

County joins legal sage grouse challenge

By Matthew Beaudin

San Miguel County will soon join several conservation agencies in federal court, contesting the U.S. Fish and Wildlife's decision in April to omit the Gunnison sage-grouse from its Endangered Species List.

That decision also ruled out awarding the bird threatened status. In addition, the bird has been removed from its current place on the candidate list, which serves as a holding pattern for the Fish and Wildlife Service to review certain species or is used when the agency is unable to list species on the threatened or Endangered lists due to other priorities.

The decision to join the group suit comes from the San Miguel County Board of County Commissioner's desks, as the commissioner's felt that the exclusion of the bird - which numbers fewer than 400 in San Miguel County - was drafted without, what a press release stated was, "the best available scientific information."

"This is a final decision by the Fish and Wildlife service as to whether the species deserves protection," said Amy Atwood, lead council on this case at the Western Environmental Law Center. "We see this as a bad science decision."

Findings in the federal report indicated that the bird's populations had held steady, based on a form of population projections called lek counts. A lek is a population of birds, and in this case only the males were counted.

It's that science that some have shelled and that the lawsuit seeks to question. The case will be heard in a federal court in Washington D.C. - the same place two other cases over the listing decision were heard.

But this cause is more substantial than the others, as it aims to add the bird to a federally protected list whereas the other two were mismanagement complaints. Both verdicts thus far have erred in the favor of the birds; one was won and another settled.

Atwood also said she thought previous case law and the Endangered Species Act would lead to a victory.

In April, when the Fish and Wildlife Service decided against listing the Gunnison sage-grouse, the agency stated that the plight of the bird - experts estimate its total population between 3,000 and 4,000 - was not of such magnitude that it merited a listing.

Bureau of Land Management officials, meanwhile, said protections for the bird would still be adhered to.

The county will join the Sagebrush Sea Campaign, the Center for Biological Diversity, the Center for Native Ecosystems, Forest Guardians, the Larch Company, Public Employees for Environmental Responsibility and Sinapu as co-plaintiffs. San Miguel County is the only government entity involved in the suit. Atwood said cases of this nature do not usually involve municipal clientele.

"They feel like this decision was wrong and that they were running out of time," Atwood said.

The bird exists in seven regions, six in southwest Colorado and one in both Colorado and southeastern Utah, and was recognized as a separate species from the more common northern sage-grouse in 2000.