

**American Bird Conservancy, Center for Biological Diversity  
Defenders of Wildlife, Environmental Protection Information Center (EPIC)  
Four Paws USA, Friends of the Earth, Public Employees for Environmental  
Responsibility (PEER), Saving Animals Facing Extinction, Sierra Club  
Western Watersheds Project, Wild Earth Guardians**

March 6, 2023

Tracy Stone-Manning, Director  
Nada Culver, Deputy Director  
Andrew Archuleta, Wyoming State Director  
U.S Bureau of Land Management  
Main Interior Building  
1849 C. St. NW  
Washington, DC 20240

FEDERAL EXPRESS

Re: Greater Sage Grouse protection exceptions in Wyoming

Dear Ms. Manning, Ms. Culver, and Mr. Archuleta,

As you are aware, many BLM oil and gas leases are located in Wyoming and overlay extensive Greater Sage Grouse habitat that occurs in each of the ten BLM field offices across the state. As was previously brought to the BLM's attention in June, 2022 (<https://peer.org/blm-oil-exemptions-undercut-sage-grouse-safeguards/>), preliminary data indicated that a high proportion of requested exceptions to protective timing stipulations designed to protect sage grouse have routinely been granted by BLM field offices in Wyoming.<sup>1</sup> To date, the BLM has not acknowledged or addressed this troubling situation.

BLM oversees more sage grouse habitat than any other federal agency. Wyoming provides more habitat that supports far greater numbers of sage grouse than any other state, yet populations continue to steadily decline as habitat is degraded across the intermountain west, including in Wyoming.

Stipulations designed to protect sage grouse typically include seasonal periods of no activity in close proximity to leks and nests, including buffer zones around these habitats. New documentation obtained through a recent Freedom of Information Act (FOIA) request showed that approximately 90% of the 127 applications for exceptions from protective stipulation were granted by Wyoming BLM field offices over the past four years.<sup>2</sup> As shown in the attached summary table,

---

<sup>1</sup> On June 21, 2022, Public Employees for Environmental Responsibility (PEER) sent a letter to Director Stone-Manning urging a moratorium on the granting of the exceptions in Wyoming. See: <https://peer.org/wp-content/uploads/2022/06/06-21-2022-Letter-TSM-SageGrouse.pdf> . The Director has not responded to PEER's letter to date.

<sup>2</sup> The Wyoming BLM office has not completed its response to the PEER FOIA request, No. BLM-2023-000738. Additional data should be available by the end of March from a few Field Offices that have not yet produced any records.

these exception requests were predominantly from oil and gas companies with smaller numbers from telephone and electric power companies. Although the status of about 5% of the applications remains unclear from the records BLM provided, it appears that BLM field offices denied only about 5% of the applications they received. Some exceptions were granted even though BLM field office biologists recommended against granting them.

It is obvious that this tendency to broadly grant exception requests will undermine efforts to conserve sage grouse populations. The routine granting of exceptions by BLM field offices demonstrates that relying on protective timing stipulations is inadequate to protect sage grouse from disturbance during oil and gas development and other activities.

To better conserve dwindling sage grouse populations, we request that the BLM implement the following steps through Instructional Memoranda:

- Standardize procedures and application forms for exceptions among all BLM field offices and centralize data so staff can better evaluate the cumulative impacts on sage grouse statewide,
- Open the exception application process to the public so that interested parties may comment on requested exemptions before decisions are made,
- Ensure that decisions on proposed exceptions comply with the National Environmental Policy Act,
- Reduce the number of exceptions granted, and
- Place a moratorium on all protective stipulation exceptions in sage grouse habitat until the above steps have been implemented and/or revised management plans are finalized.

Please contact us if you have any questions or we can provide more information that would be helpful.<sup>3</sup> We request that the information we have provided be included in the record and analyzed as part of the management plan revision process. We would like to meet with Deputy Director Culver at her earliest convenience to discuss these issues and find satisfactory resolutions. Thank you for considering our comments.

Sincerely,

Public Employees for Environmental Responsibility (PEER)  
Western Watersheds Project  
American Bird Conservancy  
Center for Biological Diversity  
Defenders of Wildlife  
Environmental Protection Information Center (EPIC)  
Four Paws USA

---

<sup>3</sup> For followup to this letter and meeting request, contact: Peter T. Jenkins, Senior Counsel, PEER, 962 Wayne Ave., Suite 610, Silver Spring, MD 20910 Tel: 202.265.4189 Email: [pjenkins@peer.org](mailto:pjenkins@peer.org)

Friends of the Earth  
Saving Animals Facing Extinction  
Sierra Club  
Wild Earth Guardians

Attachment