

April 8, 2022

Tracy Stone-Manning
Director, Bureau of Land Management
1849 C Street, N.W.
Washington, DC 20240

RE: BLM Orphaned Well Program Implementation

Dear Director Stone-Manning:

As hunting, fishing, and wildlife conservation organizations, we are writing to provide our support for strategic implementation of the Bureau of Land Management's Orphaned Well Program. As the BLM undertakes this enormous opportunity, we encourage BLM to look beyond downhole plugging liabilities and also view this as an unparalleled opportunity to restore public rangelands and wildlife habitats degraded by historic oil and gas development.

There are an estimated 130,000 orphaned wells located across the United States, and the funding provided by the Infrastructure Investment and Jobs Act (IIJA) provides an unprecedented opportunity to accelerate the BLM Orphaned Well Program. Careful planning and strategic prioritization of orphaned wells and other abandoned oil and gas infrastructure (e.g., roads and pipelines) also provides unprecedented opportunity to create conservation and climate benefits that further existing administration priorities with respect to greater sage-grouse conservation, implementation of Secretarial Order (SO) 3362, and implementation of the Conserving and Restoring the America the Beautiful Report.

To align the Orphaned Well Program with these other administration priorities requires looking well beyond the downhole aspects of the orphaned well program and incorporating into BLM's orphaned well prioritization process an evaluation of surface reclamation and habitat restoration opportunities. For example, proper surface reclamation and restoration of orphaned wells and access roads located within BLM-identified [Priority Habitat Management Areas and General Habitat Management Areas](#) will have disproportionate conservation benefits for greater sage-grouse due to the species' known sensitivity to anthropogenic disturbance and its relationship to the spread of invasive annual grasses.^{1,2} This approach to "grow the core" of high functioning sagebrush habitat through strategic restoration is consistent with approach outlined in the Western Association of Fish and Wildlife Agencies [Sagebrush Conservation Strategy](#). Similarly, proper surface reclamation and restoration of orphaned wells and access roads within important big game winter range and migratory habitats will have disproportionate conservation benefits for big game species by furthering implementation of the [State Action Plans](#) prepared to meet the objectives of SO 3362.

In order to take advantage of these conservation and climate opportunities through an accelerated Orphaned Well Program, we offer the following suggestions to facilitate implementation and provide the greatest benefit to the public and wildlife:

¹ <https://pubs.usgs.gov/of/2018/1017/ofr20181017.pdf>

² <https://wafwa.org/wpdm-package/invasive-plant-management-and-greater-sage-grouse-conservation/>

- **Update IM 2021-039 to provide equal consideration for downhole and surface reclamation priorities.** BLM Instruction Memorandum (IM) 2021-039, [*Orphaned Well Identification, Prioritization, and Plugging and Reclamation*](#), provides BLM's current guidance on the identification and prioritization of orphaned wells for plugging and reclamation. The IM focuses on identifying liable parties, orphaned well status, prioritizing wells for abandonment, estimating costs, and ensuring final abandonment and reclamation. The guidance provided in the IM is directed at downhole and surface contaminant concerns. [Attachment 4](#) to the IM provides the scoring sheet for prioritizing wells for plugging, abandonment, and reclamation. It contains 11 prioritization criteria. Only three of these (focused on proximity to surface water and water wells) require an expanded view of a well's potential impact beyond the direct disturbance of the well pad. We encourage BLM to update IM 2021-039 and Attachment 4 to incorporate additional prioritization criteria, including the location of the well in the larger landscape to evaluate habitat restoration opportunities that provide disproportionate conservation benefits as described above. We also recommend incorporating into the IM an expanded discussion of identification and prioritization of access roads and other ancillary surface facilities associated with oil and gas development that must also be reclaimed.
- **Review NEPA compliance for orphaned well plugging, abandoning, and reclamation, and apply modern reclamation practices to all facilities, including ancillary facilities, that supported well development.** We recommend that implementation of the program for individual wells incorporate a review of access roads and other ancillary surface and sub-surface facilities requiring reclamation (including pipelines) and apply the most up-to-date reclamation practices based on the best available science. The applicable Record of Decision (ROD), surface use plan of operations and conditions of approval (COAs) may have been approved decades ago. These documents should be reviewed and updated to evaluate whether the seed mix and reclamation practices called for will result in habitat restoration that furthers other administration priorities. At a minimum, these documents should establish site-specific reclamation success criteria based on restoring site-appropriate native vegetation and require long-term monitoring until reclamation success criteria are achieved. In many cases the seed mixes and reclamation practices approved decades ago when the well was permitted are known to be inadequate today. If the applicable ROD, surface use plan of operations and COAs that originally authorized the development do not incorporate the best available science to achieve reclamation success, they should be updated prior to beginning plugging, abandonment and reclamation operations. Note that in some locations plugging and abandoning contaminant-free buried pipelines in place has clear ecological and reclamation advantages.
- **Use separate contracts/contractors for downhole work and surface reclamation work.** Contractors with expertise at plugging and abandoning wells (and pipelines) generally have limited expertise with surface reclamation and habitat restoration. On the other hand, many environmental consulting contractors have expertise with both contaminant clean-up and surface reclamation/habitat restoration. Managing the

downhole and surface reclamation aspects of the Orphaned Well Program separately will provide the greatest opportunity for successful outcomes.

- **Manage and implement the Orphaned Well Program regionally to facilitate engagement of local contractors and small businesses in underserved communities.** This approach will help to achieve the Department's environmental justice and economic stimulus goals of the program while also facilitating engagement of the most qualified surface reclamation contractors familiar with local ecological conditions and habitat restoration challenges.
- **Expand use of contractors and partner organizations to facilitate accelerated implementation of the Orphaned Well Program.** Given the amount of IJA resources dedicated to this program, and the desire to address orphaned wells expeditiously nationwide, we encourage BLM to consider expanded use of contractors and partner organizations to implement this work. With an updated IM and clear direction from BLM, contractors and partner organizations could be engaged to assist with nearly all aspects of the program—including the well prioritization process. Expanded use of contractors and partners will also help to stimulate local economies.

In conclusion, we view an IJA-accelerated Orphaned Well Program as a unique opportunity to help accomplish existing administration priorities for conservation and climate. Strategic implementation of the Orphaned Well Program that provides additional focus on surface reclamation will help to restore public range lands and wildlife habitats that enhance greater sage-grouse conservation, conserve big game migration corridors, and increase habitat resilience to protect from climate impacts. Thank you for your consideration and for your commitment to wildlife conservation.

Respectfully,

American Fly Fishing Trade Association

Angler Action

Archery Trade Association

Backcountry Hunters & Anglers

Fly Fishers International

International Game Fish Association

Izaak Walton League of America

National Deer Association

National Wild Turkey Federation

North American Grouse Partnership

Orion: The Hunter's Institute

Theodore Roosevelt Conservation Partnership

Trout Unlimited