

# FRONTLINE



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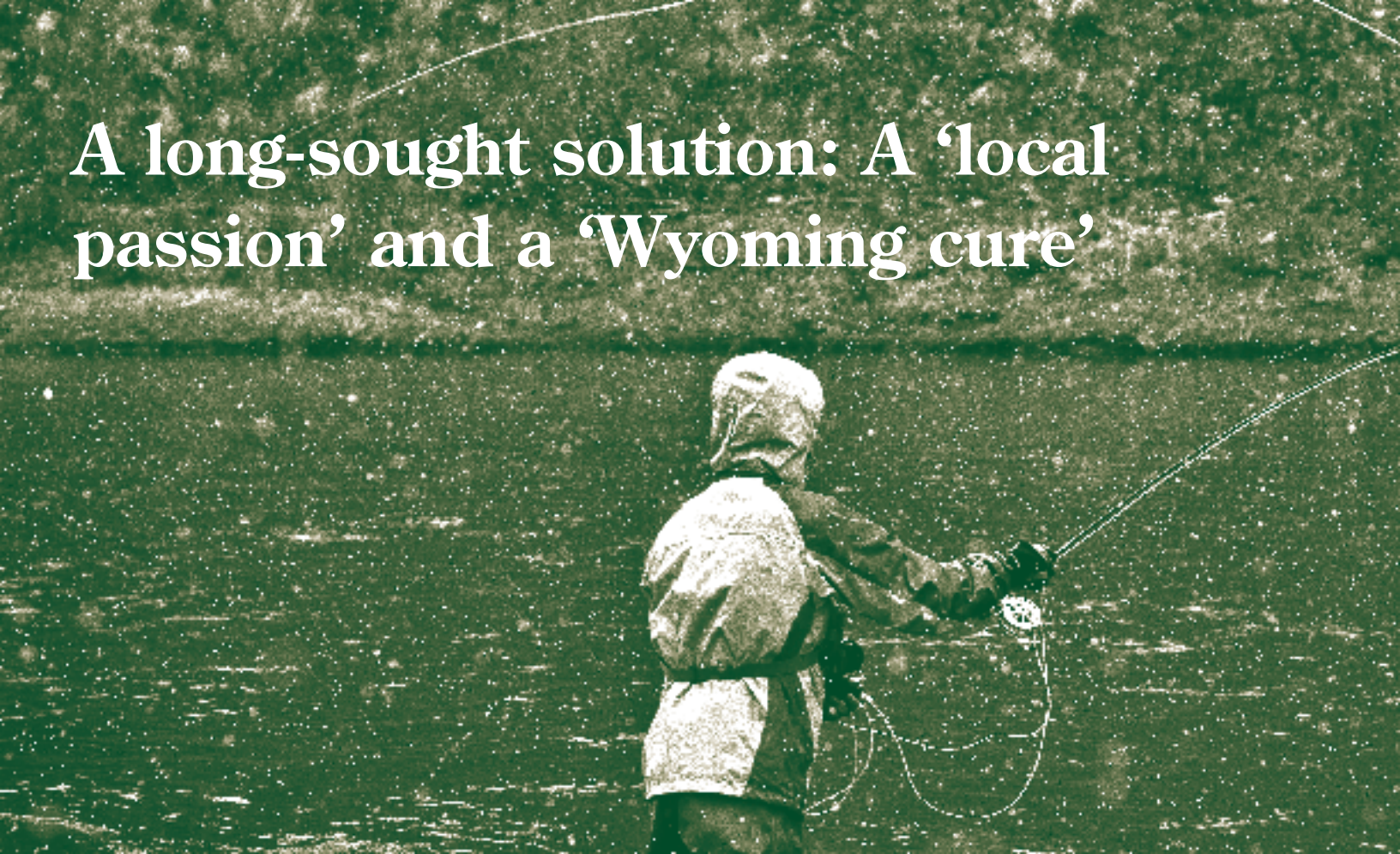
## Permanent Protection for the Upper Hoback

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**“This buyout is a testament to sheer doggedness and dedication—and to the power of assembling a diverse group of allies to get the job done.”**

**—Terry Jones**

# A long-sought solution: A ‘local passion’ and a ‘Wyoming cure’



BY LISA MCGEE, NATIONAL PARKS AND FORESTS PROGRAM DIRECTOR



It would have been one of the worst places possible for an industrial gas field.

The headwaters of the Hoback River in the Bridger-Teton National Forest—just south of Jackson Hole—is an irreplaceable part of the Greater Yellowstone ecosystem. It’s a landscape that the Wyoming Game and Fish Department regards as one of the most important wildlife migratory crossroads in the Northern Rockies, if not the nation.

And it’s a place so treasured for its hunting and recreation that every public meeting ever held on this proposed gas field brought out scores of passionate, articulate, often angry, and sometimes tearful, citizens. We weren’t aware of anybody, in fact, (outside of representatives of the company that owned the oil and gas leases) who wanted to see this landscape turned into a gas field.

It’s for these reasons, and many others, that we identify the majority of the Wyoming Range as a heritage landscape, a special place wholly inappropriate for energy development.

But it’s fair to say that most observers thought the effort to stop the Upper Hoback development was a lost cause.

So it was with both joy and relief that we were able to announce in October of this year that a deal has been struck to purchase and permanently retire 58,000 acres of valid oil and gas leases in this cherished part of the Wyoming Range.

**“It’s fair to say most observers thought stopping the development was a lost cause.”**

“I am so proud of the Outdoor Council’s work in the Hoback,” said Terry Jones, Wyoming Outdoor Council board member and farmer from Wheatland. “I hunt in the Wyoming Range every year. And when the Upper Hoback was threatened by development many folks that could have helped—and should have probably helped—wrote the place off. But thank God the Outdoor Council dug in its heels. We couldn’t have gotten to this deal without that kind of leadership.”

For the extraordinarily diverse assembly of citizens, groups, and civic leaders who have worked for more than seven years to protect the Wyoming Range, this is a historic moment and a long-sought, hard-won achievement.

“This victory is a testament to sheer doggedness and dedication—and to the power of assembling a diverse group of allies to get the job done,” Jones said.

Scott Kane, former Wyoming Outdoor Council board president, was on the board when we kicked off our engagement in the still-ongoing, multi-year movement to protect the Wyoming Range.

“When a landscape this important is threatened, the Wyoming Outdoor Council is committed, long-term, with its staff and resources, to prevent development,” Kane said. “We have been all-in on this campaign for more than seven years, and that dedication has paid off.”

## **The problem: valid leases**

Plains Exploration and Production Company had planned to develop a 136-well gas field in the Hoback headwaters on valid, existing leases. Nobody challenged the validity of PXP’s holdings in this landscape.



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## Wyoming Outdoor Council

Established in 1967, the Wyoming Outdoor Council is the state's oldest statewide conservation organization. Our mission is to protect Wyoming's environment and quality of life for future generations.

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Although the proposed development would have been within the boundary of the landscape withdrawn from future leasing by the 2009 Wyoming Range Legacy Act, the law did not affect these particular leases. Because the leases had been purchased and issued prior to passage of the Wyoming Range law, PXP's leases were "grandfathered" in—as part of a compromise that was essential to getting the act through Congress.

This is why we and our partners determined years ago that the only viable and permanent solution, was to purchase the leases if at all possible. Such a potential buyout was always at the heart of our campaign. And the deal that resulted—with a willing buyer and a willing seller—is a true "win-win," if ever there was one.

Upon acquiring the leases, the Trust for Public Land—the organization that came forward as the conservation buyer and negotiated the deal—will turn them over to the federal government to permanently retire them. Assuming the final fundraising effort goes as planned, this should happen by the end of this year.

Thanks to the Wyoming Range Legacy Act, these leases underlying the Bridger-Teton National Forest can never be leased again.

## A diverse group of citizens made it happen

When this historic deal was announced in October in Jackson, Wyoming, Governor Matt Mead, former Governor Dave Freudenthal, state legislators, and about 100 Wyoming residents, including hunters, anglers, ranchers, and mineral industry workers all celebrated the deal.

"This is an outstanding outcome for the people of Wyoming," Gov. Mead said during his address to the crowd. "It respects both the wishes of local residents and the legal rights of leaseholders."

The \$8.75 million buyout is a win-win business deal that in many ways fulfills the spirit of the Wyoming Range Legacy Act—it respects the interests of the company and the interests of local hunters and anglers, labor groups, ranchers, and other private citizens.

## What 'balance' looks like

The word "balance" can often serve as a vague platitude from politicians and others. But this lease buyout is a real-world example of what balance actually looks like. It represents, in many ways, what Wyoming is all about. People need energy and people need special places. This deal protects one of

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those special places while respecting the interests of the energy company.

Susan Thomas, widow of Wyoming Senator Craig Thomas, spoke at the Jackson announcement in October. Sen. Thomas originally developed the framework for what would become the Wyoming Range Legacy Act, which passed two years after his death.

“There is no doubt that Craig believed in energy development and exploration,” Susan Thomas said. “He also believed in special places that help give the balance that Wyoming people wanted.”

Gov. Mead also spoke about the value of balance during the announcement.

“This story represents a respect for the valid lease rights and a respect and recognition of the value of conservation,” Gov. Mead said. “What this is, is a local idea, a local passion, that created a Wyoming cure.”

Citizens for the Wyoming Range, a group of local hunters and residents—and a key partner in our campaign to protect the Wyoming Range—also spoke in support of the deal.

“The lease buyout was always our ultimate goal. It’s a Wyoming solution to a Wyoming problem, and a win for everyone involved,” said group spokesman Dan Smitherman.

## How the deal came together

The Wilderness Society, Citizens for the Wyoming Range, and the Wyoming Outdoor Council approached the Trust for Public Land many months ago in the hope that its experience and expertise with complex land conservation negotiations could result in a positive outcome for the Upper Hoback and for all stakeholders.

We are incredibly grateful to the Trust for Public Land for the amazing work it did to close this deal and we commend PXP for agreeing to the sale.

This unique conservation agreement safeguards cherished public land now and for future generations. The Upper Hoback Basin, while being one of the most important wildlife migratory crossroads in the nation, is also the headwaters of the congressionally designated wild and scenic Hoback River. It provides recreational opportunities to myriad forest users, including hunters, horse packers, ranchers and hikers, and offers downstream fishing and boating experiences.

As I think back on these seven-plus years, one thing is evident to me: given enough energy and passion, private citizens, especially in Wyoming, can truly make a difference and shape the future of this state.

And as Dan Smitherman observed in the days following the announcement of the buyout: “This deal also shows that when diverse groups and individuals with common interests can put egos and minor differences aside and come together based on a shared set of core values, they can achieve their goals and strengthen their relationships in the process.”

Indeed, they can do great things. In this case, we’re on our way to permanently protecting treasured public land and part of Wyoming’s outdoor heritage. We have much to celebrate.

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©Dave Showalter, Lighthawk aerial support

**“The Wyoming Outdoor Council has been an invaluable partner to all the outdoorsmen of Wyoming when it comes to protecting the special places in our state, most recently the Hoback and the Wyoming Range. The staff has the information, knowledge, dedication, and talent necessary to help protect the public lands we all love and enjoy. We have had a great working relationship with them and look forward to the continued efforts to keep Wyoming the special place it is.”**

—Mike Burd,

Vice President,  
United Steelworkers local 13214

## Believe it or not, our work ain't done

Years before passage of the Wyoming Range Legacy Act and years before a solution to PXP's 136-well drilling proposal was secured, there was the controversial offering of 44,720 acres in the Wyoming Range for oil and gas lease sale.

In fact, it was the leasing of these acres that launched the grassroots citizens' effort that has been so successful to date in achieving historic protections for the Range.

This acreage abuts PXP's Upper Hoback leases to the north and runs south from there along the eastern portion of the Range, west of Merna. It has some of the best moose habitat in Wyoming, includes important mule deer range, has fantastic fishing opportunities, and is a popular and much-loved landscape for big-game hunting. Like the Upper Hoback, the wildlife and recreational values are important enough to Wyoming people that we and our partners are committed to seeing them protected now and for future generations.

It is ironic in some ways that the issue that started it all is the last one to be resolved. But here we are.

Unlike PXP's valid oil and gas leases, the 44,720 acres were offered improperly—without the benefit of an updated environmental analysis.

The Wyoming Outdoor Council won a legal victory at the Interior Board of Land Appeals, which required the Forest Service to hold off on leasing until it completed its new analysis.

The agency took a step back and updated its analysis and it was well understood—given this second assessment—that the Forest Service has the authority to change its mind and decide ultimately not to lease the acreage.

And in 2010, that's what happened.

The Forest Service announced that changed circumstances warranted the cancellation of the improperly issued leases along with the rejection of high bids on the leases that were sold but not issued. This was great news.

Unfortunately, appeals from high-bidding companies ensued and the Forest withdrew its decision. Since then we've been waiting for the agency to complete another draft analysis.

While the fate of this crucial acreage is unknown, I am optimistic that by employing the model that resulted in the Wyoming Range Legacy Act and the Hoback lease buyout—that is, bringing together a diverse citizenry of ranchers, outfitters, conservationists, sportsmen and women, labor union members, tourism-related business owners and others—we can work together to find a Wyoming solution to this long-standing challenge in the Wyoming Range. 🏞️

For information on the status of the Upper Hoback lease buyout, go to [tpl.org/savethehoback](http://tpl.org/savethehoback)

## Protecting the Wyoming Range



# Citizens are working hard to improve the Shoshone National Forest's 20-year plan

BY JULIA STUBLE, LAND CONSERVATION COORDINATOR



If only it were as simple as a math equation. Determine the common denominator: It is public land handled by a public land management agency that involves a

public process in decision-making. Did you guess “public”? That’s the correct answer, yet the complexity of the process belies the simplicity of this exercise.

The Shoshone National Forest is in the process of crafting a new land-use plan, which will guide management decisions on the forest for the next 20 years. Throughout this process the forest regards the public as a key stakeholder from whom it seeks input and analysis.

But how easy is it for citizens to become engaged and what can they do once they have the ear of decision makers?

A hardworking group of Fremont County residents, which calls itself the Wind River Front, has been answering those questions as it seeks to influence the Shoshone’s draft plan. The group began its engagement in late May when representatives met with the Forest Supervisor.

During that meeting the citizens emphasized the economic sustainability and quality of life that a largely undeveloped Shoshone National Forest provides to its surrounding communities and pointed out that, in the case of the Shoshone, nearly all of the long-term economic benefits are derived not from commodity production but from outdoor recreation.

The Wind River Front has already grown from about 30 interested citizens to more than 70.

“I welcomed the opportunity to network with other local people trying to have some effect on the future management of the Shoshone,” said Kim Wilbert, a Riverton business owner and member of the group. Though agreeing on a set of position statements took some time, Kim said, “I think just a good sized group of all different kinds of locals coming together was empowering.”

The Wind River Front has communicated its concerns and vision for the Shoshone

National Forest to Governor Matt Mead and his staff, and to local and county officials. Members hosted an open house to help raise awareness about the plan and they attended the Forest Service’s public meetings, asking important questions about potential oil and gas development and about proposed decisions on motorized vehicle use. They drafted group comments, encouraged individual comments, and submitted opinion pieces to state papers.



Beaver Creek Nordic Ski Area © Scott Copeland Images

**“[T]he Forest Service is identifying popular recreation areas as suitable for surface oil and gas development, including Wild Iris and Beaver Creek.”**

The energy and time these citizens are investing has been tremendous, and the impact tangible. The Front’s public and behind-the-scenes discussions, for example, of the inconsistent proposals for managing oil and gas development across neighboring Forest Service and Bureau of Land Management landscapes in the Dubois and

Lander areas has raised the profile of this critical topic.

It has not been easy, however. The public land management process can be onerous. Who has time to read 1,000 page documents in addition to their work and family commitments? Who would prefer to travel to Cheyenne rather than spending a fall weekend hiking or hunting?


Alison Frost, who balances a full-time job with raising a young son, was familiar with the land management process. Yet this familiarity doesn’t necessarily make engagement any easier. Concerned about specific sites on the Forest where she often skis, Alison unsuccessfully tried to find answers regarding the Forest Service’s proposed management.

“I couldn’t find any other existing maps showing the level of detail I was interested in,” she said.

Working from a map the Wyoming Outdoor Council produced, she pinpointed the popular rock climbing and skiing areas on the forest. This map clearly shows how the Forest Service is identifying popular recreation areas as suitable for surface oil and gas development, including Wild Iris and Beaver Creek.

In an interview for this story, Alison expressed gratitude for the Wyoming Outdoor Council’s advocacy and resources, but we certainly reciprocate that gratitude, as the map she created is invaluable in our work to protect the local quality of life for future generations.

Kim credits existing environmental groups for providing essential support to help the new group form. But the credit goes to the citizens who commit precious time to engaging in the public land management process, which can be difficult and time consuming.

The Wind River Front’s dedication to a sustainable community—and to raising awareness about the role a protected forest plays in that—should have major influence on the Shoshone’s decisions. And, ultimately, it should help ensure the viability of the outdoor recreation-based economy and the lifestyles that these citizens value. 

# Message from the Associate Director

GARY WILMOT, ASSOCIATE DIRECTOR



The Wyoming Outdoor Council has had a momentous year. In June we commemorated our 45th anniversary—and in October we celebrated one of the

most notable successes in our four and a half decades on the job. The main story in this newsletter is dedicated to this achievement: we and our partners succeeded in our effort to negotiate the purchase and permanent retirement of 58,000 acres of valid oil and gas leases in the Upper Hoback area of the Wyoming Range.

Our staff—led by Lisa McGee, national parks and forests program director—has for more than seven years been leaders in the Wyoming Range campaign, which has featured a diverse assembly of partners and stakeholders, and which ultimately led to this buyout solution.

Scott Kane, former Outdoor Council board president—who was on the board when we helped spur the now-powerful movement to protect the Wyoming Range—is quoted in this newsletter, speaking about our decision to dedicate so much talent and time to this multi-year effort: “When a landscape this important is threatened, the Wyoming Outdoor Council is committed, long-term, with its staff and resources, to prevent development,” Kane said. “We have been all-in on this campaign for more than seven years, and that dedication has paid off.”

If you’re inclined this year to add to your annual support to the Outdoor Council, I hope you’ll join me and contribute through the Trust for Public Land’s “Save the Hoback” initiative, where \$150 saves an acre.

This fall we played a role in yet another historic occasion: the U.S. Supreme Court rejected a plea to hear a challenge to the U.S. Forest Service’s national roadless rule. This appeal was the last resort for roadless rule opponents. The rule is now the indisputable law of the land—and that gives us a lot to celebrate. The Wyoming Outdoor Council has been a strong advocate for the roadless rule from the start, and because the initial legal challenge originated in Wyoming, we, with the help of Earthjustice, maintained our involvement in the case until it was resolved.

The backcountry areas of our national forests, also known as “inventoried roadless areas,” are popular and accessible places people go to hike, camp, bike, horse pack, hunt, fish, and generally enjoy our national forests. The roadless rule provides balanced and wise management of these landscapes that comprise some of the best wildlife habitat remaining anywhere. As the West continues to face the effects of climate change and ever more habitat and ecosystem fragmentation, these areas will only become more important—and their protection only more essential.

Regarding air quality: In September, an advisory task force, which was established by the Wyoming Department of Environmental Quality, made recommendations for ways to reduce the dangerous ozone pollution—sometimes called smog—that has plagued the Pinedale area for several years.

Bruce Pendery, our program director, represented the Wyoming Outdoor Council and its members on this task force and was a key player. He worked hard for nine months to help improve the quality and the scope of the final product. All told, the task force delivered 11 consensus recommendations to the Department of Environmental Quality that should guide the DEQ as it seeks, ultimately, to reduce ozone pollution and better protect the people that live and work in the Upper Green River Basin.

**Finally, throughout 2013 we will be crafting our new three-to-five year strategic plan. The best way to provide your direct input on the focus, direction, and vision of our organization will be through our online survey.\*** To be sure that you receive the link to participate, please go to our website and sign up for e-alerts if you haven’t already.

I hope our members can take a moment to think back on 2012—a year rich with historic victories and successes that will help protect Wyoming’s environment and quality of life for generations to come. I hope we can all take pride in what we’ve accomplished together. Our members’ undying commitment to our mission has led to long-term, and in some cases permanent, protections. And there’s more to do. With the strength of our membership we can do it. Thanks for being part of this great tradition.

**\* To participate in our online survey and strategic planning process, go to [wyomingoutdoorcouncil.org](http://wyomingoutdoorcouncil.org) and sign up for e-alerts. The signup box is on the lefthand side of our homepage.**

## What about that election?

By Richard Garrett, Energy and Legislative Advocate



First, the good news. America is not as divided as the “binary” maps showing the country as only blue or red seem to suggest.

A series of cartograms\* developed by Mark Newman, professor of physics/ Department of Physics and Center for the Study of Complex Systems at the University of Michigan, portray us in a nuanced purple kind of way. They also serve as a graphic reminder of the popular media’s mistaken predictions about the election’s outcome.

There is mixed news too. The results of the national election including modest changes in Congress suggest that while uncertainties remain, the President’s policies have been cautiously ratified. It’s a signal from voters that the president and Congress must work together. Perhaps there will be movement on the defining issue of our generation—climate change. That is unless talk of “Wategate-style” hearings on Benghazi consumes lawmakers.

That would be bad news. Climate change is headed to a climate cliff. The plunge over will come with consequences that would give even Thelma and Louise second thoughts. We must find a way, quite literally, to take our foot off of the climate change accelerator.

Here in Wyoming, several new members have been elected to the State Legislature and county commissions; many incumbents lost, including, sadly, some real favorites. Meanwhile Governor Matt Mead has made terrific appointments to fill vacancies in state government—Mark Gordon as treasurer and Todd Parfitt to head Wyoming’s Department of Environmental Quality. The energy, enthusiasm, discipline, and acumen of all of these officials bodes well for working effectively to reduce Wyoming’s out-sized carbon footprint—the nation’s largest.

*\* Try a keyword search for these cartograms or go to: [www-personal.umich.edu/~mejn/election/2012/](http://www-personal.umich.edu/~mejn/election/2012/) (either way will be time well spent; the maps are fascinating).*




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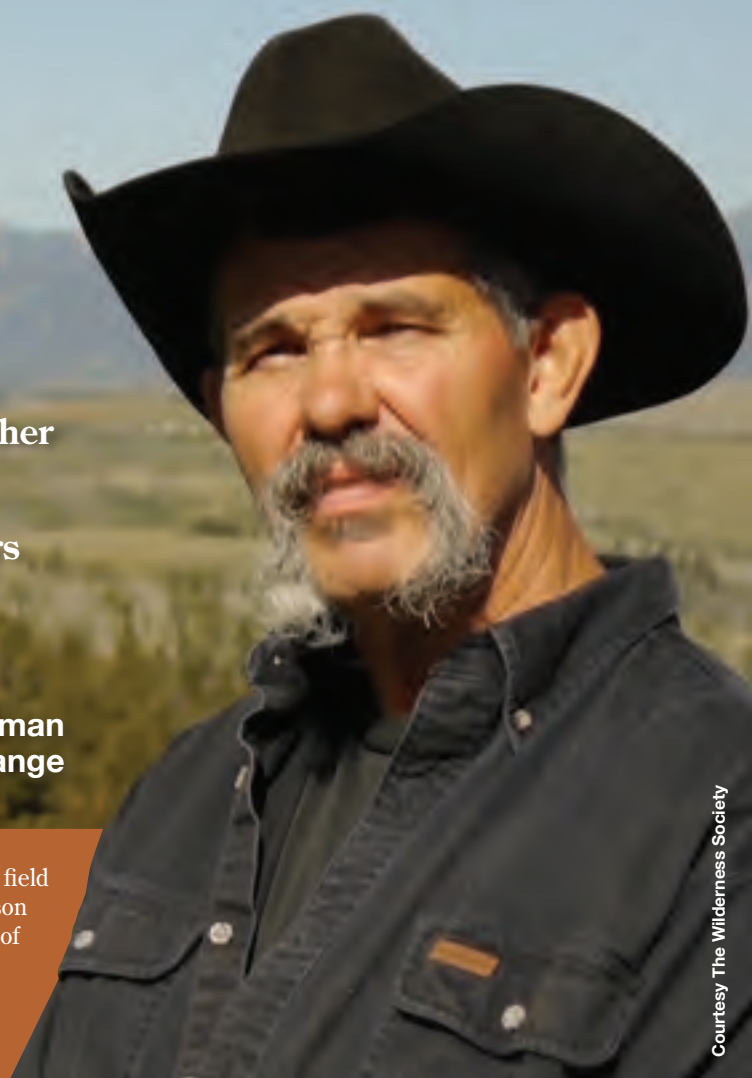
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“In my efforts to protect places I love in the Wyoming Range, the Wyoming Outdoor Council has consistently been there to support me. Together we helped save the Upper Hoback. My heartfelt gratitude to the Outdoor Council and its members for their patience and perseverance when others thought the Hoback was a lost cause.”

— Dan Smitherman  
Spokesman, Citizens for the Wyoming Range

Plains Exploration and Production company had planned to develop a 136-well gas field in the Upper Hoback area of the Bridger-Teton National Forest, just south of Jackson and Grand Teton National Park. A deal has now been struck to retire 58,000 acres of oil and gas leases and protect the Hoback permanently.

For information on the status of the Upper Hoback lease buyout, go to [tpl.org/savethehoback](http://tpl.org/savethehoback)



Courtesy The Wilderness Society

**So much of what we do takes time—not days or weeks, but decades. Our fight to protect the Wyoming Range started in 2004.**

Whether we are working to protect our healthy environment, or the places we all treasure, our success years from now will be rooted in our advocacy today.

**Please join or renew today.**

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