

May 21, 2003

Ms. Kathleen Clarke, Director
Bureau of Land Management
US Department of Interior
1849 C Street, NW
Washington, DC 20240

Wyoming BLM Discourages Public Comments

AN OPEN LETTER TO BLM DIRECTOR KATHLEEN CLARKE

Dear Ms. Clarke:

We are writing to express our concerns that the Bureau of Land Management has repeatedly failed its obligations to sponsor fair and even-handed public forums on oil and gas projects as it prepares plans for some of the most important public lands in Wyoming.

The National Environmental Policy Act requires agencies to hold public hearings when there is “substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing.” And the BLM’s own handbook states that meetings should be held at times and places that facilitate and encourage public participation. As described below, your agency’s decisions to limit public participation violate the spirit of these regulations, and they leave us gravely concerned that the BLM has an established bias toward the oil and gas industry.

First of all, the BLM refused to hold a Laramie public hearing on the Jack Morrow Hills plan, claiming that meetings 200 miles away “provides the public ample opportunity, as required by law, for public participation...” Because many Laramie and Cheyenne residents are deeply concerned with wildlife and wilderness resources in the Red Desert, Biodiversity Conservation Alliance has twice formally petitioned the BLM to hold public hearings in Laramie. After the BLM refused, a coalition of conservation groups organized and conducted its own public hearing, at which 48 residents offered spoken testimony, often including heartfelt stories of their own personal experiences in the Jack Morrow Hills. The number of speakers at the Laramie hearing was comparable to the speakers at official BLM hearings in Rock Springs (56) and Lander (65), indicating that the level of public interest, and therefore the BLM’s obligation to hold hearings, was just as great in Laramie as in Rock Springs or Lander.

More importantly, BLM officials failed to even attend the Laramie hearing. After committing to send BLM staff (after all, the Wyoming BLM Office is in Cheyenne, only 45 minutes away), Rock Springs supervisor Ted Murphy called on the morning of the hearing to announce that the BLM would not attend. In his opinion, the event would be “more of a rally than a public meeting.” Another BLM official told the press, “The Bureau is completely neutral and can’t appear to be taking sides so we opted not to attend.” We’re all for BLM neutrality, but in point of fact, the Laramie hearing was held to the same standards as the official Rock Springs and Lander hearings. And while representatives from the Governor’s office and the Wyoming Legislature attended the

Laramie hearing, the BLM's conspicuous absence demonstrated a disturbing reluctance to listen to public comments.

Similarly, the Pinedale Field Office refused to hold public hearings in Jackson for the Pinedale Resource Management Plan (RMP) despite keen local interest and formal requests from Wyoming Wildlife Federation, Greater Yellowstone Coalition, and Jackson Hole Conservation Alliance.

Even as the Wyoming BLM has turned down these requests for public participation opportunities, the agency has granted the oil and gas industry's requests, effectively providing them with special influence in the process.

For example, during the scoping "open house" for the Jonah Infill Drilling Project (in the Pinedale Field Office), the BLM moved a public open house to the site of a gas industry pep rally. In this case, your agency granted a last minute request from industry and changed the meeting from its scheduled location at the Sublette County Library to the site of a company barbecue held by the EnCana Corporation and British Petroleum. Workers from the gas fields were given time off from their jobs and a free meal as incentives to speak for the industry at this "public" event. Clearly the BLM cannot make the case that this forum was fair and open to all points of view, and indeed a number of local residents have since said that they were too uncomfortable to speak at such a biased venue. This change in location prevented the fair and even-handed exchange of ideas that Federal agencies are supposed to provide for the public.

In sum, these actions of the Wyoming BLM hardly live up to the ideals of remaining "completely neutral" and "not taking sides."

Ms. Clarke, shortly after taking your position as BLM Director, you committed to "practicing the Four C's [cooperation, communications and consultation, all in the service of conservation] in Wyoming, working with the state of Wyoming, local communities, landowners and the energy industry to find solutions." The double standard shown by the Wyoming BLM regarding public participation (by refusing to hold additional meetings or attend citizen-organized meetings but granting a last minute industry request to move a BLM meeting to an industry barbecue) clearly shows a failure to live up to legal requirements and the "Four C's" standards set forth by your office.

We believe the Wyoming BLM has shown both a bias towards the oil and gas industry and an unjustified reluctance to consider additional meetings for soliciting public input on important BLM land use plans and projects. The citizens of Wyoming deserve an explanation for this behavior and active steps to remedy this situation.

Thus, we request that your office take immediate steps to address our concerns by: 1) issuing an Instruction Memorandum to all BLM offices requiring your agency to grant formal requests for public hearings when doing so alleviates the burden on the public of driving hundreds of miles; and by 2) holding new public hearings in Pinedale and

Jackson so that local residents have a fair opportunity for public comment. We are looking forward to your reply.

Sincerely yours,

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