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Vera "Lynn" Harrison, RMP Project Manager
Bureau of Land Management
Rock Springs Field Office
280 Highway 191 North
Rock Springs, WY 82901-3447

Re: Rock Springs Resource Management Plan revision scoping comments.

Dear Ms. Harrison:

Please accept these scoping comments submitted on behalf of the Wyoming Outdoor Council regarding the Bureau of Land Management's (BLM) pending revision of the Green River Resource Management Plan (RMP), now designated the Rock Springs RMP, and the National Environmental Policy Act (NEPA) environmental impact statement (EIS) that will accompany this effort. The Wyoming Outdoor Council was founded in 1972, by rancher, conservationist, World War II veteran, and visionary Tom Bell. Since its inception, the Outdoor Council's membership has grown substantially, and we now have over 1400 members. Our members share a deep appreciation for our public lands – they value open and healthy landscapes, diverse wildlife populations, clean air, and clean water. Our members also recognize the great peril that open landscapes, native species, and ecosystems are facing as a result of energy development, overgrazing, unchecked off-highway vehicle (OHV) use, and climate change. What follows is a discussion of management concerns and possible management strategies that we believe should be analyzed and adopted as the preferred alternative in the EIS and ultimately in the final Rock Springs RMP.

I. Special Places

Central to protection of open spaces, wildlife, clean air, and clean water and the Wyoming way of life must be recognition that some areas are special and deserve to be maintained largely in their natural state. Following is a discussion of some these special places and we request that an alternative in the Rock Springs RMP EIS fully consider protection of these areas in the manner described in these comments.

A. Wyoming Outdoor Council's Heritage Landscapes should be protected.

The Wyoming Outdoor Council has designated three “Heritage Landscapes” in the Rock Springs Field Office. These landscapes¹, Adobe Town, Jack Morrow Hills, and Little Mountain – host a number of important values that are incompatible with energy development. It is the policy of the Outdoor Council that Heritage Landscapes “remain free from energy development” and that they are “too special to drill.” Were energy development to nevertheless occur in these areas, it is our policy that any such development “should be handled with the highest possible sensitivity for wildlife, air and water quality, and human health.”

Following is the description of each of these areas as it appears on the Wyoming Outdoor Council website. We provide these descriptions so that BLM is fully aware of the values we attach to these areas. Shapefiles that delineate each of these three Heritage Landscapes are included within **Exhibit 1**, the attached CD, as **AdobeTownWochertLand.shp**, **jmhills_boundary.shp**, and **LittleMountainFinal.shp**.

Adobe Town: Adobe Town is one of the Red Desert’s most iconic “Wild West” landscapes, known for its intricate badlands, towering cliffs, spires, and arches. This wild and arid jewel located in the south-central Wyoming is imbued with human history and is a key haven for wildlife. It is a treasure-trove of fossils, a haven for big game and sage-grouse, and it is a sacred site for Native American religious ceremonies. Butch Cassidy’s Hole-in-the-Wall gang also famously stashed their horses in Adobe Town for an escape after the Tipton train robbery of 1900. Although a significant section of Adobe Town is protected on an interim basis as a BLM wilderness study area (WSA), our goal is to extend this protection for the long term. The Outdoor Council participated in an effort in 2007 and 2008 to successfully designate 180,000 acres in Adobe Town as a “very rare or uncommon area” under Wyoming State law. This rarely granted designation defends the area against non-coal surface mining, uranium mining and oil shale mining. It also is a clear statement from the State of Wyoming that it values these lands. Although the designation does not protect the area from oil and gas development, it communicates to federal land managers how important Adobe Town is to Wyoming and to the state’s natural heritage. The state of Wyoming has issued this “very rare or uncommon” designation only four times in three decades.

Jack Morrow Hills: The Jack Morrow Hills is a 620,000-acre landscape in the northern Red Desert that includes seven wilderness study areas, five areas of critical environmental concern (ACEC), and some of the best remaining intact sections of the historic Oregon, California, Mormon, and Pony Express pioneer trails. It also offers spectacular views from the nearby Continental Divide Trail. Adjacent to the Oregon Buttes, the Jack Morrow Hills is home to the legendary Boar’s Tusk formation and the Killpecker Sand Dunes—the second largest active sand dune complex in the world. Tens of thousands of pronghorn use this landscape every summer, which overlooks the vast, wide-open beauty of the Great Divide Basin, and some of the most untouched landscapes left in the West. The Outdoor Council continues to be a leading advocate for protecting the Red Desert’s Jack Morrow Hills.

Little Mountain: The Little Mountain area in southwest Wyoming is a hunting, fishing, and outdoor recreation paradise. The western edge of this vast public landscape begins at the shores of Flaming Gorge Reservoir and climbs eastward to the summits of Little, Pine, Richards, and Miller Mountains. The area is recognized nationally as one of the West’s top mule deer hunting spots, and is famed for its trophy elk and its genetically pure Colorado River cutthroat trout, which can be found in Red, Sage, and Currant Creeks. Pronghorn, moose, raptors, songbirds, and other animals, also attract hunters and wildlife viewers. The Wyoming

¹ See [http:// www.wyomingoutdoorcouncil.org/html/what_we_do/public_land/heritage_landscapes.shtml](http://www.wyomingoutdoorcouncil.org/html/what_we_do/public_land/heritage_landscapes.shtml) (Wyoming Outdoor Council website presenting the Heritage Landscapes).

Game and Fish Department has designated much of the greater Little Mountain area as a key non-game area because of the important habitat it provides for a number of sensitive species including greater sage-grouse, ferruginous hawk, pygmy rabbit, and the Wyoming pocket gopher. The Little Mountain area also contains a wilderness study area (the Red Creek Badland) and one federally designated area of critical environmental concern (Greater Red Creek). The Little Mountain area's watersheds are highly sensitive, but trout populations have increased since 1990, as a wide range of groups has provided more than \$2 million for habitat restoration projects. Nevertheless, more than 169,000 acres of public lands in this area have been leased for oil and gas development. In addition, the BLM has authorized nearly 32,000 acres of right-of-way for wind energy testing.

Given our policy of opposing energy development in these Heritage Landscapes, we request that BLM adopt provisions in the revised RMP to make these areas unavailable for future oil and gas leasing, oil shale development, wind energy development, and utility rights-of-way. Other sources of support for protecting these "Heritage Landscapes" include the Jack Morrow Hills Coordinated Activity Plan (CAP), especially the record of decision (ROD) implementing that plan, the State of Wyoming's designation of the Adobe Town area as a Very Rare or Uncommon Area, particularly the Environmental Quality Council's Findings of Fact, Conclusions of Law and Order establishing this area, which we have included as **Exhibit 2**, and as BLM is well aware, local hunting and fishing groups treasure the Little Mountain area. These sources of information provide additional support for a decision in the RMP to make these Heritage Landscapes unavailable for energy development.

However, were BLM to make these areas or portions of them available for energy development, it is our view that mitigation "should be handled with the highest possible sensitivity for wildlife, air and water quality, and human health." More specifically, the BLM should ensure that the full suite of protective stipulations at its disposal is applied to these areas. BLM is well aware of these stipulations, but they include stipulations to protect sage-grouse, raptors, threatened, endangered or special status species, protections for historical trails, and many others. Several Lease Notices and Special Lease Stipulations are applicable to these areas and should be rigorously applied. In light of scientific developments, many of the lease stipulations from the 1997 Green River RMP should be updated to reflect new knowledge and to ensure meaningful protection of the resources that the stipulations were originally intended to protect.

And importantly, these Heritage Landscapes contain a number of specially designated areas, such as special recreation management areas, WSAs, and ACECs. For example, the Red Creek ACEC is found in the Little Mountain Heritage Landscape, the Monument Valley Management Area is found in the Adobe Town Heritage Landscape, and special status areas too numerous to mention are found in the Jack Morrow Hills. The BLM sometimes applies a controlled surface use (CSU) stipulation to these special areas; it has done so when oil and gas lease parcels were offered in the Monument Valley Management Area. This CSU states that surface occupancy or use in the special management area "will be restricted or prohibited unless the operator and surface management agency arrive at an acceptable plan for mitigation of anticipated impacts" and then goes on to state what special values must be protected. We urge the BLM to ensure that this stipulation is applied to the Heritage Landscapes *in their entirety* as mapped in the enclosed shape files, or at a minimum is applied to every existing BLM-designated special management area that is found within a Heritage Landscape.

Additional recommendations that apply to these Heritage Landscapes will be presented in several subsequent sections of these comments, and we incorporate those comments into this section by this reference.

B. The greater Cedar Mountain area deserves special management and this area provides an opportunity to meet the obligations established by BLM's Wild Lands policy.

BLM lands west of Flaming Gorge reservoir and south of the checkerboard within the Rock Springs Field Office, referred to here as the Cedar Mountain area, host an array of important resources that deserve protection. This area is important for sage-grouse, wintering ungulates, hosts rare endemic plants, has high scenic quality, is important for recreation, and retains much of its wilderness value. Notably, this area is also home to superb paleontological resources because of the exposed portions of the Bridger formation found there. Included within Exhibit 1 is an "Assessment of Paleontological Resources of the Greater Cedar Mountain Area,"² a map³ of paleontological resources, and an overview⁴ of the Potential Fossil Yield Classification system, all of which highlight the tremendous paleontological resources of the Cedar Mountain area. Because of these many values, we believe that this area should be designated as an ACEC. In addition, six specific areas should be managed as wild lands to protect their wilderness values. GIS shapefiles that delineate this proposed ACEC (**CedarMountainProposedACEC.shp**) as well as each of the six wild areas can be found on Exhibit 1, the attached CD. Polygons for the six wild areas were digitized by tracing along existing improved roads using GIS and the 2009 National Agriculture Imagery Program (NAIP) satellite data.⁵ Field visits to five of the six areas were conducted to ground truth the polygons. One area, Cedar Mountain North, was inaccessible due to winter conditions and prevented a field visit to ground truth the polygon. Polygons were then altered to exclude areas with structures that were not visible in GIS using the NAIP data. The name of the shapefile for each of the six areas is referenced below. Below is a brief discussion of the values for each of the six wild areas we feel deserve wild land protection.

- a. North Hickey Mountain
 - i. Shapefile: **HickeyNorthLWC.shp**
 - ii. Wilderness Criteria
 1. Acres: 6,094
 2. Primarily natural: A field visit was conducted on March 8, 2011 and only few two-track roads are evident. This area supports a visually pleasing array of continuous native vegetation (sagebrush, juniper, aspen, and serviceberry), rocky outcrops, wooded draws, and badlands.
 3. Outstanding opportunities for solitude and unconfined primitive recreation (OOSUPR): Excellent opportunities for hiking, hunting, fossil observation, and nature observation.
 - iii. Supplemental values
 1. Wildlife
 - a. The western portion of this area lies within a sage-grouse core area.

² See CedarMountainPaleontologicalAssessment.doc within Exhibit 1 the attached CD.

³ See CedarMounationPaleoMap.jpg within Exhibit 1 the attached CD.

⁴ See PFYC.doc within Exhibit 1 on the attached CD.

⁵ <http://www.fsa.usda.gov/FSA/apfoapp?area=home&subject=maps&topic=landing> (last accessed March 28, 2011).

2. This entire area is within a sage-grouse core area and much of it is also mule deer crucial winter range.
- iv. Paleontological Resources
 1. See Footnotes 3, 4, and 5.
- d. Southwest Cedar Mountain
 - i. Shapefile: **CedarMtnSW.shp**
 - ii. Wilderness Criteria
 1. Acres: **12,770**
 2. Primarily natural: Several two-track roads were observed in this area on March 10, 2011, but the area retains coverage of native vegetation that is dominated by grasslands, sagebrush, and juniper woodlands.
 3. OOSPUR: This beautiful area is a favorite because of the excellent opportunities for hunting and hiking.
 - iii. Supplemental values
 1. Wildlife
 - a. The northern portion of the area is within a sage-grouse core area. Several mule deer migration routes cross through the northern portion of this area. Most of this area is also crucial winter range for mule deer.
 2. Plants
 - a. Portions of the Candidate Plant ACEC are found here – this ACEC was implemented to protect the endemic Uinta greenthread and Cedar Mountain easter daisy.
 3. Paleontological resources
 - a. See Footnotes 3, 4, and 5.
- e. Northwest Cedar Mountain
 - i. Shapefile: **CedarMtnNW.shp**
 - ii. Wilderness Criteria
 1. Acres: **13,865**
 2. Primarily natural: During a field visit on March 10, 2011, only a couple two-track roads were observed along the eastern edge of this area. The area retains coverage of a variety of native vegetation that includes sagebrush and rabbit brush in the lower eastern portion, and serviceberry, aspen, and Douglas fir along the rim of Cedar Mountain.
 3. Outstanding OSPUR: A diverse assemblage of vegetation contributes to the excellent opportunities for hunting, hiking, camping, and nature observation.
 - iii. Supplemental values
 1. Wildlife
 - a. This entire area lies within a sage-grouse core area.
 - b. Several mule deer migration routes pass through the southwest portion of this area.
 2. Paleontological resources

- a. See Footnotes 3, 4, and 5.
- f. North Cedar Mountain
 - i. Shapefile: **CedarMtnNorth.shp**
 - ii. Wilderness Criteria
 - 1. Acres: **39,376**
 - 2. Primarily natural: Winter weather prevented a field visit, but using 2009 NAIP data, the area appears to be dominated by native vegetation with only a handful of two-track roads being visible.
 - 3. OOSPUR: This area provide excellent opportunities for hunting, hiking, rock hounding, fossil observation, backpacking, and nature observation.
 - iii. Supplemental Values
 - 1. Wildlife
 - a. The western portion of this area lies within sage-grouse core habitat. Crucial winter ranges for mule deer and pronghorn are found here. A pronghorn migration route crosses the middle of this area as well.
 - 2. Plants
 - a. Portions of the Candidate Plant ACEC are found here – this ACEC was implemented to protect the endemic Uinta greenthread and Cedar Mountain easter daisey.
 - 3. Paleontological resources
 - a. See Footnotes 3, 4, and 5.

We believe these areas meet the criteria for designation as Wild Lands established by Secretarial Order No. 3310 as well as BLM's implementing Manual Sections 6301, 6302, and 6303. Accordingly, these areas meet the requirements to be recognized as Wild Lands, and as such BLM should seek to ensure the wilderness qualities of these lands are not impaired, as called for by the Secretarial Order and the Manual Sections. Moreover, there is little doubt but that the Cedar Mountain area meets the relevance and importance criteria for ACEC designation, and under the Federal Land Policy and Management Act (FLPMA), BLM is to give "priority" to ACEC "designation" during land use planning. 42 U.S.C. § 1712(c)(3). Accordingly the Cedar Mountain area should be designated an ACEC.

In addition to the six areas described above, the BLM should consider the wilderness qualities of all citizen proposed wilderness (CPWs) areas that are found in the Rock Springs Field Office and recognize the wilderness qualities of these lands as appropriate. These CPWs contain important wilderness qualities that should receive protection under the Wild Lands policy. A shapefiles that delineates each of the CPWs is included Exhibit1, the enclosed CD, as **WY_CWP.zip**.

C. Special designations from the 1997 Green River RMP should be retained.

As indicated, the Record of Decision and Green River Resource Management Plan and the Record of Decision and Jack Morrow Hills Coordinated Activity Plan/Green River Resource Management Plan Amendment recognize and designate a number of special management

areas in the Rock Springs Field Office. Among many others these include the Wind River Front Special Recreation Management Area, Cedar Canyon ACEC, Greater Red Creek ACEC, Pine Spring ACEC, the Currant Creek and Sage Creek Watersheds, the Monument Valley Management Area, the Red Desert Watershed, and the Steamboat Mountain ACEC, as well as a number of WSAs. We urge the BLM to maintain these special designations in the revised RMP, and where ACEC status was only in a proposed or postponed status under the prior RMP, to make these areas ACECs under the revised RMP.

We think there can be little doubt that these areas warrant continued special management. The Cedar Canyon ACEC contains important cultural values, scenic resources, and wildlife habitat. The Wind River Front Special Recreation Management Area contains important visual values, is a high quality recreation area, contains significant plant communities, and has important wildlife habitat. The Sugarloaf Basin provides important opportunities for dispersed recreation, important wildlife values, and significant watershed values. The Monument Valley Management Area has important geological, cultural, watershed, scenic, paleontological, and cultural values. Much the same could be said about every specially designated area in the current RMP and Jack Morrow Hills CAP. Areas like the South Pass Historic Landscape, Oregon Buttes, and the Boars Tusk are beyond dispute as to their special values. Thus, these special designations should at a minimum be maintained in the revised RMP, and in many instances the special management focus should be enhanced by designating the area an ACEC. We think there is little doubt that areas such as Monument Valley, which was not designated an ACEC in the last RMP revision but rather was postponed from ACEC designation, possess the requisite relevance and importance criteria

We wish to draw special attention to three of the currently designated special management areas. The first is the **Red Desert Watershed Management Area**. This remarkable area north of the railroad checkerboard is a scenic desert wonderland. We particularly wish to draw your attention to the following. One of the management objectives for this area is to “provide large areas of unobstructed views for the enjoyment of scenic qualities.” Record of Decision and Green River Resource Management Plan at 39. This is a remarkable statement and we *strongly* support it. In essence this represents a vision for this area and we urge the BLM to maintain this direction. It can contribute to maintaining the essence of the Red Desert: unobstructed wide open spaces in one of America’s most magnificent desert landscapes. We must not lose that. And, we would urge the BLM to consider applying this same management direction to other areas in the Rock Springs Field Office—including our Heritage Landscapes—because we feel they too would benefit from a management objective of maintaining “large areas of unobstructed views for the enjoyment of scenic qualities.”

Second, the **Wind River Front Special Recreation Management Area** must be recognized as a vitally important link in a landscape scale land protection network. It should be recognized that this remarkable, remote, dispersed recreation area does not stand alone, it is intimately tied to two other very large protected areas. This area lies immediately adjacent to the Wind River Front Management Area in the Pinedale Field Office and is essentially contiguous with the Jack Morrow Hills area in the Rock Springs Field Office. Together these three areas represent over one-million acres of Federal land enjoying at least some level of protection. In a north to south direction this protected landscape stretches for nearly 70 miles. The contiguous nature of these three protected areas should be recognized, and accordingly the protected status of the Wind River Front Special Recreation Management Area should be maintained in the revised RMP.

However, we do make this recommendation. The “western unit” of this area should be made unavailable for mineral leasing, just as the “eastern unit” is. This would help ensure that this area retains its recreation values and its remarkable undeveloped “feel.” And continues to contribute to this landscape scale land protection network. Allowing for potential gas field development would make appropriate management of this area difficult if not impossible. Therefore BLM should put in place management direction that guards against this possibility.

Last, the **Monument Valley Management Area** must be mentioned. As noted, this area has important geological, cultural, watershed, scenic, paleontological, and cultural values. And as will be discussed below, we believe the management direction for this area could form a basis for management in the Adobe Town Heritage Landscape as a whole. And this should be recognized: when the Monument Valley Management Area is coupled with the Adobe Town WSA and the Adobe Town Dispersed Recreation Use Area recognized in the Rawlins RMP, BLM is well on its way to having an overall protective management structure for the Adobe Town area. This should be recognized and maintained by ensuring the Monument Valley Management Area continues to receive protection in the revised RMP.

II. BLM Must Ensure Compatibility with the Sage-Grouse RMP Amendment and Visual Resource Management Classification Review.

The BLM is engaged in at least two activities that must be viewed as part and parcel of the Rock Springs RMP revision. Those are the greater sage-grouse RMP amendments being pursued in five Field Offices, including the Rock Springs Field Office, and the review of visual resource management (VRM) classifications being made in the Rawlins and Rock Springs Field Offices. BLM must ensure that these additional planning efforts are fully reflected in this RMP revision.

While we must await the results of these efforts before we will know what provisions are made, we believe the prescriptions and other management direction provided by the sage-grouse conservation and visual quality review efforts must be incorporated into the Rock Springs RMP. We think this should occur whether these efforts are fully completed when the RMP revision is completed or not. That is, even if these other planning efforts are not completed when the Rock Springs RMP Record of Decision is issued, the provisions of these other planning efforts should nevertheless be made part of the Rock Springs RMP. The Rock Springs RMP should make a provision for incorporation of these other planning efforts into the Rock Springs RMP by incorporating them by reference, without a need to await a further amendment of the Rock Springs RMP before these provisions are made part of it. Any such delay seems entirely unwarranted to us and we ask BLM to avoid any such further delay in incorporating the provisions of the sage-grouse and visual resource review efforts.

The Wyoming Outdoor Council has been and will continue to be involved in the sage-grouse RMP amendment and the Rawlins and Rock Springs VRM review. Included in Exhibit 1 and incorporated by reference are the scoping comments that the Outdoor Council submitted regarding the sage-grouse RMP Amendment effort⁶ and the comments we submitted regarding the VRM review.⁷ We ask the BLM to fully consider these views as it engages in the Rock Springs RMP revision.

⁶ See Sage Grouse RMP Scoping Comments.pdf within Exhibit 1 on the attached CD.

⁷ See WOCVisualPreferenceComments092810.doc and WOCScenicLands.pdf within Exhibit 1 the attached CD.

In particular, to the extent the Rock Springs RMP makes provisions relative to sage-grouse and VRM designations that are separate from or independent from the other planning efforts—as it no doubt will—we ask that these earlier comments be considered as part of these scoping comments. For example, as noted in the sage-grouse RMP amendment scoping comments, BLM must ensure compliance with a variety of its sage-grouse Instruction Memoranda, and should consider the sagebrush ecosystem holistically by addressing the numerous other “sagebrush obligate” species that inhabit this ecosystem as it engages in sage-grouse conservation planning efforts. We believe these comments have relevance to this RMP revision as well as to the sage-grouse RMP amendment and therefore should be fully considered in this RMP revision. And as noted in our comments on the VRM review process, we believe that the Jack Morrow Hills, Adobe Town, and Little Mountain areas must have their visual quality protected. Furthermore, as we also discuss in those comments, the Upper Sweetwater/Wind River Front and Table/Cedar Mountain areas should also receive visual resource protection. And importantly, in those comments we discuss the values that our members attach to these areas, and we ask the BLM to fully consider those personal values in the Rock Springs RMP revision.

III. Oil and Gas Withdrawal Areas

It is our view that four areas in the Rock Springs Field office should be made unavailable for future oil and natural gas leasing. These are the Jack Morrow Hills, Adobe Town, Little Mountain, and Cedar Mountain. Shapefiles that depict these areas are included in the attached CD. These areas represent 622,325, 468,295, 585,667, and 297,588 acres, respectively, or 1,973,875 acres in total. Our rationale for why areas should not be available for oil and gas development is presented throughout these comments—all of these areas have a dense collection of wildlife, cultural, special landscape, Native American traditional cultural place, paleontological, historic, and other values that make them inappropriate for leasing.

In addition, we also requested above that the western unit of the Wind River Front Special Recreation Management Area (172,630 acres) not be made available for leasing under the revised RMP, as it is under the current RMP. Making this western unit available for leasing while the eastern unit is not creates an inherent and unneeded management tension that is a set-up for management conflict, and this should be rectified by removing this area from consideration for leasing. Moreover, as noted, oil and gas development in this area could threaten the vast network of protected areas represented by the Wind River Front Management Area in the Pinedale Field Office, the Jack Morrow Hills in the Rock Springs Field Office, and this area.

We urge the Rock Springs Field Office to look to the Pinedale Field Office as an appropriate model for the scale of lands that should be available for oil and gas leasing. Under the revised Pinedale RMP, 455,340 acres of the Field Office has been designated unavailable for leasing. This represents 49 percent of the BLM surface acreage in the Field Office. In our view, this is an appropriate level of availability for oil and gas leasing. We take this view for several reasons that we ask the BLM to consider. First, under the pending amendment to BLM RMPs (including the Rock Springs RMP) to accommodate sage-grouse conservation needs, it is likely that this level of unavailability for leasing will need to be put in place. Second, it is clear that the Rock Springs Field Office is home to several large, landscape scale iconic places, such as the Jack Morrow Hills. These large, wild landscapes simply should not be available for potential industrial development if we wish to retain a semblance of the Red Desert as we know it now. And third, oil and gas development must make way for renewable sources of energy as we

move toward a clean, carbon-neutral energy future. We must reduce the level of fossil fuels in our energy portfolio, so making areas available for oil and gas development should not be given the priority it perhaps once enjoyed. Overall, including the western unit of the Wind River Front Special Recreation Management Area, we request that **about 59** percent of the Rock Springs Field Office BLM surface estate be made unavailable for oil and gas leasing. This is consistent with the percentage unavailable for leasing in the Pinedale Field Office. As only one of the many multiple uses, we feel that leaving 41 percent of BLM lands in the RSFO available for oil and gas leasing is appropriate and necessary to protect other values within the Rock Springs Field Office

IV. Master Leasing Plans

On July 12, 2010 the Wyoming Outdoor Council and other groups requested that the BLM develop Master Leasing Plans (MLP) pursuant to the BLM's leasing reform policy (Instruction Memorandum (IM) 2010-117) for three areas in the Rock Springs Field Office. Those areas were the Jack Morrow Hills, Little Mountain, and Adobe Town. That July 12 request letter⁸ is included within Exhibit 1. Other groups have also requested that MLPs be developed in separate requests, at a minimum for the Little Mountain and Adobe Town areas.

The BLM Wyoming State Office has developed a proposal for MLPs in Wyoming that is posted on its website. See http://www.blm.gov/wy/st/en/programs/energy/Oil_and_Gas/Leasing/reform.html. In this proposal BLM would designate three categories of areas for MLP development. Category 1 is essentially areas where BLM takes the view that prior planning efforts meet MLP requirements. The Jack Morrow Hills is a Category 1 area. Category 2 is areas where BLM believes any need for an MLP can be met through the general planning (RMP) process underway in an area. The Little Mountain is a Category 2 area. Category 3 is areas where BLM believes no MLP required. Adobe Town is a Category 3 area.

The implications of the BLM State Office MLP proposal are that no MLPs will be developed anywhere in Wyoming. The Jack Morrow Hills—despite being the only area in the entire State that met all MLP criteria specified in IM 2010-12—would not have an MLP developed because the existing Jack Morrow Hills CAP is deemed to meet any MLP needs. Little Mountain also would not have an MLP developed, although as part of the Rock Springs RMP revision process and being a Category 2 area, BLM would “evaluate oil and gas leasing decisions [] that address resources of concern and better fit [the decision to] the MLP criteria.” And Adobe Town as a Category 3 area was deemed to not warrant an MLP in any respect.

The Wyoming Outdoor Council believes this proposal is not warranted and does not meet the requirements of IM 2010-117. Consequently we have sent a request⁹ to BLM Director Bob Abbey asking the BLM national office to modify this proposal. This letter is included within Exhibit 1. If the requests made in this letter are agreed to, MLPs would likely be developed for the Jack Morrow Hills, Adobe Town, and Little Mountain areas, as requested in our July 12, 2010 nomination letter.

Now we realize this matter is in a state of uncertainty. If the BLM State Office's proposal holds, MLPs will not be developed for the Adobe Town and Jack Morrow Hills areas. And in the Little Mountain area, some new leasing guidance will be developed pursuant to the RMP process, but

⁸ See MLPs 07-10-10.pdf within Exhibit 1 on the attached CD.

⁹ See Bob Abbey – 03-21-11.pdf within Exhibit 1 the attached CD.

it will not be called an MLP. Or, the BLM Director might agree with our concerns and modify the State Office's proposal, requiring MLPs to be developed for some or all of the three areas.

Because of this uncertainty, the Wyoming Outdoor Council renews its request that MLPs be developed for the Jack Morrow Hills, Little Mountain, and Adobe Town areas. The Jack Morrow Hills is the only area in Wyoming deemed to meet all MLP criteria. Thus, under the terms of IM 2010-117, and MLP is "required." And as discussed in our letter¹⁰ to Director Abbey, there is no credible basis for asserting that circumstances have not changed since the Jack Morrow Hills CAP was developed.¹¹ And as to Adobe Town, as discussed in Exhibit 5, it in fact does meet criterion 3 (oil and gas development potential), despite contrary assertions in BLM's proposal. And Little Mountain deserves not an "MLP lite" but a full-blown MLP. Consequently we again ask that MLPs be developed for these three areas.

We are hopeful that BLM will honor these requests in the RMP revision. But perhaps all we will get is an MLP facsimile for the Little Mountain area if the BLM State Office's current proposal is maintained. If so, we request that the RMP analysis for this area consider the full suite of potential management prescriptions that are outlined in IM 2010-117.

As specified in the IM, MLP decisions can include adding lease stipulations to potential leases, or "closing certain areas to leasing." IM 2010-117 at 6. Furthermore, conditions of approval can be added to existing leases. *Id.* The MLP facsimile for Little Mountain should provide for attaching conditions of approval to development of existing leases so as to protect the important values in that area. And relative to either existing leases or any new leasing that is permitted, we specifically request that BLM fully consider the array of planning decisions that can be made through the MLP process. These include, but are not limited to, provisions for phased leasing and development, caps on surface disturbance, and the use of best management practices such as drilling multiple wells from a single pad, using existing infrastructure, and the use of liquids gathering systems. *Id.* at 6-7. These types of provisions must be put in place so as to ensure the important values of the Little Mountain area are more adequately protected, although not engaging in any future leasing would best protect these values. And to the extent the BLM national office intervenes in MLP decisions, we ask that these provisions not only be considered for Little Mountain but also for the Jack Morrow Hills and Adobe Town.

V. Proposed Management for the Adobe Town Area.

One of the more significant landscapes in the Rock Springs Field Office is the Adobe Town area, an expanse of undeveloped wild lands southeast of Rock Springs. Management of this area is shared with the Rawlins Field Office, which has designated the Adobe Town Dispersed Use Area in its revised RMP. The Adobe Town area as recognized by the Wyoming Outdoor Council is shown in the map¹² that is included within Exhibit 1. As can be seen, this area includes the Adobe Town WSA, but in addition also includes the Adobe Town citizens' proposed wilderness (CPW), Kinney Rim North CPW, Kinney Rim South CPW, and the state-recognized Adobe Town Rare or Uncommon Area. The Adobe Town area is a "Heritage Landscape"

¹⁰ *Id.*

¹¹ It is possible that BLM could take a position that this Rock Springs RMP revision should not consider the Jack Morrow Hills area because of the CAP developed for that area relatively recently. But we feel the Jack Morrow Hills area should be made part of this planning effort as much as any area in the Field Office. There is certainly no provision in FLPMA that would allow portions of the Field Office to be excluded from planning. And as discussed in our letter to Director Abbey (Exhibit 5), there is no doubt that there are changed circumstances that have arisen since the 2006 approval of the Jack Morrow Hills CAP, so updated planning is warranted for this area.

¹² See AdobeTownLands.pdf within Exhibit 1 the attached CD.

recognized by the Wyoming Outdoor Council. See http://wyomingoutdoorcouncil.org/html/what_we_do/public_lands/heritage_landscapes.shtml We believe this entire area should receive special management attention in the revised Rock Springs RMP, and below will propose such management. In fact we were invited by BLM Rock Springs Field Office personnel to propose management for the Adobe Town area, and the below comments are offered in response to that request.

There can be little doubt but that the Adobe Town area warrants special management focus. Even if the BLM does not believe the CPWs have wilderness characteristics, there simply is no denying that there has been heightened public attention and concern focused on this area. And certainly this heightened interest is not focused just on the Adobe Town WSA—the area of concern is undoubtedly broader.

Examples of the increased interest in this area include the following. BLM has offered a number of oil and gas lease parcels in the CPWs recently, and those offerings have invariably been protested by citizens, and in at least one instance (the December 2009 lease sale), the Secretary of the Interior intervened in the lease sale so as to ensure protection of wilderness qualities in this area received adequate consideration. Removal of a lease parcel in this area also occurred with respect to the May 2011 lease sale. The Sweetwater County Commission has passed resolutions asking for protection of this area, particularly from oil and gas development. The State Environmental Quality Council designation of this area as Rare or Uncommon stands as testament to the heightened public interest in this area. This spring, the Wyoming Association of Churches will be holding a weeklong Red Desert Week that will include various celebrations and services in a number of communities and in June it will hold the Red Desert Rendezvous in Rock Springs which will include field trips to the Adobe Town area. The Wyoming Outdoor Council in collaboration with the BLM Rawlins Field Office held its “Ride the Red” citizens bike ride near this area in 2010, in the Powder Rim area. These are just some examples of the significant public interest focused on the Adobe Town area. Given this interest, affording this area special management attention is appropriate.

We have three proposals for how management attention might be established for this area, and a discussion of each follows.

A. BLM Should Develop a Coordinated Activity Plan for the Adobe Town Area.

The BLM has developed a special Coordinated Activity Plan (CAP) for the Jack Morrow Hills area in the northern part of the Rock Springs Field Office. A similar plan and management structure should be developed for the Adobe Town Area. We believe that the heightened management focus that a CAP represents is what is needed to ensure the Adobe Town area receives the enhanced management attention it clearly warrants.

When BLM deferred fluid minerals leasing decisions in the Jack Morrow Hills area pending development of a CAP, an important reason for this was the need to find “mutually compatible” uses for the area “that provide for the important resource concerns in the area.” Green River Resource Management Plan, Record of Decision at 4. These important resources included crucial big game habitats, air and water quality, scenic quality, vegetative cover and soil stability, recreational activities, livestock grazing and range improvements, mineral development, and “other important resource concerns.” *Id.* at 5. The intention was for the CAP to “provide more specific management direction for the activity planning area [than the overarching RMP] to prevent or address potential conflicts among or resulting from these uses.” *Id.* While the CAP was being developed, “premature commitments” that would allow

development or disturbance were avoided so as to protect the recognized sensitive resources.
Id.

We believe that similar concerns apply to the Adobe Town area, and consequently development of a CAP for this area would be appropriate as a companion to this RMP. The Adobe Town area clearly has extraordinary recreational opportunities, wilderness values, scenic quality, and “other important resource concerns.” Consequently, just as in the Jack Morrow Hills, development of a CAP would be appropriate and useful. Such a “mini RMP” would be a very useful way to ensure the best possible management is applied in this area that has become of significant public concern.

Were a CAP to be developed, the Jack Morrow Hills CAP could provide a useful model that would help guide development of useful and appropriate management direction. For example, the Adobe Town CAP could provide for an implementation strategy, monitoring plan, and evaluation process that would allow for the determination of “what, where, when, and under what conditions” surface disturbing and disruptive activities would be permitted, accompanied by a list of sensitive resources that would be protected and a management prescription for surface use activities. See Jack Morrow Hills Coordinated Activity Plan/Green River Resource Management Plan Amendment Record of Decision at 6, 8 (making these provisions). Management Areas that define the relative resource values in each area—and future oil and gas leasing activities—could be defined. If the Jack Morrow Hills model were followed, this would mean that Area 1 would be available for future leasing, Area 2 open for leasing but under heightened restrictions, and Area 3 would be closed to future leasing. See *id.* at 49-51, Map B. Special provisions could be made for wildlife protection, *id.* at 41-48, and development of a CAP would allow an opportunity for designation of new Areas of Critical Environmental Concern (ACEC) or other special management areas, just as occurred under the Jack Morrow Hills CAP. Even if the BLM does not believe the CPWs qualify as wilderness, they might well warrant other special management attention, and the State of Wyoming has clearly already laid the groundwork for designation of the Adobe Town Rare or Uncommon Area as a BLM ACEC. And as was discussed above, a Master Leasing Plan could be developed for this area, which would allow for better management of oil and gas activities in the area. These and many other management provisions could be made pursuant to a CAP, which would allow the special character of the Adobe Town area to be fully recognized and appropriately managed.

B. BLM’s Existing Management Direction for the Monument Valley Management Area could Serve as a Management Framework for the Adobe Town Area.

Under the Record of Decision and Green River Resource Management Plan, the BLM has designated the Monument Valley Management Area, which is in the Adobe Town area. The management direction for this area could provide a useful framework for the entire Adobe Town area as we have defined it here. The management objective for this area is to protect wildlife, geologic, cultural, watershed, scenic, paleontological, and cultural resources, all of which are prominent in this area. We believe these values are clearly prominent throughout the Adobe Town area as we have defined it here, and thus the management objective for the Monument Valley Management Area could be applied more widely. We especially believe that management as a Class II visual resource environment should be extended to the entire Adobe Town area, as is provided for in Monument Valley. The other management prescriptions for the Monument Valley area could also be extended to the entire Adobe Town area, although as discussed elsewhere we do not support making the area available for mineral development, such as through oil and gas leasing.

C. Suggested Management Prescriptions for the Adobe Town Area.

Even if the BLM were to not develop a CAP for the Adobe Town area, it is clear that special management attention is needed and warranted for this area. Following are suggested management prescriptions for the Adobe Town area that could be made part of a CAP, or could be incorporated directly into the revised Rock Springs RMP. As noted above, and as indicated in the accompanying map, the Adobe Town area is a Wyoming Outdoor Council-recognized Heritage Landscape, and it is our goal to see these areas fully protected.

The State of Wyoming's goals in Rare or Uncommon Areas are to prevent non-coal mining operations (which do not include oil and gas operations) that "irreparably harm, destroy, or materially impair" the "particular historical, archeological, wildlife, surface geological, botanical, or scenic value" attributes in a rare or uncommon area. WS § 35-11-406(m)(iv). As stated by the Wyoming Environmental Quality Council when it made the Rare or Uncommon designation for Adobe Town, "The area as designated is very unique and spectacular and should be protected as very rare or uncommon." Under federal law, the 85,000 acre Adobe Town WSA must be managed by the BLM "in a manner so as not to impair the suitability of such areas for preservation as wilderness, subject, however, to the continuation of existing mining and grazing uses and mineral leasing in the manner and degree in which the same was being conducted on October 21, 1976." 43 U.S.C. § 1782(c). The Wyoming Outdoor Council proposes that the Adobe Town area be managed under the newly-revised Rock Springs RMP in accordance with these principles.

That said, the Wyoming Outdoor Council recognizes that particularly in the northern part of the Adobe Town area much of the land is in the "railroad checkerboard," meaning that intervening sections of land are under private ownership and management, with most of the remaining sections under federal ownership and control. It is our view that the management plan for the Adobe Town area in the RMP should recognize and respect the goals and interests of private land owners in the checkerboard area, particularly the goals and interests of the Rock Springs Grazing Association (RSGA), which is a large landowner in this area.

With these points in mind, the Wyoming Outdoor Council proposes the following management direction for the Adobe Town area in the revised Rock Springs RMP:¹³

1. There should be no new oil and gas leasing on federal lands in this area. If there are issues or concerns regarding drainage of federal oil and gas, especially in the checkerboard area, we believe those issues should first be addressed through alternative mechanisms provided for in BLM regulations, such as execution of agreements for compensation from owners of interests in the producing wells, entering into communitization agreements, or approving unitization agreements or communitization agreements that provide for payment of royalties on production attributable to unleased mineral resources. See 43 C.F.R. §§ 3162.2-2(b)-(d). Furthermore, as proposed in our letter to the BLM dated July 12, 2010, which is enclosed herewith AS EXHIBIT 4, a Master Leasing Plan should be developed for the Adobe Town area pursuant to BLM instruction memorandum 2010-117.
2. Federal lands in the Adobe Town area should be withdrawn from "hardrock" mining location, and from consideration for oil shale development.
3. The Adobe Town area should be designated as unavailable for wind energy development on federal lands. To the extent wind energy development is proposed or

¹³ We define the Adobe Town area as it appears in the enclosed map, and on our heritage landscape map, which can be visited at http://wyomingoutdoorcouncil.org/html/what_we_do/public_land/heritage_landscapes.shtml.

- pursued on RSGA lands or other private lands, Federal lands in the vicinity should be a high priority for sale or exchange (see below).
4. To address areas that have already been leased for oil and gas development, the RMP should identify areas where drilling to access oil and gas will be most acceptable from an environmental protection standpoint, and limit drilling to from within these designated areas (i.e., directional drilling would allow for accessing minerals outside of the designated drilling areas). No drilling should be permitted to occur in sage-grouse core areas, areas identified by citizens for wilderness protection, crucial big game habitats, or in critical watersheds unless there is no other option that would allow the lease holder to exercise their development rights without drilling in these areas, and in these cases the drilling should be directed to the least sensitive areas possible and done in the most protective manner possible.
 5. The BLM should fully abide by sage-grouse instruction memoranda issued by the BLM Wyoming State Office, and with the Executive Order issued by the Governor of Wyoming.
 6. Existing grazing practices on federal lands should be allowed to continue, however, the RMP should ensure that compliance with the BLM's grazing standards and guidelines is monitored and any changes to grazing practices needed to comply with the standards and guidelines (and fundamentals of rangeland health) that are needed on *federal* public lands—not RSGA lands—are made.
 7. The RMP should identify and designate appropriate access routes into this area that might be made available for roads or road upgrades, seeking to limit the impacts of roads on federal lands to extent possible. Access could be needed for development of existing oil and gas leases and for access to RSGA grazing properties, but BLM should seek to limit the number and impact of these roads to the extent possible so as to maintain the natural values of the Adobe Town area, while permitting legally required access and access needed by the RSGA for productive use of its properties. The RMP should seek to achieve agreement with the RSGA for access across its properties to federal properties as is needed, but again the RMP should seek to minimize the impacts of roads.
 8. The RMP should identify lands, particularly in the checkerboard area, where exchanges and purchases might be pursued, particularly with the RSGA, so as to achieve greater levels of unified land management and ownership. Any such activities should be done on a willing buyer willing seller basis.
 9. The RMP should fully consider expansion of the Adobe Town WSA. Moreover, the BLM should again fully consider the wilderness characteristics of the Adobe Town, Kinney Rim South and Kinney Rim North CPWs. We believe this is fully consistent with BLM's new Wild Lands policy and BLM's implementing Manual provisions. These areas should be designated as Wild Lands pursuant to Secretarial Order 3310. But even if the BLM cannot or will not provide for increased recognition of wilderness values in these areas, to the extent there are *any* wilderness quality values present in these areas—such as opportunities for solitude or primitive and unconfined recreation—the BLM should seek to maintain *those* values in the RMP.
 10. The Adobe Town area should be a right of way exclusion area except to the extent there is a need to provide rights of ways to allow for the use of RSGA lands, or other private lands.
 11. Existing ORV use should be allowed to continue on *designated* routes.
 12. In areas that have not been leased, the Adobe Town area should be designated a Class II visual resource management (VRM) area, and as leases expire these areas should also be designated VRM Class II (the Adobe Town WSA should of course be designated

VRM Class I). In areas that have been leased, the minimum VRM classification should be VRM Class III.

In recognition of the fact that the Rawlins Field Office has designated a portion of the Adobe Town area as the “Adobe Town Dispersed Recreation Use Area” we would propose that this area receive a similar designation in the Rock Springs RMP so as to maintain cohesiveness among RMPs: the area should be called the Rock Springs Adobe Town Dispersed Recreation Use Area.

However, as indicated above, we do not believe the management provisions made in the Rawlins RMP should be replicated in the Rock Springs RMP. While we believe the dispersed recreation management goals with their associated opportunity classes specified in the Rawlins RMP could be replicated in the Rock Springs RMP, we believe the limited focus on recreation activities in the Rawlins RMP is too narrow. See Approved Rawlins Resource Management Plan Record of Decision at A37-1 to -3. As indicated, we believe a more holistic specification of management direction is needed in the Adobe Town area. In particular, statements such as this in the Rawlins RMP should not be replicated in the Rock Springs RMP: “Identification of the area as a Dispersed Recreation Management Area will not limit mineral leasing or development nor will it sunset existing leases.” *Id.* at A37-1. And this: “Leased areas that are developed will experience, in some cases, severe deviation from the desired [recreation opportunity spectrum] over an extended period of time.” *Id.* We believe a plan that does not actively seek to minimize the impacts of oil and gas development on existing leases and limits future leasing is of little value for this area if the goal is to protect the natural values of this remarkable area, which we believe must be the fundamental, overarching goal. Consequently, we believe the BLM Rock Springs Field Office should adopt a considerably more prescriptive plan for management of development in the Adobe Town area in its RMP than is reflected in the Rawlins RMP.

VI. Additions to the National Landscape Conservation System Should be a Priority in the Rock Springs RMP Revision and Existing NLCS Components Must be Properly Managed.

The National Landscape Conservation System (NLCS) has become a priority management focus of the BLM. This importance and elevated focus was emphasized by the NLCS conference BLM held in Las Vegas in mid-November 2010, at which time Secretary of the Interior Salazar issued a Secretarial Order elevating the NLCS to the highest levels of BLM management consideration (BLM was ordered to establish a new NLCS directorate). BLM Director Bob Abbey repeatedly made it clear that the NLCS system is a priority for BLM at this meeting.

Given this heightened emphasis, we believe the BLM should prioritize expansion of the NLCS as a component of revision of the Rock Springs RMP, and a desired outcome of the new plan. As is stated on BLM's NLCS website,

The NLCS works to conserve the essential fabric of the West. NLCS areas are part of an active, vibrant landscape where people live, work and play. They offer exceptional opportunities for recreation, solitude, wildlife viewing, exploring history, scientific research, and a wide range of traditional uses.

These are places that spark the imagination. Their spacious beauty has drawn people to the West for generations. The NLCS sustains for the future - and for everyone - these remarkable *landscapes of the American spirit*.

http://www.blm.gov/wo/st/en/prog/blm_special_areas/NLCS.html. We believe there are places in the Rock Springs Field Office that live up to this poetic description of the value and importance of these lands, and thus we ask the BLM to fully consider expansion of the NLCS as a component of the Rock Springs RMP revision.

Unfortunately, Wyoming is somewhat handicapped when it comes to NLCS expansion. Wyoming, of course, cannot have new National Monuments designated by the President without Congressional approval. National Monuments are obviously one means to expand the NLCS that might be desirable in the Rock Springs Field Office, but this mechanism is not likely to be available. Nevertheless, we do believe there are at least two means by which the NLCS might be expanded in the Rock Springs Field Office, and we encourage the BLM to consider these in the Rock Springs RMP revision.

A. Areas of Critical Environmental Concern could be NLCS Components—ACECs should be Designated in the Adobe Town, Little Mountain and Jack Morrow Hills Areas, and made Part of the NLCS System.

While so far as we know ACECs are not currently part of the NLCS, we are unaware of any prohibition on ACECs possibly being designated as components of the NLCS. ACECs, as much as National Monuments or Wilderness Areas or National Historic Trails, could certainly encompass the values protected in the NLCS. For example, ACEC designation of the Jack Morrow Hills area could certainly “conserve the essential fabric of the West” and be “part of an active, vibrant landscape where people live, work and play,” is a place “that spark[s] the imagination,” and certainly is one of the “remarkable *landscapes of the American spirit*.” The mission of the NLCS “is to conserve, protect, and restore [] nationally significant landscapes that are recognized for their outstanding cultural, ecological, and scientific values.” http://www.blm.gov/wo/st/en/prog/blm_special_areas/NLCS.html. We believe that several areas in the Red Desert of the Rock Springs Field Office easily meet these criteria and would be valuable additions to the NLCS if they were recognized as ACECs.

As indicated, these areas are the Adobe Town, Jack Morrow Hills and Little Mountain areas. We do not believe it is necessary to engage in an exhaustive description of the values of these areas, we believe the BLM is fully aware of those values, and in any event we provided some descriptions of those values above. We note that all three of these areas are Wyoming Outdoor Council-recognized Heritage Landscapes. http://wyomingoutdoorcouncil.org/html/what_we_do/public_lands/heritage_landscapes.shtml.

Consequently, we request that the BLM evaluate designating the Adobe Town, Little Mountain, Cedar Mountain, and Jack Morrow Hills areas as ACECs in the revised Rock Springs RMP. Maps of these Heritage Landscapes can be found on the Wyoming Outdoor Council website referenced above, AND WE ARE ALSO PROVIDING MAPS OF THESE AREAS TO YOU HEREWITH. We believe there is little doubt that these three areas would easily meet the relevance and importance criteria for ACEC designation, and we will not belabor these comments with a detailed description of relevance and importance values. But, if the BLM were to designate these areas as ACECs as part of the RMP revision we request that it also contemporaneously designate these areas as components of the NLCS. We believe there is widespread recognition that the Red Desert is worthy of recognition in the NLCS, so the mechanism we have proposed here presents an opportunity for fulfilling this promise.

B. BLM Should Support Creation of a Red Desert National Conservation Area in the Rock Springs Field Office.

While National Monument designation might be essentially foreclosed in Wyoming, another vehicle to achieve NLCS recognized lands is available. And that would be designation of a National Conservation Area (NCA) in the Red Desert. Conservationists have proposed designation of an NCA in the Red Desert for several years, and the Wyoming Outdoor Council supports designation of a Red Desert NCA. These NCA proposals have included the Jack Morrow Hills and/or the Adobe Town area. We propose that BLM support designation of a Red Desert NCA in the revised Rock Springs RMP. This NCA proposal could include the Jack Morrow Hills and Adobe Town areas, and perhaps the Little Mountain area. This would be an important way for BLM to support the NLCS, clearly a goal of BLM. And expanding the NLCS in Wyoming in general and the Red Desert in particular would be especially valuable given the relative paucity of NLCS components in Wyoming at this time. The Red Desert is clearly an area where the NLCS should be prominently represented. There may be no more quintessentially “western” landscape than the Red Desert, so it should be represented in the NLCS. And we note this. There is no doubt that an agency has authority, and even a responsibility, to consider options that are not within its legal ability to implement in an environmental impact statement, if those options help advance the purpose and need of the project. *See Natural Resources Defense Council v. Morton*, 458 F.2d 827 (D.C. Cir. 1972). *See also* 40 C.F.R. § 1502.14(c) (requiring reasonable alternatives not within the jurisdiction of the lead agency to be considered). We believe that NCA designation in the Red Desert would significantly help to advance the purpose and need for this RMP revision, which is to provide up to date planning guidance for the federal public lands in the Rock Springs Field Office. Consequently, we believe the BLM should go on record supporting Congressional designation of an NCA in the Red Desert in the Rock Springs RMP. Even though Congressional action might take some time and be far from certain in the first place, the BLM could nevertheless go on record with its views regarding NCA designation, which would be helpful.

C. Existing NLCS Components.

In addition to expansion of the NLCS, the BLM in the Rock Springs RMP revision should ensure that existing components of the NLCS continue to receive appropriate management. Existing components of the NLCS include WSAs and historic and scenic trails. Trails include the Cherokee Trails, Overland Trail, stage and freight trails, and the Oregon, California, Mormon, and Pony Express complex of trails. WSAs include Twin Buttes, Devil’s Playground, Red Creek Badlands, and Adobe Town, as well as several WSAs in the Jack Morrow Hills area. The BLM should ensure that all of these areas continue to receive management that qualifies them for the NLCS, and in the case of WSAs meets BLM’s interim wilderness protection policies.

VII. Ecological management

A. Wildlife

1. General management for the benefit of the greater sage-grouse.

The Greater sage-grouse has suffered a significant decline across its range and is currently listed by the U.S. Fish and Wildlife Service as “warranted but precluded,”¹⁴ meaning the species warrants listing under the Endangered Species Act (ESA) but is currently precluded from listing due to higher listing priorities. The Rock Springs Field Office must incorporate BLM

¹⁴ 75 Fed. Reg. at 13910.

Instruction Memorandum no. 2010-071 (IM-071) and Wyoming IMs 2010-12 and 2010-13 into its planning efforts. As discussed above in the section entitled “BLM must ensure compatibility with the sage-grouse RMP amendment and visual resource management classification review,” the BLM must adhere to the guidance outlined in the sage-grouse RMP amendment. As part of that amendment process we submitted scoping comments¹⁵ to the BLM. We ask the BLM to consider those scoping comments as it develops needed protections for the sage-grouse for incorporation into the Rock Springs RMP.

a. Energy Development

As mentioned in the July 7th, 2009 letter¹⁶ from the U.S. Fish and Wildlife Service (FWS) to former Director Ferrell of the Wyoming Game and Fish Department, the placement of wind turbines in sage-grouse core habitat “negates the usefulness of the core area concept as a conservation strategy and brings into question whether adequate regulatory mechanisms are in place to protect the species.” Industrial scale wind energy development has “the potential to reduce the size of sagebrush habitats directly, degrade habitats with invasive species, provides pathways for synanthropic predators (i.e., predators that live near and benefit from an association with humans, and cumulatively contribute to habitat fragmentation.”¹⁷ Research on the impacts of oil and gas development on sage-grouse has shown such habitat fragmentation and anthropogenic disturbances may lead to declines in sage-grouse populations.¹⁸ Because of these risks, we do not believe that wind turbines should be sited in greater sage-grouse core areas or in areas that provide connectivity between core areas.

Scientific research has shown that oil and gas development negatively affects sage-grouse habitat and populations.¹⁹ We believe that core areas within the South Pass/Wind River Front area should be unavailable to future oil and gas leasing in the Rock Springs RMP because this area forms part of the “[l]ands within the Governor’s Core Areas [that] are the very best of the best sage-grouse habitats in the very core of the species remaining distribution.”²⁰ Similarly, we believe that mining activities should not be allowed in this area because of the threats these activities pose to sage-grouse.²¹ In its letter to former Director Ferrell, the FWS mentioned, “ensuring the conservation of sage-grouse in the core areas is mitigation for the greater development flexibility outside core areas provided for by the Strategy” and “allowing impacts within core areas, for research or other reasons, destroys the function and value of the strategy.” Given the tenuous status of the sage-grouse and the likelihood that they will be listed under the ESA if their populations continue to decline, we believe that development is not appropriate in the world’s best remaining sage-grouse habitat and BLM should ensure this area remains free of development to protect this iconic species.

¹⁵ See *supra* FN 9.

¹⁶ See USFWS Letter.pdf within Exhibit 1 the attached CD.

¹⁷ 75 Fed. Reg. at 13952.

¹⁸ Holloran, M. J. 2005. Greater sage-grouse (*Centrocercus urophasianus*) population response to natural gas field development in western Wyoming. Ph. D. Dissertation. University of Wyoming, Laramie, Wyoming. Walker, B. L., D. E. Naugle, and K. E. Doherty. 2007a. Greater sage-grouse population response to energy development and habitat loss. *Journal of Wildlife Management* 71(8):2644-2654.

¹⁹ *Id.*

²⁰ *Id.*

²¹ 75 Fed. Reg. at 13948-13949.

b. Rangeland Management

Some areas in the Rock Springs Field Office may be suffering from degraded or declining rangeland quality. If BLM's grazing standards and guidelines are not met in these areas this will dictate that grazing changes be implemented to enhance and protect the ecosystem. It is likely that range-wide sage-grouse declines are partially a result of grazing pressure that has degraded sage-grouse habitat in some areas. Research suggests that poor grazing management, including: degradation of nesting habitat because of reduced of hiding cover, degradation of brood rearing habitat because of species composition changes and loss of preferred forb and insect diversity, and degradation of year-long sagebrush habitat from trampling and the spread of invasive species.²² Climate change is another potential stressor on sage-grouse habitat that may exacerbate impacts from grazing and push many areas beyond a threshold where restoration is possible. In general, but especially within sage-grouse core-areas, we believe that livestock utilization needs to be carefully managed and some of these areas may need to be freed from grazing pressure to give native grasses adequate growing season rest. We do not believe that a successful effort to restore rangelands should include the widespread use of range "improvements," because absent permitting grazing at levels compatible with meeting the standards and guidelines, these measures can be ineffective in restoring riparian areas and in some cases have led to the degradation of previously healthy upland habitats in Wyoming.

2. General management for the benefit of native ungulates.

We believe that wild ungulate herds have intrinsic value as well as being a source of significant and sustainable economic value for local communities and the State of Wyoming. We do not believe that seasonal restrictive stipulations from the 1997 Green River RMP adequately protect wintering ungulates. These stipulations apply only during the development phase and do not mitigate harm to wintering ungulates during operations. Once an area is developed wintering ungulates may be adversely affected by increased surface disturbance and loss of forage plants, increased human activity, increased noise, increased air pollution, increased winter access for poachers, and increased risk of collisions with vehicles. To address these potential this harm we believe BLM should analyze options that better protect crucial winter range habitat for ungulates, including a withdrawal of winter ranges from development availability. We urge BLM to consult recent and ongoing research²³ when developing this RMP to guard against mule deer, pronghorn, and elk population declines.

²² *Id.* at 13939-13941

²³ See e.g. Sawyer, H., R.M. Nielson, F.G. Lindzey, L. Keith, and J.H. Powell, and A.A. Abraham. 2007. *Habitat Selection of Rocky Mountain Elk in a Nonforested Environment*. Journal of Wildlife Management 71(3)868-874., and Sawyer, H., R. Nielson, and D. Strickland. 2009. *Sublette mule deer study (Phase II): Final report 2007, long-term monitoring plan to assess potential impacts of energy development on mule deer in the Pinedale Anticline Project Area, 2001-2007*. Western Ecosystems Technology, Inc. Cheyenne, Wyoming. 127 pp. (The first of these two papers is included within the "Wildlife Literature" folder within Exhibit 1 the attached CD).

3. General management for the benefit of sagebrush obligate songbirds.

The sagebrush ecosystem is considered to be the most threatened bird habitat in the continental United States (ABC 2007). Approximately 45 percent of the West's potential sagebrush habitat has been converted to other habitat types, including agriculture and urban areas (North American Bird Conservation Initiative 2009). The remaining portion is threatened by habitat destruction, fragmentation, invasive species, altered fire regimes, livestock grazing, energy development, and other stressors that may reduce its effectiveness for the more than 350 species of flora and fauna that depend on sagebrush habitats for all or part of their existence. Because BLM manages a significant proportion of the existing sagebrush habitat in Wyoming, the Rock Springs Field Office should ensure that it manages energy development and other anthropogenic pressures in sagebrush habitats with sufficient care to prevent the need to list sagebrush species under the Endangered Species Act.

Although state and federal agencies have worked diligently to protect greater sage-grouse, other sagebrush obligates also merit particular attention. For example, while numbers of certain species are still fairly robust, populations of all sagebrush obligate songbirds are in decline and face an uncertain future (ABC 2007). Brewer's sparrow (*Spizella breweri*), sage sparrow (*Amphispiza belli*), and sage thrasher (*Oreoscoptes montanus*) – all of which are considered sagebrush obligates during the breeding season – showed average *annual* population declines nationwide of 1.5 percent, 0.2 percent, and 1.1 percent respectively between 1980 and 2007 (Sauer et al. 2008). As a result, intact sagebrush habitats on BLM lands may provide critical refugia for sagebrush obligate songbirds.

Energy development across the Intermountain West has occurred primarily within sagebrush-dominated landscapes (Knick et al. 2003). Research suggests that energy development may exacerbate regional declines of some sagebrush obligate passerines (Ingelfinger and Anderson 2004, Gilbert, 2011). For example, increased well density was associated with a decreased abundance of Brewer's sparrows and sage sparrows in three oil and gas fields in western Wyoming's Upper Green River Basin during 2008 and 2009 (Gilbert 2011). The probability of daily nest survival for Brewer's sparrow, sage sparrow, and sage thrasher decreased with greater well densities and increased proximity to well pads (Gilbert 2011). Both an increased susceptibility to nest predation and changes in the availability of food resources may have played a role in the adverse impacts of intensive energy development on sagebrush obligate passerines (Gilbert 2010, Gilbert 2011). Energy development in undeveloped sagebrush areas has been shown to facilitate increases in the abundance of breeding ravens (Bui et al. 2010), with concomitant negative effects on nest survival of species such as greater sage-grouse (Coates and Delehanty 2010).

Sagebrush obligates may be particularly sensitive to the anthropogenic disturbances and habitat fragmentation that accompany energy development (Ingelfinger and Anderson 2004). For example, researchers examining the impact of roads associated with natural gas extraction on sagebrush obligate passerines found that the density of Brewer's sparrows and sage sparrows was reduced by 39 to 60 percent within a 100-m buffer around dirt roads with low traffic volumes (10-700 vehicles per day) (Ingelfinger and Anderson 2004). Given the high

density of roads and the high traffic volumes that are typical of most energy development, reductions in species density and potential changes in species distribution following development could contribute to local and perhaps even regional population declines.

Finally, anthropogenic noise also may reduce habitat effectiveness and contribute to population declines of sagebrush obligate passerines (Bayne et al. 2008, Francis et al. 2009). Research has shown that the elevated anthropogenic noise levels present at energy development facilities can lead to reductions in passerine densities and alter avian community composition (Bayne et al. 2008, Francis et al. 2009).

Since Brewer's sparrows and other sagebrush obligate species are especially sensitive to the negative effects of habitat fragmentation (Knick and Rotenberry 1995, Rotenberry 1998), we recommend that the BLM seek to maintain large areas of contiguous sagebrush habitat, unfragmented by roads, development, invasive species, and other anthropogenic disturbances, to maintain viable populations of local sagebrush obligates. The BLM should consolidate energy development to the extent possible and minimize the breadth and extent of development by requiring directional drilling and other measures that reduce project area footprints. New road construction and road upgrades should be minimized. Noxious weed infestations should be rigorously monitored and aggressively managed. Range "improvement" projects that remove or reduce sagebrush by burning, herbicide applications, prescribed burns, or mechanical treatments should be carefully evaluated and generally avoided. Incorporating provisions to maintain the effectiveness of sagebrush habitats in the Rock Springs RMP will help to forestall the need to list currently declining special status and sensitive sagebrush species under the Endangered Species Act and secure essential habitat for the host of organisms that depend on Wyoming's sagebrush ecosystem.

We have provided copies or website addresses where BLM may obtain copies for most of the sources referenced in this section as described in the accompanying "List of Exhibits and References."

B. BLM should analyze and implement strategies to promote cottonwood establishment.

Many BLM-managed riparian zones throughout the RSFO do not have adequate cottonwood (*Populus spp.*) recruitment. We are concerned that in the near future, many perennial and intermittent streams will no longer have living locally-adapted source trees for seed production. Cottonwood Creek, found along the extreme western edge of the RSFO, is one example and is undoubtedly representative of other streams where few if any young cottonwood trees can be observed within riparian corridors that were once flourishing with cottonwoods of all ages classes. Much of Cottonwood Creek's channel has been incised and in many places the old living cottonwood trees have been left stranded ten to twenty feet above the level of the contemporary stream channel. Causes of this down cutting and lack of recruitment vary, but upstream impoundments, water diversions, and grazing²⁴ all may contribute. While BLM cannot control impoundments or water diversions, BLM can control grazing pressure to ensure that cottonwood saplings in this and other streams are not killed by grazers. BLM should also make

²⁴ See e.g. Ripple, W. J. and R.L. Beschta. 2007. *Hardwood tree decline following large carnivore loss on the Great Plains, USA*. *Front. Ecol. Environ.* 2007; 5(5): 241-246 (Discussing loss of cottonwood recruitment for over a century due to high levels of browsing by livestock and wild ungulates.) (attached as RippleBeschtaPlainsCascades.pdf within Exhibit 1 the attached CD.)

provisions in the RMP that will allow BLM to continue and expand efforts to re-establish beaver throughout the RSFO. Beaver play an important role in riparian systems because they create conditions that store water and raise the water table which in turn creates conditions that are favorable for the expansion of woody plants like willow, aspen, and cottonwoods. These and other management options should be considered, analyzed, and pursued by BLM to ensure that Cottonwood Creek and other streams will not lose these important cottonwood stands.

C. Control and elimination of non-native plant species.

1. *Tamarisk*

Tamarisk (*Tamarix* spp.) invasion is beginning to occur within the RSFO. While walking along Dry and Cottonwood Creeks in the southwestern portion of the RSFO, I observed several small (2 to 4 feet tall) tamarisk plants.. BLM must analyze management prescriptions and allocate immediate and ongoing resources to ensure that tamarisk does not become the problem it has become in the southwestern United States.

2. *Cheatgrass*

The spread of cheatgrass (*Bromus tectorum*) in native plant communities cause severe ecological harm and presents a pressing modern problem for land managers. Once a stand of sagebrush is occupied by cheatgrass the likelihood of severe wildfire increases. A severe wildfire removes sagebrush and generally begins a cycle where cheatgrass grows and burns, each time resetting vegetative succession by eliminating native plants that may have begun to establish. We believe that BLM must incorporate the most current science-based management prescriptions to address this issue. Management changes may be needed, and failure to address this problem could lead to far greater problems over the long-term. We believe that proper livestock management, proper reclamation standards, and minimizing surface disturbances will help to sustain native vegetation and will allow native vegetation communities to successfully compete with cheatgrass. Rock Springs BLM need only look to slightly warmer and drier areas²⁵ of Wyoming that have seen significant increases in cheatgrass to see what is at stake, especially if the climate becomes warmer and drier.²⁶

A comprehensive study²⁷ was undertaken to better understand what causes native sagebrush steppe communities to lose their resilience to cheatgrass. This study analyzed three sources of stress: water stress, heat stress, and herbivory stress. Water stress was found to vary by soil type, with sandier soils being less able to store water, thus leading to increased water stress relative to other soil types. Heat stress was found to vary by aspect with more southerly aspects exhibiting higher heat stress. Herbivory stress, measured by variable levels of grazing pressure, showed that increased grazing pressure leads to increased basal gaps (areas of exposed mineral soil) and decreased biological soil crusts. Because water and heat stress are essentially unmanageable and because both will likely increase as the climate warms, BLM must look at ways to manage herbivory stress to prevent cheatgrass increase.

²⁵ Cheatgrass monocultures and cheatgrass infested sagebrush stands are common on BLM lands in the warmer and drier parts of Wyoming – such infestations are especially obvious on BLM lands near Lander, Split Rock, Thermopolis, and throughout the eastern portion of the Powder River Basin.

²⁶ See Gray, S., & C. Anderson. 2009. Assessing the Future of Wyoming's Water Resources: Adding Climate change to the Equation, William D. Ruckelshaus Institute of Environment and Natural Resources. University of Wyoming, Laramie, WY, 28 pp. A pdf version of this publication is available at www.uwyo.edu/enr. (provided as UofW-Water_Climate_final_comp.pdf within Exhibit 1 the attached CD).

²⁷ Reisner, M.D. 2010. *Drivers of Plant Community Dynamics in Sagebrush Steppe Ecosystems: Cattle Grazing, Heat and Water Stress*. PhD Dissertation. Oregon State University, Eugene. <http://ir.library.oregonstate.edu/xmlui/bitstream/handle/1957/19384/ReisnerMichaelD2010.pdf?sequence=1> (last accessed March 24, 2011) (provided as ReisnerMichaelD2010.pdf within Exhibit 1 the attached CD).

Grazing generally leads to decreased bunchgrass abundance and diversity, especially among decreaser species.²⁸ Hoof action also reduces the coverage of biological soil crusts. As crusts and grass are removed, soils are exposed, and cheatgrass seeds are given opportunities to invade. Systems that can best repel cheatgrass infestations have a diversity of cool and warm season grasses and have intact biological soil crusts. As the author of the Great basin study succinctly noted:

The linchpin of ecosystem invasibility was the size of and connectivity between basal gaps in perennial vegetation, driven by shifts in the structure and spatial aggregation of the native bunchgrass community. Landscape orientation and soil physical properties determined inherent risk to invasion. Resident bunchgrass and biological soil crust communities provided biotic resistance to invasion by reducing the size of and connectivity between basal gaps and thereby limiting available resources and reducing safe sites for *B. tectorum* establishment. High levels of cattle grazing reduced ecosystem resilience by reducing native bunchgrass and biological soil crust abundance and altering bunchgrass community composition and facilitated *B. tectorum* invasion. Conserving and restoring resilience and resistance of these imperiled ecosystems will require reducing cumulative stress levels. As global climate change increases heat and water stress, reducing cumulative cattle grazing intensities by altering utilization rates and/or seasons of use may be the *only* effective means of accomplishing these goals.

Id. at 3. We hope that BLM will consider reducing utilization rates and changing seasons of use to ensure adequate growing season rest for native bunch grasses and prevent cheatgrass encroachment. We believe that BLM's standards and guidelines for grazing management may require this management approach, and we ask the BLM to assess cheatgrass management needs through the perspective of these standards and guidelines.

VIII. Energy Development

A. Minimizing the Impact of Wind Energy Development on Wildlife in Wyoming: Recommended Best Management Practices

The Wyoming Outdoor Council supports the development of alternative renewable energy sources to reduce emissions that contribute to global climate change and air pollution. We recognize that Wyoming has high-quality wind resources that can provide the nation with a domestic source of renewable energy. We also recognize that industrial-scale wind farms have site-specific footprints that can harm Wyoming's wildlife and alter its iconic landscapes.

The potential adverse impacts of wind energy development include collision-related fatalities of birds and bats, habitat destruction and fragmentation, increased human disturbance, and site avoidance by wildlife. We believe that some areas are inappropriate for wind development, just as some areas are not suitable for oil and gas development. Where it is appropriate, wind development must be "done right" by following best management practices (BMPs) to minimize the adverse effects of development on wildlife and wild lands.

²⁸ See Holecheck, J.L., H. Gomez, F. Molinar, and D. Galt. 2006. *Grazing Studies: What We've Learned*. Rangelands. 21(2):12-16. (This review of the "classic" long-term grazing studies discusses how "decreasers (most productive and palatable forage species) showed a decline in cover under heavy stocking ..." (provided as holechek_grazing_studies_what_we_have_learned.pdf within Exhibit 1 the attached CD).

This brochure highlights these practices. We encourage developers and agencies to employ these BMPs, and we encourage the public to ask that wind energy companies follow these practices as part of a commitment to developing a renewable energy resource while minimizing environmental impacts.

Lands That Should Be Excluded from Wind Energy Development

- 1) Lands that are statutorily precluded from development by federal, state, or local laws and regulations, or that are the subject of pending legislation. Examples include national parks and monuments; national wildlife refuges; designated wilderness areas; wilderness study areas and citizens' proposed wilderness areas; rivers designated as wild and scenic; and other protected areas.
- 2) Habitat occupied by animals or plants that are protected under the federal Endangered Species Act.
- 3) Land designated by the Bureau of Land Management as areas of critical environmental concern and other BLM lands that have been identified for the protection of important wildlife resources, ecological features, and historical, paleontological, and archeological resources.
- 4) Places designated as "important bird areas" by the National Audubon Society.
- 5) Roadless areas inventoried by the U.S. Forest Service.
- 6) BLM lands designated as visual resource management class I and class II areas and lands determined to have constraints on development by BLM resource management plans.
- 7) State wildlife management areas and state parks.
- 8) Greater sage-grouse core breeding areas.

Responsible Development

Once an area is determined to be suitable for wind energy development, the following steps should be taken to ensure that development proceeds responsibly:

- *Pre-construction* wildlife surveys should be conducted to determine the location of sensitive resources and the most appropriate placement of turbines.
- The siting of wind turbines and associated facilities should be adjusted and modified based on the results of pre-construction studies to minimize future impacts to wildlife.
- Turbines and infrastructure should be designed to reduce potential hazards to wildlife.
- *Post-construction* surveys should be conducted to determine actual impacts to wildlife, thereby enabling appropriate additional mitigation measures and improving future siting efforts.

Best Management Practices*

- (1) **Prior to siting wind turbines, conduct at least two years of pre-construction wildlife surveys.** Surveys should use scientifically sound, peer-reviewed research protocols to determine how wildlife use a proposed project area. Adjust siting and facility design based on the results of these studies to reduce potential impacts to the animals. Pre-construction surveys and consultation should include:
 - Surveys for federally listed and state-protected animal and plant species, as well as for other species of concern.
 - Surveys and consultation with the Wyoming Game and Fish Department to determine locations of greater sage-grouse, Columbian sharp-tailed grouse, and plains sharp-tailed grouse leks, nesting and brood-rearing habitat, and wintering areas. *Research is needed to determine whether wind turbines adversely affect local*

sage-grouse populations. The Outdoor Council recommends that developers monitor radio-tagged sage-grouse for at least two years pre-construction and five years post-construction in proposed sites **outside** core sage-grouse areas.

- Daytime and nighttime avian and bat surveys during the spring and fall migration season to determine use of the proposed project area, and daytime avian and nighttime bat surveys during the breeding season for at least two years prior to construction. Surveys should follow science-based, peer-reviewed protocols. Avian surveys should include weekly point-counts.
- Surveys to determine active raptor nesting locations, flight pathways, foraging areas, and concentration areas.
- Consultation with the Wyoming Game and Fish Department to determine the locations of crucial ungulate habitats and migration corridors. *Studies are needed to determine whether the presence of wind turbines on crucial seasonal ranges will adversely affect big game. Big game crucial ranges should be avoided when siting wind farms, but if crucial ranges are implicated we recommend that wind companies monitor radio-collared animals for at least two years pre- and post-construction.*

Projects should be designed to avoid and minimize potential conflicts with wildlife resources.

(2) **Site turbines and ancillary facilities to avoid:**

- Fragmenting large contiguous tracts of wildlife habitat. **Placing turbines on cultivated, disturbed, degraded, or already-fragmented lands is preferable.**
- Avian concentration areas such as wildlife refuges, wetlands, riparian areas, reservoirs, roosts, leks, nesting colonies, staging areas, and landfills.
- Migratory pathways, corridors, and known daily movement flyways (e.g., between feeding and resting or breeding areas).
- Greater sage-grouse leks, sage-grouse nesting and brood-rearing habitat, and wintering areas. **Turbines should not be constructed within five miles of greater sage-grouse leks.**
- Columbian and plains sharp-tailed grouse leks, nesting and brood-rearing habitats, and wintering areas.
- Areas known to attract raptors—cliff and rim edges, cuts or passes in ridgelines, and sites that potentially have high concentrations of prey such as prairie dog towns. **Turbines should be set at least 350 feet back from cliff and rim edges. They should be clustered rather than widely spaced, and rows should be oriented parallel to known bird movements rather than perpendicular to them.**
- Areas near bat hibernacula, breeding and maternity colonies, migration corridors and flight paths between colonies, and feeding areas. **Site turbines away from wetlands, riparian areas and woodlands to reduce potential bat collisions.**
- High-use avian and bat areas identified in pre-construction surveys.
- Areas prone to fog, mist, low visibility, or low cloud ceilings.

(3) **Place and configure meteorological towers to minimize impacts on birds:**

- Research has shown that guyed meteorological towers may be more dangerous to birds than wind turbines, so **un-guyed meteorological towers should be used whenever possible.** Un-guyed met towers should be tubular, not lattice (lattice towers attract perching and nesting birds). If un-guyed met towers cannot be used, guy-wires should be fitted with recommended bird-deterrent devices, such as FireFly diverters.

- Do not place meteorological towers within two miles of sage-grouse, Columbian sharp-tailed grouse, or plains sharp-tailed grouse leks. Sage-grouse have an innate aversion to vertical structures.

(4) **Design turbines and infrastructure to minimize hazards to wildlife:**

- Use state-of-the-art tubular, non-lattice turbines. Avoid placing external ladders and platforms on tubular towers that can be used by birds as perches or nest sites.
- Use no lighting on turbines unless required by Federal Aviation Administration regulations. For turbines that require lights for aviation safety, use a minimal number of simultaneously flashing white or red lights, unless otherwise requested by the FAA. ***Non-flashing red lights have been shown to attract night-migrating birds.***
- If lights on auxiliary buildings are deemed necessary, they should be motion-activated and downcast to reduce light pollution and to prevent disturbing or attracting wildlife. ***Sodium vapor lights, widely used for streetlights and security lighting, should never be used at or near wind energy facilities because they have been shown to attract night-flying birds.***
- Minimize roads and other infrastructure. Use existing roads whenever possible.
- Avoid constructing energy infrastructure during critical wildlife seasons such as breeding, nesting, and parturition.
- Reclaim areas disturbed during construction with native vegetation and prevent the spread of invasive plant species.

(5) **Place and configure transmission lines to minimize impacts to birds:**

- Bury lines whenever feasible, particularly in the vicinity of sage-grouse leks.
- When it is not feasible to bury the lines, keep them at least four miles away from the perimeter of occupied grouse leks. ***Studies have shown that, on average, 74 to 80 percent of female grouse nest within four miles of leks and that the impacts to leks from energy development are discernible out to a minimum of four miles.***
- Transmission line configurations should comply with Avian Power Line Interaction Committee standards for minimizing raptor electrocutions.²⁹
- Outfit transmission lines within five miles of sage-grouse leks with perch deterrents to prevent raptor use if research shows that such deterrents are effective.

(6) **Minimize fencing and ensure that any fencing is wildlife friendly:**

- Avoid the use of fencing, which may disrupt wildlife movements, entangle wildlife, and increase bird fatalities. A chain-link fence can be used around operations and maintenance buildings.
- If fencing must be used or already exists, use a smooth bottom wire at least 18 inches off the ground to facilitate pronghorn movements. Use a smooth top wire or top rail to facilitate elk and deer movements, and to reduce avian fatalities.
- Spacing between the two top wires should be 12 inches to avoid entangling deer.
- Fences should be no higher than 40-42 inches.
- Use sage-grouse diverters on top wires within two miles of sage-grouse leks to prevent collisions with fence wires.

(7) **Once operations have begun at a wind energy site, conduct post-construction avian and bat surveys using scientifically sound, peer-reviewed research**

²⁹ Avian Power Line Interaction Committee (APLIC). 2006. **Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006.** Edison Electric Institute, Washington, D.C.

protocols to monitor impacts and implement additional mitigation measures if necessary.

- Conduct surveys to determine fatality rates of birds and bats, including carcass searches and associated scavenger removal trials (to determine how many dead birds and bats are removed from the site by scavengers) and searcher efficiency trials (to determine the proportion of dead birds actually found by searchers).
- Surveys should be conducted during the spring and fall migration periods and during the breeding season for at least two to three years post-construction.

(8) Reevaluate operations and maintenance:

If post-construction surveys indicate unacceptable levels of avian or bat fatalities, take necessary actions to mitigate these impacts. For example, wind facilities can be shut down temporarily at night during peak migration periods to reduce collisions. Alternatively, *individual* turbines that appear to be particularly dangerous to birds and bats can be shut down temporarily. To avoid bat fatalities, wind turbines also may be programmed to begin operating at higher minimum wind speeds during bat migration periods. ***Research has shown that temporarily stopping wind turbines during low-wind conditions can dramatically reduce the number of bats killed at wind farms with a minimum loss of power output.***

Responsible wind energy companies are instituting many of these recommended BMPs for development on public lands, and some are voluntarily instituting selected BMPs on private land. **The Wyoming Outdoor Council encourages all wind energy companies to fully adopt these BMPs on both public and private lands.** Such compliance will ensure the best possible protection for Wyoming's irreplaceable natural resources and minimize conflicts as we develop this climate-friendly, renewable energy source.

**The above BMPs were developed from a comprehensive review of the literature on wind energy, available wind energy studies, consultation with biologists, and a review of existing wind energy guidance policies from local, state, and federal agencies, and nonprofit organizations.*

B. Oil and Gas

Oil and gas drilling and fracking has been implicated as a cause of groundwater pollution in Wyoming and elsewhere. A list of 944 products and at least 353 chemicals that have been used for oil and gas drilling is maintained by the Endocrine Exchange.³⁰ When analyzing impacts from oil and gas operations, BLM should assess the risk that each of these chemicals poses to drinking water sources as well as the ecosystems associated with springs, seeps, streams, ponds, wetlands, and lakes if released into the natural environment. It is our view that an oil and gas lease gives the lease holder the right to do that which is reasonably necessary to develop a lease. However, using techniques that lead to surface or underground water pollution is, in our view, not reasonably necessary to the development of a lease and should not be allowed. Toward this end, we believe that BLM should implement the following measures to better understand groundwater resources and minimize pollution risk:

- Require a pre-drilling groundwater characterization of groundwater resources of areas to be developed in order to fully understand the location and flow parameters of aquifers, aquifer recharge areas, and surface water connections. Because many of the streams of the Little Mountain are spring-fed – streams that harbor Colorado river cutthroat trout – we believe that this area is a perfect first place for BLM to implement a full groundwater characterization study before any oil and gas development occurs.

³⁰ See <http://www.endocrinedisruption.com/chemicals.introduction.php> (last accessed March 28, 2011).

- Require pre-drilling baseline water quality testing of groundwater resources that could be affected by drilling operations. BLM should require testing for the chemicals that are most widely used in drilling and fracking operations.
- Require ongoing water quality testing.
- In the event of contamination, mediation plans should be in place to isolate and extract underground contamination plumes and polluted surface waters.
- Require set-backs for drilling/fracturing operations from groundwater wells and from houses of at least 1/2 mile or possibly 1 mile.
- Require Pitless Fracking
 - All fracturing fluids to be used on-site must be stored in tanks, rather than in open pits
 - All fracturing fluids that are recovered during the fracturing process must also be stored in tanks, and removed from the site, or reused.
- Ensure the integrity of the wells to ensure that chemicals used in fracking do not migrate along the well bore into water bearing strata.
 - Properly case, plug and abandon all wells no longer in use.
 - Properly case and screen all wells that are in current use.
 - Survey the area to ensure that there are no abandoned wells that are not properly plugged that could act as a conduit and pollute groundwater.
- Require pressure testing prior to introducing chemicals into a well bore.
- Require reporting of all instances of pressure loss when introducing chemicals into a well bore.
- Require periodic inspections of the integrity of well bore cement.
- Require cementing of well casings well below any groundwater bearing strata.

Additional recommendations to reduce risk from oil and gas development are described in “Natural Gas Operations From a Public Health Perspective.”³¹ In addition, the U.S. Environmental Protection Agency is currently conducting a scientific study to better understand the risks associated with oil and gas drilling. In addition to our suggestions we urge BLM to consider the results of the forthcoming EPA study as it strives to implement meaningful protection for groundwater and connected surface water resources.

C. Greenhouse gas emissions

We are concerned about potential impacts from greenhouse gas (GHG) emissions, especially from methane and carbon dioxide, to the atmosphere, the ocean, and the ecological resources of the Rock Springs Field Office. In its report to Congress, the Governmental Accountability Accounting Office (GAO) said that “[t]o reduce lost gas, increase royalties, and reduce greenhouse gas emissions, GAO recommends that Interior improve its venting and flaring data and address limitations in its regulations and guidance.”³² Quite simply, there are many fugitive releases of methane from BLM-permitted oil and gas operations yet cost-effective technology is available to capture those emissions, so this is a potential win-win opportunity. Consequently, we concur with the findings of the GAO and believe that BLM should adopt provisions in the forthcoming RMP that require all BLM oil and gas lease holders to minimize fugitive methane emissions during exploration, drilling, operation, maintenance, and processing operations. Toward this end, BLM should look to the Environmental Protection Agency’s Natural Gas Star

³¹ Colborn, T., C. Kwiatkowski, K. Schultz, and M. Bachran. 2010. Natural Gas Operations from a Public Health Perspective. *International Journal of Human and Ecological Risk Assessment*, <http://www.endocrinedisruption.com/files/Oct2011HERA10-48forweb3-3-11.pdf> (last accessed March 25, 2011) (provided as TEXmanuscript.pdf within Exhibit 1 the attached CD).

³² See GAO Report GAO-11-34, <http://www.gao.gov/new.items/d1134.pdf> (last accessed March 31, 2011).

Program³³ which provides a number of recommended technologies and practices to reduce GHG emissions from compressors, dehydrators, controls, pipelines, tanks, valves, wells, and other infrastructure.

In addition to taking this cost-effective step to reduce greenhouse gas emissions, the RMP should also consider the impacts of climate change on the natural environment in the RSFO. A warming climate might increase fire severity or frequency, cause increased pine beetle impacts to forests, and have other impacts. Thus, the RMP should put in place a monitoring program to determine if ecological conditions within the RSFO are changing, and if changes are occurring, provide for adaptive responses.

VIII. Travel Management

We request BLM to address the growing off-highway vehicle (OHV) problem. BLM need only look across the highway to the White Mountain area to observe one example of severe ORV-caused resource damage that occurs across the RSFO. To address this problem we believe that BLM should adopt an “open to designated routes only” travel management framework for the entire RSFO, address OHV use for non-recreation purposes, and prevent OHV use in WSAs. First, we feel that the RMP should include specific language that restricts all OHV use on BLM lands to designated routes even if all routes are not inventoried. Additionally, whether or not off-road OHV travel is conducted by a recreational user or someone during the course of other permitted activities³⁴, the result is the same – new trails are established, vegetation is trampled, wildlife is disturbed, and erosion problems begin. Finally, we also believe that the BLM should include specific language in the RMP that prohibits OHV use in WSAs - such language would help ensure reliable opportunities for solitude within WSAs and would permit law enforcement to ticket OHV users who tread upon lands within WSAs.

X. Conclusion

In our view the proposals we have presented here are reasonable and therefore should be incorporated into one or more alternatives considered in the Rock Springs RMP EIS. BLM must “[r]igorously explore and objectively evaluate all reasonable alternatives” in an EIS. 40 C.F.R. § 1502.14(a). And, the alternatives section of an EIS is “the heart of the environmental impact statement.” *Id.* § 1502.14. Consequently, BLM is obliged to determine if our proposals are reasonable, and if they are include them as components of alternatives in the EIS.

We believe there is no doubt our proposals are reasonable. There can be no doubt the Little Mountain, Jack Morrow Hills, Adobe Town, and Cedar Mountain areas are particularly noteworthy portions of the Rock Springs Field Office, so focusing special, protective management attention on these areas is warranted. Maintaining the existing special designations in the current RMP is also reasonable. Focusing special attention on sage-grouse and other sagebrush obligates will help prevent listing these species under the ESA. Withdrawing sensitive areas from oil and gas leasing will allow for a full range of multiple use

³³See EPA’s Natural Gas Star Program Recommended Technology and Practices.

<http://www.epa.gov/gasstar/tools/recommended.html> (last accessed March 31, 2011).

³⁴ These other uses would include when grazing permittees and private consulting entities (geophysical, biological, and cultural surveys) use OHVs to pursue their work activities on BLM lands.

management options to be pursued. Developing MLPs will be in compliance with BLM's leasing reform policy, and evaluating lands with wilderness characteristics for designation as Wild Lands will further the Wild Lands policy. The National Landscape Conservation System is clearly a priority for BLM, so seeking to expand it and ensure it is appropriately managed will further this policy. And seeking to carefully manage the remarkable wildlife resources and plant communities that occupy the Rock Springs Field Office will be of tremendous general benefit to society. Consequently, when the proposal we have set forth here are evaluated for reasonableness, there is little doubt they are reasonable and the agency, as well as the public, will benefit from their full consideration in the EIS.

Throughout this planning process we will periodically update your office with scientific progress and other information that is relevant to this planning process. Thank you for considering these comments and please feel free to contact me if you have any questions.

Sincerely,

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Enclosures: 3