

MATTHEW H. MEAD
GOVERNOR



STATE CAPITOL
CHEYENNE, WY 82002

Office of the Governor

July 29, 2015

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Re: Governor's Consistency Review – Wyoming Greater Sage-Grouse Proposed Land Use Plan Amendment, Utah Greater Sage-Grouse Proposed Land Use Plan Amendment, Bighorn Basin Proposed Resource Management Plan Revision, Buffalo Proposed Resource Management Plan Revision and Final Environment Impact Statements

Dear State Director Rugwell, Regional Forester Rasure and Regional Forester Jirón,

Thank you for the opportunity to provide comments on the Wyoming Greater Sage-grouse Proposed Land Use Plan (LUP) Amendment (commonly referred to as “the 9 Plan”) and Final Environmental Impact Statement (FEIS), the Utah Greater Sage-grouse Proposed LUP Amendment and FEIS, the Bighorn Basin Proposed Resource Management Plan (RMP) Revision and FEIS, and the Buffalo Proposed RMP Revision and FEIS. These land and resource management plan amendments and revisions will guide sagebrush ecosystem and Greater sage-grouse management, livestock grazing, mineral development, recreation and many other decisions on federal lands for the next 20 years. They have great significance. These plans are intricately tied to the custom, culture and economies of the cities, towns and counties in the planning area as well as being tied to Wyoming's management of state trust lands and other oversight responsibilities in the state. The Bighorn Basin and Buffalo RMP Revisions address management generally, in the referenced areas, in addition to sage-grouse.

The 9 Plan addresses Greater sage-grouse land and resource management on more than 16 million acres administered by the Bureau of Land Management (BLM) and National Forest

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System and approximately 23 million acres of BLM subsurface federal mineral estate. The Utah Amendments cover 76,800 acres in Wyoming (the Uinta-Wasatch-Cache National Forest and the Flaming Gorge National Recreational Area of the Ashley National Forest). The Bighorn and Buffalo RMP Revisions cover approximately four million acres of surface land and nine million acres of federal mineral estate in northern Wyoming. Energy, tourism and agriculture in the planning areas comprise an economic triangle that is critical to Wyoming's long-term health.

Energy development has been an integrated part of the management area for more than 100 years and is a primary economic driver for the state. The Wyoming energy industry directly employed approximately 34,500 people generating royalties over \$1 billion and taxes over \$2 billion in 2014. During the same time, 76.1 million barrels of crude oil and 1,980 billion cubic feet of natural gas were produced in the state, as well as an estimated 2.9 million pounds of uranium. Wyoming's Powder River Basin is world-renowned for its coal reserves and supplies 39% of the nation's demand and produced 393 million tons of coal in 2014. As coal use worldwide continues to increase, Wyoming is expected to stay the nation's top coal producer. Additionally trona, bentonite and other minerals are produced in the state in significant quantities. Wyoming is home to proven reserves of oil, natural gas, and coal that will guide the state's economy for many years to come.

Ranching and agricultural production have an equally venerable history of more than 100 years and are essential to the stability of Wyoming and the western United States. The agricultural industry directly employs 15,600 people. Unlike other industries, livestock production is steady without ups and downs. Land and resource management planning can have a significant economic impact, particularly at the local level. Any loss in agriculture has permanent detrimental impact on open space, wildlife habitat and tourism. The practical effect of limiting public lands grazing is an acceleration of the subdivision of private lands for development – ranch lands are generally worth more for development than livestock production and the loss of public grazing magnifies this situation. Greater sage-grouse rely upon private land for brood rearing habitat, wintering habitat and, in many parts of Wyoming, nesting. The loss of federal land puts inordinate pressure on private lands and, as previously pointed out, leads to a permanent loss of those lands as habitat.

The Proposed RMP Revisions and LUP Amendments layer additional and unreasonable management constraints on Wyoming's mineral and livestock producers and other users of public land beyond those necessary to protect the Greater sage-grouse. They are not consistent with Wyoming's strategy for the conservation of the Greater sage-grouse and are not consistent with the BLM and U.S. Forest Service (USFS) multiple-use and sustained yield mandates.

The Federal Land Policy and Management Act provides that the BLM's land use plans must observe the principles of multiple-use and sustained yield; and they shall be consistent with state and local plans to the maximum extent possible that, according to the Secretary of the Interior findings, are consistent with federal law and the purposes of the Act. 43 U.S.C. §1712 (c)(1)-(9). The National Forest Management Act, which governs the USFS, requires the agency to

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“develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest Service, coordinated with the land and resource management planning process of state and local governments and other Federal agencies.” 16 U.S.C. §1604(a). Through the Lander RMP revisions, for example, the BLM mostly adopted Wyoming’s EO on sage-grouse as part of its management plan. The plans under scrutiny here must achieve consistency with EO 2015-4 (Attachment 1). I request the BLM and USFS to revise these plans to achieve consistency and if this is not done to explain how achieving consistency would result in a violation of the federal law.

Wyoming has worked with the BLM and USFS for many years to develop a credible, lasting model for conservation of Greater sage-grouse. Wyoming and its partners have expended considerable resources in developing a management plan that conserves Greater sage-grouse habitat, protects multiple-use and sustained yield principles, and supports Wyoming’s economy and its traditional western culture. Wyoming’s conservation strategy is embodied in Executive Order 2015-4. In its March 2010 status determination for the Greater sage-grouse, the U.S. Fish and Wildlife Service endorsed Wyoming’s strategy, stating: “the core area strategy...if implemented by *all* landowners via regulatory mechanisms, *would* provide adequate protection for sage-grouse and their habitats in the State.” [emphasis added] It is critical that the BLM and USFS adopt and incorporate Wyoming’s strategy to allow us to demonstrate and document Greater sage-grouse conservation efforts in Wyoming.

Wyoming has also worked with BLM over the last several years on the Bighorn Basin and Buffalo RMP Revisions. These areas are rich in natural resources and those resources provide a strong economic and cultural base for communities in northern Wyoming. The decisions made in these documents must be deliberate, despite any urgency to complete the Greater sage-grouse management plans, as they will have broad management implications over a large area and over many years.

I appreciate the commitment of each of you and your staff in working with my office and state agencies throughout the planning process. I remain committed to working with the BLM and USFS. The process must be constructive and aimed at land and resource management plans that result in reasonable management of BLM and USFS lands for the benefit of the state and all Wyoming groups in coming decades. There are a number of items that must be addressed prior to issuing the Final RMP Revisions, LUP Amendments and Records of Decision.

In addition to comments concerning consistency, in accordance with 43 CFR 1610.3-2, I attach detailed comments on the proposals (Attachments 2 through 7). Attached also are comments from the Coalition of Local Governments, Sweetwater County and the Saratoga-Encampment-Rawlins Conservation District and a Wyoming Attorney General Memorandum and letter from the American Exploration and Mining Association (Attachments 8 through 12). I reserve the right to submit a subsequent consistency review according to the appeal process provided under 43 C.F.R. §1610.3-2(e).

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The U.S. Fish and Wildlife Service's decision on the listing of Greater sage-grouse is less than two months away. This is not to suggest that the BLM and USFS rush these management plans to the finish line. Rather, I request that the BLM and USFS evaluate each of the points I present in this communication, discuss those points with my staff, and allocate the necessary time to do so.

Please contact me if you have any questions.

Sincerely,



Matthew H. Mead
Governor

MHM:md

Enclosures:

- Attachment 1. Executive Order 2015-4 (Greater Sage-grouse Core Area Protection)
- Attachment 2. Governor Mead's Comments Common to All Plans
- Attachment 3. Governor Mead's Comments to Bureau of Land Management on Wyoming Greater sage-grouse Proposed Land Use Plan Amendment and Final Environmental Impact Statement
- Attachment 4. Governor Mead's Comments to Forest Service on Proposed Wyoming Greater sage-grouse Land Use Plan Amendment and Final Environmental Impact Statement
- Attachment 5. Governor Mead's Comments on Utah Greater sage-grouse Proposed Land Use Plan Amendment and Final Environmental Impact Statement
- Attachment 6. Governor Mead's Comments on Bighorn Basin Proposed Resource Management Plan Revision and Final Environmental Impact Statement
- Attachment 7. Governor Mead's Comments on Buffalo Proposed Resource Management Plan Revision and Final Environmental Impact Statement
- Attachment 8. Coalition of Local Governments Comment
- Attachment 9. Sweetwater County Board of County Commissioners Comment
- Attachment 10. Saratoga-Encampment-Rawlins Conservation District Comment
- Attachment 11. Wyoming Attorney General Memorandum, dated July 20, 2015
- Attachment 12. American Exploration and Mining Association Letter, dated August 28, 2014

cc: The Honorable Michael B. Enzi, U.S. Senate
The Honorable John Barrasso, U.S. Senate
The Honorable Cynthia Lummis, U.S. House of Representatives
Wally Johnson, Chairman, Sweetwater County Board of County Commissioners
Richard Ladwig, President, Wyoming County Commissioners Association
Shaun Sims, President, Wyoming Association of Conservation Districts
Peter Michael, Wyoming Attorney General