

**Biodiversity Conservation Alliance  
Californians for Western Wilderness \* Coalition for the Valle Vidal  
Earthjustice \* Ecoflight \* National Wildlife Federation  
Natural Resources Defense Council \* New Mexico Wildlife Federation  
Northern Plains Resource Council  
Powder River Basin Resource Council \* San Juan Citizens Alliance  
Sierra Club \* Southern Utah Wilderness Alliance  
Southwest Environmental Center \* Upper Green River Valley Coalition  
U.S. PIRG \* Western Organization of Resource Councils  
Western Resource Advocates \* The Wilderness Society  
Wyoming Outdoor Council**

The Honorable Pete Domenici, Chairman  
The Honorable Jeff Bingaman, Ranking Member  
Members of the Energy and Natural Resources Committee  
U.S. Senate

May 17, 2005

Dear Chairman Domenici, Ranking Member Bingaman and members of the committee:

On behalf of our groups and the millions of citizens we represent, many of whom live and work in the Rocky Mountain West, we are writing to ask you to ensure that the Senate energy bill protects western landscapes, residents and communities from drinking water contamination, damage to private lands and livestock, and other harm from oil and gas development. We represent ranchers and farmers, hunters, anglers and outfitters, business owners, hikers, campers and wildlife watchers. As consumers of natural gas and other forms of energy, we are very concerned about rising energy prices. We do not object to responsible development of federal energy resources in appropriate places and in a manner that protects the other important values of our western landscapes, including drinking water supplies, clean air, wildlife habitat, agriculture and recreation. This can be done, however, without further rushing energy development or elevating it over other public land uses.

Despite the facts that (1) the vast majority of oil and gas resources on federal lands in the Rockies are available for development, (2) approximately three-quarters of minerals leased by the U.S. Bureau of Land Management (BLM) are not in production, (3) the BLM has issued thousands more drilling permits than the industry can actually drill, and (4) natural gas production from federal lands is at an all time high, the House energy bill, H.R. 6, contains many objectionable provisions that elevate oil and gas development to be the dominant use of our western public lands and private lands underlain by federal minerals. We strongly urge the Senate to exclude these measures from its energy bill. They are environmentally damaging and unnecessary to assure development of domestic oil and gas resources.

**Oil and natural gas development is already accelerating across the Rocky Mountain West.** According to the Department of the Interior’s January 2003 Energy Policy and Conservation Act (“EPCA”) study, 85 percent of federally-owned oil resources and 88 percent of federally-owned gas resources in the Rocky Mountain states are already available for exploration and drilling. Over 35,446,000 acres of BLM lands are currently under lease for oil and gas, yet only 11,671,000 acres were in production in 2004. In FY 2004, the BLM issued a record number of 6,052 drilling permits on BLM lands, but industry drilled only 2,702 new wells. Even so, last year, for the first time in history, over 3.1 trillion cubic feet of natural gas was produced from the public lands. Recently, the Energy Information Administration reported that the number of natural gas drilling rigs was at an all time high.

The following provisions in H.R. 6 should not be included in the Senate bill. These measures attempt to:

- Undermine the Clean Water Act by exempting from the “stormwater” requirements all oil and gas construction activities, including construction of roads, drill pads, pipeline corridors, refineries, compressor stations, sweetening plants, etc.; (Sec. 328)
- Weaken the Safe Drinking Water Act by prohibiting hydraulic fracturing fluids from being considered pollutants of drinking water; (Sec. 327)
- Waive public participation and environmental review under the National Environmental Policy Act (NEPA) for numerous oil and gas activities, including well pads up to 5 acres in size, infill projects in an existing oil and gas field, and disposal of water from coalbed methane drilling, and seismic exploration; (Sec. 2055)
- Waive existing National Environmental Policy Act (NEPA) environmental review and public participation process for all types of energy development projects on Indian lands in favor of an unspecified new process; (Title V, Secs. 501-505)
- Allow oil and gas companies to take up to two years to comply with drilling permit application requirements, but limit the BLM to only ten days to make decisions on drilling permit applications; (Sec. 2028)
- Mandate that the Interior Secretary provide compensation to federal lessees in instances where the lessee claims that he or she is not being allowed to either explore for or develop a federal lease “...in the lawful manner requested by the lessee...”, if the government has failed to act on a drilling permit application within a certain period of time. Leases relinquished under this provision are available for future sale, and can be re-purchased by the former lessee; (Sec. 2054)
- Repeal the heart of the National Environmental Policy Act (NEPA) for a wide range of energy projects that could include hydroelectric dams and garbage incineration, as well as various oil and gas activities such as pipeline construction. The heart of NEPA is the requirement that agencies examine alternatives that could lead to lesser harm or greater benefits—eliminating this requirement would create substantial risks that agencies would act on incomplete information. The provision also seeks to cut the public out of decisions regarding how to manage

public resources by limiting the amount of time the public has to review information. (Sec. 1702)

America needs a responsible energy policy that enhances our national security by promoting clean, renewable energy sources and energy efficiency. Such a policy must respect the private property rights of western ranchers and landowners, protect our most environmentally sensitive lands and wilderness-quality landscapes from the impacts of energy development, and preserve the entire spectrum of values and uses of our public lands from drinking water and wildlife habitat to clean air and recreation.

Sincerely,

Suzanne Lewis  
Conservation Advocate  
Biodiversity Conservation Alliance

Michael J. Painter  
Coordinator  
Californians for Western Wilderness

Jim O' Donnell  
Outreach Coordinator  
Coalition for the Valle Vidal

Randy Moorman  
Legislative Representative  
Earthjustice

Bruce Gordon  
President  
Ecoflight

Sean McMahon  
Director, National Lands Stewardship Campaigns  
National Wildlife Federation

Johanna Wald  
Land Program Director  
Natural Resources Defense Council

Oscar Simpson  
President  
New Mexico Wildlife Federation

Mark Fix  
Chair, Coalbed Methane Task Force  
Northern Plains Resource Council

Bernie Barlow  
Chair, Board of Directors  
Powder River Basin Resource Council

Mark Pearson  
Executive Director  
San Juan Citizens Alliance

Adriana Raudzens  
Associate Regional Representative  
Sierra Club

Linda F. Baker  
Grassroots Coordinator  
Upper Green River Valley Coalition

Emily Kaplan  
Staff Attorney and Public Lands Advocate  
U.S. PIRG

Sara Kendall  
D.C. Office Director  
Western Organization of Resource Councils

Mike Chiropolos  
Lands Program Director  
Western Resource Advocates

Dave Alberswerth  
Director of BLM Program  
The Wilderness Society

Bruce Pendery  
Staff Attorney and Public Lands Director  
Wyoming Outdoor Council

