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1. PUBLIC LANDS:

Judge's sage grouse ruling could stall BLM plans in Wyo., Idaho

Phil Taylor, E&E reporter

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A federal judge in Idaho this week ruled the Interior Department failed to analyze the cumulative impacts of oil and gas development on sage grouse in southwest Wyoming and failed to include enough data or alternatives for grazing in an Idaho national monument.

The ruling was deemed a major early victory for environmentalists -- and the grouse -- in a case challenging 18 land management plans covering 34 million acres in six Western states.

"What this court said is in light of the collapse of sage grouse population and habitat, the agency needs to slow down and take a comprehensive look at the impacts of its decisions," said Todd Tucci, an attorney for Advocates for the West who is arguing the case.

The Idaho-based Western Watersheds Project brought the case in the final months of the George W. Bush administration, arguing that the Bureau of Land Management had rushed the completion of more than a dozen resource management plans (RMP) without considering impacts to sage grouse.

Tucci called this week's ruling on two of the plans -- Wyoming's Pinedale and Idaho's Craters of the Moon -- a "groundbreaking victory" in one of the largest environmental law cases ever filed.

"This is not simply a procedural victory" but rather involved substantive violations of the National Environmental Policy Act and Federal Land Policy and Management Act, he said.

The sage grouse was granted "candidate" status for federal protection in March 2010, and BLM has since announced that it will amend six management plans in Wyoming.

But U.S. District Judge Lynn Winmill in a 37-page **ruling** said those amendments could take years to complete and warned that sage grouse faced immediate impacts from natural gas development in the Pinedale area.

Winmill noted BLM's finding that there was an 18 percent decline in sage grouse breeding activity between 2001 and 2006 in the Upper Green River Basin and that BLM's planning document attributed "part of this decline" to "increased gas development activity." Over the same time frame, natural gas development in the Pinedale Anticline Project Area nearly doubled, he said.

BLM in 2008 also unveiled a plan to expand drilling from 700 wells to nearly 4,400 wells in the Pinedale Anticline, which is believed to contain the nation's third-largest reserve of natural gas. The reserve could produce 25 trillion cubic feet of gas, enough to heat 10 million homes for three decades, according to government estimates.

Winmill said the cumulative impacts of energy development are critical to sage grouse, but that BLM had failed to note an important study chronicling the bird's decline over the past four decades and did not analyze the impacts from gas development in an adjoining BLM planning area.

In addition, the agency's environmental impact statement failed to discuss why almost a third of the acres covered by grazing allotments were not meeting rangeland health standards. A 2004 study by the Western Association of Fish and Wildlife Agencies found that livestock grazing has depleted native forbs and grasses needed by sage grouse, and facilitated an invasion of cheatgrass.

In the Craters of the Moon plan, BLM's environmental review noted a 36 percent decrease in active sage grouse breeding areas in the past 25 years and concluded that a "major contributing factor" is livestock grazing.

But the agency did not discuss alternatives that reduced grazing short of a total ban and failed to discuss two

relevant studies on the impacts of grazing.

What does it mean?

The impacts of the ruling remain unclear.

Tucci said the Western Watersheds Project must now meet with BLM to iron out a plan to fix the RMPs that will be presented to the court. But he said the court had clearly deemed the plans as inadequate.

"They cannot rely on the RMPs, so now the question is what happens in the interim?" he said.

Mary Wilson, a spokeswoman for BLM in Wyoming, said the agency was working with the Justice Department to understand the implications of the judge's ruling. A status conference with the court is scheduled for Oct. 27.

She declined to comment on the court's findings.

Bruce Hinchey, president of the Petroleum Association of Wyoming, said today the judge's order failed to acknowledge the work of oil and gas operators to enhance habitat for sage grouse, such as promoting undergrowth critical to the bird. He said gas development in the Pinedale area is occurring in pockets in order to minimize impacts on sage brush habitat.

It is also unclear what impact this week's ruling will have on the other 16 RMPs in Idaho, Nevada, California, Utah, Wyoming and Montana.

"If [Interior] Secretary [Ken] Salazar wants to continue to support Bush administration decisions, we'll litigate each one of these individually and we'll prove to him what everyone else already knows," Tucci said. "Sage grouse populations are collapsing, BLM's land management decisions are part of the cause of it, and they need to slow down."

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