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Attorneys for Federal Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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COUNTY OF SAN MIGUEL,)	
COLORADO, et al.,)	No. 1:06-cv-01946-RBW
)	
Plaintiffs,)	THIRD NOTICE REGARDING
)	INVESTIGATIVE REPORT ISSUED
v.)	BY THE INSPECTOR GENERAL OF
)	THE DEPARTMENT OF THE
KEN SALAZAR, et al.,)	INTERIOR
)	
Defendants,)	
)	
COLORADO CATTLEMEN'S)	
ASSOCIATION, et al.,)	
)	
Intervenor-Defendants.)	
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Pursuant to this Court's Order of February 26, 2009, Federal Defendants in this action, Ken Salazar, Secretary of the United States Department of the Interior, and Rowan Gould, Acting Director of the United States Fish and Wildlife Service (collectively "Service"), hereby notify the Court of the Service's determination as to its position in the present litigation. As stated in the

Service's previous filings with the Court, the Investigative Report ("Report") issued by the Inspector General of the Department of the Interior on December 15, 2008 concluded that former Deputy Assistant Secretary of the Interior Julie MacDonald, acting alone or in concert with other Department of the Interior officials, took actions that potentially jeopardized the decisional process on the 12-month petition finding for the Gunnison sage-grouse that is at issue in this action. Accordingly, the Service undertook a comprehensive review of its files and briefed the appropriate decisionmakers.

Federal Defendants have concluded their review of the 12-month finding on the Gunnison sage-grouse and have concluded that it is appropriate to seek a remand of the finding. In light of this decision, Federal Defendants would like to attempt to negotiate the parameters of a remand with Plaintiffs. Federal Defendants request 45 days to pursue negotiations with Plaintiffs. At the expiration of this time period, Federal Defendants propose to file an additional report with the Court indicating whether a settlement on remand has been reached and what further proceedings, if any, may be necessary to conclude this matter.

Dated: March 23, 2009

Respectfully submitted,

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General

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/s/ Lawson E. Fite

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