



June 21, 2022

Inspector General Mark Lee Greenblatt  
Office of Inspector General  
U.S. Department of the Interior  
1849 C Street NW  
Washington, DC 20240

**RE: Request for Investigation**

Dear General Greenblatt:

I am writing on behalf of Public Employees for Environmental Responsibility (PEER) to request your office's review of the widespread practice within the U.S. Bureau of Land Management (BLM) to issue 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 nearly 80 such exemptions during the past four years. The exemptions (sometimes 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. Notably, Wyoming is home to a third of the remaining Greater Sage-Grouse.

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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 GSG range, the number of such 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 the exemption applications, despite not having the scientific data available to determine the cumulative impacts of the exemptions. 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 actual merits of the applications.

During the period when BLM was issuing these exemptions, the numbers of Greater Sage-Grouse have 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 know, further declines in this species will likely result in the 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.

This court-ordered measure will also cost additional taxpayer funds to administer and will create additional friction with affected communities.

For these reasons, we believe that the subject matter of this request merits your office’s attention. To that end, PEER would urge that you undertake an inquiry to determine –

1. The number and scope of such exemptions, including the percentage of GRSG habitat affected. A breakdown of such exemptions by FO and state-issued on an annual basis would also give some indication of whether any inappropriate issuance of exemptions was localized or widespread;
2. Through a confidential survey or set of interviews, the extent to which the concerns of BLM resource specialists and biologists assessing the exemptions have been disregarded, or they have been pressured by their managers to set aside their professional judgment to ignore or inappropriately minimize the impacts of commercial activities on remaining GRSG habitat or populations; and
3. The extent to which BLM provided responsible supervision and evaluation of their FO exemption issuances so that the cumulative impacts of the exemptions on Sage Grouse and Sage-Grouse habitat can be assessed.

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

Besides the enclosed document, we would be happy to provide your office with all of the exemption records we have obtained and all of the FOIA correspondence that we have had with both the responsive and nonresponsive FOs as well as the appeal. Should you desire any further information from us, please do not hesitate to contact me.

Sincerely,

Tim Whitehouse  
Executive Director

Attachment: