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## Panel says keep sage grouse off endangered list Environmentalists still concerned and could sue

By Rocky Barker

Sage grouse should not be listed as an endangered species, said a U.S. Fish and Wildlife Service panel of biologists Friday.

The panel of regional managers and senior scientists made their recommendation to Fish and Wildlife Director Steve Williams, who has until Dec. 29 to decide whether to list.

Listing as threatened or endangered would place restrictions on grazing, oil and gas leasing, hunting and other activities across 150 million acres of sagebrush habitat in 11 Western states, including Idaho. In the three years Williams has been director, he always has followed the panel's recommendation, he said.

The recommendation pleased Western congressmen but disappointed environmentalists, who have threatened to sue.

"This recommendation is a victory for common sense, limited government and continuing local efforts that already are proving to be effective," said U.S. Rep. C.L. "Butch" Otter, R-Idaho.

An Owyhee rancher who has worked for seven years to improve sage grouse habitat said even without a listing, proposed federal and state rules designed to protect the birds could stifle community-based conservation efforts.

And editing by a Bush administration official of the scientific review is raising questions about the integrity of the scientific process. That could aid environmentalists when they challenge the decision in court.

"Our attorneys will be reviewing the final decision when issued and advising us on our legal options," said Mark Salvo, Director of the Sagebrush Sea Campaign, a coalition of the groups that support listing the bird.

Sage grouse numbers suffered sharp decline in the early 1900s and again after World War II. About 140,000 to 500,000 of the birds survive today, federal scientists say.

The two-foot-tall birds depend on sagebrush, a defining feature of the American West that is found in every Western state. Its clean, bittersweet scent is instantly recognizable.

About 50 percent of the original sagebrush habitat was replaced by farms and communities, intentionally removed on federal lands or replaced by alien cheat grass through frequent fires. Grazing and road-building have fragmented the remaining habitat so that sage grouse could not migrate seasonally from summer to winter habitat.

Despite the decline, the Fish and Wildlife panel said the threat of extinction is low. Sage-grouse populations declined an average of 3.5 percent per year from 1965 to 1985. But since 1986, populations in several states, including Idaho, have increased or generally stabilized.

The rate of decline from 1986 to 2003 slowed to 0.37 percent annually for the species across its entire range, the panel said.

But many scientists have expressed concerns about the rapid changes facing the highest quality habitat in Wyoming, Utah and Colorado, especially because of oil and gas development. These and other scientific analyses were included in a report developed for the senior panel and an independent science panel that discussed the extinction risk for the benefit of the senior panel.

However, the report was edited by Julie McDonald, a lawyer, engineer and political appointee in the Interior Department, Williams said in response to reporters Friday. McDonald is the deputy assistant secretary for Fish and Wildlife, and she oversees the Fish and Wildlife Service.

In her edited version of the report, she added scientific references to studies the agencies' biologists did not include and removed references to research done by other biologists, including Idaho Department of Fish and Game sage grouse expert Jack Connelly of Pocatello.

The panels were provided both the edited and unedited versions of the report, Williams told reporters. "I think it would be unfortunate if anyone would question the integrity of this process," Williams said.

John Freemuth, a Boise State University political science professor who served on a Bureau of Land Management science review panel, said McDonald's editing went beyond the normal level of comment. "When you are peer reviewing, you don't selectively take things out and add things," Freemuth said. "What you've done is chilled the discourse."

The listing decision under the Endangered Species Act is supposed to be limited solely to biology and science. Past decisions not to list by Fish and Wildlife, including the initial decision on the northern spotted owl in 1989, were overturned by a judge because agency scientists' analysis was ignored or altered.

Ralph Morganweck, Rocky Mountain regional director and a member of the senior panel that recommended against listing Friday, said this review process was far better than the one done for the spotted owl.

"I think we were more deliberate, more careful," Morganweck said. "We had a much better database than we had 15 years ago."

Rancher John Romero of Murphy is pleased the panel recommended against listing, but he expects the pressure to remain on ranchers because of the threat of a lawsuit. He also is worried that the Bureau of Land Management, which manages grazing on most sagebrush habitat, and the state of Idaho have developed such stringent regulations to avoid listing, it could stymie the community-based conservation he and his neighbors have done since 1998.

"For seven years, local working groups have been doing a lot of work on the ground," said Romero, who has a biology degree. "This state plan has the potential to destroy it all."