



**Wyoming Governor Issues Updated
Executive Order for Sage-Grouse Core Areas:
A Recognition of Existing Rights and Cooperative Development**

"Existing rights should be recognized and respected"

By: [Matt Hartford](#)

After entering office, Wyoming's Governor undertook a review of Exec. Order No. 2010-4, and on June 2, 2011 signed an updated version of the Sage-Grouse Core Area Protection Executive Order (Exec. 2011-5) (replacing 2010-4) (the "Order"). In a statement issued by the Office of Governor, the Order ". . . provides more flexibility for management in the core areas and adds language requiring continual reevaluation of the science and data for sage-grouse management." The full statement can be found here [\[view\]](#).

The Order does not affect the current Core Population Areas (CPAs) and leaves the boundaries of the core area intact. Also, the Order does not create new regulations for the Sage-Grouse core areas – rather the Order appears to clarify how those regulations are used in the core area. In fact, the Order recognizes that, "[E]xisting land uses within Core Population Areas should be recognized and respected by state agencies. It is assumed that activities in Core Population Areas prior to August 1, 2008 will not be managed under Core Population Area stipulations." This includes existing oil and gas activities in place prior to August 1, 2008.

Important to industry, the Order directs that new development or land uses should be authorized if and when it can be demonstrated the activity will not cause a decline in the Sage-Grouse population. To that end, development conforming to the stipulations set forth in [Attachment B](#) shall be "[d]eemed sufficient to demonstrate that the activity will not cause declines in the Greater Sage-Grouse populations." Further, the Order does not add or

expand the review or approval authority of any state agency and calls for incentives to enable all types of development outside CPAs, along with incentives to accelerate or enhance reclamation.

[Attachment A](#) identifies Greater Sage-Grouse habitats, populations and connectivity areas that should not be altered for at least five (5) years. [Attachment B](#) outlines and describes the permitting process and stipulations for development in CPAs. [Attachment C](#) contains a list of existing land uses and landowner activities that do not require a review for consistency – these include farming, grazing, and agricultural operations and practices, but do not include oil and gas or electrical transmission activities. With regard to electronic transmission lines, [Attachment D](#) establishes a two-mile wide corridor as the preferred alternative for routing electric transmission lines in south central and southwest Wyoming. Paragraphs 15, 16, and 17 of the Order set forth mandates regarding the timing and location of operations when constructing new transmission lines. The Order can be found here [\[view\]](#).

Like the previous Executive Order (2010-4) state agencies have 90 days to report to the Governor regarding their actions to implement the Order. Also, the stipulations outlined in the Order are to be reevaluated at least annually to evaluate new science, any emerging information and data regarding CPAs and the habitats and behaviors of the Greater Sage-Grouse. The Order will remain in effect until August 18, 2015, at which time all provisions of the Order will be reevaluated.

Last year the U.S. Fish and Wildlife Service announced that the Greater Sage-Grouse was warranted but precluded, and would not be listed as endangered or threatened under the Endangered Species Act. A listing of the Sage-Grouse as endangered or threatened would have a detrimental impact to Wyoming's economy including oil and gas development, renewable energy development, and agricultural activities. This Order is indicative of a considerable effort by the state of Wyoming to protect the Sage-Grouse species, and avoid a listing of the Sage-Grouse as endangered or threatened under the Endangered Species Act.

For more information, please contact [Matt Hartford](#) or [Bill Sparks](#).