Statement of Corey Fisher, Assistant Energy Director, Trout Unlimited

U. S. House of Representatives, Committee on Energy and Commerce,

Subcommittee on Energy and Power

Hearing on "The American Energy Initiative"

August 2, 2012

Mr. Chairman and Subcommittee members:

Thank you for the opportunity to testify before the House Energy and Commerce Committee's Subcommittee on Energy and Power. The hearing is on "The American Energy Initiative" and the focus is on "the growing differences for energy resources for energy development on Federal vs. non-federal lands".

My name is Corey Fisher; I am the Assistant Energy Director for Trout Unlimited (TU), a national non-profit conservation organization with more than 140,000 volunteers organized into about 400 chapters from Maine to Alaska. Our mission is to conserve, protect and restore North America's coldwater fisheries and their watersheds. TU chapters invest thousands of volunteer hours on their local streams and rivers to restore habitat for trout and salmon fisheries, and they invest considerable time in conducting youth conservation camps and taking kids fishing.

TU works with partners to fulfill our mission. TU staff and volunteers work with state and federal agencies to clean up pollution from abandoned mines, work with farmers and ranchers

to improve riparian habitat and restore stream channels, and work with western irrigators to improve water management and restore stream flows. TU also works with sportsmen who care about protecting great hunting and fishing places on public lands.

In short, we work to ensure a bright future for hunting and fishing in America.

I am also here on behalf of Sportsmen for Responsible Energy Development, a coalition of nearly 500 organizations and companies led by TU, the National Wildlife Federation and the Theodore Roosevelt Conservation Partnership. We are working with the energy industry, local communities and federal agencies to find a balance that provides for production of energy resources while ensuring the protection of key fish and wildlife habitats on public lands. Achieving a balance between energy production and habitat conservation is essential for sustaining quality hunting and angling opportunities and the $76 billion in economic activity attributable annually to hunting and angling in the U.S.

In my home area of Missoula, Montana, it has been a memorable fishing season and we are beginning to look forward to another fall hunting season. As we sight in our rifles and stock up on supplies, many western communities once again will benefit from the outstanding economic benefits that hunting and fishing bring.

As a sportsman and a resource professional in the conservation field with years of experience working with the federal land management agencies to balance energy development with hunting, fishing and conservation, I am pleased to provide my thoughts on

these important issues related to the development of energy on our public lands. I firmly believe that responsible energy production that balances the needs of fish and wildlife habitats and water resources is achievable and is an important component of a sound economy.

Federal lands are managed to balance multiple uses; state, and private lands generally are not.

I would like to start with a little history and a few facts. As the Subcommittee considers "the growing differences for energy resources for energy development on Federal vs. non-federal lands", members need to remember that federal lands are managed for multiple uses –energy, fish and wildlife, timber and grazing, and others— whereas state and private lands generally are not. This guiding multiple use principle for the BLM and National Forest lands has been through decades of development and refinement, a number of energy crises, and economic ups and downs. It means that one type of use, such as energy development, has to be balanced with the needs of other uses. One type of use, cannot, by law, and should not, in our view, be allowed by the agencies to dominate to the detriment of others.

State lands are not always managed under the same multiple-use requirements, and for instance, in my home state of Montana we have a constitutional mandate requiring the Montana Department of Natural Resource Conservation to maximize revenues from commodities, not maximize fish and wildlife habitat. And of course on private lands, landowners choose how to manage their lands and are not required by any government to manage for multiple uses. In short, the differences in energy development on federal public lands from state lands or private lands is in large part because they are managed for different outcomes.

Thanks to their multiple-use management requirements, federal lands can produce energy while also sustaining outstanding hunting and fishing.

Public lands are vitally important to hunters and anglers.

The federal public lands are of great importance to hunting and fishing in the U.S. because of the important fish and wildlife resources they harbor. FY 2010 saw more than 58 million visitors to BLM lands with a resulting benefit of $7.4 billion to the economy. Most of these visits were to enjoy scenery, hunt, fish, camp, watch wildlife or have other great outdoor experiences. Americans and people from all over the world come year after year to experience our public lands, and they bring the economic benefits with them. This sustainable economic engine is dependent on healthy environments, clean air, clean water and abundant fish and wildlife. In 2010 in Wyoming, Colorado and Utah, more than 2.2 million hunters and anglers bought licenses, providing license revenues of more than $1.2 billion back to those states. Nationwide it is estimated that 1.2 million jobs are provided annually by the outdoor industry, many hunting and fishing related.

According to the U.S. Fish & Wildlife Service, in Montana, over 75 percent of all hunters statewide – including myself – hunt on public lands. In a society where we are seeing a decline in hunters and anglers, we need more, not fewer quality hunting and fishing opportunities or we will continue to see our sporting heritage erode, along with the associated economic benefits. Sportsmen in Montana, and throughout the West, rely on public lands to fill their freezers, make memories and pass on our traditions to our sons and daughters.

Where we have failed to balance uses, hunting and fishing has suffered.

Federal land managers have not always succeeded in striking a balance between energy development and other multiple uses. For example, mule deer populations have been declining across much of the West. Mule deer experts agree that one of the limiting factors for mule deer is available winter habitat. Much of the winter habitat being developed by energy activities, including roads and well pads, are identified by state wildlife management agencies as "crucial" for survival. A recent report evaluating the decline of mule deer in the Green River basin in Southwestern Wyoming and Northwestern Colorado revealed that 2.4 million acres of the 10.2 million acres of mule deer crucial winter range has been leased for development.

In the Pinedale Anticline gas field, a 60% population decline in the Sublette mule deer herd unit happened with less than 3% surface disturbance (Sawyer, WEST Inc. 2010). According to the Wyoming Game and Fish Department, statewide mule deer harvest in 2011 was the lowest in a decade, and much of this may be attributable to loss of habitat from development along with drought and tough winter conditions. Permits for hunting licenses have had to decrease to accommodate such losses—in south-central Wyoming (an area with significant oil and gas development) a decrease in the population of the Bitter Creek Pronghorn herd unit has resulted in the Wyoming Game and Fish Department issuing just over 200 license in 2011, down from a high in the 1990s of more than 3,700 licenses. Energy development is thought to be the main cause, though drought, fencing, and feral horse impacts may also contribute to their decline. All of this underscores the need for up-front analysis

before leases are offered for sale, so that input from stakeholders informs the BLM's decisions and the cumulative problems facing these big game herds are not exacerbated.

Pollution from energy development on public lands—including spills and stormwater runoff from roads and well pads—threatens watersheds with important trout fisheries. For example, energy development on the Roan plateau now threatens some of Colorado's best remaining Colorado River cutthroat trout fisheries, and TU and other conservationists have taken successful legal action to compel the BLM to do a better job of assessing fisheries values in its development decision.

We need to do energy development right on public lands so that we don't lose the great hunting and fishing available there.

The impacts cited above are avoidable, and improved up-front analysis of areas to be leased as well as ample opportunity for public involvement can lead to better management decisions.

In 2010, Secretary Salazar announced a set of leasing reforms designed to better engage the public and balance development with the protection of key natural resources. These reforms included an improved review prior to leasing so that decisions are made based on current information, and enhanced public participation. Early engagement of the public, larger scale planning, and identifying key habitat areas early in the process are all common sense steps included in the leasing reforms. Master Leasing Plans, for example, could provide a new and powerful opportunity to avoid and minimize wildlife-related and other environmental impacts.

One example of leasing reforms reducing conflict is from a place that I camp every year on the Beartooth Game Range in near

Helena, Montana. The BLM had proposed a lease along a stream that had been restored with cutthroat trout, but they were not aware of the project. After receiving our comments, the BLM revised the lease to account for this oversight and went ahead and offered it for sale. Previously, we would have had to protest this lease, but with the pre-leasing review we were able to help the BLM make an informed decision and offer a lease unencumbered with a protest. For TU, that is what these reforms are all about – making informed decisions on the front end in order to prevent conflicts later on.

Just as industry needs certainty that they will be able to develop their leases, sportsmen need certainty that our public lands will remain a great place to hunt and fish. The bottom line is that the reforms help to ensure that the BLM is able to make informed decisions about the leases they offer, and do their best to balance diverse uses. It is not a perfect process and not everyone is always happy, but in our experience the process in place now is a far better than what was previously in place. Unfortunately, the U.S. House of Representatives recently voted to undo the leasing reforms as part of broader energy legislation (H.R. 4480) aimed at expanding production. The more likely result of overturning the leasing reforms would be greater conflict and more lease protests.

Not only do leasing reforms help lead to better management decisions, if implemented well they will reduce conflicts.

We believe that the leasing reforms are resulting in less conflict, better conservation and—as our experience in Montana illustrates—more certainty for the industry. These improvements are largely attributable to the opportunity to consult on the front end of the leasing process, before it becomes contentious.

In the past, damage to important fish and wildlife resources resulted in sportsmen and other conservation groups increasing the amount of formal protests of energy projects. Between fiscal year 1998 and fiscal year 2009, the percentage of oil and gas leases protested jumped from one percent to nearly 50 percent. In some states, nearly all lease sales were protested. Now lease protests are declining. In 2011 protests were down to 35 percent, and in particular the protests by sportsmen groups declined to a trickle during a period that lease sale revenues were increasing.

Prior to the reforms, the only way that TU or other conservationists could officially consult with the BLM was to file a protest. And we don't like filing protests – it's a time consuming and a diversion of resources for us just like everyone else. Now with the pre-leasing review, we are able to share information and present our perspective before a lease is offered for sale, and in most cases our concerns are addressed and we don't need to file protests. Since the reforms were implemented, we have only had to file two protests, far less than the 26 protests we filed prior to leasing reforms.

Involving stakeholders in energy decisions on the public lands in an early and meaningful way is the key to success in striking the right balance of uses on the public lands. Involving the public in the decision process clearly adds complexity and is often frustrating, but when done well, it results in better and more lasting decisions. Nobody, including TU, likes unnecessary regulation, but with so many diverse interests who have a stake in how their public lands are managed, everyone deserves a say and a fair shake.

Balancing multiple uses on the federal lands is a very tough job. It is not easy to do it well and it seems that at times all parties are at odds with the BLM. We recognize that leasing and permitting procedures and processes sometimes take longer than they should. But we do not feel that sustaining great hunting and fishing and developing energy on public lands are mutually exclusive outcomes, or that the measures in place to help balance multiple uses are unduly preventing development. The fact remains that the energy industry has access to a large amount of public land, has developed oil and gas with great success, and will continue to do so. Currently, 38 million acres of leases are held by industry. Less than half of the available acreage is in production. Industry currently holds more than 7,000 approved unused permits to drill for oil and gas public lands.

Conclusion

Due to the extraordinary fish and wildlife values on public lands and the agencies' multiple use mandates, it is important to have the right protections for fish and wildlife habitat in place. TU is committed to working constructively with the industry, the public land management agencies, the states and local counties and communities, to enable energy development to move forward in the right places, in a way that provides certainty for both industry and the future of hunting and fishing.

In closing, sportsmen and women recognize the importance of energy development on public lands. We also believe in transparency and opportunities for the public to be meaningfully involved in decision that affect the places we hunt and fish. The oil and gas leasing process needs to provide an opportunity

to identify areas of important fish, wildlife and sportsmen early on. Ideally with this early identification we can design projects that provide for the development of energy from public lands and develop safeguards to ensure that fish and wildlife population remain abundant now and for future generations or sportsmen. Hunting and fishing are a part of our American heritage, a part of our way of life, and an important part of our economy. If managed appropriately for multiple uses, we can develop energy resources and ensure that our public lands remain a great place to hunt and fish.

Thank you for the opportunity to testify.