



March 8, 2012

Email to: lander_wymail@blm.gov with “August 2012 Lease Parcels” in the subject line.
Stuart Cerovski
Lander Field Office
1335 Main Street
Lander, WY 82520

Re: Environmental Assessment, August 2012 BLM Oil and Gas Lease Sale

Dear Mr. Cerovski,

Parcels: WY-1208-094, WY-1208-095, WY-1208-102 – 174, WY-1208-181, WY-1208-182, WY-1208-183 – 218, WY-1208-219, WY-1208-221 – 264, WY-1208-266, WY-1208-267, WY-1208-269 - 388, WY-1208-390 - 394 (280 parcels)

Dear BLM Planning and Environmental Coordinator:

Please accept Wyoming Wildlife Federation’s (WWF) comments on the Environmental Assessment for parcels within the August 2012 Bureau of Land Management Oil and Gas Lease Sale. WWF supports Alternative 3. We request the above parcels be withdrawn from the August 2012 competitive oil and gas lease sale while the lands they occupy have Resource Management Plans currently in revision. Leasing these parcels prior to the completion of the RMP revision reduces decision space for the BLM, cooperating agents, and the public.

WWF was established in 1937 and has current standing membership of over 5,000. WWF is Wyoming’s oldest and largest statewide sportsmen, conservation organization. Our mission is to work for hunters, anglers, and other wildlife enthusiasts to protect and enhance habitat, to perpetuate quality hunting and fishing, to protect citizens’ rights to use public lands and waters, and to promote ethical hunting and fishing. WWF has a well-established history of participation in BLM planning and management activities. Members of WWF visit and use these particular BLM public lands for fishing, hunting, hiking and wildlife viewing.

In the BLM Code of Federal Regulations (43 CFR 3101.1-4) it informs the public land users that, “once a parcel is sold and the lease is issued, the lessee has the right to use so much of the leased lands as is reasonably necessary to explore and drill for all of the oil and gas within the lease boundaries, subject to the stipulations attached to the lease.” Mineral development in big game crucial ranges, big game winter range, cold water fisheries habitat, Greater sage grouse core

areas, migration corridors, seasonal ranges and riparian habitat will reduce ecosystem and wildlife health and change our members' interests in their continued use of these areas. The wildlife in these sensitive areas along with Wyoming's tourism industry will be encumbered without safeguards against loss of wildlife resources.

The BLM has full discretion whether or not to offer these lease parcels for sale. The Mineral Leasing Act, 30 U.S.C. § 226(a), provides that, “[a]ll lands subject to disposition under this chapter which are known or believed to contain oil and gas deposits may be leased by the Secretary” (emphasis added). The Supreme Court has concluded that this “left the Secretary discretion to refuse to issue any lease at all on a given tract.” *Udall v. Tallman*, 380 U.S. 1, 4 (1965); *see also Wyoming ex rel. Sullivan v. Lujan*, 969 F.2d 877 (10th Cir. 1992); *McDonald v. Clark*, 771 F.2d 460, 463 (10th Cir. 1985) (“While the [Mineral Leasing Act] gives the Secretary the authority to lease government lands under oil and gas leases, this power is discretionary rather than mandatory.”); *Burglin v. Morton*, 527 F.2d 486, 488 (9th Cir. 1975). Wyoming Wildlife Federation’s experience with the federal oil and gas leasing program has taught us that once commercial leases have been issued, it is extremely difficult to stop or even limit extraction activities despite the cost to other public land values.

Respectfully submitted on this 8th of March on behalf of the Wyoming Wildlife Federation.

BY:



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Literature Cited

- Bureau of Land Management, Environmental Assessment, Wyoming, May 2012
- BLM, EA, Wind River/ Bighorn Basin District
- Sawyer, H. and M. Kauffman. 2009. Identifying mule deer migration routes to and from the Pinedale Anticline project area. Unpubl. msc. University of Wyoming, Laramie. 11pp.
- Sawyer, H. and R. Nielson. 2011. Mule deer migration routes to and from the Mesa and Ryegrass winter ranges: 2010. Western Ecosystems Technology, Inc. Cheyenne, WY.
- Sawyer, H., R. Nielson, F. Lindzey, and L. McDonald. 2006. Winter habitat selection of mule deer before and during development of a natural gas field. *Journal of Wildlife Management* 70:396-403
- Sawyer, H., M. J. Kauffman, R. M. Nielson, and J. S. Horne. 2009. Identifying and prioritizing ungulate migration routes for landscape-level conservation. *Ecological Applications* 19:2016-2025
- Sawyer, H. and F. Lindzey. 2000. Jackson Hole Pronghorn Study. Wyoming Cooperative Fish and Wildlife Research Unit, Laramie. 57 pp.
- Southwick Associates, The Economics Associated with Outdoor Recreation, Natural Resources Conservation and Historic Preservation in the United States, October 10, 2011
- Sportsmen for Responsible Energy Development, Sportsmen's Opinions on Oil and Gas Extraction Activities in the Rocky Mountain West, 2008
- United States Fish and Wildlife Service 2006 National Survey of Fishing, Hunting, and Wildlife Associated Recreation
- United States Department of the Interior and United States Department of Agriculture, Sporting Conservation Council, Draft White Papers, pages 1 – 84, June 2008
- United States Department of Interior, Instruction Memorandum No. 2010-071, March 5, 2010
- Wyoming Game and Fish Department, Commissioners Annual Report, 2010