

# Biodiversity Conservation Alliance Annual Report 2011

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The past year marked some outstanding successes in protecting Roadless Area on our national forests, returning

protections to rare wildlife like the Preble's meadow jumping mouse, and halting the development of oil shale, the dirtiest fossil fuel. Meanwhile, on logging issues on the Medicine Bow National Forest and on sage grouse issues on BLM lands, we are making strong headway in cooperation with agencies that have resisted conservation action in the past. While serious challenges remain, it appears that the tide is turning in favor of conservation in Wyoming, and BCA is at the forefront of efforts to maximize the gains for Wyoming's spectacular public lands and wildlife.

## Our Mission

Biodiversity Conservation Alliance works to protect wildlife and wild places in Wyoming and surrounding states, primarily on public lands. BCA is a 501(c)(3) nonprofit grassroots organization.

BCA is dedicated to conserving our region's rich natural heritage, by calling attention to abuses of the land, empowering the public to get involved, and pressuring government agencies to protect land, wildlife, fish and plants. Our three major programs include Wild Species, Wild Forests, and Wild Deserts and Grasslands.

## Highlights of 2011

### **WILD SPECIES**

Two important wildlife battles reached successful conclusions in 2011. First, our legal challenge to restore ESA protections to Wyoming's incredibly rare Preble's meadow jumping mouse was upheld in federal court, forcing the federal government to reinstate protections. Then, a BCA lawsuit challenging the failure of the U.S. Fish and Wildlife Service to protect the Dakota skipper, which had languished on the Candidate Species lists under a 'Warranted but Precluded' finding, led to a sweeping settlement that set a timetable for decisions to be made on all 251 species on the candidate list. Through this settlement, BCA was able to accelerate findings for the yellow-billed cuckoo, the Yellowstone River Basin population of arctic grayling, and populations of the roundtail chub in the lower Colorado River system.



The Aaron Million water diversion pipeline heated up as an issue in 2011, and BCA once again found itself playing a leading role among Wyoming groups in fighting the proposal. This pipeline would siphon off over 8 billion gallons of water each year from the Green River, imperiling the survival of the four Endangered fish species that live downstream in the Colorado River system. Rejected by the Army Corps of Engineers for failing to meet filing deadlines, Million initiated a permitting process with the Federal Energy Regulatory Commission. BCA joined 9 other conservation groups in filing for intervention in the permitting process, and also led an effort that convinced the Laramie City Council

Preble's meadow jumping mouse, once again protected in Wyoming  
*courtesy Federal Highway Administration*

to intervene in opposition to the pipeline. We also encouraged and assisted state and local governments across Wyoming to oppose the project.

Sage grouse continued to be one of the nation's hottest conservation issues, and BCA has continued to be a nationwide leader in sage grouse conservation efforts. The Bureau of Land Management announced a West-wide effort to increase sage grouse protections in each land-use plan through West-wide plan amendments, following recommendations made by Biodiversity Conservation Alliance in 2009. In 2011, we worked to influence the emerging BLM policy, as well as an interim Instruction Memorandum that may put a hold on destructive projects in important sage grouse habitats while the plan amendment process is underway. BCA spearheaded efforts to send science-based recommendations on sage grouse protection measures that should be included in the new policy, with the endorsement of both regional and national conservation groups. We also continued to lead the way in pointing out the improvements that are needed to the State of Wyoming's weak Core Area conservation program, which is likely to serve as the starting point for developing the federal policy. We achieved a key victory in December 2011 when the BLM's National Technical Team, a panel of sage-grouse experts from federal and state agencies, issued a review of the sage grouse science and made strong recommendations that closely mirrored the proposed sage grouse standards that BCA had submitted in September.

On the Thunder Basin National Grassland, the collaboration between local ranchers, the Forest Service and national environmental groups organized by BCA to relocate prairie dogs away from poisoning zones and into a future black-footed ferret reintroduction zone continued. Although prairie dogs are essential for healthy grassland ecosystems, many are unnecessarily poisoned as a nuisance by private landowners. In September, the program was put on hold due to opposition from Weston County commissioners and a subset of ranchers who believe that the only good prairie dog is a dead prairie dog. BCA is working behind the scenes with the Forest Service and Wyoming Game and Fish Commission to get the program up and running again for 2012. Overall, the year was a success, with 349 prairie dogs translocated away from private land, 43,140 burrows on 1,997 acres were dusted against plague, 8,648 acres of active colonies were mapped, of which 5,600 acres are inside the black-footed ferret recovery area.

## **WILD DESERTS & GRASSLANDS**

Because Wyoming still has large tracts of intact ecosystems, many of the rare types of native wildlife once found throughout the West can still be found here. But pressures to drill for oil and gas have targeted Wyoming more than any western state, decimating wildlife populations. BCA's long and arduous campaign to reverse the tide of drilling and other habitat destruction is finally paying dividends now that a more wildlife-friendly administration is at the helm in D.C.



Adobe Town citizens' proposed wilderness. *BCA photo*

In 2011, Secretary Salazar was forced to retreat from his 'Wild Lands' policy to identify and protect lands with wilderness qualities after Congress passed a budget rider preventing the Bureau of Land Management from spending federal funding for the program. However, Secretary Salazar did issue new guidance on protecting wilderness-quality lands without calling them "Wild Lands." The new guidance was actually stronger and more watertight than the original Wild Lands policy, closing loopholes that would have allowed the BLM to discount wilderness character on lands where there are oil and gas leases, unexercised right-of-way permits, or other paper contrivances that have no effect on wilderness qualities. This gave BCA the opportunity to pursue protections in citizens' proposed wilderness areas like Wild Cow Creek, the last tract of wild country along the Atlantic Rim in the eastern Red Desert.

The battle over drilling in Adobe Town, the Red Desert's largest badland wilderness, heated up in 2011. Thanks to legal intervention led by BCA and the Natural Resources Defense Council, Samson Resources abandoned its drilling permit for the Desolation Road Project. BCA was also able to secure the abandonment of an oil and gas lease in part of the Wild Cow Creek citizens' proposed wilderness identified by BCA near the Atlantic Rim, in an area where future leasing is not allowed. When Samson Resources proposed an exploratory drilling project in the heart of Adobe Town, BCA led a coalition that initially won a Stay from the State Director, halting the drilling. The project was ultimately allowed to go forward, and BCA partnered with NRDC to file a legal challenge against the project with the Interior Board of Land Appeals. Fearing a legal precedent that would interfere with other drilling operations, Samson abandoned the drilling project.

The new oil and gas leasing reforms instituted by Interior Secretary Salazar now govern oil and gas lease sales, and now Biodiversity Conservation Alliance can voice our concerns earlier in the process, before the lease auction occurs. As a result, the dynamic has changed, and the BLM is now pulling leases off the sale block prior to the auction in response to concerns raised by BCA and other conservation groups. In 2011, ***the BLM pulled 566,245 acres proposed by the oil and gas industry from their lease auctions, primarily to protect key sage grouse habitats as recommended by BCA.*** These kinds of results justify the considerable amount of time and effort that we put into commenting on and protesting lease sales.

BCA also launched a mini-campaign in 2011 to help acquire some 10,000 acres of open space at the east end of Laramie for public use. The City of Laramie wishes to protect its aquifer recharge area, where precipitation soaks into the groundwater layer, and protection of the outcrop of the formation also offers benefits for wildlife, open space preservation, and public recreation. The current ranch-lands in question are slated to be subdivided and sold off if they cannot be acquired by the state or the city. What originated as a land swap proposal by the rancher has evolved into a straight land purchase to create a state or city park, and BCA has played a key role in organizing a groundswell of public letters demanding open space protection and garnering the support of key decision-makers behind the scenes in this process.

Oil shale and tar sands are the dirtiest and most environmentally destructive types of fossil fuels, requiring massive strip mines and smelting or "retorting" the rock to produce petroleum product, or else massive well pads with wells every ten feet that require bulldozing the entire landscape from which oil shale will be produced. In 2011, a lawsuit challenging oil shale development in which BCA was the sole Wyoming participant came to a successful conclusion. In a settlement inked with the Department of Interior, the Bureau of Land Management was forced to abandon its Bush-era Oil Shale and Tar Sands leasing policy and go back and re-do the Environmental Analysis. BCA was able to get several conditions inserted into the settlement to protect sensitive Wyoming lands, including a commitment that the new Environmental Impact Statement would consider full protection for the Adobe Town Very Rare or Uncommon Area as well as sage grouse Core Areas from oil shale leasing and development. This settlement puts conservationists in a favorable position to secure major concessions when the BLM takes up the issue of whether and how much to lease for commercial oil shale extraction in 2012.



Canadian tar-sands extraction. Oil shale development is expected to be similar. *Photo courtesy the Pembina Institute*

After many years of fighting the excessively dense drilling in western Wyoming’s Jonah Field, with 64 to 128 wells being drilled per square mile, the 10<sup>th</sup> Circuit Court of Appeals ruled against our appeal. We had argued that the extreme density of wells permitted for the field – 64 to 128 wells per square mile, so densely packed that the wellpads almost touch – constituted ‘unnecessary or undue degradation’ of sage grouse and big game habitats. Although we ultimately lost on a technicality, pursuing this litigation still did a lot for conservation by keeping the spotlight of public attention on the excesses of the Jonah Field. When EnCana, the Canadian gas company behind the Jonah Field, pursued an expansion of drilling on the lands to the west of Jonah, they committed to directional drilling and clustering multiple wells on far fewer pads, with a maximum density of one to four pads per square mile. There have been no proposals for well densities similar to Jonah in the years since our legal challenge began, and other companies in ‘tight sandstone’ gas plays are using directional drilling and well clustering instead, as recommended in the BCA report, *Drilling Smarter: Using Directional Drilling to Reduce Oil and Gas Impacts in the Intermountain West*.

BCA’s efforts to promote Red Desert protections continued in 2011 through a partnership we built with the Wyoming Association of Churches. In April, the Association of Churches sponsored four On Sacred Ground forums around the state, with BCA providing a featured speaker at three of the events, organizing a Red Desert art show, and providing a slide show for the fourth. BCA also provided considerable support for the Association’s Red Desert Rendezvous, organizing and serving a tour guide for LightHawk light-plane aerial tours of the Red Desert for political leaders and reporters, and leading an on-the-ground tour to Adobe Town. These events set the stage for further collaborations to advance a Red Desert National Conservation Area designation to protect Adobe Town and the Jack Morrow hills set for 2012.



BCA Director Erik Molvar leads an outing to the White Mountain Petroglyphs in the Jack Morrow Hills. *Margaret Rattenbury photo*

BCA was a busy year for wind power in Wyoming. Pathfinder Wind shifted its focus for wind farm development from important sage grouse habitats along the Sweetwater River to lands near Chugwater in the southeastern corner of the state, in accordance with BCA’s recommendations in our report *Wind Power in Wyoming: Doing it Smart from the Start*. However, a much larger project, with a thousand turbines projected, moved into the planning stages immediately south of Rawlins in lands originally designated as sage grouse Core Areas (but later removed by the state at the request of the developers). While opposing environmentally irresponsible wind power projects like this one is a task that some conservation groups are reluctant to engage, BCA was vocal in its opposition to this project, and provided detailed technical comments highlighting the environmental risks of the project (including local sage grouse extirpation and the killing of an estimated 102 to 120 hawks and eagles each year, according to BLM estimates). BCA also threw considerable weight behind efforts to shift massive transmission line projects away from potential wilderness and sensitive wildlife habitats, with special emphasis on protecting the viewscape of the Adobe Town proposed wilderness as well as the sensitive wildlife habitats of the Powder Rim. The Bureau of Land Management also embarked upon a Visual Resource Inventory for the Red Desert, and BCA was fully engaged in this process, a precursor to new management decisions that will come through the new Rock Springs Resource Management Plan (RMP) and an expected Visual Resources amendment to the Rawlins RMP.

BCA has also remained an active player in long-range planning for BLM units, submitting comprehensive, science-based comments on land-use plans for the Bighorn Basin as well as the Rock Springs RMP, which covers the western half of the Red Desert. At stake are millions of acres of public land, and determinations of which areas will be opened to oil and gas development and which will be protected. The BCA-led lawsuit challenging the Rawlins RMP continues to move forward in settlement negotiations.

## WILD FORESTS

Of course, the biggest victory in BCA's Wild Forests program was the successful defense of the Roadless Rule from a legal challenge mounted by the State of Wyoming. Earthjustice represented BCA and a number of other conservation groups who had intervened in the lawsuit, as we did not trust the Bush administration to defend a Rule they actively opposed. At stake are 58 million acres of the nation's wildest and most pristine National Forest lands, representing some of the last best interior forest habitat for wildlife, most outstanding backcountry recreation, and most pristine public water supplies left in the nation. The victory was won when the 10<sup>th</sup> Circuit Court of Appeals rejected arguments by Wyoming Judge Clarence Brimmer that Roadless Area protection was tantamount to a wilderness designation without Congressional approval. As a result, Roadless Rule protections are now in full force nationwide.

The Black Hills National Forest is one of the most heavily logged units in the National Forest system. Less than 5 percent remains roadless, old-growth stands are exceedingly rare, and as a result of the heavy harvest levels, forest wildlife survive on the brink of extirpation. In 2012, Biodiversity Conservation Alliance launched a far-reaching lawsuit, encompassing a number of massive timber sales, that strikes at the Forest Service's failure to maintain viable populations of native forest wildlife. The lawsuit was filed in autumn of 2010, and it is expected to take several years to complete the briefing and oral arguments for this large and complex legal case.

BCA played an active and leading role in 2010 in advocating for strong forest planning rules to replace the Bush-era rule, which had stripped away meaningful standards as well as wildlife viability protections. BCA staff made two trips to Washington, meeting with officials from the Forest Service as well as the President's Council on Environmental Quality. We are seeking greater accountability through strong, measurable standards on issues ranging from wildlife viability to the health of streamside riparian zones. A final decision was expected in late 2011 but has yet to be issued.

BCA's Duane Short has been appointed to the Resource Advisory Committee for the Medicine Bow National Forest, and through this collaborative process BCA has been able to block funding for harmful projects that would accelerate logging and encourage the development of new "pellet mill" operations to create a new source of demand for logging on this heavily clearcut forest. In contrast, we have succeeded in securing funding for several beneficial projects, including the removal of a concrete weir on the Encampment River that will help restore fish passage on this important trout stream.



Roadless streamscape on the Medicine Bow National Forest.  
*Jim Gores photo*

Our campaign to build local support for a Rock Creek wilderness designation on the Medicine Bow gained steam in 2011. BCA collected more than 360 signatures of local residents supporting wilderness designation at many local events, and built alliances with neighboring landowners in Morgan, a small cabin settlement at the base of the Rock Creek Roadless Area. As grassroots support is growing, we are reaching out to community leaders to enlist their support.

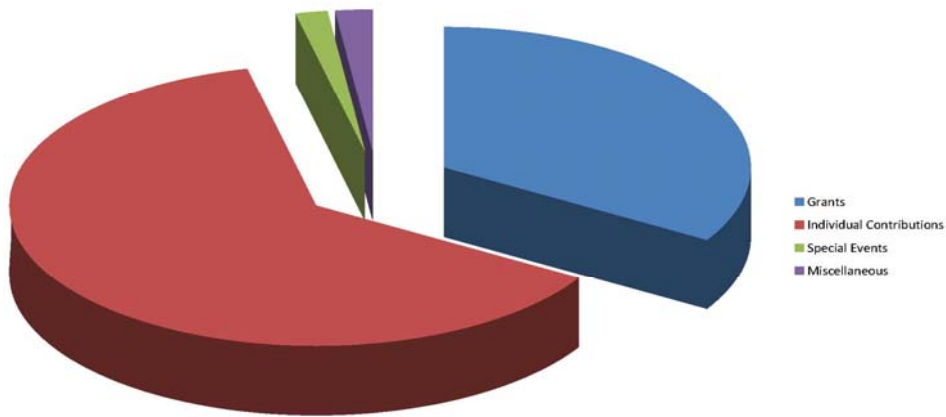
On the Medicine Bow National Forest, Biodiversity Conservation Alliance launched a lawsuit challenging the Forest Service's approval of a motorcycle trail in the Middle Fork Roadless Area, which was supposed to be nonmotorized according to the 2003 Forest Plan. The motorbike trail degrades the ability to find quiet recreation opportunities in this Roadless Area, and drives elk away from security habitats in the area. Through this lawsuit, BCA is working to get the motorbike trail shifted away from the roadless lands and elk habitats.

**CONCLUSION**

Because hundreds of our contributing members around Wyoming and around the country have stepped up to increase their support, BCA was able to take the decisive actions needed to win conservation victories for wildlife and endangered landscapes. BCA was able to provide much-needed conservation leadership in a variety of key Wyoming battles, providing hard-hitting defense and tough-minded advocacy, while using science and innovative solutions to convince industrial interests across the state to reform their standard operating procedures in ways that benefit sensitive lands and native species.

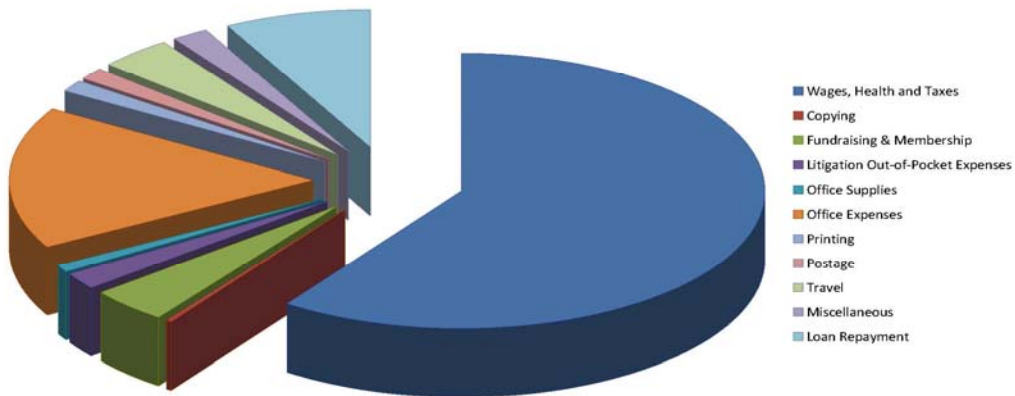
# Financial Overview

**BCA Total Income 2011**



BCA Total Income 2011 \$270,834.80

**BCA Expenses 2011**



BCA Total Expenses 2011 = \$ 255,329.09