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## **Theodore Roosevelt Conservation Partnership will appeal court's ruling allowing oil, gas development on Pinedale Anticline**

GREEN RIVER -- The Theodore Roosevelt Conservation Partnership is appealing a recent court decision to allow continued oil and gas development on the lucrative Pinedale Anticline gas field in southwest Wyoming.

The TRCP suit, filed in 2008 in U.S. District Court, alleged the Bureau of Land Management mishandled energy development in the Anticline -- and the resulting impacts to wildlife -- by failing to implement the prescribed management and mitigation activities.

In September, a federal judge upheld the BLM's decision of record for the field and said the agency's management activities did not violate federal law.

TRCP officials said last week the group will appeal the ruling to the U.S. Court of Appeals for the D.C. Circuit.

"Our appeal is rooted in our interest in assuring the responsible development of these energy resources," TRCP board member Rollin Sparrowe said in a media release. "And in our desire to see the BLM address mitigation, monitoring and adaptive management in a way that is both meaningful and effective for species prized by American sportsmen."

Oil and gas industry officials decried the move and said operators in the Pinedale Anticline have been responsible in their development of the field.

"The environmental impact statements and the resource management plans have been done and redone," said Bruce Hinchey, President of the Petroleum Association of Wyoming.

"The protections in place are more than adequate for anything that's going on in the Anticline," Hinchey said. "The [appeal] is just another costly tactic that's going to cost the industry more money ... but that seems to be the way it is these days."

TRCP officials have maintained for years that the BLM decisions regarding development in the Pinedale Anticline consistently ignore current science about the impacts of natural gas projects on wildlife, particularly sage grouse and mule deer.

The 198,000-acre Pinedale Anticline is located in southwest Wyoming's Sublette County, west of Pinedale.

Operators such as Questar Exploration and Production, Shell Exploration and Production and Ultra Petroleum have received federal permission to drill approximately 4,400 new wells in the field.

## NEPA violations

The TRCP's lawsuit alleged that the BLM's 2008 supplemental environmental impact statement and record of decision approving the 4,400 new wells violated both NEPA and Federal Land Policy and Management Act laws.

The group argued that the BLM's 2008 record of decision did not implement adequate mitigation measures and in particular, that stronger protection of sage grouse was needed on the Pinedale Anticline.

The suit alleged the BLM was deficient in its alternatives analysis in the document and failed to take a hard look at the impacts to wildlife.

The court, however, held that the administrative record supported the BLM's examination of impacts on wildlife and benefits of enhanced mitigation measures.

The ruling supported the BLM's duty to balance the need for additional natural gas production against foreseeable declines in wildlife.

TRCP officials cited a new, recently-released federal report that documents severe declines of up to 60 percent in mule deer numbers in the Mesa area within the Pinedale Anticline project boundary as another reason to appeal the decision.

Each year, a few thousand mule deer from the 30,000-animal Sublette herd in western Wyoming take advantage of the prime winter habitat found within the Mesa.

The Mesa's mule deer have declined to the lowest population levels on record, according to the "Mule Deer Monitoring in the Pinedale Anticline Project Area: 2010 Monitoring Report" released in October.

The report said deer populations on the Mesa have dropped by 45 percent over the past two winters. The Mesa herd is losing about 190 animals a year, according to the study.

The report also said the Mesa herd declined by 60 percent in 2009 when compared to 2001 numbers.

The BLM's wildlife monitoring and mitigation stipulations for the Pinedale Anticline project area mandate that a 15 percent or more decline in mule deer abundance triggers additional mitigation and monitoring efforts.

"The government's failure to implement practices that conserve seasonal habitat for mule deer are furthering this populations decline," Sparrowe said.

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The Pinedale Anticline gas field is the second-largest natural gas development in the United States.

The approximately 198,000-acre Anticline field ranks third in the nation with proven reserves, with an estimated 20 trillion to 25 trillion cubic feet of natural gas. That's enough gas to heat 15 million homes for 30 years.

In July 2000, the Bureau of Land Management approved a proposal by energy operators to drill up to 1,139 new wells on the Pinedale Anticline through 2011.

In the mid-2000s, Pinedale Anticline operators sought BLM permission to drill year-round in the Mesa portion of the Anticline and to increase their number of wells in the field.

In 2008, the BLM issued a revised record of decision that allowed an additional 4,399 new natural gas wells on 600 new well pads in the field through 2025.

The new plan also relaxed some seasonal drilling restrictions that aimed to protect wildlife and allowed for some year-round access in certain areas of the field.

In June 2008, the Theodore Roosevelt Conservation Partnership filed suit in U.S. District Court in the District of Columbia against the U.S. Department of the Interior.

The suit alleged the BLM failed to meet and implement the monitoring and mitigation requirements that were established by the agency.

The suit contended the BLM failed to implement "adaptive environmental management" and mitigation requirements outlined in BLM decision documents for the project area.

The suit alleged the agency's environmental management procedures failed and the BLM violations resulted serious damage to wildlife populations in and around the Pinedale Anticline.

On Sept. 29, a district court judge issued a summary judgment for the Department of the Interior that affirmed the Pinedale Anticline environmental impact statement.

The ruling upheld the 2008 record of decision authorizing the continued development of oil and gas resources.

The court held that the BLM's decisions concerning the 2008 record of decision did not violate either the National Environmental Policy Act or the Federal Land Policy and Management Act.

-- Jeff Gearino

