

# SPORTSMEN FOR Responsible Energy Development



## RECOMMENDATIONS for Responsible Oil and Gas Development

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[www.Sportsmen4ResponsibleEnergy.org](http://www.Sportsmen4ResponsibleEnergy.org)



## **Sportsmen for Responsible Energy Development**

is a coalition of businesses, organizations and individuals who are working to change how oil and gas development occurs on public lands in the West. We have set our sights on reforming the laws, regulations and policies that affect energy development and our western way of life. With expert guidance from Mike Dombeck, former Chief of the U.S. Forest Service and Director of the U.S. Bureau of Land Management, and John Baughman, former Director of the Association of Fish and Wildlife Agencies and Wyoming Game and Fish Department, we are providing credible science-based solutions that are supported by hunters, anglers, businesses and organizations from across the West.

## Introduction

**W**ESTERN PUBLIC LANDS HOST AN INCREDIBLE diversity of fish and wildlife habitats and hunting and fishing opportunities. More than half of the nation's blue-ribbon fisheries flow across national forests, and more than 80 percent of important elk habitat is found on public lands in the West. From the last remaining native cutthroat streams to important habitat for sage grouse and big-game migration corridors that stretch for hundreds of miles, public lands in the West have provided unparalleled opportunities for generations of hunters and anglers—a way of life that continues to this day.

This report outlines sportsmen's recommendations for responsible energy development in the Rocky Mountain West—a platform and prescription for development that accommodates our energy needs without sacrificing our Western heritage. Fish, wildlife and water define the West, and these resources belong to all Americans. The production of fossil fuels, while important, must not occur at the expense of the productive capacity of the lands, waters, and fish and wildlife that sustain us.

In recent years, energy development has become a dominant fixture on the Western landscape, threatening the long-term sustainability of our fish, wildlife and water resources. Since 1999, drilling has increased 260 percent on federal public lands.<sup>1</sup> Drill rigs, well pads, compressor stations, power lines, pipelines and roads now dominate public lands that once were prized hunting and fishing grounds. Federal policies that lease public lands for development fail to adequately consider the consequences

to our natural resources. Furthermore, the federal agencies responsible for managing our fish and wildlife habitat lack the necessary resources to ensure the impacts of energy development are minimized and mitigated.

Sportsmen recognize and fully support the responsible development of oil and gas reserves on public lands. But with 44.4 million acres of public lands currently leased to the energy industry,<sup>2</sup> how industry proceeds with drilling will determine the future of our western water resources, fish, wildlife and way of life. Threats to important fish and wildlife habitat and hunting and angling opportunities have brought sportsmen together to redefine how energy development should occur on public lands. Sportsmen understand the future of the West rests on decisions made today about energy development. While substantial, the reserves of oil and



<sup>1</sup> House Appropriations Subcommittee on Interior, Environment, and Related Agencies: Written responses from Secretary Dirk Kempthorne to questions submitted for the hearing record by Rep. Maurice Hinchey, oversight hearing on the FY 2008 Department of the Interior budget proposal, March 1, 2007 (BLM indicates that FY 2005 data are incomplete).

<sup>2</sup> Id.

## How is Oil and Gas Developed on Public Lands?

- **Land-Use Plan**

Every 10-15 years, federal land management agencies are supposed to produce land and resource management plans. These plans guide future land management and, among other things, identify areas suitable for oil and gas development. Because it is impossible to predict future development scenarios accurately, these plans generally are speculative and do not include site-specific analysis of impacts. Many plans remain outdated.

- **Lease Nomination**

Industry nominates specific parcels of land for oil and gas development. The responsible federal agency reviews the nomination and, if it determines the land is suitable for development, the agency may hold a competitive lease sale for the nominated lands. No public participation or comment period for lease nominations exist. If serious objections arise to the leasing of public lands, the public's only recourse is to protest the lease sale to the federal agency. Even during an ongoing lease protest, however, the agency can continue with the lease sale.

- **Leasing**

The federal land management agency sells leases to the highest bidder. Standard leases last 10 years.

- **Permitting**

Before development can begin, the lease holder must file an application for a permit to drill with the BLM and secure other necessary permits. The federal agency reviews the application and completes an on-site visit before approving or modifying the application. Unless a categorical exclusion is employed, the National Environmental Policy Act generally requires the federal agency to produce an environmental assessment at this time.

- **Development**

Once the federal land management agency approves the permits, development and production can begin.

- **Reclamation and Restoration**

The last company operating a well in a project area is responsible for final reclamation of the well site and restoration of the land. Unfortunately, many old wells that no longer produce oil or gas remain on our public lands without proper reclamation or restoration ever taking place.

natural gas found in the Rocky Mountains fall far short of addressing our nation's energy consumption needs. In addition to responsible oil and gas development, we must prepare for a new energy future through conservation and by investing in other forms of energy.

Approximately half of the roughly eight million people living in the energy-rich states of Colorado, New Mexico, Montana, Utah and Wyoming are hunters, anglers or wildlife-related recreationists.<sup>3</sup> When non-residents are included, more than six million individuals hunted, fished or participated in wildlife-related recreation in these states in 2006, contributing nearly \$7.3 billion toward state and local economies.<sup>4</sup> In addition to serving as important ecological resources, fish and wildlife in the West are important economic resources that, if responsibly managed, can provide a reliable and consistent economic base for the region in perpetuity.



In May 2008, experienced land managers, scientists, planners and fish and wildlife experts met in Wyoming to create a framework for implementing responsible energy development across the West. This report is the product of that unprecedented event and outlines sportsmen's recommendations for oil and gas development that provide for our energy needs without sacrificing our Western heritage.

Hunters, anglers and outdoor enthusiasts have united as Sportsmen for Responsible Energy Development in order to promote a common agenda whereby energy resources are developed responsibly while sustaining the fish, wildlife, water resources, and outdoor traditions that define the American West

<sup>3</sup> U.S. Department of the Interior, Fish and Wildlife Service, and U.S. Department of Commerce, U.S. Census Bureau. 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation.

<sup>4</sup> Id.

## A Broken System for Sportsmen

Clearly, the system for managing our public lands is broken when the agency entrusted with oversight of fish, wildlife and multiple-use planning baldly states, “Wildlife habitat would generally only be protected if a mineral commodity is not present for extraction.”<sup>5</sup>

Sportsmen are right to be concerned that a recent Bureau of Land Management (BLM) planning document states that fish and wildlife protection is contingent on the absence of minerals on public lands. From land-use and project planning to lease issuance and permit approval, the status quo fails to strike a balance between energy development and fish, wildlife and water resources.

Federal land management agencies consistently underestimate the impacts of energy development on other uses of the public’s lands. Near Pinedale, Wyo., a recent study documented a more than 40-percent decline in mule deer abundance where intense oil and gas development occurred in the species’ winter range.<sup>6</sup> Sage grouse have been hit especially hard by increased drilling near breeding grounds, or “leks,” and other vital habitats.<sup>7</sup> Coal bed methane product water is dramatically affecting water chemistry and fish populations in the Tongue River watershed in Montana.<sup>8</sup>

Current federal leasing policies allow industry to determine where energy development will occur as well as the pace and intensity of the development. Industry and political pressure on the BLM to issue thousands of drilling permits has rendered nearly impossible the careful review of potential impacts to fish and wildlife. At the same time energy development on public lands has exploded, resource management agencies are being asked to do more with less funding.

The policy of allowing the industry to lease and develop lands helter-skelter across the West needs revision. Whenever possible, the BLM should utilize staged development that makes some blocks of land open to leasing and some temporarily withdrawn until a later time. This will ensure the long-term availability and sustainability of fish, wildlife, water and energy resources. Some public lands with outstanding fish and wildlife values should be placed entirely off limits to development. In places such as the Rocky Mountain Front of Montana and the Wyoming Range, proposed or enacted Acts of Congress were required to bar development on important habitats and sportsmen’s destinations. In northern New Mexico’s Valle Vidal—an area donated to U.S. citizens by Pennzoil in 1982 because of its exceptional fish and wildlife habitat—Congress was forced to pass a law preventing the Forest Service from leasing it for energy development.

Leasing and development decisions must be made at a sufficient scale to address far reaching impacts to fish, wildlife and water that move freely across planning boundaries. Energy development should be permitted to proceed only after adequate protections are in place to preserve other public land values, including fish, wildlife and water resources.

**“Wildlife habitat would generally only be protected if a mineral commodity is not present for extraction.”**

-Bureau of Land Management

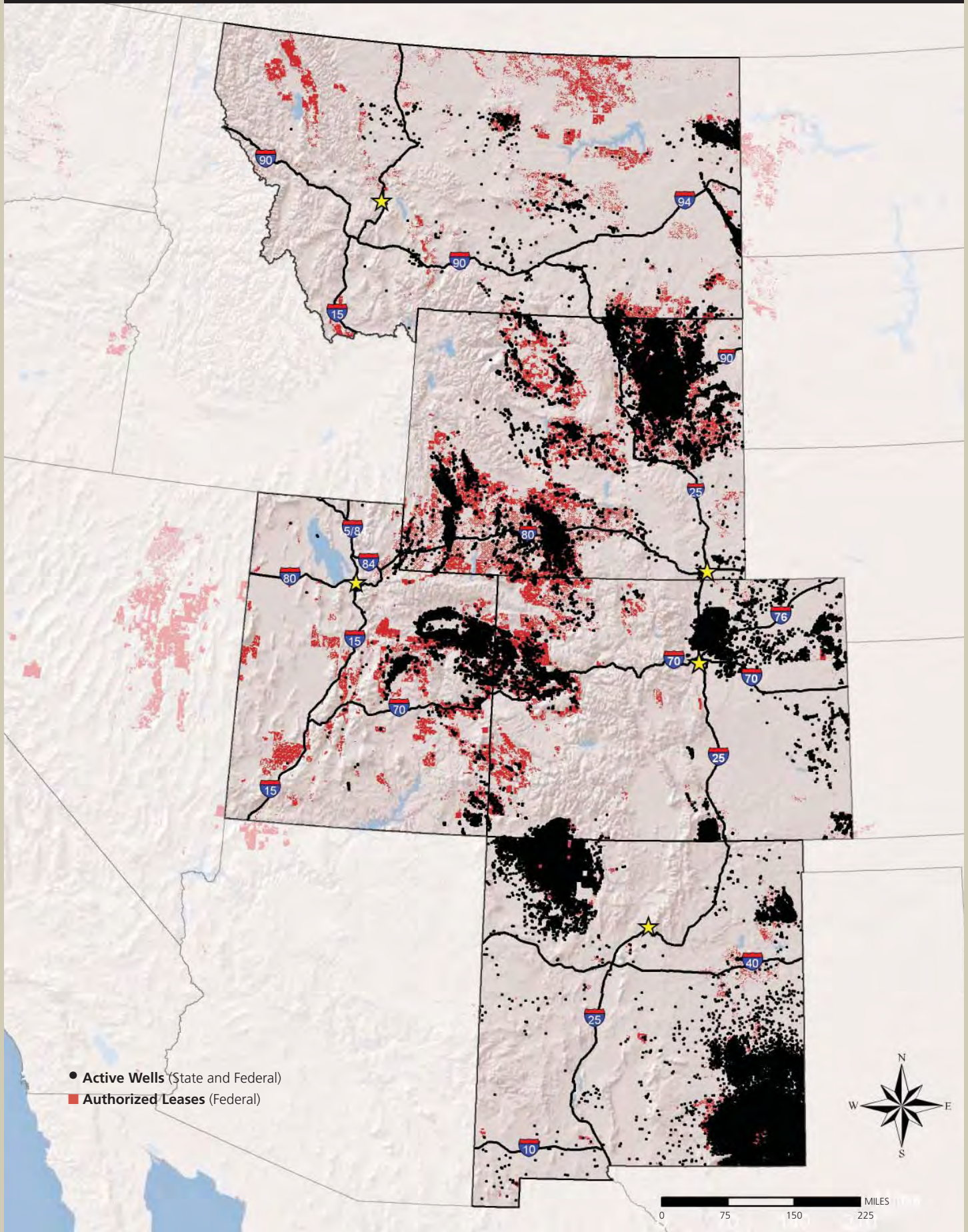
<sup>5</sup> U.S. Department of the Interior, Bureau of Land Management. Draft Environmental Impact Statement for the Pinedale Resource Management Plan for Public Lands Administered by the Bureau of Land Management Pinedale Field Office Pinedale, Wyoming, February 2007.

<sup>6</sup> Sawyer, H., R. Nielson, D. Strickland, and L. McDonald. 2005. 2005 Annual Report. Sublette Mule Deer Study (Phase II): Long-term monitoring plan to assess potential impacts of energy development on mule deer in the Pinedale Anticline Project Area. Western Ecosystems Technology, Inc. Cheyenne, WY.

<sup>7</sup> Endangered and Threatened Wildlife and Plants; Initiation of Status Review for the Greater Sage-Grouse, 73 Fed. Reg. 10,218 (Feb. 26, 2008).

<sup>8</sup> Confluence Consulting, Inc. 2003. Biological, Physical, and Chemical Integrity of Select Streams in the Tongue River Basin. Report to Bureau of Land Management, Miles City Field Office, Montana.

# OIL AND GAS DEVELOPMENT IN THE ROCKY MOUNTAIN WEST



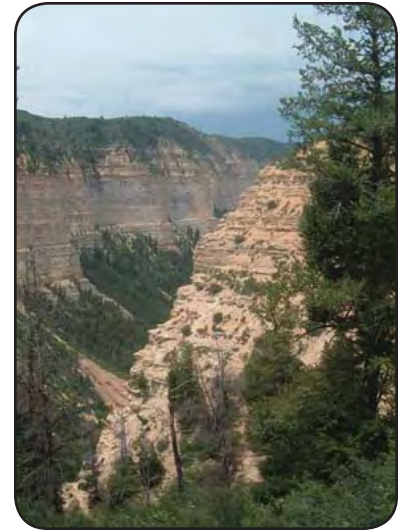
# Sportsmen's Recommendations for Responsible Oil and Gas Development

The following common-sense, science-based recommendations will help ensure the future of our public lands and responsibly provide for our energy needs.

## Reaffirm multiple-use management of federal lands to sustain fish, wildlife and water resources.

Analysis of the environmental consequences of energy development occurs on a project-by-project and well-by-well basis, a strategy that all but guarantees an inadequate evaluation of development's full impacts. This piece-meal approach fails to account for the cumulative effects of energy development across habitats and watersheds. Sportsmen and other local interests are caught in a trap. When they insist resource management agencies better evaluate potential impacts to fish, wildlife and water resources at the leasing stage, the BLM and Forest Service respond that such analysis will occur at a later, site-specific level. Yet once the lands are leased, the agencies claim opportunities to protect natural resources are limited by the fact a lease was issued.

- Government policy must reflect that oil and gas leases grant a right to develop—and not a property right—that is conditional upon the agency's ability to manage for fish, wildlife, water resources and other multiple uses.
- New leasing must not be allowed until land-use plans older than 10 years have been amended or revised, if necessary, to remove areas from energy development to protect their important fish, wildlife and water resources.
- Planning and development must occur at the appropriate landscape scale, across ecological systems and political jurisdictions that are affected by the proposed action. For example, if mule deer winter in the Pinedale Anticline (BLM-managed land) and summer in the Wyoming and Wind River ranges (Forest Service-managed land), leasing and development that affect any of these areas should require a cumulative analysis of all the areas.
- Lands that are unsuitable for oil and gas development because of their potential impacts to fish, wildlife, and water resources must be identified and withdrawn. Long-term management objectives must be specified to ensure fish and wildlife habitats and water resources take priority over short-term energy development decisions.
- Impact thresholds and total surface disturbance caps must be established that protect the land's ability to provide for sustainable fish, wildlife and water resources.
- At a minimum, federal oil and gas leasing and subsequent development should be consistent with or stronger than state fish and game agencies' wildlife management plans and objectives.



### CASE STUDY The Roan Plateau, Colorado

The Roan Plateau and the lands beneath it are home to trophy deer and elk herds, two populations of genetically pure Colorado River cutthroat trout, black bear, mountain lions, wild turkeys, and blue and ruffed grouse. Despite public outcry from sportsmen and repeated calls from Gov. Ritter to conserve important wildlife habitat on and below the plateau, the BLM plans to lease the Roan for natural gas drilling in August 2008. The future of this sportsmen's paradise now is entirely dependent on a congressional bill introduced by Reps. Mark Udall and John Salazar, and Sen. Ken Salazar.





#### CASE STUDY

### **Rawlins, Wyoming BLM waives protections for fish and wildlife**

When the BLM issues permits to energy companies to develop oil and gas on public lands, it often attaches stipulations to protect wildlife. These protections include limits on the time of day and time of year when various high-impact activities such as new well drilling, pipeline construction, and road building are allowed. Yet the BLM consistently waives these stipulations without input from sportsmen or the public. Between Nov. 8, 2007, and May 21, 2008, the Rawlins, Wyo., field office of the BLM granted 82 percent of industry's requests for "exceptions" to measures (or stipulations) designed to protect fish, wildlife, and water resources."<sup>9</sup>

- Federal oil and gas leasing and development decisions must abide by the Western Governor's Association Wildlife Corridors Initiative Oil and Gas Working Group Report. The report's five major areas of recommendations include (1) federal leasing and well permitting must account for wildlife corridors and crucial habitat; (2) monitoring of impacts to wildlife must be an essential input into decisions; (3) the capacity, both in staff and financial resources, of state and federal governments must be able to plan for and address the impacts of oil and gas production; (4) incentives must be utilized as tools to promote effective actions from industry and private landowners and; (5) tools that help inform decision-making must be maximized.

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### **Strengthen the process used to lease public lands and permit oil and gas development for the protection of fish, wildlife and water resources.**

The pace and manner in which lease parcels are nominated and sold fails to allow sufficient public participation and limits the future sound management of our public lands. Lease nominations have become a game where companies nominate vast acreage without any commitment to the nominated lands. This process creates an administrative burden that is not accounted for in nomination fees. Leasing occurs as frequently as bimonthly, with standard lease terms lasting 10 years. Moreover, protective measures for fish and wildlife can be waived with neither public involvement nor notification—rendering them meaningless. These processes cripple the ability by sportsmen and others to be adequately involved, and they diminish the important role that our federal and state agencies play in protecting important fish and wildlife resources.

- Incorporate management objectives for fish, wildlife and water resources with measurable thresholds for allowable impacts. Leases and permits must be made contingent on accomplishing these objectives and not violating measurable thresholds. If a decline in fish and wildlife or degradation in water quality occurs as a result of energy development, federal agencies may impose additional requirements or halt development.
- Prohibit waivers, modifications or exceptions to lease stipulations or permit conditions of approval barring adequate evaluation of the consequences, public participation, and documented assurance that the action will not compromise fish, wildlife, and water resources. The burden of proof must lie with the applicant of a waiver, modification or exception. All permit and lease authorizations must clarify that any disturbance limitations identified at the planning stage also are part of the lease and permit.

<sup>9</sup> U.S. Department of the Interior, Bureau of Land Management, Rawlins Field Office. 2007-2008 Wildlife Exceptions, Waivers & Modifications, available at <http://www.wy.blm.gov/rfo/wildlife/exceptions.php>



- Issue leases on a schedule that enables better planning and coordination for fish, wildlife and water resources. A six-month lease sale cycle, for example, would improve the coordination and quality of the planning process.
- Make the standard lease duration five years. This would compel energy companies to develop their leases and allow Congress to ensure the BLM and the Forest Service have adequate budgets to manage, monitor and mitigate throughout development. Should additional time be needed, a payment system utilizing fair market rent can be applied to the leases.
- Require best management practices for oil and gas development that are effective in avoiding or minimizing adverse impacts to fish, wildlife and water resources.
- Impose a nomination fee for lease nominations that covers the administrative costs of environmental review and the additional reviews needed by state and federal agencies. Allow and encourage the public to comment on each lease nomination.
- Prohibit companies from leasing if they have blatant or chronic prior or existing bad lease performance records until they comply. Bad lease performance includes leases that violate the terms of the lease or permitting documents, leases that are inadequately monitored or enforced, and leases that fail to comply with comprehensive mitigation and reclamation strategies.
- Increase fines to industry for violations of lease or permit conditions to serve as a deterrent to future violations.
- Allow for the permanent retirement or donation of existing leases that, if otherwise developed, would cause substantial losses to fish, wildlife or water resources.

### **Implement new measures for monitoring the effects of oil and gas development.**

Federal agencies do not adequately modify development practices in response to changing conditions, new information or recent research. State and federal agencies must maintain the flexibility to adjust leases and permits to ensure the sustainability of fish, wildlife and water resources.

- Develop a set of consistent, widely endorsed monitoring protocols that can be used by state and federal agencies, energy companies and others to determine effects of energy development on fish, wildlife and water resources. This monitoring protocol should include identification of baseline information, short-term inventories and long-term inventories.



#### **CASE STUDY Pinedale, Wyoming Decline in mule deer yields no change in management**

Near Pinedale, Wyo., a recent study found a more than 40-percent decline in mule deer abundance where intense oil and gas development occurred in the species' winter range.<sup>10</sup> Despite this new information, the BLM has proceeded with plans to increase development in the area; its new project plan proposes 4,399 new wells and opens 85 percent of the area to drilling. If the BLM is serious about keeping game populations healthy where important habitat overlaps with energy development, it must modify its existing plans to reflect recent research.

<sup>10</sup> Sawyer, H., R. Nielson, D. Strickland, and L. McDonald. 2005. 2005 Annual Report. Sublette Mule Deer Study (Phase II): Long-term monitoring plan to assess potential impacts of energy development on mule deer in the Pinedale Anticline Project Area. Western Ecosystems Technology, Inc. Cheyenne, WY.



#### CASE STUDY

### HD Mountains, Colorado Do leases guarantee a right to drill?

In 2007, the San Juan National Forest approved drilling permits with eight miles of new roads and 30 gas wells on previously issued leases in the popular HD Mountains. Citizens, local governments, and hunting guides opposed additional development in this popular hunting area. But in public meetings, the Forest Service repeatedly claimed it must allow drilling because the area had already been leased.<sup>11</sup> Until Forest Service and BLM policy reflects oil and gas leases grant a right to develop—not a property right—that is conditioned upon the agencies' ability to manage for multiple uses, the agencies will continue to surrender their ability to protect fish, wildlife and water resources.

- Clearly establish that the oil and gas producer is responsible for funding monitoring and mitigation, identify which party is responsible for monitoring, and specify how the monitoring information will be made available to the public. If monitoring requirements are not in compliance with the established protocol and agreements, development operations must cease until the requirements are met.
- Establish an effective process and method for collecting, sharing and utilizing resource management data across all jurisdictions.

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### Make comprehensive and thorough mitigation and reclamation of fish, wildlife and water resources a fixture in all leasing and development decisions.

Currently, no comprehensive, landscape-scale mitigation or reclamation strategy exists for lands and resources affected by energy development. Without baseline data and established monitoring protocols, neither agencies nor the public have any way to determine the effectiveness of mitigation or reclamation methods.

- Require the development of baseline data for key fish, wildlife, plant and water resources in advance of energy development. Such data will be used in developing monitoring plans and measurable fish and wildlife objectives that, if not met, may curtail development as recommended above.
- Adopt the Council on Environmental Quality guidelines on mitigation. Accordingly, mitigation should follow a hierarchy of (1) avoiding the impacts altogether; (2) minimizing the impacts by limiting the degree or magnitude of the action; (3) rectifying the impact by repairing, rehabilitating or restoring the affected environment; (4) reducing the impact over time by preservation and maintenance operations during the life of the action; and (5) if the above options are impossible or unsuccessful, compensating for the impacts.
- Prevent the spread of exotic and invasive species. If mitigation and reclamation techniques fail to curtail the spread of exotic, invasive or noxious species, development must be curtailed until it complies.
- Ensure that bond rates reflect the true costs and liability of reclamation and restoration. Bond release must be contingent on the completion of monitoring, mitigation and reclamation.

<sup>11</sup> Durango Herald, "Bayfield Against Drilling" August 5, 2004 [http://www.durangoherald.com/asp-bin/article\\_generation.asp?article\\_type=news&article\\_path=/news/04/news040805\\_3.htm](http://www.durangoherald.com/asp-bin/article_generation.asp?article_type=news&article_path=/news/04/news040805_3.htm)

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**Remove exemptions from the Clean Water and Safe Drinking Water Acts for oil and gas development and strengthen other laws to protect key fish, wildlife and water resources.**

Unlike every other form of development on public lands, oil and gas development is exempted from several bedrock environmental and public health laws that protect water quality and provide for public participation in important land-management decisions. These exemptions come at the expense of drinking water, and fish and wildlife habitat. We must end the special treatment and exemptions for oil and gas development by changing key provisions and closing the loopholes in our environmental and public health laws.

- Repeal the Clean Water Act and Safe Drinking Water Act exemptions for oil and gas development under the 2005 Energy Policy Act and other federal legislation.
- Require public involvement and environmental analysis of the effects of energy development projects within important fish and wildlife habitats. For example, Congress must eliminate the loophole in the 2005 Energy Policy Act that allows the use of categorical exclusions in important fish and wildlife habitats.
- Require oil and gas development on public lands to comply with provisions of the Resource Conservation Recovery Act. The oil and gas industry produces billions of barrels of drilling wastes, product water and other associated wastes during oil and gas operations. The oil and gas industry must properly manage and treat the waste it generates.
- Amend the Mineral Leasing Act to require federal agencies to consider leasing on a semi-annual as opposed to a quarterly basis. This will facilitate judicious consideration of the effects to fish, wildlife and water resources and other multiple uses.



**CASE STUDY**

**Loopholes in conservation laws are excluding hunters and anglers**

Due to loopholes created in the 2005 Energy Policy Act, the BLM has short-circuited its obligation to involve hunters and anglers in decisions about energy development in important wildlife habitat on public lands. Instead of engaging the public and fully analyzing the impacts from industrial development, the agency has increased its use of categorical exclusions, a type of review originally intended for projects that will have no significant impact on important habitats. For instance, between August 2005 and September 2007 in just four field offices in New Mexico, the BLM granted 1,065 categorical exclusions for drilling permits.<sup>12</sup> That means there was no public involvement or meaningful environmental analysis in over 1000 BLM actions affecting sportsmen.

<sup>12</sup> House Appropriations Subcommittee on Interior, Environment, and Related Agencies: Written responses from Secretary Dirk Kempthorne to questions submitted for the hearing record by Rep. Maurice Hinchey, oversight hearing on the FY 2008 Department of the Interior budget proposal, March 1, 2007 (BLM indicates that FY 2005 data are incomplete).



#### CASE STUDY

### Agency budgets focused on drilling permits not fish and wildlife

The recent policy change by the BLM to increase and expedite permitting has created a huge impact for management of fish and wildlife resources. As the BLM budget for oil and gas programs increased by more than \$63 million between 1999 and 2007, a 117 percent jump, the budget for its fish and wildlife program has increased by only about \$9 million, or 28 percent.<sup>13</sup> Factoring in the significant amount of work energy development imposes upon fish and wildlife managers, it's not difficult to see where the BLM's priorities are and where its focus lies—on expediting permits to drill.

### Use current scientific information as the basis for all decisions in energy development that affect our fish, wildlife and water resources.

State and federal agencies often lack information concerning the current condition of our public lands and resources. It often is impossible for agencies to use the most up-to-date information because of political pressure and the time and funding constraints placed upon managers.

- Require the use of the best available data, including peer-reviewed research, to develop baseline data for key fish, wildlife and water resources and for the decision processes prior to leasing and development.
- Identify critical information gaps and develop a comprehensive research strategy to address them. As stated above, development decisions must be contingent on both the accomplishment of the research and the acquisition of information and its results.
- Make energy companies responsible for demonstrating their actions will not exceed thresholds or management objectives for fish, wildlife and water resources identified at the planning or project level stage. If actions are proposed that exceed thresholds or objectives, specific mitigation or additional actions must be required and agreements developed prior to authorization and development.

### Make industry accountable for the costs of oil and gas development on our public lands.

State and federal agencies lack the personnel and funding to properly manage our public resources. Staff hours that were spent managing fish and wildlife populations and habitats now are spent dealing with administrative actions, approving permits or planning for the next energy project. State fish and wildlife agencies have been hit especially hard, with hunting and fishing license fees now allocated to fund work for oil and gas development plans and projects.

- Require energy companies to pay a user fee to state and federal agencies to fund the actual costs associated with oil and gas development and enforcement, including mitigation costs.
- Prohibit the use of license and other user fees collected from hunters, anglers, and other outdoor enthusiasts for costs associated with the impacts of oil and gas development and planning for future energy development projects.

<sup>13</sup> Budget figures for the BLM for 2007 are available at <http://www.doi.gov/budget/2009/09Hilites/BH005.pdf>; budget figures for 1999 are available at <http://www.doi.gov/budget/2001/01Hilites/BH05.pdf>.

## Conclusion

Fishing and hunting on public lands is a way of life for people in the West. For generations, Western public lands are the place where parents have brought their children to learn about fish and wildlife, to camp, to stalk trout and hunt elk—to simply appreciate God’s gift of bounty to our Nation. That way of life—that gift—is in jeopardy because of irresponsible oil and gas development. It need not be this way. Sportsmen for Responsible Energy Development have defined a better way to ensure the conservation of fish, wildlife and water resources on public lands while developing energy resources for our country.

**Your support for these recommendations and the attached Sportsmen’s Bill of Rights will ensure the survival of the outdoor heritage and water resources that define the West while allowing for responsible energy development.**



## From Multiple Use to Multiple Wells: A Trainwreck for Fish and Wildlife

**Between the years 1999 and 2007, the rate of drilling has more than doubled, with applications to drill increasing from 1,639 to 7,124 between the years 2000 and 2007.<sup>14</sup>**

**2000:** The Energy Policy and Conservation Act is re-authorized which directs the BLM to conduct assessments of domestic oil and gas resources.

**2001:** Vice president Dick Cheney heads up the energy task force to develop a new national energy policy. President Bush issues an executive order to “expedite” and “accelerate” energy projects on public lands.

**2002:** A BLM instruction memorandum directs officials “to ensure that existing staff understand that when an oil and gas lease parcel or when an APD comes in the door, that this work is their No. 1 priority.”

**2003:** As part of a policy to “overcome impediments” to oil and gas production, the BLM issues a directive requiring “Statements of Adverse Energy Impacts” when management decisions such as stipulations to protect fish and wildlife might impact energy development.

**2004:** The BLM issues an instruction memorandum to state directors that, contrary to law, implies they have a nondiscretionary duty to offer lease sales nominated by industry unless the area is explicitly withdrawn from leasing.

**2005:** Congress passes the Energy Policy Act of 2005, exempting certain oil and gas projects from portions of the Clean Water Act, Safe Drinking Water Act, Resource Conservation Recovery Act and National Environmental Policy Act—effectively allowing some projects to proceed without environmental review, public input or environmental safeguards.

The federal Government Accountability Office reports that “BLM’s ability to meet its environmental mitigation responsibilities for oil and gas development has been lessened by a dramatic increase in oil and gas operations on federal lands over the past six years.”

**2006:** The Interior Board of Land Appeals rules that federal leases in the trout- and wildlife-rich Wyoming Range had inadequate and incomplete environmental assessments and failed to comply with the law.

**2007:** Despite receiving more than 75,000 comments, 98 percent of which objected to the BLMs proposal, the BLM moves forward with its plan to lease all lands in the Roan Plateau planning area in Colorado.

**2008:** BLM releases “EPCA III,” its latest inventory of oil and gas resources on federal lands, suggesting that environmental laws and protected areas such as Glacier National Park and the Bob Marshall Wilderness Area are “impediments” to drilling.

<sup>14</sup> House Appropriations Subcommittee on Interior, Environment, and Related Agencies: Written responses from Secretary Dirk Kempthorne to questions submitted for the hearing record by Rep. Maurice Hinchey, oversight hearing on the FY 2008 Department of the Interior budget proposal, March 1, 2007 (BLM indicates that FY 2005 data are incomplete).

## Sportsmen for Responsible Energy Development

# Bill of Rights

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1. The public lands that hunters and anglers depend upon shall remain in the public's hands for the use of future generations.
2. Hunters and anglers shall have a voice in decisions affecting oil and gas development on public lands.
3. Public lands shall be managed for many uses, including hunting and fishing.
4. Our hunting and fishing heritage shall not be jeopardized by oil and gas development that fails to account for the future, long-term impacts to fish, wildlife and water resources.
5. Oil and gas drilling shall not harm water resources that are priceless to people and vital to wildlife.
6. Hunters and anglers shall not be forced to pay for the costs associated with poorly planned oil and gas development on public lands.
7. Oil and gas development shall comply with common-sense regulations put in place to minimize the impact of oil and gas drilling on fish, wildlife, and people.
8. Vital fish and wildlife habitat on public lands shall be protected. Sage grouse habitat, fragile trout streams, deer and elk winter range, and irreplaceable riparian habitat must not be sacrificed.
9. The oil and gas industry shall pay its fair share of the cost for permitting and habitat restoration on public lands that are drilled for oil and gas.
10. State and federal fish and wildlife agencies shall have adequate funding to ensure the long-term health of fish, wildlife, and water resources on our public lands.

**PLEASE VISIT [www.Sportsmen4ResponsibleEnergy.org](http://www.Sportsmen4ResponsibleEnergy.org) to see all the organizations, businesses and groups who have joined this campaign, and endorse the Bill of Rights to show your support.**

The following western organizations, businesses and groups have joined the campaign and endorsed the Sportsmen's Bill of Rights.  
For a complete national list of supporters please visit our website.

#### NATIONAL

Back Country Hunters and Anglers  
Federation of Fly Fishers  
National Wildlife Federation  
Orion, the Hunter's Institute  
Sierra Trading Post  
Scott Fly Rods  
Theodore Roosevelt Conservation Partnership  
Trout Unlimited

#### ARIZONA

Arizona Council of Trout Unlimited  
Arizona Wildlife Federation

#### CALIFORNIA

North Bay Chapter of Trout Unlimited  
Trout Unlimited of CA

#### COLORADO

Accelerated Solutions Ltd.  
Alpine Accomodations  
Altalin Telecom Inc.  
Apex Property Management  
Bell Horseshoeing  
Blazing Adventures  
Central Colorado Preservation Partners Inc  
Chalet Swiss  
Colorado Backcountry Anglers  
Colorado Bowhunters Association  
Colorado Mule Deer Association  
Colorado River Outfitters Association  
Colorado Trout Unlimited  
Colorado Wildlife Federation  
Crystal Fly Shop  
Denver Chapter Trout Unlimited  
Double E Farm  
Dvorak Expeditions  
Eagle River Anglers  
Elk River Guns  
Fly Fishing Outfitters  
Good Samaritan Episcopal Church  
Gore Creek Fly Fishermen  
Grand Valley Anglers  
Green Drake Financial LLC  
High Mountain Drifters  
High Stick Marketing  
Joe A. Cannon, LLC  
Main Avenue Inc.  
MESA Inc.  
Mishawaka Leasing Co.  
Motivational Products Group  
Nazdar In.  
Outdoor Heritage Consulting  
Reel Life Flyshop  
Red River Research  
Robert T. Ballard Inc.  
Sheep Mountain Alliance  
Summer Property Services  
Steven R Osa MD  
Summer Property Services  
Taylor Creek Flyshop  
Waddell and Reed  
Western Slope Outfitters Association

#### MONTANA

Association of Professional Firefighters  
Backcountry Angler  
Bear Paw Bowmen  
Big Sky Beetle Works, LLC  
Blue Ribbon Flies  
Bones Brothers Ranch  
Brown Cattle Company  
Bull Mt. Productions  
Canfield Inc.  
Chuck Stranahan's Fly Shop Montana  
Complete Fly Fisher  
Dawson Resource Council  
Dunn Mountain Herefords  
Elusive Moose Hunting and Archery Center  
Frontier Anglers  
Gallatin Wildlife Association  
Game Trail Unlimited Taxidermy  
Game Trails Wildlife Studio  
Golder Ranch  
Hammerquist Construction  
Helena Hunters and Anglers Association  
Hellgate Hunters and Anglers  
Hugh Muggli Farms  
Libby Rod and Gun Club  
Montana Association of Churches  
Montana Backcountry Hunters and Anglers

Montana Fly Fishing Center  
Montana River Cats LLC  
Montana Trout Unlimited  
Mozart Music  
New World Wind Power LLC  
Public Land/Water Access Assoc., Inc.  
Park County Rod & Gun Club  
Parks Fly Shop  
Point2Design  
Ringer Gallery  
River Otter Fly Shop & Outfitters, LLC  
River Runner Essentials  
Ravalli County Fish & Wildlife Association  
Rocker 6 Cattle Company  
Royal Mountain Taxidermy  
Sylvan Peak Outfitters  
Triple M Outfitters  
Waller Farms  
Wildfowl Unlimited Taxidermy

#### NEW MEXICO

Albuquerque Wildlife Federation  
Alcon Ranch  
American Fishers Society – NM State University  
Chapter  
Blue Yonder Flyfishing  
Clemente Taxidermy  
Enchanted Circle Chapter of Trout Unlimited  
High Country Anglers  
High Desert Anglers  
Hooser Ranch  
Homebuyers Advocate  
Hurst Capital Management  
Jay's Gun Shop  
Los Pinos Fly Shop  
Maximum Muzzleloading Products  
New Mexico Mule Deer Foundation  
New Mexico State Council, Trout Unlimited  
New Mexico Trout  
New Mexico Wildlife Federation  
New Mexico Wild Turkey Foundation  
New Mexico Chapter Quail Unlimited  
Picicho Gun Club  
Quail Unlimited – NM Southwest Chapter  
Red River Anglers  
Southwest Consolidated Sportsmen  
Sportsmen Concerned for New Mexico  
Stonefly Custom Fly Rods  
The Reel Life Fly Shop  
Tina's Range Gear  
Truchas Chapter Trout Unlimited  
The Wildlife Society, NM State University  
Student Chapter

#### OREGON

Northwest Sportfishing Industry Association  
Peerless Pacific Co.  
Team Hook-Up Guide Service  
Oregon Council Trout Unlimited

#### SOUTH DAKOTA

South Dakota Wild Grassland Coalition  
Tony Dean Outdoors Inc.

#### UTAH

Four Seasons Fly Fishers  
FFF Trout Unlimited  
Gunnies Sporting Goods  
HCH Transportation Advisors  
Humpries Archery  
Ogden Archery  
Salt Lake County Fish and Game Association  
Strawberry Bay Recreation Inc.  
Trout Tramp Co.  
Utah Council Trout Unlimited

#### WYOMING

Edge Sports  
Elk Refuge Inn  
Jack Dennis Sports, Inc.  
Luyckx Enterprises, Inc.  
Mountain Khakis LLC  
Orvis of Jackson, WY  
Rocky Mountain Ranch Management  
Snowy Range Flycasters  
Sweet Enterprises, LLC  
Southeast Merriam Chapter of the National  
Wild Turkey Federation  
University of Wyoming Fly Casters  
Wyoming Council of Trout Unlimited  
Wyoming Wildlife Federation

## SPORTSMEN FOR Responsible Energy Development

[www.Sportsmen4ResponsibleEnergy.org](http://www.Sportsmen4ResponsibleEnergy.org)

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