

**Testimony to the Committee on Natural Resources,  
U.S. House of Representatives**

**By State Representative Dan Gibbs, Colorado General Assembly  
March 27<sup>th</sup>, 2007**

Chairman Rahall and Ranking Member Young, thank you for inviting me to address this committee and for the opportunity to share some of my experiences as a Colorado State Legislator working on oil and gas reform legislation in our state.

While I am a State Legislator, I am also a sportsman who cherishes the opportunities and hunting traditions handed down to me and other sportsmen across the west and the country. Colorado is home to the world's largest elk herd, more than two dozen gold medal trout fisheries, the largest migrating mule deer herd, Rocky Mountain big horn sheep, greater sage grouse, and hundreds of other native species that provide recreational opportunities which help define our state year round.

Anglers in cities along Colorado's Front Range can be on a world-class trout stream within an hour of their homes. Hunters can pursue deer, elk, pronghorn and upland game birds over hundreds of thousands of acres of public and private land. And Coloradans and all Americans can view Rocky Mountain bighorn sheep at public sites within easy access. Pardon my homegrown pride, but Colorado's wildlife resources are truly world class, a heritage we hold dearly in our state.

Our wildlife is now facing an unprecedented threat. Over the past decade, energy development has become a dominating presence across Colorado's landscape. We all use energy, and this development helps to provide for this demand. Coloradans and other Westerners understand the need for appropriate, well-planned and responsible development of the region's energy resources. However, oil and gas drilling also has the potential to bring lasting and needless damage to the habitat fish and wildlife need to survive, as well as to the natural areas, recreational lands and open spaces that also define Colorado. But energy development need not damage the riparian areas, fawning and calving grounds, ancient migration corridors, critical winter range, or streams that our fish and wildlife must have to survive. By fully factoring in the needs of wildlife before development begins, the potentially devastating impacts of energy development can be avoided or dramatically reduced, helping to strike a balance between energy development and the need to protect our irreplaceable fish and wildlife habitat.

Before our State Legislative Session began in January, I was approached by a coalition of sportsmen and conservation groups that have been working for more than two years to promote leasing agencies to adopt their Wildlife Management Guidelines for Oil and Gas Development. This unprecedented coalition of more than 60 groups in Colorado has hundreds of years of on-the-ground expertise on wildlife management and protection. This impressive coalition, both in size and diversity of interests, helps illustrates the sense of urgency we all feel with regards to the western energy boom. This coalition contains

dozens of groups that have never worked together before. It includes rural hunter and angler groups, outfitters, statewide environmental organizations, chapters of national conservation groups, local governments and others who share a common sense of purpose and first-hand understanding of what's at stake.

Over 25 years ago, Exxon suddenly abandoned its \$5 billion dollar oil shale project in Western Colorado, which is still remembered as "Black Sunday" to area residents because of the devastating impacts it had on local economies. However, since then, Colorado's economy has grown and diversified. Our state, particularly on the Western Slope, has a sound, sustainable and growing economy based on outdoor recreation, including hunting, fishing, hiking, camping, and wildlife viewing, tourism, adventure travel, backcountry skiing, bicycling and other new pursuits. Last year, wildlife-based recreation alone brought more than \$2.5 billion to the state's economy. And this money is spread across the rural areas of the state, well away from the booming, urbanized Front Range.

Energy development, as it has traditionally taken place, threatens our wildlife and other natural resources, our resource based economy and way of life.

The Colorado Division of Wildlife Northwest Regional Manager says it best and most directly: "Energy development is the biggest threat to wildlife in Western Colorado." It extends to special places such as the Roan Plateau northwest of Rifle, the HD Mountains, the Little Snake Resource Area in the northern part of the state and dozens of other places which are at risk.

The Piceance Basin northeast of Grand Junction offers a clear view of what is at stake. Simply known as "the Piceance" by locals and hunters across the country, this broad, rugged, rolling land has the largest mule deer herd in the West, critical wintering habitat for elk, sage grouse mating grounds, trout streams and views from horizon to horizon. For many Westerners, it's a slice of heaven. For energy companies, it's the next big natural gas play in the lower 48 states. According to Colorado oil and gas officials, more than 20,000 new gas wells will be drilled in the Piceance over the next decade or two. Current practices allow surface spacing as tight as one pad every 20 acres. If that many wells are drilled with that dense drill-pad spacing, our wildlife resource, and the economy, lifestyles, heritage and personal solace it provides will be lost, without a doubt.

Wyoming, our neighbor to the north, shares the high-plains land and habitat with northwestern Colorado. The impacts to that land, so similar to Colorado, have been well documented in peer-reviewed studies by veteran wildlife researchers, studies in some cases paid for by energy companies.

A few examples from Wyoming include:

- A 1995 study of the Sublette mule deer herd found a 46 percent decline in the herds' abundance over four years in an area where intense natural gas drilling is

occurring. The veteran researchers commented, “There is no evidence of a similar decline in abundance in the control areas.”

- A 1996 study by the Wildlife Conservation Society, paid for in part by Shell Exploration, found that pronghorn, the fleetest of America’s mammals, stopped using areas where energy development occurred because of habitat fragmentation.
- A 1996 study of sage grouse habitat by University of Montana researchers found substantial population declines in areas where coal-bed natural gas development occurred.

There are more such studies, both completed and under way, that have found similar impacts.

Colorado is beginning similar studies, just as energy companies are gearing up for an exponential increase in exploration and production. But veteran biologists who have managed Western wildlife for decades, have made clear their professional view that our wildlife resource and hunting and fishing heritage are at risk should energy development continue using current methods and at such an escalating pace.

Drilling tens of thousands of new wells across Colorado over the next few decades without implementing better practices, like those promoted in the Colorado Wildlife Habitat Stewardship Act of 2007, which I sponsored, will bring irreversible and unnecessary damage to our sustainable economic resources, and our traditions and lifestyles. That’s why this broad coalition includes members of the big game outfitting community, men and women who have seen real impacts to their bottom lines. Herds are dwindling in areas they have taken clients for years, streams are affected by the infrastructure that comes along with oil and gas development—the roads, pads, and pipelines. Let’s face it, no one wants to pay money to hunt among the drill rigs and gas pads that are popping up around Colorado.

Wildlife is a renewable resource that will benefit and be enjoyed by many generations of Coloradans and Americans as long as habitat is protected. Oil and gas are non-renewable and once they are gone, so are the benefits associated with their extraction. Left behind are the scars on the land and waterways and the loss of once viable habitat. We need to ensure that the provision of one short-term benefit does not significantly impact the long-term benefits from maintaining suitable habitat for our valuable wildlife resources and the sustainable and growing economies they provide. With the legislation I am sponsoring, we have an opportunity to set a direction for the future that minimizes the unnecessary impacts of oil and gas development on habitat and wildlife while maintaining a strong oil and gas industry.

With the coalition of sportsmen and conservation groups we worked together on crafting legislation that does not seek to end oil and gas development in the state but strikes a balance between the needs of energy companies to conduct business and the need to protect one of Colorado’s most valuable resources—our wildlife and wildlife habitat. Together we have reached out to energy companies operating in the state and worked with them during the drafting phase. The industry offered constructive criticism, and we

have adopted many of their suggested changes into the final legislation. The bill even garnered overwhelming bi-partisan support and passed out of our House Agriculture and Natural Resources Committee with a unanimous vote -- the first time that significant oil and gas reform has ever passed out of this committee with such vast support.

The **Colorado Wildlife and Habitat Stewardship Act** (HB 1298) will require the following simple principles:

- Directs the Colorado Oil and Gas Conservation Commission (COGCC) to manage operations in a manner “that balances development with wildlife conservation[.]”
- Relies on existing law providing that wildlife and habitat “are to be protected, preserved, enhanced, and managed for the use, benefit, and enjoyment of the people of this state and its visitors.”
- Directs COGCC to balance drilling and wildlife protection by avoiding and minimizing impacts, subject to cost-effectiveness and technical feasibility.
- Directs COGCC to consult with the Division of Wildlife on decisions that impact wildlife, implement best management practices, and conduct a rulemaking, in consultation with the Wildlife Commission.

I feel that it is a bill that provides practical steps to help balance the energy industry needs with that of wildlife. It is time wildlife interests had a seat at the table to help ensure that as we continue our energy boom we do not do so at the expense of our wildlife and wildlife habitat.

As a State Legislature we can only make laws that affect state and private lands within Colorado. Similar guidelines are already being considered in our neighboring states of New Mexico and Wyoming. But the problem extends beyond those types of lands and onto Federal Public land that we have in abundance in Colorado. Energy development is occurring just as rapidly on Bureau of Land Management and Forest Service lands in our state, and the coalition of citizens that originally brought me this proposal first reached out to BLM and their concerns fell on deaf ears. It is refreshing to see that our Federal government is hearing and responding to concerns like ours as evidenced by your invitation for me to speak with you today. To ensure the broadest degree of protection of wildlife habitat we need you, our federal lawmakers, to act and introduce some federal legislation that would compliment what we are trying to do in Colorado. Wildlife do not know when they are crossing from federal to private land (well maybe they have a sense once hunting season starts). So we need to broaden our goals and look at the landscape as a whole, because that is the only way we will be able to adequately protect wildlife habitat.

Bob Elderkin, the veteran hunter, angler, rancher, outfitter and Bureau of Land Management official who played the lead role in drafting our guidelines, has said it best,

“Folks don’t realize that this natural gas play is going to cover the land from horizon to horizon over much of the West. But when that energy play is over, what’s going to be left of the wildlife and natural resources that we’ve based our new economy on?”