

Photo by John Hall

SPORTSMEN'S

PUBLIC LANDS

ENERGY AGENDA



Photo by SkyTruth / EcoFlight

LOOK BEFORE YOU LEASE

A 2003 report by the Department of Interior indicated that 85 percent of the “technically recoverable” oil and 88 percent of the “technically recoverable” natural gas on federal lands in the Rocky Mountain West is currently available for leasing and development. Despite this huge acreage available for leasing and development, federal agencies continue to lease new areas. Federal agencies are leasing areas that are in the midst of land management plan revisions undercutting legal requirements for both public involvement and the use of best available scientific information to inform management decisions.

SOLUTION:

Congress should prohibit new oil and gas leasing on public lands until landscape level management plans are completed. Landscape level management plans should include analyses of the habitat requirements and limitations for game species and other species of concern.

INCREASE FEDERAL AND STATE FISH AND WILDLIFE RESOURCES

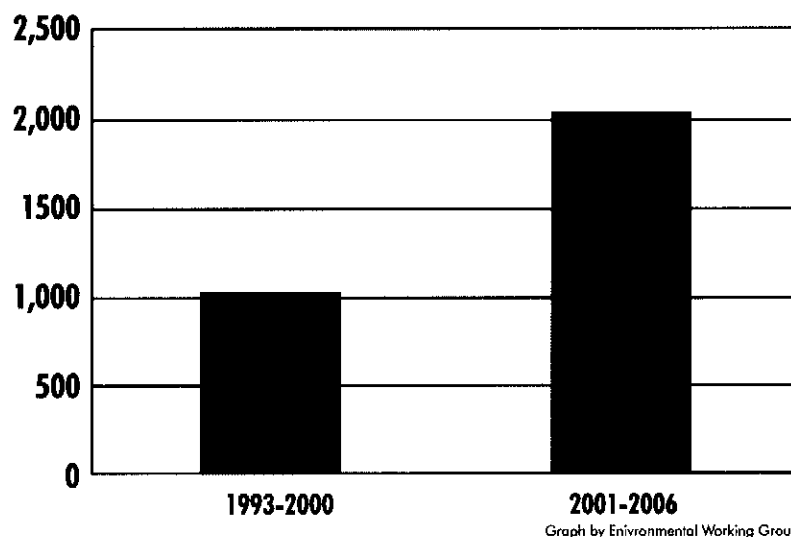
Faced with significant new challenges brought about by energy development on a landscape scale, state and federal fish and wildlife agencies are woefully under-funded and unable to conduct the management, monitoring, scientific research, remediation, and restoration to fulfill their fish and wildlife protection mandates. The Bureau of Land Management (BLM) also diverts biologists and other resources away from their primary duties to assist in processing drilling permits. The result is that crucial fish and wildlife management activities and monitoring of energy development impacts on fish and wildlife are falling behind.

SOLUTION:

The BLM wildlife and fisheries budget should be increased by at least \$10 million per year. Funding for BLM and Forest Service fish and wildlife programs should be increased significantly to ensure appropriate management and mitigation is planned in areas most likely to see development. In addition, Congress should pass legislation allowing state fish and game agencies access to an increased percentage of federal oil and gas royalty payments. Finally, Congress should prohibit the diversion of inspection and monitoring funds for permitting and leasing activities.



AVERAGE NUMBER OF WELLS DRILLED IN GAME HABITAT BY YEAR



PROTECT THE MOST IMPORTANT FISH AND WILDLIFE HABITAT

Energy development should occur in a manner that minimizes habitat fragmentation and water quality degradation. In some cases, the best decision is not to allow any development. In others, it is to proceed with caution. Too many important areas to fish, wildlife, and water resources are leased without forethought of the consequences. Federal agencies routinely waive permit stipulations designed to protect fish, wildlife, and water resources. These practices have contributed to the perception that BLM considers fish and wildlife habitat and hunting, fishing and other forms of wildlife dependent recreation to be less important than energy development.

SOLUTION

Congress should require BLM and the Forest Service to develop agency-specific directives to prohibit new leasing in sensitive landscapes such as proposed Wilderness areas, National Forest roadless areas, BLM conservation lands, critical wildlife migration corridors, and state designated fisheries of significance (for example, blue ribbon/gold medal trout streams).

Congress should also require that proposals to waive protective measures for fish and wildlife be conditioned on public involvement and environmental analyses, and that BLM and the Forest Service place sensitive fish and wildlife habitats under irrevocable no surface occupancy stipulations.

Finally, Congress should mandate that development occur with the minimum impact to fish and wildlife and water resources and that BLM require Best Management Practices. For example, where state wildlife agencies have adopted policies or guidelines with respect to energy development in sensitive wildlife habitats, BLM and the Forest Service should make these requirements a mandatory minimum level of protection. In places where habitat damage cannot be avoided, Congress should require adequate bonding for mitigation and restoration of the same types of habitats that were damaged.

PROTECT WATER QUALITY AND QUANTITY

The exemption of oil and gas construction activities from Clean Water Act requirements in the Energy Policy Act of 2005 allows for the pollution of streams with run-off from construction sites. In addition, the discharge of produced water associated with coal bed methane may contain high levels of saline or other contaminants, and is largely untreated.

SOLUTION

Congress should overturn the Clean Water Act exemptions of the Energy Policy Act of 2005 and require energy companies to comply with the storm-water run-off provisions of in the Clean Water Act. In addition, Congress should require re-injection of produced water or development and enforcement of treatment standards for produced water associated with coal bed methane development to ensure healthy streams and rivers.

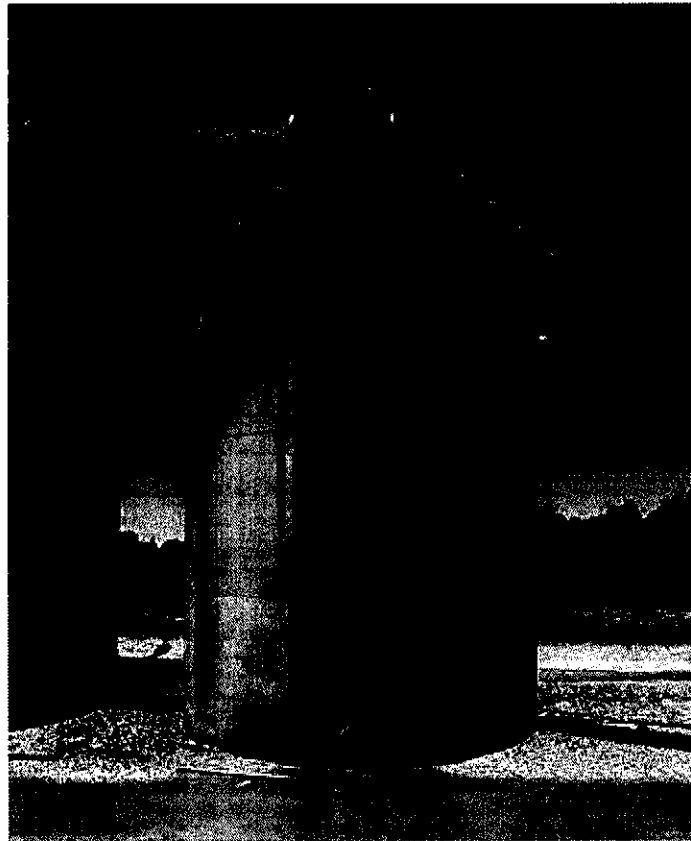


Photo by Oscar Simpson



Photo by Chris Hunt

IMPROVE PUBLIC INVOLVEMENT

Sportsmen are generally unaware when important fish and wildlife habitats are leased by the public land management agencies. State fish and wildlife agencies, sportsmen, and others must have opportunities to engage in leasing decisions to ensure accurate information on the location of crucial wildlife habitat and key migration corridors. In addition, due to provisions of the Energy Policy Conservation Act of 2005, agency managers increasingly bypass requirements for environmental review and public involvement in leasing and development decisions through “categorical exclusions” under the National Environmental Policy Act (NEPA).

SOLUTION

Congress should mandate significant public involvement prior to issuing leases. Congress should also eliminate the use of categorical exclusions for exploration or development of oil and gas in wildlife corridors and important fish and wildlife habitats on federal lands.

MAINTAIN PUBLIC CONTROL AND MANAGEMENT FLEXIBILITY

Too often federal agencies lease public lands without adequate analysis to potential effects on fish, wildlife, and water resources, with a promise that such analysis will occur at the application for permit to drill level. Unfortunately, when time comes to issue an application for permit to drill, the agencies claim their hands are tied, as the lease has vested the leaseholder with a property right, and that additional protection measures could represent a "taking" of private property by the federal government.

SOLUTION

Congress should require that all agency lease sales contain a standard provision that reserves the Forest Service and BLM ability to control and, if necessary, prohibit lease activities that compromise important fish, wildlife, and water resources.

PROTECT FISH AND WILDLIFE HABITAT FROM GLOBAL WARMING

For millions of people, hunting and fishing are an important part of life in the American West. Unfortunately, global warming is already impacting the fish and wildlife habitats where Americans love to hunt and fish. Increased numbers of fires, droughts, and floods are predicted as a result of climate change. The loss of sagebrush and wetlands, and habitat for trout, salmon, and waterfowl are among other predicted impacts. Unfortunately current Forest Service and the BLM planning documents do not consider the effects of climate change on fish and wildlife, and the important role public lands play in providing a safe refuge for fish and wildlife.

SOLUTION:

Congress should direct BLM and other federal land management agencies to address global warming in resource management plans, lease decisions, and site specific permits to drill.



Photo courtesy of USFWS



Photo by Chris Hunt

KEEP PUBLIC LANDS IN PUBLIC HANDS

Habitat on public lands managed by the Forest Service and the Bureau of Land Management (BLM) is important to fish and wildlife, and access to that habitat for hunting and fishing opportunities is essential to sportsmen. In a warming climate, public lands and healthy habitats will become ever more essential for healthy and abundant fish and wildlife populations. Hunters and anglers have opposed repeated attempts to sell or otherwise diminish public lands in the President's recently proposed budgets and in so-called mining law reform provisions that were adopted in House budget legislation.

SOLUTION:

Congress should exclude land sales from any proposed energy legislation. Furthermore, Congress should pass a resolution expressing opposition to large-scale proposals to sell public lands, and affirming the importance of maintaining access to hunting and fishing opportunities on public lands.



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