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July 15, 2010

Don Simpson
BLM State Director
Wyoming BLM Office
PO Box 1828
5353 Yellowstone
Cheyenne, WY 82009

Re: BLM Oil and Gas Leasing Reform Instruction Memorandum No. 2010-117

Dear Mr. Simpson,

We write this letter to offer comments on the recently released Oil and Gas Leasing Reform Instruction Memorandum No. 2010-117. Trout Unlimited (TU) is supportive of these oil and gas leasing reforms, believing they will provide a more efficient, thorough, and a less contentious leasing process, while providing stronger direction in the application of responsible energy development to our state's fish and wildlife habitats.

Trout Unlimited has a history of working for coldwater conservation in Wyoming and nationwide. In Wyoming, we have more than 1,400 members and 13 chapters across the state. Members take great pride in their on-the-ground conservation work to protect, maintain and restore Wyoming's coldwater fisheries. We also play a strong role in public lands advocacy where our efforts under TU's Sportsmen's Conservation Program have been directed toward protecting those special and unique fish and wildlife habitats on our public lands and seeking strategies for implementing balanced responsible energy development at the same time. With this in mind, we would like to respectfully offer our recommendations for your consideration as you put together your Implementation Plan for Wyoming.

Additionally, we would like to seek a meeting in person with you at your convenience once you have had a chance to review our recommendations. The goal of this meeting would be as a follow-up and to chat with you about your impression of our recommendations, their merit, and what else we may do to help you in this process of implementation. We would like for this meeting to occur prior to your August 16, 2010 deadline for the submission of the Implementation Plan.

Implementation Plan Review

Six items were listed in the IM 2010-117 for identification in the Implementation Plan. Below we have listed those six items with our recommendations.

1. A process for ensuring that lease stipulations are written in a WO-approved format, are consistent within the state for the protection of similar resources or resource settings, and edge-match appropriately across BLM administrative boundaries.

In working with the various BLM field offices across the state, it is apparent that there is a lack of consistency among field offices regarding stipulations, protection efforts, and monitoring efforts, in particular around areas with sensitive fish and wildlife habitats. We, as a coldwater fisheries organization, are concerned about the inadequate protection, for instance, in areas containing sensitive native fish species, such as Colorado River cutthroat trout, or the threatened and/or endangered three native Colorado fish species (bluehead sucker, flannelmouth sucker, and roundtail chub). Inadequate setbacks or buffers in streams and riparian areas containing these species only lends itself to poor riparian and stream management practices and to potential future listing of species when impacts from energy development (or other impacts on public lands) threaten their existence.

The Wyoming Game and Fish Department's "Recommendations for Development of Oil and Gas Resources within Crucial and Important Wildlife Habitats" (2009) is a document that should be incorporated into any energy planning action and includes specific protection measures and stipulations for sensitive species. At a minimum, we recommend that the BLM require all field offices to consistently incorporate these wildlife and fish stipulations in a collaborative agency action, since the WGFD is the wildlife management agency while the BLM manages the habitat on these public lands that wildlife depends on.

We recommend Resource Management Plan (RMP) Revisions currently underway or being planned should coordinate among field offices to adequately address overlapping habitat stipulation issues, including fishery resources. An example would be in the western part of the state in Pinedale and Rock Springs whose boundaries adjoin with numerous types of critical or crucial habitats for big game, sage grouse, and fishery resources. TU recommends that adjustments be made with both agencies collaborating to strengthen, where identified, stipulations for cutthroat trout waters, critical big game winter habitat, and other fish and wildlife species that are recognized and listed as BLM Sensitive Species and/or state Species of Special Concern.

We also recommend that the BLM consider our state's Blue Ribbon fisheries areas identified by the Wyoming Game and Fish Department. These recreational areas are

regarded by the WGFD and the public as high value areas for sport fishing and water quality, in addition to providing significant economic input to the state.

Finally, we strongly recommend that the BLM strengthen their setback stipulations for Wyoming's waters and riparian areas. These waters provide so many diverse uses and are critical for so many reasons, not the least of which should be maintaining healthy native fish populations. The BLM has several offices in the Rocky Mountain West that are now implementing stronger setback measures in the RMPs. Two most recently completed RMPs in Montana have implemented such setbacks for cutthroat trout habitat. The Butte and Dillon BLM Field Offices addressed this in their RMPs (2009 and 2006 respectively) for blue ribbon fisheries (half-mile No Surface Occupancy [NSO]), cutthroat trout presence (half-mile NSO for pure and conservation populations and half-mile Controlled Surface Use [CSU] for conservation populations, inconsistent between offices), and half-mile NSO for streams with high restoration potential for native fish.

The BLM is a signatory for the Colorado River Cutthroat Trout Conservation Agreement (2006) developed between Utah, Wyoming and Colorado for the protection and conservation of this species. We ask that a more conscientious effort be implemented in the Agreement's core emphasis, which is to protect existing Conservation Populations of Colorado River cutthroat trout. It is important to note that in addition to the requirement for protecting existing Conservation Populations of cutthroat trout, the Memorandum of Understanding (MOU) Agreement also requires the partners to work towards restoring these species to suitable streams that they have been extirpated from. In 1990, the BLM was one of many agencies and organizations that performed restoration and enhancement work in southwest Wyoming in the Little Mountain area on Curren Creek. Curren Creek is one of the rare high desert coldwater streams that, at that time contained a struggling population of Colorado River cutthroat trout. More than \$2 million was spent repairing this washed out and overgrazed stream (with BLM contributing the majority of funding) and it now supports healthy conservation populations of cutthroat trout. Yet, this same area has been heavily leased in the last ten years to oil and gas development. It is this inconsistent management policy and messaging to the public that we hope will be eliminated with the new IM leasing reforms.

This same effort at conservation management should also be applied to the native Colorado River species (also known as the "three species") where a Conservation Agreement (2006) has also been developed with BLM as a signed partner. Moreover, the BLM and the Wyoming Game and Fish Department, originally in 1990 and updated in 1995 to include oil and gas procedures, signed a MOU which essentially directed both agencies to strengthen the cooperative approach to the management of wildlife and wildlife habitat on public lands at all levels of the respective agencies. As stated in the MOU, it is in the best interest of wildlife resources that both agencies work in harmony for the common purpose of developing, enhancing, maintaining, and managing wildlife resources in the best interests of the people of the State of Wyoming (in "*Umbrella*

Memorandum of Understanding between Wyoming Game and Fish Department and United States Department of the Interior Bureau of Land Management [Wyoming] for Management of the Fish and Wildlife Resources on the Public Lands". March 1990, 15 pages).

2. A process for identifying areas currently meeting the criteria for initiation of the MLP process.

TU is supportive and extremely interested in the Master Leasing Plan (MLP) process and how BLM might implement this process. To that end, we have developed a MLP project proposal for the Greater Little Mountain area, sent separately from the Greater Little Mountain Coalition. We think this MLP process has great potential in Wyoming and we are excited about the prospect of engaging discussion with you on the MLP.

We do have several observations, however, after completing the criteria developed for meeting the MLP standards. The criteria requiring that "a substantial portion of the area to be analyzed in the MLP is not currently leased" is open to much interpretation. Based on our discussions with DOI staff in Washington we believe that there is considerable flexibility in how this will be applied. Realistically, after ten years of heavy oil and gas leasing of public lands in Wyoming (and for that matter across the West) much of Wyoming has been leased. In many areas where significant leasing has occurred the lands that remain are very important and worthy of consideration for an MLP. We look forward to working with your office to help define these areas. We also recommend that you give additional consideration for the development of MLPs in areas with substantial public interest. The public's engagement in the MLP process will be essential to its success. This would be one of the topics we would like to discuss with you at our requested meeting.

3. MLPs or similar focused planning efforts that have been initiated or may be appropriate to initiate in the near term and any plans for initiating MLPs.

In a separate correspondence, as a member of the Greater Little Mountain Coalition, we have detailed our recommendations for an MLP in the Little Mountain area. In addition other areas we suggest for MLPs in the state would be in the Pinedale resource area where sensitive Colorado River cutthroat trout habitat exists and leasing sales are ongoing in this area. The Clarks Fork River area, Wyoming's first Wild and Scenic River and a source for cutthroat trout, where leasing interests are increasing and controversial gas development practices have occurred, would be another suggestion for the BLM to consider. The Absoraka-Beartooth Front where there is critical fish and wildlife habitat that overlaps with areas that have the potential for responsible energy development is another area that the BLM might consider as potential MLP project potential.

4. *The formation of IDPR Teams in each field office that has a lease parcel review workload.*

We are supportive of the formation of the Interdisciplinary Parcel Review Team (IDPR) that is composed of resource specialists to review lease sale parcels and ensure compliance with NEPA and other legal policy requirements. It is imperative that these teams operate more effectively than the interdisciplinary teams of the past. The Styles report clearly pointed out some of the deficiencies in team operation and we strongly support the engagement of this team in reviewing proposed lease parcels in the field prior to any leasing decisions.

We also recommend that state wildlife management agency staff be invited to participate in these meetings as well. Of particular interest to us is the method for hosting these Team parcel review meetings. This seems very beneficial (conduct the meeting in a group setting with a variety of specialists present) rather than the current and sometimes isolated "individual routing" method which often occurs.

We are very supportive of the field offices reviewing the conformance stipulations in evaluating whether a lease parcel should be put up for sale. Too often scientific information in RMPs is outdated and new biological data might not support the original leasing criteria in an area. This has been the case many times in Wyoming and we strongly support the use of best available information and science in determining whether lease parcels are put up for sale. This is a positive step for the BLM to be using science in its management guidance and we applaud this recommendation. With our endorsing the use of science we also would recommend that the science application and best available information be consistent among the many field offices and that collaborative "sharing" and communication among field offices occurs.

Finally, we appreciate the additional considerations the IM mentions under the review of lease parcels, including public involvement, internal and external coordination, all other considerations that should be taken into account when determining the availability of parcels for lease, and the transparency that this new direction is aiming for.

5. *A rotational parcel review schedule.*

We support the BLM implementing a rotational parcel review schedule where lease parcels are offered for sale in only one field office at a time. This not only eases the leasing sale review actions required by BLM staff but will serve to ensure a more thorough environmental review. This will provide a stronger confidence level in the public's perception of BLM lease sales as well. And finally, perhaps lease protests will decrease in the long run because both a thorough internal staff review was conducted and a knowledgeable public has participated in the lease parcel process at an earlier stage.

We also support the involvement of public participation as part of the review of parcels identified for potential leasing. This is a significant step forward toward decreasing the number of protests the BLM receives on an annual basis. We are most appreciative of this recommendation. We would like to take this opportunity to request that we be included as a stakeholder for lease parcel reviews in all the BLM field offices in Wyoming.

We greatly appreciate the IM recommendation for increasing the length of time for parcel lease sale notices to 90 days and TU would like your office to support this recommendation.

6. Steps, criteria, and timeframes to address the backlog of deferred parcels.

TU recommends that all the deferred leases in Wyoming remain deferred until the IM 2010-117 has been fully implemented. At that time, parcels should be reviewed under the requirements of the new IM to determine if the parcel is provided adequate resource protection. If the lease requires no additional resource protections, then as the IM states, it should be offered for sale. If the lease requires additional resource protections, lease stipulations should be revised or added that are consistent with the RMP. If the level of protection needed is not consistent with the RMP, then the lease should be deferred until an RMP amendment or revision is completed.

Summary

TU hopes these recommendations we have offered (summarized below) are constructive as the Wyoming BLM staff develops its Implementation Plan and timeline. As we mentioned earlier, we would like to visit with you about our recommendations and the IM and our proposed Pilot Project for the MLP.

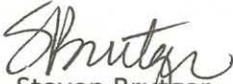
Our offered recommendations in this letter included:

- Require that the use of the WGFD Oil and Gas Recommendations in Critical Habitats become a standard application for any oil and gas leasing action
- Resource Management Plan (RMP) Revisions currently underway or being planned should coordinate among field offices to adequately address overlapping habitat stipulation issues, including fishery resources.
- Adjustments be made among all BLM field offices to strengthen where needed stipulations for cutthroat trout waters, critical big game winter habitat, and other fish and wildlife species that are recognized and listed as BLM Sensitive Species and/or state Species of Special Concern.
- The BLM consider in lease evaluations our state's Blue Ribbon fisheries areas identified by the Wyoming Game and Fish Department.
- The BLM strengthen their stream and riparian setback stipulations in areas containing important fisheries waters.

- A more conscientious effort be implemented in the Conservation Agreements' core emphasis, which is to protect existing Conservation Populations of Colorado River cutthroat trout.
- Utilize substantial public interest as a factor in determining where MLPs will be conducted.
- State wildlife agency staff be invited to participate in these IDPR meetings as well.
- The science application and best available information be consistent among the many field offices and that collaborative "sharing" and communication among field offices occurs.

Thank you for your consideration of our recommendations and we look forward to hearing from you regarding our proposed meeting.

Sincerely,



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cc: Governor Dave Freudenthal
Steve Ferrell, Wyoming Game and Fish Director
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