

Wyoming Outdoor Council

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Governor Mark Gordon
c/o Renny MacKay, Policy Director
200 West 24th St.
Cheyenne, WY 82002

January 16, 2020

Dear Governor Gordon,

Thank you for the opportunity to comment on your draft executive order concerning the management of big game migration corridors. We are grateful for your leadership on this topic, and for bringing Wyoming citizens representing a range of interests together to craft a consensus proposal.

As advocates for Wyoming's wildlife and public lands, the Wyoming Outdoor Council has been deeply engaged on the topic of big game migration for many years. We recognize its complexity, and appreciate your foresight in crafting a state-level solution that will provide clarity to all stakeholders.

The following suggestions on the draft executive order are guided by our commitment to finding sensible and balanced Wyoming solutions. A durable framework for managing migration corridors should respect both our working landscapes and the wildlife resources that provide our communities unparalleled economic, cultural, and ecological benefits. We believe that the general approach laid out within your executive order will achieve this goal.

Below, we have identified key areas where edits to the executive order will help clarify and strengthen this approach and ensure that the proposed order can be implemented successfully. In the attached supplemental text, we provide specific suggested line edits and language.

Our general suggestions:

1. Streamline the language describing the designation process, and outline a time frame.

In Appendix B, the current draft suggests a six-step process with many sub-steps. To provide clarity and a better representation of the decision-making components at each stage, we suggest that the designation process described in the EO be limited to three steps with substeps outlined as appropriate:

1. The **Wyoming Game and Fish Commission** recommends an identified corridor for designation;
2. The **Governor** receives the recommendation and either makes a determination on designation or convenes a working group for additional input;
3. If convened, the **working group** provides the additional requested supplemental analysis to the Governor, after which, step 2 is completed.

The specifics of what materials and steps inform the WGFD identification process should be provided as an introductory preamble leading into a description of the official designation process. We also suggest that an upper limit of time between the WGF commission vote and the governor's decision (including any working group process) be provided. Finally, we recommend including language that specifically reaffirms the critical authority of the WGFD to carry out its statutory duties to manage our state's wildlife populations.

2. Provide more context and direction concerning the role of the area working group in the designation process, including increased integration with Game and Fish and tailored direction from the Governor.

In the current draft, the area working group's purpose is vaguely defined, and the draft language suggests that the working group should provide a recommendation on designation to the governor. However, it is not clear precisely where and how the recommendations created within this group (e.g. for conservation and collaboration opportunities) will be implemented.

We would suggest the following changes to the language concerning working groups:

- Rather than prescribing what results the working group should provide within the text of the executive order, indicate that the governor will provide direction about what type of feedback he requires to inform his decision regarding designation of a given corridor.
- Clearly define the purpose of the working group as providing robust consultation on the factors identified by the governor, rather than directing the group to produce a recommendation for or against designation.
- Integrate Wyoming Game and Fish personnel into the working group process to present their findings and collaborate with the working group as soon as possible. The current draft suggests that the Game and Fish process and working group process occur in relative isolation.
- More clearly define which "interests and industries" will be brought in to any given working group process. We believe that the success of the Governor's advisory group was due to the diversity of experience represented within it, and expect that the success of an area working group will hinge on the same diversity.

3. Explain the distinctions between "identified" and "designated" corridors, and affirm the authority of WGFD to make management decisions associated with both types.

The current framework implies that Game and Fish may be left in limbo if a corridor is "identified" but does not reach a formal "designation." The distinctions between corridors that have been identified by WGFD and corridors that have reached designation by the governor may be best clarified through Game and Fish policies. However, we suggest that the EO proactively affirm the Game and Fish's role as an agency that has the obligation and authority to manage wildlife based on science. It is our understanding that corridors will be forwarded for designation if WGFD anticipates a substantial need to manage habitat to maintain its function. However, the unique science-based role occupied by WGFD means that the EO should preserve the Department's latitude to take action on corridors that have been identified, but not designated.

Additionally, if the WGFD is limited in engaging with federal projects while a corridor is identified but not yet designated, it is important that the agency and/or the governor takes actions while a corridor is moving through the designation process to preserve decision space.

4. Clarify the protections your order assigns to corridors (e.g. guidelines on infrastructure siting), especially where stopovers and high-use corridor are concerned.

Appendix C describes the tiered approach that various state agencies will take to manage development proposed in or near migration corridors. Currently, it is not clear in the language of the draft that the goal is to site development *outside* of stopovers — the most critical, make-or-break portions of corridors. The description of stopover guidelines reads as if the baseline assumption will be that some portion of stopovers may be subject to development.

During advisory group discussions, all stakeholders agreed that the state has an interest in siting infrastructure outside these areas, and recommended that the state generally proceed with the assumption that these areas are not subject to development. We recommend that you clarify that stopover habitat is the most valuable and that the state shall not permit infrastructure within these areas unless peer-reviewed science should demonstrate that development can proceed without harming corridor function.

Similarly, we recommend adopting a simple tiered framework for explaining siting guidelines in high- vs. medium- or low-use portions of a corridor. As the advisory group recommended, the intent of the executive order should be to site development outside of high-use portions of the corridor. We suggest this section more explicitly state this intent. This kind of clarity will be useful to assure the public and industry stakeholders that the most critical habitat is being protected. We also recommend that stopovers in high- vs. medium- and low-use portions of the corridor not be treated differently; rather, we suggest treating use level and stopovers as discrete factors associated with varying levels of importance (stopovers being the most critical).

Specific language suggestions to clarify this section are provided in the attached supplement to this letter.

Thank you for your commitment to creating a collaborative solution for this complex habitat management issue. We appreciate your invitation to comment and to participate in this process, and look forward to continuing to contribute as the executive order is implemented.

Best regards,



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Conservation Advocate, Wyoming Outdoor Council

And on behalf of:

Wyoming Wilderness Association — Matt Cuzzocreo, *BLM Wildlands Community Organizer*
National Parks Conservation Association — Jerry Otero, *Senior Energy Analyst*
Citizens United for Responsible Energy Development — Elaine Crumpley, *CURED Co-Founder*
Jackson Hole Conservation Alliance — Skye Schell, *Executive Director*