



TRANSMITTED BY EMAIL TO <MRUGWELL@BLM.GOV>

April 13, 2018

Mary Jo Rugwell
State Director
Bureau of Land Management
5353 Yellowstone
Cheyenne, WY 82009

Dear Director Rugwell:

I am writing on behalf of the Wyoming Outdoor Council to request that you defer certain lease parcels from the WY BLM's 4th Quarter (December 2018) oil and gas lease sale. The parcels lie within Wyoming's only officially designated big game migration corridor, the Red Desert to Hoback Corridor, which extends approximately 150 miles from the Red Desert to the Hoback Valley, making it the longest big game migration route in the United States and the second longest in all of North America.

Based on the best available science we are concerned that oil and gas development within this corridor could cause significant, perhaps even irreversible, impacts to our state's iconic mule deer herds, and we therefore implore you to defer these parcels: 180, 218, 219, 220, 263, 304, 323. In addition, we have noticed that parcel 140 is within the Jack Morrow Hills Coordinated Activity Plan and should also be deferred to provide decision space for the Rock Springs Resource Management Plan Amendment.

The parcels of concern are located within the area managed by Rock Springs Field Office. As you know, the Rock Springs RMP is being revised. If these parcels are leased in December, the option of making the corridor unavailable for leasing, or leasing with protective stipulations such as no surface occupancy, would be foreclosed. Removing these parcels from the sale list would provide the BLM with the necessary decision space to consider a range of alternatives for the management of the corridor. Leasing these parcels now would completely foreclose that option.

Support for a deferral is found in recent Secretarial Order 3362, *Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors*, issued by Secretary Zinke on February 9, 2018. The stated purpose of the Order is "to enhance and improve the quality of big-game winter range and migration corridor habitat on Federal lands..." The Order also "seeks to expand opportunities for big-game hunting by *improving* priority habitats to assist states in their efforts to increase and maintain sustainable big game populations across western states." (Emphasis added). The issuance of oil and gas leases that allow for surface occupancy and development in the heart of the Red Desert to Hoback Big Game Migration Corridor would

directly and severely undermine the fundamental purpose and objectives set forth in Secretary Zinke's Order.

Further, deferral of the parcels promotes the Wyoming Game and Fish Department's "overarching goal to conserve and protect ungulate migration corridors, stopover areas and bottlenecks so that these landscape features persist in form and function."

Finally, it is important to point out that as a result of the repeal of the BLM's leasing reforms, the Wyoming BLM has not prepared a pre-leasing environmental assessment (EA) disclosing the environmental consequences of leasing the migration corridor parcels, a fact that raises significant issues regarding NEPA compliance.

For all of the reasons stated above, and as more fully described in the attached statement of reasons, we respectfully request that you defer from the BLM's December, 2018, oil and gas lease sale the lease parcels located within the Red Desert to Hoback migration corridor.

Thank you in advance for considering this important issue. We hope that we may hear from you soon with a positive answer.

Sincerely,



Mary Flanderka
Conservation Advocate
Wyoming Outdoor Council
<maryf@wyomingoutdoorcouncil.org>

CC: Mark Thonhoff, Migration Corridor, Pinedale BLM field office.
Jessica Crowder, Governor Mead's Office

Enclosures:

- Statement of reasons to support lease deferral
- Map of the proposed lease parcels within the Red Desert to Hoback Migration Corridor

REASONS IN SUPPORT OF DEFERRAL OF LEASE PARCELS

The Wyoming BLM proposes to offer at its December 2018 lease sale 7 oil and gas lease parcels located within Red Desert to Hoback big game migration corridor. The following are the parcels that are partially or fully located within the Red Desert to Hoback Corridor: (See Maps below): 180, 218, 219, 220, 263, 304, 323. The Wyoming Outdoor Council is requesting that the parcels be deferred to: 1) allow for meaningful consideration in the Rock Springs RMP revision process of alternatives for the management of the corridor that include a no-lease and/or limited-leasing options; 2) to provide the BLM an opportunity to prepare a pre-leasing environmental assessment that discloses the impacts and examines alternatives to leasing; and 3) to allow for Secretarial Order 3363 to be fully implemented.

Introduction and background

Following years of diligent efforts by multiple stakeholders, the Red Desert to Hoback big game migration corridor was officially designated by the Wyoming Game and Fish Commission in 2016. This corridor, described by the WGFD as “one of the most critical mule deer migration routes in the West,” and “internationally-significant” was established to protect the longest mule deer migration ever recorded and the second longest land migration in North America. Each year, mule deer travel a one-way distance of 150 miles from the low-elevation winter ranges in the Red Desert to the high mountain slopes surrounding the Hoback Basin. The deer that complete this journey spend four months of each year migrating and encounter a variety of natural and anthropogenic obstacles, including sand dunes, lake and river crossings, multiple highways, industrial developments, and more than 100 fences. University of Wyoming researchers documented recently that a single individual migrated to an area near Island Park, Idaho, traveling nearly 250 miles to reach her summer range.¹ See *Wyoming researchers discovered a mule deer migration almost 100 miles longer than the previous record*, Casper Star-Tribune, April 9, 2018, appended hereto and available at:

http://trib.com/lifestyles/recreation/wyoming-researchers-discovered-a-mule-deer-migration-almost-miles-longer/article_7d402f4e-1225-50e9-89d8-27917b5a82a1.html#comments

Authorities Supporting Deferral

I. Secretarial Order (SO) 3362 – Improving Habitat Quality in Western Big-Game Winter Range and Migration Corridors

Sec. 1 **Purpose.** This Order directs appropriate bureaus within the Department of the Interior (Department) to work in close partnership with the states ... to enhance and improve the quality of big-game winter range and migration corridor habitat on Federal lands under the management jurisdiction of this Department ... in a way that recognizes state authority to conserve and manage big-game species and respects private property rights. Through scientific endeavors and land management actions, wildlife such as Rocky Mountain Elk (elk), Mule Deer (deer), Pronghorn Antelope

¹ For additional information on this remarkable migration, please see, *Red Desert to Hoback Migration Assessment*, prepared by the Wyoming Migration Initiative, available at: <http://migrationinitiative.org/content/red-desert-hoback-migration-assessment>

(pronghorn), and a host of other species will benefit. Additionally, this Order seeks to expand opportunities for big-game hunting by improving priority habitats to assist states in their efforts to increase and maintain sustainable big game populations across western states.

Additionally, S.O. 3362 provides that:

Consistent with the American conservation ethic, ultimately it is crucial that the Department take action to harmonize State fish and game management and Federal land management of big-game winter range and corridors.

... the Department will work with our State partners and others to conserve and/or improve priority western big-game winter range and migration corridors in sagebrush ecosystems and in other ecotypes as necessary.

Review and use the best available science to inform development of specific guidelines for the Department's lands and waters related to planning and developing energy, transmission, or other relevant projects to avoid or minimize potential negative impacts on wildlife.

Further, the SO specifically states that the BLM should “[e]valuate and appropriately apply site-specific management activities ... that conserve or restore habitat necessary to sustain local and regional big-game populations through measures that may include one or more of the following:

- *avoiding development in the most crucial winter range or migration corridors during sensitive seasons.*
- *minimizing development that would fragment winter range and primary migration corridors.*
- *limiting disturbance of big game on winter range.*
- *utilizing other proven actions necessary to conserve and/or restore the vital big-game winter range and migration corridors across the West.*

Secretary Zinke’s order expresses a clear and strong intent to protect big game migration corridors. Given that parts of the Red Desert to Hoback big game migration corridor have already been leased for oil and gas development, while other areas have been compromised by various types and levels of development, further oil and gas leasing and development the corridor could severely compromise the functionality of the migration corridor. A compromised corridor could in turn impact the health and viability of mule deer herds that have relied on the ability to move freely between summer and winter ranges since the Pleistocene, putting additional pressure on populations that have already experienced significant declines in the past decade.

It is appropriate for the WY-BLM to defer the migration corridor leases until such time that the requirements, terms, and conditions of the Secretarial Order have been implemented.

II. BLM Land Use Planning Handbook 1601-1

The Rock Springs Field Office is currently revising its Resource Management Plan. It is clear that leasing parcels in the Red Desert to Hoback big game migration corridor this December would preclude consideration of a “no-leasing in migration corridor” alternative in the Draft EIS/RMP. Similarly, leasing parcels in the corridor without appropriate stipulations designed to protect the migration would preclude that option from meaningful consideration in the RMP revision process.

The BLM Land Use Planning Handbook, Section VII. E., states the following:

During the amendment or revision process, the BLM should review all proposed implementation actions through the NEPA process to determine whether approval of a proposed action would harm resource values so as to limit the choice of reasonable alternative actions relative to the land use plan decisions being reexamined. Even though the current land use plan may allow an action, the BLM manager has the discretion to defer or modify proposed implementation-level actions and require appropriate conditions of approval, stipulations, relocations, or redesigns to reduce the effect of the action on the values being considered through the amendment or revision process. The appropriate modification to the proposed action is subject to valid existing rights and program-specific regulations. A decision to temporarily defer an action could be made where a different land use or allocation is currently being considered in the preferred alternative of a draft or proposed RMP revision or amendment. These decisions would be specific to individual projects or activities and must not lead to an area-wide moratorium on certain activities during the planning process.

In the past, the BLM has deferred oil and gas leases within the Rock Springs Field Office in order to provide decision space for the State Director to consider the various alternatives without limiting the range of management actions associated with any of the alternatives. With the Revision of the Rock Springs RMP expected within a year, we ask that you continue your commitment to defer leasing until the release of the final Rock Springs RMP.

It is appropriate to defer all nominated parcels within the Rock Springs Field Office to preserve the viability of the range of alternatives under consideration during the RMP revision process.

III. Plans and Policies Adopted by the Wyoming Game and Fish Department support the deferral of migration corridor parcels.

A. Strategic Habitat Plan (August 2015).

Goal 1. Conserve and manage wildlife habitats that are crucial for maintaining terrestrial and aquatic wildlife populations for the present and future.

Strategy V. Protect and maintain big game migration routes and stopover areas as well as other important areas of wildlife movement.

- Identify important wildlife movement corridors.

- Coordinate and collaborate with the Wyoming Migration Initiative to share data and improve information on big game migration patterns
- Maintain wildlife migration corridors through avoidance and mitigation measures.
- Collaborate with the Wyoming Department of Transportation, Office of State Lands and Investments, and non-governmental organizations to assist with migration corridor maintenance.
- Identify and map sage-grouse winter concentration areas
- Protect identified corridors through the use of conservation easements or stipulations in land management planning documents.
- Support the Wyoming Migration Initiative by providing technical, funding, and personnel assistance.

B. Ungulate Migration Corridor Strategy (2/4/2016).

Action 1 – Update the Wyoming Game and Fish Commission’s Mitigation Policy
 The Wyoming Game and Fish Department recommends the Wyoming Game and Fish Commission designate ungulate migration bottlenecks and ungulate stopover areas as “Vital” under the Commission’s Mitigation Policy. Under the Commission Mitigation Policy definition of ‘Vital’ habitat, “The Department is directed by the Commission to recommend no significant declines in species distribution or abundance or loss of habitat function. Some modification of habitat characteristics may occur, provided habitat function is maintained.

C. Ungulate Migration Corridors (2/4/2016)

Wyoming’s ungulate migration corridors and stopover areas are vital to maintaining big game populations. Recent research is providing new insight into how these seasonal habitats are used by ungulates. As managers of the state’s wildlife resource, it is important that the Department apply this new knowledge in order to improve on the ground management and conservation. The overarching goal of the Department is to conserve and protect ungulate migration corridors, stopover areas and bottlenecks so that these landscape features persist in form and function.

D. The Wyoming Mule Deer Initiative

The Commission is committed to the protection of migration habitat. The Commission approved an updated version the Wyoming Mule Deer Initiative (MDI) at its July, 2015, meeting.

This MDI notes that mule deer have declined by about 40% in the past twenty years. The primary reason for the decline is a reduction in habitat and habitat quality.

The MDI notes that migratory segments of a population are typically the most productive and that development that disrupts migration can have herd level impacts. Two of the overarching goals of the plan relate directly to conservation of mule deer habitat:

- Goal 1. Conserve, enhance and restore mule deer habitat essential for population maintenance, reproduction and survival.
- Goal 7. Collaborate with federal and state land management agencies to develop land use policies that will conserve and improve mule deer habitats.

Specific habitat objectives of the plan include:

- Avoid or minimize impacts to mule deer migration routes.

E. Wyoming Game and Fish Commission Mitigation Policy (January 28, 2016)

Big game migration corridors and stopover areas are both considered ‘vital’ habitat under the Wyoming Game and Fish Commission Mitigation policy. Mitigation Policy at 4. The policy provides that:

Habitat in this category directly limits a wildlife community, population, or subpopulation. Impacts to species or habitats could result in a significant local or landscape-level decline in species distribution, abundance, or productivity, and restoration or replacement is difficult and may not be possible, or may be possible only in the very long term. The Department is directed by the Commission to recommend no significant declines in species distribution or abundance or loss of habitat function. Some modification of habitat characteristics may occur, provided habitat function is maintained... Id.

Parts of the corridor segments where the proposed parcels are located exceed the WGFD density and disturbance recommendations. In addition, several leases have been issued without appropriate stipulations and other leases within the corridor are being developed above the recommended thresholds.

In order to avoid additional declines in habitat function, the BLM should defer the migration corridor parcels pending the preparation of a pre-leasing environmental assessment that discloses the direct, indirect and cumulative impacts of new leasing when added to existing and potential new development on existing leases.

IV. Management Goals and Direction in Existing RMPs require the BLM to protect the viability of migration corridors.

Both the Pinedale and Green River RMPs include provisions requiring the BLM to maintain or improve wildlife habitats including migration corridors. The Green River Resource Management Plan is under revision and will hopefully contain improved migration corridor stipulations. Below is the language found in the Pinedale and Green River RMPs:

Pinedale RMP

2.3.16 Wildlife and Fish Habitat Management

Management Goals-

- Maintain or enhance aquatic and wildlife habitat.

- Maintain functioning big game habitats and migration corridors that allow free movement and use of habitats

Management Objectives and Actions-

- Big game migration routes will be protected. Known big game migration bottleneck areas are available for oil and gas leasing with NSO restrictions, unless other protection is provided. (RMP at 2-48).
- Big game migration routes will be protected. (RMP at 2-49).

Wind River Front Management Area Management Goal: enhance wildlife habitat

Objective 7. Maintain and improve wildlife habitats, big game migration corridors and bottlenecks, scenic quality, and recreation values and uses in the Wind River Front area. (ROD/RMP at 2-57).

Green River RMP

High value wildlife habitats will be maintained or improved by reducing habitat loss or alteration and by applying appropriate distance and seasonal restrictions and rehabilitation standards to all appropriate activities. These habitats include crucial winter habitat, parturition areas, sensitive species habitat, etc. See Record of Decision and Green River RMP at 24.

FLPMA Section 302 and BLM regulations (43 CFR §1610.5-3) require that actions conform to the RMP. Deferring lease parcels in the Red Desert to Hoback big game migration corridor conforms to the governing Resource Management Plans and helps to achieve the express goals set forth in the plans for the management of big game species.

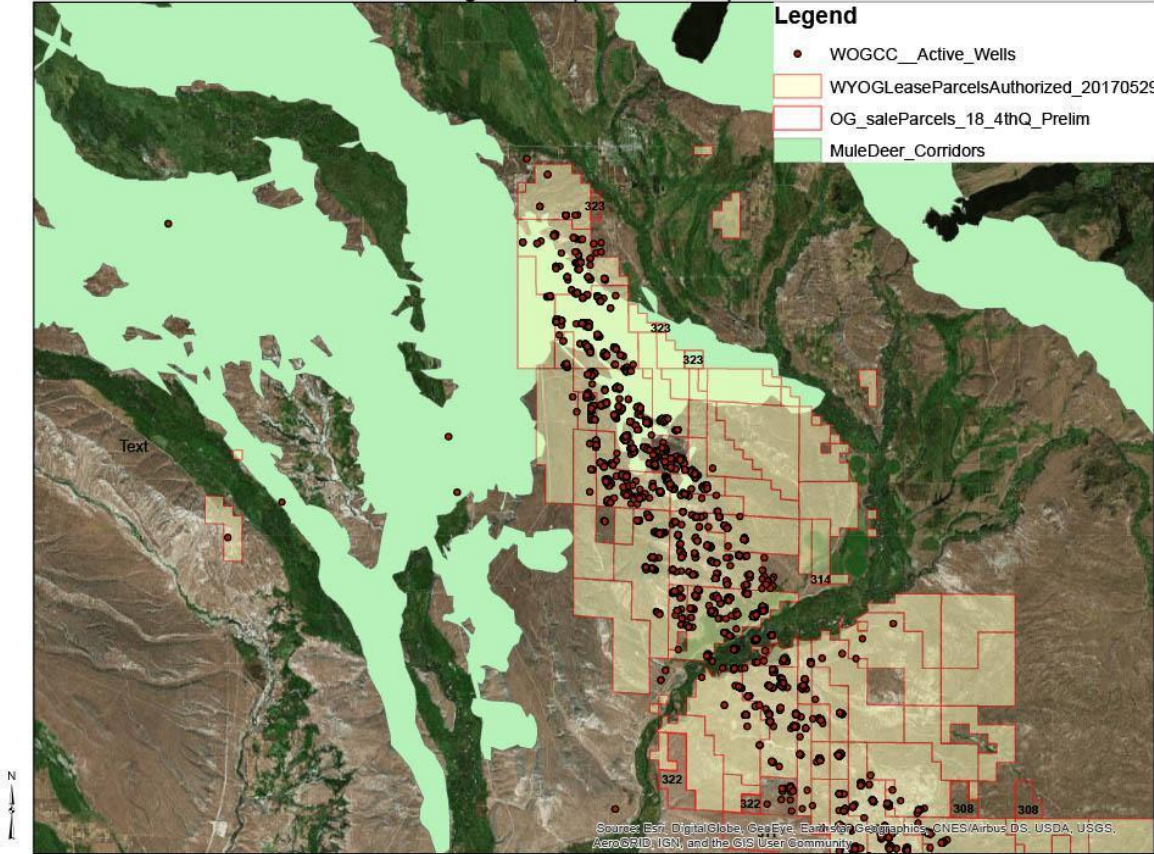
V. NEPA demands a “hard look” at the environmental consequences of leasing in the Red Desert to Hoback big game migration corridor.

The BLM has not taken the requisite hard look at the potential impacts of leasing in the migration corridor. Unlike all previous lease sales held in 2018, here the BLM has failed to prepare an EA analyzing the effects of leasing. And it remains unclear to us whether the BLM intends to prepare such a document. In these circumstances, a determination of NEPA adequacy (DNA) would not be appropriate because of the absence of any underlying NEPA analysis examining the effects of leasing in the corridor. The migration corridor was identified in 2012 and designated in 2016; the Green River RMP was signed in 1997, and was based on an EIS that is now over 20 years old. Although the repeal of BLM’s leasing reform policy provides the BLM with the discretion to determine whether an EA is required, the decision to forego NEPA must be based on a finding that the impacts of the proposed action have been sufficiently analyzed in another NEPA document. No such document exists.

The absence of NEPA analyses analyzing the effects of leasing in the Red Desert to Hoback big game migration corridor require the deferral of parcels.

Migration Corridor and BLM Fourth Quarter Lease Parcels

Boulder Area Migration Corridor With Existing and Proposed Development



Migration Corridor With Existing And Proposed Development

