Biodiversity Conservation Alliance

Working to Protect Native Species and Their Habitats

P.O. Box 1512, Laramie, WY 82073 (307) 742-7978 fax: 742-7989

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VIA FAX 307-775-6203

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BY: 775-6203

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

RE: PROTEST OF CERTAIN PARCELS TO BE OFFERED AT BLM'S AUGUST 2013 COMPETITIVE OIL & GAS LEASE SALE

Dear Director Simpson:

In accordance with 43 C.F.R. §§ 4.450-2 and 3120.1-3, Biodiversity Conservation Alliance, Californians for Western Wilderness, and Rocky Mountain Wild submit the following lease protest. BLM has apparently adopted Alternative B for the High Plains District (WY-070-EA13-27) and Alternative 3 for the Wind River/Bighorn Basin District (DOI-BLM-WY-R010-2013-0014-EA). Importantly, all Resource Management Plans involved in this Lease Sale are part of pending RMP revisions (Buffalo, Bighorn Basin, and Lander planning areas) or part of the 9-Plan Sage Grouse RMP Amendment process (Casper, Newcastle Field Offices). In order to preserve options in these RMP revisions or amendments, parcels should be deferred if they fall within designated sage grouse Core Areas/Priority Habitats or other sage grouse habitats in the case of the 9-Plan Amendment or in sage grouse habitats, or within big game crucial ranges, lands with wilderness characteristics, or sage grouse habitats in the case of RMP revisions.

Parcel numbers in this Protest reflect numbers in the most current Sale Notice as outlined on the Parcel Crossover List on the Wyoming BLM's oil and gas leasing webpages. Sage grouse are a BLM Sensitive Species and are a Candidate Species under the Endangered Species Act, with a decision to list them as Threatened or Endangered due by court order on 2015. Under BLM Special Status Species Manual 6840, "In compliance with existing laws, including the BLM multiple use mission as specified in the FLPMA, the BLM shall designate Bureau sensitive species and implement measures to conserve these species and their habitats, including ESA proposed critical habitat, to promote their conservation and reduce the likelihood and need for such species to be listed pursuant to the ESA." Deferring or deleting the lease parcels listed herein is necessary to reduce the likelihood of ESA listing for sage grouse.

We appreciate BLM's responsiveness to the concerns we raised in our comments on the Draft EA for this lease sale, and the substantial reduction in the offering of lease parcels with sensitive habitat values. For this reason, we protest only 6 parcels.

Parcels within Sage Grouse Core Areas/Priority Habitats

We protest the Parcels 68, 93, 94, 95, 98, and 100 within sage grouse Core Areas. It is unclear whether Parcel 68 has been partially deferred already or not; if so, we waive our Protest with regard to this Parcel. Parcels 93, 94, 95, 98, and 100 are not addressed in Appendix D (SO SG Screen) and appear to be offered in the lease sale, yet appear to fall partially or mostly within sage grouse Core Areas. Because the BLM is in the process of amending its RMPs through an active NEPA process focused on sage grouse conservation, Core Area lands should not be leased to maintain the maximum range of alternative conservation measures in the Sage Grouse Plan Amendments EIS.

For Priority Habitats (i.e., Core Areas), the National Technical Team Report recommends the following:

Alternative A

- Close priority sage-grouse habitat areas to fluid mineral leasing. Upon expiration or termination of existing leases, do not accept nominations/expressions of interest for parcels within priority areas.

Alternative B

- Close priority sage-grouse habitat areas to fluid mineral leasing. Consider an exception:
  o When there is an opportunity for the BLM to influence conservation measures where surface and/or mineral ownership is not entirely federally owned (i.e., checkerboard ownership). In this case, a plan amendment may be developed that opens the priority area for new leasing. The plan must demonstrate long-term population increases in the priority area through mitigation (prior to issuing the lease) including lease stipulations, off-site mitigation, etc., and avoid short-term losses that put the sage-grouse population at risk from stochastic events leading to extirpation.

NTT Report at 22. Note that there is no loophole in the NTT recommendations for cases where there do not exist 11 square miles of unleased, BLM-administered lands as under IM WY-2012-019. We expect the Sage Grouse Plan Amendments to supersede IM WY-2012-019 with stronger measures that more effectively protect sage grouse and their key habitats. The NTT recommendations were drafted to inform the BLM's Sage Grouse Plan Amendments EIS, which is currently underway in the NEPA process, and must be considered for implementation in all RMP revisions and amendments. By leasing the parcels listed above, BLM will foreclose on the alternative to keep these unleased lands in an unleased condition, undermining the agency's ability to remove them from future leasing under the Sage Grouse Plan Amendment EIS.

Conclusion

Given the precarious state of sage grouse populations rangewide, and the ongoing efforts to change land management strategies through sage grouse plan amendments, BLM should not

issue leases in sage grouse habitats until such time as the planning documents are finalized. Please inform us of any future actions regarding the auction of these leases.

Sincerely yours,

Erik Molvar

signing on behalf of

Matthew Sandler
Staff Attorney
Rocky Mountain Wild
1536 Wynkoop St., Suite 303
Denver, CO 80202
Phone: 303-546-0214 ext. 1

Michael J. Painter
Coordinator
Californians for Western Wilderness
P.O. Box 210474
San Francisco, CA 94121-0474
415-752-3911