

**August 5, 2009**

**Wyoming Game and Fish Commission Position on Sage Grouse Core Areas and Wind Farm Siting**

Because Wyoming contains over 50 percent of the remaining sage grouse in North America, state management activities are critical to the continued viability of this species range-wide. Since 2002, a partnership of Federal agencies, the state, local governments and numerous groups have developed state-wide management strategies for sage grouse that will assure the species' continued viability in Wyoming. These efforts, to a large extent, have been designed to provide adequate safeguards for the species and to avoid an endangered species listing, thus protecting not only state management authority over the species, but also the core drivers of Wyoming's economy, including oil and gas, mining and agriculture. One of the key management strategies developed in Wyoming was the "core area concept" which designates certain portions of the state where viable sage grouse populations will be maintained at current levels. Within these core areas, activities will be approved only if a project proponent can demonstrate that the activity will not cause declines in sage grouse populations. In 2008, Governor Dave Freudenthal issued Executive Order 2008-2 which outlined development restrictions within sage grouse core areas. Protection of sage grouse within core areas outlined in the Governor's Executive Order should demonstrate to the U.S. Fish and Wildlife Service that adequate regulatory mechanisms are in place in Wyoming to protect the species and avoid listing.

Wind leasing and development is proceeding at an accelerated pace in Wyoming and some projects are currently proposed in sage grouse core areas. The Wyoming Game and Fish Department (Department) has provided the Wyoming Game and Fish Commission (Commission) with a summary of the current understanding of potential impacts of wind development on sage grouse. While we are aware that much additional research needs to be conducted, we believe the best information currently available indicates that significant population level impacts to sage grouse can be expected if wind development occurs in a core area. In addition, the U.S. Fish and Wildlife Service has notified the Department (letter dated July 7, 2009 from Brian Kelly to Director Ferrell), that "constructing wind farms in core areas, even for research purposes, prior to demonstrating that it can be done with no impact to sage grouse, negates the usefulness of the core area concept as a conservation strategy and brings into question whether adequate regulatory mechanisms are in place to protect the species." The Commission interprets the U.S. Fish and Wildlife Service letter as a clear signal that state authorization of wind development in core area leaves the state in a precarious position to demonstrate that adequate regulatory mechanisms are in place to prevent listing.

Wind farms constructed in Wyoming will require a permit from the Industrial Siting Council (Council) and W.S. 35-12-110 (b) requires the Department to provide information and recommendations to the Council regarding the impacts of constructing industrial facilities subject to Industrial Siting jurisdiction. Based on our current understanding of potential conflicts between sage grouse and wind development, the Commission directs the Department to recommend to the Council that no wind turbines be constructed in core area without clear demonstration from the project proponent that the activity will not cause a decline in sage grouse populations. W.S. 35-12-110(c) allows the Department to recommend appropriate conditions that might be included in the Industrial Siting Permit. Based on our current understanding, we direct the Department to continue to explore, through research outside of core areas, potential conditions that might be appropriately applied to a permit, such that the project proponent can demonstrate the plan of development proposed will not cause a decline in sage grouse populations.