

# United States Senate

WASHINGTON, DC 20510

February 7, 2018

The Honorable Ryan Zinke  
Secretary of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Zinke:

We are writing to express our concern regarding several recent actions within the Department of the Interior to enable oil and gas development on federal lands at the expense of critical conservation priorities. On December 27, 2017, the Bureau of Land Management (BLM) issued new guidelines (Instruction Memoranda) for implementing current sage grouse habitat management plans across 10 states. The guidelines revise and override BLM's September 2016 guidance, and would undermine the overarching conservation purpose of the sage grouse plans. We are also concerned by Secretarial Order 3360, formally issued on December 22, which rescinded Department of the Interior and BLM guidance on mitigation and climate change.

One of our most significant concerns is that oil and gas leasing and drilling will no longer be actively guided away from sage grouse habitat under the new guidelines. The sage grouse management plans explicitly require BLM to "guide development to lower conflict areas and as such protect important habitat." The 2016 guidance echoed this requirement, but the 2017 guidance instead emphasizes the BLM's ability to continue leasing and drilling in habitat without first considering alternatives outside sage grouse habitat.

Not only does this new direction conflict with the BLM's plans, clash with the express direction in some state plans, and risk important habitat, it is also unnecessary. As shown in a June 2017 report from Western EcoSystems Technology Inc., only a small fraction of sage-grouse priority habitat has a high potential for oil and gas development, and 79 percent of areas with medium to high potential for energy development fall outside of sage grouse habitat. BLM made similar findings in the sage-grouse plans.

We also are concerned by the removal of requirements for public notice when conditions in the habitat worsen to the point that action is needed, a time when stakeholders should be most engaged. Further, the guidance has removed nearly every reference to Sagebrush Focal Areas, which were identified by the BLM as the most valuable habitat and in need of the most protections.

These unwanted and unneeded changes announced in the waning hours of 2017 clearly ignore a bipartisan coalition of western Governors, professional wildlife managers, and 267,000 Americans who voiced their opinions in support of the sage grouse plans during the BLM's public comment period. These changes are being implemented while the BLM is ostensibly considering public input and while a parallel Forest Service comment period is underway. Stakeholders have repeatedly urged BLM to retain the core elements of the plans, including during the recent public comment period on other proposed changes to vital sage grouse protections. Westerners also overwhelmingly carried that same message to BLM staff in person at public meetings.

Further, the new guidance, as well as the ongoing review, risks the entire structure upon which the Fish and Wildlife Service based its finding that listing of the greater sage grouse under the Endangered Species Act was no longer warranted.

Secretarial Order 3360 was issued without formal announcement or outreach, yet it has far-reaching implications for both the greater sage grouse and management of public lands writ large. The Order rescinded the Department of the Interior's guidance on addressing climate change and applying landscape-scale mitigation, as well as BLM's manual and handbook on mitigation. The Department and BLM are required to address both mitigation and climate change in their management of public lands. The new Secretarial Order removes needed guidance and calls into question if and how the Department and BLM will be fulfilling their obligations, both in relation to the sage grouse plans and to overall management of our public lands.

We request that, in light of these recent actions, you address the following:

1. How does the new guidance on oil and gas leasing and development conform to and further the plans' directive to manage oil and gas leasing and development to "limit future surface disturbance and encourage new development in areas that would not conflict with [greater sage grouse habitat]"? How will you ensure these objectives are met?
2. How will you ensure that the key components of the current plans are enforced while the review process continues?
3. How will the Department of the Interior and BLM ensure that the current focus on encouraging energy development will not override the vital commitments made to conserve the sagebrush ecosystem and to sustain the sage-grouse and the hundreds of other species that it supports?
4. How will the Department of the Interior and BLM ensure that their commitments to mitigate impacts to greater sage grouse and to coordinate with the states around their mitigation programs will continue?
5. More broadly, how will the Department of the Interior and BLM ensure that they are meeting their obligations to evaluate climate change impacts and to mitigate impacts from proposed actions to other uses and resources on our public lands?

We request a response to our letter by February 23, 2018.

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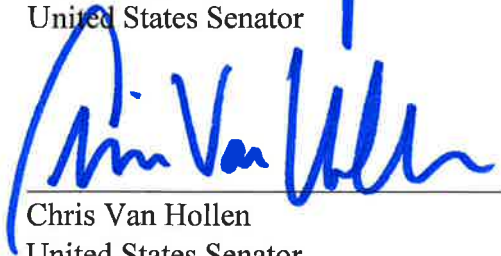
Sincerely,



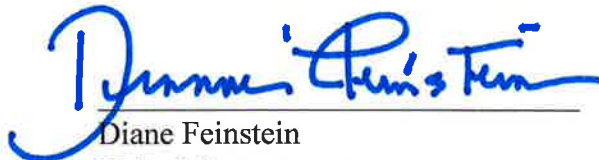
Ron Wyden  
United States Senator



Michael Bennet  
United States Senator



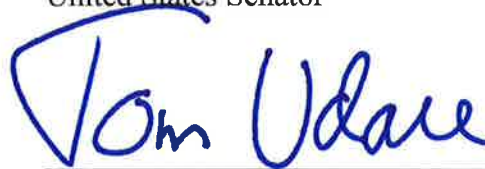
Chris Van Hollen  
United States Senator



Diane Feinstein  
United States Senator



Jeffrey A. Merkley  
United States Senator



Tom Udall  
United States Senator

Cc: The Honorable Sonny Perdue, Secretary of Agriculture  
The Honorable Tony Tooke, Chief, U.S. Forest Service  
The Honorable Joe Balash, Assistant Secretary for Lands and Minerals, DOI  
Mr. Brian Steed, Acting Director, Bureau of Land Management