



March 13, 2013

The Honorable Rob Bishop  
U.S. House of Representatives  
123 Cannon House Office Building  
Washington, D.C. 20515

Dear Representative Bishop:

Thank you for reaching out to Western Energy Alliance as you engage stakeholders on Utah wilderness issues. Like you, industry has been struggling for decades with these contentious issues, as certain interests have sought to indiscriminately lock away lands from productive activities such as oil and natural gas development.

We strongly believe that often these land use debates are too narrowly framed in terms of “either/or.” There are many who believe we must designate as much land as possible before it’s “gone forever.” However, we in the oil and natural gas industry recognize that this is a false choice; we can both develop oil and natural gas and other natural resources, while still protecting the land for generations to come.

In fact, oil and natural gas development and production has a small and temporary impact. After the construction and drilling phase, interim reclamation minimizes the surface impact to just that necessary to service the producing well. Once production is complete after twenty to thirty years, the site is completely reclaimed. Companies have been so successful returning the land to its original pristine condition, that many environmental groups such as the Southern Utah Wilderness Alliance propose lands for wilderness designation that have had prior oil and natural gas activity. This confirms that we can do both – provide affordable energy to the American people while protecting the land for future generations.

We, like you, share the belief that there are special areas in Utah deserving of protection that are not appropriate for oil and natural gas leasing and development. We actively participate in public land use planning efforts, where those decisions are made. We also support efforts whereby local communities, state agencies, industry, the public, environmental groups, and other stakeholders are engaged in making wilderness and other land use determinations, most notably being the Washington County model.

However, we have opposed and will continue to oppose top-down federal efforts that indiscriminately lock away huge swaths of productive land. The Red Rocks Wilderness Act that has failed to garner the support of Utahns and their Congressional Delegation for over twenty years is not the right model for efforts going forward. We also oppose large-scale designations under the Antiquities Act such as the Grand Staircase/Escalante National Monument designation made at the end of the Clinton Administration.

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We applaud your current effort to bring together industry, environmental groups, state agencies, and other diverse stakeholders to engage in an effort to shift the paradigm from contentious land fights, to dialogue that suits not just a multitude of interests, but the public interest at large.

As requested, below are our proposals in priority order.

1. “Energy Priority Area” in the Uinta Basin

Just as there are some areas of Utah appropriate for exclusive, conservation-only protection, there are some areas that should be given priority for energy development. The Uinta Basin is Utah’s leading oil and natural gas producing basin. Priority should be given to oil and natural gas development in Duchesne, Uintah, and Carbon counties, and the northern parts of Emery and Grand counties within the geologic basin. Of course, this would exclude areas already designated as wilderness, but several Wilderness Study Areas (WSA) should be released from that designation and made available for development if Congress fails to act on the 1991 WSA recommendations made pursuant to the Federal Land Policy and Management Act (FLPMA).

An “Energy Priority” designation would be consistent with FLPMA. In Section 102, Congress directed BLM to manage lands on a multiple-use basis, but also directed that it “mak[e] the most judicious use of the land for some or all of [the public land] resources” and, where appropriate, using “some land for less than all of the resources.” 43 U.S.C. § 1702(c). In other words, Congress made it clear in FLPMA that “BLM need not permit all resource uses on a given parcel of land.” *Rocky Mtn. Oil & Gas Ass’n v. Watt*, 696 F.2d 734, 738 (10th Cir. 1982).

In certain areas, BLM can make the decision to focus on allowing a statutory defined major use of public lands such as oil and natural gas development, to the exclusion of other uses of those particular lands. Our ideas for creating an “Energy Priority Area” in the Uinta Basin are, in priority order:

- a. A land exchange, whereby BLM and Forest Service lands without formal congressional designations such as wilderness, historic trails, wild and scenic rivers, etc. are exchanged with the State Institutional Trust Lands Administration (SITLA) for management by the state. Lands with executive branch administrative designations such as “wilderness characteristics areas” or “wild lands” should be included in this exchange. Only congressionally mandated designations should be respected.
- b. A secondary option short of a land exchange is to delegate authority for managing oil and natural gas development to the state. BLM and the Forest Service could still retain their responsibility for Resource Management Planning (RMP), but the state would be delegated all leasing, environmental



analysis, and permitting responsibilities with regard to oil and gas. As the Clean Air and Water Acts are delegated to the states from EPA with appropriate oversight, so could the management of the oil and natural gas resources in the Uinta Basin.

- c. Our third option, if exchange and delegation fall short of the above, is federal management of the Uinta Basin as an “Energy Priority Area.” While the federal government would retain responsibility, it would give priority to oil and natural gas over other land use considerations and would follow strict parameters and deadlines for leasing, environmental analysis and permitting. For example, BLM would be held to: the thirty day time period for approving drilling permits, in accordance with the Energy Policy Act of 2005; Council of Environmental Quality guidelines for National Environmental Policy Act (NEPA) documents (two years for Environmental Impact Statements, six months for Environmental Assessments); and sixty days for issuing leases per the Mineral Leasing Act.

## 2. Other ideas for Legislation, both Utah Specific and Nation-Wide

- a. Release of Administrative Designations: In areas prospective for oil and natural gas or other productive uses, designations not congressionally sanctioned, such as wild lands, wilderness characteristics, non-WSA lands with wilderness characteristics, etc. should revert back to true multiple use. This should include a revocation of those sections in the Utah RMPs completed in 2008 devoted to special protections for “non-WSA lands with wilderness characteristics.”
- b. Prevent *de facto* wilderness protection through agency action, whether as “wild lands,” “wilderness inventory areas,” “wilderness characteristics areas,” or some similar initiative.
- c. Amend FLPMA Section 603 (43 USC 1782) regarding WSAs to put a time limit, such as by the end of 2016, on Congressional action on the President’s 1991 WSA recommendations. Provide that if Congress does not act on the WSA recommendations by that date, the recommendations shall expire and the WSAs revert to multiple-use management.
- d. Require congressional consent for any Antiquities Act designation in Utah, similar to Wyoming’s exemption.

Thank you again this unique opportunity to participate in this multi-stakeholder effort. We appreciate your willingness to listen to diverse interests, and that you have included Western Energy Alliance in this initiative. Please do not hesitate to contact me to discuss. My primary staff point of contact on this issue will be [Kathleen Sgamma](#), Vice President of Government & Public Affairs, (303) 623-0987.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Wigley". The signature is fluid and cursive, with a large initial "T" and "W".

Tim Wigley  
President, Western Energy Alliance