



THE  
**WILDERNESS**  
 SOCIETY

July 23, 2010

Mr. Don Simpson, State Director  
 Wyoming State Office  
 Bureau of Land Management  
 PO Box 1828  
 Cheyenne, WY 82003-1828

Mr. Eddie Bateson, BLM District Manager  
 Wind River/Bighorn Basin District  
 PO Box 119  
 Worland, WY 82401-0119

Mr. Mike Stewart, BLM Field Manager  
 Cody Field Office  
 1002 Blackburn Street  
 Cody, WY 82414

Ms. Karla Bird, BLM Field Manager  
 Worland Field Office  
 PO Box 119  
 Worland, WY 82401-0119

JUL 27 2010

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

2010 JUL 27 AM 10:00  
 RECEIVED  
 DOI - BLM  
 WY 0119

Dear Messrs. Simpson, Bateson, Stewart and Ms. Bird:

Attached please find our recommendation for the Bureau of Land Management State Office to prepare a "Master Leasing Plan" for BLM lands managed by the Cody and Worland Field Offices in the Greater Absaroka-Beartooth Front area pursuant to Instruction Memorandum No. 2010-117 (issued May 17, 2010).

We are aware that under the terms of IM No. 2010-117, each BLM State Office is directed to submit an implementation plan and timeline to the Director for fulfilling the terms of the IM by August 16, 2010. We have taken the opportunity to prepare the enclosed recommendation to assist you in fulfilling this mandate, and look forward to working with the BLM in the preparation of a "Greater Absaroka-Beartooth Front Master Leasing Plan."

Sincerely,

*Stephanie Kessler*

Stephanie Kessler, The Wilderness Society, and also on behalf of:  
 Brian Sybert, Greater Yellowstone Coalition  
 Bruce Pendery, Wyoming Outdoor Council  
 Dan Heilig, Western Resource Advocates  
 Liz Howell, Wyoming Wilderness Association  
 Erik Molvar, Biodiversity Conservation Alliance  
 Deb Thomas, Powder River Basin Resource Council

Enclosure = MLP Proposal for Greater Absaroka-Beartooth Front and associated maps

Cc: Assistant Secretary Wilma Lewis  
 Deputy Assistant Secretary Sylvia Baca  
 Deputy Assistant Secretary Ned Farquhar  
 Director Bob Abbey  
 Deputy Director Mike Pool  
 Deputy Director Marcilynn Burke  
 Governor Dave Freudenthal

Wyoming Office  
 304 Main Street Suite #1, Lander, WY 82520 (phone) 307-332-3462

**Master Leasing Plan Recommendation:  
Greater Absaroka-Beartooth Front, Wyoming**

**Submitted by**

**The Wilderness Society, Greater Yellowstone Coalition,  
Wyoming Outdoor Council, Wyoming Wilderness Association,  
Powder River Basin Resource Council,  
Biodiversity Conservation Alliance, Western Resource Advocates**

**Lead Contact:**

Stephanie Kessler  
The Wilderness Society  
304 Main Street #1; Lander, WY 82520  
307-332-3462; Stephanie\_kessler@tw.s.org

**Summary:** Wyoming's Greater Absaroka-Beartooth Front (AB Front) comprises the northeastern edge of the Greater Yellowstone Ecosystem in Wyoming, with approximately 2 million acres of public and private lands. This sparsely populated area contains rugged mountains, sagebrush steppe foothills and rolling grasslands. The area includes sensitive and nationally significant ecological values that the BLM's prior RMPs (Cody - 1990, Grass Creek - 1998) fail to adequately protect from potential oil and gas development. A revision of these RMPs is currently underway in a combined form for the entire Bighorn Basin. The AB Front enjoys broad public support for protection of wildlife, open space and the recreational values in this special part of the Bighorn Basin. There are real and potential conflicts to these values in the AB Front from oil and gas leasing and development, but through an MLP process that provides a higher level of leasing planning, these conflicts can be minimized and largely resolved. This greater degree of planning is needed to supplement the RMP process and will allow the agency to proactively avoid future conflicts (like the lease protests from conservation and sportsmen groups in the last several years). At the heart of this MLP is a proposed withdrawal from leasing of the federal minerals in the core Absaroka-Beartooth Front area and applying in the remaining areas effective management prescriptions and stipulations related to greater sage-grouse, big game species, and possibly split estate issues, while meeting the leasing and development needs of enhanced oil recovery and some exploration and development of natural gas. The Greater AB Front MLP offers a special opportunity for the BLM to find a win-win balance for resource protection and resource extraction.

**I. Area Name and Location:**

Greater Absaroka-Beartooth Front, within the (new) Bighorn Basin RMP Planning Area.

**II. Summary Data (best estimate based on GIS layers provided/available):**

- **BLM field offices and counties** = Cody and Worland Field Offices; Park and Hot Springs Counties.

- **Relevant RMP** = Cody and Grass Creek RMPs, currently in revision with old Washakie RMP for a combined Bighorn Basin RMP.
- **Map** = see attached for both proposed MLP boundary and core AB Front withdrawal area.
- **Total acres** = nearly 2 million acres (1,982,157) in proposed MLP boundary of which 897,713 acres are BLM surface (45%).
- **Other lands in MLP boundary** = 886,825 acres private (45%) and 187,818 acres state lands (10%).
- **Total acres of federal mineral estate in proposed MLP boundary** = 1.3 million total (1,305,187), of which 420,411 acres underlie private lands, and 31,589 underlie state lands. In other words, 66% of the federal mineral estate in the proposed MLP underlie BLM lands; 22% underlie private lands and 2% are under state lands.
- **Summary** = although BLM controls only 45% of the surface of the MLP, it has ownership of minerals underlying 66% of the MLP surface.
- **Leased** = 319,587 acres of federal mineral estate leased; 86,367 acres (27%) are in production; total leased = 24% of the total federal mineral estate (26% of the BLM surface).
- **Proposed Core Front protected area** = nearly 1 million acres (939,568) of which 38 % is BLM by surface ownership, and containing 565,004 acres (60% of all surface) of federal mineral estate. Only 48,041 acres of the federal mineral estate is leased (8%) compared to an overall MLP average of 24%.

### III. Indications of Industry Interest

In recent proposed lease sales, expressions of leasing interest were submitted to BLM for lease parcels within the MLP area. Several of these parcels involved leases proposed in critical big game and sage-grouse habitat which were protested by sportsmen and conservation groups. On two occasions, the Governor of Wyoming made recommendations for withdrawal of parcels due to wildlife conflicts, and parcels were subsequently withdrawn. Other protested parcels were issued or remain unresolved.

Leasing history in the area and as documented in the statistics above demonstrate consistent industry interest, with 24% of the federal mineral estate leased. In recent years, industry has gone back into older oil fields and is now instituting secondary and enhanced oil recovery operations to access more resource. We understand informally that several of the new leasing proposals in the area are due to operational needs for enhanced oil recovery. There has also been recent seismic work conducted in the northwestern part of the MLP north of Cody, and in the eastern portion of the MLP east of Cody.

According to the draft 2009 *Reasonable Foreseeable Development Scenario for Oil and Gas – Bighorn Basin Planning Area, Wyoming*, published by the Wyoming State Office Reservoir Management Group, the entire Bighorn Basin planning area is ranked as “High Potential” for occurrence of oil and gas, based on a scale ranging from high, medium, low to none (Figure 40 of the RFD report and attached). Within the entire Basin, approximately 12% of the current petroleum wells are gas, and the rest are oil. Although the majority of oil was discovered and developed in the last century, secondary and enhanced oil recovery operations provide

opportunity for further oil extraction, and activity in recent years has focused on these recovery operations. (See attached copies of Figures 2 and 15 from RFD report.) Gas development has occurred in fewer areas, but within the MLP boundary there are several active natural gas operations, as well as significant enhanced oil recovery operations. Given the on-going exploration of gas resources, combined with continuing innovations for enhanced oil recovery, the MLP has significant potential for future oil and gas leasing and development.

#### **IV. Potential Resource Conflicts**

##### **Description of Special Values of the Proposed Area**

Geographically, the Greater AB Front lies to the east of Yellowstone Park, bordering the Shoshone National Forest and in close proximity to the vast wilderness areas within this Forest. Our recommended MLP is bounded by the Wyoming-Montana state line to the north, the Beartooth and Absaroka Mountains to the west, and the Owl Creek Mountains and Wind River Indian Reservation to the south. The eastern border is roughly drawn on our maps to represent the ecological extent of wildlife connections (migration corridors and habitat) that flow eastwards from the core of the Front.

##### **Wildlife:**

As part of the Greater Yellowstone Ecosystem, the Greater AB Front provides vital wildlife habitat and ranges for a rich diversity of wildlife. Seven big game species use the BLM lands of the Front, described by the Wyoming Game & Fish Department as designated crucial range, parturition habitat and migration corridors. These species include elk, mule deer, whitetail deer, bighorn sheep, pronghorn, mountain goat and moose. For many of these species, the Forest lands provide summer range, but the sagebrush steppe habitats on BLM lands provide vital habitat for winter survival. The MLP is part of one of the longest known elk migration routes in North America, where elk travel 60 air miles from the SE corner of Yellowstone to winter range on the Absaroka Front. Some big game range far eastwards from the western Front for winter range, and we have used these extensions to help define the eastern border of this MLP. Specifically, some mule deer populations migrate from the Beartooth Front north of Cody eastwards; other populations in the southern Front around the Wood River migrate far east. For pronghorn, these migrations take place in the central portion of the MLP, between Cody and Meeteetse and eastwards. (See mule deer and pronghorn range maps attached.)

Large predators follow the migrations of their prey within the MLP, including grizzly bears, grey wolves and mountain lions. The area supports some of the highest concentrations of grizzly bears and wolves outside of a national park, and contains the largest contiguous tract of BLM land occupied by grizzly bears in the lower 48. With the decline of white bark pine and Yellowstone cutthroat trout throughout the Ecosystem, all occupied and suitable grizzly habitat on BLM lands will be needed to endure healthy populations of the species.

The rolling sagebrush steppe found in the eastern portions of the MLP includes entirely or in part five sage-grouse core areas. These areas were designated by the state of Wyoming as crucial for the protection and continuance of sage-grouse populations in the state. These areas have also

helped in determining the boundaries of the MLP. Numerous leks are documented in these areas. (See map attached.) In addition to this threatened bird, the lands provide habitat for a diversity of other small creatures, including prairie dog, peregrine falcon, bald and golden eagles, ferruginous hawk, great grey owl, long-billed curlew, mountain plover, and healthy populations of Yellowstone cutthroat trout and other native fish species. It was in the MLP that the last known wild population of black-footed ferrets – one of the world's rarest mammals, was found in the 1980s.

#### **Recreation, Open Space, Wild Character, Working Ranches:**

The Greater Absaroka-Beartooth Front is more than just a place for wildlife; it provides great value for both the local and visiting human population. Due to its richness of big game, predators and healthy fisheries, the area attracts significant hunting and angling activity. Tourism plays a very important economic role in the northern part of the MLP, and the wild land character of the Front attracts a diversity of recreational users, from snow machine and other motorized travelers and wildlife watchers, to back-country horse use, hikers and skiers. Backcountry mountain biking in the Front has grown rapidly in recent years, and overall the communities within the Front are tied in to this tourism and recreation industry.

Open space and continuance of working ranches has gained greater value in Wyoming and the Rocky Mountain West in recent years, given the proliferation of rural sprawl. Fortunately, the Greater AB Front has eluded much of this impact, and along the mountainous slopes and foothills of the Front, especially in the mid- and southern portions, intact working ranches thrive and continue to protect scenic beauty and open space for wildlife and people. In addition, the MLP area has a long western tradition of dude ranching. These scenic open spaces in ranch lands along the Front could be threatened by split estate mineral development, if leasing is poorly managed.

The Greater AB Front also contains special places with wild land character or cultural resource values. Special places within the MLP area includes Badger Basin Badlands, Cedar Mountain and Rattlesnake Mountains special management areas; the McCullough Peaks Wilderness Study area (WSA), which is also home to a nationally renown wild horse herd; the Owl Creek WSA, the Carter Mountain and Owl Creek Areas of Environmental Concern and citizen proposed Owl Creek/Castle Rock WSA; citizen proposed Heart Mountain special management area and its historic internment camp site; the proposed Recreational Areas of Newton Lake Ridge and Beck Lake; as well as the proposed BLM Areas of Critical Environmental Concern - Sheep Mountain, Bald Ridge and Chapman Bench.

#### **Impacts to Values from Current Track of Leasing and Direction of RMP:**

The current RMPs for the area – the Cody and Grass Creek RMPs – fail to provide sufficient protection to critical wildlife habitat and special places within the core portions of the AB Front. Specifically, these two RMPs have virtually no areas of withdrawal from future leasing except for the BLM-designated WSAs. There are a small number (with small acreage) of no surface occupancy stipulations (NSOs) outlined for protection of peregrine recovery areas, bald eagle nesting and black-footed ferret essential habitat. There are some seasonal stipulations for

wildlife. But in total, as we have learned from other areas in the state with intense drilling, these limited seasonal restrictions do not do enough to protect important wildlife habitat and decrease impacts from fragmentation of habitat. Additionally, stronger measures, as recommended by the Governor's Wyoming Sage-Grouse Implementation Team, are needed to assure protection of this threatened species. Additionally, these old RMP stipulations are not necessarily up-to-date with current Wyoming Game and Fish wildlife range and migration corridor data.

Additionally, the Bighorn Basin RMP revision process appears to be limited in its current scope and direction to fully capture the protective elements needed for conservation of these natural resource values. According to the "Management Options" maps posted to the RMP planning website, even the most conservation protective map (representing the most conservation protective alternative, probably) shows just a thin sliver of lands along the Absaroka-Beartooth Front as not available for future leasing. (See [http://www.blm.gov/pgdata/etc/medialib/blm/wy/programs/planning/rmps/bighorn/maps.Par.16883.File.dat/Least\\_Use.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/wy/programs/planning/rmps/bighorn/maps.Par.16883.File.dat/Least_Use.pdf))

Also of concern, this limited protective direction of the new RMP appears to do nothing to protect large working ranch lands along the Front from the potential of split estate mineral development, which could harm the scenic nature of this open space and fragment important wildlife habitat. Our map attached entitled "Federal Minerals by Surface Ownership" shows large tracts of private lands (in orange) that are underlain by federal mineral estate. Many of these lands lie outside of the small no leasing portion boundary of the new RMP map and would be open for surface harm due to leasing and development.

#### **V. Potential Master Leasing Plan Decision – Opportunity to Solve or Prevent Conflicts**

##### **Core AB Front Withdrawal from Future Leasing:**

To address these impacts and proactively protect the important values of the Greater Absaroka-Beartooth Front, we recommend that within this MLP a Core Front area be designated as withdrawn from future leasing in the western portion. This area is outlined in green on the attached maps and is drawn to represent the most important lands in the MLP for wildlife habitat, fisheries, scenic and recreational values and protection of open space and working ranches. This Core Area designation also presents very few conflicts with oil and gas leasing and development, as it contains an extremely small amount of currently leased federal minerals compared to the rest of the MLP area outside of the Core.

Aside from some natural gas development in the northern portion near Clark, it appears that most of the productive activity and industry interest in this Core is related to secondary and enhanced oil recovery. Recognizing that these operations are mostly conducted on the current development footprint and utilize much of the existing infrastructure, we suggest that continued oil recovery in the Core can continue and possibly involve future adjacent leasing without harming the wildlife and other values, if special NSO and no surface activity lease areas are created immediately adjacent to these active areas.

The natural gas drilling on private lands near Clark in the northern portion of the Core Front has created serious problems of water quality contamination (from the Windsor well blow out in 2006) that has yet to be cleaned up or resolved after many years. Given the proximity of this natural gas effort to rural residents and the current and potential harm to human health (and other values), we recommend no gas leasing of the mineral estate in this area. Additionally, the BLM needs to recognize that authorizing development here can lead to industrial sprawl on the adjacent Shoshone National Forest lands, as evidenced by Windsor's desire to extend their Line Creek field near Clark onto the Forest there. Protecting all of this important BLM Front lands from oil and gas leasing in the future should help to assure protection of the Forest resources as well.

#### **Operational and Other Stipulations for MLP Outside of Core Area:**

Outside of the Core, but still in the Greater AB Front, there are many areas of emerging natural gas development, as well as utilization of old oil fields for enhanced oil recovery – that can be expanded and leased without serious conflict with wildlife and other conservation values. We recommend that the following levels of leasing prescriptions be utilized to plan for appropriate levels of gas and oil development within the non-Core MLP:

- concentrated natural gas development areas, with few limitations
- concentrated enhanced oil recovery areas with few limitations
- natural gas exploration and development areas with protective wildlife and/or split estate stipulations
- enhanced oil recovery areas with adjacent NSO leasing in wildlife habitat and split estate areas
- 1/2 mile no leasing buffers and seasonal restrictions along river corridors

#### **Opportunity for Proactive Conflict Prevention via MLP Planning in the Greater AB Front:**

In summary, this MLP will solve many leasing conflicts that we currently see in the Absaroka-Beartooth Front and will continue to occur even with the new RMP. The Core area of the Front that we propose for future withdrawal from leasing is an area that enjoys vast and diverse support for protection. Hunters, anglers, tourism officials, recreationists, local families, residents and ranchers overall support the maintenance of the scenic beauty, wildness, open space and rich wildlife of this area. Public comments during the RMP scoping as well as the Park County Commission's own survey show an overwhelming public consensus that this Core deserves and needs protection. For whatever reason, the RMP process does not appear to capture this sentiment and the MLP can provide the venue and fine-tuning necessary to assure a protective and reasonable leasing management plan.

The Greater AB Front MLP has the opportunity to both protect sensitive lands as well as lay out a clear map for future development and growth in some areas. In the eastern portion of the MLP, there are clearly areas that can identified for oil and gas development. Enhanced oil recovery operations have much promise. In fact, most of the "Oil and Gas Management Areas" outlined on the new RMP maps under the "Most Resource Use" (see [http://www.blm.gov/pgdata/etc/medialib/blm/wy/programs/planning/rmps/bighorn/maps.Par.4867.File.dat/Most\\_Use.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/wy/programs/planning/rmps/bighorn/maps.Par.4867.File.dat/Most_Use.pdf)) falls within the non-Core area of the MLP. What is really astounding

about this Most Resource Use map is that it can be largely accommodated within the context of our Greater AB Front MLP, while still ensuring a Core protected area. This MLP proposal allows for significant protection of conservation values in the area, while still allowing for significant energy development. This is a proactive solution that provides benefits on both sides, and through this, can eliminate conflict later.

## **VI. Stakeholders**

Aside from the conservation groups listed as supporting this proposal, many sportsmen groups are active in the MLP area including the Rocky Mountain Elk Foundation, the Wild Sheep Foundation, Trout Unlimited, the Wyoming Wildlife Federation, Backcountry Horseman, and Backcountry Hunters and Anglers. Many of these groups have funded habitat enhancement projects in the MLP area and/or have submitted comments in scoping urging protection of the Core Front lands.

The Nature Conservancy of Wyoming has identified parts of the Core Front as high priority areas for their protective work. Also, the Wyoming Wildlife and Natural Resource Trust Fund has funded numerous projects to protect and restore wildlife habitat. Local recreational clubs are also involved in protective efforts, as well as the McCullough Peaks wild horse group, called Friends of a Legacy (FOAL).

The Park County Travel Council and the Cody Country Chamber of Commerce have invested significant time and money into promoting the scenic, wildlife and recreational opportunities of the Front, and have created a special map, called "Cody Country Map and Guide" ([www.exploregreateryellowstone.net](http://www.exploregreateryellowstone.net)) to encourage visitor back and front country use of the area. The City of Cody recently completed a visioning process that ranked open space, outdoor recreation and small town quality of life as its future priorities. (See Cody 20/20 at [www.cityofcody-wy.gov](http://www.cityofcody-wy.gov).) These business, recreation and wildlife interests, as well as many other stakeholders will show a strong interest in participating with the BLM on a Greater Absaroka-Beartooth Front MLP NEPA process.

## **VII. Instruction Memorandum Criteria**

BLM's Instruction Memorandum (IM) 2010-117 provides for the development of MLPs, and by its terms states that they are "required" when four criteria are met. We feel it is clear the proposed Greater Absaroka-Beartooth Front MLP meets these four criteria. A substantial portion of the area is not currently leased. There is unquestionably a majority Federal mineral interest in this area. As discussed earlier, the oil and gas industry has expressed interest in leasing in this area, and as shown on BLM's Management Option Map that considers the least resource protection, there are a number of existing oil and gas fields in the area. And as discussed at length above, there is no doubt that there are multiple use/cultural resource conflicts in this area as well as "other specially designated areas," making it necessary to engage in additional analysis and information collection to address resource and cumulative impacts if oil and gas development were to occur in this area. Furthermore, the BLM should consider incorporating development of this MLP into its ongoing revision of the Bighorn Basin RMP, which might be a more efficient use of resources; the two processes seem complimentary.

Pursuing this MLP could be an important means to achieving BLM's goals related to the healthy lands initiative, its AIM (assessment, inventory, monitoring) program, and the increasing focus on ecoregional assessments and conducting land management from a landscape scale perspective.

#### **VIII. Appendix - Maps**

- Surface Land Ownership and Existing BLM Leases map for Greater Absaroka-Beartooth Front Proposed MLP
- Federal Minerals by Surface Ownership map for Greater AB Front Proposed MLP
- Specific species range maps for area to show connectivity through MLP boundaries:
  - Sage Grouse Leks and Core Areas
  - Mule Deer Seasonal Ranges and Migration Corridors
  - Pronghorn Seasonal Ranges and Migration Corridors
- Combined Big Game Habitat Map showing concentration of habitat values within the Core Front
- Series of Maps from BLM *Reasonable Foreseeable Development report* showing oil and gas potential and current extent of natural gas, oil wells and enhanced oil recovery in area