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Members of the Transition Team,

We urge the Obama administration and the Secretary of Interior to suspend oil and gas leases let within inventoried roadless areas until ongoing litigation about the Final 2001 Roadless Area Conservation Rule (the Rule or the Roadless Rule) is decided, and the Colorado specific rulemaking process is complete. We also ask the incoming administration to undertake and complete a study analyzing the legality of roadless leases.

The leases of most concern to us, and most objectionable from a legal standpoint, are those let after May 12th, 2001 allowing oil and gas development within inventoried roadless areas. Many of these leases were issued without stipulations, like No Surface Occupancy (NSO) stipulations that prohibit road construction. Because road construction within inventoried roadless areas is generally disallowed by the Rule, we believe these leases are illegal.



If, after an independent examination of roadless leases, it becomes clear that some or all leases allow illegal road construction within roadless areas, we ask the new administration and land managers to amend oil and gas leases issued in inventoried roadless areas after May 12th, 2001, making those leases subject to NSO stipulations; provided, however, that the lessees of such leases shall have the option to decline such stipulation and receive a full refund of all monies paid for the subject parcel.

This request is clearly supported by the law. The Secretary of Interior has authority to suspend leases. That authority is broadly construed and may be used to prevent environmental harm. In this case the environmental harm likely to accrue from development of oil and gas leases within inventoried roadless areas may undermine the intent of the 2001 Roadless Rule—allowing road building and eliminating the roadless character of inventoried areas altogether. *See Appendix* for more detail on specific environmental values at risk in areas of most concern to us.

We understand that ongoing litigation and unfinished rulemaking proceedings spawn unanswered questions. Until these questions can be resolved and a thorough analysis of the legality of leases issued within inventoried roadless areas is complete, it is imperative that the new administration and the Secretary of Interior suspend these leases to prevent environmental harm and illegal development.

In conclusion, we ask the Obama administration and the Secretary of Interior to:

- 1) suspend all leases issued within inventoried roadless areas after May 12th, 2001 until ongoing litigation about the 2001 Roadless Rule is resolved and the Colorado roadless rulemaking process is finished; and
- 2) undertake and complete a thorough legal review of leases let after May 12th, 2001 to ensure that those leases do not allow illegal road building in inventoried roadless areas.

If a thorough legal analysis shows that illegal road building in inventoried roadless areas is not prohibited in these leases, we ask that the administration:

- 1) amend these oil and gas leases by adding No Surface Occupancy stipulations and ensuring that no road construction is allowed;
- 2) providing, however, that the lessees of such leases shall have the option to decline such stipulation and receive a full refund of all monies paid for the subject parcel.

Sincerely,

Peter Hart
Conservation Analyst/Staff Attorney

Enclosure: Appendix



Appendix

In authoring this letter, the Wilderness Workshop represents our own organizational interests as well as the interests of a broad based group of community members, including local electeds, local governments, other nonprofit groups, farmers and ranchers, hunters and fisherman, and local recreationalists. We are all concerned about the future of roadless areas across the nation, but more specifically about roadless lands here in Western Colorado adjacent to the communities in which we live, work, and recreate.

The recent boom of oil and gas development in Colorado's Piceance Basin is pushing south and east. It is quickly approaching one of the wildest and most scenic unprotected landscapes left in this State, a landscape we call the Clear Fork Divide, and of immense importance to local communities who rely on it for innumerable benefits it provides.

The Clear Fork Divide is a 122,000-acre expanse of nine contiguous roadless areas connecting the Grand and Battlement Mesas to the mainstem of the Rocky Mountains. The area includes the following inventoried roadless areas: Thompson Creek, Assignation Ridge, Hayes Creek, Tomahawk, Hunstman Ridge, Clear Fork, East Willow, Turner Creek, and East Divide and Fourmile Park.

The area provides an important linkage for migrating animals. It is home to some of the world's largest herds of deer and elk. There is habitat for black bear, moose, lynx, rare Colorado River cutthroat trout, and endemic plant species known to exist in few other locations. The nation's largest continuous expanse of Aspen forest is found here. Most of the area is mid-elevation. Dominant ecosystems are various, including lush meadows and wetlands, oak brush savannahs, pinon and juniper, as well as towering stands of spruce and fir. This landscape is large and markedly different from the high-elevation wilderness areas nearby. It also stands in stark contrast to bordering lowland areas that are increasingly congested with people and development. The area provides clean drinking water for municipalities and historic ranches. It is prized hunting territory, well used by federal grazing permittees, and increasingly visited by a wide-variety of recreationalists.

The Clear Fork Divide is a picture perfect example of the type of land sought to be protected by the 2001 Roadless Rule. The area's unparalleled environmental values lie directly in the wrecking path of booming oil and gas development. The construction of roads to facilitate energy development in this area will have devastating impacts on the environmental values the Roadless Rule sought to protect.

We are exploring every opportunity to preserve this landscape in its undeveloped and unfragmented state. We hope that the current administration and land management agencies revisit leasing decisions made by the last administration that impact this area, and roadless areas across the country, to ensure illegal development was not blindly authorized. Until that determination can be made and until litigation and state specific rulemaking procedures are finished, we ask for a suspension of roadless leases.