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Wyoming Office
250 North 1st Street
Lander, WY 82520
307-332-6700
307-332-9290 fax

To:	Don Simpson, WY BLM	From:	Cathy Purves
Fax:	307-775-6203	Pages:	4 including cover
Phone:		Date:	January 20, 2009
Re:	Feb. 3, 2009 WY BLM Oil & Gas Lease Protest	cc:	

Comments:

Hi Don,

Please find attached Trout Unlimited's protest to the Feb. 3, 2009 Oil and Gas Lease Sale.

Thank you,

Cathy Purves

307-332-6700 ext. 10

facsimile

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UNLIMITED

January 20, 2009

Sent via Fax 307-775-6203 and Overnight Mail

Don Simpson, Acting Director
Bureau of Land Management
Wyoming BLM State Office
5353 Yellowstone Road
Cheyenne, WY 82009

RE: Protest for the February 3, 2009 WY BLM Competitive Oil and Gas Lease Sale

Specific Parcel # WY-0902-134

Dear Don,

Please accept the following protest for the withdrawal of a portion of the WY BLM Oil and Gas Lease Parcel WY-0902-134 scheduled to be sold during the February 3, 2009 WY Oil and Gas Competitive Lease Sale. For the reasons discussed below, we respectfully request portions of this parcel be withdrawn for the future protection of the plants and fish species identified to occur within these parcels located in the Kemmerer BLM Field Office.

Trout Unlimited would like to thank the BLM for updating the accessibility of the statewide lease parcel mapping system. We are especially appreciative of the ease with which access to these map parcels have been made available to the public.

Interests of the Protesting Party

Trout Unlimited is a private, non-profit conservation organization that has more than 155,000 members nationwide dedicated to conserving, protecting and restoring North American's trout and salmon fisheries and their watersheds. Since 1959, TU has dedicated staff and volunteers toward the protection of sensitive ecological systems necessary to support robust native and wild trout and salmon populations in their respective range. TU recognizes that the value of public lands is unparallel in providing habitat to coldwater fisheries, drinking water and wildlife habitat. TU's conservation program includes public lands and recognizes that public lands play a vital role in protecting and securing habitat for the survival and restoration of wildlife and fisheries. TU's conservation program recognizes that anglers alone don't utilize public lands and that many people who fish on public lands also hunt. TU therefore believes that actions

Jan 20 09 03:01p Trout Unlimited 3073329299 p.2

taken on public lands are ultimately reflected in the quality of fish and wildlife habitat and populations.

In Wyoming, TU has more than 1,300 members and 13 state chapters whose members actively utilize and enjoy the resources of the many streams and rivers and their respective watersheds and those values these watersheds provide, including clean water, clean air, fishing, hunting, outdoor recreation and wildlife viewing opportunities. TU members, and in particular the Upper Bear River TU Chapter with the Kemmerer resource area, are active participants in a variety of outdoor recreational and business pursuits within and near most of these lease sale parcels. And finally, TU believes the impacts from the development and production of portions of these oil and gas lease parcels will adversely affect our members, as well as other non-members who hunt, fish, recreate and do business in and around lease sale areas.

Reasons for Withdrawal Request

Trout Unlimited remains committed to the conservation and protection of coldwater fisheries and those riparian and aquatic ecological connections that provide the balance for successful endurance of these native systems. TU additionally respect the stream and river values these waters provide to the recreational fishermen and outdoor enthusiasts. TU requests the withdrawal of portions of this lease parcel located within stream and riparian corridors along the Hams Fork river drainage (WY-0902-134) within the Kemmerer BLM field office resource area.

We ask that the BLM remove those portions of WY-0902-134 parcel due to the sensitive species that do exist or potentially can exist (based on further identification) within these waters and wetland/riparian areas in the Kemmerer BLM Field Office. As recognized in the newly revised Kemmerer Resource Management Plan and Final Environmental Impact Statement (RMP and FEIS, August 2008) this area has one threatened plant species, eight sensitive plant species, four federally endangered and seven BLM sensitive fish species that occur or may occur within the riparian or wetland areas, in addition to the many other recognized threatened and sensitive wildlife species (FEIS page 3; Appendix A). Further, the Wyoming Game and Fish Department (WGFD) completed Part II of a multi-faceted inventory of native non-game fish species that found both the Roundtail Chub (*Gila robusta*) and the Bluehead Sucker (*Catostomus discobolus*) (WGFD Progress Report: "Green River Watershed Native Non-Game Fish Species Research: Phase II", March 2007) in the Hams Fork drainage. We strongly feel that even with the most effective protection measures outlined for oil and gas development, the act of development remains a destructive impact to the earth's surface and subsurface, and the removal of portions of this parcel out of harm's way will serve to ensure the future of these fish, plant and wildlife species' populations yet still allow development in areas that are less sensitive.

Three Conservation Agreements and Strategies for Colorado River cutthroat trout, Bonneville cutthroat trout, and the 'three species' (Roundtail chub, Bluehead sucker, and Flannelmouth sucker) exist within this BLM resource area, in addition to numerous other

Jan 20 09 03:01p Trout Unlimited 3073329299 p.3

conservation measures among federal and state agencies. The Hams Fork River remains a vital water source (both upstream and downstream of this parcel) for these identified fish species. Oil and gas development has its obvious surface disturbing qualities, many which can be successfully mitigated. However, there are too often additional impacts not always as readily or quickly observed and mitigated from oil and gas development. TU has concerns due to the associated but very important impacts to water resources from soil compaction, removal of vegetation near water resources which often results in secondary sedimentation impacts to streams and water bodies, degradation of vegetation, changes in water temperatures, changes in water velocity, and pollution to groundwater and surface water from actions that occur from the day to day business of oil and gas infrastructure development activities.

According to the Kemmerer RMP/FEIS (2008), only 32% of streams and rivers are at proper functioning condition and 62% are identified as functionally at risk. As further described in the RMP/FEIS, for a riparian or river system to be maintained at a properly functioning status, it has to be managed in a manner that will allow these areas and their values to remain strong. Because of numerous sensitive and threatened or endangered fish species (in addition to wetland or riparian plant species identified as sensitive or threatened) that occur in these areas (and in particular along the Hams Fork) we believe the BLM should withdrawal those portions of the parcel that are within riparian areas that have some relationship (downstream or upstream) with these species.

Summary

TU appreciates the time the BLM has taken to review our protest and we respectfully ask that you consider our request and remove portions of this parcel that are located within the Hams Fork River corridor. We remain committed to seeking and promoting responsible energy development and offer our assistance and support in future endeavors.

Thank you.

Sincerely,

Cathy Purves
Science and Technical Advisor
Trout Unlimited
P.O. Box 64
250 North 1st Street
Lander, WY 82520
307-332-6700 ext. 10
307-349-2558 cell
cpurves@tu.org

cc: Wyoming Governor Freudenthal
Wyoming Game and Fish Department
Kemmerer BLM Field Office

Jan 20 09 03:01p Trout Unlimited 3073329299 p.4