

THE NATURAL RESOURCES WEEKLY REPORT

3. SAGE GROUSE:

Ruling could complicate BLM management plans in Wyo., Idaho

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A federal judge in Idaho has 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**, handed down last week, 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.



Environmentalists celebrated a federal court ruling last week that forces the Bureau of Land Management to reassess the cumulative impacts of oil and gas development on greater sage grouse in six Western states. Grouse remain a candidate for protection under the Endangered Species Act. Photo courtesy of NRCS.

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.

Other Interior Department officials say the court ruling will not have any practical affect on the way BLM manages sage grouse habitat.

BLM in July unveiled its National Greater Sage Grouse Planning Strategy, a sweeping effort that includes amending more than 70 RMPs across the bird's 11-state range to include strategies designed to protect the bird and its dwindling sagebrush steppe habitat ([Land Letter](#), July 28).

"Irrespective of what the judge decided last week, or what any judge decides, we've chartered a course, we think it's the right course and we plan to stay the course," said Dwight Fielder, the chief of BLM's division of fish and wildlife conservation in Washington, D.C.

That's the right approach to take, said Brian Rutledge, vice president for state offices in the National Audubon Society's eight-state Rocky Mountain region.

"We've got the BLM moving on all sage grouse related RMPs. So what I hope is that they take this [ruling] as a positive affirmation that the work they're doing needs to be done," Rutledge said.

Bruce Hinchey, president of the Petroleum Association of Wyoming, said 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 sagebrush 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."

[Click here](#) to read Winmill's ruling.

Reporter Scott Streater contributed.

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