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Court Ruling: Feds Illegally Approved Colorado Gas Drilling in Elk Habitat

Federal Agencies Failed to Adequately Consider Climate, Wildlife Impacts

DENVER— A federal judge ruled today that the U.S. Bureau of Land Management and U.S. Forest Service illegally approved two adjacent natural-gas drilling plans in western Colorado, finding that officials did not adequately analyze wildlife and climate impacts.

In today's ruling U.S. District Judge Lewis T. Babcock faulted the two federal agencies for failing to account for downstream emissions from drilling and faulted BLM for failing to adequately address potential harm to mule deer and elk. The judge said the agency must clarify the area it used when analyzing potential harms to elk and mule deer habitat.

"This is an important win for our public lands, the climate and the tenacity of the North Fork Valley community. Requiring the Bureau of Land Management to clearly and properly analyze all potential direct, indirect, and cumulative impacts of this large-scale industrial oil and gas development project is absolutely critical to protecting the rare and irreplaceable ecosystem of the North Fork Valley and all those who rely on it," said Natasha Léger, Executive Director, Citizens for a Healthy Community.

"High Country Conservation Advocates is thrilled with the court's favorable ruling," said Matt Reed, public lands director at Crested Butte's High Country Conservation Advocates. "The Bull Mountain area is home to important populations of elk and mule deer, iconic species increasingly under threat from surrounding oil and gas development. Ensuring that impacts from this project are considered, analyzed, and adequately addressed is critical to maintaining their long-term vitality in the Upper North Fork."

In January 2018 Citizens for a Healthy Community, High Country Conservation Advocates, Wilderness Workshop, the Center for Biological Diversity, WildEarth Guardians and the Western Environmental Law Center [filed suit](#) to challenge the 146-well Bull Mountain Master Development Plan and an adjacent 25-well project.

“For too long agencies have ignored their obligation to consider and disclose the climate-related impacts of burning oil and gas they lease on our public lands,” said Peter Hart, Staff Attorney at Wilderness Workshop. “A slew of recent cases confirm that the law requires more. Public land managers must consider how their management of fossil fuels will affect our climate, and that information must be disclosed to the public prior to approving more development.”

“This ruling is welcome news,” said Laura King, attorney for the Western Environmental Law Center. “It joins a string of favorable rulings on downstream climate effects, helping to ensure that the federal government shares with the public and considers the true climate effects of its fossil fuel extraction approvals.”

The Bull Mountain project is in the headwaters of the North Fork of the Gunnison River, which provides drinking and irrigation water to residents and farmers who supply the Western Slope and the Front Range with some of the state’s highest-quality produce, meats and wineries.

“This ruling is a victory for everyone who wants Colorado’s wildlife, watersheds and most spectacular landscapes protected,” said Allison Melton, an attorney at the Center for Biological Diversity. “The Bureau of Land Management shouldn’t be forcing our state to sacrifice healthy deer and elk populations for Trump’s reckless drill-anywhere agenda. It’s wonderful to see the court recognize that the BLM can’t just ignore the significant harm to these animals that results from oil and gas development on public lands.”

In today’s ruling the judge said the Forest Service and BLM “acted in an arbitrary and capricious manner and violated NEPA by not taking a hard look at the foreseeable indirect effects resulting from the combustion of oil and gas” in their environmental analyses.

Background

The Bull Mountain Master Development Plan is a large-scale drilling project for the North Fork of the Gunnison River watershed in Colorado, proposed by Texas-based SG Interests. The Master Development Plan calls for 146 new gas wells, four new waste water disposal wells, and associated infrastructure in the Bull Mountain Unit — a nearly 20,000-acre area between Paonia Reservoir and McClure Pass, immediately adjacent to the Thompson Divide.

This area is primarily private surface ownership with a majority of public minerals. The BLM approved the drilling project after preparing an environmental impact statement. The 25-well project is adjacent to the Bull Mountain project and involves the construction of 25 natural gas wells. The BLM and Forest Service approved the drilling project after preparing an environmental assessment to analyze the environmental impacts.

Western Colorado's North Fork Valley, roughly defined as the area around the three small towns of Crawford, Hotchkiss and Paonia, has been named "Colorado's Farm-to-Table Capital" by *Colorado Life Magazine* and declared a certified creative district by former Gov. John Hickenlooper. Farmers across the valley produce much of Colorado's apple, cherry and pear crops, and the state's second largest grape and peach crops. The North Fork Valley is home to the highest concentration of organic farms in the state of Colorado and to the West Elks American Viticultural Area, a federally recognized wine-growing region.