

Core Areas: Broken promises pave the road to listing

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Sage-grouse protections are a hot topic these days. Some hope to prevent further sage grouse declines, while others hope to avoid Endangered Species regulations.

In 2008, Gov. Dave Freudenthal adopted an executive order to protect sage grouse in core areas. Under the latest version, “New development or land uses within Core Population Areas should be authorized or conducted only when it can be demonstrated that the activity will not cause declines in Greater Sage-Grouse populations.”

But immediately thereafter, the hanky-panky begins: “Development consistent with the stipulations set forth in Attachment B shall be deemed sufficient to demonstrate that the activity will not cause declines in Greater Sage-Grouse populations.”

“Attachment B” contains loopholes so industrial uses inside core areas are exempted from sage grouse protections, and industrialization can be fast-tracked outside the boundaries. Additionally, boundaries have been gerrymandered to accommodate wind farms, strip mines and a coal-to-liquid plant that would otherwise be prohibited. And for heavy industrial projects like the Lost Creek uranium mine, recently challenged in court, sage grouse protections have been waived.

The Lost Creek case reveals a trail of broken promises. First, the BLM argued that core area protections are merely “voluntary” for mining operations, and the judge agreed. Second, state officials waived protections with impunity. Wyoming Game and Fish officials ruled that the Lost Creek project density — 100 wellpads per square mile, vastly greater than the one wellsite per square mile allowed in core areas — was acceptable because the entire project was really a single wellpad covering more than 4,000 acres. Game and Fish biologists also approved constructing the main haul roads closer than 0.6 mile from sage grouse leks — violating the 1.9-mile exclusion zone for main haul roads and 0.6-mile exclusion zone for any road construction — because hillsides screened the roads from the leks. Wyoming Game and Fish biologists surely knew that building roads this close to leks would cause problems.

Game and Fish itself had based the haul road buffers on the Holloran study, which showed that roads within 1.9 miles impact sage grouse populations, whether or not the road was visible from the lek. The BLM knew it too, having funded a new study that discovered that traffic noise projected from hidden speakers — with no visible roads or trucks — had a major impact on sage grouse on leks at distances within 0.7 mile.

The BLM recently called together a National Technical Team, sage grouse experts from federal and state agencies across the country, to review the science and recommend sage grouse protections within core areas. Unlike the state process, there were no industry lobbyists looking to stack the deck in their favor, no conservation advocates, no politicians — only scientists assessing the results of published studies. These biologists confirmed that well densities should never exceed one wellpad per square mile, and that a 4-mile buffer with no drilling or road construction should be required around each active sage grouse lek.

The Lander BLM plan considered applying National Technical Team standards, but rejected them even though the socioeconomic analysis revealed that stronger protections would little economic impact. The

Lander plan could have included rigorous sage grouse protections, making the strongest possible case against listing, at no economic cost – but BLM decided against strong protections out of deference to a crippled state core area plan.

Meanwhile, in the Powder River Basin, in 2012 a BLM-funded population viability study concluded that the core areas designated there were inadequate to protect the regional population, which will face “functional extinction” during the next West Nile virus epidemic. So naturally, the BLM is expanding core areas to increase protections from drilling, and breaching and draining coal-bed methane wastewater ponds that breed West Nile virus carrying mosquitoes, right? Wrong.

State and federal biologists are finally beginning to concede that the State’s core area strategy is based on political compromise rather than scientific principles. But forced to choose between science and politics, land and wildlife managers are still playing politics.

Wyoming is gambling on secret assurances from the U.S. Fish and Wildlife Service that their core area policy will satisfy the federal “Policy on Effective Conservation Efforts,” and thus prevent the sage grouse from getting Endangered Species protections. But it’s a risky strategy: If the Service doesn’t list the grouse, the decision will likely wind up before Judge B. Lynn Winmill of the U.S. District Court, who overturned the last “not warranted” finding on the sage grouse.

Meanwhile, the BLM is amending all of its land-use plans to address sage grouse protections. More than half of Wyoming’s sage grouse inhabit BLM lands. If BLM adopts the rigorous protections of the agency’s own scientists, then sage grouse populations get the protection they need, making a strong case that Endangered Species protections are unnecessary. Anything less, and both the sage grouse and efforts to stave off Endangered Species listing are in trouble.

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