

## ESA

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In the end, the "Washington (D.C.) office paired down what was a 150 page, double spaced listing proposal for 'endangered,' into about a 14 page outline that the Washington office then used to make a 'not warranted' listing determination."

Much of the information that supported an "endangered" listing was deleted, he said.

The apparent proof that national politics played a role in the grouse decision doesn't come as a surprise to local grouse watchers. But some aren't convinced that a different ESA outcome would produce better on-the-ground results for the bird.

"The best we can do for the bird is exactly what we're doing," Gunnison County's Sage-grouse Coordinator Jim Cochran said, referencing steps the county, private landowners, conservation groups and the Division of Wildlife have taken to protect the bird — including temporary building regulations.

"That's what's going to save the species. Challenging a listing decision isn't going to save the species," he said.

The effort to get the grouse on the endangered species list originally began in Jan. 2000, when conservationists submitted a petition to have the bird listed due to a long-term decline of the grouse — presumably due to habitat loss. Later that year, the USFWS designated the bird as a candidate species, but it wasn't until April of this year that a final decision was made not to list the grouse.

"That 'not warranted' listing decision was a surprise," said Salvo. "We smelled a rat."

Shortly after the listing decision, Sagebrush Sea Campaign filed the FOIA request to the USFWS for records concerning the decision.

It took months to get all the documents, but once they finally arrived they spelled out how DOI officials, including DOI Deputy Assistant Secretary Julie MacDonald, who was appointed by the Bush administration in 2004, interfered with the decision.

The documents revealed that USFWS biologists and field staff agreed the grouse needed protection, but officials at the Washington office overruled the decision.

"That's illegal under the ESA," Salvo said.

According to the act, an ESA listing decision should be solely based on the best available scientific information.

In the grouse case, MacDonald, who has a background as an engineer and no experience as a biologist, heavily edited recommendations of USFWS biologists and field staff.

This is also shown to be the case for at least five other species in the last three years since she took office.

In each case, USFWS biologists and field staff have battled with MacDonald about protection of species versus development of oil and gas fields, real estate values, road building and other types of development, according to a *Washington Post* article that broke the news this week about the Mac-

Donald interventions.

MacDonald said she did not reverse the decision about listing the Gunnison Sage-grouse.

"I make comments or edits," she said. "It's a dialogue."

According to the records obtained through the FOIA request, MacDonald first became involved in the grouse case in the summer of 2005 after she got several calls, including one from Colorado Gov. Bill Owens, who expressed concern about listing of the bird as endangered, Salvo said.

She first stalled the listing process by questioning if the Gunnison Sage-grouse is a distinct species.

Jessica Young, associate biology professor at Western State College and one of the biologists who identified the Gunnison Sage-grouse as being a distinct species, said the scientific community is virtually unanimous on this issue.

"There's nothing in the scientific community that has suggested they're not a distinct species," she said.

In response to MacDonald's questioning, one USFWS expert responded that Rob Ramey is the only person who thinks the species designation is flawed and his work on other species is under question, the FOIA records revealed.

"Also, he has never done any analysis on Gunnison (Sage-grouse), except for his speculative review," the USFWS expert wrote.

By late autumn of 2005, MacDonald was also involved in reviewing and editing the listing decision document, removing some of the language about specific threats to the species and questioning some of the science.

By late November or early December, the USFWS was still recommending listing of the bird, Salvo said.

"Then, suddenly, the Washington office said, 'No, we're not going to do that, we're going to do not warranted,'" Salvo said, going off the FOIA records. "The Washington office then took over the new 'not warranted' listing decision, scrapping eight months of research."

Hand-written conference call notes dated Dec. 12, 2005, say, "WO (Washington office) doesn't see where the threats add up... WO will re-craft outline to support removal."

Crested Butte local Sue Navy, who works on grouse protection, is happy to finally see someone exposing what's going on behind the scenes at the DOI.

"I hope it is the beginning of more of the same — of people being made aware of what's been going on these last six years with the (Department of) Interior and the political appointees and disregard for science," she said.

The ESA has been under attack for hurting communities and as being ineffective at helping species for years. A major effort to gut the law got stalled in the Senate this year.

Still, the Bush administration's appointees have listed fewer species under the ESA than any other administration since 1973, when the law was enacted.

As of September, the Bush administration had listed an average of 10 plants and animals as threatened or endangered per year, according to data compiled by the Center for Biological Diversity.

The Clinton administration listed an average of 65 a year and the earlier George H.W. Bush administration listed an average of 58 a year, the Center for Biological Diversity data says.

Conservationists have called for DOI Secretary Dirk Kempthorne to reevaluate and reassess the listing decisions where there is evidence MacDonald and other DOI appointees exerted influence.

"They need to throw out Julie MacDonald's tainted decision so the (USFWS) can look at protecting the sage grouse, like (they) decided they already needed to," said Erin Robertson, with the Center for Native Ecosystems.

Conservation groups also believe Kempthorne should ask MacDonald to step down.

However, that, in itself, will not be the entire solution because it is a systemic problem, Robertson said. She believes the culture at the DOI needs to be addressed to look at what other species were impacted and how it can be prevented from happening again.

There are a variety of ways this could be done, such as the DOI inspector general investigating the matter or the House Resources Committee holding oversight hearings.

Conservationists are also requesting Kempthorne to consider policies or guidelines for the DOI to ensure scientific integrity in listing decisions and to prevent political interference.

"This is important because, increasingly and particularly under the current administration, what is supposed to be wholly and purely a scientific decision-making process is becoming more and more political and the (ESA) expressly forbids that," Salvo said.

Gunnison County Commissioner Hap Channell said he is disappointed when "a public process appears to be undermined by heavy-handedness from the federal level."

However, no matter how the listing turns out, the county government will continue to work to protect the bird, he said.

Cochran, the local sage grouse coordinator, would just assume that things stay the same with the "not warranted" listing decision.

"Had (the grouse) been listed, the USFWS would have been telling us what to do from Denver or Grand Junction or Washington D.C. And do they really have the knowledge to that? Probably not," he said.

But neither Cochran or Young are surprised the decision is based on politics.

"I don't think anyone locally will be surprised that there were factors outside biology influencing the listing determination, because the conclusion (not to list the bird) was so non-intuitive for those of us that have worked on the species for the last decade," Young said.



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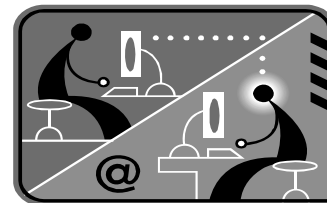
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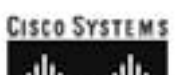


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