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UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

WESTERN WATERSHEDS PROJECT,)
and CENTER FOR BIOLOGICAL)
DIVERSITY,)

Plaintiffs,)

v.)

RYAN K. ZINKE, Secretary Of Interior;)
DAVID BERNHARDT, Deputy Secretary)
of Interior; and UNITED STATES)
BUREAU OF LAND MANAGEMENT,)
an agency of the United States,)

Defendants.)

No. 01:18-cv-187-REB

DECLARATION OF ERIK MOLVAR

I, Erik Molvar, declare as follows:

1. The following facts are personally known to me, and if called as a witness I would and could truthfully testify to these facts.

2. I hold a Master’s degree in Wildlife Management from the University of Alaska Fairbanks. I have authored scientific research articles that have been published in peer-reviewed

scientific journals including *Journal of Mammalogy*, *Alces*, *Oecologia* (Berlin), *Journal of Conservation Planning*, and *Canadian Field-Naturalist*.

3. I am Executive Director with Western Watersheds Project, a nonprofit conservation group working to protect and restore watersheds and wildlife throughout the West. I have served in this position since October of 2016. In this capacity, I manage staff, set strategic conservation priorities, work to advance improvements in public lands conservation and stewardship, and engage directly in conservation advocacy on behalf of western public lands.

Western Watersheds Project’s Interests in Sage-Grouse Conservation.

4. Western Watersheds Project is a non-profit, membership conservation organization, which is headquartered in Hailey, Idaho, and currently has offices or staff in Idaho, Wyoming, Arizona, Oregon, Nevada, Montana, and Washington. The organization is recognized as an IRS 501(c)(3) charitable entity.

5. Western Watersheds Project has over 1,500 members throughout the United States, including in Idaho, Montana, Wyoming, Nevada, Utah, and other states where oil and gas leases are currently being offered for sale and may be offered for sale in the future.

6. Through the efforts of our staff, members, supporters, and volunteers, Western Watersheds Project is actively engaged in seeking to protect and preserve watersheds, native habitats, fish and wildlife, and other natural resources on public lands across the West, with a particular focus on promoting responsible livestock grazing management on public lands and enforcing the nation’s public lands and environmental laws with respect to livestock grazing and related activities.

7. A large part of the area in which Western Watersheds Project is most active is what many people call the “Sagebrush Sea” —the sagebrush-steppe ecosystem which once

stretched across hundreds of millions of acres in the West, including parts of Idaho, Oregon, Washington, Nevada, Utah, Colorado, New Mexico, Wyoming, and Montana. Millions of acres of these sagebrush lands have been lost or degraded as a result of human activities, and they continue to be shredded by livestock grazing and oil and gas leasing and development.

8. The greater sage-grouse is an icon and indicator species for the Sagebrush Sea. Scientific literature establishes that the bird relies on sagebrush habitats for virtually all of its biological needs and life cycle.

9. Many members of the public, including myself and many other Western Watersheds Project staff, members, and supporters, treasure the sage-grouse. I have visited public lands to view sage-grouse in Wyoming and other states with my family, and will continue to do so regularly into the future – although my success in observing healthy sage-grouse populations has diminished substantially over the years, as sage-grouse and their habitats have declined. This causes me great personal anguish and loss.

10. The loss and degradation of sagebrush habitats has gone hand-in-hand with the well-documented decline in sage-grouse populations in recent decades. The effects have been particularly severe in Wyoming, where sage-grouse populations are declining over the long time horizon, and again are experiencing significant declines in 2018. I personally have found that sage-grouse are increasingly rare, and difficult to find—especially in Wyoming, where once-active sage-grouse leks are now hurtling towards extirpation at a rapid rate.

11. Many members of the public, including myself and many other Western Watersheds Project staff, members, and supporters, treasure the sage-grouse. Its declining numbers have personally harmed me and many other staff, members and supporters of Western Watersheds Project whom I know.

12. As set forth in more detail below, the decline of sage-grouse and the destruction of sage-grouse habitats has personally harmed my personal recreational and aesthetic experiences, and it further injures my deeply-held interests in ensuring that the native ecosystems of our region are protected and improved so that all the native plants, wildlife and other species that rely on the sagebrush-steppe ecosystems are preserved for the future.

13. Likewise, I know from conversations and other communications with Western Watersheds Project staff, members, and supporters that the decline of sage-grouse similarly harms the aesthetic, recreational, scientific, and spiritual interests of these individuals. In particular, our staff, members and supporters include many professional or amateur ornithologists—and even sage-grouse experts—whose interests in observing, studying, and enjoying the spectacle of healthy sage-grouse populations around the West are harmed by the declines seen in the species and its native habitats over recent decades.

14. Moreover, I am aware that Western Watersheds Project's staff, members, and supporters have significant scientific, recreational, spiritual, aesthetic, and other interests in the specific lease sale areas that are the subject of this litigation. As just few examples: Member Kevin Mueller has traveled extensively throughout Utah's wildlands and is extremely familiar with the Sheeprocks lease sale parcels and the sage-grouse populations there. Wyoming Director Jonathan Ratner has extensive recreational and professional experience traveling to and inventorying lands on Wyoming BLM's Lander, Rock Springs, Green River, Cody, Worland, Kemmerer, and Pinedale Field Offices, and on Utah BLM's Salt Lake, Vernal, Price, Richfield, Moab, and Monticello Field Offices, including areas where oil and gas leasing challenged in this lawsuit has occurred or is proposed. California Director Laura Cunningham has recreational and professional experience traveling to and inventorying lands on Nevada BLM's Tonopah and

Shoshone-Eureka Field Offices, including extensive experiences viewing sage-grouse in the Little Fish Lake and Monitor Valleys where oil and gas leasing will occur as part of the June 2018 lease sale. Board member Ralph Maughan has intimate familiarity with the Idaho lease sale parcels and has extensively traveled and inventoried lands on Idaho BLM's Pocatello Field Office near the Gray's Lake National Wildlife Refuge, as well as much of Nevada. I personally have advocated for protection of many of the areas now proposed for oil and gas leasing in Wyoming for more than a decade, and have traveled extensively in these areas, as well as areas proposed for development, as set forth in more detail below.

15. Because of the importance of sage-grouse, both as a species and as an indicator of what is happening to the sagebrush steppe of the American West, Western Watersheds Project has long been active in efforts to protect and restore sage-grouse populations and their habitats. We have undertaken a wide array of activities to protect and restore sage-grouse and their native habitats, including promoting, gathering, and disseminating scientific information; educating the public, land managers, and officials; reviewing agency management plans and activities, and commenting on them in an effort to steer them toward more responsible stewardship of sage-grouse and its habitats; as well as bringing administrative appeals and litigation intended to help protect sage-grouse and its native habitats.

16. For example, Western Watersheds Project worked with the Sagebrush Sea Campaign and others to secure funding and retain consultants to research the science and data, to support a petition to the U.S. Fish & Wildlife Service (FWS) to list the greater sage-grouse under the Endangered Species Act (ESA). Western Watersheds Project was one of twenty-one organizations that joined the December 2003 listing petition submitted to U.S. Fish and Wildlife Service seeking ESA protection for the greater sage-grouse.

17. In addition, Western Watersheds Project joined in various comments that were submitted to the Service during its status review of sage-grouse, providing further information to the Service to support listing, and defending against industry-led attacks on the listing petition.

18. After FWS found the sage-grouse was “not warranted” for listing under the ESA, in January 2005, Western Watersheds Project sued to overturn the finding in the District of Idaho. This court held the “not warranted” finding was the product of improper political meddling and reversed and remanded the finding to FWS. *W. Watersheds Project v. U.S. Fish & Wildlife Serv.*, No. 06-cv-277-BLW, 535 F. Supp. 2d 1173 (D. Idaho 2007). FWS initiated another public process and ultimately found the sage-grouse did warrant protection under the ESA, largely due to inadequate regulatory mechanisms to rein in threats throughout its range, but that listing it was precluded by other higher-priority species.

19. In response to FWS’s “warranted-but-precluded” finding, BLM and the Forest Service initiated the National Sage-Grouse Planning Strategy to amend land use plans across sage-grouse range in an effort to impose adequate regulatory mechanisms necessary to avert an ESA listing. Western Watersheds Project participated extensively in the planning process.

20. Because the sage-grouse plans that came out of the planning process did not adequately address threats to sage-grouse, including livestock grazing and oil and gas development, Western Watersheds Project and others sued, seeking to strengthen the plans. *W. Watersheds Project v. Schneider*, No. 1:16-cv-83-BLW (D. Idaho 2016).

21. While that litigation was pending, the Administration changed. The new Trump Administration began issuing a slew of Executive Orders aimed at expanding oil and gas development on public lands and refusing to implement protections against livestock grazing, including by eliminating essential sage-grouse protections put in place by the sage-grouse plans.

22. In response to those Orders, the Department of the Interior, under Secretary Ryan Zinke's leadership, sought to speed oil and gas development by issuing several Instruction Memoranda (IMs). The IMs sharply curtailed public review and comment on leasing decisions, both by issuing more decisions under categorical exclusions and determinations of NEPA adequacy, and by making offering public comment on other NEPA documents optional. IM 2018-034, which is the subject of this lawsuit, also shortened the protest period from 30 days to only 10. Those efforts—and the increased oil and gas leasing in important sage-grouse habitats they encourage—form the basis for this lawsuit.

23. Because of our longstanding investment in preserving the Sagebrush Sea and the species that depend upon it for their survival, Western Watersheds Project and its staff, members, volunteers, and supporters, have also grown increasingly concerned about oil and gas leasing and development within the species' range. A robust scientific consensus demonstrates that oil and gas leasing and development fragments and destroys sagebrush habitat that is essential to support sage-grouse life history requirements. As a result, oil and gas leasing and development cause sage-grouse population declines, particularly where they occur in high-value habitats that are used by many birds, like winter habitats. Habitat in Wyoming in particular is home to the most populous remaining “stronghold” for sage-grouse survival, and it is rapidly being leased and developed for oil and gas. But, with new technologies emerging, sagebrush habitats in Utah, Idaho, North Dakota, South Dakota, Nevada, Montana, and Colorado are also at increasing risk of fragmentation and destruction.

24. The abbreviated comment and protest periods presently provided by the Bureau of Land Management for oil and gas lease sales under IM 2018-034 are inadequate to allow full and

thorough public comment on the proposal to lease parcels of public land for fluid mineral development.

25. The extremely short new comment periods are too brief to allow Western Watersheds Project's staff, members, and supporters to conduct site visits with BLM to observe on-the-ground conditions. This impoverishes BLM decision-making because many Western Watersheds Project staff, members, and supporters have been engaged with management of lands at stake in these oil and gas leasing decisions for years and could provide valuable insight into ecological changes over time.

26. We are also not able to provide as much information as we would like in our comments to BLM. For the September 2018 Wyoming oil and gas lease sales, Western Watersheds Project signed on to group comments but were not able to comment independently or bring our organizational sage-grouse expertise to bear as much as we would have liked to, because the extremely short comment period coincided with our annual staff retreat and Board meeting. Similarly, we would have provided more sage-grouse and migratory bird information for the June 2018 Battle Mountain oil and gas lease sale protest in Nevada, but were not able to because of the extremely short protest period and competing priorities.

27. Because of the extraordinarily burdensome process of staying up-to-speed with fast-moving oil and gas lease sales under the new IMs, Western Watersheds Project has been forced to divert its Energy Program Coordinator, Kelly Fuller, away from other priorities like mining and other energy development projects, to increase her focus on oil and gas leasing and development. This has harmed Western Watersheds Project's ability to participate in agency decisions throughout the West that affect the Sagebrush Sea and other resources that Western Watersheds Project has spent decades trying to protect.

28. Our inability to adequately participate in the oil and gas leasing phase under IM 2018-034 is particularly important because once a lease has been sold, the odds of BLM entirely denying a well to be drilled on a lease are vanishingly small. Furthermore, BLM customarily allows leaseholders to design oil and gas developments on a given lease, limiting themselves to adjustments in timing and location rather than denying development proposal outright.

29. It is also very difficult to participate beyond the leasing phase, at the Application for Permit to Drill (APD) phase. In my experience, APDs are difficult to track because they are typically not made available online, but instead APDs (and Notices of Staking) are posted for 30 days in a binder in the Field Office where the development is proposed. It is necessary to travel to individual Field Offices at least every 30 days to be sure that one can comment on the APD in question. This is prohibitively expensive, time-consuming, and difficult given that Western Watersheds Project has one Energy and Mining Coordinator staff and there are 80 or so Field Offices. Furthermore, the Form EA/Decision Records/FONSI for individual APDs are typically not made publicly available, so the only information that the public has to base their comments on is a well location on a very small-scale map. This deprives the public of information on the presence and distribution of sensitive wildlife species, key habitats like sage-grouse PHMA or eagle nest locations, and crucial big game winter ranges and migration corridors, which may be close to proposed wells, pipelines, and access roads, but the existence of which are withheld by BLM.

30. Western Watersheds Project has contested similar efforts to restrict public participation in natural resource decision-making in the past. In particular, Western Watersheds Project was the lead group that successfully challenged the livestock industry-led attempt to gut or reduce public involvement in BLM's grazing management through the July 2006 rulemaking

that this Court reversed and permanently enjoined. *See W. Watersheds Project v. Kraayenbrink*, 538 F. Supp. 2d 1302 (D. Idaho 2008) *aff'd in part* 632 F.3d 472 (9th Cir. 2011).

31. Over the past two decades, Western Watersheds Project has also successfully used litigation and administrative processes to promote sage-grouse conservation and oppose resource uses that harm sage-grouse and destroy the Sagebrush Sea, especially livestock grazing. *See, e.g., W. Watersheds Project v. Salazar*, No. 08-cv-516-BLW, 2011 WL 4526746 (D. Idaho 2011) (holding that BLM “test case” RMPs violated NEPA and FLPMA for failing to address sage-grouse conservation needs); *W. Watersheds Project v. Jewell*, 56 F. Supp. 3d 1182 (D. Idaho 2014) (BLM violated NEPA and FLPMA in renewing dozens of grazing permits in key sage-grouse habitat in southern Idaho); *W. Watersheds Project v. Salazar*, 843 F. Supp. 2d 1105 (D. Idaho 2012) (BLM violated NEPA and FLPMA in renewing grazing permits in southern Idaho without considering cumulative impacts on sage-grouse and Resource Management Plan (RMP) duties to prioritize protection of sage-grouse as a sensitive species).

32. Notably, Western Watersheds Project previously challenged Wyoming BLM’s Pinedale RMP for failing to adequately protect sage-grouse and addressed the proposed “Normally Pressured Lance” oil and gas development, now projected to be finalized in 2019. *W. Watersheds Project v. Salazar*, No. 08-cv-516-BLW, 2012 WL 5880658 (D. Idaho Nov. 20, 2012), ECF Docket No. 31. The Court declined to enjoin the Lance project at that time because it was not yet final, but we understand that the BLM is now moving forward with the project despite the serious threats it poses to sage-grouse, with a final decision anticipated in 2019. We discuss the Lance project in our current litigation and plan to challenge it once it is finalized due to the enormous impacts it risks to sage-grouse and sagebrush habitat—3,500 wells to be drilled over 10 years, including in critical sage-grouse winter and connectivity corridors.

33. Western Watersheds Project's ability to ensure public oversight when BLM proposes to undertake unlawful activities depends upon our ability to obtain information and provide input through reviewing BLM's environmental analyses, conducting site visits, independently surveying affected areas, assessing impacts, and participating in public processes. The shortened public comment and protest periods make it much harder, if not impossible, for us to provide the thorough review that can most aid BLM decision-making.

34. The leasing and development of the Sagebrush Sea, and the gutting of public processes intended to allow for public input to help the agency fairly evaluate the actions' environmental impacts, threaten irreparable harm to Western Watersheds Project's (and its staff's, members', and supporters') established scientific, educational, aesthetic, recreational, spiritual, and other interests in conserving, preserving, and restoring the ecological integrity of the sagebrush ecosystem, and securing the persistence of the sage-grouse and other species that depend upon the sagebrush ecosystem to survive.

Personal Interests in Preserving Sagebrush Habitats In Wyoming.

35. Before beginning my present work with Western Watersheds Project, I served as Sagebrush Sea Campaign Director for WildEarth Guardians from 2013 to 2016, and as Executive Director and Wildlife Biologist for Biodiversity Conservation Alliance ("BCA;" originally Friends of the Bow and Biodiversity Associates) from 2000 to 2013.

36. I am the author or editor of 17 books that are guides to western public lands, including *Wild Wyoming* (which covers wilderness and potential wilderness throughout the state) and *Wyoming's Red Desert: A Photographic Journey*. These books are based on my statewide travels to public lands, during the course of which I documented the values of the most natural remaining public lands through mapping and photography. My photography of Wyoming public

lands appears in these and other books, including parcels in the south end of Adobe Town and Kinney Rim that are proposed for auction in the Wyoming December 2018 lease sale.

37. In the process of writing these books, I have explored western public lands extensively, especially in Wyoming, Utah, Nevada, and Montana. I regularly camp, hike, boat, backpack, hunt, fish, observe birds and wildlife, study habitat conditions, conduct field inspections, and seek spiritual renewal through my work and recreation involving public lands. I intend to continue this work into the future for as long as I am able and regularly return to areas that I know to be beautiful and ecologically valuable because of the explorations that formed the basis for my hiking guides. In particular, I intend to continue to visit the Sagebrush Sea in Wyoming and other states, in hopes of observing sage-grouse, pygmy rabbits, mule deer, and other sagebrush species. For example, I intend to return to the Bighorn Basin in August of 2018, and to the Red Desert in September of 2018, for these purposes.

38. I also make an annual tour of the Colorado Plateau and Great Basin in March of each year, to view sage-grouse, enjoy the spectacular beauty of our western public lands, engage in photography, and engage in spiritual renewal.

39. During my tenure with Biodiversity Conservation Alliance, I personally field inventoried over half a million acres of wilderness-quality lands in Wyoming, including the following units in the Red Desert, which are proposed for leasing in the December 2018 lease auction: Kinney Rim South, Adobe Town, Kinney Rim North, and Wild Cow Creek. These inventories were designed to provide detailed documentation of lands with wilderness qualities, with a goal of extending protections that would protect these wilderness qualities from oil and gas leasing and development through standards emplaced in RMP revisions and amendments.

40. While working for BCA, I represented conservation groups and concerned citizens in petitioning Adobe Town for Very Rare or Uncommon status under the State of Wyoming's Environmental Quality Act, which resulted in the full 180,910-acre citizens' proposed wilderness being designated as Very Rare or Uncommon in 2009. Adobe Town is the largest and most spectacular of Wyoming's desert wilderness candidates, characterized by deeply incised badlands including pillars, arches, and palisades of tuffaceous sandstone originating from volcanic eruptions during the Eocene epoch, which bear unique and rare mammalian fossils from this period as well as an unusually high density of archaeological sites dating back 10,000 years. I am the author of the Adobe Town Briefing Book, a WildEarth Guardians publication.¹ Parts of this designation are proposed for lease in the December 2018 lease auction.

41. I am one of the authors of proposed Red Desert National Conservation Area legislation, a proposal that would have protected more than one million acres of the Red Desert, including Adobe Town, the Kinney Rim, and the Jack Morrow Hills area. Leases in the December 2018 lease auction involve lands within this conservation proposal. This legislation was presented to the Wyoming congressional delegation in 2013 by the Wyoming Association of Churches and an Eastern Shoshone elder.

42. While working for WildEarth Guardians, I actively participated in drafting the Wildlife Corridors Conservation Act (WCCA), a bill currently pending before Congress that would establish National Migration Corridors on federal lands, and while working for WildEarth Guardians and Western Watersheds Project I have advocated for the Red Desert-to-Hoback mule deer migration corridor, currently recognized as the longest land-mammal migration in the lower

¹ Available online at <http://www.wildearthguardians.org/FlexPaper/Publications/AdobeTown/AdobeTown.html>.

48 states, to be protected as a National Migration Corridor. Portions of this migration corridor have been proposed for oil and gas leasing in recent lease sales; the protection of these lands for their migration corridor values also would confer habitat conservation benefits for sage-grouse. Also in the context of the WCCA, I have advocated for the designation of the Path of the Pronghorn migration corridor, the second-longest land-mammal migration running from summer ranges in Grand Teton National Park to winter ranges neighboring Seedskaadee National Wildlife Refuge. This migration corridor is threatened by oil and gas development under the Normally Pressured Lance project.

43. I am personally invested in these areas, not only because of my professional efforts to protect them over the past decade and a half, but also for aesthetic, recreational, scientific, and spiritual reasons. They harbor unique, high-value habitats for mule deer, sage-grouse, and other wildlife, and irreplaceable paleontological and cultural resources. The Red Desert is one of the most spectacular and relatively undisturbed pieces of public land left in the United States. It is inspiring in its biological diversity and its scenic beauty. For these reasons, I return to the Red Desert almost every year, often multiple times, for recreational reasons with my family to engage in camping, hiking, photography, wildlife viewing, wild horse viewing, hunting, and spiritual renewal. I put in for antelope and elk tags almost every year in this area, and plan to return there to hunt each year I am awarded a tag. It would cause me immeasurable grief to see these places fragmented or degraded.

44. I have advocated for sage grouse conservation since 2001. BCA was a signatory to the petition to list the greater sage-grouse as “endangered” under the ESA, and I also advocated for stronger sage-grouse protections in the context of land-use plans (including the Jack Morrow Hills Coordinated Activity Plan, the Rawlins Resource Management Plan, and the

Thunder Basin National Grassland Land and Resource Management Plan), and oil and gas leasing and development projects and proposals (including the Jonah Infill project, the Seminole Road coalbed methane project, the Continental-Divide – Creston Project, and the Atlantic Rim coalbed methane project). I oversaw litigation challenging several of these projects. I also engaged in advocacy for a programmatic EIS to amplify sage-grouse protections rangewide—a recommendation that the Department of the Interior ultimately adopted in the form of the West-wide sage-grouse RMP amendments.

45. I have also conducted comprehensive reviews of sage-grouse science to inform publications and advocacy for improved sage-grouse conservation. I am author of the Western Heritage Alternative, a comprehensive, science-based land-use plan alternative drafted for the Rawlins Resource Management Plan revision, and the Bighorn Basin Community Alternative, a similar science-based citizens' alternative that would have increased sage-grouse protections for the Cody and Worland BLM Field Offices, both of which were BCA documents. With both BCA and WildEarth Guardians, I have drafted and submitted comprehensive, science-based comments on sage-grouse plan amendments in Wyoming, Montana, Nevada, California, Idaho, and Utah. I am author of the following science-based WildEarth Guardians reports: *The Shrinking Geography of Sage Grouse Conservation* (2015); *Sage Grouse Conservation Efforts and Population Trends* (2015); and *Nevada Sagebrush Landscape Bill: An Analysis of Sage Grouse Conservation Potential* (2014).² I continue to monitor advances in sage-grouse science and incorporate these findings into sage-grouse advocacy on behalf of Western Watersheds Project.

² Available online at http://www.wildearthguardians.org/site/PageServer?pagename=priorities_wild_places_sagebrush

46. I also visit sage-grouse habitats and photograph sage-grouse during my many trips to visit public lands in Wyoming and my yearly trips to the Colorado Plateau and Great Basin. Much of the public land proposed for leasing in the Wyoming December 2018 and September 2018 lease auctions contains habitat important for sage grouse. Public lands currently being offered in Nevada's June 2018 lease sale are also important for sage-grouse.

47. Specifically, the Wyoming September 2018 lease sale contains parcels within the Thunder Basin National Grassland, an area that I have visited repeatedly and for which I have advocated strong conservation protections since 2001. I have viewed sage-grouse in this area, camped and hiked in this area, and engaged in photography of this area. While a staff member of BCA, I advocated for stronger sage-grouse protections through the Grassland LRMP, appealed several oil and gas projects (the Big Porcupine and Porcupine Tuit coalbed methane projects, striking a groundbreaking settlement on the former and blocking the latter), and led public outings to explore its sage-grouse habitats.

48. The sale of these parcels risks to still further decimate already-impacted sage-grouse population within the Thunder Basin National Grasslands. Western Watersheds Project has been closely engaged with the Converse County oil and gas development proposal, which will affect thousands of acres of sage-grouse habitat in the Thunder Basin National Grasslands. That project is anticipated to result in drilling 5,000 new oil and gas wells over 10 years on 1.5 million acres, and the development of associated roads and infrastructure. It will further fragment high-value sage-grouse habitats that are already showing the impacts of human development through flagging sage-grouse populations. Because there is already a proposal to develop these areas, the sale and development of the adjacent oil and gas leases to be offered in

the September 2018 sale is more likely—further increasing the likely harm to sage-grouse populations there.

49. The Wyoming December 2018 lease sale contains parcels in Kinney Rim and Adobe Town that are not only priceless due to their outstanding archaeological, scenic, and paleontological values, but also for the excellent sagebrush steppe habitat they provide for sage-grouse. As set forth in more detail above, I have extensively explored these areas both as part of my professional efforts to advocate for their protection and for personal recreation over the past two decades or more. They contain important habitat for sage-grouse, mule deer, and other sagebrush species. The available science suggests that oil and gas leasing and development would at best degrade and at worst destroy those values.

50. The June 2018 Nevada lease sale on the Battle Mountain District also includes parcels I have visited in my yearly sage-grouse viewing trips in March, which provide important sage-grouse habitat. I frequently travel to Nevada, including to Monitor Valley, where oil and gas leasing is proposed. I have viewed and photographed sage-grouse on a lek (sage-grouse mating ground) in Monitor Valley that is adjacent to one of the lease parcels in years past, and plan to return there in 2019 and other future dates in hopes of viewing this iconic species. Based on my knowledge of sage-grouse science, however, oil and gas development on this lease could cause lek abandonment and I fear that once the lease parcels in this area are sold and developed, I will no longer be able to view and enjoy sage-grouse there. This causes me great concern and anxiety.

51. On several occasions, I have visited the area where the Normally Pressured Lance (NPL) oil and gas development is proposed, often as a side trip on drives to Jackson, Wyoming when the opportunity to get out of the car and experience a quiet and natural landscape is a

welcome respite from driving. During these visits, I have engaged in wildlife viewing—particularly pronghorn and golden eagles, looked for sage grouse, and enjoyed the unspoiled scenic vistas and undisturbed sage-grouse habitats in these areas. Major portions of the NPL project area are Priority Habitat Management Areas designated under the Wyoming Greater Sage-grouse RMP Amendments, and/or winter concentration areas important for the entire sage-grouse population in the Upper Green River Valley. The ‘Path of the Pronghorn’ migration corridor, now considered the second-longest land mammal migration in the lower 48 states, passes through this project area. The level of habitat protection for both sage-grouse habitats and pronghorn migration corridors is insufficient to maintain the habitat capability for either sage-grouse breeding, nesting, and wintering, or pronghorn migration. I most recently visited these lands today, viewing and photographing undeveloped landscapes as well as pronghorns and wild horses. I am concerned that should this project be developed as proposed, there will be significant decreases in (or extirpations of) sage-grouse populations, and loss of the pronghorn migration corridor, and that these, along with the industrialization of a currently-undeveloped landscape, will impair my use and enjoyment of these lands on planned future visits.

52. The proposed oil and gas leasing now undertaken without adequate comment per the new Administration’s direction, including through IM 2018-034, will cause irreparable harm to my and Western Watersheds Project’s scientific, recreational, aesthetic, spiritual, and other interests in the persistence of sage-grouse and intact sagebrush habitats, as well as the scenic, cultural, paleontological, ecological, and other values the areas to be leased support in their undeveloped state. If afforded an adequate opportunity to comment on and/or protest these proposed lease sales, Western Watersheds Project could utilize the full force of its sage-grouse expertise to provide the agency with information that might cause it to defer or withdraw parcels

from leasing. Even if the agency did not ultimately alter its decision, receiving Western Watersheds Project's full input would undoubtedly improve the quality of the agency's analysis because the agency would be more informed about the full impacts of its decision to issue leases that could lead to the destruction or impoverishment of these ecologically rich and important areas.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 28th day of June, 2018 at Wilson, Wyoming.

A handwritten signature in dark ink, appearing to read "Erik Molvar", written over a horizontal line.

Erik Molvar