

## North American Wildlife Policy Conference

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**PROBLEM STATEMENT:**

The August 16, 2007 Executive Order 13443 (EO) "Facilitation of Hunting Heritage and Wildlife Conservation", directs federal agencies, especially the Departments of Interior and Agriculture "to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat". Success in this effort means expanding and enhancing the North American Model of Wildlife Conservation (1) that depends on vibrant and resilient game species, populations and habitats.

Energy development is a major wildlife concern in significant parts of several western states (especially Wyoming, Colorado, New Mexico, Utah, Montana and North Dakota) which contain the largest onshore natural gas reserves in the nation. These areas also contain some of the best game/wildlife (and hunting) habitats in the West and their future as prime habitat, in the face of actual or potential energy development is uncertain. The Bureau of Land Management (BLM) administers the energy minerals on these mostly federal lands following a minerals policy directed by six acts of Congress (the Mineral Leasing Act of 1920 as Amended, the Domestic Minerals Program Extension Act of 1953, the Mining and Minerals Policy Act of 1970, the Federal Land Policy and

Management Act of 1976, the National Materials and Minerals Policy, Research and Development Act of 1980, and the Energy Policy Act of 2005). As energy security concerns and energy prices continually increase so does the national priority [as stated in the Energy Policy Act of 2005 (P.L. 109-58) (EPACT 2005)] to expand the domestic production of oil and natural gas and encourage new energy minerals exploration.

With energy activities in the West increasing, concerns about maintaining game/wildlife species, populations and habitats at the wildlife-energy interface are also increasing. Given the magnitude of present and anticipated energy development in the West, it is doubtful that game/wildlife species and associated habitat values can be maintained without increased interagency collaboration, reducing on-site habitat impacts and developing landscape-scale efforts to enhance habitats off-site similar to the 2007 U.S. Department of Interior Healthy Lands Initiative (HLI). If improved collaboration and landscape-scale habitat efforts including analysis and decision-making are not implemented it is unlikely that meaningful balance between energy development and wildlife and hunting can be maintained or achieved, the North American Model of Wildlife Conservation supported, and the intent of the EO fulfilled.

#### GOALS:

1. Manage the public lands in a manner that will protect the quality of...environmental...values; that will provide food and habitat for fish and wildlife... [Federal Land Policy and Management Act of 1976 (FLPMA)].
2. Federal land management agencies (FLMA) should maintain, restore and enhance healthy lands for wildlife and their habitat while seeking enhanced energy security through domestic oil and natural gas production (HLI).
3. FLMA should actively manage species to prevent listing under the Endangered Species Act and to assure recovery for those species already listed (HLI).
4. FLMA management plans and decision documents for energy development projects should provide for habitats that support game/wildlife populations at current state wildlife agency planning levels. (i.e., 1988 Pinedale Anticline Planning Area ROD).
5. FLMA should use and apply landscape-scale assessments and state wildlife action plans to identify game/wildlife species needs and conservation priorities to conserve game/wildlife species, populations and habitats while assuring access to energy resources (HLI).
6. The BLM should consider temporary deferral of fluid minerals leasing to preserve options for game/wildlife species, populations and habitat conservation in specific areas (HLI) undergoing active land use planning with legitimate BLM-recognized resource concerns. (BLM Instruction Memorandum No. 2004-110).
7. FLMA should emphasize landscape-scale assessments through cooperative conservation partnerships with other federal, state, private and tribal partners to benefit the land they manage with special emphasis on state wildlife action plan programs (HLI).
8. FLMA should seek and obtain sufficient funding to support effective partnerships to implement landscape-scale initiatives to protect wildlife and restore habitat in

- energy interface areas and other areas where the conservation of wildlife and habitat may be inconsistent with energy development on public lands (HLI).
9. FLMA and state wildlife agencies should maintain sufficient habitat on site, or off site if needed, to support all resident and migratory game species at populations providing reasonable hunting and fishing success throughout the energy development process; disturbed sites should be reclaimed to habitat standards supporting predevelopment hunting opportunities. (EO).

#### CHALLENGES:

1. Reforms were made in the Energy Policy Act (EPACT) of 2005 to encourage new exploration and expand domestic production of oil and natural gas. These have increased the challenges to the FLMA in maintaining healthy lands for wildlife and habitat. The Association of Fish and Wildlife Agencies' (AFWA) Energy and Wildlife Policy Committee (EWPC) submitted (10/11/07) comments to Congress offering suggestions for EPACT 2005 reforms to enable the BLM to better assess and mitigate negative impacts to wildlife from oil and gas exploration and development. Suggestions included:
  - Continue operation of seven BLM Oil and Gas Pilot Offices through at least 2015.
  - Increase the review time for Applications for Permits to Drill from 30 to 45 days to provide the BLM more time to adequately evaluate drilling applications and consider appropriate permit stipulations to protect wildlife species and their habitats.
  - Ensure adequate site-specific analysis prior to issuing categorical exclusions for oil and gas development.
  - Require annual federal agency consultation with state agencies to review new data, NEPA documents, etc., prior to new leasing offerings and decisions to avoid or mitigate impacts to wildlife, wildlife corridors and crucial habitats.
  - Support reclamation and bonding requirements.
  - Create a dedicated recurring source of funding for the HLI.
2. The Western Governor's Association (WGA) February 2007 resolution 07-01 *Protecting Wildlife Migration Corridors and Crucial Wildlife Habitat in the West* and the subsequent Oil and Gas Working Group (OGWG) December 2007 final report, identify conflicts between energy development and wildlife and solution options. The federal leasing process as implemented was cited as a major barrier to wildlife conservation. Major findings of the report include:
  - Development of both new and existing oil and gas leases can create conflicts with other resource values and stakeholder preferences. The special needs of crucial habitat and wildlife corridors are key concerns.
  - Monitoring helps achieve management objectives. Inadequate monitoring can have serious consequences for both wildlife and development.
  - Informed decisions about crucial habitat and wildlife corridors require new geospatial products including GIS-based landscape assessments and

maps that identify areas of potential conflict between wildlife and oil and gas development.

3. Federal funding for partnerships for landscape-scale habitat initiatives has not been sustained (e.g. HLI was funded at a relatively small percentage of the President's request in the 2008 Appropriations Act).
4. The Sporting Conservation Council (SCC) in a December 2007 letter to the Secretary of the Interior documented concerns about balancing energy development and wildlife on the Pinedale Anticline in Wyoming. Concerns included BLM's response to state wildlife population goals, and opportunities for temporary deferral of leasing in HLI areas to protect game/wildlife conservation options during active land use planning activities.
5. The Theodore Roosevelt Conservation Partnership has published *Energy FACTS for Fish and Wildlife*, which outlines actions it believes are needed to better balance management of public lands for energy and fish and wildlife.

Recommendations include:

- A long-term funding solution is needed to provide federal and state wildlife agencies means to manage habitats and populations affected by energy development.
- Energy development and wildlife and fish needs should be balanced on federal land.
- A Conservation Strategy should be developed for each major energy project.
- The leasing process should be changed to include wildlife and fish assessments before leasing.
- The federal government should improve coordination with all stakeholders.
- Science must be used to inform decisions.

#### CONSEQUENCES OF INACTION:

Failure to fulfill the above goals and respond to these identified challenges will increase the uncertainty about the effects of energy development on game/wildlife and potentially increase the risks to game/wildlife populations and habitats. This increased risk and uncertainty could jeopardize the sustainability of game/wildlife populations, habitats and hunting. Such risk and uncertainty could also jeopardize the North American Model of Wildlife Conservation and the ability to implement and fulfill the intent of the EO.

#### OPPORTUNITIES:

1. In collaboration with state and tribal governments, FLMA should establish specific game/wildlife population and habitat goals and objectives for energy development projects for inclusion in land management plans and related decision documents.

2. FLMA initiation/completion of pre-development landscape level wildlife/ecological assessments in energy development project areas should be a priority of the HLI program in each of the major HLI project areas.
3. FLMA should immediately establish a landscape assessment taskforce to develop assessment standards and protocols for on-site and off-site considerations drawing on recent examples of success including the Encana, BP, The Nature Conservancy, and the Jonah Interagency Office Partnership that produced the “Off-Site Mitigation Plan for the Jonah Field” based on the *Marxan* Habitat Model. A critical part of the standards and protocols would be consideration of the unique cooperative conservation partnerships appropriate to different types and scopes of assessments.
4. The BLM should immediately re-emphasize the discretionary authority of the State Directors to temporarily defer leasing of specific tracts of land with active land use planning activities involving legitimate BLM-recognized concerns (i.e., preserving game/wildlife conservation options pending completion of landscape assessments and related management plans and decisions).
5. FLMA should establish a cooperative conservation partnership with the WGA to jointly explore the feasibility of implementing recommendations in the WGA Wildlife Corridors Initiative (11/07) developed by the WGA Oil and gas Working Group.
6. FLMA should invite the AFWA and its Energy and Wildlife Policy Committee to jointly discuss its views of the needs and opportunities for refining EPACT 2005.
7. The Department of Interior is to be commended for seeking \$21.9 million for HLI in its FY 2009 budget. The Department should continue to seek full funding for this important initiative and other landscape-scale initiatives in new project areas.

LITERATURE CITED:

1. Geist, V. 2006. The North American Model of Wildlife Conservation: A means of creating wealth and protecting public health while generating biodiversity. Pp 285-293. In: D. M. Lavigne (ed.) *Gaining Ground: In Pursuit of Ecological Sustainability*. International Fund for Animal Welfare, Guelph, Canada, and University of Limerick, Ireland.