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Written Testimony of Dr. Rollin D. Sparrowe, President

Wildlife Management Institute

on

Enhancing America's Energy Security

to the

U.S. House of Representatives

Committee on Resources

Washington, D.C. 20515

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Introduction

Mr. Chairman, I am pleased to testify on behalf of the Wildlife Management Institute (Institute) regarding the orderly development of energy resources on public lands. Our Institute, established in 1911, is staffed by professional wildlife scientists and managers. Its purpose is to promote the restoration and improved management of wildlife and other natural resources in North America.

We commend your Committee for initiating this dialog and for attempting to address the social, economic and environmental impacts of energy development as we enhance our energy security. We are concerned that the seriousness of the impacts energy development may have on wildlife and other natural resources may be underestimated. We urge your Committee to lay the groundwork that will lead to a plan for long-term and orderly development of energy resources with the least amount of impact on wildlife and other natural resources. In this time of significant challenge to our society, we respectfully suggest that stewardship of living resources is essential to our Nation's security.

Our Institute believes exploration and development of energy resources may seriously impact wildlife and other natural resources. Though many site impacts are not fully understood, it is clear that energy development projects represent a major hazard to wildlife in some of the nation's most imperiled habitats. We have participated for almost a decade in public processes concerning traditional oil and gas development in Western Wyoming. Some of us had experience with earlier energy projects in Colorado, Wyoming, Utah, New Mexico, and Alaska. It is significant that many of the same questions about fish and wildlife impacts are with us twenty years later. Many of our current concerns are about the pace and scope of development in the Upper Green River of Wyoming, but other areas are growing in importance.

For example, potential coalbed methane (CBM) deposits exist in widespread locations in Alabama, Arizona, Colorado, Indiana, Illinois, Iowa, Kansas, Kentucky, Michigan, Montana, New Mexico, Oklahoma, Ohio, Pennsylvania, Texas, Tennessee, Utah, West Virginia and Wyoming; and there are thousands of proposed CBM development projects across the United States. The process of extracting methane gas results in huge amounts of water of varying quality being brought to the surface at each well site. This massive amount of ground-water removal can negatively influence amount and quality of important underground aquifers, and run off can effect streams.

For traditional oil and gas as well as CBM, infrastructure including roads, pipelines, and electrical power to support CBM extraction also threatens wildlife habitats and movements among those habitats. Thousands of miles of roads, pipelines and power lines are needed to fully develop CBM and other deposits, which increase the fragmentation of already modified wildlife habitats. We are concerned over the lack of reliable estimates regarding the impacts these proposed developments will have on wildlife and other natural resources.

Stipulations for Wildlife

We hear from energy companies, the Administration, and many in the Congress that we must remove restrictions on exploration, development and operations and open new areas-without specifying which ones. The clear target appears to be seasonal and other use stipulations that attempt to mitigate impacts on wildlife. Please keep in mind that the herds of mule deer, elk, and pronghorn, and flocks of sage grouse, are important wildlife populations that support local businesses and culture. Their recovery from past over-exploitation at the turn of the century was paid for over the past seven decades by sportsmen's dollars. It is simply unfair to expect American sportsmen and women to foot the bill to recover wildlife populations a second time.

We are not opposing orderly development of energy resources to meet our country's needs. However, we firmly believe that reasonable restrictions and stipulations on energy development are among the best tools to protect wildlife. These protective measures are the result of thoughtful compromises among conservationists, energy development interests, and public land managers at the local level. Local measures to protect wildlife and fish and water resources from the effects of energy development are not simply "impediments" to energy production. They are part and parcel of responsible multiple use management of our public lands. We do not agree that fish and wildlife habitat protection unduly limits the ability to produce energy supplies. The long-term protections to wildlife and fish afforded by these common sense measures create their own economic opportunities, and should not be sacrificed to produce short-term energy supplies. Neither the Congress nor the U. S. Bureau of Land Management (BLM) should make hasty decisions to roll back processes and procedures currently used to conserve wildlife while development occurs. In fact, further

investment in understanding impacts on wildlife is in the Nation's interest.

In examining the record of operations on the Pindale Anticline in Wyoming, we find that as many as 85 percent of winter use stipulations to protect big game herds have been exempted by BLM on appeal from energy companies. Similar rates of exemption appear to be happening for sage grouse. This suggests that the stipulations are not unduly limiting production - in fact it raises concerns about overly liberal accommodation, especially for a declining species like sage grouse. Examples of this information is available on the BLM web site <www.pinedalerm.com>.

A responsible approach to energy development must include a more comprehensive program to manage fish and wildlife. Neither the BLM or U. S. Forest Service, nor the individual states involved have the data or staff and money to do all the work necessary to take care of renewable fish and wildlife resources, considering the pace and magnitude of proposed and future developments. Funding for monitoring wildlife, fish and other resources, conducting habitat management, and carefully balancing production with protecting resource values is not currently available.

Broadening The Dialog

Decisions on energy development should be made carefully, based on specific consideration of geographically distinct areas and impacts on wildlife populations and their seasonal ranges. Until now, fish and wildlife organizations have not been at the table as discussions occur about plans and proposals to open important lands to more exploration. Hearings in the Congress on developing our nation's energy reserves have not included invited testimony from hunter and angler interests. Also, planning for accelerated development with energy producers has not included our interests.

To begin to bridge this gap, representatives from the fish, wildlife, ranching and energy communities met in Wyoming in June 2002 to share concerns and began an overdue dialog. The Department of the Interior helped support the dialog, which was an orderly two-day exchange and discussion of where we might find some common ground. A summary of the dialog was prepared by Meridian Institute, which facilitated the meeting, and is available as a download at <<http://www.iwla.org/reports/energysummit/html>>.

On March 5, 2003, a science-based non-advocacy discussion was held in Pineal, Wyoming to focus on big game herds in the path of development. In a meeting cosponsored by our Institute, the Izaak Walton League of America, The Wildlife Conservation Society, and the Cooperative Fish and Wildlife Research Unit at the University of Wyoming, results of baseline research on big game herds was presented. On that basis, a discussion ensued that identified needs for longer-term monitoring and evaluation of the herds during development, designed to produce information useful in management decisions. The audience included BLM, U.S. Forest Service, Wyoming Department of Game and Fish, non-governmental conservation organizations, private researchers, energy companies involved in local development and a Sublette County Commissioner.

This meeting was facilitated by our Institute, and a summary is being prepared. Feedback from participants was positive, and suggested that future science-based meetings may be useful on sage grouse, aquatic resources, and perhaps others. I am including for the record a summary set of science-based recommendations for mule deer and pronghorn (refer to Appendix I). This baseline work identifies specific vital migration habitats that should be protected before further leasing occurs. More detailed reports with maps and tables showing critical habitats can be supplied at the pleasure of the Committee. This illustrates the science-based needs for work on the ground to evaluate resource impacts. Similar work and analysis is still needed for sage grouse, fisheries, sage habitats, and other species.

Major developments have grown quickly in the Upper Green River Valley. New fields of coaled methane are predicted. A significant revision of the Pineal Resource Management Plan for the area is open for public scooping. The quality of the baseline information, presented at the March 5 meeting, is excellent, and may

surpass what is customarily available for BLM to start such a process. An additional asset is that BLM has currently opened a nomination process for a Pineal Working Group to be appointed by the Secretary of Interior under the Federal Advisory Committee Act. This process can provide an important example of how to carefully develop energy resources in an environmentally sensitive manner, with citizen input. With data from monitoring and needed studies, adjustments in the pace and manner of development can occur to reduce impacts on fish and wildlife.

Wildlife and People

The fish and wildlife resources in the Upper Green River area are extraordinary. More than 38,000 mule deer; 42,000 pronghorn; and 8,000 elk live in the Basin. Many herds migrate long distances - pronghorn up to 150 miles and mule deer 100 miles. They cross many barriers of roads, fences, pipelines, towns, and other obstacles. Energy is another potent influence. Fisheries include blue ribbon trout streams, lakes, and habitat for such threatened species as Colorado cutthroat. Now that coaled methane has joined existing extensive oil and gas fields, concerns are larger for these fisheries.

Hunter numbers are important to Wyoming communities. In 2001, 2,600 people hunted pronghorn in the Upper Green, 7,300 hunted mule deer, and 7,600 pursued elk. Trout fishing is a major attraction on the streams and lakes in the same area.

The problems that would be caused by precipitous action on existing protections for wildlife are shared not only by hunters and anglers. For example, rural towns in the Green River Basin of Wyoming tell us a large portion of their annual income is collected during hunting season to motels, restaurants, grocery stores and the like. The U.S. Fish and Wildlife Service's 2001 National Survey of Hunting and Fishing indicates that annually \$1.8 billion in retail sales and 43,000 jobs are realized by the states in the Northern Rocky Mountains from hunting alone; add fishing and observing wildlife, and the value is about three times that figure. It is important to note that these are long-term, substantial benefits that accrue regularly to local communities only if wildlife and their habitats are secure. Local people will need to rely on wildlife and fishery resources to sustain their local economy and culture long after energy development is gone.

Accelerated energy development must be done with much more attention to detail, and careful evaluation of costs and benefits, than is evident in much of the recent dialogue. Importantly, organizations representing hunters and anglers have a lot to offer that has not yet been used by government or the Congress. The diverse array of wildlife and fishery organizations can provide evaluation and analysis of important resource values, and we are ready to help. The generalized calls to "open things up" must get back to reality and deal with specific, geographically identified areas to which we can all relate.

We suggest a reasonable platform for the consideration of energy development on public lands: (1) development and production of energy on public lands should be conducted with as much care as such development on private lands; (2) renewable resources such as mule deer and cutthroat trout require equal consideration under law along with mineral extraction; (3) scarce hunter and angler dollars from excise taxes should not have to pay to monitor the effects of development nor fund remedial action, but those tasks must be done and paid for as a required cost of development; and (4) where development occurs, it must be authorized carefully on a site by site basis with specific attention to the fish and wildlife resources.

THE KEY QUESTION FOR THE FUTURE

The real question is: at what cost do wildlife and fish adapt to further intrusions on the landscape? Neither wildlife managers nor the energy industry has the answer, and BLM as the responsible agency for energy development has not been willing to consider the large issues of incremental effects and habitat fragmentation. The issue in most cases will not be that a single road or a single development or a single industry should be blamed for its effects on wildlife. Our mule deer, elk, pronghorn and sage grouse have been affected by roads, fences, ranching and farming, towns, second home development and long-term reduction in habitat quality. Migratory herds in Wyoming live on the National Forest in summer where

accelerated development is proposed, and migrate over 100 miles to the sage desert where accelerated development already is underway. Can they persist as we know them with major changes on all parts of their annual range? Herds of elk that previously migrated even further from Jackson Hole to the sage deserts along the Green River can no longer do so because of those multiple influences. At some point the next new activity will be the one that leads to a potential irreversible reduction in the ability of some of these herds to survive--and certainly to sustain the current level of public use and local economic benefit.

A critical need for coping with these changes as they occur is for effective, science-based monitoring to answer specific questions. Many of the potential effects of accelerated energy development are subtle, long term in nature, and difficult to measure. This results in a continuing standoff where wildlife managers say "look at those roads, structures and activities, they have to have an impact", and development interests say "look at those wildlife standing around the structures, they don't care at all". Our wildlife and fish resources cannot stand this impasse while development occurs.

Energy and mineral exploration and development involve significant outlays of funds by state wildlife, fish and natural resource management agencies for environmental studies, planning, development, monitoring, mitigation and management of fish and wildlife resources. State wildlife, fish and natural resource management agencies are funded primarily through permit and license fees paid to the states by the general public to hunt and fish, and through federal excise taxes on equipment used for these activities. Revenues derived from sales, bonus bids, royalties, and rentals under the mineral leasing laws of the United States are paid to the United States Treasury through the U.S. Minerals Management Service of the Department of the Interior, yet none of these revenues are returned to the states specifically to manage the impacts of energy and mineral exploration and development on the wildlife, fish and other natural resources for which they are entrusted.

We propose a wildlife and fish funding concept for your consideration. Revenues from energy development are substantial and likely to increase, and those already collected from onshore oil and gas producers that go into the U.S. Treasury offer a logical source of funding for wildlife. This wildlife and fish funding concept would not interfere with the revenues that go to the states or elsewhere. The funds--designated for wildlife and fish in proportion to the development activity--would go back to the states to fund programs designed to manage these wildlife for monitoring and evaluating impacts, and for habitat protection and enhancement of fish and wildlife populations influenced by development. In this manner, the long-term nature of development and necessary active management can be accommodated. All appropriate property rights and other concerns could be dealt with directly in legislation. We envision distribution of funds proportional to the amount of development occurring in each state involved in onshore production.

In conclusion, Mr. Chairman, we urge your committee to provide leadership on this important nationwide issue. A wide array of wildlife and fishery organizations and our hunters and anglers across America have a stake in the outcome of any decision to accelerate energy development on public lands. It is not enough to proclaim that energy development can occur in all areas in an environmentally sound manner. Some areas are so important, and the alternatives for wildlife in harsh climates are so few, that such sweeping statements likely are incorrect. There is not the current knowledge base that will allow such action to be taken and still assure that wildlife will be sustained, unless a long-term investment is made for the welfare of affected fish and wildlife. We suggest that implementing this funding concept would reflect positively on the Congress, Administration and the energy industry. It would bring the solutions back to the states where the issue arose.

We would be remiss if we did not speak up for the needs of BLM in discharging its responsibilities. They lack funding for monitoring and evaluation, staff to manage contracts and interpret biological data, and have a crushing workload. We do not believe that BLM can meet the needs of accelerated leasing and simultaneously protect the living resource base, with current resources. More funds and staff are needed to do their part for enhancing America's energy security. This is one area of overlapping interests between fish and wildlife conservation interests and energy companies, and we think broad support can be gathered to get them the resources they need.

Thank you very much for considering our view on this important nationwide issue. We look forward to working with your Committee on this matter, and we are available at your convenience to discuss our concerns and recommendations.

SUPPLEMENTAL

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Summary of Testimony

The Wildlife Management Institute commends the Committee for attempting to address the social, economic and environmental impacts of energy development. We are concerned that the seriousness of the impacts energy development may have on wildlife and other natural resources may be underestimated. Our Institute believes exploration and development of energy resources may seriously impact wildlife and other natural resources. We believe a responsible approach to energy development must include a more comprehensive program to manage fish and wildlife, but it is unfair to expect American sportsmen and women to foot the bill to recover wildlife populations. Decisions on energy development should be made carefully, based on specific consideration of geographically distinct areas and impacts on wildlife populations and their seasonal ranges. We recommend a reasonable platform for the consideration of energy development on public lands: (1) development and production of energy on public lands and should be conducted with care; (2) renewable resources require equal consideration under law along with mineral extraction; (3) scarce sportsmen's dollars should not have to pay for the effects of energy development on wildlife; and (4) energy development must be authorized carefully with specific attention to the fish and wildlife resources. Energy and mineral exploration and development involve significant outlays of funds by states, and we recommend that some revenues derived from mineral leasing be returned to the states specifically to manage the impacts of energy development on wildlife.