

**From:** [Edgar, Leith](#)  
**To:** [Michael Carrier](#); [Dennis Mackey](#); [Kathleen Hendricks](#); [Jason Pyron](#); [Katie Powell](#)  
**Subject:** Fwd: GRSG Clips Dec 12-19  
**Date:** Friday, December 19, 2014 11:32:51 AM  
**Attachments:** [GrSG ClipsDec12.docx](#)

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----- Forwarded message -----

**From:** **Harris, Anna** <[anna\\_harris@fws.gov](mailto:anna_harris@fws.gov)>  
**Date:** Fri, Dec 19, 2014 at 12:06 PM  
**Subject:** GRSG Clips Dec 12-19  
**To:**

This week was dominated by the CR/Omnibus and what it means for the bird.

Also: grouse in Canada have a low survival rate in captive breeding program, new study on grazing has implications on sage grouse nesting.

*Quotable:*

*I know that the sage grouse is not the only sagebrush-dependent species facing challenges. Mule deer, pronghorn antelope and many other species rely on this habitat. Conserving it will benefit all these species and the sportsmen, outfitters, tourists, birdwatchers and businesses whose livelihood is based on outdoor recreation.* Former U.S. Fish and Wildlife Service Director, Steve Williams

*"We need to focus on how we solve this problem on the ground and not get caught up in philosophical bickering over the Endangered Species Act,"* Dan Morse, conservation director with [Oregon Natural Desert Association](#)

"There's a lot of good work being done by the states, counties and landowners and industry groups. Hopefully we'll be able to demonstrate what that means to the sage grouse population." Ryan Yates, congressional relations director for the American Farm Bureau Federation.

"Out on the ground, there is much more spirit of cooperation than is evident in the political dialog," said Eric Holst, senior director for working lands at the Environmental Defense Fund.

"This does nothing to stop the administration from continuing bipartisan work with the governors [to put] measures in place with the aim of avoiding the need to list this as endangered or threatened in the first place," White House spokesman Josh Earnest said,

adding that the bill still “contains funding for the kind of conservation measures we believe will be important for conserving the sage grouse.”

#### **December 12:**

[Government spending bill targets sage grouse listing.](#) Amy Joi O'Donoghue. Desert News.

[Budget Deal Leaves Sage Grouse in Limbo. Can Private Conservation Do the Trick?](#) Kelly Hamrick. Ecosystem Marketplace.

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[There's money in Sagebrush, but MT needs Cooperation.](#) Public News Service, MT

[Sage Grouse kept unprotected in political tussle.](#) Ned Donovan. Sublette Examiner.

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[Omnibus Spending Bill Halts Federal Action on Sage Grouse, Benefiting Oil and Gas.](#)

[Mining Companies, an Industrial Info News Alert](#). Power Engineering.

[Calgary Zoo remains committed to Greater sage-grouse after difficult start](#). 660News

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Colorado-Utah sage grouse protected despite change. Dan Elliot, AP.

Also seen in: [Salina Journal](#)

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GRSG Clips December 12-19, 2014:

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# Endangered Species Decision For Sage Grouse Delayed By Congressional Maneuvering

One small point in a [spending bill](#) approved by Congress Saturday could be a big deal for sage grouse. A spending bill rider would delay a decision about whether to extend endangered species protection to the greater sage grouse. A decision about whether to list the sage grouse under the Endangered Species Act is currently scheduled for September, 2015.

The \$1.014 trillion spending bill with the sage grouse rider had already cleared the House before winning Senate approval Saturday. It now heads to the desk of President Barack Obama.

Oil and gas companies and some ranchers say listing the birds would hamper drilling and grazing across 11 western states. They include Washington, Oregon and Idaho.

[In an interview with The \(Bend, Oregon\) Bulletin](#), Rep. Greg Walden, R-Hood River, called the rider a “a big win” for Central and Eastern Oregon.

“We need time and help to avoid a listing long-term and do the habitat work that’s been going on there,” he told the newspaper.

Noah Greenwald, the endangered species director for the [Center for Biological Diversity](#), said sage grouse need Endangered Species Act protections.

“Protecting species sometimes means making tough choices,” Greenwald said. “In some cases that might mean you can’t develop oil and gas in a particular location. We just don’t have confidence that those kinds of hard choices will be made, absent a listing.”

Greenwald said this delay could be perpetuated if it’s included in future spending bills, year after year.

Environmentalists, ranchers, and state officials have come together in recent years to help conserve sage grouse habitat. But Greenwald said he worries those efforts may lose steam without the an imminent listing decision.

Dan Morse, conservation director with [Oregon Natural Desert Association](#), said it’s these types of efforts that need to continue.

“We need to focus on how we solve this problem on the ground and not get caught up in philosophical bickering over the Endangered Species Act,” Morse said. “We’re going to try to continue our efforts to get good solutions on the ground despite what changes might come.”

In the spending bill, the Bureau of Land Management would also receive \$15 million to protect sage grouse habitat.

The bill also has other riders that environmental groups worry about, including: a prohibition for the Environmental Protection Agency to regulate lead ammunition, and prohibitions on mountaintop-removal mining regulations.

## Budget Deal Leaves Sage Grouse In Limbo. Can Private Conservation Do The Trick?

It’s a short paragraph – only 88 words in total.

But these few words, nestled within a [1,603 page document](#), have laid bare the divisive politics behind conservation measures and big money. The \$1.1 trillion spending bill, which just passed both the House of Representatives and the Senate, has included a small provision about the sage grouse.

The sage grouse, a bird similar to pheasants, presents enormous challenges to conservation as the species’ range meanders through eleven Western states and cuts across various public property and lucrative oil and gas lands.

While petroleum companies spend big bucks lobbying in D.C., the sage grouse has much more limited resources at its disposal. But there was one enormously powerful tool in its back feathers: the Endangered Species Act. Grouse habitats have declined significantly through the years, to the point where the Department of Interior (DOI) must decide whether or not to list the species as endangered by September 2015.

This threat of the Endangered Species Act effectively clipped the wings of oil and gas ambitions, which has prompted the deferral of more than 8 million acres of sales of potential oil and gas leases on sage grouse land.

All that has changed with the passage of the Congressional spending bill a few hours ago. The bill includes a provision to withhold funding for the Department of Interior to decide on the sage grouse’s endangered status.

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*Sage-GrouseSec. 122. None of the funds made available by this or any other Act may be used by the Secretary of the Interior to write or issue pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) –*

- (1) A proposed rule for greater sage-grouse (*Centrocercus urophasianus*)
  - (2) A proposed rule for the Columbia basin distinct population segment of greater sage-grouse;
  - (3) A final rule for the bi-state distinct population segment of greater sage-grouse; or
  - (4) A final rule for Gunnison sage-grouse (*Centrocercus minimus*)
-

## The End or Opportunity?

While mainstream conservationists balk at this Congressional rider, payments for environmental services practitioners cautiously view this as an opportunity to change the impending conflict over the sage grouse.

"The fact that Congress intervened in this speaks to the need for conservation programs that engage landowners and communities as a solution for endangered species – rather than causing enough consternation that lawmakers intervene," Says Jeremy Sokulsky, CEO of the performance-driven conservation company Environmental Incentives.

His company currently pilots two programs to save the birds. In Colorado, Environmental Incentives has teamed up with the Environmental Defense Fund to create the Colorado Habitat Exchange, which focuses on preserving sage grouse habitats through land management incentives to ranchers. Nearby Nevada has a similar pilot at the state level, which will similarly create quantified conservation outcomes (credits) and impacts from human activities (debits) to encourage overall conservation benefits.

Though the threat of an Endangered Species listing helped motivate locals to participate, the pilots are already up and running. Now, what they really need is more time to monitor project outputs. In this sense, the delay can be an opportunity to quantify the project's benefits and impacts.

The overall concept is that FWS understands mitigation through their mitigation banking experience. They are not familiar with the programmatic mitigation that we are enabling with Habitat Exchanges and Conservation Credit Systems. Further, some in DOI don't have confidence that even traditional conservation banking is proven to be effective, which is at odds with the opinions of the conservation banking leads in FWS.

This could give payment conservation projects more leverage in the later Department of Interior decision. While FWS has experience with mitigation and conservation banking measures behind Environmental Incentives' work, the Department of Interior does not: and it is ultimately up to the latter to decide on the fate of the sage grouse. "They [DOI] need to see it work before it can be given any weight in the listing decision," Sokulsky said.

## Still Steps on Federal Toes

Over at the Interior Department, Spokeswoman Jessica Kershaw had harsh words for the uninvited Congressional intrusion, but said that, in the long term, it will make little difference to the department's [conservation work](#) regarding the sage grouse.

With regard to the potential listing, the funding bill does not stop FWS from continuing to collect data and conduct analysis around a final decision, nor does it have implications for local and state plans or partnerships.

Ultimately, Kershaw said that, "the Interior Department remains optimistic that conservation measures can be implemented to avoid the need to list the Greater sage-grouse, and the rider will not stop the unprecedented collaboration happening across 11 Western states."

Which means there's yet hope for the chicken-sized bird – and for incentivized conservation.

## Colorado files intent to sue feds over Gunnison sage-grouse protection (AP)

DENVER, COLO. (AP) -- Colorado officials are preparing a lawsuit challenging the federal government's decision to protect the Gunnison sage grouse.

The Attorney General's Office notified the Interior Department and the U.S. Fish and Wildlife Service on Friday that the state planned to sue.

The state says that in listing the bird as threatened, the Fish and Wildlife Service failed to rely on the best available science, consider conservation efforts by landowners and state and local governments and study the economic effects of the designation.

The Fish and Wildlife Service listed the bird as threatened in November, and about 5,000 remain, only in Colorado and Utah.

Some environmental groups also plan to sue, saying threatened status is too weak and the birds should be considered endangered, which carries stronger protections.

Federal protection could bring restrictions on agriculture and oil and gas wells.

## Sage grouse protection block gives Western developers win over environmentalists

DENVER — A successful Republican move to stop in its tracks the [Obama administration](#)'s bid to list the sage grouse under the Endangered Species Act may be a sign of things to come in the long-running battle between environmentalists and economic developers across the West.

A GOP policy "rider" tucked into the massive \$1.1 trillion spending bill debated by [Congress](#) last week cuts off any money for the [administration](#) to move on the grouse issue, and with Republicans set to take full control of the House and the Senate next month, that's unlikely to be the last such move.

After years of watching federal bureaucrats, environmentalists and judges decide Western land-use and endangered species policy, Republican and Western lawmakers are drawing a line in the sand over the wide-ranging, chicken-size bird, which threatens to upend economic development projects across the rural West

"It probably does send a signal to the WildEarth Guardians and some of these other groups that [Congress](#) isn't going to sit back and let their litigation decide these issues," said John Swartout, senior adviser on the sage grouse to Colorado [Gov. John Hickenlooper](#).

The Wilderness Society warned in a statement last week that the grouse was a “feathery harbinger of the health of public lands across the West,” and that the spending bill falls short in a number of key environmental areas.

“These last-minute riders have not seen the light of day and have not been properly vetted by the committees who oversee these critical public lands issues,” said Alan Rowsome, senior director of government relations for lands for the group.

## **Flap over sage grouse spurs Congress to intervene**

**By MATTHEW BROWN**

**Associated Press**

Posted Dec. 14, 2014 @ 12:00 pm

BILLINGS, Montana (AP) — Congress is poised to make an end-run around the Endangered Species Act with a legislative rider on a massive spending bill that would delay protections for several struggling bird populations in the Western U.S.

The rider blocks the Interior Department from spending money on rules to protect greater sage grouse and three related birds.

The chicken-sized sage grouse has been on a collision course with oil and gas companies, agriculture and other industries in recent years. The Obama administration was up against a September 2015 deadline to either turn around the bird's fading fortunes, or propose protections that could mean severe restrictions on industry.

Worries about a potential endangered species listing for sage grouse already prompted the deferral of sales on more than 8 million acres of potential federal oil and gas leases.

The sage grouse rider was tucked deep within the 1,603-page spending package at the behest of Western lawmakers. The bill faces a Thursday House vote after leaders of both parties came to agreement on the \$1.1 trillion measure to fund much of the federal government through the next fiscal year.

Critics said the rider would hasten the sagebrush-dependent bird's demise, by forestalling work to shore up its population across a range that spans 11 states and two Canadian provinces.

Their hopes that the rider could be stripped out of the spending bill were bolstered when some Democrats came out in opposition to the bill's environmental provisions.

But U.S. Rep. Cory Gardner, a Colorado Republican set to join the Senate in January, said the rider was likely to stay intact — and even get carried over for future years.

“Once you have a policy rider that's been approved in legislation, the odds of it remaining significantly increase,” said Gardiner, who sponsored unsuccessful stand-alone legislation to delay sage grouse protections.

The spending package was billed a compromise measure.

Interior spokeswoman Jessica Kershaw said that the agency will continue working with state and local governments to craft conservation measures. Those will provide "predictability" for ranchers, energy companies and others operating in greater sage grouse territory, she said.

Federal biologists said protections were warranted for greater sage grouse under the Endangered Species Act in 2010. But the Fish and Wildlife Service didn't act, citing other priorities and a shortage of funds.

The legislative rider also delays protections for the closely-related Gunnison sage grouse of Utah and Colorado and for two subspecies of greater sage grouse in Washington state, Nevada and California.

Population estimates for greater sage grouse range from 100,000 to 500,000 birds. They occupy 290,000 square miles of sage brush habitat in California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming.

Croplands, home development, wildfires and oil and gas drilling consumed more than half that habitat over the past century.

#### [Guest Opinion: Challenge, opportunity in sage grouse management.](#)

Steve Williams

One of the most challenging and politically contentious issues in the West is also one of our greatest opportunities and an important investment for our future.

The greater sage grouse once numbered in the millions across the West, but its population has been in steady decline over the last century. The species now numbers a few hundred thousand spread across 11 western states. While the bird's population has been decreasing for many decades, this trend is not inevitable.

The U.S. Fish and Wildlife Service must decide by September whether or not the bird must receive protection under the Endangered Species Act. The listing decision, based on the risk of extinction across its range, may lead to draconian measures that could adversely impact jobs and billions of dollars worth of economic activity in the West.

Avoiding this outcome is achievable, but it will not be easy. Management of sagebrush habitats is a long-term endeavor. Investing in responsible energy development and conservation is not only essential for our nation's economy but also for the western way of life. We have the opportunity to design our own future where energy development continues and the species survival is assured.

#### Protecting leks

The 11 states and the federal Bureau of Land Management must develop robust sage grouse conservation plans to recover the bird to avoid listing the species under ESA's protections. These plans will need to protect the most important, so-called "core" sage grouse habitat, particularly their mating grounds or "leks," from disturbances like oil and gas production, wind farms, transmission lines and so forth. If disturbance of portions of this habitat cannot be avoided, it will mean "mitigating" the impacts by enhancing existing habitat or creating new habitat nearby. Montana Gov. Steve Bullock took a good first step with his recent executive order, but there is still more to be done to ensure conservation of the bird while balancing other land uses. State and BLM plans must adequately address the threats to sage

grouse based on the unique characteristics in Montana that may not be reflected in other state plans, like Wyoming, for example.

Sportsmen leaders, along with a broad array of stakeholders from the energy, ranching, and conservation communities, are strongly supporting this effort. Unfortunately, time is running out and not all states or BLM districts are on the same page.

These conservation plans must not only be sound in character, but must include assurances that they will actually be implemented. The FWS cannot, by law, give serious consideration to plans that are based on a wing and a prayer.

#### Outdoor business

As a former secretary of the Kansas Department of Wildlife and Parks, former director of the U.S. Fish and Wildlife Service, and lifelong sportsman who has hunted throughout the West for years, I know that the sage grouse is not the only sagebrush-dependent species facing challenges. Mule deer, pronghorn antelope and many other species rely on this habitat. Conserving it will benefit all these species and the sportsmen, outfitters, tourists, birdwatchers and businesses whose livelihood is based on outdoor recreation.

Ultimately, the decision to list the sage grouse is likely to end up in a federal court, since one interest group or another is expected to sue depending on the recommendation of the FWS. If the state and BLM plans and assurances are inadequate, a judge may require that the sage grouse be listed. Then we will have missed an opportunity to chart our own destiny, one that allows responsible energy development and conservation to proceed hand in hand.

Read more: [http://billingsgazette.com/news/opinion/guest/guest-opinion-challenge-opportunity-in-sage-grouse-management/article\\_fd21b2d9-93b9-5f5b-b3f7-e2708b4a9eb0.html#ixzz3Lz0kdO00](http://billingsgazette.com/news/opinion/guest/guest-opinion-challenge-opportunity-in-sage-grouse-management/article_fd21b2d9-93b9-5f5b-b3f7-e2708b4a9eb0.html#ixzz3Lz0kdO00)

## Voluntary sage-grouse initiatives in Oregon appear protected from congressional spending block

**Private landowners and soil and water conservation districts in eight Oregon counties are engaged in voluntary sage grouse habitat measures.**

A federal appropriations rider that prohibits spending money to list the greater sage grouse as endangered appears to protect on-going voluntary conservation measures.

The distinction is important. Private landowners and soil and water conservation districts in eight Oregon counties are adopting voluntary agreements that enhance sage-grouse habitat without unduly burdening ranchers.

Candidate Conservation Agreements with Assurances, or CCAAs, have become popular in sage grouse country. Under such agreements, so named because sage grouse are a candidate for listing under the Endangered Species Act, ranchers and other landowners agree to do such things as mark fences, put escape ramps in water troughs and remove juniper trees, which suck up water and crowd out sage and native grasses. In return, they get protection from additional regulations for 30 years even if the bird is listed as threatened or endangered.

The soil and water districts, trusted by local landowners, forge the agreements with the U.S. Fish and Wildlife Service.

The service had been scheduled to decide whether to list greater sage-grouse by September 2015, but a rider added to a stop-gap funding bill prohibits the use of funds to list the bird next year.

But Elizabeth Materna, spokeswoman for the Fish and Wildlife Service in Portland, points out language in the rider that recognizes the "unprecedented collaboration regarding sage grouse conservation."

The rider language continues, "This provision is not intended to impede current conservation efforts; it is imperative that stakeholders continue on-the-ground conservation and monitoring activities."

"Therefore, it would not prevent us from completing our multi-county CCAA or other CCAAs," Materna said in an email.

Ryan Yates, congressional relations director for the American Farm Bureau Federation, said a listing delay gives voluntary conservation efforts more time to take hold.

"There's a lot of good work being done by the states, counties and landowners and industry groups," Yates said during a visit to the Oregon Farm Bureau convention Dec. 10. "Hopefully we'll be able to demonstrate what that means to the sage grouse population."

## Budget bill doesn't void listing Gunnison sage-grouse as threatened, feds say

The \$1.1 trillion federal budget approved Saturday by the U.S. Senate doesn't void the [U.S. Department of the Interior's](#) decision in November to list the Gunnison sage-grouse as "threatened," a department official said Monday.



Colorado officials plan to challenge the listing because of its potential impact on oil and gas development.

A 88-word paragraph buried in the 1,600-page budget bill bars Interior from spending money to finalize rules protecting the spiky-feathered, chicken-sized bird or its cousin, the greater sage-grouse.

That language could hamper efforts to develop a final "4(d) rule" which would allow flexibility in how farmers, ranchers and developers can manage their land without additional restrictions but in ways that would conserve the bird, the agency said.

But the budget bill doesn't undo that decision regarding the Gunnison sage-grouse, according to the department.

The budget bill now goes to the White House; President [Barack Obama](#) has voiced support for it.

The [U.S. Fish and Wildlife Service](#) (FWS), an arm of the Interior Department, decided in November - that the Gunnison sage-grouse was threatened under the Endangered Species Act. Colorado on Friday sent a required 60-day notification to the agency that it [planned to sue](#) the federal government over that decision.

The threatened designation is less than an "endangered" listing, but also means the agency believes the species is likely to be at the brink of extinction in the near future and steps must be taken now to protect the animal.

About 5,000 Gunnison sage-grouse breeding birds live in about 7 percent of their former range in southwestern Colorado and southeastern Utah, according to the FWS.

The bird's bigger cousin, the greater sage-grouse, lives across a wider area of the West, and the agency has been looking at whether the greater sage-grouse should be listed as "endangered."

Much of the two bird species' habitats are also fertile territory for the oil and gas industry.

Restrictions on land use could mean more severe operating rules for drilling rigs.

Colorado state officials have said many landowners have made significant efforts to protect the Gunnison sage-grouse, efforts that the agency didn't take into account in its decision.

The FWS also had said it planned in early 2015 to propose the special "4(d) rule" to allow landowners flexibility in managing their lands under the "threatened" designation. That plan could be affected by the budget limitations, according to the agency.

U.S. Sen. Michael [Bennet](#), D-Colorado, said he was disappointed the sage-grouse issue and some other issues "unrelated to appropriations" were attached to the budget bill. Colorado communities already are working on conservation efforts to protect the birds, he said.

"However, thanks to this rider, Colorado communities will now be plagued with uncertainty through at least next September," [Bennet](#) said, adding that he hoped local and federal officials will continue working together.

The collaborative efforts won't be stopped by the language in the budget bill, [Jessica Kershaw](#), an Interior spokeswoman, said Monday via email.

"The Interior Department remains optimistic that conservation measures can be implemented to avoid the need to list the greater sage-grouse, and the rider will not stop the unprecedented collaboration happening across 11 Western states," Kershaw said.

"We will continue to work with the same urgency alongside our federal, state and local partners with the shared goal of reaching a 'not warranted' determination [regarding the Greater sage-grouse] and

providing predictability for the states, ranchers, energy developers and other stakeholders who are working together to put effective conservation measures in place," she said.

Colorado's notice of its intent to sue over the Gunnison sage-grouse decision, sent Friday to the Interior Department and the U.S. Fish and Wildlife Service, said the decision was wrong for a number of reasons, including that the agency "failed to rely on the best available science; and failed to give adequate weight to the extensive conservation efforts undertaken by state and local governments and private landowners."

The letter said Colorado has invested close to \$40 million in efforts to protect the bird, that the numbers of the Gunnison sage-grouse in Colorado have increased in recent years, and that the agency "failed to consider the economic impacts of the designation."

## **There's Money in the Sagebrush, but MT Needs Cooperation**

WOLF POINT, Mont. - There's cash in Montana's sagebrush that is quite lucrative for rural communities. Bureau of Land Management sagebrush landscapes in Montana and other Western states were connected to more than \$1 billion in recreation and tourism spending last year, according to an economic report from the Western Values Project. State Rep. Bridget Smith, D-Wolf Point, said that puts new perspective on sagebrush conservation, and the potential Endangered Species Act listing for the Greater sage-grouse is right in front of our noses, with a solid plan needed to avert a listing. "We all need to work together," she said, "and that's everybody - oil companies, farmers, ranchers and tourists. We also need industry and we need jobs, so we have to plan ahead." Gov. Steve Bullock issued an executive order on sage grouse and proposed \$10 million in his budget for voluntary state stewardship projects. Smith said oil and gas industry representatives also have indicated there's urgency in taking action. She added that there are many ways landowners, farmers and ranchers can be involved, such as enrolling land in the Conservation Stewardship Program or Environmental Quality Incentives Program through the Natural Resource Conservation Service. Smith said the dream conservation plan would be one that protects existing rights, allows for new development, grows the tourism and recreation industry and commits to habitat conservation. "The states need to work together

also - Montana, Wyoming," she said. "We have to look at that, the whole picture - and I think that's teamwork." Another player on the team is the BLM, and Smith said there have been promising signs, but thinks the agency needs to be more focused on habitat conservation.

## ***Sage grouse kept unprotected in political tussle***

*Posted: Monday, Dec 15th, 2014*

BY: Ned Donovan

PINEDALE - Last Thursday night, the U.S. Congress voted on a last minute funding plan to prevent the shutdown of the federal government. The vote, which approved a spending bill worth \$1.1 trillion, was only approved after political wrangling and demands from both sides of the House, one of which keeps the sage grouse out of the Endangered Species Act for a year.

Given the prevalence of sage grouse in oil and gas field areas throughout the West, many commentators were expecting the bird to be used as a political football during negotiations on the spending bill. Included in a rider, the pertinent part of the bill specifically bars President Barack Obama from protecting two species of sage grouse.

"This is really a way, in the shadows, to do the bidding of the dirtiest industry on the planet," Wildlife Program Director for advocacy group WildEarth Guardians, Bethany Cotton told the Examiner. "[Congress is doing this] instead of helping their constituents and not just protecting the bird, but also the ecosystem, which is home to people."

The rider was added quietly, in a much different arena than the very public battle over sage grouse amongst local legislatures and the energy industry. Recently, the U.S. Secretary of the Interior visited Pinedale to discuss the bird and praised Wyoming's conservation efforts so far.

"It's a sad state of affairs, when we get to the point when they're not willing to have that fight out in the open and instead put it as a rider on the bill," Cotton said. "The Endangered Species Act is designed to keep politics out of the process and protect imperiled species. This is an attempt by right-wing interests who are beholden to the oil and gas industry. It's really the politics of extinction."

### **New Study Finds That Grass Height Drives Sage Grouse Nest Success**

#### ***Livestock Grazing Implicated in Reduced Survival Rates of Rare Birds***

LARAMIE, Wyo.— A scientific [study](#) by sage grouse scientists, published in the December issue of *Wildlife Biology*, confirms that the height of grass cover in nesting habitat is a key factor in determining the nesting success of imperiled greater sage grouse. Livestock eats the native vegetation these rare birds use for food and for hiding their nests from predators.

“Because livestock grazing determines how much grass height remains, this study demonstrates that livestock grazing is often a major factor in sage grouse population declines by causing lower nest survival,” said Erik Molvar, a wildlife biologist with WildEarth Guardians. “This study is proof irresponsible livestock grazing practices removes too much grass, there are major impacts on nest success, which makes it difficult for sage grouse populations to survive.”

The long-term study compares nest survival rates in the Montana portion of the Powder River Basin with the drier habitats farther south in Wyoming over a five-year period, finding that “grass height is a strong predictor of nest survival inside intact landscapes and increasing hiding cover can increase nest success.”

Specifically, Montana and Wyoming populations showed significantly higher nest survival rates with higher average grass height. When grass heights averaged 7 inches, grouse nests in the Wyoming part of the study had a 75 percent chance of survival, while Montana nests had only a 47 percent survival rate when grass heights averaged 7 inches. The Montana nests had a 60 percent survival rate at 10.2 inches of grass cover, but didn’t reach the 75 percent survival threshold until grass heights topped 15 inches.

This research is consistent with previous research that indicated that land managers should maintain at least 7 inches of grass height in sage grouse nesting and chick-rearing habitats in drier parts of the sage grouse range. Along the eastern fringes of the species’ range, where sagebrush are smaller and sparser, a minimum of 10.2-inch grass height is recommended.

“This research confirms earlier studies conducted in eastern Oregon where shorter grass height also had negative effects on sage-grouse nesting success,” said Michael Connor of Western Watersheds Project. “These impacts from grazing livestock are widespread across the range of the sage grouse and federal agencies need to specifically address this threat in their land management plans if sage-grouse populations are to recover.”

“The more grass cows eat, the fewer sage grouse survive on public lands,” said Randi Spivak with the Center for Biological Diversity. “The livestock industry no longer has any defense that cows on public lands do not hurt sage grouse.”

Federal agencies and states have been resistant to adopting specific standards for grazing to maintain adequate grass height that provides hiding cover for sage grouse during the nesting and brood-rearing seasons.

Authors of the study are widely published sage-grouse scientists, including Kevin Dougherty of the U.S. Fish and Wildlife Service, Dave Naugle and Brett Walker of the University of Montana, Jason Tack of Colorado State University and Jeff Beck of the University of Wyoming.

## **Calgary Zoo remains committed to Greater Sage-Grouse after difficult start**

660News staff Dec 16, 2014 12:39:59 PM

The Calgary Zoo says it remains committed to saving one of Canada’s most endangered birds following a rough start to the Greater Sage-Grouse breeding program.

According to a news release from the zoo, the first year was challenging because from 13 hatched birds, of which 11 were healthy past the first two days, only two survived to the age of seven months.

Nine birds were lost because of diet, handling procedures, and predation.

“No zoo has ever bred Greater Sage-Grouse before, we were asked to take on the immediate challenge of housing birds this spring because the status of the Canadian population in the wild is critical,” said Dr. Axel Moehrenschlager, Head of Conservation and Research.

It's believed approximately 100 to 150 birds are left in the country. The Greater Sage-Grouse is native to southeastern Alberta and Southwestern Saskatchewan.

## Study: Tall grass aids sage grouse nesting success

Newly published research that examined the relationship between grass height and the greater sage grouse's nesting success could have implications for cattle and sheep grazing as environmental groups push for federal protection for the chicken-size, ground-dwelling bird.

Researchers studied sage grouse nests at two locations in the Powder River Basin in northeastern Wyoming and southeastern Montana. Over five years, they found the likelihood that at least one egg in a nest would hatch increased when nearby grass was taller, it and decreased when grass was shorter.

Tall grass and healthy sagebrush can help sage grouse hide their eggs from predators such as foxes and badgers, said [Jeffrey Beck](#), a [University of Wyoming](#) associate professor and co-author of the study published in the December issue of Wildlife Biology.

"Sometimes it's even worse where they kill the adult female that's nesting on the clutch and then eat the eggs up," Beck said Wednesday.

Three groups — WildEarth Guardians, Western Watersheds Project and the [Center for Biological Diversity](#) — pointed to the grass-and-nest study as cause for concern about livestock grazing in sage grouse habitat.

"The more grass cows eat, the fewer sage grouse survive on public lands," said [Randi Spivak](#) with the Center for Biological Diversity.

The groups are among those pushing for Endangered Species Act protection for the greater sage grouse, which inhabit 11 states: California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming. Cattle grazing occurred in the areas studied, but the researchers didn't examine how grazing might have affected grass height, Beck said.

"There's also other things that eat grass too, including grasshoppers," he said.

Rain and snowfall also affect grass height, and the research from 2003 to 2007 encompassed wet years and dry ones. Still, the researchers suggested that grazing should be considered in sage grouse management.

"Managing grass height in large and intact landscapes with grazing is a tool that may benefit populations in eastern Montana and northeast Wyoming," they wrote.

More research is needed to evaluate how livestock grazing affects sage grouse habitat, Beck said.

Overgrazing can indeed harm sage grouse habitat, but ranchers can be flexible, said [Jim Magagna](#), executive vice president of the [Wyoming Stock Growers Association](#).

"You can adapt grazing programs to make them more amenable to the grouse," Magagna said.

Congress recently voted to bar any spending to plan to protect sage grouse as threatened or endangered. Even so, Interior Secretary [Sally Jewell](#) said Wednesday that the [U.S. Fish and Wildlife Service](#) would stick by its longstanding plan to decide by Sept. 30 whether to list the birds.

## Protections blocked in Utah and elsewhere, but sage grouse work goes on

By MATTHEW BROWN The Associated Press

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Billings, Mont. • U.S. wildlife officials will decide next year whether a wide-ranging Western bird species needs protections in Utah and elsewhere even though Congress has blocked such protections from taking effect, Interior Secretary Sally Jewell said Wednesday.

They could determine the greater sage grouse is heading toward possible extinction, but they would be unable to intervene under the Endangered Species Act. The bird's fate instead remains largely in the hands of the 11 individual states where they are found.

President Barack Obama signed a \$1.1 trillion spending bill late Tuesday with a provision that barred money from being spent on rules to protect the chicken-sized bird and three related types of grouse.

Jewell said the U.S. Fish and Wildlife Service will continue collecting and analyzing data on sage grouse. A decision on whether protections are warranted will be reached by the end of the fiscal year on Sept. 30, Interior officials said.

Greater sage grouse range across 11 Western states and two Canadian provinces. Oil and gas drilling, wildfires, livestock grazing and other activities have consumed more than half the bird's habitat over the past century.

The spending bill provision on sage grouse came after Western lawmakers and representatives of the oil and gas and agriculture industries said a threatened or endangered listing would devastate the region's economy.

Jewell criticized what she called "political posturing" in Congress over the issue. She said the spending prohibition would "undermine the unprecedented progress that is happening" as states and federal agencies craft sage grouse conservation plans.

Population estimates for greater sage grouse range from 100,000 to 500,000 birds. They occupy 290,000 square miles of habitat in California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, Alberta and Saskatchewan.

Worries about a potential endangered species listing for sage grouse already prompted the deferral of sales on more than 8 million acres of potential federal oil and gas leases. Those parcels can be put up for sale once conservation plans for sage grouse are in place, which is expected sometime next year. The plans are separate from any endangered species protections.

Wyoming and Montana account for 55 percent of the birds' population. Officials from the two states and others have pushed to keep greater sage grouse off the federal protected species list so they can retain control over the bird and its habitat.

A spokesman for Montana Gov. Steve Bullock, a Democrat, said collaborative efforts to conserve the bird would continue. Spokesman Dave Parker said the spending bill provision was "really not delaying the work we need to do, to ensure Montana can protect the sage grouse."

Wildlife advocates remained wary.

"Now we're going to get our chance to see if the state, local and federal agencies can deliver on sage grouse protections in the absence of an Endangered Species Act listing," said Erik Molvar with WildEarth Guardians.

# Oilmen Join Naturalists as Unlikely Partners to Save Grouse

An unlikely alliance of oilmen, cattle ranchers and environmentalists is trying to save a flamboyant bird the size of a chicken that is at risk of extinction in part because of fossil-fuel riches under its habitat.

Rather than wait for a [government](#) endangered-species declaration, the group hopes to establish a system in which development rights would be swapped for land set aside in areas where the greater sage-grouse nests. Supporters hope this sort of habitat exchange could become a model for places where energy needs conflict with wildlife conservation.

“Out on the ground, there is much more spirit of cooperation than is evident in the political dialog,” said Eric Holst, senior director for working lands at the Environmental Defense Fund.

Long a totem of the American west, the [greater sage-grouse](#) has been at the center of one of the nation’s biggest conservation disputes, pitting energy interests against naturalists in lawsuits and lobbying campaigns. One study said limits planned on just federal lands to protect the greater sage-grouse could cost an 11-state region \$5.6 billion a year.

The bird draws tourists to nesting grounds each spring to watch males [puff up](#) their flashy yellow and white chests and fan spiky brown tail feathers to lure females. Its population once numbered in the millions, but since 1985 has shrunk 30 percent to no more than than 500,000 birds, and maybe less than half that.

## Energy Boom

It lives mostly on about 165 million acres spread across Wyoming, Colorado, [Nevada](#) and [Utah](#) -- also home to an [energy boom](#) that has helped push the U.S. ahead of Saudi Arabia and [Russia](#) to become the world’s biggest oil producer.

The [U.S. Fish and Wildlife Service](#) has been considering placing the bird on its list of endangered species -- something that could restrict energy exploration and other uses in large swathes of western states.



Congress added a measure in the 2015 spending bill passed Dec. 13 to forbid the agency from moving forward with that designation until at least October. That gives states with grouse populations time to develop alternatives, such as the habitat exchanges.

“We are more determined than ever to work with the states, ranchers, energy developers and other stakeholders who are putting effective conservation measures in place with the shared goal of reaching a ‘not warranted’ determination,” Interior Secretary Sally Jewell said today in a statement objecting to the congressional action.

## **New Revenue**

Each of the groups has an incentive to negotiate to avert a federal decision: the booming [western energy](#) industry would preserve access to some federal or private land; environmentalists get an ever-growing number of acres conserved; and landowners would end up with a new source of revenue instead of restrictions on what they can do with their land.

“Right now the issue is sage grouse, but it could be used for many different kinds of conservation,” said T. Wright Dickinson, a fourth-generation [Colorado](#) rancher involved in setting up an exchange.

In fact, with 83 species [awaiting action](#) by the Fish and Wildlife Service on whether they are threatened or endangered, the arrangements -- which borrow from the idea of cap-and-trade markets -- are a tool that could gain wider use, especially in the energy-rich West.

## **State Actions**

States are pushing ahead to expand the bird’s population. In Wyoming, which has taken the lead, a [decade-old plan](#) sets a checklist for developers so they don’t harm leks, the areas where the grouse gather to mate, as well as rules for building fences that don’t harm the bird and standards for how tourists can observe the mating rituals.

One area of [Wyoming](#), near a Jonah Energy LLC gas field in Jackson, has set up its own plan for a habitat exchange, and sent that to federal and state officials for approval.

“We have done what is necessary -- and beyond -- to preclude a listing,” said Paul Ulrich, head of government relations for Jonah Energy, which operates the 1,600-well Wyoming field in the heart of sage-grouse territory.

Now a group of Colorado state officials, ranchers, the Colorado Oil and Gas Association, Environmental Defense Fund and hunting advocates are pulling together rules for a [habitat exchange](#). They say they want to submit their plan to federal officials by the end of the year.

## **Habitat Exchange**

So, how would it work?

In essence, landowners guarantee that they would preserve or restore a set number of acres of sage-grouse habitat. They would then offer for sale a conservation credit or easement on those acres through a market run by an independent party.

Those who want to develop land elsewhere in the sage-grouse habitat -- drilling for oil, building ranchettes or installing wind towers -- would then have to bid for the easement. Speculators, too, could bet on the price for conservation credits.

"The theory is that the market would be best at pricing its value," said Holst of Environmental Defense Fund.

Environmentalists and regulators are pushing to ensure that the acres set aside will expand over time, so more land is preserved than cleared for development.

Not all acres are equal. In states like Colorado, scientific advisers are developing plans to measure "functional acres" of habitat, so that one pristine acre of sagebrush isn't traded for an already denuded area. In effect, acres of protected land will be adjusted in value based on their conservation value.

## **Land Values**

Various groups in Colorado are working through the recommendations from scientists on how to value acres, and ensure that any trading system really leads to an increase in the bird's population. The aim is to start testing the program early next year, said John Swartout, rural policy director for Colorado Governor John Hickenlooper, a Democrat.

"We're in the really tough part of the negotiations," Swartout said in an interview. "At the end of the day, the oil and gas industry has to ask itself if this makes sense."

Under a market approach, conserving an acre could cost about \$500 to \$1,000, depending how valuable the land is both to the bird and to developers, said Jon Kehmeier, an ecologist at SWCA Environmental Consultants. Land that is near a lek or near wetter feeding grounds could be more expensive, he said.

## **Environmental Backlash**

Not everyone is a fan.

Sagebrush, which the birds need to survive, can take years or decades to regrow, and buying preservation in one place in exchange for a disturbance somewhere else doesn't make sense, environmental critics say. The greater sage-grouse need wide swaths of unadulterated habitat, and so small pockets of protected land might not help, others say.

"We don't have the ability to create or even improve the sage-grouse habitat," said Erik Molvar, a wildlife biologist at WildEarth Guardians. "It makes more sense to protect the good habitat."

Molvar is pushing to have the government declare the greater sage-grouse endangered.

Holst counters that any state or federal plans will first require that developers try to avoid or minimize the impact of drilling or building before gaining permits in an exchange. And, while drillers and ranchers want to avoid a listing, a decision to label the bird endangered won't necessarily block the exchanges.

"One way to mitigate is to provide incentives for landowners to go out and provide habitat," said Michael Bean, an Interior Department official leading the endangered species work. "We are receptive for this kind of approach."

# **Colorado-Utah sage grouse protected despite change**

By DAN ELLIOTT Associated Press

**DENVER — Congress acted too late if it wanted to block protections for a rare bird found only in Colorado and Utah, state and federal officials say.**

A spending bill approved by Congress last week included a rider that blocks the Interior Department from spending money on rules to protect the Gunnison sage grouse. But one of its bureaus, the Fish and Wildlife Service, declared the less common bird threatened on Nov. 20, three weeks before the spending bill passed.

An estimated 5,000 Gunnison sage grouse remain, all of them in southwestern Colorado and southeastern Utah. The federal protections put in place last month bring restrictions on oil and gas drilling and other activity on up to 2,200 square miles of the bird's habitat.

The Gunnison grouse is related to the more common greater sage grouse, which is at the center of a separate and larger debate over federal protection across 11 Western states. The spending bill forbids money for rules to protect the greater sage grouse.

The wording on the Gunnison grouse appeared to be an oversight, perhaps written before it was declared threatened and never updated. It wasn't known who drafted the provision.

"The language does not stop the Gunnison (sage grouse) from being listed," said Emily Beyer, a spokeswoman for the Interior Department. But the measure does interfere with work on exemptions that would give landowners more certainty about what bird-protection restrictions they might face, she said.

John Harja, a policy analyst in Utah Gov. Gary Herbert's office, said Interior officials could have ensured the exemption work, which would soften those restrictions, could proceed when they listed the bird last month.

The rider expires late next year. The prospects of it being rewritten, renewed or allowed to die are unclear.

Colorado has said it plans to sue the U.S. Fish and Wildlife Service over the listing, arguing the agency paid too little attention to state and local conservation efforts. Harja said Utah plans to file a notice of intent to sue, taking the same position as Colorado.

A coalition of environmental groups also plans to sue, arguing the Gunnison grouse is in worse shape than Fish and Wildlife said and should have been granted the more protective endangered status.