

Joint Committee on Energy and Environmental Policy

November 19, 2012, Room 152-S---Statehouse

Remarks by Alan Pollom

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The Nature Conservancy appreciates the opportunity to address the Committee today and recognizes the impressive number of issues you are tasked with considering over an intense two day period. The Nature Conservancy is a leader in the conservation of Kansas wildlife and natural areas. We realize the world's need for food, water, energy and minerals is growing and Kansas is fortunate to be in a position to contribute to the supply of all of these resources. We also realize that aggressive development of our energy sources has the potential to have long lasting adverse impacts to other important natural assets that we value for their contributions to our heritage, recreation, scenic vistas and wildlife habitat.

Clearly not all impacts can be avoided and recognizing that fact, I am here today to speak briefly about an approach to development analysis The Nature Conservancy refers to as Development by Design (overview attached). Development by Design draws from and expands on the well-established principles of the Mitigation Hierarchy—1.) Avoid 2.) Minimize 3.) Mitigate

The Conservancy has accepted the notion that reactionary opposition to development projects is far less productive than reaching out to non-traditional partners in industry to lend our expertise to help inform their decision making process. When conflict can't totally be avoided, it's still necessary to be at the table designing the least damaging alternatives and ultimately help create well-crafted plans for mitigation actions that can compensate for unavoidable impacts. By pursuing this approach it is even possible to create new opportunities that present a better situation than originally existed for those same affected natural assets.

What Development by Design *is not*. It is not a push for heavy handed regulation but rather a commitment to designing necessary projects in the smartest way possible. A strong case can be made that poorly designed projects are more likely to result in public ire and ultimately leads to demand for increased regulation. A growing number of corporations have also come to realize that investing in better up-front analysis avoids permitting delays, unnecessary costs, potential legal risk and damage to the company's reputation.

Some Kansas examples:

- A) The Nature Conservancy worked with Westar and the Southwest Power Pool to identify a more appropriate transmission corridor for newly authorized regional high-voltage power lines.
- B) The Nature Conservancy has been in discussions with natural gas producers in Kansas and Oklahoma to take advantage of new drilling technologies that can allow for more flexibility in drill site locations and their associated access roads.
- C) The Nature Conservancy was chosen by the American Wind Wildlife Institute (a consortium of the largest wind developers and the largest wildlife conservation organizations in the U.S.) to create a data base of wildlife impact data collected by the developers at all their facilities. The data base also includes an extensive assembly of data sets that can allow developers advance warning of likely wildlife or endangered species conflicts that would be encountered by a proposed project.

A test of the utility of our GIS (graphic information system) decision support program was conducted using Kansas wind potential as the focus. The resulting published peer reviewed study concluded that 25 million acres exist in Kansas with commercially viable wind necessary capable of producing up to 478 GW of wind generating capacity, which is more than 60 times the amount hoped for in the already ambitious target set for Kansas by the Department of Energy. The analysis further suggests that, with proper siting, even this amazing total could be accomplished with very little impact to sensitive natural areas. The full report can be read at:

<http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0026698> .

Fortunately, multiple Kansas state agencies have worked diligently to create a similar GIS tool for use in our state that is even more flexible in the array of infrastructure projects for which it is useful. I urge all of the committee members to be on the alert for ways to employ these tools and their potential application to the many energy related challenges you are considering here today and will no doubt encounter in your legislative capacity. We have great energy opportunities in our state and better information than ever before to help us make wise decisions.

The world is changing more rapidly each day. Fast-paced development threatens some of our most cherished lands, waterways and wildlife. Over the next two decades, energy and infrastructure companies will invest more than \$22 trillion in new projects around the world, with the potential for enormous environmental impacts.

The Nature Conservancy is facing these challenges head on. By working side-by-side with non-traditional partners like energy, mining and infrastructure companies, the Conservancy can better protect natural areas and wildlife by creating plans that address potential environmental damage before it happens. Through this proactive approach called *Development by Design*, the Conservancy can identify conflicts between development and conservation priorities, help steer impacts away from areas of high conservation value, and identify additional conservation actions to offset impacts where they do occur.

Our Solutions

For more than 60 years our work has been guided by a commitment to science and a comprehensive planning approach—helping us determine where to work, what to conserve and what strategies are needed to be successful. But, in order to keep pace with the future impacts of development, we are taking our standard approach to a whole new level by:

- Looking beyond individual project locations to identify the cumulative impacts of development on natural areas and wildlife in entire regions (whole ecosystems).
- Working side-by-side with non-traditional partners like energy, mining and agriculture companies.
- Identifying conflicts between conservation priorities and development plans before the damage is done.
- Providing options for mitigation that balance development and conservation needs, avoid impacts to sensitive natural areas and wildlife, and identify opportunities to offset remaining impacts to wildlife.



Brandon Scurlock from the Wyoming Game and Fish Department records data during a sage grouse count along a stretch of Muddy Creek, a small riparian zone within the private land of Cottonwood Ranch that has been set aside as a conservation easement. These mitigation efforts are designed to protect a valuable area of wildlife habitat to offset the industrial destruction in the Jonah oil and gas field near Pinedale, Wyoming. PHOTO CREDIT: ©David Stubbs

Our Pilot Projects and Our Foundation in Science

The Conservancy is applying *Development by Design* through pilot projects in the western United States and regions in Colombia and Mongolia. These on-the-ground examples have been playing a critical role in driving changes in government and private policy and practice.

United States

Facing a tremendous boom in oil and gas development in the western United States, the Conservancy agreed to work with BP in the Jonah gas field in Wyoming to conduct research and analysis. This work ultimately helped direct \$24.5 million in mitigation funding to conservation priorities, protecting over 80,000 acres and improving management for more than 200,000 acres. Due to the success of this initial project, the Conservancy is working with BP on two additional pilots in Wyoming and Colorado.

The Conservancy has also established pilots with Questar Corporation in Colorado, Utah and Wyoming to apply *Development by Design* to site planning and mitigation approaches.

Beyond the oil and gas sector, the Conservancy is working with the American Wind Wildlife Institute (AWWI) and a host of other partners to guide the siting of renewable energy zones, transmission lines and wind projects.

Mongolia

About 40 percent of Mongolia is currently under lease for mining and energy exploration. The Conservancy is working with Mongolia's Ministry of Nature to apply *Development by Design*, specifically in the Eastern Steppe region, with the goal of conserving the extensive grasslands of Mongolia, protecting wildlife and preserving nomadic herding cultures.

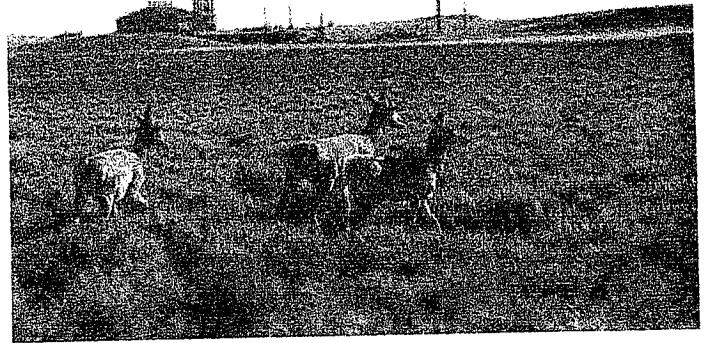
Colombia

The northern tropical Andes region is one of the most biologically diverse places on Earth. Extending across Colombia, Venezuela, Ecuador, Peru and Bolivia, this region is home to 20 percent of the planet's wildlife.

The Conservancy has been working with Colombia's Ministry of Environment to improve approaches to mitigation by applying the *Development by Design* framework in the coal mining region of César. As a result, the Ministry recently adopted a resolution to incorporate *Development by Design* concepts into its licensing process for all land, freshwater and marine infrastructure projects. For the first time, companies will be required under law to avoid, minimize, and compensate for impacts to wildlife in accordance with an explicit science-based framework. This change in the licensing process should drive both a significant increase in, and more effective use of, funding for wildlife conservation across Colombia.

Want to Learn More?

Contact *Development by Design* leads Bruce McKenney or Joe Kiesecker at dbd@tnc.org. Or visit www.nature.org/aboutus/development for more information.



Pronghorn antelope (*Antilocapra americana*) graze among the sage and drilling infrastructure in the Jonah Oil and Gas Field near Pinedale, Wyoming. PHOTO CREDIT: ©David Stubbs



Wearing the traditional dress of the nomadic Mongolian herder (the deel, or long textile gown which forms the basis of almost all Mongolian clothes), a man poses with bow and arrow for visitors on the broad grasslands of Mongolia. PHOTO CREDIT: ©Chris Pague/TNC