2024 "offset" provisions and restoring section 7 procedures consistent with the statutory text. These changes respond directly to the Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*, which overturned the Chevron deference standard and reaffirmed that agencies must adhere strictly to the law as written.
- **Threatened species protections (50 CFR part 17; section 4(d)):** The USFWS proposes to eliminate the "blanket rule" option and require species-specific 4(d) rules tailored to each threatened species. This approach reflects the single best reading of the statute under *Loper Bright* and ensures that protections are necessary and advisable to conserve each species without imposing unnecessary restrictions on others. It also aligns service policy with the National Marine Fisheries Service's longstanding species-specific approach.
- **Critical habitat exclusions (50 CFR part 17; section 4(b)(2)):** The USFWS proposes to reinstate its 2020 rule clarifying how economic, national security and other relevant impacts are weighed when determining whether to exclude areas from critical habitat. The revised framework provides transparency and predictability for landowners and project proponents while maintaining the service's authority to ensure that exclusions will not result in species extinction.

The USFWS will be accepting public comments during its 30-day comment period beginning November 21st at www.regulations.gov. Members of TIPRO can learn more about this proposed rulemaking and ways to submit comments by visiting <https://tinyurl.com/ycy8ahyb>.

New data again confirms the Permian Basin as one of the world's top energy-producing regions

The energy dominance of the Permian Basin is once again being confirmed by new data released in mid-November from the U.S. Energy Information Administration (EIA) showing the region as a leading producer of natural gas, even when independently compared against other natural gas-producing countries. According to the EIA, the Permian region, which spans across West Texas and portions of New Mexico,

Top natural gas production countries and regions in 2023
billion cubic feet per day



ranked fifth worldwide with 21 Bcf/d of natural gas produced in 2023, said EIA experts in a new report. Production from the Permian has since increased to average 25 Bcf/d in 1H2025, analysts added.

Other top natural gas-producing areas highlighted by the EIA include the Appalachia region, in the northeastern United States, that encompasses the Marcellus and Utica shale plays. It ranked as the second-largest producer compared with other natural gas producing counties with 33 Bcf/d in 2023. More recently, output from the region has continued to average 33 Bcf/d in 1H2025, noted the EIA.

Coming in eighth as the largest natural gas-producer, the Haynesville region, in Texas, Louisiana, and Arkansas, produced 15 Bcf/d in 2023. Production this year from the Haynesville has declined slightly to average 14 Bcf/d in 1H2025, reported the EIA.

A Message from TIPRO's President

TIPRO members,

In August 2021, the Texas Commission on Environmental Quality (TCEQ) issued a Final Order (Final Order) declaring Goldston Oil Corporation (Goldston) as a Responsible Party with respect to the McBay Oil and Gas State Superfund Site, a 20.32-acre former oil refinery and reclamation plant near Grapeland, Texas. This decision was in connection with a single 1986 sale of 165 barrels of skim oil, allegedly containing two calculated barrels of basic sediment and water (BS&W).

In its Final Order, TCEQ designated Goldston, along with 146 other parties, as a Responsible Party with respect to this Superfund Site and attendant cleanup obligations. TCEQ made this Responsible Party designation under the Texas Solid Waste Disposal Act, and exercised jurisdiction over Goldston, when its mere alleged statutory violation was, again, the sale of 165 barrels of skim oil to a third-party as part of a legitimate commercial transaction in 1986 without any knowledge of the purchaser's planned use of the 165 barrels.

Thus, 35 years after the fact, TCEQ issued this Final Order labeling Goldston as a Responsible Party, with all the attendant legal issues and ramifications. With only 3-weeks notice of the TCEQ hearing to address this matter, the Texas Independent Producers and Royalty Owners Association (TIPRO) stepped forward in support of Goldston and the broader Texas oil and natural gas industry. TIPRO issued letters to TCEQ Commissioners in support of Goldston and officially engaged with legal counsel, but to no avail. Goldston's Responsible Party designation was affirmed, despite a lack of corroborating evidence.

Goldston, in Travis County District Court, contested the TCEQ Final Order. TCEQ's improper usurping of the RRC's jurisdiction, in derogation of the Memorandum of Understanding (MOU) between the Texas Railroad Commission (RRC) and TCEQ, which has been formally memorialized in the Texas Administrative Code, was a centerpiece of Goldston's position in this Travis County District Court lawsuit.

In connection with Goldston's legal efforts, and through TIPRO's steadfast, active involvement, RRC Commissioners meaningfully supported Goldston's position, specifically with respect to Goldston's effort to preserve the RRC's jurisdiction and enforce the Petroleum Exclusion. This support included each Commissioner's having written correspondence to express to Attorney General Paxton their respective concerns. RRC Chairman Jim Wright prepared and submitted an Affidavit in support of Goldston's filed Motion for Summary Judgment, which is available [here](#).

Through the pursuit of persistent legal efforts from the representation of counsel Gary Zausmer with Butler Snow LLP and the consistent support from TIPRO over the last four years, Goldston achieved a proposed settlement by July 2025. The Agreed Final Judgment, open for public comment until mid-August 2025, included TCEQ's release and covenant not to sue Goldston, effectively removing them as a Responsible Party upon finalization, marking the first known outcome in Texas under similar circumstances of challenging this designation for historical skim oil sales.



Ed Longanecker

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Mark your calendars for the first TIPRO-HPF-IPAA luncheon of the new year!

Kick off the new year by engaging with other industry professionals at the first 'Leaders in Industry' joint luncheon of 2026! The monthly luncheon, hosted by the Texas Independent Producers and Royalty Owners Association (TIPRO), Independent Petroleum Association of America (IPAA) and Houston Producers Forum (HPF) at the Petroleum Club of Houston, will return after the holidays on Tuesday, January 20, with insights and commentary from Bart Cahir, senior vice president of upstream unconventional for ExxonMobil.



Bart Cahir

Cahir was appointed as ExxonMobil's senior vice president of unconventional in November 2023 with responsibilities for the transition of the company's merger with Pioneer and the expanded portfolio at change of control. Other past leadership positions held by Cahir for the company include president of global business solutions, senior vice president of upstream portfolio development and executive advisor to the chairman of Exxon Mobil Corporation.

Earlier in his career, Cahir also was the production and lead country manager for ExxonMobil Qatar Inc.; technical and operations manager for ExxonMobil Oil Indonesia Inc.; as well as planning and business analyst for the Asia-Pacific and Middle East regions in ExxonMobil Production headquarters in Houston.

Cahir joined Exxon in 1994 after completing a bachelor's degree in petroleum and natural gas engineering from Penn State University, and progressed through various assignments focused on upstream oil and gas operations in the United States.

To reserve your seat for the January 20th TIPRO-HPF-IPAA luncheon, [click here](#).

TIPRO CALENDAR OF EVENTS		
JANUARY 20, 2026 HOUSTON — TIPRO/HPF/IPAA “Leaders in Industry” Luncheon. For information, email info@houstonproducersforum.org.	FEBRUARY 17, 2026 HOUSTON — TIPRO/HPF/IPAA “Leaders in Industry” Luncheon. For information, email info@houstonproducersforum.org.	MARCH 30-31, 2026 HOUSTON — TIPRO's 80th Annual Convention. For information, email info@tipro.org.

President's Message continued from Page 2

On November 4, 2025, the Travis County Court Judge officially signed the settlement document. In this extraordinary outcome for Goldston and decisive victory for the Texas oil and natural gas industry, the Travis County District Court approved an Agreed Final Judgment resolving all claims in the litigation (D-1-GN-21-005412) against TCEQ over Goldston's alleged responsibility for cleanup at the McBay Oil & Gas Superfund Site in Houston County, Texas. Key elements in the agreement include:

- **Exoneration as Responsible Party:** The Court explicitly ruled Goldston is not a "Responsible Party" under the Texas Solid Waste Disposal Act. TCEQ conceded that publicly available exculpatory evidence at the RRC (proving the transaction involved only unused, unrefined, uncontaminated crude oil) would have prevented their initial designation as a Responsible Party, retroactively clearing Goldston of all site-related liabilities.
- **Full Mutual Releases:** TCEQ fully releases Goldston from any past, present, or future claims, costs, or actions tied to the site, Final Order, or litigation, including under state/federal environmental laws (e.g., CERCLA). Goldston receives complete protection from cost recovery, contribution, or indemnity demands.
- **No-Sue Covenants:** TCEQ covenants never to sue or pursue Goldston for site remediation, response costs, or related enforcement, except narrow reservations (e.g., future post-Effective Date activities or criminal matters unrelated to this case). Goldston's reciprocal covenant is limited to this dispute.
- **Contribution Protection:** Goldston gains ironclad statutory shields (Tex. Health & Safety Code §361.277; CERCLA §§107/113) against third-party claims for recovery or indemnity on matters addressed here, ensuring no downstream financial exposure.
- **No Payments or Costs:** Zero dollars awarded to either party; each bears its own litigation expenses, sparing Goldston and the TCEQ any additional financial burden.

"This agreement wouldn't have been possible without TIPRO's unwavering support from day one, proving once again how vital the organization is to protecting producers, the backbone of the Texas and US economy," said Tad Mayfield, President of Goldston Oil Corporation. "Their steadfast commitment over the past 4 years, alongside top-tier legal representation, has prevented a chilling norm of retroactive Superfund claims, allowing Texas oil and gas operators to focus on finding and producing oil and gas rather than the impossible task of endless administrative tracking," concluded Mayfield.

This is a landmark ruling for the oil and gas sector, safeguarding operational predictability and limiting regulatory overreach. By exonerating Goldston from liability as a Responsible Party under the Texas Solid Waste Disposal Act for a 1986 transaction involving unused, unrefined, and uncontaminated crude oil, the settlement averts broader industry risks and reinforces key legal protections and jurisdictional constraints.

If this settlement was not achieved, it could have established a concerning norm requiring oil and gas companies to monitor and assume liability for the downstream fate of every barrel sold, potentially spanning decades. This would impose massive administrative and financial burdens, as companies might face retroactive cleanup costs for waste generated by unrelated third parties at distant sites like the McBay Superfund location. The judgment in favor of Goldston eliminates this threat in this context, allowing producers to focus on core operations without perpetual tracking obligations that could stifle innovation and increase costs across Texas' vast energy market.

The ruling upholds critical exemptions for petroleum under environmental law, confirming that routine, traditional crude oil transactions fall outside the scope of hazardous waste regulations like the Texas Solid Waste Disposal Act. This mirrors federal CERCLA exclusions for petroleum not otherwise designated as hazardous, preventing the erosion of protections that have long shielded the industry from undue liability. Without this affirmation, routine sales could trigger Superfund-style claims, exposing companies to unpredictable remediation demands and undermining Texas' pro-energy framework.

The settlement solidifies the RRC's primary authority over oil and gas waste management, as evidenced by the reliance on RRC documentation (e.g., Form P-18) to prove the transaction's legitimacy. This Judgment stands to curb potential encroachment into RRC-regulated domains, such as production, disposal, and recycling of oilfield wastes. By drawing clear lines, it supports efficient oversight under the RRC's specialized rules, reducing duplicative regulation and ensuring Texas remains a leader in energy production without conflicting agency mandates.

Trump EPA reflects on regulatory accomplishments in the last 100 days

Lee Zeldin, the head of the U.S. Environmental Protection Agency (EPA), this week promoted 100 additional environmental and regulatory accomplishments the EPA has achieved over the last 100 days, building on the agency's progress since President Trump took office in January. Some of the work completed by the agency since the Summer which Zeldin highlighted includes announcing a new proposed definition of "Waters of the United States," issuing the first Clean Air Act deepwater port permit since President Trump returned to office to Texas GulfLink, streamlining review processes and completing thousands of inspections that fulfill EPA's core mission of delivering clean air, land, and water for all Americans while still creating jobs and boosting the nation's economy.

"We are thrilled to announce another 100 top accomplishments from the last 100 days in our mission to meet our statutory duties and defend human health and environmental quality," commented EPA Administrator Zeldin. "The Trump EPA is showing that we can be exceptional environmental stewards while Powering the Great American Comeback. 300 days, 300 major environmental wins – this is the energy that propels us forward and the pace that motivates us. We will keep working tirelessly to secure success after success for America's environment and families nationwide," he vowed.

"EPA Region 6 is home to much of our nation's energy, industry, and agriculture production as well as diverse landscapes and natural resources. Under the Trump Administration, our team has shown we can fulfill our mission to protect human health and the environment while not getting in the way of the economic development that's Powering the Great American Comeback," added EPA Region 6 Administrator Scott Mason. "We have accomplished a great deal in less than a year, and we'll keep pushing to do even more for the environment, the economy, and the American people."

The 100-day snapshot of achievements adds to Administrator Zeldin's list of [100 pro-environmental actions](#) taken by the agency during President Trump's First 100 Days in office and another 100 pro-environmental actions he highlighted at the [200-day milestone](#) to total 300 featured accomplishments for the EPA.

Gov. sets special election runoff date for Texas' 18th Congressional District and Senate District 9

Texas Governor Greg Abbott on Monday issued a new proclamation setting Saturday, January 31st as the date of the special election runoff for Texas voters to decide who will take over the late Rep. Sylvester Turner's seat serving the 18th Congressional District. Turner, the former mayor of Houston, was only two months into his first congressional term when he passed away unexpectedly last March after suffering a medical emergency.

In the race for the 18th Congressional District, Harris County Attorney Christian Menefee and former Houston City Council member Amanda Edwards, both Democrats, will face off against one another. The winner will serve the remainder of Turner's term that runs until January 2027, unless the winner is reelected in 2026.

Early voting for the District 18 special election runoff goes from January 21-27, according to the governor's [special election proclamation](#).

Governor Abbott also has [set](#) January 31, 2026, as the special election runoff date for the Texas Senate District (SD) 9 seat vacated by former state Senator Kelly Hancock, who left his position in the legislature in June and is now the acting state comptroller of public accounts. The runoff for SD 9 in North Texas will be between Democrat Taylor Rehmet and Republican Leigh Wambsganss, the top two finishers in the November 4, 2025, special election. The winner of the runoff will serve the remainder of Hancock's term, which expires at the end of 2026. Both Rehmet and Wambsganss have indicated they plan to run for the full four-year term in the upcoming March 2026 primary as well.

Early voting for this special election runoff also starts on January 21.

Federal judges block Texas' new congressional redistricting map

In a ruling issued Tuesday, November 18, a three-judge panel temporarily blocked Texas' new map for congressional districts from implementation, meaning the upcoming 2026 congressional election will proceed under the map that the Texas Legislature enacted in 2021. Judges found there was substantial evidence showing that Texas racially gerrymandered the new map, which was passed by the Texas Legislature and signed by Governor Abbott in August. Governor Greg Abbott spoke in defense of the redistricting map on Tuesday, saying "this ruling is clearly erroneous and undermines the authority the U.S. Constitution assigns to the Texas Legislature by imposing a different map by judicial edict." Texas Attorney General Ken Paxton said he is filing an appeal with the Supreme Court of the United States and will ask for a stay against the court's decision.

Governor announces appointments to new panel advising Texas' Regulatory Efficiency Office

Texas Governor Greg Abbott this month announced his selection of business leaders, seasoned professionals and officials who will serve on the advisory panel guiding the new Texas Regulatory Efficiency Office (TREGO). The "Texas DOGE," created by the 89th Texas Legislature during this year's session and formally launched by Governor Abbott in October, was established to help state agencies identify and repeal unnecessary or ineffective rules, determine the regulatory costs placed on the public, and issue best-practice guidelines for how agencies adopt new rules and perform required analyses such as cost and employment impact statements.

"The Texas Regulatory Efficiency Office was launched last month to foster economic opportunity and protect individual liberty, and this advisory panel will help achieve that," explained Governor Abbott. "These experienced leaders across industry and government will bring their expertise to the TREGO Advisory Panel to reduce regulatory burdens and eliminate unnecessary rules while increasing transparency for Texans. Together, we will keep Texas the premier state for freedom and prosperity."

The following experts have been named by the governor as advisors for the TREGO:

- Acting Texas Comptroller of Public Accounts Kelly Hancock
- Lower Colorado River Authority General Manager Phil Wilson
- Fidelis Realty Partners Co-founder, General Partner, Managing Principal and CEO Alan Hassenflu
- Texas Healthcare & Bioscience Institute President and CEO Victoria Ford
- Base Power Company Chief Legal Officer Zina Bash

The governor in September also named Jerome Greener, the former executive vice president of the Texas Public Policy Foundation, as the inaugural director of the TREGO. As the head of the agency, Greener has been tasked with leading initiatives at the TREGO that will promote regulatory reform and make the Texas government leaner, faster, and more accountable.

As a reminder to TIPRO members, the TREGO now has a website offering a one-stop shop for updates on the critical work that TREGO is doing to reduce regulatory burdens, eliminate unnecessary rules, and promote economic growth by making Texas more business-friendly. On the website, users can find the Regulation Evaluation Portal to submit feedback and make recommendations on potential government overregulation that TREGO needs to take a look at. To visit this website and see the Regulation Evaluation Portal, go to gov.texas.gov/organization/trego/regulation-evaluation-portal.

TCEQ to hold informational meetings on proposed expedited compliance order process

The Texas Commission on Environmental Quality (TCEQ) will hold informational meetings to explain the proposed Expedited Compliance Order process. Expedited Compliance Orders may be used for certain violations that can be corrected quickly that do not have a significant impact on human health and the environment. This process will allow the agency and respondents to achieve compliance and resolve violations as expeditiously as possible. These meetings will be informational and will provide opportunities for questions from attendees.

The meetings will be held as follows:

- Tuesday, December 2nd at 7:00 p.m. – TCEQ Houston Regional Office, 5425 Polk St., Ste. H, Conference rooms 3C-3F, Houston TX 77023
- Thursday, December 4th at 10:00 a.m. – Austin TCEQ Headquarters, 12100 Park 35 Circle, Building E, Room 201S Austin, TX 78753
- Friday, December 5th at 1:30 p.m. – TCEQ Dallas/Fort Worth Regional Office, 2309 Gravel Dr., Fort Worth TX 76118

Additionally, the TCEQ said that a virtual option will be available for the Austin meeting taking place on Thursday, December 4.

Texas granted primacy by the EPA for Class VI wells and carbon capture permits

A final rule from the U.S. Environmental Protection Agency (EPA) will authorize the state of Texas to administer permitting for Class VI underground injection wells under the Safe Drinking Water Act (SDWA). With this approval announced by federal regulators on November 12, Texas holds primary enforcement responsibility, referred to as "primacy," for managing Underground Injection Control (UIC) programs for Class VI wells, which are used for the injection of carbon dioxide into deep underground rock formations for permanent storage. This action is expected to improve regulatory coordination, extend greater regulatory certainty for project developers and speed the approval process of permitting for these kinds of wells.

On behalf of the state, the Railroad Commission of Texas will be the designated agency to administer oversight of Class VI wells under its existing UIC program. The commission has a long history of already regulating various classes of injection wells, providing strong oversight and protecting underground sources of drinking water. Its UIC program has been commended by the EPA Region 6 during annual evaluations.

See below what state leaders have said about the EPA's move to grant Texas primacy:

"Approving Texas' request to be in charge of this critical program is a big step forward for cooperative federalism—as big as the state of Texas," said Regional Administrator Scott Mason. "The Railroad Commission of Texas has demonstrated that the state is ready, willing, and able to add Class VI wells to its underground injection control program, and the Trump Administration is proud to support Texas as it shows once again that you can protect natural resources and grows our nation's energy economy at the same time."

"Obtaining Class VI primacy marks an important step forward for our state's energy sector and our citizens by recognizing the Railroad Commission's unmatched expertise when it comes to matters of energy production, geological knowledge, and safety," said Railroad Commission of Texas Chairman Jim Wright. "I want to thank the Trump Administration and the leadership of EPA Administrator Zeldin and Region 6 Administrator Mason for their efforts to work with states to reduce regulatory overlap and for understanding that the permitting of Class VI wells can be accomplished both safely and efficiently under the Railroad Commission's oversight."

"Texas is a leader in energy production, and part of that is pioneering carbon capture and storage practices," said U.S. Senator John Cornyn (R-TX). "The EPA's final approval of Texas' application for primacy over underground water injection wells under the Safe Drinking Water Act will allow the Lone Star State to have more control over its own permitting process and improve efficiency, and I thank the Trump Administration and EPA Administrator Zeldin for prioritizing this effort."

The EPA's final rule granting Texas primacy will become effective 30 days after publication in the Federal Register.

TIPRO members can find more information on the EPA's UIC website at <https://tinyurl.com/33c66ymn> and learn more about Class VI wells by visiting <https://www.rrc.texas.gov/about-us/faqs/primacy-faq/>.

Arrington bill takes on U.S. energy dispute with Mexico

Republican Congressman Jodey Arrington (TX-19) last week introduced new legislation on Capitol Hill that would allow the United States to act to hold Mexico accountable for violating energy investment commitments it agreed to in the U.S.-Mexico-Canada Trade Agreement (USMCA). Joined by the other House co-chairs of the Congressional Energy Export Caucus, Representatives Carol



Miller (R-West Virginia) and Henry Cuellar (D-Texas), Congressman Arrington explained that the proposed "Mexican Energy Trade Enforcement Act" would give President Trump and the U.S. Trade Representative congressional backing to protect U.S. companies from discriminatory treatment and allows officials to pursue action against Mexico over its energy policies that have favored Mexican state-owned companies over U.S. energy companies operating in its market.

"In his landmark USMCA trade agreement, President Trump secured historic commitments to open Mexico's energy markets to American investment and guarantee fair treatment for U.S. producers. Unfortunately, President Biden failed to enforce those commitments, allowing Mexico to break its promises and give preferential treatment to its state-run oil and power companies while shutting out American competition," said Chairman Arrington. "My Mexican Energy Trade Enforcement Act gives President Trump the full backing of Congress to hold Mexico accountable, defend American energy producers, and ensure our trade agreements are enforced with the strength and resolve the American people deserve."

"The USMCA is crucial to our economy, and we must ensure all agreements made under the framework are upheld. Mexico's preferential treatment of its state-owned energy companies undermines the commitments agreed to in USMCA and puts American energy producers at a disadvantage," said Congresswoman Miller. "The Mexican Energy Trade Enforcement Act reaffirms our commitment to fair and open access to energy markets, ensuring that U.S. energy can compete on a level playing field. As Co-Chair of the Congressional Energy Export Caucus, I am proud to support this legislation to keep our nation at the forefront of global energy production."

"I'm co-leading this bipartisan bill with my good friend Jodey Arrington to make sure Mexico lives up to its USMCA commitments and treats American companies fairly," commented Congressman Cuellar. "We built these trade agreements to create jobs, grow our energy exports, and keep North America strong – this bill ensures we all play by the same rules."

TIPRO members can read the full text of the legislation at <https://tinyurl.com/2bby3eys>.

For years, Congressman Arrington has helped bring attention to the government of Mexico's pursuit of discriminatory policies that directly undermine commitments made in the USMCA. He previously has supported multiple efforts to curb Mexico's undermining of USMCA, including [imploring](#) the U.S. trade ambassador to utilize the USMCA's strong enforcement mechanisms to defend U.S. energy investment interests in Mexico and now spearheading legislation that elevates the issue further to put an end to the unfair practices once and for all.

Trump Administration unveils new proposal revising the 'Waters of the United States' rule

Leaders of the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers in mid-November released a new proposal redefining which waters would be protected under federal law. The regulatory push seeks to establish a clear, durable, common-sense definition of "waters of the United States" (WOTUS) under the Clean Water Act, said officials, and delivers on the Trump Administration's commitment to protect America's waters while providing regulatory certainty and advancing EPA's Powering the Great American Comeback initiative. The updated WOTUS definition also follows the Supreme Court decision in the Sackett v. Environmental Protection Agency case.

"When it comes to the definition of 'waters of the United States,' EPA has an important responsibility to protect water resources while setting clear and practical rules of the road that accelerate economic growth and opportunity," remarked EPA Administrator Lee Zeldin. "Democrat Administrations have weaponized the definition of navigable waters to seize more power from American farmers, landowners, entrepreneurs, and families. We heard from Americans across the country who want clean water and a clear rule. No longer should America's landowners be forced to spend precious money hiring an attorney or consultant just to tell them whether a Water of the United States is on their property. EPA is delivering on President Trump's promise to finalize a revised definition for WOTUS that protects the nation's navigable waters from pollution, advances cooperative federalism by empowering states, and will result in economic growth across the country."

"In recent decades, the regulatory uncertainty caused by changing and complicated definitions of Waters of the United States unduly burdened the American people and undermined our nation's economic competitiveness," added Assistant Secretary of the Army for Civil Works Adam Telle. "Now, we are proposing a definition that follows the law as affirmed by the Supreme Court and will deliver the clear and durable regulatory certainty Americans deserve from the federal government."

Key proposed revisions to WOTUS include:

- Defining key terms like "relatively permanent," "continuous surface connection," and "tributary" to appropriately delineate the scope of WOTUS consistent with the Clean Water Act and Supreme Court precedent;
- Establishing that jurisdictional tributaries must connect to traditional navigable waters either directly or through other features that provide predictable and consistent flow;
- Reaffirming that wetlands must be indistinguishable from jurisdictional waters through a continuous surface connection, which means that they must touch a jurisdictional water and hold surface water for a requisite duration year after year;
- Strengthening state and tribal decision-making authority by providing clear regulatory guidelines while recognizing their expertise in local land and water resources;
- Preserving and clarifying exclusions for certain ditches, prior converted cropland, and waste treatment systems; Adding a new exclusion for groundwater; and
- Incorporating locally familiar terminology, such as "wet season," to help determine whether a water body qualifies as WOTUS;
- In addition, the limitation to wetlands that have surface water at least during the wet season and abut a jurisdictional water will further limit the scope of permafrost wetlands that are considered to have a continuous surface connection under the proposed rule. These proposed changes are intended to provide clarity and consistency to the continuous surface connection definition.

When finalized, the new rule will cut red tape and provide predictability, consistency, and clarity for American industry, energy producers, the technology sector, farmers, ranchers, developers, businesses, and landowners for permitting under the Clean Water Act.

The proposed rule will be published in the Federal Register and open for public comment for 45 days. EPA and the Army also will host two hybrid public meetings on the WOTUS rulemaking. Details about commenting either in writing or during a public meeting can be found on EPA's website at www.epa.gov/wotus/public-outreach-and-stakeholder-engagement-activities.

TIPRO members can see more information on Waters of the United States on the EPA website by going to www.epa.gov/wotus.

President Trump taps former New Mexico lawmaker to oversee the BLM



Earlier this month, President Donald Trump nominated Stevan Pearce, a former U.S. House representative for New Mexico, to be director of the Bureau of Land Management (BLM). Pearce's nomination comes after Trump's initial pick for the role, longtime oil and gas industry representative Kathleen Sgamma, withdrew from consideration earlier this year.

Calling Pearce "well qualified" for the position, U.S. Senator Cynthia Lummis (R-Wyoming) said she was pleased the president had selected her former House colleague as the next BLM director. "Steve's leadership will be invaluable in managing our public lands and wisely stewarding our resources. I urge a swift confirmation."

Industry representatives also have welcomed Pearce's selection to lead the BLM, indicating if confirmed by the Senate, he will help spearhead meaningful reforms to federal regulations in a way that encourages oil and natural gas development. He has previously supported expanding oil and gas drilling on federal lands.

Longest-ever government shutdown ends

The longest government shutdown in U.S. history finally came to an end last week when President Trump signed a government funding package at the White House late Wednesday, November 12. The agreement reached by Republicans and Democrats to conclude a shutdown that lasted for more than 40 days extends funding for most government agencies until January 30, 2026, and includes three full-year funding bills for other parts of the government.

"We can never let this happen again," said President Trump in the Oval Office during a signing ceremony for the funding bill that ended the U.S. government shutdown.

Since the shutdown has ended, members of the Texas congressional delegation have expressed relief that the federal government has been able to reopen and are promising to bring fiscal sanity back to Washington. Lawmakers are looking to move the country forward again, and say they intend to renew focus on priorities that include economic initiatives and permitting reform.



Photo: White House

REGISTRATION IS NOW OPEN!



80 Years

ANNIVERSARY
CELEBRATION



Date:

March 30 - 31, 2026



Location:

Hotel ZaZa,
Houston Museum District

At TIPRO's 80th Annual Convention next Spring, the association will return to Houston, the energy capital of the world, to celebrate TIPRO's 80th anniversary. Join us for this milestone event, which will feature keynote presentations, policy discussions, and networking opportunities with leaders from across the energy sector.

Sign up by visiting www.tipro.org!



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Texas Independent Producers & Royalty Owners Association

With nearly 3,000 members, TIPRO is the nation's largest statewide association representing both independent producers and royalty owners. Our members include small family-owned companies, the largest publicly traded independents and large and small mineral estates and trusts.

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