

# SAN MIGUEL COUNTY

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## **Fish and Wildlife Service Document Reveals Tainted Listing Decision for Gunnison Sage-grouse**

### ***Biologists Recommendation for Protection Rejected by Political Appointee, Agency Managers***

A U.S. Fish and Wildlife Service memorandum filed at the Denver regional office provides new evidence that former Deputy Assistant Secretary Julie MacDonald, and the Fish and Wildlife Service Washington and Regional offices frustrated and prevented agency biologists from recommending that the Service list Gunnison sage-grouse as “endangered” or “threatened” under the Endangered Species Act

([www.sagebrushsea.org/pdf/FWS\\_region\\_6\\_JMcD\\_influence\\_memo.pdf](http://www.sagebrushsea.org/pdf/FWS_region_6_JMcD_influence_memo.pdf)).

Biologists at the responsible Field Office initially recommended that the grouse be listed as endangered and also identified critical habitat for the species. The June 21, 2007 memorandum indicates that the Washington and Regional offices first pressured the Field Office to change its recommendation from endangered to threatened, and then to drop the listing recommendation altogether and prepare a “not warranted” determination instead, even though “the Field Office still believed that listing as threatened was warranted”

([www.sagebrushsea.org/pdf/FWS\\_region\\_6\\_JMcD\\_influence\\_memo.pdf](http://www.sagebrushsea.org/pdf/FWS_region_6_JMcD_influence_memo.pdf)).

“We constantly hear calls for government decisions to be based on sound science, and so the evidence that Ms. MacDonald interfered with the scientific determination of the eligibility of the Gunnison sage-grouse for endangered status is truly disturbing,” said Art Goodtimes, a Commissioner for San Miguel County in Colorado.

Scientific, conservation and government accountability organizations previously documented the devolution of the agency’s listing proposal from “endangered” to “not warranted” in documents contained in the administrative record

([http://www.sagebrushsea.org/sp\\_gunn\\_grouse\\_interference.htm#macdonald](http://www.sagebrushsea.org/sp_gunn_grouse_interference.htm#macdonald)).

“This document confirms our fears that Gunnison sage-grouse did not receive fair and balanced consideration from the agency that is responsible for its protection,” said Mark Salvo, Director of the Sagebrush Sea Campaign. Gunnison sage-grouse populations have declined since the agency issued its not warranted determination in 2006.

The memorandum confirms that Ms. MacDonald, a Bush Administration appointee, had a lead role in prohibiting the Fish and Wildlife Service from protecting the Gunnison sage-grouse under the ESA. According to the FWS Field Office, “[i]n several conversations with the Washington Office and Regional Office, numerous comments were made that listing the Gunnison sage-grouse would not get through Ms. MacDonald...” MacDonald resigned last May, following the release of a report by the Department of Interior Inspector General documenting her misdeeds at the department, and just days before a Congressional hearing was scheduled to investigate political interference in ESA listing decisions ([www.sagebrushsea.org/sp\\_gunn\\_grouse\\_interference.htm](http://www.sagebrushsea.org/sp_gunn_grouse_interference.htm)).

A coalition of government, conservation and government accountability organizations filed litigation in federal court to compel the Fish and Wildlife Service to reconsider the not warranted listing determination for the grouse. The memorandum indicates that the Service at least considered settling the litigation out of court given the tainted decisionmaking concerning the grouse. The agency has already settled litigation over a similarly flawed listing decision for Gunnison prairie dog.

“We caught Interior red-handed in reversing a protective finding for the Gunnison's prairie dog, and the Service subsequently settled with us, promising a new petition finding by February,” said Nicole Rosmarino, Conservation Director of Forest Guardians. “The prairie dog and sage-grouse are part of a broader pattern of federal corruption and both are species on the brink.”

Plaintiffs in the Gunnison sage-grouse litigation include San Miguel County, Colorado, the Sagebrush Sea Campaign, Center for Native Ecosystems, Forest Guardians, The Larch Company, Sinapu, Center for Biological Diversity, Public Employees for Environmental Responsibility, Black Canyon Audubon Society and Sheep Mountain Alliance. The coalition is represented by Amy Atwood of the Western Environmental Law Center.

“Many entities are working together to give this species a chance at survival, but without the listing, the efforts are much weaker. We just want the Gunnison sage-grouse to get the protection it deserves,” says San Miguel County Commissioner and Gunnison sage-grouse working group member, Joan May.

The Gunnison sage-grouse is a distinct species from greater sage-grouse, identified by researchers as early as the 1970s and recognized as a new species by the American Ornithologists' Union in 2000. While its historic range may have included parts of Colorado, Utah, New Mexico, and Arizona, the species now occurs only in eight small populations in southwestern Colorado and southeastern Utah. Gunnison sage-grouse have experienced significant declines from historic numbers and an estimated 4000-5000 breeding individuals remain.

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