

# Summary of Sage-Grouse Listing Petitions Submitted to the U.S. Fish and Wildlife Service (USFWS)<sup>1</sup>

(as of March 12, 2007)

<b>Petition Date:</b> May 14, 1999 (74 pages)	<b>Petition Date:</b> January 25, 2000 (254 pages)	<b>Petition Date:</b> December 28, 2001 (493 pages)
<b>Species:</b> Washington population of the Western Sage-Grouse <i>Centrocercus urophasianus phaios</i>	<b>Species:</b> Gunnison Sage-Grouse <i>Centrocercus minimu</i>	<b>Species:</b> Mono Basin population of the Greater Sage-Grouse <i>Centrocercus urophasianus phaios</i>
<b>Petition Request:</b> List as threatened or endangered	<b>Petition Request:</b> List as endangered or threatened, emergency listing, and designation of critical habitat	<b>Petition Request:</b> Emergency list as endangered
<b>Petitioners:</b> Northwest Ecosystem Alliance and Biodiversity Legal Foundation	<b>Petitioners:</b> Mark Salvo, American Lands Alliance, Dr. RandyWebb, Net Work Associates, Andy Kerr, The Larch Company, Jasper Carlton, Biodiversity Legal Foundation, Susan Ash, Wild Utah Forest Campaign, Rob Edwards, Sinapu	<b>Petitioners:</b> Donald Randy Webb, Institute for Wildlife Protection
<b>USFWS Determination:</b> Both a 90-day finding (August 24, 2000) and a 12-month finding (May 7, 2001) have been published in the <u>Federal Register</u> . The outcome of USFWS finding was that listing is warranted but precluded for the Columbia Basin Distinct Population Segment. Under USFWS policy it became a candidate by default. The candidate status of this population to be reassessed by USFWS using any new information resulting from the resolution of current litigation addressing the taxonomic status of the subspecies.	<b>USFWS Determination:</b> Note, this species was designated as a candidate by USFWS prior to receipt of the petition. The listing priority number was elevated by USFWS in a May 4, 2004 <u>Federal Register</u> Notice of Review to a 2. On April 18, 2006 a listing determination of “not warranted” was published in the <u>Federal Register</u> and the Gunnison sage-grouse was taken off the candidate species list.	<b>USFWS Determination:</b> Initial review indicated that the situation does not warrant an emergency listing. A 90-day finding was initiated August 1, 2002. The 90-day finding was published in the <u>Federal Register</u> December 26, 2002 with an outcome that the information presented in the petition is not substantial. As a result of a stipulated settlement agreement with petitioner in 2006 the USFWS reconsidered the petition, in addition to the November 10, 2005 petition for the Mono Basin area. USFWS published a 90-day finding in the <u>Federal Register</u> on December 19, 2006 with an outcome that the two petitions did not provide substantial information.
<b>Legal Action:</b> No Notice Of Intent (NOI**) to date	<b>Legal Action:</b> Court complaint dated September 29, 2000 from the American Lands Alliance et al. In 2003 the Court rules in USFWS’s favor. The ruling is that the USFWS candidate process, and the determination by USFWS that a species should be on the candidate list, is equal to a 12-month finding. On March 16, 2004 the plaintiffs filed a lawsuit in Washington D.C. District Court asking the Court to order the USFWS to emergency list the species as endangered, and challenging the USFWS’s “warranted but precluded” designation for the species. After the April 18, 2006 determination a lawsuit was filed on November 14, 2006 challenging that finding and requesting the Court to order the USFWS to propose to list the species and designate critical habitat. The case has yet to come before the Court.	<b>Legal Action:</b> Petitioners filed an NOI, dated January 9, 2003, regarding the merits of the USFWS’s 90-day finding published on December 26, 2002. On November 18, 2005 the petitioners filed a lawsuit challenging the USFWS 90-day finding of December 26, 2002. As a result of the settlement agreement USFWS reconsidered the December 28, 2001 petition in the December 19, 2006 90-day finding. Petitioners filed an NOI, dated December 19, 2006, regarding the USFWS most recent 90-day finding on Mono Basin area sage-grouse.
<b>Lead USFWS Office:</b> Upper Columbia Fish and Wildlife Office, Spokane, Washington (509) 891-6839	<b>Lead USFWS Office:</b> Western Colorado Field Office, Grand Junction, Colorado (970) 243-2778	<b>Lead USFWS Office:</b> Nevada Fish and Wildlife Office, Reno, Nevada (775) 861-6325
<b>USFWS Contact:</b> Chris Warren	<b>USFWS Contact:</b> Terry Ireland	<b>USFWS Contact:</b> Kevin Kritz

<b>Petition Date:</b> January 24, 2002 (468 pages)	<b>Petition Date:</b> June 18, 2002 (7 pages)	<b>Petition Date:</b> July 3, 2002 (524 pages)
<b>Species:</b> Western subspecies of the Greater Sage-Grouse <i>Centrocercus urophasianus phaios</i>	<b>Species:</b> Greater Sage-Grouse <i>Centrocercus urophasianus</i>	<b>Species:</b> Eastern subspecies of the Greater Sage-Grouse <i>Centrocercus urophasianus urophasianus</i>
<b>Petition Request:</b> List the subspecies	<b>Petition Request:</b> List as endangered	<b>Petition Request:</b> List as endangered
<b>Petitioners:</b> Donald Randy Webb, Institute for Wildlife Protection	<b>Petitioners:</b> Craig Dremann	<b>Petitioners:</b> Donald Randy Webb, Institute for Wildlife Protection
<b>USFWS Determination:</b> A 90-day finding was initiated October 30, 2002. The 90-day finding was published in the <u>Federal Register</u> on February 7, 2003 with an outcome that the information presented in the petition is not substantial.	<b>USFWS Determination:</b> A 90-day finding was initiated December, 2003 and published in the <u>Federal Register</u> on April 21, 2004. The outcome was a positive finding; the information presented, and in USFWS files, was substantial. USFWS then completed a status review. A 12-month finding was published in the <u>Federal Register</u> January 12, 2005 with an outcome that listing of the greater sage-grouse is not warranted.	<b>USFWS Determination:</b> 90-day finding initiated on October 3, 2003 as per court order. The 90-day finding was published in the <u>Federal Register</u> on January 7, 2004 with an outcome that the information presented in the petition is not substantial.
<b>Legal Action:</b> NOI dated February 7, 2003 from the Institute for Wildlife Protection regarding the 90-day finding. The Institute for Wildlife Protection filed a court complaint, dated June 6, 2003 challenging the merits of the 90-day finding. On August 10, 2004 a U.S. District Court judge issued an order in favor of the USFWS and dismissing the plaintiff's case. An appeal, dated November 24, 2004, was filed by the Institute for Wildlife Protection regarding this decision. On March 3, 2006 the 9 <sup>th</sup> Circuit Court remanded the finding back to the USFWS to revisit the 90-day finding regarding the conclusion that the western sage-grouse is not a subspecies. The Court did uphold that the petitioned population does not constitute a DPS.	<b>Legal Action:</b> NOI dated January 7, 2005 from the Institute for Wildlife Protection regarding the 12-month finding. No further action on that NOI. A Court complaint was filed on July 14, 2006 from Western Watersheds Project alleging that the USFWS 12-month finding is incorrect, arbitrary, unwarranted by the facts, etc. The administrative record was submitted to the Court in January 2007 and a ruling is still pending.	<b>Legal Action:</b> Court complaint dated January 10, 2003 filed in the Western District Court of Washington by the Institute for Wildlife Protection for failure to do a 90-day finding. On October 3, 2003 the U.S. District Court judge ordered the USFWS to make a 90-day finding, due by January 3, 2004. On September 28, 2004 the U.S. District Court judge issued an order in favor of the USFWS and dismissing the plaintiff's case.
<b>Lead USFWS Office:</b> Oregon Fish and Wildlife Office, Portland, Oregon (503) 231-6179	<b>Lead USFWS Office:</b> Wyoming Ecological Services Field Office, Cheyenne, Wyoming (307) 772-2374	<b>Lead USFWS Office:</b> Wyoming Ecological Services Field Office, Cheyenne, Wyoming (307) 772-2374
<b>USFWS Contact:</b> Jeff Dillon	<b>USFWS Contact:</b> Pat Deibert	<b>USFWS Contact:</b> Pat Deibert

<b>Petition Date:</b> March 19, 2003 (992 pages; this is a combination of the previous petitions for Western and Eastern subspecies)	<b>Petition Date:</b> December 22, 2003 (218 pages)	<b>Petition Date:</b> November 10, 2005 (87 pages plus appendices)
<b>Species:</b> Greater Sage-Grouse <i>Centrocercus urophasianus</i>	<b>Species:</b> Greater Sage-Grouse <i>Centrocercus urophasianus</i>	<b>Species:</b> Greater Sage-Grouse <i>Centrocercus urophasianus</i>
<b>Petition Request:</b> List as endangered	<b>Petition Request:</b> List as threatened or endangered	<b>Petition Request:</b> List Mono Basin Area sage-grouse as threatened or endangered
<b>Petitioners:</b> Donald Randy Webb, Institute for Wildlife Protection	<b>Petitioners:</b> Mark Salvo American Lands Alliance, Biodiversity Conservation Alliance, Center for Biological Diversity, Forest Guardians, The Fund for Animals, Gallatin Wildlife Association, Great Old Broads for Wilderness, Hells Canyon Preservation Council, The Larch Company, Northwest Ecosystem Alliance, Northwest Council for Alternatives to Pesticides, Oregon Natural Desert Association, Oregon Natural Resources Council, Predator Defense Institute, Sierra Club, Sinapu, Western Fire Ecology Center, Western Watersheds Project, Wild Utah Project, Wildlands CPR, and Center for Native Ecosystems	<b>Petitioners:</b> Submitted by Stanford Law School Environmental Law Clinic on behalf of The Sagebrush Sea Campaign, Western Watersheds Project, Center for Biological Diversity and Christians Caring for Conservation.
<b>USFWS Determination:</b> USFWS published the 90-day finding in the <u>Federal Register</u> on April 21, 2004. The outcome was a positive finding; the information presented, and in USFWS files, was substantial. USFWS completed a status review and published a 12-month finding in the <u>Federal Register</u> January 12, 2005. The outcome was that listing of the greater sage-grouse is not warranted.	<b>USFWS Determination:</b> USFWS published the 90-day finding in the <u>Federal Register</u> on April 21, 2004. The outcome was a positive finding; the information presented, and in USFWS files, was substantial. USFWS completed a status review and published a 12-month finding in the <u>Federal Register</u> January 12, 2005. The outcome was that listing of the greater sage-grouse is not warranted.	<b>USFWS Determination:</b> Initial review indicated that the situation does not warrant an emergency listing. USFWS published the 90-day finding in the <u>Federal Register</u> on December 19, 2006 with an outcome that the information presented in the petition, and the December 28, 2001 petition by Institute for Wildlife Protection, is not substantial.
<b>Legal Action:</b> NOI dated January 7, 2005 from the Institute for Wildlife Protection regarding the 12-month finding. No further action on that NOI. A Court complaint was filed on July 14, 2006 from Western Watersheds Project alleging that the USFWS 12-month finding is incorrect, arbitrary, unwarranted by the facts, etc. The administrative record was submitted to the Court in January 2007 and a ruling is still pending.	<b>Legal Action:</b> NOI dated January 7, 2005 from the Institute for Wildlife Protection regarding the 12-month finding. No further action on that NOI. A Court complaint was filed on July 14, 2006 from Western Watersheds Project alleging that the USFWS 12-month finding is incorrect, arbitrary, unwarranted by the facts, etc. The administrative record was submitted to the Court in January 2007 and a ruling is still pending.	<b>Legal Action:</b> NOI dated April 17, 2006 from the petitioners for failure to meet a statutory deadline and complete a 90-day finding.
<b>Lead USFWS Office:</b> Wyoming Ecological Services Field Office, Cheyenne, Wyoming (307) 772-2374	<b>Lead USFWS Office:</b> Wyoming Ecological Services Field Office, Cheyenne, Wyoming (307) 772-2374	<b>Lead USFWS Office:</b> Nevada Fish and Wildlife Office, Reno, Nevada (775) 861-6325
<b>USFWS Contact:</b> Pat Deibert	<b>USFWS Contact:</b> Pat Deibert	<b>USFWS Contact:</b> Kevin Kritz

<sup>1</sup> Table compiled by Kevin Kritz, U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office, 1340 Financial Blvd. Suite #234, Reno, NV 89502-7147  
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**\*\* 60-day Notice of Intent to Sue (NOI)**