MEMORANDUM

TO: Paula Vrana  
    Department of Administration

FROM: April Simpson, Office of the Lieutenant Governor  
       465.4081

DATE: April 18, 2019

RE: Filed Permanent Regulations: Alaska Oil and Gas Conservation Commission

Alaska Oil and Gas Conservation Commission regulations re: bonding (20 AAC 25.025)

Attorney General File: 2018200786
Regulation Filed: 4/18/2019
Effective Date: 5/18/2019
Print: 230, July 2019

cc with enclosures: Linda Miller, Department of Law  
                    Judy Herndon, LexisNexis  
                    Jody Colomici, Special Assistant
ORDER CERTIFYING THE CHANGES TO REGULATIONS
OF THE ALASKA OIL AND GAS CONSERVATION COMMISSION

The attached 3 pages of the regulations, dealing with bonding are certified to be a correct copy of the regulation changes that the Alaska Oil and Gas Conservation Commission adopted at its December 5, 2018 meeting under the authority of AS 31.05.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Alaska Oil and Gas Conservation Commission paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor as provided in AS 44.62.180.

Date: 12.5.18

Hollis S. French, Chair, Commissioner, AOGCC

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on April 11, 2019, at 9:51 AM, I filed the attached regulation.

I, Kevin Meyer, Lieutenant Governor

Effective: May 18, 2019.

20 AAC 25.025 is repealed.  

20 AAC 25.025. Bonding. Repealed. (Eff. 4/13/80, Register 74; am 4/2/86, Register 97; am 11/7/99, Register 152; am __/__/ Register ___)  

20 AAC 25.025 is repealed and readopted to read:  

20 AAC 25.025. Bonding. (a) An operator proposing to drill a well for which a permit is required under 20 AAC 25.005 shall file a bond and, if required under (2) of this subsection, security to ensure that each well is drilled, operated, maintained, repaired, plugged and abandoned and each location is cleared in accordance with this chapter. The bond must be  

(1) A surety bond issued on Form 10-402A in favor of the Alaska Oil and Gas Conservation Commission by an authorized insurer under AS 21.09 whose certificate of authority is in good standing; or  

(2) A personal bond of the operator on Form 10-402B accompanied by security guaranteeing the operator's performance; security must be in the form of a certificate of deposit or irrevocable letter of credit issued in the sole favor of the Alaska Oil and Gas Conservation Commission by a bank authorized to do business in the state, or must be in another form that the commission determines to be adequate to ensure payment.  

(b) A bond, and if required, security must be in the amount specified in the following table:  

<table>
<thead>
<tr>
<th>Number of Permitted Wellheads</th>
<th>Bond Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-10 wells</td>
<td>$400,000 per well</td>
</tr>
<tr>
<td>11-40 wells</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>41-100 wells</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>101-1000 wells</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>--------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Over 1000 wells</td>
<td>$30,000,000</td>
</tr>
</tbody>
</table>

(1) For the purposes of this section, a wellhead is considered any well excepting lateral well branches drilled from an existing well for which the commission has issued a permit to drill that has not been permanently plugged and abandoned.

(2) Upon request of an operator, or on its own motion, the commission may increase or decrease the amounts set forth in subsection (b) based on evidence that engineering, geotechnical, environmental, or location conditions warrant an adjustment of those amounts.

(c) An operator with a bond and, if required, security in place at the time these regulations become effective will be allowed to increase the amount of its bond and, if required, security to the amount required under (b) of this section in four installments. The installments shall be made as follows:

1. The first installment shall be due <<insert date 90 days after the effective date of these regulations>> and shall be a minimum of $500,000 or one quarter of the difference between the operator's existing level of bonding and, if required, security and the level required under section (b) of this part, whichever is greater.

2. The second installment shall be due <<insert date one year after date specified in subsection (1)>> and shall be a minimum of $500,000 or one third of the difference between the operator's existing level of bonding and, if required, security and the level required under section (b) of this part, whichever is greater.
(3) The third installment shall be due <<insert date two years after date specified in subsection (4)>> and shall be a minimum of $500,000 or one half of the difference between the operator’s existing level of bonding and, if required, security and the level required under section (b) of this part, whichever is greater, and

(4) The final installment shall be due <<insert date three years after date specified in subsection (4)>> and shall be in the amount of the difference between the operator’s existing level of bonding and, if required, security and the level required under section (b) of this part.

(d) A bond and, if required, security must remain in effect until the operator’s wells have been permanently plugged and abandoned in accordance with 20 AAC 25.105 and the commission approves final clearance of the locations. The commission may then, at the operator’s request and depending upon the count of active permitted wellheads for the operator, release all or a portion of the bond and security upon written request of the operator.

(e) The operator must provide written proof that the company that provides its bond or security in accordance with subsection (a) of this section has agreed to provide the commission with written notification at least 90 days prior to the expiration or termination of any bond or security.

(f) Payment under a surety bond or security does not relieve an operator from any other legal requirements.

(g) The commission will not approve a permit to drill application from an operator that is out of compliance with this section. (Eff. am 5/16/2019, Register 230, 4/13/83, Register 74; am 4/26/86, Register 97; am 11/7/99, Register 152.)

Authority: AS 31.05.030
MEMORANDUM

To: The Honorable Kevin Meyer
   Lieutenant Governor

Thru: Susan R. Pollard
       Chief Assistant Attorney General
       and Regulations Attorney
       Legislation and Regulations Section

From: Steven C. Weaver
      Senior Assistant Attorney General
      and Assistant Regulations Attorney
      Legislation and Regulations Section

Re: Alaska Oil and Gas Conservation Commission regulations re: bonding
    (20 AAC 25.025)

Date: March 27, 2019
File No.: 2018200786
Tel. No.: 465-3600

The Department of Law has reviewed the attached regulations of the Alaska Oil and Gas Conservation Commission against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Alaska Oil and Gas Conservation Commission after the close of the public comment period. The regulations update bonding requirements, ensuring that bonding amounts are sufficient for the state to plug and abandon wells if operators go bankrupt and walk away from regulatory duties to properly plug and abandon wells.

The August 15, 2018 public notice, the October 22, 2018 second public notice, and the December 5, 2018 certification of adoption order all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We note that the regulations have five placeholders for dates that are tied to the effective date of the regulations.

The first placeholder, one of our technical corrections to the introductory language of 20 AAC 25.025(c), is identified by the notation {effective date of regulations} in braces. When the regulations are filed, and the effective date becomes known, please replace the placeholder in braces with the actual effective date of the regulations. For example, if the regulations are filed April 5, 2019, please strike over the placeholder, and substitute the date "May 5, 2019".

The second placeholder, in 20 AAC 25.025(c)(1) is identified by the phrase "<<insert date 90 days after the effective date of these regulations>>" enclosed in double angled brackets. When the regulations are filed, and the effective date becomes known, please replace the placeholder in double angled brackets with the actual date that is exactly 90 days after the
effective date of the regulations.

The third placeholder, in 20 AAC 25.025(c)(2) is identified by the phrase "<<insert date one year after date specified in (1) of this subsection>>" enclosed in double angled brackets. When the regulations are filed, and the effective date becomes known, please replace the placeholder in double angled brackets with the actual date that is 90 days plus one year after the effective date of the regulations.

The fourth placeholder, in 20 AAC 25.025(c)(3) is identified by the phrase "<<insert date two years after date specified in (1) of this subsection>>" enclosed in double angled brackets. When the regulations are filed, and the effective date becomes known, please replace the placeholder in double angled brackets with the actual date that is 90 days plus two years after the effective date of the regulations.

The fifth placeholder, in 20 AAC 25.025(c)(4) is identified by the phrase "<<insert date three years after date specified in (1) of this subsection>>" enclosed in double angled brackets. When the regulations are filed, and the effective date becomes known, please replace the placeholder in double angled brackets with the actual date that is 90 days plus three years after the effective date of the regulations.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc:    Dan Seamount, Commissioner  
       Alaska Oil and Gas Conservation Commission

       Jessie Chmielowski, Commissioner  
       Alaska Oil and Gas Conservation Commission

       Paula Vrana, Special Assistant and Regulations Contact  
       Department of Administration

       Jody Colombie, Special Assistant  
       Alaska Oil and Gas Conservation Commission

       Thomas Ballantine, Senior Assistant Attorney General  
       Natural Resources Section
NOTICE OF PROPOSED CHANGES ON BONDING
IN THE REGULATIONS OF ALASKA OIL AND GAS CONSERVATION COMMISSION

The Alaska Oil and Gas Conservation Commission proposes to adopt regulation changes in 20 AAC 25.025 of the Alaska Administrative Code, dealing with Bonding, including the following:

(1) 20 AAC 25.025 is proposed to be repealed and rewritten as follows: Increasing the minimum bonding amount to more accurately reflect the costs of abandoning wells by establishing a multi-tiered bonding schedule based on the number of wells an operator has.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jody Colombe at 333 West 7th Avenue, Anchorage, Alaska 99501. Additionally, the Alaska Oil and Gas Conservation Commission will accept comments by facsimile at (907) 276-7542 and by electronic mail at aogcc.customer.svc@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30 p.m. on October 16, 2018.

Written comments also may be submitted at a hearing to be held on October 16, 2018, at 333 West 7th Avenue, Anchorage, Alaska 99501. The hearing will be held from 10:00 a.m. to 2:00 p.m. and might be extended to accommodate those present before 10:30 a.m. who did not have an opportunity to comment.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jody Colombe at jody.colombe@alaska.gov or mailing 333 West 7th Avenue, Anchorage, Alaska 99501 or calling (907) 793-1221 not later than October 10, 2018 to ensure that any necessary accommodation can be provided.

For a copy of the proposed regulation changes, contact Jody Colombe at the Alaska Oil and Gas Conservation Commission at West 7th Avenue, Anchorage, Alaska 99501 or calling (907) 793-1221, or go to http://doa.alaska.gov/ogc/.

After the public comment period ends, the Alaska Oil and Gas Conservation Commission may either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 31.05.030

Statutes being implemented, interpreted, or made specific: AS 31.05.030

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation

Date: August 14, 2018

Hollis S. French, Chair, Commissioner
Alaska Oil and Gas Conservation Commission
SECOND
NOTICE OF PROPOSED CHANGES ON BONDING
IN THE REGULATIONS OF ALASKA OIL AND GAS CONSERVATION COMMISSION

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**Statutory authority:** AS 31.05.030

**Statutes being implemented, interpreted, or made specific:** AS 31.05.030

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation

**Date:** October 22, 2018

Hollis S. French, Chair, Commissioner
Alaska Oil and Gas Conservation Commission
ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(g))

1. Adopting agency: Alaska Oil and Gas Conservation Commission
2. General subject of regulation: Bonding
3. Citation of regulation (may be grouped): 20 AAC.25.025
4. Department of Law file number, if any: ____________________________

5. Reason for the proposed action:

( ) Compliance with federal law
( ) Compliance with new or changed state statute
( ) Compliance with court order
( ) Development of program standards
(X) Other (identify): Current bonding requirements are insufficient to ensure a well can be properly plugged and abandoned.

6. Appropriation/Allocation: 2010/21

7. Cost of implementation to the state agency and available funding (in thousands of dollars):

<table>
<thead>
<tr>
<th></th>
<th>Initial Year FY2020</th>
<th>Subsequent Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Cost</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>Capital Cost</td>
<td>$0</td>
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<tr>
<td>1002 Federal receipts</td>
<td>$0</td>
<td>$0</td>
</tr>
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<td>$0</td>
</tr>
<tr>
<td>program</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (identify)</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

8. The name of the contact person for the regulation:

Name: Jody Colombie
Title: Special Assistant to the Commission
Address: 333 West 7th Avenue, Anchorage, AK 99501
Telephone: (907) 793-1221
E-mail address: jody.colombie@alaska.gov
9. The origin of the proposed action:

X   Staff of state agency

Federal government

General public

Petition for regulation change

Other (identify)

10. Date: August 14, 2018

Prepared by: [Signature]

Name: Jody Colombe

Title: Special Assistant to the Commission

Telephone: (907) 793-1221
SECOND
ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(g))

1. Adopting agency: Alaska Oil and Gas Conservation Commission
2. General subject of regulation: Bonding
3. Citation of regulation (may be grouped): 20 AAC.25.025
4. Department of Law file number, if any: ________________________________

5. Reason for the proposed action:

   ( ) Compliance with federal law
   ( ) Compliance with new or changed state statute
   ( ) Compliance with court order
   ( ) Development of program standards
   (X) Other (identify): Current bonding requirements are insufficient to ensure a well can be properly plugged and abandoned.

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<tr>
<td>1004 General fund</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>1005 General fund/program</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Other (identify)</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

8. The name of the contact person for the regulation:

   Name: Jody Colombie
   Title: Special Assistant to the Commission
   Address: 333 West 7th Avenue, Anchorage, AK 99501
   Telephone: (907) 793-1221
   E-mail address: jody.colombie@alaska.gov
9. The origin of the proposed action:

   X  Staff of state agency
   ___ Federal government
   ___ General public
   ___ Petition for regulation change
   ___ Other (identify)

10. Date: October 22, 2018  Prepared by: Jody Colombic
    Name: Jody Colombic
    Title: Special Assistant to the Commission
    Telephone: (907) 793-1221
AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Jody J. Colombie, Special Assistant, of the Alaska Oil and Gas Conservation Commission, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 20 AAC 25.025, bonding, has been given by being

1. published in a newspaper or trade publication;
2. furnished to every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the proposed regulation;
6. furnished electronically to incumbent State of Alaska legislators;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: March 20, 2019

Jody J. Colombie, Special Assistant

Subscribed and sworn to before me at Anchorage, Alaska on March 20, 2019.

Notary Public in and for the State of Alaska
AFFIDAVIT OF ORAL HEARING

I, Hollis S. French, Chair of the Alaska Oil and Gas Conservation Commission, being sworn, state the following:

On October 16, 2018 and November 27, 2018, at 10:00 a.m., 333 West 7th Avenue, Anchorage, Alaska 99501, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 20 AAC 25.025.

Date: December 5, 2018

Hollis S. French, Commissioner, AOGCC

Subscribed and sworn to before me at Anchorage, Alaska on December 5, 2018.

Notary Public in and for the State of Alaska
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleasa Stepetin
being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

August 15, 2018

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed
Joleasa Stepetin

Subscribed and sworn to before me
this 15th day of August, 2018

Notary Public
Britney Thompson

The State of Alaska,
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES
2/23/2019

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Sarah Jennett
being first duly sworn on oath deposes and says
that he/she is a representative of the Anchorage
Daily News, a daily newspaper. That said
newspaper has been approved by the Third
Judicial Court, Anchorage, Alaska, and it now
and has been published in the English language
continually as a daily newspaper in Anchorage,
Alaska, and it is now and during all said time
was printed in an office maintained at the
foresaid place of publication of said newspaper.
That the annexed is a copy of an advertisement
as it was published in regular issues (and not in
supplemental form) of said newspaper on

October 23, 2018

and that such newspaper was regularly
distributed to its subscribers during all of said
period. That the full amount of the fee charged
for the foregoing publication is not in excess of
the rate charged private individuals.

Signed

Subscribed and sworn to before me
this 23rd day of October, 2018

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES 2/23/2019
AFFIDAVIT OF COMMISSION ACTION

I, Jody J. Colombie, Special Assistant, for the Alaska Oil and Gas Conservation Commission, being duly sworn, state the following:

The attached motion dealing with bonding was passed by the Alaska Oil and Gas Conservation Commission during its December 5, 2018 meeting.

Date: December 5, 2018

\[Signature\]
Jody J. Colombie, AOGCC Special Assistant

Subscribed and sworn to before me at Anchorage, Alaska on December 5, 2018.

\[Signature\]
Notary Public in and for the State of Alaska
ALASKA OIL AND GAS CONSERVATION COMMISSION HEARING
December 5, 2018
Excerpt From Unapproved Minutes

Commissioner Daniel T. Seamount, Jr. moved and Commissioner Hollis S. French seconded the following motion:

"I move to adopt 20 AAC 25.025 as written in the November 27, 2018, draft regulation."

The motion carried unanimously.
FISCAL NOTE

Agency: Department of Administration, Alaska Oil and Gas Conservation Commission
Appropriation/Allocation: 2010/21
General subject of regulation: Bonding
Citation of regulation: 20 AAC 25.025
Estimated appropriations required (in thousands of dollars) $0.00

Expenditures/Revenues

<table>
<thead>
<tr>
<th>OPERATING EXPENDITURES</th>
<th>FY 2020 Appropriation Requested</th>
<th>(Thousands of Dollars)</th>
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</thead>
<tbody>
<tr>
<td>Personal Services</td>
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<tr>
<td>Travel</td>
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<tr>
<td>Services</td>
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<tr>
<td>Commodities</td>
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<tr>
<td>Capital Outlay</td>
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<tr>
<td>Grants &amp; Benefits</td>
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<td></td>
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<tr>
<td>Miscellaneous</td>
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<tr>
<td><strong>TOTAL OPERATING</strong></td>
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<td><strong>0.00</strong></td>
</tr>
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FUNDING SOURCE

<table>
<thead>
<tr>
<th>1002 Federal Receipts</th>
<th>(Thousands of Dollars)</th>
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<tr>
<td>1003 General Fund Match</td>
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<td>1005 General Fund/Program</td>
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</table>

POSITIONS

<table>
<thead>
<tr>
<th>Full-time</th>
<th>Part-time</th>
<th>Temporary</th>
</tr>
</thead>
</table>

CHANGE IN REVENUES

Date August 14, 2018

Prepared by: Jody Colombie, Special Assistant
DOA/Alaska Oil and Gas Conservation Commission
Phone No.: (907) 793-1221