

**WYOMING OUTDOOR COUNCIL • GREATER YELLOWSTONE
COALITION**

May 27, 2011

Via Federal Express

Mr. Don Simpson, State Director
Bureau of Land Management
5353 Yellowstone Road
Cheyenne, WY 82003

MAY 31 2011

SD	RP&M
ASD	M&LA
OC	DSS
EEO	CF
LAW	LEAD Resp.

2011 MAY 31 AM 10:00
RECEIVED
DOI-BLM
CHEYENNE, WYOMING

**RE: PROTEST OF CERTAIN PARCELS TO BE OFFERED AT
BLM'S AUGUST 2, 2011 COMPETITIVE OIL & GAS LEASE SALE**

Dear Mr. Simpson:

In accordance with 43 CFR §§ 4.450-2 and 3120.1-3, the Wyoming Outdoor Council and Greater Yellowstone Coalition protest the following parcels being offered at the Bureau of Land Management's (BLM) August 2, 2011, competitive oil and natural gas lease sale. In this protest we protest the sale of lease parcels WY-1108-051, -052, -053, -054, -055, -056, and -065, which are located in the Worland Field Office.¹

I. THE PARTIES

The **Wyoming Outdoor Council** (WOC) is a non-profit conservation organization with approximately 1,500 members in Wyoming, other states, and abroad. The Wyoming Outdoor Council is dedicated to the protection and enhancement of Wyoming's environment, communities, and quality of life. It has members that live in the BLM Worland Field Office where the protested parcels are located. Wyoming Outdoor Council members utilize land and water resources within and near these areas for hiking, fishing, camping, recreational and aesthetic purposes. The Wyoming Outdoor Council is actively involved in BLM oil and gas activities throughout Wyoming and participates in all aspects of BLM oil and gas projects by involving its staff and members in submitting comments and attending public meetings. The Wyoming Outdoor Council's long-standing commitment to environmentally sound oil and gas leasing and development throughout Wyoming stems over many years. Consequently, the Wyoming Outdoor Council and its members would be adversely affected by the sale of the lease parcels at issue here, and it has an interest in this lease sale.

The **Greater Yellowstone Coalition** (GYC) is a non-profit conservation organization with hundreds of members in Wyoming dedicated to protecting the lands, waters, and wildlife of

¹ Hereinafter we will refer to lease parcels by a shortened numerical reference, 051 for example, and not reference the entire numerical designation.

the Greater Yellowstone Ecosystem, now and for future generations. GYC is actively involved in energy development issues on federal lands in the region and its staff and members fully participate in all aspects of BLM oil and gas projects by submitting comments and attending public meetings. It has members that live in the BLM Worland Field Office and many GYC members live near and use these parcels and other nearby lands for hiking, hunting, photography, fishing, and other forms of quiet recreation. Thus, GYC and its members would be negatively impacted by the sale of these lease parcels and have an interest in this lease sale.

II. AT RISK: WILDLIFE, OPEN SPACES, AND CLEAN AIR AND WATER

Oil and gas activities on the public lands at issue have escalated in the past several years. BLM is approving record numbers of large oil and gas development projects in Wyoming. The lands that will be impacted by issuance and development of the protested leases are mostly federal lands managed by BLM. Many of these lands provide critical habitat for a number of species, ranging from mule deer to severely imperiled species, such as greater sage-grouse in the sagebrush country. They serve as quiet, serene places of natural beauty and solitude, and as such they provide excellent recreational opportunities for hiking, birding, wildlife viewing, hunting, fishing, backpacking, and enjoyment of open spaces.

Explosive oil and gas development on many of these lands threatens all of the above resources, which BLM has a mandatory duty to protect for "multiple use." Oil and gas development has already caused, and will continue to lead to, fragmented habitat and surface disturbances through well pad construction, oil and gas well rigs, increased vehicular traffic, miles of roads, pipelines, and power lines, and noise from generators and compressor stations. All of these associated activities serve to disrupt habitat, destroy nesting and brooding grounds, and disturb wildlife. These activities can significantly impact elk, mule deer, pronghorn antelope, and sage-grouse, as well as many other resident species, and impair natural characteristics, such as opportunities for solitude, and opportunities for primitive or unconfined recreation. Many of these lands serve as crucial winter range and parturition areas for elk, pronghorn, and mule deer. Rare species find some of their last secure refuges on these lands. In addition, some of the protested leases encompass important sage-grouse habitat, identified as "core areas" pursuant to the Wyoming Governor's Executive Order 2010-4.

While the sale of a lease itself does not necessarily create immediate disturbances, as BLM understands, if a lease is not subject to a "No Surface Occupancy" stipulation, the lessee arguably receives contractually-enforceable surface use rights and the agency makes a irreversible and irretrievable commitment of resources. 43 C.F.R. § 3101.1-2; *Pennaco Energy, Inc. v. Department of the Interior*, 377 F.3d 1147 (10th Cir. 2004). In other words, once a lease is sold, the ability to mitigate impacts is reduced, putting sensitive resources which have yet to be properly considered through site-specific NEPA analysis at risk of significant and potentially unacceptable harm. Because it represents an irretrievable and irreversible commitment of resources, the leasing stage is extremely critical. Given this level of importance, and particularly due to the legal violations that will occur if the protested lease parcels are sold, the Parties are filing this Protest and request that BLM remove the listed parcels from the upcoming lease sale.

III. LEASE PARCELS IN THE WORLAND FIELD OFFICE, WHICH IS UNDERGOING AN RMP REVISION, SHOULD NOT BE OFFERED FOR SALE UNTIL THE RMP IS REVISED.

Lease parcels -051, -052, -053, -054, -055, -056, and -065, which are hereby protested, are located in the BLM Worland Field Office. A resource management plan (RMP) revision is underway in this Field Office as well as the Cody Field Office as the joint Bighorn Basin Resource Management Plan Revision Project. The BLM has released the draft environmental impact statement (EIS) for this RMP revision, and has specified a preferred land use plan in that EIS. It is inappropriate to offer the protested lease parcels for sale in the midst of an RMP revision because to do so could limit the BLM's ability to consider a full range of reasonable alternatives on which to base the final RMP.

Enclosed as Exhibit 1 is a map from the RMP EIS that shows areas that would be closed to leasing under Alternative B, which is under consideration for adoption as the Bighorn Basin RMP. As can be seen, the areas where the protested parcels are located would be closed to leasing under this alternative. These lease parcels are located generally in Townships 43 and 44 North Ranges 90 and 91 West. These townships would be closed to leasing under this alternative.² Exhibit 1. It is inappropriate to engage in leasing in these areas until a final RMP has been adopted so as to ensure that BLM retains full authority to manage these lands in a manner that is consistent with its RMP. Managing these lands in a manner that is consistent with the RMP will be impossible if leasing occurs in these areas in a manner or under terms that are inconsistent with one of the alternatives being considered for adoption as the RMP. Thus, the protested parcels should be deferred from leasing at this time.

Support for not leasing these parcels was provided in our February 1, 2011 letter to the BLM commenting on the environmental assessment (EA) that had been prepared for these parcels and this lease sale. In that letter, which is included here as Exhibit 2, we discussed the provisions of BLM Instruction Memoranda (IM) 2004-110 and 2004-110 Change 1. These IMs make it clear that deferring these parcels from leasing is appropriate during an RMP revision, and we incorporate the arguments made in our February 1 into this protest by this reference. We particularly note the provisions in IM 2004-110 Change 1 that "re-emphasizes the importance of considering temporary deferral of oil, gas, and geothermal leasing in those areas with active land use planning activities." And of course, basic principles of National Environmental Policy Act (NEPA) law also mandate retention of the full range of options when an EIS is being prepared. For example, "Agencies shall not commit resource prejudicing selection of alternatives before making a final decision" regarding an EIS. 40 C.F.R. § 1502.2(f). And, "Until an agency issues a record of decision . . . no action concerning the proposal shall be taken which would: (1) Have an adverse environmental impact; or (2) Limit the choice of reasonable alternatives." *Id.* §

² Parcel -065, which is located in T44N R91W, may be in a township that is available for leasing. However, leasing would only be permissible in this Township if "major constraints" were attached to the lease, specifically a no surface occupancy stipulation. The timing limitation stipulation (TLS) and controlled surface use (CSU) stipulations currently attached to parcel -065 do not rise to the level of being "major constraints," and thus this parcel too would be leased in a manner that is inconsistent with the provisions of Alternative B.

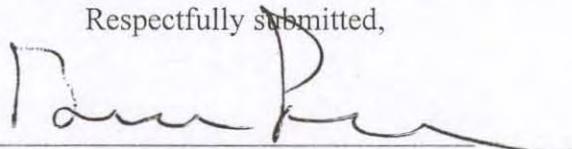
1506.1(a)(1)-(2). Accordingly, the BLM should retain the option of being able to fully implement Alternative B as the Bighorn Basin RMP, and to do that it must defer leasing in areas that would be closed to leasing pursuant to that alternative. Taking this action is necessary so a to fully preserve BLM's "decision space" prior to selection of the RMP final alternative.

In addition to issues related to not prejudicing selection of an RMP, our February 1, 2011 comments on the EA also addressed issues related to the greater sage-grouse and overlapping wildlife crucial ranges. Exhibit 2. We also incorporate those arguments into this protest in full and ask the BLM to reconsider them because it does not appear to us that these issues have been addressed to date.

IV. CONCLUSION AND REQUEST FOR RELIEF

For the foregoing reasons the Parties request that the protested parcels not be offered for sale at the August 2, 2011 Competitive Oil and Gas Lease Sale.

Respectfully submitted,

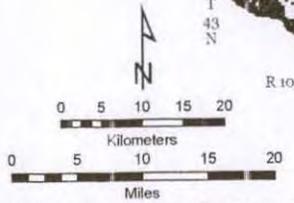
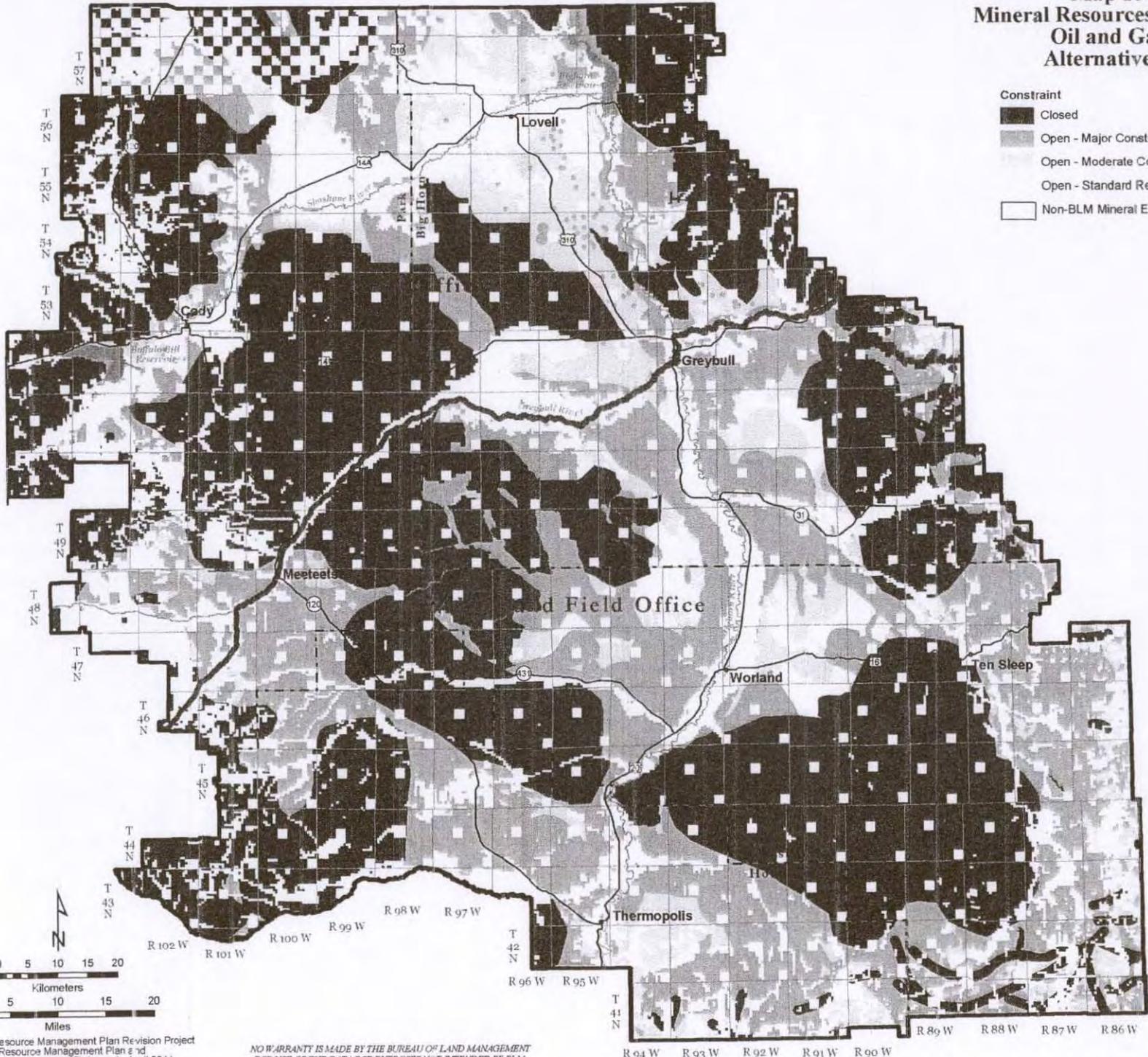
A handwritten signature in black ink, appearing to read "Bruce Pendery", written over a horizontal line.

Bruce Pendery,
Staff Attorney for the Wyoming Outdoor Council
And on Behalf of All Parties

Map 18 Mineral Resources Leasable Oil and Gas Alternative B

- Constraint**
-  Closed
 -  Open - Major Constraints
 -  Open - Moderate Constraints
 -  Open - Standard Restrictions
 -  Non-BLM Mineral Estate

Exhibit 1





Wyoming Outdoor Council

wyomingoutdoorcouncil.org

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Logan, UT 84321

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Mr. Stuart Cerovski
BLM Lander Field Office
P.O. Box 589
Lander, WY 82520-0589

February 1, 2011

Re: August 2011 Lease Parcels

Dear Mr. Cerovski,

The Wyoming Outdoor Council and Greater Yellowstone Coalition would like to offer the following comments on the Environmental Assessment, August 2011 Lease Parcel Review (hereinafter, EA); that the Bureau of Land Management (BLM) has prepared:

In this lease sale the BLM could offer a number of lease parcels in an area south of Worland. These include lease parcels WY-1108-056 to -065, WY-1108-69 to -075, WY-1108-078, and WY-1108-082 to -083. Our concern with offering these parcels is that they are located in an area the Wyoming Outdoor Council, Greater Yellowstone Coalition, and other groups have asked the BLM to consider for designation as "Unavailable for Future Leasing" pursuant to the revised Bighorn Basin Resource Management Plan (RMP). Enclosed herewith on the CD is a map that portrays this recommendation. As you can see, we are recommending that an area south of Worland be made Unavailable for Future Leasing, and it corresponds with the location of the proposed lease parcels. This map has been provided to BLM Director Bob Abbey, State Director Don Simpson, and to Field Office personnel. Thus, it is part of the record for the RMP revision. Since this recommendation is presumably being considered in the RMP revision, we believe it would be inappropriate and premature to offer these parcels for leasing until final decisions are made in the RMP about the availability of this area for leasing.

Fortunately, under BLM's selected alternative in the EA a number of parcels in this "unavailable area" would be deferred, or partially deferred, from leasing. Lease parcels WY-1108-056, -060, -069 to -075, -078, and -082 would be deferred or partially deferred from leasing pursuant to Alternative 2, the selected alternative. We appreciate that BLM would not offer these lease parcels for sale at this time and encourage it to maintain that decision. Were these parcels to be offered for sale, the same issues that will be raised below regarding the remaining parcels, which are proposed for sale, would also apply.

As to the block of lease parcels that are being offered south of Worland, our primary concern is that these parcels are being offered in an area that we believe should be made unavailable for future leasing, as shown on the enclosed map. As the second map on the CD we have enclosed herewith shows, the primary reasons this area should not be available for leasing are that it contains greater sage-grouse core habitats and big game crucial winter ranges and parturition habitat. In addition, some of these parcels are in citizens' proposed wilderness areas (CWP). These concerns apply to lease parcels WY-

WORKIT

Exhibit 2

1108-057 to -059, -061 to -065, and -083, which remain proposed for sale. We oppose the sale of these nine parcels.

There are three reasons we object to the sale of these nine parcels. These reasons include: (1) that it is inappropriate to engage in leasing these parcels while an RMP revision is underway and no final decision regarding future leasing availability has been made; (2) that impacts to sage-grouse could be severe and contrary to policy; and (3) that it is inappropriate to engage in leasing in areas where there are overlapping wildlife crucial ranges. In addition, parcel -083 is located in a CWP, and we object to its sale for that reason. We will address each of these bases for objecting to the sale of these parcels in turn below.

The Contested Lease Parcels Should not be Offered for Sale during a Pending RMP Revision.

These lease parcels are located in the Bighorn Basin where a unified RMP revision of the Cody and Worland Field Offices RMPs is underway. The BLM should not offer these parcels for sale while an RMP revision is underway. Authority for this view is provided by Instruction Memoranda (IM) Nos. 2004-110 and 2004-110 Change 1. Under IM 2004-110, additional NEPA documentation prior to leasing is needed when there are significant new circumstances or information that bear on the environmental consequences of leasing that are not within the scope previously analyzed in the existing RMP. Existing NEPA documentation supporting an RMP and its decisions relative to leasing become insufficient when the analysis of impacts fails to identify stipulations that would retain BLM's "full authority to protect or mitigate effects to other resources."

At a minimum, the BLM's existing analysis of impacts in the 1988 Washakie RMP is out of date relative to impacts to the greater sage-grouse and stipulations needed to protect that species. As shown in the Sage Grouse Screen in the EA, all of the parcels still proposed for sale are fully in or partially in sage-grouse core areas, with the exception of parcel -083. In addition, all of these parcels except for -083 contain various stipulations that recognize a need for protection of sage-grouse using the area. But as is well documented in numerous scientific reports these stipulations are unsupported by current science, and the scientific basis for the stipulations provided for in the current RMPs is simply no longer valid. Thus, under the terms of IM 2004-110 the BLM should not offer these parcels for lease until it revises the current RMP and ensures there is an adequate analysis of impacts to sage-grouse and the RMP is sufficient to "retain BLM's full authority to protect or mitigate effects on other resources." Issues related to the sage-grouse and our understanding of the inefficacy of the current standard sage-grouse stipulations are "significant new circumstances or information" that bear on the environmental consequences of leasing that are not within the broad scope previously analyzed in the existing Washakie RMP.

In addition to issues related to sage-grouse, the BLM's inventory of wilderness characteristics and values in the Worland Field Office has undergone a major review and

update, and this too represents significant new information that is not reflected in the 1988 Washakie RMP.

Similarly, IM 2004-110 Change 1 provides that BLM State Directors "have discretion to temporarily defer leasing on specific tracts of land based on information under review during planning." Certainly issues related to the sage-grouse, the current status of sage-grouse science, the efficacy of the current sage-grouse protective stipulations, and the State's core area protective policies and approach will be key and prominent considerations in the RMP revision. These are issues "under review during planning." We note that the BLM is apparently currently revising IM WY-2010-012, which relates to sage-grouse mitigation measures, and the BLM and the Wyoming Game and Fish Department are currently working to determine how to define project impact analysis areas relative to sage-grouse so as to comply with Executive Order (EO) 2010-4. That is, means to implement the EO are under review. Thus, a number of issues related to the sage-grouse are "under review during planning."

Wilderness issues are also under review. Accordingly, it is appropriate to temporarily defer leasing the contested parcels. IM 2004-110 Change 1 "re-emphasizes the importance of considering temporary deferral of oil, gas, and geothermal leasing in those areas with active land use planning activities." BLM must give this consideration priority in order to comply with the IM. The IM specifically directs that, "[a]ll [State Offices] are to consider temporarily deferring oil, gas, and geothermal leasing on federal lands with land use plans that are currently being revised or amended." Given this guidance, BLM should defer the contested lease parcels at least until the Bighorn Basin RMP has been revised.

Furthermore, in a February 2, 2009 letter to the BLM, Wyoming Governor Freudenthal made apparent his concern about leasing in the Bighorn Basin while the RMP revision is underway. Exhibit 1. He noted the "changed physical and social landscape in the BLM's Bighorn Basin Resource Area." He was especially concerned about impacts to wildlife, including the sage-grouse. He noted that the provisions in IM 2004-110 Change 1 "functionally gives the BLM the latitude to ensure a full range of alternatives is available to it during the RMP revision process" specifically due to the potential irreversible commitment of resources that leasing represents and the possibility of significantly impacting other resources. He also noted that deferral of leasing could help ensure compliance with the Council on Environmental Quality regulations that prohibit taking actions that limit the choice of reasonable alternatives until a record of decision is issued for an RMP revision, citing 40 C.F.R. § 1506.1. Given that citizens have recommended that this area be unavailable for leasing, and that BLM is presumably considering that recommendation as it revises the RMP, these parcels should not be offered for sale at this time.

Additionally, we also note that while the Pinedale RMP was under revision the BLM did not engage in leasing in that area. Consequently there is local precedent for not engaging in leasing during an RMP revision. The same policy should apply in the Worland Field Office until the Bighorn Basin RMP is revised.

BLM has not Shown that Large, Contiguous Areas of Sage-Grouse Habitat Could not be Protected, Making Sale of these Parcels Contrary to the Policy in IM 2010-013.

The reason for deferring leasing on some of the lease parcels south of Worland is that the parcels met the screening criteria established by IM WY-2010-013. This is made apparent in the Sage Grouse Screen table in the EA. In contrast, it appears that the reason the nine parcels that would be offered for sale were deemed suitable for sale was that they did not meet a criterion established by the IM.

Reviewing the Sage Grouse Screen table, it is apparent that all of these parcels, both those that would be offered for sale and those that would be deferred (or partially deferred) are in sage-grouse core areas, are in suitable sage-grouse habitat, and do not present potential drainage issues, three of the criteria established by the IM. The only criterion that seems to lead to a decision to offer a parcel for sale is that the parcel is deemed to not to contain 11 square miles of manageable Federal land.

We believe that whether these parcels meet or fail this criterion should be reevaluated. As it appears now, the claim that there would not be 11 square miles of manageable Federal mineral estate available so as to protect contiguous areas of habitat appears to be nothing more than assertion. So far as we can see, nowhere in the EA is there an indication of how it was determined that this criterion was not met. We can find no analysis of the manageability of these areas, the continuity (contiguity) of the habitats, or the level of unleased Federal minerals in the area, as specifically mentioned in IM 2010-013. There is no analysis of "land and mineral ownership patterns, arrangement, and any existing development or disturbances that will affect or influence habitat functionality []." IM 2010-013 at 2. Absent such a publically reviewable analysis, we feel that the assertion that there are not 11 square miles of manageable Federal mineral estate should not be used as a basis to allow sale of these parcels to go forward.

Furthermore, the determination of lack of contiguity seems difficult to justify. Most of the parcels proposed for deferral are located in T92W R44N. Yet many of the non-deferred parcels are located in the neighboring township, T91W R44N. We find it difficult to imagine that there is contiguity in one township while in an *immediately* adjacent township this is not the case. This seems difficult to justify to us, absent empirical evidence presented in the EA. For example, parcel -061 (available for sale) lies *immediately* adjacent to parcel -071 (deferred). The portions of these parcels in section 12 (parcel -071) and 7 and 18 (parcel -061) are immediately contiguous. How can one have 11 square miles of manageable Federal mineral estate associated with it but not the other? The same can be said regarding parcels -073 (deferred) and -064 (available for sale), which are also almost immediately contiguous with one another. We believe this same apparent shortcoming applies to all of these parcels.

Moreover, a large number of the parcels proposed for sale—parcels -057, -058, -059, -060, -061, -062, -063, -064, and -065—are located quite close to each other in T43 and 44N and R90 and 91W, so it would seem to us that given this proximity these parcels per se create large blocks of manageable habitat. The only way it would seem possible that there is not contiguous habitat in the vicinity of these parcels would be if some kind of *existing* land use or ownership makes management difficult. If this is indeed the case, it should be justified through analysis and not just asserted. Leasing itself does not per se decrease contiguity because it is an entirely discretionary action, so it should not serve as a reason for claiming that there would not be 11 square miles of manageable Federal land.

Given the apparent difficulty in reconciling the determination that lease parcels -069, -070, -071, -072, -073, -074, -075 should be deferred from sale due to meeting all of the IM 2010-013 screening criteria, while lease parcels -060, -061, -062, -063, -064, and -065 would be offered for sale in an immediately adjacent township (and lease parcels -057, -058, and -059 are not much farther away) because of the claim that 11 square miles of manageable Federal land criterion is not met, we ask the BLM to carefully reconsider whether this criterion may be met before offering lease parcels -057, -058, -059, -060, -061, -062, -063, -64, and -065 for sale. It is critically important to ensure that the most stringent mitigation possible is applied before engaging in activities that could further threaten a species that has already been determined to warrant listing under the Endangered Species Act.

Lease Parcels should not be Offered for Sale in Overlapping Wildlife Crucial Ranges.

As shown on the accompanying map, there is overlapping crucial habitat for sage-grouse and big game in the area where the contested parcels would be offered for sale. The stipulations that would be attached to these parcels confirm this. In addition, many of the parcels have important habitat for raptors.

We believe it is inappropriate to offer lease parcels in areas of overlapping crucial ranges. The number of species that could be impacted by oil and gas development simply becomes too great under these conditions. While BLM recognizes the need to protect *individual* species by attaching various stipulations to these parcels, there is no indication it has considered the *cumulative implications* (impact) of leasing under these conditions. Not one, but two, or three, or even more species could be negatively affected by oil and gas development. That seems like too significant a potential impact to be acceptable. Therefore these lease parcels should not be offered for sale.

The fact that this area contains overlapping crucial ranges forms the basis for our recommendation that this area not be available for future leasing, which is viewable in the enclosed maps. We assume BLM is considering our recommendation as part of the RMP revision since we have presented these maps to all levels of the agency. Given that BLM might ultimately agree with us that the occurrence of overlapping wildlife crucial

ranges presents a sufficient reason not to engage in leasing in an area, we believe it is apparent the contested lease parcels should not be offered for sale.

Parcels in Citizens' Proposed Wilderness Areas should not be Offered for Sale.

Lease parcel -083 is located in the Cedar Mountains CWP. Exhibit 2. Yet unlike parcel -082, which is also located in this CWP, parcel -083 would not be deferred from sale. We feel that it should be deferred so as to protect important wilderness characteristics.

In the EA Wilderness Screen, BLM claims that parcel -083 does not contain any of the listed wilderness characteristics. Yet BLM has found that there is "intense hunting and ATV use" in this area. If this is true, the area may well have significant opportunities for primitive and unconfined types of recreation, and if appropriate management were applied, ATV impacts could be reduced or perhaps eliminated. The BLM should reconsider the wilderness values of this parcel and make its leasing decisions accordingly. It should ensure that leasing this parcel is fully in conformance with the new Wild Lands policy established by Secretarial Order 3310 before it offers this parcel for sale.

At a minimum, this parcel also contains very significant big game, visual resource, and paleontological values, as shown by the stipulations attached to the parcel, so these values should be fully protected. In particular, we do not believe that VRM Class I and Class II visual resource values (likely associated with the Cedar Mountains Wilderness Study Area) can be adequately protected if this parcel is leased. Wilderness values will be at risk if this parcel is sold, and that should not be permitted.

As will be discussed next, lease parcels -060 and -082, which would be partially deferred from sale, also have wilderness characteristics and/or are located in CWPs, and we ask that the entirety of these parcels be deferred from sale.

Partially Deferral Parcels should be Fully Deferred.

In these comments we have focused on whether parcels would be offered for sale or deferred, making little distinction as to the three parcels that would receive a partial deferral. The three partially deferred parcels are parcels -060, -075, and -082. While we appreciate that at least a portion of these parcels would receive protection through deferral, we would like to make clear that in our view no portion of these parcels should be offered for sale. These parcels fall within the area we have recommended to be unavailable for leasing as shown on the enclosed map in the CD, so in our view no portion of these parcels should be offered for sale. The overlapping wildlife habitats that occur on these parcels make leasing inappropriate, as does the ongoing RMP revision.

Parcel -060 is recognized in the EA as being an area that contains wilderness characteristics. At least a portion of it also apparently meets the screening criteria of IM 2010-013 because the description attached to the lease parcel states, "The remainder of the legal description from the original parcel is recommended for deferral due to sage

grouse core screen." Given these extremely high values, as well as the important raptor, big game crucial winter range, and paleontological values recognized on this parcel, we do not believe any of it should be offered for sale.

Parcel -075 apparently is only deemed to be partially within core sage-grouse habitat, as shown in the EA Sage Grouse Screen. Nevertheless, BLM still needs to attach a stipulation to this parcel in order to protect nesting sage-grouse. Apparently this parcel has value for sage-grouse, even though a part of it is outside of a core area (only barely). We ask the BLM to reconsider whether this decision-making is supported from the standpoint of the best available biological and ecological science. It seems to us that BLM is being very technical here—if an area is just barely outside of a core area it will not receive protection through the IM 2010-013 screens. But if the area deemed saleable nevertheless still has such important values that it demands a stipulation to protect nesting sage-grouse, it seems that BLM should not apply different levels of protection based solely on a somewhat arbitrary core/non-core area boundary line. Rather, it should examine the biological values of this parcel as a whole, and protect it accordingly. We also note that this parcel still demands stipulations to protect both big game crucial winter range and overlapping big game crucial winter ranges, and contains important paleontological values, so these values too argue for not offering this parcel for sale, even partially.

Parcel -082 is recognized by the BLM in the EA as being in proximity to the Cedar Mountains Wilderness Study area, and it is within the Cedar Mountains CWP. Exhibit 2. The basis for partially deferring the sale of this parcel is that it partially meets the screening criteria in IM 2010-013. Given the values of this parcel to sage grouse (a stipulation must still be attached to the parcel for the protection of nesting sage-grouse), and the wilderness values that clearly exist in the area, we do not believe this parcel should be offered for sale. As we just discussed relative to parcel -075, if part of the parcel meets the IM 2010-013 screening criteria and if the remaining portion still demands a stipulation to protect nesting sage-grouse, the BLM should make an individualized determination of the value of this entire parcel to sage-grouse, and not consider only portions of a parcel that are within core area boundaries as being worthy of deferral.

Thank you for considering these comments.

Sincerely,



Bruce Pendergast

And on behalf of
Hillary Eisen,
Greater Yellowstone Coalition

Enclosures

cc: Don Simpson
Bob Abbey