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**ENDANGERED SPECIES: Judge orders FWS to reconsider rejection of sage grouse**

**Allison Winter, Land Letter reporter**

A federal judge this week ordered the Fish and Wildlife Service to reconsider its 2005 refusal to add the sage grouse to the endangered species list, saying the agency decision ignored expert advice.

Judge B. Lynn Winmill of the U.S. District Court in Idaho criticized the government for failing to use the "best science" in its handling of the sage grouse, which has been at the center of land-use disputes involving oil and gas companies.

"What an odd process," Winmill wrote. "Right at the moment where the 'best science' was most needed, it was locked out of the room."

Some states have sought to keep the sage grouse from further decline. Special status for the bird has already scuttled or interfered with some plans for oil and gas drilling, and its endangered species status would make it even more difficult for companies to work in grouse habitat.

Winmill also criticized "inexcusable conduct" by Julie MacDonald, a former Interior Department deputy assistant secretary who the department inspector general said interfered with endangered-species listing decisions. MacDonald, who is "neither a scientist nor a sage grouse expert," intimidated career staff and edited documents to keep the bird from being listed, Winmill wrote.

The Sagebrush Sea Campaign and other environmental groups sued the Fish and Wildlife Service after it determined protection for the bird was "not warranted" in 2005. The groups accused MacDonald of interfering with the decision. They said the bird, which has been in decline for decades, would need protection against the accelerating threats of invasive weeds, energy development, fire and livestock grazing.

Winmill ruled that the agency's decision on the sage grouse "lacked a coherent analysis of the deterioration of habitat and the regulatory mechanisms designed to protect the sage grouse" and was "tainted by the inexcusable conduct of one of its own executives."

About half of the original grouse habitat is no longer capable of sustaining the birds on a year-round basis, according to the court decision. Mark Salvo of the Sagebrush Sea Campaign likened to the sage grouse to the spotted owl of the Pacific Northwest, saying its decline indicates the sagebrush ecosystem is "in as much peril as old-growth forests."

The Fish and Wildlife Service did not return calls seeking comment.

***More lawsuits***

Salvo and other environmentalists hailed the decision as a victory, saying it would be the first of many court decisions overturning species decisions made during MacDonald's tenure at Interior.

The Center for Biological Diversity filed lawsuits last month to contest six species decisions that MacDonald may have altered. The group said the suits are the first phase of a national campaign to challenge political interference in 55 endangered species decisions and 8.7 million acres of land.

Last week, the Fish and Wildlife Service announced it would revise seven rulings that denied endangered species listings or limited critical habitat designations because they were inappropriately influenced by MacDonald.

Interior Inspector General Earl Devaney also said he would respond to a congressional request to expand his investigation into political manipulation of endangered species rulings to include 18 different species, including the northern spotted owl, marbled murrelet and bull trout.

MacDonald resigned in May after Devaney issued a scathing report that found she violated ethics rules, edited scientific decisions on endangered species issues and passed internal agency information to outside parties suing the department.