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SAGEBRUSH SEA
CAMPAIGN

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Federal Court Overturns Bush Administration's "Not Warranted" Listing Decision for Greater Sage-Grouse

Court Noted "Inexcusable Conduct" by Interior Department Official

The Federal District Court of Idaho rebuked the U.S. Fish and Wildlife Service today for failing to consider the best available science when it refused to list greater sage-grouse as "threatened" or "endangered" under the Endangered Species Act. The court reversed and remanded the agency's 12-month "not warranted" listing decision issued in 2005.

The court also held that the agency's faulty decision "lacked a coherent analysis of the deterioration of [sage-grouse] habitat and the regulatory mechanisms designed to protect the sage-grouse" and was "tainted by the inexcusable conduct of one of its own executives...[former Deputy Assistant Secretary of the Interior] Julie MacDonald."

"The greater sage-grouse is the spotted owl of the Sagebrush Sea. It is the canary in the coal mine that is telling us that the sagebrush steppe ecosystem is in as much peril as old-growth forests," said Mark Salvo, Director of the Sagebrush Sea Campaign. "Livestock grazing, oil and gas extraction, pipelines, powerlines, roads, fences and sprawl are all combining to drive the greater sage-grouse toward extinction."

Judge B. Lynn Winmill, Chief of the U.S. District Court in Idaho, criticized the agency's curious application of science to the listing decision, at one point stating: "What an odd process. Right at the moment where the 'best science' was most needed, it was locked out of the room."

The Sagebrush Sea Campaign is a project of Forest Guardians and the lead petitioner to list the greater sage-grouse under the Endangered Species Act. Western Watersheds Project, a conservation organization in Idaho, initiated the lawsuit against the Fish and Wildlife Service. Advocates for the West represented the plaintiff organization in federal court.

Key excerpts from the federal court decision:

"Sage grouse populations have been in significant decline for decades. While the rate of decline has recently slowed, the sage-grouse's habitat is being subjected to accelerating threats from invasive weeds, fires, energy development, and livestock grazing. About one-half of the original area occupied by sage-grouse is no longer capable of supporting sage-grouse on a year-round basis." (p. 2)

FWS decision process, by excluding sage-grouse experts from the listing decision, "creates opacity when transparency is required." (p. 2-3)

"Furthermore, the FWS decision lacked a coherent analysis of habitat and the regulatory mechanisms and the regulatory mechanisms designed to protect the sage-grouse." (p. 3).

"Finally, the FWS decision was tainted by the inexcusable conduct of one of its own executives, Julie MacDonald, [whose] tactics included everything from editing scientific conclusions to intimidating FWS staffers." (p. 3).

"MacDonald had extensive involvement in the sage-grouse listing decision, used her intimidation tactics in this case, and altered the "best science" to fit a not-warranted decision." (p. 34)

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