

THE TELLURIDE WATCH

June 27, 2006

County Joins Lawsuit to Protect Sage-Grouse *Federal Delisting Is Said to Ignore Science*

By Thomas Wirth

The San Miguel County Commissioners voted unanimously on Wednesday to join a formal “notice of intent to sue” the federal government.

The county’s action is in response to the decision two months ago by the U.S. Fish and Wildlife Service to eliminate protections for the Gunnison Sage-Grouse and remove it from consideration under the Endangered Species Act. The Gunnison Sage-Grouse was recognized as a new species in 2000.

The County Commissioners stated last week, in a press release, their concern that the agency’s final rule is not based on the best available scientific information, and that the removal of the Gunnison Sage-Grouse from the Candidate Species List may harm the species.

For more than 10 years, San Miguel County and the San Miguel Basin Gunnison Sage-Grouse Working Group have actively pursued partnerships with the U.S. Bureau of Land Management, ranchers, oil and gas companies, Great Outdoors Colorado, the Colorado Division of Wildlife, and others to preserve sagebrush habitat and protect the few remaining birds in the county.

After the bird’s delisting, San Miguel County Commissioner Art Goodtimes explained, he felt it was time for action.

“The Fish and Wildlife folks did [the Bush] administration’s political bidding, while ignoring the science,” he said. “For me, that was the last straw.”

“The government’s own scientists were suppressed in this matter by political appointees with the Department of Interior,” concurred Jeff Ruch, executive director of Public Employees for Environmental Responsibility in a press release. “These political appointees ignored the government’s own scientific findings,” he said.

“We prefer that these issues be resolved cooperatively, but when the federal government so egregiously breaks the law, local government and community groups have no choice but to go to court,” said Jacob Smith, executive director of the Center for Native Ecosystems.

To date, the county has committed \$10,000 to the legal effort, and may consider more funding at a later date as the suit progresses.

In a March 2006 report, the National Audubon Society listed the Gunnison Sage-Grouse as one of America's ten most endangered birds.

“Birds are the collective canary in the human coal mine: Declines in the health of bird populations often signal threats to our own health and well-being,” Audubon says in its listing. “The Endangered Species Act [ESA] has for over three decades been the ultimate safety net for bird species catapulting toward extinction in the United States. Congress should keep in mind that by providing legal protections to save birds and other wildlife species from extinction, we are acting for the well-being of our own species as well.”

The Gunnison Sage-Grouse was previously a “candidate species” awaiting protection under the Endangered Species Act. First listed as a “candidate species” in 2000, the grouse in 2003 was moved up to a listing priority number of two – the highest without actually being listed as an endangered species – an indication that the perceived threats to the bird had increased.

Gunnison Sage-Grouse population estimates range from 2,000 to 6,000 during the spring breeding season, with only one population – in the Gunnison Basin – estimated at more than 500 breeding birds. According to the Colorado Division of Wildlife's Gunnison Sage-Grouse Rangewide Conservation Plan, the population declined between 42 and 90 percent in the last 50 years.

According to the National Audubon Society, “The Colorado Department of Natural Resources currently estimates the total population at 3,500,” and, “unless effective conservation measures are undertaken, the numbers of grouse are likely to continue to shrink.”

Over the years, the birds' sagebrush habitat has been lost and degraded by development, extraction activities and agriculture. Once native to New Mexico, northeastern Arizona, Colorado and Utah, the Gunnison Sage-Grouse populations have declined so precipitously that today the birds are limited to seven populations in isolated areas of southwestern Colorado and southeastern Utah.

The Audubon Society goes on to state, “Effective conservation [of the Gunnison Sage-Grouse] will entail preserving and restoring sagebrush habitat, moderating grazing, limiting disturbance from recreational activities and oil and gas extraction, and ensuring that development is planned with an eye to conserving critical grouse habitat. Audubon supports listing of this species under the Endangered Species Act.”

According to Tom Nesler, of the Colorado Division of Wildlife, “The [U.S. Fish and Wildlife] Service decision does not diminish CDOW commitment to implementing a significant conservation program for Gunnison Sage-Grouse in any way.

“A range-wide conservation plan contributed to by multiple stakeholders is in place,” he said, that will provide “a comprehensive and consistent framework to guide conservation efforts.

“We are committed to move forward with conservation measures to achieve the objectives of that plan. We will continue to work with the local working groups in the collaborative spirit in which they were formed.”

Even though he believes individual government assurances will continue to treat the bird as a concern, and that the BLM would not allow gas and oil leases on occupied habitat, Commissioner Goodtimes’s take on the subject is that it is “an administrative decision and could change at any higher-up’s whim. Without the ESA listing, the bird is not fully protected from continued habitat loss.”

Nicole Rosmario, director of the Endangered Species Program for Forest Guardians, a partner in the suit, says, “Dozens of plants and animals have gone extinct due to the delay in listing. The Bush Administration’s refusal to protect the Gunnison Sage-Grouse may doom this bird to the same fate.”

“The potential litigation over the Service decision on Gunnison Sage-Grouse will make the ultimate status of the species uncertain for months to come,” says Nesler, “but we (the DOW) continue to fund population monitoring, a strong research effort, habitat protection and management, translocations and a Candidate Conservation Agreement with Assurances.”

The CCAA is a conservation easement program that could cooperatively help save grouse habitat, but that loses much, if not all, of its appeal due to the delisting of the bird, says Josh Sale of the San Miguel Basin Gunnison Sage-Grouse Working Group.

San Miguel County has joined the Sagebrush Sea Campaign, Center for Biological Diversity, Center for Native Ecosystems, Forest Guardians, The Larch Company, Public Employees for Environmental Responsibility, and Sinapu in the suit. They are represented by the Western Environmental Law Center.