



**Significant Expansion of Exploration in the
Pinedale Anticline Project Area in Western Wyoming
Upheld by the District of Columbia Circuit Court of Appeals**

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On November 18, 2011, the United States Court of Appeals for the District of Columbia Circuit issued a decision which affirmed a decision of the Bureau of Land Management (BLM) which authorized a significant expansion of drilling activities in the Pinedale Anticline Project Area (PAPA) of western Wyoming. A copy of this decision is available [here](#).

The PAPA consists of roughly 198,000 acres of federal, state and privately owned land over what is regarded as the third-largest natural gas field in the United States. The BLM manages approximately 80 percent of this land. Largely undeveloped until just over a decade ago, new advancements in drilling technology allow for commercially practicable recovery of the PAPA's natural gas. In addition to being a rich natural gas field, the PAPA supports part of the winter range for the mule deer and pronghorn and a year-round habitat for a considerable number of the greater sage-grouse. These populations of game species are of particular interest to this region's hunters.

The conflict addressed in the present case began in 2005, when oil and gas operators in the PAPA proposed to the BLM a development plan providing for additional wells, lifting of seasonal winter drilling restrictions and a concentrated development scheme. Accordingly, the BLM prepared an Environmental Impact Study (EIS) to determine the environmental impact of the proposed major federal action. In 2008, the Bureau issued a Record of Decision based on its EIS, which, among other things, authorized the development of more natural gas wells but also included significant mitigation measures to protect the wildlife and other natural resources of the PAPA. The Theodore Roosevelt Conservation Partnership (TRCP), an association including

members who pursue recreational hunting in the PAPA, subsequently filed for declaratory and injunctive relief under both the National Environmental Policy Act (NEPA) and the Federal Land Policy and Management Act (FLPMA).

The Court reasoned that the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 *et seq.*, mandates that federal agencies “consider fully the environmental effects of their proposed actions.” *Theodore Roosevelt Conservation P’ship v. Salazar*, 616 F.3d 497, 503 (D.C. Cir. 2010). Against the arguments advanced by the TRCP, the Court found that the 2008 EIS provided a reasonable range of five alternatives to accepting the proposed development plan, the preferred of which authorized the drilling of an additional 4,399 new producing wells from 600 well pads while implementing a mitigation scheme that would reduce human presence while still allowing for development.

As to the TRCP’s claim that the BLM’s mitigation measures will prevent “unnecessary or undue degradation” of the PAPA, as FLPMA requires, was arbitrary and capricious, the Court adopted a standard in light of the overarching mandate that the BLM employ “principles of multiple use and sustained yield.” 43 U.S.C. § 1732(a). The Court recognized the BLM’s implementation of significant measures to mitigate degradation, including computer-assisted remote monitoring of wells, directional drilling from fewer pads, busing of crews, centralized processing and storage and a liquids-gathering system, all designed to reduce human presence in the PAPA. These mitigation measures conform to the multiple-use mandate, allowing for significant natural gas extraction in the PAPA while reducing unnecessary and undue degradation of wildlife species.

This decision illustrates the BLM’s willingness to adapt to the changing requirements of exploration and development in federally managed lands while maintaining limited impact on wildlife and other natural resources.

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