

## FINAL REPORT TO THE NELL NEWMAN FOUNDATION

### **Protecting Western Landscapes & Communities from Fossil Fuel Exploitation & Industrialization May 2016**

In November 2014, the Nell Newman Foundation provided \$25,000 in funding to support the Western Environmental Law Center's campaign to protect the American West's landscapes and cultural heritage from oil and gas fracking and drilling, with an emphasis on Colorado's North Fork Valley. The Nell Newman Foundation's generous support has been critical in allowing WELC to develop, implement, and deepen our North Fork Valley campaign, and we are grateful for that support. Below is a report of our campaign's progress.

- **North Fork Valley (CO):** In Colorado's North Fork Valley, we have repeatedly prevented expansive oil and gas drilling that would have compromised the region's organic farming industry and polluted surrounding water and air. In 2012 and 2013, we prevented BLM from leasing 50,000 acres of land for drilling, and in 2014 we prevented the U.S. Forest Service from approving drilling projects in the Gunnison National Forest, in the headwaters of the North Fork of the Gunnison River.

In early May, thanks to our legal advocacy, the state office of the BLM in Colorado put the brakes on the Fram Whitewater master development plan. The plan would have allowed 108 new oil wells on 12 new well pads, plus new roads and pipelines, across a 52,000-acre area, producing 8.7 million barrels of oil. BLM remanded the plan to its Grand Junction Field Office for further environmental review based on the fact that the plan did not analyze hydraulic fracturing.

We are now poised to challenge the Bull Mountain Master Development Plan when it is completed, which would allow fracking across 20,000 acres, including 146 new gas wells in the North Fork Valley.

- **Colorado River Basin (CO):** Teaming up with Wilderness Workshop, Western Colorado Congress, Sierra Club, and the Natural Resources Defense Council, we are poised to file suit in federal court in June 2016 to challenge BLM's Colorado River Valley resource management plan (RMP). The RMP would facilitate oil and gas fracking and drilling in the already heavily developed areas of Rifle and Silt, but also the Thompson Divide and other important wilderness areas and wildlife resources. Under the National Environmental Policy Act (NEPA), we will argue that BLM has not taken a hard look and truly analyzed the potential harms associated with fossil fuel development in this landscape.
- **San Juan Basin Mancos Shale Oil (NM):** To protect New Mexico's sacred Chaco Canyon and surrounding landscapes from fossil fuel development, we sued the Bureau of Land Management in federal court for the unlawful approval of hundreds of drilling permits without adequate consideration of the cumulative environmental effects of those drilling projects. This case is currently on appeal at the Tenth Circuit Court and oral argument took place in March

2016. We anticipate the court's ruling sometime this summer. We are also challenging several oil and gas lease sales which would further commit our public lands in the Chaco region to oil and gas development and we are engaging in BLM's amendment to its resource management plan (RMP), which will govern future development on 5 million acres of federally managed lands.

We are also challenging a BLM and U.S. Forest Service lease sales of 20,000 acres on the Santa Fe National Forest to the fossil fuel industry for fracking. The lease sales engender a dangerous pattern of federal resource agencies manipulating a grossly outdated 2003 resource management plan (RMP) to facilitate a rush to frack New Mexico's Mancos Shale in advance of a true analysis of the environmental and health impacts of modern fracking technologies and techniques. The 2003 RMP specifically excludes analysis of horizontal drilling and multi-stage fracking as unfeasible and uneconomical, which was the case 13 years ago, but does not reflect the realities of today's market. As BLM writes a revised RMP to reflect this change, the agency has admitted the 2003 document used to authorize the leases is obsolete. But this hasn't stopped the agency from using the outdated plan to authorize oil and gas activity on public lands in the Santa Fe National Forest and the Greater Chaco region. We have challenged these leases in federal court to stop the expansion of fracking into previously undeveloped areas of the Santa Fe National Forest on the remote and steep west side of the Jemez Mountains near the San Pedro Parks Wilderness.

- **Powder River Basin Oil and Gas Development (WY, MT):** BLM's final Resource Management Plans (RMPs) for the Buffalo, Wyoming and Miles City, Montana field offices were released in September 2015 and call for keeping open more than 10 million acres of land for federal oil and gas drilling in the Powder River Basin. The RMPs pave the way for an expected 18,000 new oil and gas wells to be drilled. We filed a lawsuit in federal court in March 2016 challenging BLM's plans on the grounds that they violate the National Environmental Policy Act (NEPA) by failing to adequately consider the impacts of increased fossil fuel extraction on Montana and Wyoming's land, air, and water resources, as well as the global climate. We expect oral argument in this case in 2016.
- **Monument Butte Oil and Gas Project (UT):** A massive 5,700-well oil and gas drilling threatens to further the industrialization of the Uinta Basin. In partnership with the Grand Canyon Trust and others, we submitted legal and technical comments on the project's draft Environmental Impact Statement (EIS), and we now await the release of a Final EIS, which we may challenge in court if the Final EIS is not adequate to protect the Uinta Basin.