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Johanna Munson
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South Vinnell Way
Boise, ID 83708

November 30, 2017

VIA E-MAIL (blm_sagegrouseplanning@blm.gov)

**Re: Duty to Re-Scope BLM's Notice of Intent to Amend Land Use Plans
Regarding Greater Sage-Grouse and Prepare Associated Environmental
Impact Statements or Assessments**

Dear Ms. Munson:

We are writing because the Bureau of Land Management (BLM) has failed to provide the public with vital information concerning the "location and availability of documents relevant to the [sage-grouse] planning process", as required by the National Environmental Policy Act (NEPA) and related regulations. 40 C.F.R. § 1500.1(a); 43 C.F.R. § 1610.2-1(f)(2)(viii). Specifically, BLM has not released documents in its possession that pertain to the sage-grouse planning process and were provided to the Department of the Interior by lobbyists and individuals associated with the oil and gas industry. It is indisputable that these documents are "relevant," because DOI is overhauling the sage-grouse plans for the express purpose of eliminating perceived "burdens" on the oil and gas industry. *See, e.g.*, Secretarial Order No. 3353; DOI Report in Response to Secretarial Order 3353; Review of the Department of the Interior Actions that Potentially Burden Domestic Energy. Accordingly, BLM must provide an additional scoping period once those documents are made available to the public.

On August 7, 2017, DOI released a report in response to Secretarial Order 3353. This report includes a sweeping set of recommendations for revising and/or rescinding the sage-grouse plans and associated policies. Approximately two weeks later, it was reported that these recommendations were taken directly from a letter sent to DOI by an oil and gas industry trade group.¹ Out of concern that

¹ *See, e.g.*, Casper Star-Tribune, "Environmental groups says industry had undue influence on sage grouse review" (Aug. 24, 2017), available at http://trib.com/business/energy/environmental-groups-says-industry-had-undue-influence-on-sage-grouse/article_533b7721-fac3-549d-b2c0-0b5e63fd09f1.html.

representatives from the oil and gas industry may have provided additional documents and information to DOI, which are now influencing the decision-making process for the sage-grouse plans, Western Values Project filed a Freedom of Information Act (FOIA) request on August 19, 2017. DOI did not, however, fulfill that request within the timeframe prescribed by FOIA. Consequently, WVP is now seeking assistance from the U.S. District Court for the District of Columbia.

NEPA requires that BLM “insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality.” 40 C.F.R. § 1500.1(a). When scoping for land use planning, BLM “shall include” in the notice “[t]he location and availability of documents relevant to the planning process.” 43 C.F.R. § 1610.2-1(f)(2)(viii). Because BLM has not complied with this requirement in the scoping notice for the sage-grouse plans, it must offer an additional scoping period once the documents discussed above are fully disclosed to the public.

Sincerely,

Chris Saeger
Executive Director
Western Values Project