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Subject: A federal budget bill has added more confusion to sage grouse fight
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A federal budget bill has added more confusion to sage grouse fight

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Gunnison sage-grouse males display their filoplumes, bulging air sacs, white breasts and spiky tail feathers. (*Helen H. Richardson, Denver Post file*)

WASHINGTON — All it took was one sentence in a bill 1,603 pages long.

But those 87 words were enough to sow more confusion in a years-long fight over the Gunnison sage-grouse and the greater sage-grouse — two rare birds in Colorado and the West.

The trigger for the chaos, and a new round of hostility between environmentalists and landowners, is a massive spending bill passed by Congress this month and signed into law last week by President Barack Obama.

The novel-length legislation funds the federal government through next fall, but also includes a raft of favors for special interests, including one provision that allows individuals to donate more money to partisan political conventions.

Among the so-called "riders" attached to the bill was a one-sentence provision that prohibits the Department of the Interior from changing how it classifies the rarity of the sage-grouse.

More to the point, it prevents the Interior from taking any new steps to list the Gunnison sage-grouse or the greater sage-grouse as "threatened" or "endangered" — two designations that come with a laundry list of restrictions that would affect homebuilders and energy companies.

Though the rider sounds straightforward, activists and some policymakers said the move only adds another layer of uncertainty to a battle that has ping-ponged for years between Denver and Washington, as well as inside the court system.

"It does throw the whole West in limbo," said Erik Molvar of the environmental group WildEarth Guardians.

Adding to the confusion is the fact that the clash over the sage-grouse — a bird known for its elaborate mating rituals — actually is two separate fights, one for each species: the Gunnison sage-grouse and the greater sage-grouse.

Both are rare, but the Gunnison sage-grouse is [much closer to extinction](#): Roughly 5,000 of the birds are left. About 4,000 of those live in the Gunnison County area, where local and state officials have had some success protecting the bird. The remainder [live in fringe colonies](#) in eastern Utah and western Colorado.

In November, officials at the U.S. Fish and Wildlife Service decided to list the Gunnison sage-grouse as a [threatened species](#). The ruling was roundly criticized by Colorado leaders in both political parties, including the state's two U.S. senators.

The rationale was the fate of the fringe colonies, which Fish and Wildlife determined would not "persist into the foreseeable future" and die off within 60 years, according to the agency. The population in and around Gunnison County, it concluded, was "stable."

The decision triggered an outcry from Colorado officials, who said state preservation efforts were working. Gov. John Hickenlooper since has put in motion plans to file a lawsuit.

Grouse an underdog Soon after, Congress passed its spending bill with the sage-grouse provision. Written specifically to prevent actions such as the one taken by Fish and Wildlife, it comes too late to stop the agency from classifying the Gunnison sage-grouse as threatened.

But according to Interior officials, who oversee Fish and Wildlife, the provision impedes their ability to amend the listing — including plans to relax restrictions in Gunnison County, where both state and federal officials agree there's been progress in protecting the bird.

"Rather than helping the communities they profess to benefit, these members (of Congress) will only create uncertainty, encourage conflict and undermine the unprecedented progress that is happening throughout the West," Interior Secretary Sally Jewell said [in a statement](#) last week.

Asked to comment, state officials referred media inquiries to the Colorado attorney general. In a brief statement, a spokeswoman there acknowledged the Interior's interpretation of the rider — but little more.

"Interior has taken that the rider prevents them from issuing a 4D rule" that could make it easier for Gunnison County, wrote attorney general spokeswoman Carolyn Tyler.

In other correspondence, the state has accused federal officials of not relying "on the best available science" or the "extensive conservation efforts" undertaken locally when making its decision.

Though punchy, the back-and-forth over the Gunnison sage-grouse is seen by many as an undercard to a much bigger bout: the fight over the greater sage-grouse.

Larger in size than the Gunnison, the greater sage-grouse also has a bigger population. Federal officials estimate that 200,000 to 500,000 of the birds can be found in 11 Western states, including Colorado.

This wide range of habitat is what worries many lawmakers and business interests. Right now, the greater sage-grouse is not listed as either threatened or endangered.

But if Fish and Wildlife makes that move — an option the agency has considered for years — opponents warn it could have a negative effect on Western jobs and economic development.

Sage advice

In supporting the congressional rider, U.S. Rep. Cory Gardner, R-Yuma, said a new listing for the greater sage-grouse could impact as many as [31,000 jobs and \\$5.6 billion](#) in economic activity.

He described the rider as a "good warning" to the Interior and predicted Congress would pass this legislation year after year until the administration respected states' efforts to protect the bird.

"Perhaps it's time for the federal government to listen to people like John Hickenlooper," Gardner said.

That sentiment was echoed by the Western Energy Alliance, a trade group that represents oil and gas interests. The industry is concerned that new protections for the sage-grouse could impact drilling and fracking operations.

"If the rider achieves what it's intended to achieve, it will give more time for state and local efforts to show their effectiveness," said Kathleen Sgamma, Western Energy Alliance vice president of government and public affairs.

But Interior officials were resolute. Ongoing conservation efforts to protect the bird will continue in spite of the rider, they said.

So will research that would inform whether the greater sage-grouse should be considered threatened or endangered — even if the agency is barred from taking that last final step of making it official.

"Fish and Wildlife will continue to collect data and conduct analysis as it relates to listing" the greater sage-grouse, said Jessica Kershaw, an Interior spokeswoman.

The stance has earned the applause of environmentalists, even if the future remains uncertain.

"It's an act of congressional arrogance, substituting its wildlife expertise for the expertise of the U.S. Fish and Wildlife Service, which actually has trained professionals," said Molvar.

With both sides sticking to their guns, a future listing for the greater sage-grouse could depend on whether Congress votes next year to continue its prohibition.

Given the Interior's commitment to study the bird, there remains the opportunity for the

administration to quickly issue a listing if the legislation expires — even if that window is short.

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