

Biodiversity Conservation Alliance, Californians for Western Wilderness, Coalition for the Valle Vidal, Colorado Environmental Coalition, Defenders of Wildlife, Earthjustice, EcoFlight, Environment Colorado, Friends of the Earth, Greater Yellowstone Coalition, National Environmental Trust, Natural Resources Defense Council, New Mexico Wildlife Federation, Oil & Gas Accountability Project, San Juan Citizens Alliance, Sierra Club, Southern Utah Wilderness Alliance, The Wilderness Society, Upper Green River Valley Coalition, U.S. Public Interest Research Group, Western Organization of Resource Councils, Western Resources Advocates, Wyoming Outdoor Council

SAFEGUARD THE PUBLIC'S RIGHT TO PARTICIPATE IN MANAGEMENT OF OUR PUBLIC LANDS

Oppose NEPA exemptions included in the House-passed Energy Bill

We urge you to oppose provisions that attempt to limit environmental, public health, and citizen review of oil and gas projects throughout the West and in Alaska as proposed by Section 2055 of the House Energy Bill, H.R. 6. The Senate correctly refrained from including similar language in its amended version of H.R. 6. Sec. 2055 of the House bill would harm the well-being of our communities and our environment by seeking to: (1) prevent federal agencies from being able to consider any public health and environmental impacts under the National Environmental Policy Act (NEPA) for a wide range of energy projects; and (2) cut the public, expert agencies, and local and state governments out of energy project decisions on public and private lands.

Section 2055 of H.R. 6 attempts to exempt from NEPA review the following activities on federal lands managed by the Secretary of the Interior:

Individual surface disturbances of less than 5 acres. Most oil or gas wells are less than five acres. This exemption could potentially open up an enormous loophole in NEPA that would allow oil and gas companies to claim that, because each of their pads is less than 5 acres, no environmental review is required. Claims that this loophole would not be exploited this way are pure speculation and contrary to the plain language of Section 2055.

Geophysical exploration projects that do not require road construction. Most geophysical exploration does not require road construction. If not carefully conducted, these projects can damage a host of resources, including cultural sites and wildlife habitat, as well as leave lasting scars on the arid western environment. In 2004, over 23,000 members of the public from around the country submitted comments on and proposed changes to a highly controversial seismic project in Utah's culturally rich Nine Mile Canyon. According to the Bureau of Land Management (BLM) staff, the NEPA process resulted in significant improvements to the project, including the protection of invaluable Native American artifacts that could have been lost forever. In addition, the provision could exempt seismic exploration offshore, as well as onshore.

Drilling oil and gas wells within developed fields, and in areas where drilling occurred previously. This exemption could block federal agencies, local governments, and the public from considering and preventing serious human health and environmental impacts that can result from increased drilling in developed areas, including, for example, increased air pollution in Colorado's San Juan Basin and harm to wildlife in Wyoming's Jonah Field.

Disposal of water produced from an oil or gas well. Water produced with oil and gas drilling can contain a witch's brew of toxic chemicals harmful to the environment and public health. For example, coalbed methane projects frequently produce highly saline water that can alter the soils on privately-owned ranchlands and livestock forage. NEPA review of produced water and by-products is necessary for

agencies and the public to understand potential impacts and to take appropriate steps to mitigate projected damage.

Pipeline construction projects in approved right-of-way corridors. The identification in agency land use plans of a general right-of-way corridor does not itself include review of the public health and environmental impacts from a specific project. This site specific review is conducted later on a case-by-case basis depending on the type of proposed project. By exempting pipeline construction in approved corridors from NEPA review, this critical project-specific review process would be abolished and the public, as well as local and state governments would be cut out of the process.

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