

**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 DONAL O'TOOLE**

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I, DONAL O'TOOLE, hereby declare as follows:

1. The following facts are personally known to me and, if called as a witness, I could and would competently testify thereto. I am over 18 years of age.
2. I am a United States citizen who was born in Ireland. I have lived in Wyoming since 1990. I currently reside in Laramie, Wyoming with my son.
3. I am a retired tenured professor at the University of Wyoming, as well as a veterinarian and a board-certified veterinary pathologist. While at the University of Wyoming, I served as head of the Department of Veterinary Services and as chair of the faculty senate. I am a former director of the Wyoming State Veterinary Laboratory and past president of the American Association of Veterinary Laboratory Diagnosticians. I have published over 100 peer-reviewed journal articles and ten book chapters. As part of my professional work, I interacted with livestock producers and wildlife biologists across Wyoming, including in Converse County.

4. I am a current member of Western Watersheds project. I first became a member in 2017. I joined WWP because I am deeply concerned about the harmful effects of fossil fuel development in the State of Wyoming. I support WWP's efforts to advocate for responsible management of Wyoming's public lands and resources.

5. Public land and wildlife are vital to our quality of life in Wyoming. My home country of Ireland has limited public land. Its populations of native wildlife including elk, deer, bear, and wolves disappeared, largely through habitat loss over the last two millennia. In moving to the United States, I was immediately struck by how fortunate we are in terms of public lands access, intact ecosystems, and wealth of wildlife. It is one major reason I made Wyoming my home.

6. I enjoy spending time outdoors in unspoiled areas, whether it be walking with my dogs, hiking, or occasionally camping. I consider myself an amateur wildlife enthusiast. While on walks or drives, I get great pleasure in seeing native wildlife species. I consider it a particular privilege to see raptors, such as hawks and owls, as they are now rare in Ireland. I am a gardener with a particular interest in growing native plants. It gives me some sense of their ecological fit for Wyoming's soils and climate. While driving to visit friends or family, I take scenic routes to soak in Wyoming's extraordinary landscapes.

7. Conservation of public lands and open space is of great personal importance to me. Recently, a consortium of individuals came together to preserve 5,500 acres of land east of my home town of Laramie. It is called the Pilot Hill project. The goal was to establish a space for outdoor recreation and as wildlife winter habitat. We achieved it by buying sections of private land that surrounded public sections, and by swaps of public land sections in Albany County. My son and I contributed \$10,000—a significant sum for us—to the initiative. While proud of what

my community achieved, I note that the Pilot Hill land (5,500 acres) is 0.4% of the public and private land impacted by the Converse County project. It will be a tragedy for Wyoming if the only way to preserve lands is to replicate the Pilot Hill initiative statewide.

8. I am deeply concerned about the Converse County Project as proposed in the 2020 EIS, and the damage it will cause. The BLM can do more to protect the people of Wyoming, and our precious land, air, water, and wildlife resources.

9. I have been within and around the Converse County Project area more times than I can count. I know the area well. For years I drove to and from western South Dakota to visit a friend's family in Spearfish. When we had time, we took the backroads between Hwy 59 and Hwy 85 so we could enjoy the sagebrush steppe and its wildlife. Getting lost there, as sometimes happened, was no hardship.

10. One of my favorite destinations in this area is the Thunder Basin National Grassland. Highway 59 is relatively quiet two-lane road that cuts across the Grassland. It one of my favorite drives – some of the most spectacular summer storms I witnessed have been in the Basin. Travelling through this wide-open natural expanse is a privilege – there was nothing like it in Ireland. On these visits, I enjoy seeing native wildlife, which persist in spite of the area's tough winters. I most recently tried to visit this area as a side trip on my way to Vancouver BC, in December 2022, if only to wish it farewell. I was unable to do so because of a prolonged winter storm. I plan to visit in January 2023 with my dogs, weather permitting. I hope to continue visiting the area into the future. Part of my motivation is an awareness that sagebrush landscapes continue to shrink at an alarming rate, in no small part due to energy development. Fragmentation and degradation of sagebrush habitat continues at the remarkable rate of 1.3 million acres per year, in spite of warnings over the past two decades from the scientific

community. We may be on track to destroy in several generations Wyoming's natural landscapes, something that took more than two millennia in Ireland.

11. The fact that the Converse County project will degrade a large portion of the Thunder Basin National Grassland—some of the few remaining intact public prairies in the Northern Great Plains—simply saddens me. I naively assumed that, because of its status as a National Grassland, it would be protected from aggressive fossil fuel development. Oil and gas extraction will irreparably degrade this ecosystem, the landscape's unique character, and its ability to support native wildlife at current levels. The Converse County project will subject the region to unhealthy levels of toxic air pollution.

12. I have witnessed similar developments in other parts of Wyoming and assume that scars from the proposed project will persist long into the future. Wyoming's native vegetation grows slowly and it is difficult to replicate it after surface disturbance. Oil and gas companies have a long history of resisting reclamation, particularly in pliant states like Wyoming. It is painful to see such damage to our fragile natural landscapes in arid parts of the Western US. As I can see any time I drive across the state, many past mining or drilling sites remain degraded, weedy and effectively barren years after supposed reclamation took place.

13. I fear what the Converse County Project will do to native bird populations and my continued ability to see them in the wild. I consider it a privilege to see raptors, whether resting in a tree or circling overhead, in their native habitat. I understand that such raptor populations in the Powder River Basin are already stressed due to current drilling and industrial activity. It is both senseless and unnecessary for BLM to waive long-standing raptor protections so that this project can move forward. I fear I will no longer see these remarkable birds on return trips to the area.

14. Cumulatively, these impacts will spoil my experience and deter me from visiting the area. My enjoyment of lands within and around the Converse County Project, including Thunder Basin National Grassland, depends on clean air, expansive views, the landscape's natural unspoiled character, and its native wildlife.

15. I have also made many trips to the Black Hills of South Dakota, an area just across the state border and downwind of the Converse County project. The final EIS anticipates the Black Hills will be affected by air pollution from the project. This is a special place. I hope to return in the future. Dozens of tribes consider the Black Hills as sacred ancestral land, yet the landscape has already been violated on many levels, particularly by gold mining. It is currently impacted by air pollution and visibility problems. The Converse County Project will further degrade air quality. If it moves forward as proposed by the BLM, particularly given the project's compressed timeline and intensive nature, I will hesitate to spend time in the Black Hills. I can only imagine how our first peoples respond to its continued degradation.

16. I am familiar with the impacts of intensive oil and gas development elsewhere in Wyoming, especially in the western part of the state. I served on the state's Brucellosis taskforce for several years. We often met in Pinedale, Wyoming. The lands southwest of Pinedale have become something of a national sacrifice zone.

17. What disappoints me about the Converse County Project is that BLM appears set on repeating some of the mistakes in Sublette County. In reading the BLM's Environmental Impact Statement, I was struck by its intransigent tone, and by developers' steadfast refusal to spend money to ameliorate environmental damage.

18. These are not impoverished companies. On January 5, 2023, I reviewed each company's most recent quarterly financial report, Q3 2022 SEC Form 10-Q, as posted to each company's website. Those filings report the following net income for each company: .

Company	9 months ending Sept 30, 2022	
	Net Income / Earnings	Source
Occidental Petroleum	\$10.777 Billion	<a href="https://www.oxy.com/investors/financial-information/sec-filings/">https://www.oxy.com/investors/financial-information/sec-filings/</a>
Chesapeake Energy	\$1.356 Billion	<a href="https://investors.chk.com/sec-filings">https://investors.chk.com/sec-filings</a>
Devon Energy	\$4.833 Billion	<a href="https://investors.devonenergy.com/investors/sec-filings/2022/default.aspx">https://investors.devonenergy.com/investors/sec-filings/2022/default.aspx</a>
EOG Resources	\$5.482 Billion	<a href="https://investors.eogresources.com/investors/default.aspx">https://investors.eogresources.com/investors/default.aspx</a>
Northwoods Energy	No data	No data

This suggests to me that these companies have the resources to minimize and ameliorate the impacts of drilling and associated activities such as new roads, yet the current EIS frees them of much of that responsibility.

19. The BLM's acquiescence in pursuing an aggressive development option seems driven by expediency. I understand our country now runs largely on oil and gas. Yet we can learn from past mistakes, such as in the Pinedale Anticline field. A more reasonable balance between fossil fuel extraction and conservation of natural resources and wellbeing is possible.

20. My interpretation is that BLM's Casper Field Office took a willfully selective and unbalanced view by ignoring one of FLPMA's principal goals: preserving public lands and resources for use by wildlife and the public insofar as current technology allows. The BLM appears to assume its primary role is to facilitate the greatest economic return on public lands by

energy companies, as quickly as possible. We should, in my view, be able to trust federal agencies to better protect our public lands and resources for future generations.

21. A ruling by the Court that halts implementation of this project until BLM can better study and mitigate industrial effects will prevent irreparable harm to myself and to others who live, work, or recreate on such lands. And, not least, I pray for a Court ruling that will minimize the impacts of energy extraction on native animals and plants that survived here for millennia – until now.

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 11 day of January, 2023 in Laramie, Wyoming.



Donal O'Toole