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USFWS again rejects protections for Mono Basin sage grouse

By Sandra Chereb (AP)

RENO, Nev. (AP) - For the second time in three years, the U.S. Fish and Wildlife Service on Tuesday rejected efforts by environmental groups to impose Endangered Species Act protections for a population of sage grouse found along the Nevada-California line.

The petitions for the Mono Basin sage grouse did not contain "substantial scientific or commercial information" to continue with an in-depth analysis to determine if such protections are warranted, the agency said in an initial finding published in Tuesday's Federal Register.

Environmental groups responded swiftly, saying lawsuits would follow.

"They have just bought themselves a one-way ticket back to court," said Kieran Suckling, policy director for the Center of Biological Diversity in Tucson, Ariz.

Still, conservation groups were encouraged by the agency's acknowledgment that the population found along the Sierra range is genetically unique from greater sage grouse populations around the West.

"There is substantial information indicating that Mono Basin area sage grouse are genetically distinct from other greater sage grouse populations," the published finding said, though one Fish and Wildlife official in Reno said the comment is misleading.

"We believe it may be, upon further analysis," said Laurie Sada, assistant field supervisor in Reno.

"There is some information that they're genetically distinct," Sada said. "But no one has yet described where the boundaries of that uniqueness are or the extent of that uniqueness."

The bird's range encompasses areas of Carson City, Lyon, Mineral, Esmeralda and Douglas counties in Nevada and Alpine, Inyo and Mono counties in California.

Sada said the issue was moot, however, because the agency determined evidence of threats to the bird's survival - such as development and habitat loss - were insufficient to warrant further study needed before a species is listed as threatened or endangered.

Similar arguments about the Mono Basin population's uniqueness were rejected by the service two years ago.

The latest petition, filed in November 2005 by the Stanford Law School Environmental Law Clinic on behalf of the Center for Biological Diversity, Western Watershed Project, Sagebrush Sea Campaign and Christians Caring for Creation, argued that science has since proved otherwise.

Suckling said Tuesday's finding amounts to an about-face by the agency on the bird's genetic distinction.

"It's very significant because it takes that issue off the table," he said. "Having proved that, the only question is, is that population in peril?"

Sada also said that population data from the last three to four years indicates populations of the bird are stable or increasing.

Suckling disputed that assessment, arguing that it ignores historical data.

"Over short periods of time, you can't measure any difference," he said. "The reason they've done that, they know if they compare the current and historical estimates, they'll find the population has declined dramatically."

The agency's finding incorporated a re-evaluation of its 2001 rejection of a petition filed in 2001 by the Institute for Wildlife Protection as part of legal settlement.