

WGA Policy Resolution 07-01

February 27, 2007

Washington, D.C.

Protecting Wildlife Migration Corridors and Crucial Wildlife Habitat in the West**A. BACKGROUND**

1 Large intact and functioning ecosystems, healthy fish and wildlife populations, and abundant public access to natural landscapes are a significant contributing factor to the West's economic and immigration boom as well as quality of life. Critical wildlife migration corridors and crucial wildlife habitats are necessary to maintain flourishing wildlife populations. .

2 The Western States are particularly and uniquely affected by activity occurring in wildlife migration corridors and crucial wildlife habitats. Western States must also contend with an interconnected mixture of private, state and federal lands. Migration corridors cross all political boundaries and States need to protect migration corridors on federal land through various state planning documents.

3 Natural resource development, urban development, and maintenance of the existing infrastructures of the West impact wildlife species, their habitats and migration corridors. Western States are increasingly expending limited state funds to participate in federal public land resource management planning as a result of the growing national focus on energy production and independence. States continue to expend scarce funds to protect or mitigate impacts to wildlife resources by energy development.

4 States possess broad trustee, police powers and primacy over fish and wildlife within their borders. With the exception of marine mammals, states retain concurrent jurisdiction even where Congress has directed specific federal authority of fish and wildlife species.

5 Typically, Resource Management Plans (RMPs) prepared by the Bureau of Land Management (BLM) and Forest Management Plans (FMPs) prepared by the Forest Service are completed to provide broad scale land use allocations or land suitability. Impacts are not evaluated to provide specific information related to impacts on local wildlife populations, wildlife migration corridors, and crucial wildlife habitats. Wildlife corridors and crucial wildlife habitat are identified in the RMP/FMP development process in consultation with state agencies. "Crucial" includes species with the greatest conservation need as described in the Comprehensive Wildlife Conservation Strategy, Wildlife Action Plans or other similar documents of respective States.

6 The Energy Policy Act of 2005 provides 5 categorical exclusions located in Section 390.

Subpart B (3) reads: "Drilling an oil or gas well within a developed field for which an approved land use plan or any environmental document prepared pursuant to NEPA analyzed such drilling as a reasonably foreseeable activity, so long as such plan or document was approved within 5 years prior to the date of spudding the well."

7. Because a land use plan does not typically evaluate site specific impacts, site or project specific NEPA analyses are necessary for protecting unique wildlife habitat such as migration corridors which will be carried through to permitting conditions.

B. GOVERNORS' POLICY STATEMENT

1 The Western Governors urge Congress to amend Section 390. Subpart B (3) of the Energy Policy Act of 2005 to remove the categorical exclusion for NEPA reviews for exploration or development of oil and gas in wildlife corridors and crucial wildlife habitat on federal lands. By

removing the categorical exclusion, appropriate environmental site analysis will be completed as necessary to protect crucial wildlife habitat and significant migration corridors located in the field of development.

2 Until Congress amends Section 390 Subpart B (3) of the Energy Policy Act of 2005 the Western Governors ask the Secretaries of the Interior and Agriculture to consider placing a moratorium on such categorical exclusions in crucial habitat or migration corridors, and to work collaboratively with the states to ensure that states' concerns in preserving wildlife migration corridors and crucial wildlife habitats are met.

3 One possible way to achieve such protection of wildlife corridors and habitat would be for the federal land management agencies and the states to agree when and where additional environmental analyses and possible protections or conditions of approval need to be put in place, for example once the land manager receives a full field development plan. The BLM should also use its land use plans and amendments to consider incorporation of State or other Federal agencies, local governments, and Indian tribes approved or adopted resource-related plans, including but certainly not limited to big game population objectives.

4 Additionally, the Western Governors would like to see the federal land managers, working with the states, develop a performance-based, objective protocol for permits to drill that includes industry monitoring of how well the protocol is being met, and enforcement by the federal agencies should the monitoring determine that the protocol is not being met.

5 The Western Governors believe that the Western States, working in partnership with the federal land management agencies, Department of Defense, Western and National Association of Fish and Wildlife Agencies, the energy industry, and conservation groups, should identify key wildlife migration corridors and crucial wildlife habitats in the West and make recommendations on needed policy options and tools for preserving those landscapes.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1 The Western Governors direct WGA to work with Congress, the Administration, and other appropriate entities to implement the policies contained in this resolution.

2 The Western Governors direct WGA to establish a wildlife migration corridors and crucial habitats working group to oversee staff's implementation of this resolution, particularly the collaborative effort pursuant to policy statement B.5.

3 The Western Governors direct WGA to seek funding to help pay the costs of the collaborative effort to implement policy statement B.5.