



WESTERN ENERGY ALLIANCE



**PETROLEUM
ASSOCIATION**
of **WYOMING**

Submitted via www.regulations.gov

December 16, 2024

Patricia Deibert

National Sage-Grouse Conservation Coordinator
Bureau of Land Management, Utah State Office
ATTN: HQ GRSG RMPA
440 West 200 South, Suite 500
Salt Lake City, UT 84101

**RE: Greater Sage-Grouse Proposed Resource Management Plan
Amendment and Final Environmental Impact Statement,
BLM_HQ_FRN_MO4500174493**

Dear Ms. Deibert:

Western Energy Alliance (the Alliance) and the Petroleum Association of Wyoming (PAW) (collectively the Associations), respectfully file this protest to the Bureau of Land Management's (BLM) Proposed Resource Management Plan Amendment and Final Environmental Impact Statement (PRMPA/FEIS) regarding management of the Greater Sage-Grouse (GrSG). The Associations each filed comments on the BLM's Draft Resource Management Plan Amendments and Environmental Impact Statement (DRMPA/EIS), providing detailed concerns regarding inaccuracies, unworkable proposals, and inadequate assessment and knowledge of the oil and natural gas industry. The Associations' individual comments provided support for its recommendations and offered ideas to improve on the DRMPA/EIS as well as the existing BLM GrSG management.¹ It is clear, based on the more restrictive proposals

¹ Both the Alliance and PAW filed comments on BLM's GrSG DRMPA/EIS as well as on BLM's separate request for comments on whether it should propose Areas of Critical Environmental Concern (ACEC) as part of its GrSG RMP amendment process. Each of those comments are hereby incorporated in whole by reference. Correspondence number BLM-GRSG RMP/EIS-00011 includes both of the Alliance's comments on BLM's DRMPA/EIS and ACECs. Correspondence number BLM-GRSG RMP/EIS-00035 includes both of PAW's comments on BLM's DRMPA/EIS and ACECs.

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included in the Proposed RMP Amendment as well as in the response to comments, that BLM failed to meaningfully respond to multiple of the Alliance and PAW's valid comments and concerns.

As explained by BLM, the PRMPA includes greater restrictions on oil and natural gas development than initially considered in the preferred alternative of the DRMPA/EIS, including making the possibility of obtaining exceptions harder to get. In proposing sweeping changes from current management, which is already overly restrictive and burdensome, the PRMPA/FEIS proposes to further reduce coordination with state wildlife management officials and conformance with state plans, further creating an inconsistent patchwork of management requirements across the GrSG range to the detriment of the species. Consequently, BLM severely undermines the important and effective work that many states and localities have done in collaboration with the oil and natural gas industry over many decades to protect GrSG and its habitat.

Through this protest, the Associations request that BLM return to a coordinated, state-specific planning approach, as most successfully done with the 2019 plan updates, in order to best manage and protect GrSG and its habitat.

Overview of Issues

While the Associations appreciate that BLM ultimately proposes not to designate any ACECs for GrSG in the PRMPA, the Associations remain concerned about continuing management decisions, as well as new terms and decisions not initially considered in the DRMPA/EIS, such as the creation of Priority Habitat Management Areas (PHMA) "with limited exceptions".

The Associations continue to believe that BLM is overstepping its authority in creating overly burdensome and complicated management provisions that ignore and conflict with state plans yet rely on state data to make many management decisions. BLM must align the PRMPA with state plans and provide mechanisms for change in order to consistently align with state data and state modifications based on best available science and relevant stakeholder input. Further, BLM cannot require compensatory mitigation to a no net loss standard consistent with its statutory mandates.

BLM must recognize its multiple use mandate and ensure that it manages GrSG and its habitat consistent with its statutory authority. While managing for the protection of GrSG and its habitat, BLM must also allow the Associations' members to responsibly develop oil and natural gas to meet this Nation's continuing energy needs.

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BLM Mischaracterizes its Authority and Obligations for GrSG Management

As an initial matter, BLM mischaracterizes its authority and obligations to manage GrSG and its habitat, and BLM's directives under the Federal Land Policy and Management Act (FLPMA), Mineral Leasing Act (MLA), Energy Policy Act, Inflation Reduction Act (IRA), and other authorizing statutes. BLM further violates the National Environmental Policy Act (NEPA) by failing to review and recognize best available science that shows oil and natural gas development within GrSG habitat can lead to improved habitat for the species. BLM's failure to recognize and follow the mandates contained in these statutes is arbitrary and capricious in contradiction of the Administrative Procedure Act (APA). Instead, the PRMPA/FEIS cites to policy contained in BLM-drafted manuals void of congressional direction, public notice and comment, or any other process that would make the direction legally binding under the APA.

FLPMA emphasizes the importance of public resources to the U.S. energy supply and contains an express declaration that BLM manage public lands "in a manner which recognizes the Nation's need for domestic sources of minerals . . . [and other commodities] from the public lands."² In managing for GrSG and its habitat, BLM must recognize its multiple use mandate and our Nation's need for safe, reliable, economic energy resources.

Also, as a part of FLPMA, BLM is directed to prevent "unnecessary or undue degradation of the public lands,"³ which does not mean no impacts are allowed, or a no net loss standard, but that unnecessary and undue impacts should be restricted.⁴ Indeed, oil and natural gas development within GrSG habitat provides certain benefits to the species through reclamation. Recent studies cited by the Associations in their DRMPA/EIS comments show increased forb diversity and abundance on reclamation sites as well as drastic increases in insect diversity and abundance, providing important protein sources for GrSG chicks. Through reclamation and mitigation measures, the oil and gas industry is working with local and state experts to improve habitat for GrSG.

² FLPMA § 201(a)(12), 43 U.S.C. § 1701(a)(12).

³ FLPMA § 301(b), 43 U.S.C. § 1732(b).

⁴ See *Colo. Env'tl. Coal.*, 165 IBLA 221, 229, GFS(O&G) 15(2005) (explaining that "[a]s to FLPMA's prohibition against undue or unnecessary degradation of the public lands, to the extent appellants mean to suggest that surface occupancy and drilling per se constitute undue or unnecessary degradation, we do not agree. Neither FLPMA nor implementing regulations defines the term 'undue or unnecessary degradation.'"). As the IBLA established, FLPMA's non-impairment standard "cannot be used to defeat a lessee's valid existing right to develop a lease." *Colo. Open Space Council*, 109 IBLA 274, 281 n.7, GFS(O&G) 83(1989) (quoting *Colo. Open Space Council*, 73 IBLA 226, 229, GFS(O&G) 189(1983)).

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In accordance with NEPA, BLM must recognize these efforts and the science supporting improved sagebrush -steppe ecosystems through reclamation and mitigation efforts. Further, BLM must manage for multiple use, and must acknowledge that FLPMA's goal of no unnecessary or undue degradation does not mean no impact, does not mean no net lost, and does not authorize a compensatory mitigation standard that requires established habitat benefit prior to impacts.

The PRMPA/FEIS Violates FLMPA's Mandate to Work with the States by Undoing Years Worth of Cooperation Efforts

FLPMA requires that BLM work with state and local governments in the land use planning process in order to ensure consistency as well as to reduce conflict when such land use plans could have a significant impact on adjacent non-federal lands. As explained in FLPMA, BLM must:

coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located . . . ; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials . . . in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. . . . Land use plans . . . shall be consistent with State and local plans to the maximum extent [the Secretary] finds consistent with Federal law and the purposes of this Act. 43 U.S.C. § 1712(c)(9).

FLPMA and BLM's own regulations require RMPs be consistent with officially approved or adopted resource-related plans of other federal, state, local, and tribal governments and policies and programs contained therein, to the extent that they are consistent with the purposes, policies, and programs of Federal laws and regulations applicable to public lands. See FLPMA Section 202(9); 43 C.F.R. § 1610.3-2; see also PRMPA/FEIS Appendix 23 – Consistency with State and Local Land Use Plans at 23-22.

BLM must ensure that its planning process is consistent with state measures in order to avoid a patchwork of management requirements across land ownership lines, leading to unintended consequences that ultimately harm the GrSG and its habitat. While BLM acknowledges that there are differences between the proposed management actions in the PRMPA/FEIS and state-specific plans, the document makes clear that BLM fails to practically resolve these differences, unlawfully ignoring the fact that such inconsistencies will likely result in surface impacts on non-federal lands instead of on more restrictive federal surface lands. See PRMPA/FEIS Appendix 23 – Consistency with State and Local Land Use Plans 23-1.

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As FLPMA and its implementing regulations recognize, states and their wildlife management agencies are best suited to manage GrSG and its habitat through their data collection, historic understanding of population trends and triggers, and expert knowledge. Therefore, BLM's PRMPA/FEIS should be consistent with and have the ability to adapt to state plans to the maximum extent. Overlaying a federal management plan without actual collaboration and coordination with states violates FLPMA and is arbitrary and capricious.

Wyoming Examples of Conflicts Between BLM and State Plans

For example, in Wyoming, the state manages GrSG according to the management provisions contained in Sage Grouse Executive Order 2019-3 (SGEO). Additionally, certain Wyoming counties have their own land use plans, including some counties calling out opposition to changes to management area designations such as the expansion and reduction of PHMA. PRMPA/FEIS Appendix 23 at 22. As Appendix 23 of the PRMPA/FEIS recognizes, proposed PHMA, PHMA with limitations, and general habitat management areas (GHMA) within the Proposed Alternative are inconsistent with the SGEO and county maps. This particular inconsistency is a common concern across the BLM GrSG planning process in that BLM continues to disregard the state's primacy, as well as on-the-ground knowledge of GrSG and habitat features of the relevant lands. FLPMA requires BLM to consider and harmonize its land use plans with state land use decisions. Recognizing the state's land use habitat mapping constitutes the best available data, BLM should utilize such state data as the baseline for coordination.

As another Wyoming example, the PRMPA includes 273,000 acres of BLM surface or mineral estate in southwest Wyoming where BLM's increased protections include no surface occupancy (NSO) stipulations for new fluid mineral leases. *Id.* The SGEO, however, allows surface development in this area with surface disturbance and density restrictions. In removing the option for surface disturbance on such federal lands, BLM forces any potential surface impacts from oil and gas development onto the neighboring non-federal lands without consideration for whether non-federal land contains more important habitat for the GrSG.

The SGEO's adaptive management metrics, quantification approaches, and threshold levels also differ from the PRMPA. Unlike the BLM's metrics and quantification tools as newly proposed, the SGEO's metrics and tools were established based on on-the-ground learning and with the knowledge of local wildlife officials familiar with the Wyoming habitat and species' needs. Further, the State continues to update its metrics and tools through a rigorous stakeholder process, based on anomalies in GrSG population trends. While the PRMPA/FEIS states that BLM must consider the SGEO's adaptive management analysis when determining if BLM adaptive management thresholds have been met, but the PRMPA/FEIS does not state that it will defer to the state plan or what deference, if any at all, it will give to the state analysis in violation of FLPMA. *See id.*

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As BLM finalizes the RMPA, it must ensure that it includes a mechanism for minor adjustments to mirror changes that happen to the relevant state plan, such as the management area mapping adjustments that happen within the Wyoming Sage Grouse Implementation Team.

The PRMPA/FEIS Risks Longstanding Cooperation and Collaboration by Applying a One-Size-Fits-All Approach to GrSG Management

In addition to FLPMA's requirement that BLM coordinate and collaborate with state agencies on its land use plans, BLM must endeavor to draft plans that are consistent with state and local plans in recognition of the fact that state agencies often have superior knowledge of local ecosystems, wildlife needs, and the dynamics of industry and species interaction. BLM's PRMPA should include greater collaboration with and deference to the states, which would allow BLM to utilize local expertise for more precise and effective species and habitat management strategies. Additionally, close collaboration with the states would enhance alignment with ongoing state-led conservation programs and minimize duplication of efforts, creating a more streamlined and effective management model for GrSG.

Because BLM's PRMPA will rely in great part on state-based population data, it is imperative BLM work with the corresponding states to ensure consistent and meaningful adaptive management based on local conditions. Existing state wildlife agencies have established conservation strategies and goals for GrSG that have been developed and informed by decades of research and stakeholder collaboration. BLM must work with the states to ensure local management goals are met while also recognizing a broader management goal. BLM should not apply a one-size-fits-all approach to GrSG management when localized differences require localized solutions. BLM must allow for state and local variations.

The PRMPA/FEIS Raises Additional Questions on Adaptive Management

The Associations' comments on the DRMPA/EIS raised concerns about the proposed adaptive management mechanism and asked BLM to provide clarification regarding the multiple triggers, deadlines, causal factor analysis and additional metrics and how they would be utilized. Further, the Associations noted that the DRMPA/EIS's adaptive management proposal appeared to rely on state data while also refusing to collaborate and be consistent with state GrSG management. Instead of providing any clarification, the PRMPA/FEIS appears to make adaptive management more broad reaching by applying to GHMA designated lands in certain circumstances, further solidifying inconsistencies with state management. See PRMPA/FEIS 2-48.

BLM must provide clarification to ensure a workable adaptive management system that incorporates close collaboration between the BLM and state wildlife agencies and when hard and soft thresholds are

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met. Further, BLM must incorporate an assessment of the effectiveness of restrictions on population trends to evaluate the effectiveness of the restrictions when compared to climatic variables such as drought. Where states already have adaptive management programs, BLM should defer to those programs and the state agencies as the states are often better equipped to access trends and collaborate with stakeholders for the benefit of the GrSG.

The PRMPA/FEIS Should Focus on GrSG Presence Instead of Habitat Presence

Throughout the PRMPA, BLM emphasizes managing habitat without recognizing the importance of the presence of GrSG in certain instances. The presence of GrSG directly correlates with the health and viability of its population and should be the baseline for best available data. Monitoring *actual* populations at leks offers more immediate and actionable insights than assessing habitat characteristics alone. GrSG lek counts provide a clear indicator of populations trends, which is critical for assessing the species' long-term viability. See PRMPA/ FEIS Chapter 3.2.1. Suitable habitat, defined by vegetation type and structure, may not actually be usable habitat for GrSG due to factors like predation, environmental changes, or other factors. Although habitat quality is important, not all habitats designated as priority areas for conservation are utilized by GrSG. For instance, predation by ravens and other factors can deter GrSG from occupying otherwise suitable areas. *Id.*; see also GrSG PRMPA/FEIS Appendix 21.1.9 at 92. By focusing on species presence, resource managers can target interventions to areas where conservation efforts will have the most direct benefit.

Further, GrSG habitat preferences and needs vary seasonally and across life stages (e.g., nesting, brood-rearing, wintering), making habitat-focused strategies less precise. Monitoring species presence allows for real-time assessment of where GrSG are thriving or struggling. Using fixed habitat metrics as a monitoring tool instead of species presence fails to ensure that conservation actions remain relevant and effective as landscapes evolve. The habitat assessment framework (HAF) included in the PRMPA details seasonal variability in habitat needs and should more clearly emphasize incorporating species observations to guide management decisions. See GrSG PRMPA/FEIS Appendix 8 – Greater Sage-Grouse Habitat Indicators and Benchmarks. BLM must also recognize the effects of wildfires on habitat, whereas BLM cannot manage for GrSG when a wildfire has decimated any ability for species survival in the area. As BLM itself recognizes in the PRMPA/FEIS, wildfires far outweigh the loss of habitat as opposed to anthropogenic causes. See PRMPA/FEIS at ES-3.

Lastly, monitoring lek counts is a practical and cost-effective way to measure conservation success. Habitat-focused monitoring, on the other hand, requires extensive vegetation mapping and ecological assessments, which can be resource and time intensive. Appendix 7 details how population trend monitoring through collaborative state efforts provides consistent and reliable data at lower cost.

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Exceptions should be allowed where GrSG are not present

Instead of focusing on habitat and other metrics when considering an exception, BLM must first look at whether there are GrSG present in the area. Where GrSG have left the area to move to new seasonal habitat, that should be the baseline consideration for granting an exception. Additionally, in instances where there is data that GrSG have not been in the requested area for multiple seasons based on wildfire or other factors, this too should become a baseline consideration for granting an exception.

BLM cannot consistently deny exceptions—even within PHMA—where GrSG are not then utilizing the lands and where it can be shown that such exception is limited in nature and scope to reduce impacts to GrSG habitat when the GrSG returns to the area. BLM must make decisions on exception requests based on best available science. Presence or absence of GrSG in the area should always be a baseline data factor in the authorization process.

Compensatory Mitigation Should be Consistent with States' Mitigation Requirements

The PRMPA/FEIS needs to more fully align with existing state mitigation policies to ensure consistency and compliance with FLPMA. States like Nevada and Wyoming have developed detailed frameworks for compensatory mitigation, including policies addressing habitat durability, credit systems, and offset effectiveness. Federal alignment would ensure uniform implementation of mitigation measures and reduce confusion for operators across state and federal lands. *See* GrSG PRMPA/FEIS Appendix 2, pp. 2-NVCA-72.

The PRMPA should fully leverage state expertise in habitat offset quantification. States have spent years developing quantitative tools to measure habitat loss and recovery, ensuring that compensatory mitigation is tied to measurable ecological outcomes. For example, the Habitat Quantification Tool (HQT) used in Nevada, Idaho, Montana, and Oregon assesses development impacts and helps calculate required mitigation credits. *See* PRMPA/FEIS Appendix 14. Misalignment between federal and state compensatory mitigation requirements creates inefficiencies, such as the need for duplicative reviews or project delays. Consistency, therefore, would ensure state and federal efforts are complementary, maximizing the effectiveness of conservation efforts and dollars.

Following state compensatory mitigation requirements would encourage tailored solutions that reflect regional priorities and allow flexibility in addressing habitat impacts. State-led compensatory mitigation plans often account for regional ecological variability, such as differences in sagebrush density or habitat connectivity, and focus on areas where conservation can have the greatest benefit to the species. Federal alignment allows for conservation actions that are sensitive to these localized conditions, ensuring higher success rates. State-specific mitigation approaches, like Wyoming's core area strategy, demonstrate how regional priorities can guide mitigation in ways that enhance effectiveness without one-size-fits-all policies. *See* PRMPA/FEIS Appendix 2 – Existing Greater Sage-Grouse RMP Management Direction (Miles City RMP 2-Miles-4).

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Federal alignment with state frameworks also allows for flexible and adaptive approaches to compensatory mitigation. For instance, some states include voluntary participation programs or options for fee-based mitigation, providing stakeholders with multiple paths for compliance while maintaining conservation standards. The PRMPA must be amended to acknowledge that federal mitigation measures must align with state priorities to provide flexible but effective solutions.

PRMPA/FEIS's Application of Compensatory Mitigation Across All GrSG Habitat is Inconsistent with State Management

The PRMPA/FEIS proposes to require compensatory mitigation to PHMA and GHMA designated lands, in contravention of existing state plans and significantly diverging from current BLM GrSG management. Inevitably, requiring these compensatory mitigation standards, including implementing a “no net loss standard,” requiring mitigation to be completed prior to any disturbance, and requiring compensation be implemented in the same HAF Fine Scale unit as the proposed disturbance creates an overly complex and unwieldy regulatory program for operators to navigate, inconsistent with state plans. BLM must revise its compensatory mitigation requirements to allow for flexibility and consistency with state plans. Further, BLM must provide support for its changed course to require such measures in PHMA *and* GHMA designated lands.

By requiring compensatory mitigation that diverges from state frameworks or imposes additional burdens, BLM is infringing on state authority in violation of FLPMA, creating legal inconsistencies. BLM must ensure that proposed compensatory mitigation requirements in the PRMPA/FEIS fall does not exceed BLM's authority by infringing on state and privately managed lands and projects.

PHMA with Limited Exceptions is *de facto* ACEC Designation Without Meeting ACEC Standards

As explained in the Associations' comment letters on BLM's proposal to designate certain GrSG habitat as ACECs, GrSG habitat does not meet the criteria for ACEC designation because of the strength of the conservation measures already included in existing GrSG management plans. BLM cannot justify ACEC designation. Instead, the PRMPA intends to create a new land use designation of PHMA with limited exceptions, which further restricts oil and natural gas development in such areas, akin to what ACEC designation would have contained.

FLMPA defines an ACEC as an area “within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish or wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.” 43 U.S.C. § 1702(a). FLPMA's implementing regulations require that an ACEC designation meet both relevance (containing important wildlife resources) and importance (qualities of special worth) criteria. 43 C.F.R. § 1610.7-2(a). Further, the lands must require special management attention. 43 C.F.R. § 1610.7-2(d)(3).

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As BLM rightfully recognized, GrSG habitat does not meet the ACEC relevance and importance criteria because BLM already manages these lands for GrSG, and additional, more restrictive measures are not warranted nor supported. Instead, the PRMPA/FEIS proposes PHMA with limited exceptions as a more restrictive overlay on certain PHMA designated lands, acting as *de facto* ACECs. BLM could not justify ACEC designation, and it should not be allowed to designate *de facto* ACECs as PHMA with limited exceptions. Such designation violates the ACEC process and FLPMA.

The PRMPA is the Most Restrictive Proposal

The PRMPA includes a host of increased restrictions beyond what was considered in the DRMPA/EIS and available for public comment. As an initial matter, it creates significant extra restrictions within PHMA and identifies PHMAs with limited exceptions for development, categorizing them as exclusion zones for solar, wind, and major rights-of-way (ROW). These protections go beyond the measures in other DRMPA/EIS alternatives by imposing stricter limitations on land-use activities without having provided public notice and an opportunity to comment on such restrictions. See PRMPA/FEIS Section 2.4.

For fluid mineral development specifically, the preferred alternative includes NSO stipulations for fluid mineral leasing within PHMAs, severely limiting development activities in certain habitats compared to other alternatives that allow more leniency or conditional exceptions. BLM cannot implement such overly burdensome restrictions without providing notice and an opportunity for the Associations and other members of industry to comment.

The PRMPA expands disturbance caps, adds increased mitigation requirements, and layers additional regulatory hurdles on projects through mandatory adaptive management triggers. Under the PRMPA, strict disturbance caps would be enforced, limiting the extent of surface disturbance in GrSG habitats. See PRMPA/FEIS Section 2.6. Caps would then trigger adaptive management measures when exceeded, reducing operational flexibility for industries like mining or energy development.

The PRMPA defines additional areas within PHMAs as exclusion zones, where major rights-of-way and surface-disturbing activities are prohibited. See PRMPA/FEIS 2-55. This contrasts with less restrictive alternatives analyzed that allow development with conditions. Lastly, the PRMPA emphasizes adaptive management, requiring immediate mitigation or additional restrictions if certain thresholds (e.g., population declines, habitat loss) are exceeded. See PRMPA/FEIS Appendix 7. This adds another layer of restriction compared to alternatives without such triggers. The Associations protest BLM's additional restrictive measures to be implemented without notice and opportunity for meaningful comment. The Associations further protest BLM's layering on additional restrictions to an already overly burdensome GrSG management plan that will not result in actual benefit to the species.

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BLM Failed to Provide Improved or Usable Maps that Provide Meaningful Information

The Associations protest BLM's failure to address mapping concerns from the DRMPA/EIS to the PRMPA/FEIS. The GIS mapping layers for the PRMPA are arbitrary and capricious, and not supported by best available data as they continue to appear to be based on resources unrelated to GrSG leks and habitat. BLM cannot create restrictions on habitat use for the protection of GrSG when some habitat designations are based on non-GrSG uses.

For example, when comparing GIS layers for GrSG leks and habitat from the PRMPA/EIS to GrSG habitat identified by the Wyoming Game and Fish Department, there is some correlation. However, there are additional habitat designations presented in the PRMPA/FEIS which do not include known GrSG habitat at all. In the Wyoming maps, there are several polygon features that do not correlate with any known lek or habitat data but appear to be based on raptor nests such as golden eagles and burrowing owls. Likewise, there are line features that include major stipulations that correlate to historic trails. Both are presented as if they were GrSG habitat, which is not factually accurate and inappropriate for inclusion in the PRMPA/FEIS. Further, a proposed NSO stipulation seems to have been applied randomly to the boundaries of permitted oil and natural gas EIS project areas. These boundaries do not warrant habitat being deemed GrSG in all instances and may be devoid of leks.

BLM must use best available science directly related to actual GrSG data. BLM cannot arbitrarily designate GrSG habitat based on unrelated species.

BLM Failed Once Again to Provide Adequate Time for Public Review and Comment in Violation of FLPMA and APA

FLPMA requires federal agencies to provide adequate notice and opportunity to comment on land use plan amendments and revisions. 43 U.S.C. § 1712(f); 43 C.F.R. § 1610.2(a). Similarly, APA requires both notice and the opportunity to comment when an agency proposes a substantive rule. 5 U.S.C. § 553. The PRMPA/FEIS spans 3,026 pages, a nearly 600 page increase from the 2,428 pages in the DRMPA/EIS issued in March 2024, with a preferred alternative that is significantly changed from any of the alternatives analyzed. Thirty Days is an insufficient amount of time to review such voluminous new information.

Limiting the protest period to a mere 30 days ensures that public review will be insufficient and incomplete. In so doing, BLM is again violating APA and FLPMA by truncating public review and comment periods to the detriment of the public and impacted stakeholders. The result of which is a PRMPA/FEIS that is unresponsive to the input received.

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The Associations request additional time to review the PRMPA/FEIS and provide meaningful comment, especially considering the fact of so many new management provisions from the DRMPA/EIS.

Conclusion

The PRMPA/FEIS presents numerous fundamental legal and technical flaws that render it inoperative and incapable of being administered in a rational and consistent manner where BLM decision-making complies with the legal standards of APA, FLPMA, and its governing resource use statutes such as MLA. To provide regulatory certainty and effective conservation for the GrSG and its habitat, BLM must withdraw the PRMPA/FEIS and significantly revise and rework it to fix the extensive flaws.

Sincerely,



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