

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

POWDER RIVER BASIN RESOURCE  
COUNCIL, WESTERN WATERSHEDS  
PROJECT,

Plaintiffs,

v.

U.S. DEPARTMENT OF THE INTERIOR,  
U.S. BUREAU OF LAND MANAGEMENT,

Defendants.

Case No. 1:22-cv-2696-TSC

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**DECLARATION OF ERIK MOLVAR**

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I, ERIK MOLVAR, hereby declare as follows:

1. The following facts are personally known to me, and if called as a witness, I would and could competently and truthfully testify thereto. I am over 18 years of age.
2. I am the Executive Director of 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.
3. 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*.

**Western Watersheds Project's Interests in the Converse County Project.**

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

5. Western Watersheds Project has over 12,000 members and supporters throughout the United States, including in Wyoming. Through the efforts of our staff, members, directors, 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.

6. A substantial part of our work is focused on protecting wildlife and wild places of 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, including oil and gas development.

7. Western Watersheds Project has long been active in efforts to protect and restore wildlife populations that depend on the Sagebrush Sea, including greater sage-grouse, raptors (including ferruginous hawks and golden eagles), pronghorn, burrowing owls, elk, mule deer, white-tailed prairie dogs, mountain plovers, and various threatened or endangered species.

8. In particular, we have undertaken a wide array of activities to protect and restore sage-grouse and their native habitats, including gathering and disseminating scientific information; educating the government officials and the public; supporting petitions to list the greater sage-grouse under the Endangered Species Act (ESA), commenting on federal land

management plans and development approvals to encourage more responsible stewardship of sage-grouse and its habitats; as well as bringing litigation intended to help protect sage-grouse and its native habitats.

9. WWP has long advocated for strong sage grouse protections for the sage grouse of the Douglas Core Area, working to ensure that the full protections of the Sage-Grouse Resource Management Plan Amendments are applied for this population, and working to prevent the State of Wyoming from shrinking the spatial extent of the Douglas Core Area in the face of efforts by Chesapeake Energy Corporation, the State of Wyoming, and the U.S. Fish and Wildlife Service to waive sage grouse habitat protections in this area. WWP also has played a major role in advocating for stronger sage grouse protections through the Wyoming Greater Sage-grouse Resource Management Plan Amendment, which applies habitat protection in the Casper Field Office and Converse County project area.

10. WWP has worked to achieve stronger habitat protections for the swift fox, burrowing owl, mountain plover, black-footed ferret, white-tailed prairie dog, ferruginous hawk, and golden eagle through amendments of the land-use plan for the Thunder Basin National Grassland, which lies partly within the Converse County project area. WWP is currently challenging the most recent plan amendment for the Thunder Basin National Grassland, in defense of these species.

11. Because of our longstanding investment in preserving the greater sage-grouse, Western Watersheds Project has also grown increasingly concerned about oil and gas development within the species' range. We routinely comment on BLM oil and gas leasing and development projects in sage-grouse habitat. Western Watersheds Project also previously challenged Wyoming BLM's Casper RMP for failing to adequately protect sage-grouse,

including from the oil and gas development. Western Watersheds Project also submitted detailed comments on the draft and final Environmental Impact Statement for the Converse County Project, focusing heavily on issues concerning the project's impacts on greater sage-grouse, raptors, and other wildlife.

12. The Converse County project is of great concern to Western Watersheds Project members and supporters, including myself, who treasure the sage-grouse, pronghorn, and native ecosystems they inhabit. WWP members and supporters use the Converse County project area, and particularly the Thunder Basin National Grassland portions, for recreation and scientific study. The project will irreparably harm the lives of our members that work, live, and recreate on and around these lands and have an interest in observing, studying, and enjoying the spectacle of healthy sage-grouse, raptor, and other wildlife populations and native sagebrush-steppe ecosystems.

**The Converse County Project Threatens My Personal Interests**

13. I reside in Laramie, Wyoming with my family. I have lived in Wyoming since I moved down from Montana in September 2000.

14. The Converse County Project will irreparably harm me personally, not only because of my professional efforts to protect the impacted lands and wildlife of this project area over the past twenty years, but because of my aesthetic, recreational, scientific, and spiritual connection to these lands and their native wildlife.

15. I have spent over two decades advocating for stronger wildlife protections in federal land-use plans and oil and gas development proposals, at organizations such as Western Watersheds Project, Biodiversity Conservation Alliance, and WildEarth Guardians. I have advocated for strong protections for the Thunder Basin National Grassland in the context of the

2002 Grassland Plans, a 2009 Prairie Dog Plan Amendment, and a 2020 Prairie Dog Plan Amendment, in addition to filing two appeals against oil and gas projects on the Thunder Basin (winning one, settling the other). I have attended numerous state Sage Grouse Implementation Team meetings at which I personally advocated against shrinking the Douglas sage grouse Core Area and/or weakening state and federal sage grouse habitat protections in this Core Area in the context of proposed oil and gas developments, and have written opinion columns opposing the weakening of habitat protections. I took the photograph below on an aerial overflight of the Douglas Core Area inside the Converse County project boundary, which illustrates the industrial destruction and habitat fragmentation that results from oil and gas development.



16. I am also 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. In the process of writing these books, I have explored and photographed western public lands extensively, especially in Wyoming. The photograph below, published in *Wild Wyoming*, shows a prairie dog in a portion of the Thunder Basin National Grassland that falls within the Converse County project area.



17. In the process of writing these books, I have explored western public lands extensively, especially in Wyoming. 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, pronghorn, and other sagebrush species.

18. I have visited public lands within and around the Converse County Oil and Gas Project countless times, particularly numerous visits to the Thunder Basin National Grassland since summer of 1999, for the purpose of camping, hiking, wildlife photography, and appreciation of the grassland region. Below is a photograph I took in August 2020 of pronghorn in the portion of the Thunder Basin National Grassland encompassed by the Converse County project. The Thunder Basin National Grassland is important and rare because it is one of the only large tracts of federal public land, with native habitats, remaining on the Great Plains. Most of the Great Plains has been converted to private ownership and tilled and planted with crops, or fenced off and closed to public access.



19. I most recently visited this project area in July 2021 while en route to Glacier National Park for a book revision. During this trip, I engaged in hiking, photography, and nature appreciation. Below is a photo I took on this trip while hiking in part of the Thunder Basin encompassed by the Converse County project area. I passed some small-scale oil development in the project area while en route to the Cow Creek Buttes, and this industrial intrusion into an otherwise natural landscape disturbed by enjoyment of the area.



20. The Converse County 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 affect thousands of acres of sage-grouse habitat in the Thunder Basin National Grasslands and further fragment high-value sage-grouse habitats that are already showing the impacts of human development through flagging sage-grouse populations. The Converse County Project places insufficient protective restrictions on oil and gas development to



maintain the habitat capability for either sage-grouse breeding, nesting, and wintering, or pronghorn migration. Based on my knowledge of sage-grouse science, and review of the Converse County EIS, oil and gas development in this area is likely to cause sage-grouse abandonment of this landscape, and I fear that I will no longer be able to view and enjoy sage-grouse, birds of prey, and other native wildlife there.

21. I am concerned that the imminent approval of drilling permits for the Converse County Project will result in significant decreases in (or extirpations of) other wildlife, such as pronghorn and raptors. Along with the industrialization of a currently-undeveloped landscape, this will impair my use and enjoyment of these lands on planned future visits.

22. Oil and gas development not only degrades wildlife habitats through fragmentation and displacing wildlife for miles adjacent to roads and wellsites, but also directly negatively affects my recreational experience. The stink and dust from air pollution destroys the wild and pristine sense of developed public lands, and the brown cloud of ozone and other toxic pollutants (benzene ethylene, toluene, and xylene) that waft constantly off of condensate tanks at well-sites create a brown cloud that ruins photographs. Waterway pollution—which I myself have seen and documented—poisons aquatic life. I was diagnosed with asthma in my 51<sup>st</sup> year of life, and it is entirely likely that ozone pollution from oil and gas production in areas where I recreate are a primary cause of or major contributing factor to this health condition. Oil and gas development industrialized landscapes that otherwise would have a wild and natural appearance, destroying the opportunity for nature photography in developed areas.

23. In 2014, I interviewed a woman who had lived on a small private organic ranch within the Converse County project area, and wrote a column in The Hill (a Washington, DC newspaper focusing on public policy issues) substantially focused on her story (see Attachment

1). She and her family had been subjected to the blowout of an oil and gas well close to her home, and the resulting air pollution caused such severe health problems that it drove the family to sell their property and move away. I fear that if not enjoined, the Converse County Project will inflict similar harm on countless other residents and visitors to the project area.

24. This project will make it harder to find active leks with healthy grouse populations, depriving me of my ability to engage in bird-watching and wildlife photography in future visits to this area. My enjoyment of public lands is predicated on their wild and pristine qualities, their ability to support abundant wildlife, their natural appearance and soundscapes, their beautiful scenery, and their ability to provide solitude and distance from human intrusions. Each of these attributes would be destroyed by the intrusions of more roads, more oil and gas rigs, and other human impacts.

25. The waiver of restrictions on drilling and construction in close proximity to nesting birds of prey under the Converse County project will result in nest failures, declining chick production, and ultimately disappearing raptor populations, depriving me of the opportunity to view these spectacular birds. The drilling of oil and gas wells, pipeline construction, road networks, and high levels of industrial traffic that accompany full-field oil and gas development of the type approved under the Converse County project will fragment wildlife habitats and displace native species from lands within 2 miles or more from wellsites and associated infrastructure, depopulating native wildlife from pronghorns to prairie dogs, and eliminating my opportunity to view, photograph, and enjoy these species in a natural setting.

26. A ruling enjoining BLM from approving further wells until BLM can better study and mitigate their harmful environmental and human-health effects will prevent irreparable

harm—to greater sage-grouse, and to my interests and those of other WWP staff and members—that will otherwise occur if this Administration moves forward to implement this project.

27. Attached to my declaration are a news article and an op-ed in which I advocated for full sage grouse habitat protections in the context of the Douglas Core Area, within the Converse County project area.

28. Also attached to my declaration is a compilation of photographs I have taken on my yearly sage-grouse viewing trips and other excursions mentioned above.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief, and based on my personal experiences.

Signed this 12<sup>th</sup> day of January, 2022 in Laramie, Wyoming.



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Erik Molvar

# Exhibit 1

ENERGY &amp; ENVIRONMENT

# Fracking loses an election deep in the heart of Texas

BY ERIK MOLVAR - 11/20/14 7:00 AM ET

SHARETWEET



Getty Images

Denton, Texas is a suburb of Dallas that has seen its share of drilling and fracking over the years. Some 272 active oil and gas wells are within the city limits, and another 212 wells immediately surround the town. But on Election Day, city residents handed the oil industry a huge defeat: A new ballot initiative passed decisively, prohibiting the practice of fracking within the corporate limits of Denton.

In Texas, drilling isn't just tolerated, it's a status symbol. So for a Texas community to buck prevailing state values with a resounding "no" to fracking operations is an upset of startling proportions. The oil industry outspent opponents of fracking almost 10 to one during the campaign, shelling out almost \$700,000 — about \$6 for every resident. But

the anti-fracking ballot initiative passed by a landslide, garnering nearly 60 percent of the vote.

Of the many towns that find themselves in the midst of the oil patch, this isn't the first to restrict oil and gas operations within city limits. Casper, Wyo. is the hub of the oil industry in a state that is among the most heavily drilled and fracked in the nation. Yet its long-established city ordinances read, "It is unlawful for any person to drill, mine or produce, or cause to be drilled, mined or produced, any oil, gas, coal or other mineral within the city." The ordinance goes on to state, "Any person so acting is guilty of constructing, establishing or maintaining a nuisance against the public health, safety and welfare of the city."

About 50 miles east of Casper, Kristi Mogen lives on a rural ranch near Douglas, Wyo. Her story illustrates why fracking has become such a hot-button issue. "We had this beautiful view of the mountains, the city lights, and the sunsets were spectacular, and the native grasses didn't have any chemicals on them," Mogen recalls wistfully. "We could raise our all-natural, grass-fed cattle and do organic gardening."

In March 2012, that reality changed when the first well went in near their homestead. A month later, the second well went in, and then there was the afternoon of the big blowout. At first, local residents were told, "it's all natural gas, it's okay." But by 9 o'clock the evacuation began. The Mogens were left behind. "I got up at 5:30 the next morning and there was a cloud [of pollutants] over the house so thick I couldn't even see the barn," Mogen recounts. By the time the family got packed and reached the mailboxes a mile and a half away, they all had headaches and bloody noses. Mogen's daughter had nosebleeds for 29 days straight.

Mogen's husband has worked in the oil industry in Montana, and had thought that drilling was safe. "We didn't understand how damaging it was," says Mogen. "By June, my husband was very sick." In September, an air quality report was leaked into the family's hands, indicating that drilling muds had vaporized during the blowout, spewing benzene, toluene, ethylene and xylene into the air. These are known carcinogens and endocrine disruptors, and this knowledge finally enabled the family to seek help from a medical specialist in Colorado. Their cattle were even less fortunate: One calf was born with a tumor, and several of their prized herd, raised to the high standards of organic ranching, were born sterile.

The blowout was only the beginning. The flaring of waste products started in May, with four flares within a mile and a half of the Mogen house. "The smell was horrendous," says Mogen. "Our gardens died." Residents asked the state Oil and Gas Conservation Commission to regulate the flaring, but their pleas fell on deaf ears.

In June, Chesapeake Energy started releasing fly ash into the air, followed by barite releases and volatile organic compounds wafting off the pits at the drilling sites. "In October 2013, we had a really bad frack-sand release [into the air]," recounts Mogen.

“It’s a major violation.” In addition, four different earthquakes rattled the Mogen household during oil and gas operations.

After 10 years at the homestead near Douglas, the Mogens are leaving. A key factor: Local and state officials did nothing to protect local residents from the health and safety hazards of living in close proximity to drilling operations. Mogen recounts a litany of state regulatory agencies, federal officials, even the governor. “None of them did anything to protect the quality of life, our way of life, our health, or the environment,” says Mogen as she packs her family’s belongings. “We have been driven from our home.”

Back in Denton, Texas, the victorious town residents are bracing for a lawsuit that the oil industry intends to file to contest the residents’ anti-fracking vote. But as the potential for environmental calamity grows ever more obvious throughout the oil patch, stronger regulations are only a matter of time.

*Molvar directs the Sagebrush Sea Campaign for WildEarth Guardians, a nonprofit conservation group dedicated to protecting wildlife, wild places, wild rivers and the health of the American West.*

**TAGS FRACKING HYDRAULIC FRACTURING TEXAS WYOMING**  
**SHARETWEET**

# Exhibit 2



[https://trib.com/opinion/columns/douglas-core-area-drilling-plan-will-eliminate-sage-grouse/article\\_2006134a-4990-57e8-89c6-d04f69a29f1c.html](https://trib.com/opinion/columns/douglas-core-area-drilling-plan-will-eliminate-sage-grouse/article_2006134a-4990-57e8-89c6-d04f69a29f1c.html)

## Douglas core area drilling plan will eliminate sage grouse

By ERIC MOLVAR

Oct 13, 2013

**M**uch has been made recently about a deal between Chesapeake Energy and the state of Wyoming to allow drilling to continue in the Douglas sage grouse core area.

Chesapeake Energy has rolled out a plan to drill a hundred more wells inside the core area, further fragmenting habitat and seeking special exceptions that allow drilling and road construction even during the height of the sensitive breeding and nesting seasons. And the state of Wyoming has apparently agreed.

The amount of habitat disturbance in this area already exceeds state limits under the governor's core area policy by a country mile. Current estimates of disturbed habitat range from 15 to 22 percent in the core area, far beyond the

5 percent disturbance limit the governor's plan allows. But state and federal agencies have continued to approve additional drilling permits for this area, turning a blind eye to promised sage grouse protections.

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Enough is enough.

This core area has suffered damage at the hands of the oil industry. These habitats should be allowed to rest and recover, for the sake of the sage grouse that are supposed to find protected habitat here. This core area needs to be handled with kid gloves until the birds have a chance to recover from the initial bout of drilling, and during this time every single sage grouse protection promised by the state of Wyoming should be followed to the letter.

Sage grouse are already in trouble across northeastern Wyoming. Coalbed methane drilling has gobbled up prime habitat and evicted resident sage grouse, and remaining populations are hamstrung by inadequate state core area designations that have left most of the grouse

population unprotected. Scientific reports indicate that if the drilling keeps up, the entire Powder River population could vanish with the next outbreak of West Nile virus. We can't afford to lose any more of these birds.

Instead of destroying more prime habitat and evicting more sage grouse in the Powder River Basin, we should be working diligently to reverse the habitat damage already incurred.

Plenty of excuses have been bandied about to justify further drilling of grouse habitat. Proponents of drilling point to the fact that there have already been some oil and gas wells drilled in the core area. It is certainly true that these industrial incursions, some of them approved while core area protections were supposed to be enforced in violation of state standards, have had a negative impact on sage grouse.

But if a patient arrives in a hospital with a gunshot wound, the last thing the doctors should do is shoot him in the other leg.

Oil and gas interests have also pointed out that wildfire has reduced habitat value in parts of the core area. If core areas get thrown open to an industrial free-for-all every time a fire or other natural disturbance impacts part of the habitat, in time we will have no core areas with grouse.

According to the science, the protections the state's policy put forward are far weaker than they need to be to maintain core area grouse populations. If even these insufficient protections are going to be waived upon request, sage grouse won't have a fighting chance inside the very areas designated to ensure their survival.

Chesapeake Energy proposes to provide several million dollars for habitat improvement projects in the Douglas core area to compensate for the damage they'll do with drilling. But if the sage grouse population goes extinct in the near term, what good is promised habitat improvement that will take decades to work?

The U.S. Fish and Wildlife Service, and conservation groups like WildEarth Guardians, are watching closely to see if the state's core area strategy is a "sufficient regulatory mechanism" that can be relied upon to maintain grouse populations as an alternative to Endangered Species Act listing.

The state of Wyoming stands at a crossroads. The governor could sign off on the Chesapeake plan. This would be a death warrant for sage grouse in the Douglas core area, and a clear signal that federal agencies cannot count on the state to live up to its core area commitments. Or the governor can put his foot down and tell Chesapeake the state will enforce its core area policy rigorously. This would establish the opposite precedent — that sage grouse protections are being taken seriously and are reliably implemented.

Choose wisely, Gov. Mead. What happens in the Douglas core area could have repercussions that reverberate across Wyoming, and the rest of the sage grouse states.

# Exhibit 3



Transmission & Streaming Disruptions

# Deal renews controversy over sage grouse protections

Wyoming Public Radio | By [Stephanie Joyce](#)

Published October 10, 2013 at 9:45 AM MDT



LISTEN • 4:19



Wyoming Public Radio  
**Here and Now**

A deal to allow oil and gas development in a sage grouse conservation area near Douglas met considerable resistance when it was announced last month. Environmental groups said it set a dangerous precedent, and showed the state isn't serious about keeping the bird off the endangered species list. The state said it was a necessary compromise that protects sage grouse while respecting private mineral rights.

Wyoming Public Radio's Stephanie Joyce takes a look at tensions in the state's sage grouse conservation strategy, five years after its implementation.

STEPHANIE JOYCE: Sage grouse are facing population declines across the west, and the goal of the core area strategy is to stop those declines, before the bird ends up on endangered species list. That would be a huge obstacle to development in Wyoming.

But there's concern that the plan is undermined by the new deal with Chesapeake Oil in the Douglas core area. Leaving the September meeting where the deal was announced, Erik Molvar, with the group Wild Earth Guardians, didn't mince words.

ERIK MOLVAR: The message that's being sent by this back-room deal that's being done in the Douglas core area to allow Chesapeake to drill even after the limits have been exceeded points to the idea that these core area protections may be simply a matter of window-dressing.

JOYCE: The deal was negotiated between the Governor's office and Chesapeake. It splits the core area into three sections with varying levels of protection. The idea is to keep Chesapeake out of areas with good sagebrush habitat while allowing development in already disturbed areas. Molvar takes issue with that approach, but says even more concerning is the secretive nature of the deal. He says it raises questions about whether similar exceptions are being granted elsewhere in the state, under the radar.

MOLVAR: Is this a more widespread problem? We just don't know.

JOYCE: Bob Budd was one of two state representatives involved in the negotiations. He says there's no attempt to conceal what's happening, but that the negotiations had to be private.

BOB BUDD: You have to look at these things in the real world. You've got proprietary information, you've got negotiations between multiple landowners, multiple companies... To take that to a public meeting with 24 people on the team and a hundred people in attendance would be completely... that would be grossly in error.

JOYCE: But even though there was no opportunity for input while the deal was being hammered out, Budd says they've been gathering feedback from concerned parties since the plan was presented. There's no official comment period though, or even a public notice.

But the federal agency that's responsible for deciding whether to add sage grouse to the Endangered Species list has been notified. Budd says the state has asked the Fish and Wildlife Service to review the plan. That agency couldn't be reached to comment because of the government shutdown, and it hasn't formally responded to the state yet. But Budd says when it does, that feedback will be incorporated.

BUDD: It is an iterative process, you take one step and look at that, then you move to the next step.

Whether the final plan will incorporate feedback from groups other than the Fish and Wildlife Service remains to be seen. At least one local landowner says she's been shut out of the process.

But Brian Rutledge has met with both Budd and the governor to discuss the deal, and says he was pleased with the conversations. Rutledge is a member of the citizen's advisory group on sage grouse and the executive director of Audubon Rockies. He says the ultimate test of the strategy will be whether populations recover -- and that requires strengthening data reporting requirements.

BRIAN RUTLEDGE: So that we're able to see the impacts that we're having and better able to judge the impacts that we're having.

All the same, he's not satisfied with many details of the plan, and would like to see some changes now, rather than later. But unlike Erik Molvar, who we heard at the top, he's convinced that the exception is a one-time thing.

RUTLEDGE: As far as this discounting the entire core area process -- I think that's kind of doomsday talk.

Rutledge says it was clear from the beginning that the Douglas core area would be a challenge. The land is mostly private, as are the mineral underlying mineral rights, and sage grouse populations were already low. But he thinks the overall sage grouse conservation strategy remains promising. Rutledge points out that industry objected to the deal with Chesapeake, and says that's an example of the strategy working.

RUTLEDGE: It's a lot better when they control themselves. And this is exactly what industry has been touting -- that they understand what the rules are now.

JOYCE: Some aren't so optimistic. Molvar, with WildEarth Guardians, says the deal with Chesapeake sends a clear signal that those rules can be bent.

MOLVAR: You know, if you're going to allow one industry to violate the core area protections, and drive those sage grouse populations down in that area that's supposed to be protected, then why should someone else be restricted?

JOYCE: Exactly how the deal will actually impact industry expectations remains to be seen. But Rutledge says at least now it can be debated in public.

RUTLEDGE: "Radio silence isn't going to maintain itself now. So we'll all be working together to see that we get this right."

JOYCE: Radio silence has been broken in this case, but the state has given no assurances that when similar situations come up in the future, they'll be handled more transparently. And with more than 15 million acres of land inside the core areas, it's all but guaranteed to come up again.

**Tags**

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