States Better Overseers of Greater Sage Grouse Habitat, Say Policy Experts

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May 19, 2015

An oversight hearing by a House committee Tuesday provided no conclusions about whether western states are more able to oversee dwindling greater sage grouse habitat, but there was plenty of grumbling by Republican members about federal oversight.

The House Committee on Natural Resources heard testimony from policy coordinators representing Colorado, Utah and Idaho, and the senior scientist for the Theodore Roosevelt Conservation Partnership on "Empowering State Management of the Greater Sage Grouse." The greater sage grouse, whose habitat is spread across 11 western states, faces a potential listing or a "not warranted" decision under the Endangered Species Act (ESA) by the end of September.

Chairman Rob Bishop (R-UT), who has fought federal authority over the grouse for years, said the Department of Interior, the U.S. Fish and Wildlife Service (FWS) and the Bureau of Land Management (BLM) already have made their case about why the greater sage grouse needs federal protection. It's the states' turn to make their case, he said.

"Cramming more species on a list or blocking land development...is not a measure of success," Bishop said. "Forty years ago the Endangered Species Act was passed with every good intention...But the reality is, less than 2% of the listed species are ever recovered..."

The greater sage grouse became a candidate for protection under the ESA in 2010, but following a court settlement in 2011, Interior agreed to delay a decision on listing until the end of September (see Daily GPI, Dec. 30, 2011). A Senate committee earlier this month heard testimony regarding several bills to amend the ESA, including one that would require federal regulators to recognize for at least six years state conservation plans for sage grouse (see Daily GPI, May 6).

The House hearing came one day after Interior announced a plan to innovate the ESA that would, among other things, more engage the states (see related story). However, states already are doing a heroic job to ensure the grouse habitat is protected, Bishop said.

"States are laboratories of innovation, something the feds cannot match," he said. Bishop has argued against federal interventions for the greater sage grouse for more than a decade (see Daily GPI, Nov. 24, 2004). "The states have not been sitting on the sidelines in this effort." Since 2011, the states have responded "in an unprecedented level" to protect habitat and have "come up
with programs that unfortunately, have been dismissed out of hand by the Fish and Wildlife Service...

"The only rationale [federal officials] give is that only somebody on the national level is smart enough, organized enough to do this. That is pure unadulterated balderdash and you know the word I'm thinking of and it isn't balderdash."

States are taking the potential ESA listing more than a little seriously, said John Swartout, senior policy adviser to Colorado Gov. John Hickenlooper. Working in collaboration with the FWS, Colorado biologists developed a comprehensive management plan for the grouse, he said.

"Additionally, Colorado's regulatory framework for energy development proactively engages our important oil and gas industry in helping to protect the greater sage grouse and its habitat. The Colorado Oil and Gas Conservation Commission's 1200-series rules require consultation with [state officials] whenever an operator seeks to develop energy resources in sensitive wildlife habitat," Swartout said.

The oil and gas industry "has complied with recommendations...97% of the time when seeking to develop projects in sensitive wildlife habitat."

Hickenlooper last week also stepped up protection efforts by issuing an executive order "that calls on state agencies to take further actions to reduce impacts to the greater sage grouse," Swartout said. "Those actions include increasing coordination with Colorado Parks and Wildlife, launching a market-based habitat exchange, taking inventory of, and improving habitat within state lands with grouse populations and strengthening the role of the Oil and Gas Conservation Commission."

State-led efforts, he said, "provide the most effective approach to protecting and conserving the species and its habitat..."

Kathleen Clarke, who directs the Utah Public Lands Policy Coordinating Office, agreed. She directed the BLM under President George W. Bush from 2001-2006. She claimed that only 3% of Utah's sage grouse population is affected by human activities, such as energy development.

Finding "common ground" with the federal land management agencies today is difficult, Clarke said. "I can tell you that sadly, there is a dichotomy developing between the State of Utah's collaborative planning process and a growing federal unilateralism. What started out as a promising partnership is becoming increasingly imbalanced and adversarial."

Utah, in partnership with federal agencies, has restored more than 560,000 acres of sage grouse habitat since 2006. The state's conservation strategies today focus mostly on wildfire suppression and rehabilitation, eliminating conifer encroachment and improving poor quality habitat, she told the committee.
"The science behind this work demonstrates that the birds will immediately use the rehabilitated lands once a project is complete," she said. "Yet, instead of this proven approach, the federal land agencies are intent on the creation of unnecessary zones of regulation, most of which will have no effect on the primary conservation issue -- more useable habitat -- or on reduction of the primary threats."

Ed Arnett, the senior scientist for the Theodore Roosevelt Conservation Partnership, was the only one who veered from giving more authority to the states. He testified that sportsmen support an ongoing collaboration between federal, state and local players on conservation plans for sagebrush habitat on federal lands. He also urged there be no delay in allowing FWS to make a decision one way or another about a listing. A prolonged delay, he said, causes confusion in how states and businesses should move forward.

"There can be no doubt that the best way to maintain state oversight of sage grouse and hundreds of sagebrush-dependent species is to keep this bird off of the endangered species list," Arnett said. "The Endangered Species Act is a tool of last resort, and for sportsmen, it certainly isn't the preferred vehicle for conservation. But it seems that the specter of an ESA listing has been necessary to drive the historic level of collaboration among federal land managers, state governments, private landowners and western stakeholders that is currently taking place on behalf of the greater sage grouse."

Although he didn't appear before the panel, James D. Ogsbury, executive director of the Western Governors' Association weighed with submitted testimony.

"All 11 greater sage grouse states have developed state conservation plans for the bird and invested millions of dollars in conservation and research," Ogsbury wrote. He pointed to collaborative, state-led conservation that kept the distinct bi-state sage grouse in California and Nevada from being listed (see Daily GPI, April 28).

"Over 60% of greater sage grouse habitat is on federal lands," he said. "Federal agencies, as partners, should do their share by proactively addressing habitat needs such as invasive species control, rangeland fire preparedness, and site restoration and rehabilitation. Implementing such measures allows federal agencies and others to better protect the landscape under a range of circumstances and conditions...

"FWS should fully recognize the voluntary conservation efforts of states together with local governments, federal agencies, conservation districts, private landowners, industry and nonprofits. These efforts, if allowed to run their course, will provide greater sage-grouse with the necessary habitat to live and thrive.

Ranking House Committee member Raul Grijalva (D-AZ) said it was strange that no one from the Obama administration had been invited to testify, particularly members of BLM and FWS, which manage sage grouse habitat. He also questioned why there was no biologist to offer the "best available science on whether the bird warrants protection."