



FRONTLINE

R E P O R T

BLM MODIFYING GRAZING PLAN FOR SMITHS FORK ALLOTMENT



John Carter

Surveys of the Smiths Fork allotment show that only 17 percent of its streams are in properly functioning condition.

WOC's pressure for improvements achieves positive results

By Bruce Pendery

Remote mountains dissected by innumerable streams. Sagebrush wildflower gardens dotted with aspen groves sweeping up to Douglas-fir and lodgepole pine forests at higher elevations. Crucial habitat for the imperiled Bonneville cutthroat trout, a fish named after one of our most famous explorers, Captain Benjamin Louis Eulalie de Bonneville. The location of one of the largest Bureau of Land Management (BLM) Wilderness Study Areas in Wyoming, the

41,358-acre Raymond Mountain WSA.

This is the 90,937-acre Smiths Fork livestock grazing allotment near Cokeville, Wyoming.

Unfortunately there is another side to the Smiths Fork Allotment.

Surveys show that only 17 percent of its streams are in properly functioning condition. No streambanks have stability ratings of good, and most are rated poor or very poor. The allotment fails to meet two standards for healthy rangelands: one gauging the ability of riparian areas to withstand disturbance, and the other assessing the ability of an area to support viable populations of native species and provide habitat for imperiled species.

The carrying capacity for livestock on the Smiths Fork Allotment is approximately

34 percent less than the potential level of grazing allowed by the BLM, and approximately 20 percent less than what has actually been authorized by BLM in many years.

Simply put, the wild Smiths Fork, with its remote mountains and streams, is imperiled by irresponsible grazing.

WOC works for improved grazing practices

Because of the extremely important conservation values of the Smiths Fork allotment, coupled with its well-documented degraded condition due to livestock grazing—especially in riparian habitats—WOC has a long history of trying to improve grazing management in this area. WOC has sought (continued on page 12)



Established in 1967, the Wyoming Outdoor Council (WOC) is the state's oldest and largest independent statewide conservation organization. Our mission is to protect and enhance Wyoming's environment by educating and involving citizens and advocating environmentally sound public policies and decisions.

Frontline Report is the quarterly newsletter of WOC and is provided as a benefit of membership. Letters to the editor and articles by members are welcome.

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DIRECTOR'S MESSAGE

Last Ride

Executive Director Dan Heilig

Last weekend I took what may well be my last trip into the Jonah Field. Constructed almost entirely on public land, Jonah's monthly production of 20 billion cubic feet of natural gas makes it one of the most significant gas fields in the United States. Even though it was Sunday, the field was bustling with activity—drill rigs, heavy equipment, and pumper trucks went about their business. With over 500 producing wells linked by a dense network of roads and pipelines, it was hard to imagine where in this heavily industrialized complex the 3,100 additional wells proposed by Encana would go.

Perched atop an orange BMW motorcycle, I received more than a few incredulous stares along with a tentative wave or two from workers as I made my way across the project area.

After about a half-hour of steady riding, I left the hubbub and occasional whiff of benzene behind and entered the welcome emptiness of our public lands. I was all alone in a landscape of sandstone cliffs and multi-hued pinnacles, mesmerized by the rugged beauty and solitude. I scanned the horizon, hoping to catch a glimpse of a hawk, pronghorn or other desert occupant. Just as I had satisfied myself that wildlife viewing in the heat of the day from the back of a motorcycle was a silly thing to be doing, I was startled by a flush of about a dozen sage grouse.

With much of its habitat gone, the future of this imperiled species is uncertain. Although a petition to list the bird as threatened or endangered is pending before the U.S. Fish and Wildlife Service, a sister federal agency with a vastly different agenda continues to issue drilling permits in the bird's habitat as fast as it can before the hammer called the Endangered Species Act falls. What is causing the bird's decline? Most likely a combination of factors that include drought, development, disease, and habitat fragmentation. I dismissed the notion that the ferruginous hawk circling above was partially to blame, as some would contend. As I rode, I pondered how the battle to save the icon of the prairie might play out, and considered its many implications.



I allowed my mind to wander, savoring the empty landscape and breathing in the beauty of my surroundings. Just at that moment, I spotted a drill rig off in the distance, and concluded that it must be part of the Fontenelle Field, a 1,300-well natural gas project approved in the mid-1990s. From a high point along the two-track I had been traveling I saw lush riparian areas and irrigated fields extending up and down the Green River.

Leaving Big Piney I recalled an earlier meeting with ranchers from the area to discuss their concerns about gas development on split-estate lands. As I crossed Cottonwood Creek, I could see the ranch where I had spent a pleasant evening the day before the Conservation Congress visiting with Tweeti Blancett, our keynote speaker, along with the Garland and Andrikopoulos families.

I began my Sunday ride with the idea that I would dash out to Twin Creek Ranch, outside Lander, to visit Tony Malmberg and his wife Andrea, and to thank them for a great Fourth of July party. The recipient of numerous environmental stewardship awards, Tony's ranch operation has expanded beyond organic beef and well-heeled dudes to include free-range turkeys, several goats, and a couple of hogs that appear to have the run of the place. I didn't see Tony's truck or any activity, so I continued up Twin Creek Road instead of returning to Lander. As I crossed the rusted and worn cattle guard, I went down a mental check list: fuel, water, extra clothing. Satisfied I had the essentials, I rode south into the Red Desert. The vast emptiness and stark beauty of this landscape provided an instant reminder of why we have been fighting to protect this place. I tried to forget that the BLM's final

Jack Morrow Hills plan would be arriving in Monday's mail.

As I pulled into Atlantic City, a rustic and somewhat eclectic mountain town of about 60 inhabitants, I resisted the temptation to stop at the world-famous Mercantile for a beer and burger. Within minutes I was at Highway 28, mulling over my options: Big Sandy Road to Boulder, traversing the west flank of the Winds, or the paved road to Farson. Wanting to check out a gas well that had been drilled the year before along the Emigrant Trail, I turned left. The well had been shut in, and the three-acre pad was covered with weeds. Pits containing produced water were surrounded by fencing, and sections of orange survey tape fluttered in the wind, suspended at regular intervals above the pond to discourage waterfowl from landing in the dangerous brew.

I stopped in Daniel for food and water and to stretch my legs. It was hot and I was getting tired. Traffic was heavy with summer tourists on their way to Jackson and Yellowstone. I paused to study the mountainous horizon some 30-40 miles to the west that was the crest of the Wyoming Range. I had difficulty accepting the fact that the Bridger-Teton National Forest was preparing to lease 140,000 acres of some of the most spectacular public land I have traveled through for oil and gas development, including tens of thousands acres of inventoried roadless areas. I felt a pang of guilt knowing that my decision to leave Wyoming makes it likely that I won't remain directly involved in the fight to protect this land from development. I know we can win this one, and want to be part of the effort.

I pulled over at Trappers Point to look again at the landscape that forms the epicenter of debate about preserving the longest terrestrial migration in the United States. Professional wildlife managers and elected officials know what needs to be done to protect our wildlife legacy, yet may lack the strength or courage to get the job done.

With the sun edging closer to the horizon, it was decision time again: back to Lander via Pinedale and Farson, or dirt roads to Dubois. The snow-clad peaks of the Wind River Range glistening in the late afternoon sun made it an easy choice. I was going up and over—next stop Union Pass.



Jeff Vanuga

Wyoming's Red Desert

The allure of the high country was as strong this Sunday as it was in 1979 when I participated in a 30-day backcountry expedition into the Winds led by NOLS. I didn't know it then, of course, but that trip was the first of what ultimately would become dozens of expeditions into the world's wildest places over an eight-year period. Funny how a single event can have such a profound influence on one's life.

At the forest boundary I paused to contemplate how one of the rarest fish in the world, the Kendall Warm Springs Dace, could exist here and nowhere else. As I crossed the Green River I recalled our successful efforts in the early 1990s to stop a

proposal to construct a new bridge over the river at Dollar Lake, that most likely would have destroyed bald eagle nesting habitat and several acres of wetlands. By today's standards, that fight seemed easy. I suppose it helped that the bridge was a stupid idea to begin with.

Having negotiated a rocky section of road on Bacon Ridge, and now high above the Green, I wondered about the obstacles standing in the way of wild and scenic river designation, and what would have to happen to secure permanent protection. Farther along, a pair of cyclists waved me down. Ready to make camp, they wanted to know how far it was (continued on next page)



Wind River Mountains

Jeff Widen

to running water.

I was awestruck by the panoramic views of the Winds, Gros Ventres, and, way off in the distance, the Tetons. Not far from Union Pass I made a mental note to check up on the status of the Bridger-Teton National Forest's efforts to address off-road vehicle abuses in the Seven Lakes area, as they had promised to do in a settlement agreement following an administrative appeal by WOC. Later, for no particular reason, I wondered if the two cyclists I encountered earlier would have chosen this route if the Union Pass Road was paved, an action some local officials support.

The Line Shack Lodge was much larger than I remembered, its expansion the result of a desire to accommodate the growing number of snowmobilers who flock to the area each winter, or perhaps to cater to the summer residents who have accepted—or who may be oblivious to—the hazards of living in the so-called urban-wildlands interface. Log here, I thought, and stay out of the old growth.

As the sun settled on the horizon, the Dubois badlands came alive with rich hues of crimson and amber. Behind them, in the distance, the evening alpenglow slowly

descended on the Absarokas in a kaleidoscope of colors, enveloping me in a warmth I know would not register on any thermometer.

Crossing Dinwoody Creek, I remembered how Dave Love's charm and wit had touched so many of us in the conservation community. I hoped the record June rainfall had eased tensions on the Wind River Reservation, if just a little, over water conflicts. Will the tribes efforts to establish instream flows in the Wind River ever succeed? Gazing back at the mountains, I was again amazed at how much of the reservation remains undeveloped and wonder how long it will remain so.

Just outside Fort Washakie, I caught a glimpse of Mt. Roberts, its steep east face hidden in the shadows. I knew from previous trips that the glacial lake at its base holds giant cutthroat trout, and promised myself that I would get into the Wind River backcountry in September.

I love Wyoming, so I know that even after I leave I will think about her often, particularly during these challenging times. Although Wyoming's future is uncertain, I am reassured knowing that WOC will remain strong and continue to grow under

the capable and experienced leadership of Mark Preiss, our new executive director. I have no doubt that he possesses the skills, passion and determination to keep alive the vision we all share for Wyoming. With your continued support and encouragement, WOC's future is bright and secure, and it is critically important that it remain so.

To our members and supporters, thank you so very much for your trust and confidence and for granting me the privilege of leading such a wonderful organization. I am both honored and humbled to have had this opportunity.

Finally, I am forever grateful to Tom Bell, for without his strength, wisdom and vision I would have thrown in the towel long ago. His friendship has enriched my life in ways that I am incapable of describing.

God bless Wyoming and keep it wild! ➤

Dan Heilig
Executive Director

WOC Welcomes New Executive Director Mark Preiss

In mid-August, WOC will welcome new executive director Mark Preiss to Lander, where he will work with outgoing ED Dan Heilig for a hit-the-ground-running transition.

Mark comes to WOC from the Western Environmental Law Center (WELC) in Taos, New Mexico, where he directed the organization's southwest office. At WELC, Mark managed staff attorneys and oversaw legal cases and grassroots campaigns in seven states — including Wyoming, Montana and Colorado — to protect clean air and water, defend endangered species, safeguard wild and scenic rivers, promote responsible oil and gas development and craft land-use plans to help rural governments protect their natural heritage.

Hiring Mark is the culmination of an intensive five-month executive search process, during which WOC board and staff reviewed dozens of applications and interviewed five highly qualified candidates.

Mark brings to WOC a wealth of experience directing conservation and historic-preservation programs, managing staffs and budgets, developing organizational and campaign strategies, and crafting comprehensive fundraising and communications programs for organizations including WELC; Robert Redford's Sundance in Utah; the Historic Fourth Ward School, a National Historic Landmark, museum and cultural center in Virginia City, Nevada; the Nevada Arts Council and Western States Arts Federation; and the Utah Arts Council.

Mark is no stranger to Wyoming. WELC has tackled a number of complex legal issues surrounding energy development in the Red Desert and the Powder River Basin, helping the conservation community hold government and industry accountable to our environmental laws and regulations. And, in the late 1980s, Mark worked for one winter as a snowmobile guide on the Bridger-Teton National Forest and in Yellowstone National Park, and for three summers as a wrangler for horse packtrips into the Teton Wilderness.

"I have a strong memory of coming over Togwotee Pass and seeing the Tetons for the



Courtesy Mark Preiss

first time," Mark recalls. "I felt very much at home guiding guests on horseback in the summer and on snowmobiles during the winter into some of the West's most spectacular wild country. I will always treasure those Wyoming experiences."

Working in the West for 15 years has given Mark a broad understanding of the interconnectedness and complexity of the region's natural, cultural, political and economic landscapes.

"At WELC," notes Mark, "I worked with lawyers and activists to protect endangered species, with ranchers and farmers to encourage sustainable land use, and with the Hispano Chamber of Commerce to defeat Wal-Mart's efforts to build a Superstore in Taos. Through these experiences, I've learned that as well as winning in court, we must win our cases in the court of public opinion."

Driven by "a passion for community and a commitment to building broad coalitions for uncommon achievement," Mark believes that one of the most important challenges facing WOC is "finding innovative ways to reconnect to local citizens and communities so that we can more effectively reflect the values of the people we work with."

He looks forward to strengthening WOC's efforts to reach out to and find common ground with traditional and non-traditional allies, including tribal members, outfitters and guides, business and industry groups, local Chambers of Commerce, the University of Wyoming, area land trusts, and ranchers and other landowners.

"The agriculture and livestock industries historically share with us a love of the land, they acknowledge that we need to be better

land stewards and agree that we have a responsibility to leave both public and private lands in better shape than we found them," Mark observes. "Genuine and effective alliances with landowners are critical to the success of long-term protections for the landscapes we all treasure."

Mark has a broad working knowledge of and an infectious enthusiasm for the complex and multi-faceted responsibilities of an executive director.

"First of all, I want to do all I can to empower WOC's staff and board to accomplish extraordinary work," he says. "I relish working with talented staffers, dedicated board members, foundations, large donors, active members and potential supporters to exceed WOC's already ambitious goals. And my experience has taught me how to effectively wear all the hats required of a good leader: mentor and motivator, strategic planner and program director, administrator and financial manager, fundraiser and communicator, counselor and humorist."

Wyoming and WOC are exciting prospects for Mark.

"Returning to Wyoming to join WOC's excellent staff and help local residents protect this great state's natural heritage and traditional ways of life is a rare privilege," says Mark. "It's the culmination of my growth as a citizen of the West, and a true homecoming."

While Dan Heilig is, of course, irreplaceable, we have found an excellent successor in Mark Preiss. We look forward to welcoming Mark and his wife Kathryn to Lander, and to working with Mark as he builds on Dan's prodigious accomplishments, expanding WOC's capacity and bolstering the effectiveness of our work. ➤

Nancy Debevoise
Board President

We're not going to take it any more!

Frustrated by legislative inertia, landowners take the fight for surface owner rights to the voters

The fight for surface owner protections from oil and gas development on private property dates back to the beginning of coalbed methane boom in the Powder River Basin in the mid-1990s. During Wyoming's last oil and gas boom in the '70s, a law to protect surface owners' rights was not considered necessary because relations between landowners and industry were generally positive. But the size and scope of today's development has changed things, and landowners are increasingly feeling the need for legal protection for their private property rights.

Part of the difference between today's situation and that of 30 years ago can be attributed to technical advances in the industry resulting in unprecedented well densities and an accelerated pace of drilling that is often incompatible with other land uses. Coalbed methane and traditional natural gas wells are now often drilled with as little as ten-acre spacing compared to the one well per 160 or 320 acres typical in the 1970s.

The Landowners Association of Wyoming, a newly formed grassroots organization, is leading the fight for such a law. WOC supports their efforts, knowing that if a landowner is empowered to take care of his or her land and water, the environment will be better protected.



www.wyominglandowners.org

By Molly Absolon

Some of you may remember a famous scene from the 1976 movie, *Network*, where one character rouses the crowd into screaming out their windows and along the street: "We're mad as hell and we're not going to take it any more." This mantra could be the rallying cry of a new group in Wyoming, the Landowners Association of Wyoming or LAW.

After two attempts to pass laws through the state legislature protecting surface owner rights from oil and gas development failed due to extensive lobbying by the oil and gas industry, landowners from across Wyoming have had enough. Many feel as if they can't sit around waiting for the legislature to act, and that it is time to take the issue to the people. LAW is working to put a citizen's initiative guaranteeing landowner rights on the 2006 statewide ballot.

LAW supports a healthy oil and gas industry in Wyoming according to the organization's president, Laurie Goodman. But, she adds, they also believe the oil and gas industry should be one that is legally required to compensate landowners for the damages and economic losses caused by oil and gas activities—like every other mining industry in the state.

As Kim Stevens, an Albany County landowner says, "My husband and I have worked to save enough money to buy our own little piece of heaven in Wyoming. We live here now and we're part of this community, and if an oil and gas company should cause damages to our land, or cause it to lose its value – they should damn well have to pay us for that."

Split estates pit landowner interests against industry

Forty-eight percent of Wyoming's privately owned land is "split estate." Split estate refers to a situation where one party owns the rights to the property or surface, while another controls its underlying minerals. Nearly all of Wyoming's split-estate lands were created at the turn of the 20th Century when the federal government granted homestead rights to the surface of the land to encourage settlement of the West and reserved the minerals. In split-estate situations, the landowner receives no economic benefit from the extraction of the minerals underneath the surface and the minerals estate is dominant.

"The laws for compensating landowners are so weak [in Wyoming] that landowners have virtually no say," Goodman says.

"Dominance is given to the extraction of oil and gas. The only landowner losses protected currently are losses to growing crops and to tangible improvements like fences and cattle guards. Hay meadows, grazing lands don't qualify.

"The true answer to this problem is to make the surface estate equal to the mineral estate," Goodman says. "But making these estates equal would require federal legislation.

"At a minimum, while the mineral estate stays dominant, any landowner in Wyoming should know beyond a shadow of a doubt

that their private property rights include a legal guarantee that they will be paid for any damages and economic losses caused by the oil and gas activities," she concludes.

For some minerals, surface owner rights are already protected by law in Wyoming. The Surface Mining Control and Reclamation Act (SMCRA), which passed in the late 1970s with the help of former Wyoming Senator Cliff Hanson, ensures that the interests of surface owners facing trona or coal mining on their property are adequately compensated. At the time the law passed, representatives of the coal industry claimed it would drive them out of business. Today, Wyoming is the nation's largest coal producer.



Courtesy Eric Barlow
Eric Barlow, a rancher in Campbell County, helped organize LAW after watching his neighbors face economic ruin from oil and gas development on their property.

"I've heard the statement, 'If this law goes through it's going to cost us a billion dollars.' Well if it's going to cost industry a billion dollars with the law, who is it costing a billion dollars right now?" Eric Barlow, a Campbell County rancher and one of the organizers of the Landowners Association, asked in the May 30th issue of the *Casper Star-Tribune*.

Big industry versus the 'little guy'

The move to secure surface owner protections is creating some strange bedfellows. Long-time Republicans and staunch Democrats, anti-environmentalists and environmentalists, fifth-generation Wyomingites and transplanted East Coast liberals are united in their desire to ensure the little guy who owns land—be it a ranch, ranchette or a lot in a subdivision on the outskirts of town—isn't overrun by the interests of the billion-dollar multi-national oil and gas companies seeking to exploit the state's natural gas wealth. These companies grossed nearly \$12.5 billion in Wyoming in 2003.

In a February, 2004 *Casper Star-Tribune* op-ed piece, former Senator Malcom Wallop wrote, "Wyoming has enjoyed relative harmony between the oil and gas industry and private landowners for decades.

Voluntary agreements and compensation packages are routinely negotiated, with the terms set by the industry. However, times are changing. A full two-thirds of our natural gas is produced by ten operators – none of which are headquartered in Wyoming. All of these operators are large, publicly-held corporations that are driven by legal responsibilities to maximize profits for their stockholders. These companies follow state laws – but if there are no laws requiring compensation for damages, they are not obligated to pay them."

That's where LAW wants to change things. Its members and organizers do not believe trusting the benevolence of huge corporations like ExxonMobil, Chevron Texaco, EnCana or BP America will guarantee the surface owners' interests are safeguarded. Many times they are, but there are enough horror stories circulating about industry abuses and inadequate compensation to ranchers to fuel the effort to secure more binding guarantees.

"A law that only requires notice and ensuring landowners have the right to help plan activities that will impact the surface is a step in the right direction, but frankly, these are mere courtesies that one industry should automatically offer to another – these courtesies shouldn't have to be legislated," says Shaun Andrikopoulos, vice president of LAW.

"Compensation for damages – that's the core," he concludes.

Industry resists law citing crippling cost

This goal hardly seem radical, but spokespeople from the oil and gas industry resist it, saying a surface owners accommodation law is both unnecessary and costly.

Yet public records indicate that all of Wyoming's top producers also operate in at least one of the ten other states in the nation that have some kind of surface owner accommodation laws. So, just as the argument in the '70s that SMCRA would put the coal industry out of business proved baseless, today's argument that a law protecting surface owners against oil and gas development will cost the industry billions and drive them from the state seems disingenuous at best.

Bruce Hinchey, the president of the Petroleum Association of Wyoming believes the move to place a citizen's initiative on the ballot is driven by a minority of landowners.

"You've got good operators and landowners who get along and work things out," he said in the May 30th *Casper Star-Tribune*. "And then you've got bad landowners and bad operators. They are really the ones driving the issue at this point."

Hinchey's comment raises the ire of the "bad" landowners behind LAW.

"That comment was an unfair effort to marginalize very legitimate concerns of ranchers and landowners across the state," Goodman says.

She says that while LAW is not tracking membership, hundreds of volunteers have offered to help the organization gather the signatures needed to get their initiative on the 2006 ballot. In her mind, the people she is working for do not represent a minority interest.

"These people's families have lived in Wyoming for generations. Others are new landowners who have chosen to live in Wyoming. They serve on school boards and city councils...They are an integral part of Wyoming society," she says.

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Ballot initiative takes law-making to the people

LAW's objective of getting their initiative on the 2006 ballot is daunting. Article 3 of the Wyoming Constitution reads as follows:

The petition may be filed with the secretary of state if it meets both of the following requirements:

- (i) It is signed by qualified voters, equal in number to fifteen percent (15%) of those who voted in the preceding general election; and
- (ii) It is signed by qualified voters equal in number to fifteen percent (15%) of those residents in at least two-thirds (2/3) of the counties of the state, as determined by those who voted in the preceding general election in that county.

What this means is that the landowners have to get 33,000 people to sign their petition before January, 2006 for it to even appear on the statewide ballot. That's a lot of signatures for a state like Wyoming.

LAW's ballot initiative contains identical language to the bill passed unanimously by the Joint Judiciary Committee in 2004. It applies only to oil and gas development, and guarantees landowners the right to negotiate for compensation of economic losses caused by oil and gas operations including, but not limited to: loss of agricultural production and income, loss of land value, loss of land use, loss of value of improvements, damage to aquifers and water supplies, costs of surface reclamation, and loss due to inability to implement uses planned previous to the notice requirement.

The law requires a 60-day notice period in which a company must inform the landowner of the proposed operations and negotiate for compensation as well as activities that cause the least amount of impact. If a surface use agreement cannot be finalized prior to oil and gas activity, this legislation establishes a new requirement for financial assurance for the eventual payment of surface damages, beyond a reclamation bond, to ensure the landowner eventually receives full payment for the negotiated surface use agreement.

The petitions became available in early July and LAW has begun their signature-gathering campaign.

Property values adversely affected by oil and gas

The Bureau of Land Management predicts permitting 76,000 wells in the state of Wyoming over the next ten years. To put this number in perspective, it roughly equals the total number of wells completed in Wyoming since 1896. These wells bring in money and jobs, but they have their downside.

According to the United States Department of Agriculture, the average value of agricultural land in Wyoming has gone up nearly 50 percent over the past ten years. This increase reflects the shift toward amenity values such as open space, hunting, fishing, recreation, and natural, rustic beauty. They are not values that are compatible with the roar of gas compressors or a network of roads criss-crossing the land.

Drilling, excavation, industrial traffic, dust, noise, reservoir pits, seismic activity, gas pipelines, and power lines all threaten to detract from property values and landowners holding the deeds are increasingly finding themselves facing economic losses or even ruin. LAW hopes its efforts will prevent this and enable private citizens to enjoy some of the benefits of the natural gas boom. ▶

BUY OUT VERSUS PAY OUT

A May 30, 2004 article in the *Casper Star-Tribune* by reporter Dustin Bleizeffer suggests that a growing number of operators are choosing to buy out ranchers rather than come to an agreement on how to develop the resource in a mutually beneficial fashion. According to Bleizeffer, at least three of the industry's top producers have chosen this route because it gives them more flexibility.

The president of the Landowners Association of Wyoming, Laurie Goodman, does not consider buy out a solution.

"It's not very common yet," she says. "But we don't see [buy out] as a positive trend at all. It does not guarantee that the ranch is maintained as a ranch. It does not ensure that ranching continues. Our question is, who is going to maintain the ranches? Who is going to be the steward of the land? Where are these ranchers going to go?"

"I see this as an erosion of the ranch community," she continues. "We could lose the fiber of that part of Wyoming society."

Even if operators purchase the deeds to the lands where they operate, they are still bound by laws that protect environmental qualities, but they are free from any moral obligation to the people who have lived and worked the property for generations.

The trend seems to reflect the growing perception that waving some dollars around in Wyoming is enough to take care of any inconvenience, such as making sure hay meadows are not destroyed by roads, gates aren't left open for wandering cattle, wells do not go dry, and ranchers remain ranchers.

**FOR MORE INFORMATION ABOUT
THE LANDOWNERS ASSOCIATION OF
WYOMING, TO HELP SECURE SIGNATURES
FOR THEIR BALLOT INITIATIVE, OR TO SIGN
THE PETITION, VISIT THE LAW WEBSITE AT
WWW.WYOMINGLANDOWNERS.ORG OR
EMAIL EITHER LDGOODMAN1@AOL.COM OR
CLABBG00D@CS.COM.**

The grouse man sings

Clait Braun's hopes and fears for America's dwindling sage grouse populations

By Molly Absolon

WOC bases its work on science. Our positions on everything from oil and gas development to grazing on public lands are supported by research on sustaining healthy ecosystems and wildlife populations. To obtain this background information, WOC relies on the work of consulting scientists. Clait Braun is one of these scientists. Braun has helped WOC understand how sage grouse are affected by human activities. His research informs our position on actions slated for sage grouse habitat, which in Wyoming means much of the state.

Braun has written comments regarding coalbed methane development in the Powder River Basin and traditional natural gas extraction in the Upper Green River and the Red Desert. His work is disturbing. Braun, and organizations like WOC that seek to protect the grouse, hope that land managers hear their message and react in time to save this icon of the American West.

Clait Braun became one of the nation's foremost sage grouse authorities in a rather indirect fashion. He'd just started working for the Colorado Division of Wildlife and was asked to take over leadership of an ongoing study into the effects on sage grouse of spraying insecticides and herbicides in the birds' habitat. Braun, newly out of school and an avian specialist, accepted the challenge.

More than 30 years later, Braun is the expert on sage grouse. The bird he began studying in such a serendipitous manner ended up capturing his imagination and directing his career.

"I like grouse in general, but sage grouse particularly intrigued me," Braun says. "I'm fascinated by an animal that depends on



Courtesy Clait Braun

something people think is poor quality—sagebrush."

Braun, who has a masters in wildlife management from the University of Montana and a doctorate in wildlife biology from Colorado State University, focused on ptarmigan, band-tailed pigeons, morning doves, and waterfowl in school, but he quickly shift-

ed his focus to the sage grouse when the opportunity arose.

In the intervening years, he has published more than 200 technical papers on birds and directed research and management for sage grouse in Colorado for the Colorado Division of Wildlife. Since his retirement in 1999, he's pursued his work under the auspices of his private consulting firm, Grouse, Inc.

Braun, who now lives in Arizona, continues to monitor the fate of the grouse closely. Unfortunately, what he discovered over the years does not bode well for the future of the birds.

Sage grouse habitat being ripped apart

"What is happening in Wyoming and Montana greatly concerns me," Braun says. "If you picture a blanket of sagebrush stretching across the West—that blanket is sage grouse habitat. The birds are dependent upon this habitat throughout all their life processes...Today we are ripping the blanket into little pieces.

"Consequently we are losing population stability. Right now oil and gas is the hot issue, but you also have cheat grass, pinyon-juniper encroachment, West Nile virus... the list goes on.

"I believe that by 2050 there will only be a handful of viable populations of sage grouse left—anywhere," Braun says.

Braun says the picture need not be so dire if federal land managers had the political will to make some radical changes in their management of sagebrush country.

Unfortunately, he is not overly optimistic that such changes will ever occur.

Radical changes in land management required to sustain grouse

In Braun's mind, the only thing that will prevent the birds' precipitous slide into extinction would be a concerted effort to stop further habitat fragmentation and to work to improve existing habitat that has been degraded by development and grazing. For the oil and gas industry that means staged development and directional drilling to limit surface occupancy and maintain forage and cover. It also means large buffer zones around leks and breeding grounds.

But such policy changes are expensive and politically unpopular, in spite of the scientific evidence that supports them.

"The BLM's present quarter-mile buffer around active leks is scientifically unsound, and the available data indicate that such a weak measure is a prescription for local population extinction. To be realistic, a three-mile buffer from surface disturbance is needed to protect sage grouse during breeding and nesting," Braun says.

"The quarter mile or half mile restrictions [currently required by the BLM in Wyoming] seem to have been created to justify existing practices," he concludes.

It's not just well sites that jeopardize sage grouse according to Braun. Everything from power poles that serve as perches for hawks and eagles to the roads, weeds, noise, dust, and people associated with full-field development can be detrimental. And the oil and gas industry is only the latest culprit in the birds' current plight. Sage grouse numbers have been declining for years. Grazing, housing subdivisions, even golf courses are incompatible with healthy sage grouse habitats in many cases.

"I fly across the West and get very disheartened," Braun says. "In my lifetime, I've seen [sage grouse] populations disappear. Gone. They are not coming back. It almost makes me sick to my stomach."

"Land managers are paralyzed by the present political (continued on next page)

(continued from previous page) atmosphere," he continues. "They are unable to make the right decision [about protecting sage grouse]. They cannot speak out because they need their job. Well I can speak out now."

When asked what sage grouse need to thrive, Braun says he estimates a viable population of approximately 2,000 birds needs around 400 square miles of unbroken habitat. He adds that when he tells people this, they laugh.

"Forty square miles, maybe," Braun says. "But 400? No way."

Pitting science against "science"

Many people have attacked Braun and tried to discredit his research and findings. A political action group "Partnership for the West" has made finding people to counter Braun's research one of its primary goals. Partnership for the West argues on its website that sage grouse populations are stable and that Braun's gloom and doom stance, coupled with the threat of listing the bird under the Endangered Species Act, are depriving oil and gas companies, ranchers, off-road vehicle enthusiasts and other public land users of their rights.

Such propoganda twists evidence to support a position, in spite of the indisputable fact that overall distribution of sage grouse has declined by at least 50 percent and its abundance has plummeted 80 to 90 percent.

"I saw a press release put out by two scientists hired by oil and gas and I was flabbergasted to say the least," Braun says. "I don't want to throw stones, but there are people out there that can be convinced that oil and gas companies speak with sincerity and truth. It amazes me. They are ignoring science."

Braun is a firm believer in science. He cautions people against jumping on any kind of bandwagon until exhaustive research has been done to support that position. But for him, the research has been done on sage grouse, and while some questions remain unanswered, what is clear is that continuing practices presently in place will not improve conditions for local populations of sage grouse. Rather, they will only lead to continued decline in the health of sagebrush habitat and in the distribution and abundance of sage grouse.

"I am sad that I was not quick enough to

do a better job protecting the grouse," Braun says. "I knew what was happening. I wrote a paper about the declining population in the early 1990s and my director [at the Colorado Division of Wildlife] asked me not to give it."

Sage grouse's Cassandra?

The director's request kept Braun quiet for a few years, but in 1998 he decided to speak out. His numbers shocked people. According to Braun's research, there were only 140,000 to 200,000 sage grouse left in North America compared to the millions of birds estimated to have roamed the West at the time of Lewis and Clark's expedition 200 years ago.

"Was I very popular with my directors after I gave that paper? No. Did I lose support? Absolutely. Was that one of the main reasons I left [the Colorado Division of Wildlife]? Absolutely," Braun says.

"But I had 30 years in the agency and a proven scientific track record so there wasn't much they could do to discredit me," he continues. "Now I can say what I think and hope people will listen."

And what he thinks still goes back to the science. When asked about the potential links between coalbed methane produced waters, mosquitoes and sage grouse mortality from West Nile virus, Braun says it's too early to tell.

"I've been accused of denying people the use of the smoking gun, but I'm a scientist. I look at the science.

"They may be right and there may be a

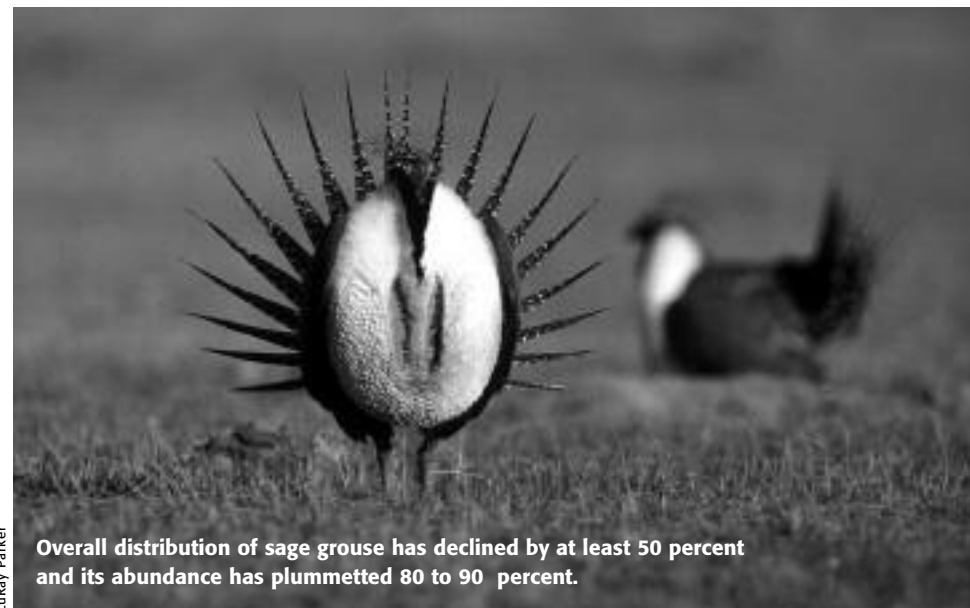
link between West Nile virus, coalbed methane and sage grouse mortality, but it makes me nervous to jump to that conclusion," Braun says. "I know how irrigation has been practiced in the West. It's been sloppy and conducive to harboring mosquitoes. There's no shortage of water.

"So I encourage people not to leap too fast. Consider the science first. Some may think I'm an old fogey and that's all right. I just think we need to wait and see."

Braun does not believe oil and gas development has to be incompatible with healthy sage grouse populations. He says studies conducted in Jackson County, Colorado indicate that sage grouse will come back to areas that have been disturbed once the development ends, but the critical thing is that they have somewhere to go in the interim. The scale of development in Wyoming and Montana concerns him. He does not think enough habitat will remain intact to harbor the birds while development takes place. By the time the natural gas boom is over, there may be no birds to move back in.

Braun has left the active research into sage grouse to the next generation, although he hasn't quite given up all his field work. He is currently studying ptarmigan and spent part of June in the Aleutians working on a project to reintroduce ptarmigan to the islands.

"My wife asked me when I was going to quit," Braun says. "I said 40 years. Well this is year 39..."



Overall distribution of sage grouse has declined by at least 50 percent and its abundance has plummeted 80 to 90 percent.

LuRay Parker

Are CBM reservoirs West Nile incubators?

Campbell County hot spot for West Nile mortality in sage grouse



By Molly Absolon

For most of us in Wyoming, mosquitoes used to be little more than a summer annoyance. We cared more about their impact on our enjoyment of the outdoors than on our health. In 1999, when West Nile virus was reported for the first time in North America, that all changed. Suddenly that harmless little whine of a mosquito outside the netting of your tent was more than something that kept you awake at night. It was the sound of an insect that could carry a potentially deadly disease.

Five years later, the disease has spread across the nation. Human cases have been reported in all states except Alaska, Hawaii, Maine, Washington, and Oregon. In 2003, Wyoming had the fifth highest incidence of West Nile virus in humans in the country with 375 documented cases and nine deaths.

West Nile virus usually warrants respect rather than extreme alarm for most people. Eighty percent of those infected develop no symptoms, while the majority of the rest experience only mild problems. One in 150 people—usually individuals over 50 or with immune-system disorders—develop serious, life-threatening illnesses including meningitis or encephalitis. However, reducing exposure by using insect repellent and wearing long-sleeved shirts and pants or mosquito netting can minimize the risk of disease for most of us.

For wildlife, the story is different.

Research focus shifting to West Nile's impact on wildlife

"For the past four years, since the appearance of the disease, we've looked at West Nile virus as a human/wildlife disease," Dr. Christopher Brand, a United States Geologic Service scientist said in a February, 2004 press release.

"While we continue working closely with the human health community," he continued, "we also recognize that the virus may be dramatically affecting wildlife, especially wild bird populations and that we need to focus additional research efforts on wildlife impacts."

Birds—particularly members of the corvid or crow family—have been the heaviest hit by West Nile virus, although the disease has been documented in 29 mammal species and one reptile as well. Horses and burros can also die from the illness, but a vaccine seems to be helping to reduce their rates of mortality.

"The rate of new [West Nile virus] infections in horses has gone downhill since the inception of the vaccine in 2002," Dr. Lanier Hamilton, DVM, of Lander said in a phone interview. "At the same time the rate of human cases continues to go up."

Birds are suffering huge losses from the disease. Some scientists worry that West Nile virus could cause long-term effects—even local extirpation—on certain avian populations.

Sage grouse, coalbed methane and West Nile

One of the populations that is causing concern in Wyoming is

the sage grouse. Already threatened by dwindling habitat throughout the West, the sage grouse appears to be vulnerable to the West Nile virus as well. Preliminary evidence accumulated in 2003 indicates that there may be a link between the increase in sage grouse mortality from West Nile virus and coalbed methane development in the northeastern corner of the state.

"The level of West Nile virus mortality in sage grouse is very high in areas with coalbed methane production and low to almost nonexistent in places without," says Erik Molvar of Biodiversity Conservation Alliance, one of WOC's frequent conservation partners.

"The links are not proven yet...but the evidence is looking pretty strong that CBM development is increasing the rates of West Nile virus in sage grouse," he says.

In 2003, 19 sage grouse were reported dying from West Nile virus in Wyoming. Thirteen of these deaths were in Campbell County in areas with active coalbed methane development. Campbell County was also a hotspot for West Nile Virus among humans last year with 71 documented cases.

People like Molvar theorize the reason for Campbell County's high incidence of West Nile virus is that pits created to hold coalbed methane-produced waters are turning into mosquito-breeding grounds. Grouse are attracted to these wet areas for their forbs and insects, and as a result are exposed to greater numbers of mosquitoes that are potential vectors for the virus.

"You have to put two and two together, but it seems pretty obvious that the standing water from coalbed methane production is creating mosquito breeding grounds," Molvar says. "Mosquitoes breed in late summer when water is scarce up in the [Powder River] Basin. There's not a lot of irrigation going on in that area at that time of year. The only source of standing water is coalbed methane ponds."

Studies to explore effect of disease on sage grouse

The Wyoming Game and Fish Department is more reluctant to link coalbed methane development to sage grouse mortality from West Nile virus at this point, but its website documents evidence that seems to add force to the argument.

According to information posted online, the Game and Fish Department determined that the major cause of sage grouse mortality at a coalbed methane site near Spotted Horse, Wyoming, was West Nile virus. At that site, six of eight adult hens died from the virus in a two-week period beginning at the end of July and stretching into early August 2003. Among 42 radio-collared hens monitored during the same period at two sites without coalbed methane development, only one case of West Nile virus was found.

Currently, studies by scientists from both the University of Wyoming and the University of Montana are planned for the 2004 field season to explore the effect of West Nile virus on sage grouse and to look into its possible link to coalbed methane development.

The University of Montana's research (continued on next page)

(continued from previous page) under the guidance of Dr. David Naugle compares a control site in Montana with no coalbed methane development to a fully developed coalbed methane site in Wyoming and a third site where coalbed methane development is just beginning.

The University of Wyoming's researchers will be looking into the direct impacts of the virus on sage grouse in the laboratory. They will study how the grouse react physiologically to West Nile virus and explore whether increased exposure is leading to the development of any resistance.

Biodiversity Conservation Alliance and the America Lands Alliance, represented by the Western Environmental Law Center,

Some scientists worry that West Nile virus could cause long-term effects—even local extirpation—on certain avian populations.

filed an amendment to their lawsuit challenging the Bureau of Land Management's Environmental Impact Statement for coalbed methane development in the Powder River Basin in February asking to add the relationship between coalbed methane, West Nile virus, and impacts to humans and sage grouse to their original case. The amendment was denied, but Molvar says he expects BCA will continue to follow the research closely to determine if coalbed methane is causing irreparable harm to sage grouse, as he currently believes it is.

CBM operators are watching these developments warily. According to a report in the *Casper Star-Tribune* in early June, they are concerned that if a link between West Nile virus, CBM and sage grouse mortality is proved, it will add yet another expensive hurdle to their operations. Some have already voluntarily put larvacide for mosquitoes in their containment reservoirs.

HOW MUCH WATER IS THERE?

The final Powder River CBM EIS estimated that approximately 4,000 reservoirs would need to be constructed in the project area to hold all the water produced by CBM development. Since 2000, 2,545 applications for reservoir permits have been received.

Currently there are 12,000 producing CBM wells in the basin. These wells pump water at an average rate of three gallons per minute. This means that roughly 17,280,000 gallons of water are being brought to the surface every day in the Powder River Basin.

WOC is monitoring the evidence and studies on the correlation between West Nile virus and CBM reservoirs closely. In addition, the spread of the disease has a cascading number of environmental consequences that cause concern. Communities across the state have increased their mosquito-control programs which include, among other things, more spraying of insecticides. The use of insecticides can have negative impacts on other insects, as well as the animals and birds that prey on them. Effects on humans are also potentially detrimental. Most weed and pest districts dismiss these effects, but it's another issue that warrants attention.

In the meantime, Wyoming's first human case of West Nile was reported three weeks earlier than last year. A man was confirmed to have the virus in early June. His was the third official case of the disease in the country, and he lives in Campbell County. ➤

COVER STORY • SMITHS FORK ALLOTMENT

(continued from page 1) to persuade BLM for at least the last five years to reduce the impacts of grazing on the allotment so that other important resources, such as the Bonneville cutthroat trout, will have a chance to thrive.

Recently, WOC achieved some important success in improving the management of the Smiths Fork Allotment. In April 2004, BLM and WOC reached a settlement of an administrative appeal WOC had filed challenging livestock management on the allotment. In return for WOC dismissing the appeal, BLM agreed to prepare an allotment management plan (AMP) by February 28, 2005.

While the "devil will be in the details," there is little doubt that an AMP that is binding on the permittees should help improve range conditions on the Smiths Fork allotment. And fortunately, based on several decisions BLM has made recently,

BLM managers seem to recognize that substantial changes in livestock management, including reductions in the number of cattle and sheep grazing the allotment, are needed to improve its severely overgrazed condition.

So, WOC is hopeful that the AMP will make real changes in grazing management on the Smiths Fork so that real improvements in environmental conditions can occur. But if BLM fails to "do the right thing" in the AMP, WOC stands ready to challenge anew BLM's grazing decisions for the allotment.

WOC supports responsible grazing on public lands

Despite WOC's efforts on the Smiths Fork Allotment, it is important to note that WOC does not advocate ending all grazing on public lands. Rather, when grazing is

done in a manner that maintains healthy rangeland and riparian environments, WOC recognizes grazing as an accepted activity on public lands. However, when substantial information shows livestock grazing on public lands is negatively affecting any of Wyoming's natural systems, WOC may initiate and participate in legitimate actions that will seek to protect, restore and enhance the integrity of those natural systems.

The Smiths Fork clearly is an allotment where there is substantial evidence of significant environmental degradation in an area with extremely high environmental values, so WOC will continue to make it a priority for improved livestock management. ➤

Additional Resources

For more on WOC's positions on livestock grazing visit <http://www.wyomingoutdoorcouncil.org/programs/grazing/index.php>

How do you spell relief for wild free-ranging elk?

J-I-H-I

By Meredith Taylor

Wildlife diseases, bisected migration corridors, shrinking habitat, fences, roads, and encroaching resource development all translate into increased stress for Wyoming's wandering big game herds. But now there is a plan that spells relief—at least along the upper stretches of the Snake River—the Jackson Interagency Habitat Initiative or JIHI for short.

Once the upper Snake River provided abundant fall, winter and spring habitat for free-ranging, native ungulates. Settlement by pioneers and ranchers began to change all that. Today, habitat has been fragmented and wildlife now compete with livestock for forage on public lands.

In addition, a century of fire suppression has changed the natural habitat by encouraging conifer encroachment into aspen groves and sagebrush grasslands further reducing the forage available to wildlife. With more animals concentrated on fewer acres, density-dependent diseases such as brucellosis, pasteuria, scabies, and tuberculosis have infected our wildlife.

For almost a century we have been caught in this serious dilemma, which could lead to catastrophic losses in Greater Yellowstone's renowned big game herds when the added stress of chronic wasting disease inevitably arrives in Teton County.

JIHI provides reason for optimism.

Cooperative management helps transcend boundaries

Since 97 percent of Teton County is public land, there is no better place to implement a new, innovative, cooperative habitat-management plan than here. Supported by representatives of the U.S. Fish and Wildlife Service at the National Elk Refuge, Wyoming Game & Fish Department, Bridger-Teton National Forest, and Grand Teton National Park, JIHI promises a coordinated habitat-management approach on native ungulate winter and spring-fall ranges within the upper Snake River drainage.

According to the JIHI Concept Plan, "the

goal of JIHI is to maximize effectiveness of native winter range for ungulates and a diversity of wildlife indigenous to the region through identification of habitat-management opportunities. Emphasis will be placed on enhancing distributions of elk on winter and transitional ranges. The emphasis on elk distribution stems from their current concentrations on and near the feedgrounds and disease issues related to these concentrations."

JIHI mirrors Restoring Wild Patterns

Sound familiar? It is. This far-sighted JIHI plan mirrors WOC's own *Restoring Wild Patterns* project as a conservation vision for the future.

WOC needs agency involvement to fulfill its vision for *Restoring Wild Patterns*. Only the land managers controlling the forests and plains where migrating wildlife roam can ensure there is adequate forage for these animals to sustain them throughout the year, which is critical for achieving *Restoring Wild Patterns*' goal of phasing out feedgrounds.

JIHI allows conservationists and agency representatives to pursue habitat-improvement projects, discuss ways to avoid conflicts with private landowners near critical wildlife habitat, and maximize habitat availability along migration corridors regardless of agency and political boundaries. It is a concept driven by the health of our free-ranging ungulates rather than quotas and artificial herd sizes, which makes it a concept WOC enthusiastically supports.

JIHI falls under the umbrella of the Wyoming Game and Fish Department's Strategic Habitat Plan. This plan will eventually take the habitat-improvement concepts developed by this interagency approach and use them to increase habitat effectiveness in other parts of the state.

WOC optimistic JIHI helps slow the spread of disease

WOC encourages habitat-improvement projects in order to increase forage and cover for wildlife throughout the state. In recent years, controlled burns have done this successfully around northern Jackson Hole, allowing more elk to spend the winter on open range away from feedgrounds there. This in turn has reduced the incidence of disease and increased cow-calf ratios.

Perhaps the best news, given this trend, is that when diseases such as chronic wasting disease (CWD) arrive in Teton County, wildlife will have a better chance of survival if they are spread out.

It seems inevitable that CWD will infect western Wyoming's elk herds soon. But studies conducted in Colorado and other states indicate that free-ranging elk dispersed on native habitat only suffer a four to five percent loss to chronic wasting disease compared to feedground or game-farm elk where more than 60-75 percent losses are documented.

How do you spell success for wildlife habitat and migration corridor sustainability? J-I-H-I. ➤



Bruce Smith (USFWS)

Migrating elk below Tetons.

Maintaining a living river:



USFWS

Above: Wind River being dewatered at the Riverton Valley Irrigation District headgate, just upstream from Riverton, WY.

Right: Wind River Alliance project to plant willow cuttings. Indian Elementary School and community members take a break to investigate the waters of the Little Wind River near Double Dives.

WOC frequently teams up with other conservation groups to work on common concerns and issues. The Wind River Alliance, a new organization advocating the health of the Wind River watershed in Fremont County, is one such group.

Founded through the efforts of a core group of dedicated conservationists that included WOC's former executive director Stephanie Kessler, and long-time members, Dick Baldes and Geoff O'Gara, the Wind River Alliance hired its first executive director, Tyrel Mack, in December 2003. The Alliance currently has 140 members, most of whom are enrolled in either the Eastern Shoshone or Northern Arapaho tribes.

Ten river miles upstream of Riverton, the Wind River runs dry. Mud in the riverbed cracks in the hot summer sun while huge fields of emerald-green alfalfa stretch away from its banks.

Dewatering Wyoming's rivers is not uncommon. In a land of little rainfall, any agricultural growth depends on irrigation for its viability. But the ecological impacts of the practice are stark. Riparian vegetation is destroyed or altered unrecognizably. Fish are trapped above and below the dry spot isolating populations and cutting off spawning runs. Anglers, boaters, even birdwatchers are affected by the changing river.

These are the kind of issues that spawned one of Wyoming's newest conservation groups: the Wind River Alliance. The group formed in 2001, but it wasn't until this past year that they hired any salaried staff. Now two full-time employees—Executive Director Tyrel Mack and Community Outreach Director JT Trosper—work out of an office located in Ethete on the Wind River Reservation. They focus on issues relating to the Wind River watershed, which is the state's largest, draining just under five-million acres.

"You can have irrigated agriculture and a living stream," Mack says. "But instream flow is an incredibly contentious issue in



Ty Mack

Summer 2004

Wind River Alliance seeks to protect the state's largest watershed



Wyoming Indian Elementary School fifth graders participate in a stream cleanup along the North Fork, Little Wind River.

Wyoming. You mention the concept and it leads to acrimony and bad feelings."

Instream flow simply means leaving enough water in a drainage to sustain the surrounding ecosystem.

"We have a unique opportunity on the reservation, however, because public participation can have such a profound effect on policy," Mack adds.

Alliance crosses cultural lines

The opportunity, Mack says, requires public education—specifically of the tribes and surrounding communities—on ways to use water that are compatible with a healthy stream. Armed with this knowledge, Mack believes people can advocate for change.

This goal by itself is not unique, other groups in the state—including WOC—have similar mandates. What does make the Wind River Alliance different is its focus on the Eastern Shoshone and Northern Arapaho tribes. The Alliance is the first non-governmental conservation group to open up shop on the 2.2-million acre Wind River Reservation.

Although Mack is not Native American, Trosper, most of the Alliance's members, and five of eight board members are. This profile makes the group unique in Wyoming. It also gives them clout in reservation politics.

"On the reservation, citizens have incredible power to influence decisions," Mack says. "Issues can be decided by a couple of votes. So if you show up with a 100 people, you can really have a voice. We're working to use that voice."

Health of state's largest watershed threatened

The dewatering of the Wind River is the most dramatic example in the watershed of jeopardizing the river's vitality for agricultural

use, but Mack says other rivers and streams in the area are equally impaired.

Low flows in the Middle Fork of the Popo Agie create high concentrations of fecal coliform and algae blooms in the water making it unsafe for children to swim or play in the rivers. Water temperatures go up with decreased volume damaging native fisheries. Low-head dams block spawning runs and sediment builds up behind diversions. These issues are not unique to Fremont County. They happen throughout the West wherever there is irrigated agriculture.

Currently, Mack says, the group is focused on educating the public about these issues. To do this, they have held meetings, organized stream clean-ups and riparian vegetation plantings, and sponsored training workshops. They are also dedicated to promoting research and communication. They work with all ages and hope to include historical insight from tribal elders in their vision for the future. Their goals do not seem overly ambitious or radical, but ultimately, if successful, they will require a fundamental change to business-as-usual for irrigators drawing water from the Wind River watershed.

"Eighty or 90 years ago, people pulled water right out of the river for their domestic use," Mack says. "You can see that in such a short time, we've done an incredible amount of damage to our water resource.

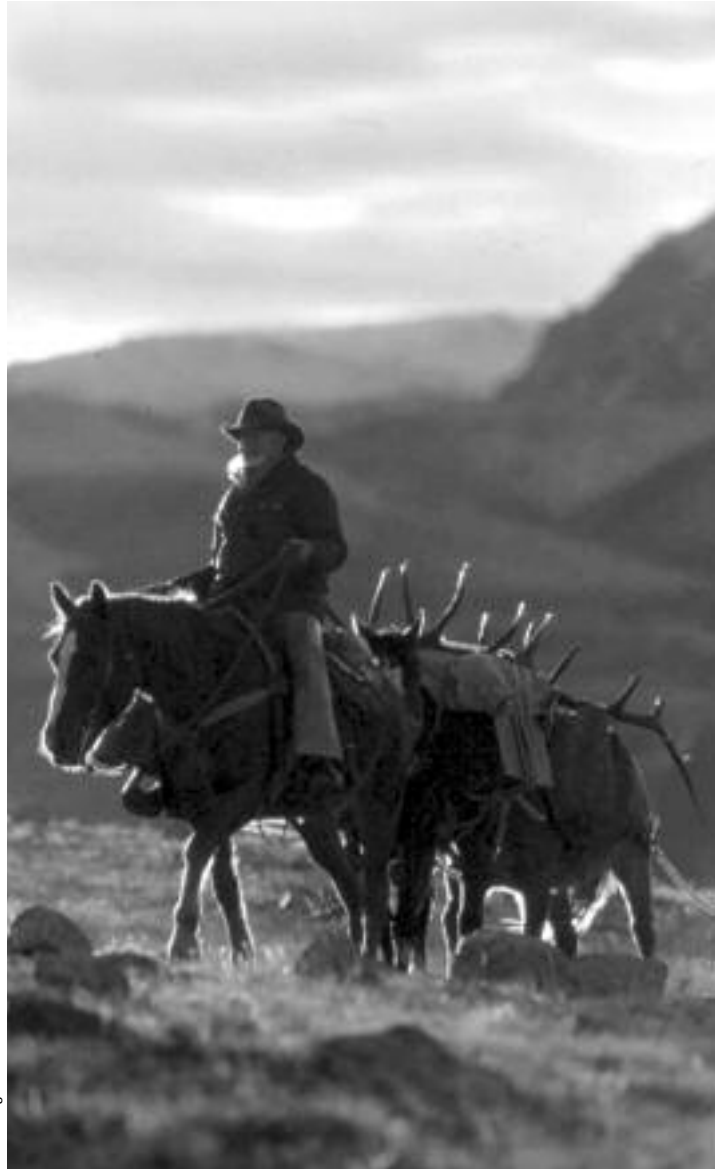
"We want that to change. We want irrigation efficiency that ensures water is left in the river. We want a living river," he concludes.

"The Wind River watershed has long needed exactly such a tribal-led group to lead the way to restoring the health of the watershed," WOC's Dan Heilig says. "WOC looks forward to a long, productive partnership with this exciting new organization." ▶

Summer 2004

BLM and Forest Service Land-Use Planning Efforts

Creating a "Perfect Storm" for Conservationists



Jeff Vanuga

By Bruce Pendery

The Bureau of Land Management (BLM) and the Forest Service are moving aggressively to revise at least eight different land-use plans that govern activities on millions of acres of public lands in Wyoming, creating a "perfect storm" convergence that stretches the ability of conservationists and members of the public to respond.

Changes to many of these plans are being driven by the administration's desire to increase drilling for oil and gas on the public lands and to minimize environmental protections when drilling occurs. The volume, complexity and common schedules of the plans compromise the ability of organizations like WOC, and of citizens like you, to meaningfully and effectively participate in the planning process.

How land-use plans work

Land-use plans (technically, "Resource Management Plans" on BLM lands and "Land and Resource Management Plans" on Forest Service lands) provide guidance for all activities on public lands. They are intended to implement the concept of "multiple use and sustained yield." They govern protection of fish and wildlife habitat, identify potential wilderness areas, specify what areas are open to oil and gas leasing and livestock grazing, and provide for many other facets of land management.

On BLM lands, these plans are typically developed at the Field Office level and on National Forests, they are developed by each forest. They provide general guidance that subsequent activities must follow. For example, a land-use plan might specify what areas are open and closed to oil and gas leasing, and it allows the agency to lease specific parcels within the open areas with limited additional environmental analysis.

Plans driven by energy development

BLM field offices and the national forests in Wyoming have existing land-use plans that were developed in the mid-1980s to early 1990s. There is no doubt many of them are out of date and need to be revised. Unfortunately, however, many of the current revision efforts are being driven primarily by the administration's desire to increase energy extraction on public lands while downgrading almost all other multiple uses, particularly those related to protection of wildlife, wilderness, clean air, and clean water.

The BLM has prioritized revision or creation of certain land-use plans nationwide by expediting 21 "Time-Sensitive Plans" (TSPs). According to the BLM, "the TSPs were selected because they are related to development of energy resources, respond to nationally significant lawsuits, or have legislatively mandated time frames."

In Wyoming, the Jack Morrow Hills Coordinated Activity Plan and the Pinedale and Great Divide/Rawlins Resource Management Plan (RMP) revisions are TSPs. In addition, the Buffalo/Powder



Marian Doane

River Basin RMP amendment, which is complete and under legal challenge, and the Snake River RMP, which is also complete, are TSPs.

Besides identifying TSPs, the BLM has created a National Energy Office "to facilitate the development of the nation's energy resources . . ." as part of its efforts to implement the administration's May 2001 National Energy Policy.

The National Energy Office has identified 53 specific tasks BLM will complete to implement the administration's energy policy, including one that calls for BLM to identify the TSPs mentioned above "to facilitate energy development and... ensure that those plans are completed within two to three years."

Clearly, giving primacy to energy development is driving many of the land-use plan revisions.

Public input hampered by volume and timing of plans

Many of the land-use plan revisions in Wyoming are on a common timeline in terms of when drafts of the plans will be released and the public given an opportunity to comment.

For example, drafts of the BLM Pinedale and Rawlins field offices' land-use plans and the Jack Morrow Hills Coordinated Activity Plan (Green River field office) are all expected this summer.

When the draft environmental impact statements for these land-use plans are released, the public will (continued on next page)

TRAINING OPPORTUNITY IN LARAMIE

Are you interested in learning more about community organizing? Is there an issue that you care about and would like to help bring to public attention? Do you want to learn how to work with the media in a more effective way? Or would you just like to network with other activists from Wyoming?

Well you might want to check out a Principles of Community Organizing Training Session in Laramie on August 22-25.

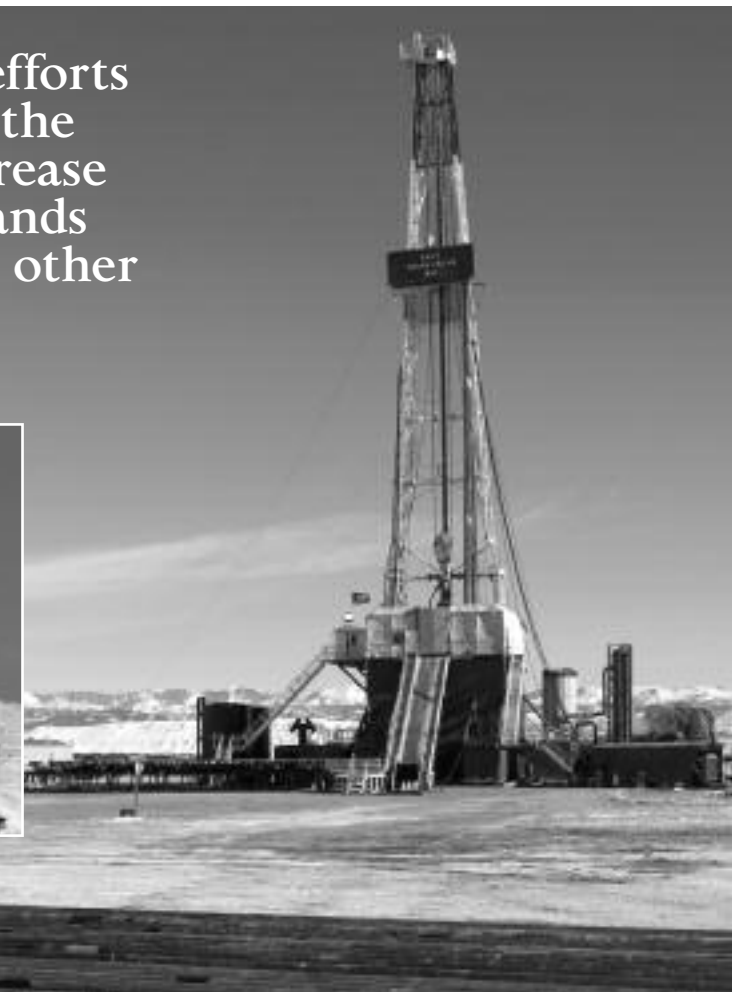
The workshop, which is sponsored by the Powder River Basin Resource Council and run by the Western Organization of Resource Councils (WORC), focuses on helping participants sharpen their skills in everything from fundraising and membership recruitment, to building and maintaining local groups, developing issues campaigns, planning and taking action, developing leaders, and working with the media.

For more information or to register, contact Pennie Vance of PRBRC at 307-752-1059 or visit www.worc.org.

Many of the current revision efforts are being driven primarily by the administration's desire to increase energy extraction on public lands while downgrading almost all other multiple uses...



Jeff Vanuga



Jeff Vanuga

LAND-USE PLANS CURRENTLY UNDER REVISION IN WYOMING:

BUREAU OF LAND MANAGEMENT

- Great Divide/Rawlins Resource Management Plan (Rawlins Field Office): Draft expected August 2004.
- Pinedale Resource Management Plan (Pinedale Field Office): Draft expected August 2004, although BLM has indicated there may be a delay.
- Jack Morrow Hills Coordinated Activity Plan (Green River Field Office): Final plan and environmental impact statement released July 2004.
- Kemmerer Resource Management Plan (Kemmerer Field Office): "Scoping" process initiated; draft plan may be released in late 2004.
- Platte River/Casper Resource Management Plan (Casper Field Office): Draft plan expected fall 2004.

FOREST SERVICE

- Bighorn National Forest: Draft plan released June 2004.
- Bridger-Teton National Forest: Initiation of planning process expected in 2005, with completed plan expected by 2008
- Shoshone National Forest: Initiation of planning process expected in 2005, with completed plan expected by 2007.

USEFUL SOURCES OF INFORMATION:

BLM's National Energy Office:

<http://www.blm.gov/energy/>

BLM's Time Sensitive Plans:

http://www.blm.gov/planning/handouts/tsp_news.htm

BLM Land-Use Plan Information:

<http://www.wy.blm.gov/directory/> (click on the individual field offices for the status of particular plans)

Forest Service Land Use Plan Information:

<http://www.fs.fed.us/> (select individual National Forests for planning information)

The Wilderness Society's BLM Action Center:

<http://www.wilderness.org/OurIssues/BLM/ActionCenter/index.cfm?TopLevel=BLMAActionCenter>

(continued from previous page) be given 90 days to comment on the Pinedale and Rawlins draft plans and 30 days to file protests of the Jack Morrow Hills plan. Obviously, being asked to comment on three very voluminous and complex environmental impact statements/land use plans at the same time impedes the ability of citizens to provide the detailed, meaningful input to the agency envisioned by the National Environmental Policy Act and agency land-use planning statutes.

To add insult to injury, in the Pinedale field office, two "project level" environmental impact statements may be released at virtually the same time as the Pinedale land-use plan—one for the 210-well South Piney coalbed methane project, and the other for the 3,100-well Jonah infill project. And in the Rawlins Field Office, the BLM has released and is taking comments on the 385-well Desolation Flats environmental impact statement, and public comments on the mammoth Atlantic Rim and Seminole Road oil and gas projects will likely be due during the same general time as comments on the draft Rawlins land-use plan.

The perfect storm

This "perfect storm" convergence of all of these planning efforts begs the question of whether the agencies are doing this intentionally so as to thwart or limit public involvement. WOC does not know whether this is true, although this administration's antipathy toward environmental protection and its aversion to public involvement in all facets of government decision-making are well established. But WOC does know this: just as in the movie "The Perfect Storm," when the right elements come together in alignment, efforts must be redoubled to protect that which is precious. We hope you too will batten down the hatches and prepare to help us with the coming storm. 🌪



George Wuerthner

Summer 2004



IN THE TRENCHES

HIGHLIGHTS OF CURRENT PROGRAM WORK AT WOC

IN THE COURTS

Coalbed Methane Leasing. WOC's appeal to the U.S. 10th Circuit Court of Appeals in Denver was argued in June by attorney Susan Daggett of the law firm Earthjustice. The appeal seeks to reverse the Wyoming District Court's decision to overturn an earlier decision by the Department of the Interior's Board of Land Appeals that held BLM issued federal oil and gas leases in the Powder River Basin without first taking a hard look at the unique and potentially severe impacts of coalbed methane extraction as required by federal law. A decision is expected late this year or in 2005. *Contact: Bruce Pendery*

GREATER YELLOWSTONE ECOSYSTEM/UPPER GREEN RIVER VALLEY

South Piney Natural Gas Development Project. The release of the draft environmental impact statement for Infinity Oil & Gas's 210 natural gas wells along the scenic east flank of the Wyoming Range west of Big Piney has been pushed back to later this summer. WOC and others plan to ensure any development does not destroy the unique and important resources in this area. *Contact: Bruce Pendery*

Bridger-Teton National Forest Oil and Gas Leasing Project. Forest officials have provided advance notice of their intent to allow the BLM to offer oil and gas leases covering approximately 140,000 acres of habitat for Canada lynx, gray wolves, grizzly bears, and other unique species in the Wyoming Range. The Forest Service's decision to lease these parcels is based on cursory environmental assessments prepared more than ten years ago. WOC is insisting that the Forest Service and BLM fully disclose impacts to important resources and wildlife in this area before any leases are issued. *Contact: Marisa Martin*

Wyoming Range Lynx. In April, WOC, in partnership with Defenders of Wildlife, appealed the approval by the BLM of two gas wells in critical Canada lynx habitat. The threatened lynx is protected under the

Endangered Species Act. The Wyoming Range, where the wells are proposed, once had the highest populations of lynx in Wyoming, and was recently home to two radio-collared lynx. Despite the proven importance of the area for this rare forest cat, BLM pushed ahead with the approval of these wells without adequately considering the impacts on the lynx. Fortunately, drilling does not appear to be imminent, but if the status changes, WOC and Defenders plan to file a lawsuit to stop the drilling. *Contact: Bruce Pendery*

from WOC and others, Questar has drilled throughout the winter for the past two winters on crucial winter range in the Pinedale Anticline natural gas project area on the Mesa, west of Pinedale. Now they are proposing to drill year-round for the next ten years. Before this can happen, Questar would have to receive exceptions from the BLM's existing resource management plan as well as other policies that govern drilling in this sensitive wildlife area. Unfortunately, based on the BLM's approval of such exception requests in the



Jeff Widen

Bridger Wilderness, Wind River Mountains

Questar winter drilling. Year-round drilling in crucial winter range is believed to adversely affect mule deer and other ungulates by disturbing the animals when they are most vulnerable. To address this concern, the BLM has generally prohibited oil and gas drilling in crucial winter range during the winter season. Unfortunately, the National Energy Policy's emphasis on drilling and natural gas production is eroding this longstanding policy and placing increasing pressure on BLM to approve industry requests for permission to drill year-round on winter range. A prime example of this is taking place on the Pinedale Anticline.

Despite objections and legal challenges

past, WOC believes the BLM will grant Questar's proposal and is preparing for the inevitable legal challenge.

WOC recently met with Governor Freudenthal regarding Questar's proposal, urging him to encourage the BLM to hold off on a decision until the project's costs and benefits are disclosed and environmental analyses on the impact of winter drilling on mule deer completed. *Contact: Marisa Martin*

Togwotee Highway Reconstruction. The Togwotee Pass Highway Reconstruction Environmental Impact Statement and Record of Decision was released in March and construction is scheduled to begin

Summer 2004



Mike McClure

Oregon Buttes, Red Desert

next season. WOC's Meredith Taylor will represent the conservation community on an advisory committee during the project. In that capacity, she will continue to advocate that the road construction takes into consideration wildlife habitat and road crossings, wetlands, local economic concerns, and other issues. *Contact: Meredith Taylor*

Pinedale RMP: The Pinedale Resource Management Plan should be released sometime this summer. Since the revised RMP will guide the BLM's land-use decisions for the next one to two decades, this revision is critical to the future health of the Upper Green River Valley's public lands, wildlife and communities. WOC, along with several other groups, submitted a "Responsible Energy Development" proposal to the BLM for consideration during this process. The conservation proposal encourages the BLM to incorporate "doing it right" principles into the RMP to ensure that the unique qualities of the Upper Green River Valley—such as wildlife, water and air quality and community values—are safeguarded while oil and gas development continues. In addition, in June, Governor Freudenthal submitted comments to the BLM advocating the same position WOC has long held regarding interim lease sales: the BLM should defer any additional leasing in the Pinedale area until the RMP is finalized. *Contact: Marisa Martin*

Restoring Wild Patterns. WOC's Meredith Taylor has been presenting the Wyoming Council for the Humanities 'Ancient Corridors' program to the public throughout the spring and early summer. The program highlights western Wyoming's prehistoric migration paths. WOC also continues to help educate private landowners about the options they have for reducing barriers to wildlife migration on their property. These options include wildlife-friendly fencing and road designs. Finally, we are currently preparing to nominate Trapper's Point, a bottleneck in a migration corridor that has been in use for thousands of years, for inclusion in the National Historic Register. *Contact: Meredith Taylor*

Clarks Fork seismic project. BLM has proposed a seismic project along the Clarks Fork River on the eastern edge of the Shoshone National Forest and within the Greater Yellowstone Ecosystem. This area is increasingly important habitat for grizzly bears, but the BLM did not adequately analyze the seismic project for its potential effects on this species. Also, the Cody BLM office has not finalized its programmatic review of endangered species like grizzly bears. WOC commented on the scoping process for this project. We just received the BLM's decision to approve it in spite of our concerns and are now discussing our options for future action. *Contact: Marisa Martin*

RED DESERT/GREAT DIVIDE

Jack Morrow Hills Coordinated Activity Plan. After years of comments, testimony, grassroots organizing, and public relations, WOC is bracing for the release of the Jack Morrow Hills plan in mid-July. Watch for alerts and get ready with your comments. *Contact: Tova Woyciechowicz*

Proposed legislation for the Red Desert. The Friends of the Red Desert Coalition has finalized its proposed legislation to designate approximately 320,000 acres within the 620,000 acre Jack Morrow Hills study area as the "Northern Red Desert National Conservation Area." The proposed conservation area stretches from Steamboat Mountain and the Sands all the way to Oregon Buttes and includes a portion of the South Pass historic landscape. *Contact: Marian Doane*

Videos document the beauty of the Red Desert. This summer WOC is moving into new media areas. Both WOC's Communications Director Leslie Gaines and Arizona Public Television are producing video programs highlighting the Red Desert. Mac Blewer provided guidance and expertise to both teams. Special thanks to Becker Holland; Montana State University film student Jo Young; soundman Mike Barnitt; Tom Bell; Charlie Wilson and Wind River Pack Goats; Chris McIlraith of Rent-a-Wreck in Lander; Keith Olsen of Interscreen TV in Largo, Fla.; and John Mionczynski for their support and hard work. *Contact: Leslie Gaines*

ENVIRONMENTAL POLICY

Solid Waste Management. As reported in the last Frontline, the DEQ's Solid and Hazardous Waste Division is using a stakeholder-based process to develop policy recommendations for improving the management of municipal solid wastes. The Citizens' Advisory Group on Solid Wastes has met three times since January. The group discussed solid waste and recycling laws in other states and drafted a list of recommendations and incentives to improve recycling rates, accelerate remediation of leaking landfills, and entice communities to contribute to the development

of lined regional landfills. WOC's Michele Barlow represented the conservation community on the advisory group. The group's final recommendations will be released in July, 2004. *Contact: Dan Heilig*

STATEWIDE

Blue-Green Alliance forged.

Approximately 30 people from the labor and conservation communities—including representatives from WOC—met in Rock Springs in June to discuss concerns about the impacts from oil and gas development on wildlife and recreational resources in Wyoming. The alliance includes the United Steel Workers of America, the Labor Institute, the Public Health Institute, the Friends of the Red Desert, the Powder River Basin Resource Council, and WOC. This historic meeting showed that the labor and conservation communities share many concerns about Wyoming's future. The two groups agreed that some of the places targeted by the oil, gas and coalbed methane industries in the state should be off-limits to further energy development. They also released a statement calling for "smart growth" in Wyoming and said the boom-bust cycles of the energy industry don't support or promote either job stability or a healthy environment. The group agreed to work together to build an active alliance that will be important for further grassroots campaigns across Wyoming but especially for the Red Desert, the Upper Green, the Great Divide and the Powder River Basin. *Contact: Tova Woyciechowicz*

Oil and Gas Lease Sale Protests and Appeals.

Every two months the Wyoming office of the BLM offers oil and gas lease parcels for sale. Sometimes more than 100 parcels affecting many thousands of acres of public land are up for grabs at these sales. So every two months, if we determine the BLM has failed to provide legally required environmental protections or procedures, WOC protests the offering of parcels we believe have important wildlife values, historical or cultural resources, or could adversely affect owners of "split-estate" lands, among other concerns. As often as not, BLM denies these protests, but not always, and in some cases WOC

then appeals the denial to the Department of the Interior's Board of Land Appeals (IBLA). Currently WOC has several appeals of oil and gas lease sales before the IBLA raising issues ranging from compliance with the Endangered Species Act to the need to adequately consider the impacts of coalbed methane development. *Contact: Bruce Pendery*

WATERSHEDS

Bill Barrett discharge permits in Niobrara County. WOC has filed an administrative appeal before the Wyoming Environmental Quality Council opposing the Bill Barrett Corporation's request for two discharge permits that will allow the company to dump 7.8 million gallons of coalbed

methane produced water per day into Antelope Creek, a tributary of northeastern Wyoming's Cheyenne River. This volume, while still huge, was reduced from the originally proposed 10.4 million gallons per day following WOC's opposition. WOC's concerns range from the DEQ's failure to consider the specific impacts of CBM produced water and the lack of appropriate discharge limits for pollutants associated with CBM production, to its failure to require Barrett to consider Best Available Technology requirements, the impacts of the discharge on stream ecology, and the inadequacy of the DEQ's public involvement. The appeal could take up to a year. *Contact: Steve Jones*



Jeff Widen

Wyoming's wildlife: flourishing or imperiled?

Game and Fish Director Terry Cleveland talks to WOC about the state's precious wildlife resource

After nearly 35 years with the Wyoming Game and Fish Department, Terry Cleveland was appointed its director by Governor Dave Freudenthal last December.

Cleveland, who graduated from high school in Rawlins and went on to earn a bachelor's degree in wildlife biology from Colorado State University, began his career with the Game and Fish Department as a special deputy warden. He later served as game warden in a number of districts around the state, district wildlife supervisor, and most recently, assistant chief game warden.

As director, Cleveland, who is known for his steady, straightforward leadership style, is charged with protecting one of Wyoming's greatest assets: its wildlife.

On May 26, Cleveland spoke with WOC's Molly Absolon by phone about the challenges he faces in his position and his goals for the future. What follows are excerpts from their conversation.



Q: What do you see as your greatest challenges as the director of the Game and Fish Department?

A: There is no lack of issues and challenges facing the department. They run from securing adequate funding to wildlife diseases and diminishing habitat. And the drought is having a huge impact on wildlife as well. So we've got plenty of things to keep us busy.

Q: I've heard a lot of talk about funding issues for the Game and Fish Department. How are you funded?

A: Currently we are funded by hunting license fees and by federal excise taxes on sporting goods, firearms, etc. We do not get any state funds... Actually this year we did get 4.2 million from the state's general operating fund for capital improvements, but our operating funds come from hunting licenses and federal taxes.

We've tried repeatedly for over 20 years to establish a permanent trust fund to provide a more reliable revenue stream. But we've had no success. This year the [Legislature's] Interim Travel, Recreation and Wildlife Committee is looking into alternative funding for the department. Our hope is that something will come out of this that ensures adequate funding for the department.

Unfortunately when we have budget shortfalls, often our non-game programs suffer.

Q: What is your relationship with the Game and Fish Commission?

A: The Game and Fish Commission sets policy for the department and establishes the budget. I report directly to both the commission and to the governor. The governor can remove me, but the commission cannot.

The commission is comprised of seven individuals from throughout the state who serve staggered six-year terms. We'll be replacing three commissioners in March, 2005. These commissioners represent each of the seven judicial districts in the state. Within the districts, commissioners come from the different counties on a rotating basis.

Q: I'd like to talk about some specific wildlife concerns, and I guess the best place to start is the state's most contentious issue: wolves. Do you have any ideas for ways to defuse the emotions that surround the wolf-management issue in Wyoming?

A: I do not. I've never seen an issue that polarizes people as much as wolves do. People either love them or hate them. I think the only thing that will moderate these emotions is time. As people have more experiences with wolves, they will become less extreme in their views of the animals.

Q: How has the state's decision to pursue a lawsuit over the wolf-management issue affected the Game and Fish Department?

A: We have no management responsibilities for the wolves until they are delisted, so the state's lawsuit does not have any direct impact on our current work load. Wolves do have an impact on our big game management. We are dealing with the effects of wolf predation on ungulates.

Q: When people talk about the impact of predation on big game you hear extremes. Some people say the wolves are decimating the herds, others say they are culling them of the weak and old. What is the truth about the effect of wolves on the state's big game?

A: There's no doubt that wolves are having some impact on our big game numbers, but it is hard to tease out what that impact is versus the impact of things like the drought and habitat loss. Elk cow-calf production is down significantly in some herds, but again it's hard to tell if that is due to dwindling habitat, prolonged drought or wolf predation. Furthermore, we have to factor in predation from bears and mountain lions as well, so it is difficult to assign any specific blame.



USFWS

Gray wolf with radio collar

Q: What about the effects of wildlife diseases? Is there any one disease that causes you more concern?

A: Clearly all wildlife diseases are a threat. Some have more impact than others. Brucellosis is less of a threat to overall herd numbers than chronic wasting disease, but both are concerns. Still, I go back to shrinking and fragmented habitat as the single biggest threat to our wildlife populations.

Look at what is happening in western Wyoming. I heard somewhere that there have been more than 1,400 new home starts this year in the Jackson-Star Valley area. The town of Pinedale is expanding west into important migration corridors. You add the growing oil and gas development and the drought, and you have significant stresses on ungulate habitat.

Q: Where did these wildlife diseases come from?

A: People speculate that brucellosis was introduced by domestic cattle at the turn of the 19th Century. Chronic wasting disease (CWD) has been in the deer population for three decades in Colorado and east. It seems to be slowly spreading west and north. CWD only appears to affect deer and elk. It doesn't seem to spread to cattle or other livestock.

Q: I've heard people question the effectiveness of vaccinating elk for brucellosis in feedgrounds. What is your opinion of the practice?

A: Vaccination is not the magic bullet to end the disease, at least not with our current vaccine. But we believe—and our veterinarians believe—that vaccinating the elk is an effective way to reduce the incidence of disease over time. Numbers have gone

down, although in the past couple of years they are back up a bit. Nonetheless for now it is one tool we have to help fight the spread of brucellosis.

Q: What about closing feedgrounds?

A: Clearly there has been a lot of discussion about the pros and cons of the feedgrounds. Feedgrounds have a use. They keep elk from depredating ranch lands and from commingling with livestock and spreading brucellosis to cattle. But the concentration of elk also help spread disease among the elk.

Winter feedgrounds were established when ranches began to move into the elk's winter habitat. That habitat is still gone as far as the elk are concerned, so feedgrounds continue to serve a legitimate purpose. Probably 80 percent of the elk in northwestern Wyoming depend upon feedgrounds in the winter. So we are talking about how to manage feedgrounds in ways to help minimize the disease problem.

Q: How about the impact of oil and gas development on wildlife? Is this impact more or less significant than the spread of housing subdivisions?

A: Probably more significant since it covers a broader geographic area. Plus much of the development is concentrated in important winter habitat such as the Pinedale Anticline and the Mesa. Every acre of oil and gas development means one less acre for wildlife, so it is a serious impact.

At the same time, we recognize that oil and gas development is important for Wyoming. So we are working with the BLM and industry on ways to minimize its adverse (continued on next page)

(continued from previous page) effects on wildlife. We are looking into winter stipulations. We are exploring options for reducing the length of time spent drilling and minimizing surface occupancy. But the bottom line is, oil and gas development has a significant impact on wildlife.

Q: Can you document these impacts?

A: There are a number of studies going on to do that. Hal Sawyer is looking at the effects of winter drilling on mule deer in the Upper Green River Valley. Someone else is looking into the impacts on pronghorn. In the Powder River Basin they are exploring the effects on sage grouse. So we are looking for answers.

Q: I recently read an article in the Casper Star-Tribune reporting that a group opposed to the listing of sage grouse under the Endangered Species Act (ESA) was claiming that the law was "99 percent ineffective." Have you found the ESA to be a useful tool for protecting wildlife? How have you seen it used or abused?



The bottom line is, oil and gas development has a significant impact on wildlife.

Jeff Vanuga

A: Very few can argue that there needs to be ample protection to wildlife species to make sure they do not vanish from the face of the Earth. My frustration with the ESA is that the entire emphasis seems to be on listing, when I believe the emphasis should be on carrying out work to minimize the need to list.

And then when species are listed, the effort should be expended to recover the species and delist them. The entire burden appears to fall to the states. The federal government should be providing financial assistance to the states to help in recovery efforts and to allow states to gather sufficient data that might be used to preclude the need to list.

Q: Speaking of sage grouse, how is it that a species that some people are talking about listing as threatened is still subject to a hunting season?

A: Wyoming still has a robust sage grouse population, though there are clearly less grouse now than at times in the past. The overall trend is downward. Wyoming's conservative hunting seasons and bag limits are having little to no effect on grouse since most mortality is compensatory rather than additive. Sage grouse in other parts of their range are not as in good of shape as they are in Wyoming.

Q: What do you think of the suspected link between coalbed methane produced waters, mosquitos, and West Nile mortality in sage grouse?

A: There is evidence that West Nile causes mortality in sage grouse. I think it is premature to tie coalbed methane, mosquitos, and grouse mortality together until the research that is ongoing is finished and evaluated.

Q: Finally, we haven't talked at all about WGFD's non-game programs. What non-game work are you most excited about? What are some of the highlights of these programs?

A: Wyoming has 600-plus species of wildlife, most of which are not hunted or fished. There needs to be more attention paid to non-game in Wyoming. Clearly we need to inventory species in an effort to determine their abundance and distribution. We need additional revenue streams to do this work. Hunters and anglers should not have to pay for the management of all wildlife in the state.

Peregrine falcons and swift fox have been good examples of work the department has done to bring back numbers of falcons on one hand, and to show that swift fox are more abundant than previously believed on the other hand.

Q: What are your top goals for your tenure at the Game and Fish Department?

A: I would like to secure a permanent source of alternative funding so the department can move forward to meet the challenges of the 21st Century. I would like to maintain the present distribution and abundance of wildlife populations in the state. And I would like to maintain the quality and professionalism of our staff at the Game and Fish Department. ▶

ANNUAL MEETING SEPTEMBER 11TH

Be sure to mark your calendars for a WOC get-together on September 11th. This year's event will be held at the Ranger Creek Ranch in Shell – www.rangercreekranch.net. Members are invited to join staff and the board for a BBQ on Saturday evening to welcome our new executive director. Please call Bonnie at 307-332-7031x10 for more information or to reserve a space for dinner. Dinner reservations must be made by September 3rd.



Annual Report

Recently you received a copy of our 2003 Annual Report. We are excited by all that we were able to accomplish last year, yet a bit daunted by what lies ahead. We hope that while reading this publication you will realize that our efforts are possible because of our members. Without your support, there is no telling what might happen to Wyoming.

Triple Membership by 2007

One of our many strategic goals over the next few years is to triple our membership. This is quite a lofty ambition for a smaller organization like WOC but, with your help, we will reach our goal.

Currently WOC has about 1000 members. How many of these individuals or organizations represent your friends, co-workers, family, and/or place of employment? If we are going to protect this great



Scott Opler Foundation Farewell

By D.J. Strickland

On June 5th a group from WOC went to Jackson to attend the Scott Opler Foundation farewell party. The foundation directors have decided to give away all of their funds and close their door.

There was quite a turnout at the reception, which was held at the beautiful National Museum of Wildlife Art. Roughly 100 people from the wide variety of organizations the Scott Opler Foundation supported over the years turned out in force to say goodbye and thanks. (Members might recall that it was the Scott Opler Foundation that contributed to the Tom Bell 21st Century endowment with a gift of \$500,000.) It was amazing to listen to people tell the stories of how they had received support from the foundation and from Kathe Henry, its president and Scott Opler's mother.

Scholar, artist and activist, Scott Opler was born in 1956. He received a bachelors degree from Princeton University, a masters from Williams College, and he was pursuing a doctorate in art history at Harvard University at the time of his death from AIDS in 1993. The Scott Opler Foundation, which he founded shortly before his death, was dedicated to furthering his work in three specific areas: studying and preserving art and architecture, particularly works of the Italian Renaissance; conserving nature by preserving wildlife habitats, the environment and natural resources; and supporting and providing AIDS-related services and education.

Overall, the reception in Jackson confirmed what everyone here at WOC has known for quite a while: The Scott Opler Foundation has not only helped many organizations build their capacity to endure, Kathe Henry has also succeeded in keeping her son's interests and loves alive and well. ▶

state and our quality of life, everyone needs to get involved. So, if you know of anyone who cares about Wyoming the way you do, encourage him or her to join WOC. In order to make it easy for you, just have your friend call our office and we will mail them a brochure about WOC. Or, direct them to our website where they can join on-line. Or better yet, you can purchase a gift membership for them! For more information about joining WOC, please call Bonnie at 307-332-7031x10.

Other Ways to Give

Your membership to WOC is incredibly important to us. But did you know we have several other ways you can make a lasting contribution to WOC? Whether it is Planned Giving, contributing to the Tom Bell 21st Century Endowment or the gifting of property, it all makes a difference to the longevity of WOC. ▶

Goodbye to Board Member Cherry Landen



Cherry Landen traces her environmental activism back to the arrival of industrial-style hog farming in Wheatland, a small

agricultural community in eastern Wyoming. market, and it just got to be too much," Cherry says. "Part of me hates to leave... I've really enjoyed working on the board, but I needed a rest."

Cherry, who grew up back East, says she and her husband, Jerry, are retiring from the ranching business. They have run a cattle ranch near Wheatland for years and Cherry has played a vital role as a voice for ranchers on the WOC board. Now the Landens are looking for a place where they can have their horses, be surrounded by big trees, and be close to an airport so they can visit with their family, especially their two grown children in Denver.

"I will still stay active [with WOC] and plan to attend their conferences and meetings," Cherry says. "Those events have all been terrific and lots of fun. I'll miss everyone involved with the organization. But I need some time for myself."

Cherry has been an important part of the board of directors. WOC thanks her for her dedication, wisdom, humor, and years of service, and wishes her the best in all her future endeavors. ▶

The stink and health hazards associated with 5,000 pigs living down the road drove Cherry and her neighbors to organize themselves into a group called Concerned Citizens of Platte County. WOC helped the group convince the state legislature to adopt stringent legislation governing hog farms back in the mid-1990s. A few years later, Cherry joined the WOC board of directors.

"Things started with the hog farm," Cherry says. "But then I began to realize how important the environment was."

Now, after two terms on the board, including a stint as treasurer, Cherry has resigned.

"We're planning to move, we're redoing our house to get it ready to put on the

New board member with a familiar face



After almost four years as WOC's associate director, Christine Lichtenfels is stepping down to pursue new career interests and challenges.

At the same time, Christine has joined the WOC Board of Directors where WOC will continue to draw on her knowledge and experience.

"It's been a real privilege and education to work with WOC's highly committed staff, board and members in our efforts to protect the Wyoming we so cherish," said Christine. "Although I'm choosing to pursue a new career, I'm thankful to have the opportunity to continue to stay involved with WOC, which I believe is one of the most effective conservation organizations in the West."

"Christine has been an invaluable asset to WOC, directing our foundation fundraising and membership activities, working closely with our accountant and endowment investment advisor, editing articles for the *Frontline Report*, and aptly juggling a variety of office and staff management tasks," says Dan Heilig, WOC's executive director.

"I'm extremely grateful for her hard work and dedication to WOC," he adds. ▶

Changing roles Goodbye Molly Absolon, Hello Molly Absolon

Molly Absolon has resigned from the WOC Board of Directors after three years so that she can become more actively involved with the organization as a consultant creating our publications. A freelance writer based in Lander, Molly is taking the lead role in writing and editing *Frontline Reports*,

as well as writing other WOC publications. Our thanks go to Molly for her valuable volunteer service on the board, including her insightful observations, upbeat attitude and excellent minutes-recording in her role as board secretary. Now we're excited to put her skills to use in other ways. ▶



Bon Voyage to Dan Heilig

By Tom Bell
WOC's founder and Director Emeritus

Dan Heilig is more than a friend to me; I look upon him much as I do my sons. He, in turn, has treated me as a son would his father. But the relationship goes beyond that. We share a passion for risk and adventure. Our comradeship has grown through the years and that I will sorely miss.

Dan Heilig has cinched his place in the annals of the Wyoming Outdoor Council. His solid and consistent leadership in guiding WOC through some of the most trying and contentious years experienced by the environmental movement in Wyoming has earned him plaudits from his peers and respect from his adversaries. He is now recognized as one of the outstanding environmental leaders in the western United States.

Dan is stepping down from the position of WOC executive director to take a much-needed break. The constant and wearying battles he has fought on behalf of WOC and Wyoming have taken their toll. He can look back with pride for WOC has grown tremendously, both in numbers and respect, under his leadership. He has built a capable and respected staff and a solid financial foundation for the organization. He leaves WOC in the very enviable situation of being one of the strongest and most successful western environmental groups.

Dan is an activist who likes nothing better than diving into the legal battles so nec-

essary in today's environmental arena. He has become an authority in public lands and environmental law. In spite of that love of the legal work, he took on the job of executive director and pushed himself to the limit. Dan fostered friendships and relationships with people throughout the West—people who have come to support WOC in a number of ways, including financially. In addition, he nurtured his staff and grew with them. And he drew down his own inner resources.

Dan is innately drawn to the defense of all that we hold dear in Wyoming. He loves the wide-open spaces, the mountains, the deserts, the wilderness, the rivers, the clean air and water—what we consider the amenities that make life worth living here. He worked for the National Outdoor Leadership School before becoming an attorney so that he could live and savor the great out-of-doors. That experience whetted his appetite and broadened his vision for what he wanted to do.

He gained my utmost respect when he entered the fight over the Altamont natural

gas pipeline, proposed to go through South Pass. He brought all of his expertise to bear in the fight, stalled the proponents, and saw the attempt fail. I think he took up the fight as much for me as for his own satisfaction. We share a love of the wild and the historic places, and he knew of my intense interest in South Pass and the Oregon Trail. He put his heart and soul into that struggle, and we rejoiced together when the outcome was finally decided in our favor.

Dan is the longest serving—1998-2004—and one of the most successful of a long line of prestigious leaders of WOC. He is well deserving of time for rest and rejuvenation. As one of his many admirers and close friends, I, and all of those others, wish him the very best. May the wind be always at his back as he sets forth into the unknown. And we hope he comes back to Wyoming and his circle of friends when he is ready.

Bon Voyage, good friend.



Bonnie Hoibauer



READY, SET, RIDE THE RED! SUNDAY, SEPTEMBER 19

Mark your calendars now for our annual mountain bike ride in the Red Desert on September 19. This year we'll cover new terrain along historic trails and the Continental Divide of the northern Red Desert.

Following the Seminoe Cut-off of the Oregon and California National Historic Trails westward, the route will start at the Warm Springs Pony Express Station three miles south of U.S. Hwy.

287, just east of Sweetwater Crossing.

After 16 miles of

fun two-tracks, we'll turn east onto the Continental Divide Trail with an optional additional loop into the St. Mary's Peak area for the energetic. Passing Weasel Springs, we'll drop into Coyote Gulch. We'll have many opportunities to view pronghorn, elk, wild horses, raptors and historical features.

Ride the Red will be 36 miles long this year, with additional mileage options available.

Consider joining a group of friendly bikers on a leisurely ride through the scenic Red Desert. Snacks and refreshments will be provided at aid stations and a beautiful T-shirt will be given to all participants. ▶



Tom Derin

PRE-REGISTRATION IS REQUIRED.

To help cover our expenses, the registration fee will be \$20.

MORE DETAILS TO FOLLOW.

PLEASE CHECK OUR WEBSITE:

<http://www.wyomingoutdoorcouncil.org>
or contact Tova at
tova@wyomingoutdoorcouncil.org
or 307-332.7031 ex 15.




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