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ENDANGERED SPECIES: Wyo. drilling proposal threatens prime sage grouse habitat -- enviro petition *(Tuesday, October 29, 2013)*

Scott Streater, E&E reporter

A coalition of environmental groups is asking the Interior Department to slow down planned oil and natural gas drilling activity inside prime greater sage grouse habitat in eastern Wyoming.

WildEarth Guardians recently sent a formal [petition](#) to Interior Secretary Sally Jewell asking the agency to exercise its authority over subsurface mineral rights in the area and forbid new well pads and associated infrastructure such as roads inside a state-designated core sage grouse area until it has finalized resource plan amendments designed to protect grouse in the region.

The 15-page petition -- which was also sent to Neil Kornze, the Bureau of Land Management's principal deputy director -- asks Interior to also incorporate new conditions of approval for wells in the area such as seasonal restrictions to prevent drilling activity during breeding and nesting season, March 15 through June 30.

The so-called Douglas Core Area, established by a governor's executive order in 2008 and one of 31 core areas covering about 15 million acres, is mostly on state surface lands, but BLM oversees about half the subsurface mineral rights.

The petition, which also includes the Biodiversity Conservation Alliance and American Bird Conservancy, was sparked by a recent agreement between the state and Chesapeake Exploration LLC that will allow the company to develop leases inside the boundaries of the core area, even though total disturbance in core areas is not supposed to exceed 5 percent of the surface area; that threshold has already been exceeded in the core area.

In exchange for state permission to drill new wells to tap oil and gas resources locked in the shale and tight sand deposits, Oklahoma City-based Chesapeake agreed to take steps to avoid the most sensitive habitat and agreed to restore lower-grade habitat within the core area.

But the results of such heavy oil and gas drilling activity in the core area could spell trouble for the sage grouse, which the Fish and Wildlife Service is considering listing as a threatened or endangered species. The service is expected to decide by September 2015, and BLM and the state have been working for years to avoid a listing under the Endangered Species Act.

Wyoming is home to nearly half the remaining greater sage grouse population, and protecting the bird and its sagebrush steppe habitat in the state is viewed as crucial to avoiding an ESA listing.

"It is not the Bureau of Land Management's responsibility to hold the State to its commitments on behalf of sage grouse, but the BLM has obligations of its own which mirror Core Area protections imposed under State Executive Orders, because BLM surface and mineral estates are involved, and BLM permitting responsibilities have in one way or another been triggered for much of the drilling in question," according to the petition.

With roughly half the core area containing BLM-administered mineral estate, Chesapeake's plan will involve federal permitting, or at the least will "trigger federal sage grouse protections," the environmentalists write.

"This petition calls upon the BLM to live up to its obligations pursuant to federal law and policy in this regard," they add.

Mitch Snow, a BLM spokesman in Washington, D.C., said the agency has received WildEarth Guardians' petition, "and we will be taking a close look at it."

But Snow acknowledged that the situation involving the Douglas Core Area is "complex" because of the mix of state surface ownership and federal subsurface mineral rights.

Erik Molvar, a wildlife biologist with WildEarth Guardians who signed the petition on behalf of the coalition, said the core sage grouse areas "represent the last best habitat remaining for the sage grouse in Wyoming."

"If state and federal agencies don't deliver on the protections they promised, then the whole core area concept will be exposed as an imaginary safety net with no webbing," Molvar said.

The petition notes that Chesapeake has "Notices of Staking and/or Applications for Permit to Drill" pending for seven oil and gas wells in the core area.

Chesapeake has also proposed 93 additional well pads in the Douglas Core Area at issue as part of the deal with the state of Wyoming, according to the petition.

Lindsay McIntyre, a Chesapeake spokeswoman, said the company had no comment on the petition.

Such drilling activity, according to the petition, could undermine proposed BLM resource management plan amendments in the state that are the foundations of the agency's national greater sage grouse recovery plan.

"If the Bureau of Land Management is serious about recovering sage grouse populations and avoiding an Endangered Species Act listing, increasing the surface disturbance to this degree in the Douglas Core Area is the wrong path to go down," said Duane Short, the wild species program director for the Biodiversity Conservation Alliance. "A lot of eyes are being opened further to the inability of the state's core area strategy to meaningfully protect and recover sage grouse."