



## Agency steps back on bird

By Dennis Webb  
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The U.S. Fish and Wildlife Service is reconsidering its proposal to list the Gunnison sage-grouse as endangered, weighing instead a threatened species designation that would provide greater flexibility in how the bird is managed.

In addition, the Bureau of Land Management has agreed to update its resource management plans within the range occupied by the species “to beef up protections,” said Erik Molvar, a wildlife biologist with the conservation group WildEarth Guardians.

He said that agreement is a condition under which WildEarth Guardians decided not to oppose a request by the federal government that a court extend the U.S. Fish and Wildlife Service’s listing decision deadline until Nov. 12. That deadline is currently May 12 under a prior court order as part of a settlement of a suit in which WildEarth Guardians sought to expedite Fish and Wildlife listing decisions on hundreds of species.

The Gunnison sage-grouse population is estimated at 5,000. It is concentrated mostly in Gunnison County, but also is found in Mesa County and elsewhere in western Colorado, and in Utah.

On April 25, U.S. Sens. Mark Udall and Michael Bennet, D-Colo., and U.S. Rep. Scott Tipton, R-Colo., wrote to Fish and Wildlife Service director Dan Ashe, asking for an extension of the May 12 deadline.

“We feel that additional time is needed to consider recent and ongoing local habitat conservation efforts,” they wrote, adding that issuing a decision by May 12 would likely trigger protracted litigation.

Gov. John Hickenlooper also sought an extension. The state opposes a federal listing for the bird, instead favoring a continuation of conservation efforts involving Colorado Parks and Wildlife, local landowners and governments, and others.

In the court motion Fish and Wildlife and the Interior Department filed Monday seeking more time, they said that while Fish and Wildlife had proposed listing the Gunnison sage-grouse as endangered, based on new information it “may conclude that the Gunnison sage-grouse is not presently in danger of extinction throughout all or a significant portion of its range (endangered),

but that it is likely to become endangered throughout all or a significant portion of its range in the foreseeable future (threatened).”

In that case, it may decide to propose a special rule applicable only to threatened species, that “could be paramount in order to provide measures that are specifically tailored to the conservation needs of the Gunnison sage-grouse and to avoid unnecessary public confusion as to expectations of what type of actions may be prohibited upon listing,” the motion states.

Such rules take the place of normal protections under the Endangered Species Act and can be used to relax normal restrictions to reduce conflicts between people and those protections. In other cases they can result in increased protections.

Said Molvar, “We continue to believe that the appropriate designation here is endangered, not threatened.”

A court order on the extension request is pending. Molvar said WildEarth Guardians agreed not to oppose the request following negotiations with Fish and Wildlife and the BLM. One result was the agreement by the BLM to amend its management plans, he said.

“Certainly the BLM’s current plans are woefully inadequate in their Gunnison sage-grouse protections and a plan amendment is long overdue,” he said.

BLM representatives could not be reached for comment on the issue late Monday afternoon. The BLM has been undertaking land-use amendments in areas containing the greater sage-grouse, including northwest Colorado, in hopes of keeping that species from being listed for protection. Some of the restrictive measures the BLM has proposed have caused considerable concern among oil and gas, recreation and other interests.

Lisa Dale, assistant director of parks, wildlife and lands for the Colorado Department of Natural Resources, said there’s widespread agreement that the Gunnison County sage-grouse population is stable, but some satellite populations are more fragile and the BLM may be reconsidering how to manage some of those habitats.

John Swartout, a policy advisor to Hickenlooper focusing on sage-grouse issues, applauded the work of federal lawmakers on the issue and the prospect of a six-month extension.

“More time is good. It gives us more time to make the case” that a federal listing isn’t warranted, he said.