

# Lawuit filed over winter work

## *Exploration puts migratory herds at risk, group says*

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*Southwest Wyoming bureau*

GREEN RIVER — Four conservation groups are challenging the Bureau of Land Management's decision last fall to allow a winter-long drilling project in crucial winter habitat near Pinedale.

The lawsuit was filed in U.S. District Court in Cheyenne on Thursday. The BLM granted a six-month exemption to seasonal drilling exceptions for wintering wildlife in early November.

Seasonal exceptions are rules that prohibit development activity in certain areas at certain times in order to protect wildlife.

The groups filing suit include the Wilderness Society, the Wyoming Outdoor Council, the Greater Yellowstone Coalition and the Defenders of Wildlife.

The coalition claims the BLM approved the six-month exception to seasonal drilling exceptions without seeking public comment and participation and without doing an environmental analysis, both of which they say are required by law.

"This decision sets a terrible precedent," Peter Aengst of the Wilderness Society said in a telephone interview and prepared statement.

"Allowing drilling and truck traffic throughout the winter in crucial habitat for mule deer ignores the findings from BLM-sponsored wildlife research done in this area," he said.

"Should this decision stand, we'll undoubtedly see more of these season-long exceptions," Aengst said. "This is different from their usual, short term exemptions that are granted. This is like an exemption that granted for the whole damn thing."

BLM spokeswoman Cindy Wertz in Cheyenne declined to comment and said she had not yet had time to review the lawsuit.

In November, the agency approved a

request from Questar Exploration and Production Co. to drill five natural gas wells within a sensitive viewshed area within the Pinedale Anticline gas fields.

The BLM okayed the company's request to drill from a single well location in an area designated crucial winter ranged for mule deer.

Questar's crews have begun drilling at the Stewart Point Well pad location, which is located approximately four miles southwest of Pinedale, officials said.

The area is crucial habitat for many important big game populations in the Rocky Mountain region, including the 50,000-plus Sublette pronghorn antelope herd.

The BLM's Pinedale Anticline Environmental Impact Statement approved in 2000 prohibits drilling in deer, elk and moose winter range from Nov. 15 through April 30. The document provided for possible short-term exceptions, however.

BLM officials said at the time they granted the six-month exception for

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Questar based on the condition of winter ranges and the fact that only one well pad will be used.

They also based the decision upon the completion of a comprehensive study addressing potential energy development impacts on mule deer winter range that indicated that habitat will continue to be used by mule deer during the Questar project.

Kelly Matheson with the Wyoming Outdoor Council said the issue is whether a winter-long exception can be considered short-term.

"Simply put, this lawsuit is about the BLM breaking its own rules," she said.

"We're not seeking an outright ban on drilling, but we do want compliance with the seasonal restrictions that the BLM initially imposed to make sure drilling is not done during the time of year when wildlife desperately need undisturbed habitat."

Noah Matson with the Defenders of Wildlife said the timing of the project could not have been worse because big game in the region are already suffering from a multi-year drought.

The suit is seeking a statement of declaratory relief that says the BLM acted in a manner that was arbitrary, capricious and not in accordance with current laws. It also asks the court to void the exception and to pay for attorneys fees.