

EXTENSIONS OF REMARKS

RECOGNIZING TRAVIS WAYNE CASH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Travis Cash, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Travis has been very active with his troop, participating in many Scout activities. Over the years Travis has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Travis Cash for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

REINTRODUCTION OF THE WESTERN WATERS AND FARM LANDS PROTECTION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 16, 2007

Mr. UDALL of Colorado. Madam Speaker, I am today again introducing the Western Waters and Farm Lands Protection Act—a bill intended to make it more likely that the energy resources in our Western States will be developed in ways that are protective of vital water supplies and respectful of the rights and interests of the agricultural community.

Based on my previous legislation that was endorsed by the Colorado Farm Bureau and the American Farm Bureau Federation, it would do three things:

First, it would establish clear requirements for proper management of ground water that is extracted in the course of oil and gas development. Second, it would provide for greater involvement of surface owners in plans for oil and gas development and requires the Interior Department to give surface owners advance notice of lease sales that would affect their lands and to notify them of subsequent events related to proposed or ongoing energy development. And, finally, it would require developers to draft reclamation plans and post bonds top assure restoration of lands affected by drilling for federal oil and gas.

PURPOSES OF THE LEGISLATION

Madam Speaker, the western United States is blessed with significant energy resources. In appropriate places, and under appropriate conditions, they can and should be developed for the benefit of our country. But it is impor-

tant to recognize the importance of other resources particularly water—and other uses of the lands involved—and this bill responds to this need.

Its primary purposes: (1) to assure that the development of those energy resources in the West will not mean destruction of precious water resources; (2) to reduce potential conflicts between development of energy resources and the interests and concerns of those who own the surface estate in affected lands; and (3) to provide for appropriate reclamation of affected lands.

WATER QUALITY PROTECTION

One new energy resource is receiving great attention—gas associated with coal deposits, often referred to as coalbed methane. An October 2000 United States Geological Survey report estimated that the U.S. may contain more than 700 trillion cubic feet (tcf) of coalbed methane and that more than 100 tcf of this may be recoverable using existing technology. In part because of the availability of these reserves and because of tax incentives to exploit them, the West has seen a significant increase in its development.

Development of coalbed methane usually involves the extraction of water from underground strata. Some of this extracted water is reinjected into the ground, while some is retained in surface holding ponds or released and allowed to flow into streams or other water bodies, including irrigation ditches.

The quality of the extracted waters varies from one location to another. Some are of good quality, but often they contain dissolved minerals (such as sodium, magnesium, arsenic, or selenium) that can contaminate other waters—something that can happen because of leaks or leaching from holding ponds or because the extracted waters are simply discharged into a stream or other body of water. In addition, extracted waters often have other characteristics, such as high acidity and temperature, which can adversely affect agricultural uses of land or the quality of the environment.

In Colorado and other States in the arid West, water is scarce and precious—and use of extracted water has the potential to augment the supplies for irrigation and other purposes. Because I want to explore how that potential might be realized without reducing water quality or harming the environment, I have introduced a bill (H.R. 902) that would authorize research and demonstration efforts toward that end.

But, at the same time, it is vital that development of energy resources be accompanied by appropriate safeguards.

That is the purpose of the first part of the bill (Title I). That part would require those who develop federal oil or gas—including coalbed methane—under the Mineral Leasing Act to take steps to make sure their activities do not harm water resources.

Specifically, under section 101, oil or gas operators who damage a water resource—by contaminating it, reducing it, or interrupting it—would be required to provide replacement

water to the water users. And this section also specifies that water produced under a mineral lease must be dealt with in ways that comply with all Federal and State requirements.

Further, because water is so important, the bill requires oil and gas operators to make the protection of water part of their plans from the very beginning, requiring applications for oil or gas leases to include details of ways in which operators will protect water quality and quantity and the rights of water users.

These are not onerous requirements, but they are very important—particularly with the great increase in drilling for coalbed methane and other energy resources in Colorado, Wyoming, Montana, and other western states.

SURFACE OWNER PROTECTION

In many parts of the country, the owner of some land's surface does not necessarily own the underlying minerals. And in Colorado and other Western States, those mineral estates often belong to the Federal Government while the surface estates are owned by others, including farmers and ranchers.

This split-estate situation can lead to conflicts. And while I support development of energy resources where appropriate, I also believe that this must be done responsibly and in a way that demonstrates respect for the environment and overlying landowners.

The second part of the bill (Title II) is intended to promote that approach, by establishing a system for development of federal oil and gas in split-estate situations that resembles—but is not identical to—the system for development of federally owned coal in similar situations.

Under Federal law, the leasing of federally owned coal resources on lands where the surface estate is not owned by the United States is subject to the consent of the surface estate owners. But neither this consent requirement nor the operating and bonding requirements applicable to development of federally owned locatable minerals applies to the leasing or development of oil or gas in similar split-estate situations.

I believe that there should be similar respect for the rights and interests of surface estate owners affected by development of oil and gas and that this should be done by providing clear and adequate standards and increasing the involvement of surface owners.

Accordingly, the bill requires the Interior Department to give surface owners advance notice of lease sales that would affect their lands and to notify them of subsequent events related to proposed or ongoing developments related to such leases.

In addition, the bill requires that anyone proposing to drill for federal minerals in a split-estate situation must first try to reach an agreement with the surface owner that spells out what will be done to minimize interference with the surface owner's use and enjoyment and to provide for reclamation of affected lands and compensation for any damages.

I am convinced that most energy companies want to avoid harming the surface owners, so I expect that it will usually be possible for

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