

Conservationists work to find balance between industry and elk in Fortification Creek area

Drawing boundaries

By DUSTIN BLEIZEFFER - Star-Tribune energy reporter | Posted: Monday, October 26, 2009 1:00 am |



New roads and coal-bed methane wells are what the Powder River Basin Resource Council are trying to halt. The wells will be on land that a very specific prairie elk herd grazes year-round. (Tim Kupsick/Star-Tribune)

The main target of activity for coal-bed methane drillers in northeast Wyoming is in the southern portion of the Fortification Creek area -- part of important year-round range for a rare prairie elk herd.

Conservationists claim the drilling is the result of federal land managers renegeing on a commitment to hold off on permitting in the area until a resource management plan is amended.

"It effectively erases that habitat's effectiveness. Now they will have diesel generators running in there all winter, and I don't think that's going to be a place where an elk is going to want to hang out," said Mark Winland of the Wyoming Wildlife Federation.

The Bureau of Land Management has essentially allowed the industry to "get its foot in the door" creating damages that could preclude the area in question from further protection considered in the official Fortification Creek resource management plan amendment process, according to the Powder River Basin Resource Council.

BLM and industry officials contend they are proceeding with extra precautions to protect the unique and sensitive characteristics of the rugged Fortification Creek area.

"We are aware that the wildlife and the environment are important to everyone. That is why all these years we have operated in the basins of Wyoming, we have operated closely with the BLM on all our projects," said Kimberly Mazza, spokeswoman for Anadarko Petroleum.

Powder River jewel

The Fortification Creek area spans some 120,000 acres straddling Campbell and Johnson counties in northeast Wyoming. It differs greatly from the rolling, mostly treeless high plains country around it where more than 25,000 coal-bed methane wells have been drilled in recent years.

Here, the plains give way to a network of deep, grassy drainages where elk, mule deer and pronghorn flourish. Extensive cottonwood galleries along the Powder River on the western border are also home to a large variety

of wildlife. Rocky Mountain juniper carpets high ridges throughout the area, making it a favorite destination for hunters.

Bruce Gordon, founder and president of EcoFlight, recently took several people on an aerial tour of the area to witness new roads, drilling pads and other facilities related to recent development in the southern portion of Fortification Creek.

"My position is I'm not against oil and gas drilling, but I do feel strongly that it can and must be done properly," Gordon said.

He has monitored oil and gas activity in the Rockies for about 20 years, and he's witnessed a huge increase in activity over the past 10 years.

"What I see is just how much of our Western landscape is being drilled and the fragmentation of that landscape, which compromises our whole Western heritage," Gordon said.

Point of contention

The Powder River Basin Resource Council, a landowner association, has asked the BLM's Wyoming state director to review and grant motions to halt three recent permitting actions for more than 200 wells in the general Fortification Creek area.

One request for a "stay" has been denied. Drilling, road building and other activities continue while BLM State Director Don Simpson has yet to respond to the remaining requests.

PRBRC organizer Jill Morrison likens the situation to past appeals regarding oil and gas activities and potential impacts to sage grouse.

"By the time we got a decision ... industry had already drilled wells and built a lot of the roads," Morrison said.

The main point of contention is a 12,000-acre area just south and outside of what is known as the Fortification Creek Special Management Area -- a border drawn in 1975, critics say, without scientific consideration of the elk herd.

BLM officials say that when the original Fortification Creek resource management plan amendment was initiated in 2007, the elk range data available at the time did not justify modifying the original 1975 border to include the yearlong elk range to the south.

"So the decision was made that we were not going to expand the RMP amendment to include that yearlong range," said BLM Buffalo field office manager Duane Spencer. "Every effort (federal analysis) we start, you have to identify the area it covers. This is a common issue that comes up."

The BLM started over on the whole Fortification Creek resource management plan amendment process in December 2008, allowing the agency to reconsider recommendations by groups such as the PRBRC and Wyoming Wildlife Federation to expand the border to include those 12,000 acres to the south.

Conservationists say the BLM's recent permitting and industry's subsequent drilling are a betrayal of past negotiations to seriously consider protecting the area.

The original Fortification Creek amendment initiated in 2007, although not perfect, was a step in the right direction, said Shannon Anderson, PRBRC community organizer. However, industry strongly objected to a phased-development alternative in the plan, which led to restarting the process in 2008.

Anderson said despite giving in to industry on the phased-development issue, the PRBRC thought the BLM would still keep the southern yearlong range request on the table.

"They only seem to be considering what industry wants to do," Anderson said.

Elk considerations

Spencer takes issue with the claim that recent drilling in the area has or will harm the Fortification Creek elk herd, now at about 230 head.

Even though the area is still outside the resource management plan amendment boundary, the BLM worked closely with the Wyoming Game and Fish Department to make sure the recent coal-bed methane activity will not hurt the elk herd or preclude the BLM from considering more protective management strategies there.

"We are not showing any adverse impacts to the elk from what we've done to date," Spencer said.

Spencer also noted that the Game and Fish Department's population objective for the herd is 150, and suggested that elk may be using the region south of the 1975 boundary because the herd is overpopulated.

Winland of the Wyoming Wildlife Federation said he disagrees with that notion, because biologists recognized that the elk herd relied on that southern range long before the herd grew to 230 head.

"The BLM is, through development, crowding them into the undeveloped areas that potentially can't support that many elk without habitat degradation and herd health issues," Winland said.

BLM officials say there's reason to believe the elk will move back into those areas where drilling and construction have occurred this year, after the activity settles down.

And in fact, the BLM is working with Wyoming wildlife officials to develop a number of "trigger points," such as calving rates and habitat measurements, to identify if and when development harms the elk and their habitat.

Spencer said a draft of the document will be issued in a few months.

Matters of influence

Conservationists worry that industry has too much influence over the BLM's decision-making process.

One example, according to the PRBRC, is an intra-agency e-mail from former BLM Buffalo field office manager Chris Hanson, obtained through a Freedom of Information Act request. In it, Hanson writes, "The operators have advised the BLM that they would not accept a voluntary phased development approach for the Fortification Creek area as proposed in December, 2007 and analyzed in the Draft RMP amendment/EA."

BLM officials maintain that industry's objection to phased development is, in fact, a legitimate legal matter. For its part, industry makes no apologies for trying to shape the very complex layers of regulation that can make or break a development project.

"We've worked with BLM in developing a plan that is as responsible as possible," said Anadarko's Mazza. "We are working with the BLM, making sure we can do everything we can to be sensitive to the requirements."

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