

INTERIOR BOARD OF LAND APPEALS

Biodiversity Conservation Alliance,)
)
Appellant,)
)
v.) IBLA No. _____
)
Donald Simpson,)
Bureau of Land Management) May 2012 Lease Sale
)
Respondent.)
_____)

DECLARATION OF ERIK MOLVAR

I, Erik Molvar, declare under penalty of perjury that:

1. I am wildlife biologist and Executive Director of Biodiversity Conservation Alliance (BCA). I have been a member of BCA since May 2000, an employee of this organization since September 2000 and served as an officer of the corporation from October 2001 to May 2006.
2. BCA is a nonprofit conservation organization founded in 1988 and organized under the laws of the State of Wyoming. BCA is dedicated to protecting wildlands and native wildlife in Wyoming and surrounding states. Our office is in Laramie, Wyoming. BCA members live in Wyoming and many other states.
3. I live in Laramie, Wyoming, at 319 South Sixth Street. I have resided in Wyoming for the last 12 years and have a deep interest in management of federal lands in the Rawlins Field Office, which includes the Adobe Town and Kinney Rim areas.
4. I am very familiar with the Adobe Town and Kinney Rim citizens' proposed wilderness units, which encompass Parcels 45, 46, 62, 63, 64, 65, and 66 from the BLM May 2012 Lease Sale.
5. I first visited Adobe Town during research for the book Wild Wyoming in 1999, during which time I hiked to the edge of East Fork Point, the highest point on the Skull Creek Rim, a vantage point that overlooks Lease Parcels 45 and 46. I conducted intensive on-the-ground field wilderness inventories of the Adobe Town and Kinney Rim units for Biodiversity Conservation Alliance in 2001, visiting Parcels 45 and 46 in particular on May 17 and 18, 2001 and photographing vehicle routes in these parcels. I have led dozens of field tours to the area, including many visits to East Fork Point, overlooking the parcels, during the intervening years. My most recent visits to these two parcels were in July and September of

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2009, when I engaged in landscape photography in these parcels. See Attachment A to this Declaration. During this visit, I was able to ascertain that the naturalness of this area was much the same as it was during the 2001 inventory, with a two-track jeep trail located atop an increasingly reclaimed revegetation strip that once had been a constructed wellfield access road reclaimed prior to the 2001 inventory. *See* Attachment A to this Declaration.

6. I am the author of the Western Heritage Alternative, a comprehensive, science-based blueprint for ecologically sustainable development in the Rawlins Field Office. This alternative was submitted to BLM in April 7, 2003 and endorsed by seven other conservation organizations. This alternative proposed that all of the Adobe Town and Kinney Rim Citizens' Proposed Wildernesses be withdrawn from future oil and gas leasing.
7. On November 6, 2006, I petitioned the Wyoming Environmental Quality Council ("EQC") groups to designate the Adobe Town Citizens' Proposed Wilderness as Very Rare or Uncommon pursuant to the state's Environmental Quality Act on behalf of Biodiversity Conservation Alliance, Wyoming Outdoor Council, The Wilderness Society, Center for Native Ecosystems, Wyoming Wilderness Association, and other groups. I represented BCA and other conservation groups at the hearings for this designation, and pursuant to this petition, the State of Wyoming designated all federal and state lands within the Citizens' Proposed Wilderness as "Very Rare or Uncommon" on April 10, 2008.
8. BCA has vital interest in the management of BLM lands and mineral development in the Rawlins Field Office. BCA works to ensure that wilderness-quality lands are not impacted by industrial projects, to protect rare and sensitive species of native wildlife and plants from destruction, to ensure that sensitive landscapes and habitats are not degraded, and to limit the impact to the environment of oil and gas practices in the Red Desert and elsewhere.
9. BCA is concerned about the impacts of oil and gas leasing and related development to the lands and wildlife of the planning area, including but not limited to the industrialization of wilderness-quality lands in the Kinney Rim and Adobe Town units, which are citizens' proposed wilderness areas, and one of which is designated by the State of Wyoming as Very Rare or Uncommon. BCA has conducted public education and outreach on the potential impacts of BLM mineral and land management activities in the Red Desert region in general and the Adobe Town and Kinney Rim areas in particular since 1999.
10. I first visited the Kinney Rim South unit in 2001 during the course of wilderness inventories. I visited Parcel 62 on May 25, 2001 while documenting Route KS-148 and KS-100. I visited Parcel 63 on May 30, 2001 while documenting Routes KS-173 and KS-174, jeep trails which traverse the parcel. I visited Parcel 64 on May 24 and 25, 2001 while documenting Routes KS-100B, KS-101, KS-143, and KS-152. I visited Parcel 65 on May 25, 2001 and June 1, 2001 while documenting Routes KS-104, KS-100, KS-100B, KS-94, and KS-88. KS-105, KS-150, I visited Parcel 66 on May 28, 2001 while documenting routes KS-78, KS-79, KS-81, and KS-82. While there are indeed a number of two-track jeep trails and abandoned seismograph lines in this unit, these features are only apparent when standing directly atop them or looking along their axis; viewed from the side at even a distance of 100 yards or less,

they are obscured by the low-growing sagebrush. I have returned to the area of these leases several times over the past four years, most recently in June of 2009, when I visited a high point in T12N R97W Section 6 that overlooks the leases in question, for the purpose of enjoying the scenic vista and undeveloped quality of the landscape. See Attachment B to this Declaration.

11. I have led numerous touring outings to both the Adobe Town and Kinney Rim areas during early summer in addition to other field tours throughout the year. I have visited the area where the oil and gas leases in question are located, and the surrounding lands, on a number of occasions, most recently on May 30, 2011. I have also taken aerial overflights of Adobe Town and the Kinney Rim, where the proposed drilling and leasing is located, on at least four occasions, most recently on June 19, 2011. During these visits, I have enjoyed the vistas of unspoiled desert landscape - a place of stunning beauty with towering rims and multicolored cliffs, intricate pinnacles and arches, and wide-open expanses filled with diverse sagebrush communities. I have engaged in photography and wildlife viewing, hiking and backpacking, and have benefited through the spiritual renewal that can be gained through experiencing unspoiled landscapes. A number of my photographs of both Adobe Town and the Kinney Rim have been published in the books *Wind River Wilderness* and *Wyoming's Reed Desert: A Photographic Journey*.
12. I plan to return to Adobe Town and the Kinney Rim with my family to enjoy scenery, wildlife viewing, and potentially to hunt for pronghorn antelope. My next visit is scheduled for June of 2012. My enjoyment of this area will be severely curtailed if the landscape at the foot of the Skull Creek Rim or at the southern edge of the Kinney Rim and along the canyon of Shell Creek were to be scarred by oil and gas development, driving out the majority of the wildlife and destroying the scenic integrity of the area.
13. The construction of the Questar Spike No. 1 well and its associated access road in the northern end of Adobe Town in 2005 did in fact create a scar across the landscape that diminished my enjoyment of that distant corner of Adobe Town. Even though the well and road were abandoned in short order as unproductive, the highly visible scars on the land may take a century or more to heal.
14. During visits on August 11, 2009 and August 22, 2009 to the Barricade and Endurance units and surrounding area in eastern Adobe Town I saw that two of the five wells on leases to the south of Parcels 45 and 46 had been staked, and one of them had the road right-of-way fully staked and a flag planted at the spot where drilling is to commence. The stakes, marked with flags and labeled with the well numbers, extend along the exact boundaries where the roads and well were subsequently sited. The construction of these roads and wellpads have diminished my enjoyment of the area on subsequent visits, most recently on June 19, 2011.
15. A handful of exploratory wells have been drilled in the Barricade and Endurance units, and new roads have been constructed to serve them. These roads not only have affected the wilderness qualities in lands immediately surrounding them, but have diminished wilderness values and have created industrial footprints visible from the neighboring Skull Creek Rim

inside the Adobe Town Wilderness Study Area. This creates a negative impact on wilderness qualities for visitors seeking a wilderness experience inside the WSA. I am one of these visitors and I plan to go back to this area this summer.

16. The overall effect of these additional industrial activities, performed pursuant to oil and gas leases issued by the BLM, is to convert a previously undeveloped, unscarred landscape into an industrial landscape visually dominated by roads, wellsites, and heavy equipment. The large tracts of native vegetation are being fragmented severely into smaller patches of remaining vegetation in a matrix of roadways and other human intrusions. The predominantly natural scenery of the area is being replaced by a landscape where industrial intrusions are a dominant feature.
17. As Executive Director and Wildlife Biologist of BCA, I have written and submitted comments on proposals for BLM mineral and land management activities in the Adobe Town and Kinney Rim areas (including oil and gas leasing and the Rawlins Resource Management Plan). In particular, I was involved in preparing BCA's comments on the Draft Environmental Impact Statement (EIS) and in preparing the protest of BCA and others on the Final EIS for the Rawlins RMP submitted to BLM on February 17, 2006.
18. I have enjoyed hiking, camping, wildlife viewing, and photography throughout the Kinney Rim Citizens' Proposed Wilderness Unit, and I plan to return to this area this summer or fall and in future years with my children to enjoy the natural splendor and undeveloped character of the area. Drilling activities that are the direct result of oil and gas leasing in this area will degrade wilderness characteristics and the natural scenic beauty of the areas for many decades, impairing my enjoyment of these lands. One of the wellpads I inventoried in Adobe Town had not returned to a natural state after almost forty years.
19. I took the attached photographs (Attachment A) during the course of visits to the Adobe Town and Kinney Rim Citizens' Proposed Wilderness Units. These photographs exemplify the scenic qualities and undeveloped character of these areas.
20. My interests – and the interests of BCA – have been and will continue to be injured by the BLM's failure to comply with the National Environmental Policy Act and the Federal Land Policy and Management Act in moving forward with oil and gas leasing in citizens' proposed wilderness under the Rawlins RMP.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, in accordance with 28 U.S.C. § 1746.

Dated: May 23, 2012

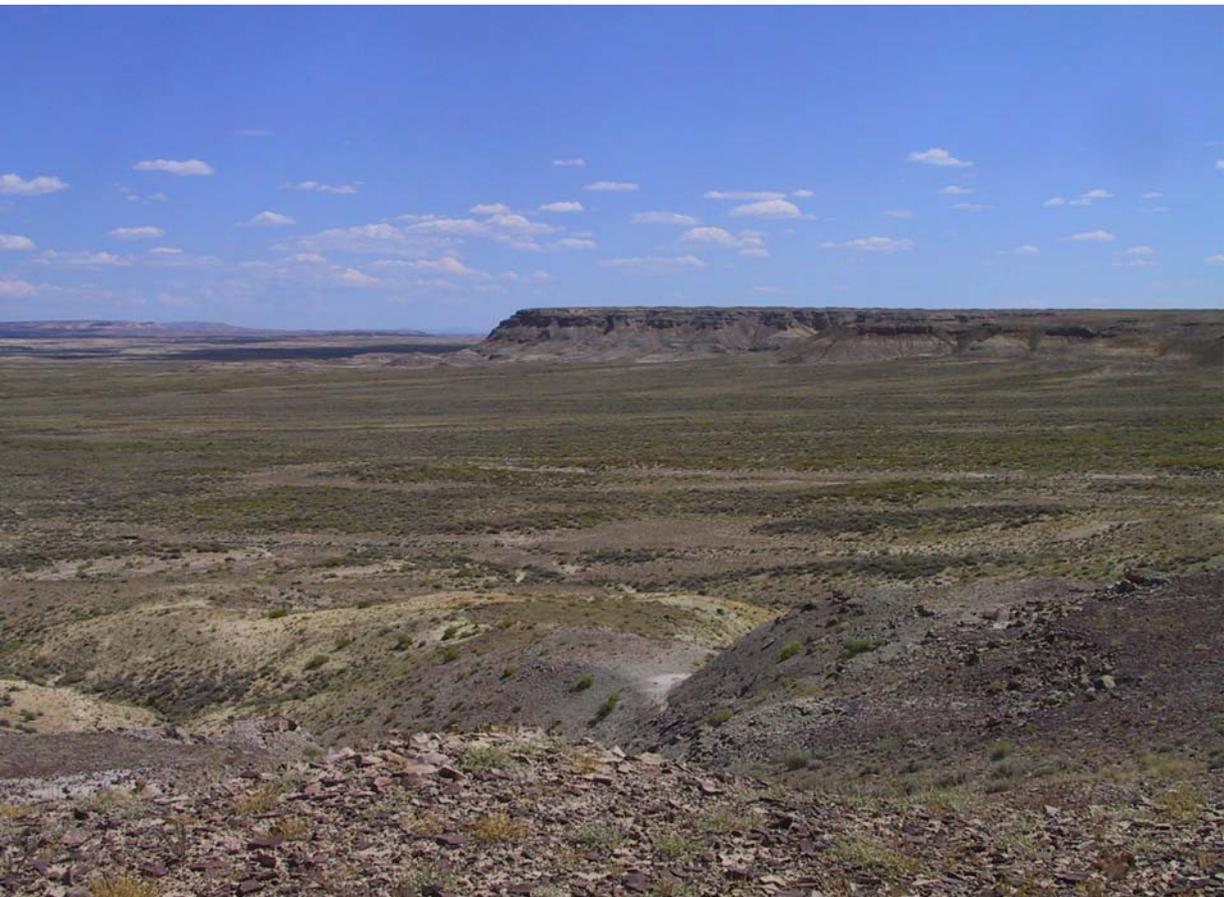


Erik Molvar

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Photographs taken from the Willow Creek Rim facing northeast across Parcel 45 (beyond butte, above) and south across Parcel 46 (below). Note the complete absence of visible human intrusions.





View southward across Parcel 46 from the top of the Willow Creek Rim.



View south along the boundary route, T15N R95W Section 8, immediately west of Parcel 45. Note lack of evidence of construction or maintenance. To the right of the route is Adobe Town WSA; to the left is Area B of the citizens' wilderness proposal.

Kinney Rim South Roadless Area



Inventoried Routes

- ▬ Constructed & Maintained
- ▬ Constructed & NOT Maintained
- ▬ Pipeline
- ▬ Fence
- ▬ Jeep Trail - Not Constructed or Maintained - Light Use
- ▬ Jeep Trail - Not Constructed or Maintained - VL Use
- ▬ Jeep Trail - Not Constructed or Maintained - No Use/Abandoned
- ▬ Constructed but Obliterated
- ⊕ Proposed Wells Under Vermillion Basin Project
- ▭ Proposed Wilderness

