

News Release



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Western Energy Alliance Challenges Feds on Categorical Exclusions *Brief filed in federal court challenges rewrite of EAct 2005*

(Denver)- Western Energy Alliance filed a brief in federal court yesterday challenging the Department of the Interior's (DOI) and the USDA Forest Service's policies on categorical exclusions that unilaterally rewrite a law passed by Congress.

The brief is the latest development in a lawsuit filed last fall concerning policies implemented in 2010 that rewrite Section 390 of the Energy Policy Act of 2005 (EAct). The rewrite effectively ignores the will of Congress by prohibiting the use of statutorily mandated categorical exclusions (CX). Congress included CXs in EAct as a means to encourage oil and natural gas development where the impact is minimal and/or where environmental analysis under the National Environmental Protection Act (NEPA) has already been conducted.

The brief was filed by the legal team of Zeke Williams and Steven Imig of Ducker, Montgomery, Aronstein & Bess, PC, and Mary Throne of Throne Law Office, PC.

"Section 390 categorical exclusions were passed by Congress as a way to encourage domestic energy development where environmental impact is minimal, such as drilling from an existing well pad, and to avoid redundant NEPA analysis. The deliberate rewrite of a law passed by Congress is clearly a violation of the separation of powers between the executive and legislative branches," said Kathleen Sgamma, Director of Government & Public Affairs.

"CXs were designed to reduce redundant red tape and enable federal land managers to spend more time in the field protecting public lands and less time pushing paper.

"CXs are also a way to reduce permitting time and spur energy and economic development. At a time of continued high unemployment, our government should be using CXs to create jobs while enabling environmentally responsible oil and natural gas development. Our lawsuit asks that DOI simply follow the law passed by Congress so that our members can continue to supply 27% of our nation's natural gas and 14% of its oil production while impacting just 0.07% of public lands."

[Click here to view the brief.](#)

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Western Energy Alliance, founded in 1974, is a non-profit trade association representing more than 400 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in the West. More information on Western Energy Alliance and its members is available at www.westernenergyalliance.org.