



June 21, 2022

Director Tracy Stone-Manning
U.S. Bureau of Land Management
1849 C Street NW
Washington, DC 20240

Dear Director Stone-Manning:

I am writing you on behalf of Public Employees for Environmental Responsibility (PEER) to provide you information about the apparently widespread practice within the U.S. Bureau of Land Management (BLM) of issuing exemptions for Greater Sage Grouse habitat protections to oil and gas operators, among others.

Through Freedom of Information Act (FOIA) requests, PEER has obtained documents showing that just three BLM Field offices located in the southernmost tier of Wyoming have issued approximately 80 exemptions during the past four years. The exemptions (also known as “timing stipulations”) allow mainly oil and gas activity in areas set aside to protect sage grouse and various migratory raptors. The records in the attached spreadsheet show that from January 2018 through November 2021 –

- BLM’s Rawlins Field Office (FO) granted 42 exemptions and 1 likely approval, with 4 denials, and 2 withdrawals;
- The Kemmerer FO granted 15 exemptions for oil and gas operations and pipelines, as well as telephone fiber optic cable with no indications of any denials; and
- Rock Springs FO granted 24 exemptions, with 2 denials and 1 withdrawal.

Another seven BLM Wyoming FOs have yet to respond to PEER Freedom of Information Act requests filed last November, so the number of such exemptions issued by BLM Wyoming FOs during recent years likely is far higher. As you know, Wyoming is home to a third of the remaining Greater Sage Grouse.

PEER does not have records concerning the number of such exemptions BLM FOs in other states have issued in recent years. However, if these three Wyoming FOs are representative of other FOs in the 11-state GRSG range the number of exemptions issued in recent years could exceed 1,000



PEER filed these FOIA requests after receiving reports from BLM resource specialists of pressure to allow exemptions to timing stipulations and other resource protection measures, despite having insufficient scientific data to evaluate the implications. The exemptions are supposed to be based upon findings of “no likely disturbance” by agency biologists. While the individual BLM biologist communicating with PEER could only speak from their own experience, they gave the impression that their colleagues were expected to sign off on such exemptions regardless of the true merits of the applications.

During this period when BLM was issuing these exemptions, the numbers of Greater Sage-Grouse plummeted throughout the West and have been declining in Wyoming since 2016. At the same time, estimates indicate that core Sage-Grouse habitat is disappearing at a rate of about 1.3 million acres a year from a national base of 26 million acres.

As you well know, further declines in this species will likely result in court-ordered imposition of Endangered Species Act protections. Those court-ordered measures will almost certainly be far stricter than current safeguards and BLM will have forfeited its current management discretion in this area. These court-ordered measures will also cost additional taxpayer funds to administer and will create additional friction with affected BLM regulated communities.

For these reasons, PEER would urge that you undertake steps to --

1. Review the national supervision and evaluation exercised over the issuance of such exemptions by your FOs;
2. Determine the number and scope of such exemptions, including the percentage of GRSG habitat affected. A breakdown of such exemptions by FO issued on an annual basis would also give some indication whether any inappropriate issuance of exemptions was localized or widespread; and
3. Standardize the process, procedures and forms for applications for exemptions among all of the field offices and centralize the State data so that staff can evaluate the cumulative impact of the exemption applications.
4. Redouble any safeguards to prevent FO managers from overriding BLM biologists when they oppose exceptions and granting exceptions and pressuring BLM biologists to set aside their professional judgment so as to ignore or inappropriately minimize the impacts of commercial activities on remaining GRSG habitat or populations in reviewing the exemption applications.

We believe the involvement by your office is timely and prudent in that the BLM will have to expend far more resources on this subject if the abuse of these exemptions ends up contributing to robust judicial intervention into the realm of GRSG management.

Besides the attached document, we would be happy to provide your office with all the exemption records we have obtained as well as all FOIA correspondence we have had with both the

responsive and nonresponsive FOs and the appeal that we filed for the documents. Should you desire any further information from us, please do not hesitate to contact me.

Sincerely,
Tim Whitehouse
Executive Director

Cc:
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