



## Grouse decision, take-two Feds admit '06 ruling was tainted; ESA again under consideration

*Michelle Burkhart*  
*Times Staff Writer*

A question that has loomed over the Gunnison Valley for more than a decade has come to another tipping point. The federal government has announced its intention to consider the Gunnison Sage-grouse for listing under the controversial Endangered Species Act (ESA), once again.

On Monday, the U.S. Fish and Wildlife Service (FWS) alerted the U.S. District Court in Washington, D.C., that it would like to take back its decision not to list the Gunnison Sage-grouse -- made in April of 2006.

The decision comes on the heels of a second report released by the Inspector General for the Department of the Interior. It found that former Deputy Assistant Secretary of the Interior Julie MacDonald and other Bush Administration officials interfered with biologists' decision-making for multiple endangered species, including the Gunnison Sage-grouse.

"In light of the Inspector General's report and (a) pending lawsuit, the U.S. Fish and Wildlife Service determined that it was appropriate to seek a remand of the determination," explained FWS spokeswoman Diane Katzenberger.

The agency will conduct another biological status review of the bird, referred to as a 12-month fact-finding process, she said.

"We will look at the abundance, distribution, trends and threats to the species and determine whether or not the Gunnison Sage-grouse should be listed," she said -- noting that the review would include both new and old information.

"We will solicit new information from the public, from academia, from the Fish and Wildlife Service and from the states -- asking them to provide any information that might be helpful in this consideration," she explained.

Such a review usually takes 12 months to complete, but she said the FWS will negotiate with the plaintiffs of the lawsuit to determine a deadline for the new listing decision.

In November 2006, San Miguel County and a coalition of environmental organizations sued the FWS over its denial of federal protection for the bird. Evidence was already available at that time that pointed toward MacDonald and other officials interfering with scientific findings.

Western State College Associate biology professor Jessica Young, who is a leading biologist on the Gunnison Sage-grouse, said a second look at the decision is necessary.

"While federal listing is a controversial measure, I believe that the citizens and the species deserve a process in which the science is gathered and utilized appropriately and is not impeded or maligned by politics," she said. "Clearly, the two Inspector General reports and the peer reviews ... suggest flaws with (the last) analyses and possible political interference with the listing decision process."

Tomichi Creek rancher Greg Peterson said he was disappointed in the recent news. He opined that plaintiffs in the lawsuit are using the ESA as "a tool to get cattle off federal lands."

If the bird is listed, the impacts to ranchers could be detrimental, he said. Such a decision could lead the federal government to reduce allowances for grazing on public lands. This, in turn, would increase pressure on private lands -- degrading those landscapes and, ultimately, pressuring ranchers to consider selling their land for development, due to financial difficulties, he said.

He also believes that a loss of local control could break-down the collaborative relationships that have been built locally in the last 15 years -- as area stakeholders have tried to preclude the need for an ESA listing of the bird by taking measures to protect it.

"I'm not as likely to be as cooperative under a federal listing," he said. "It becomes more of a defensive posture, because there's no incentive to work cooperatively with destiny written on the wall."

Gunnison County Wildlife Coordinator Jim Cochran said he hopes the FWS will take into consideration efforts that have taken place to protect the bird's habitat, including county sage-grouse regulations.

Katzenberger said the agency would review such efforts to determine their effectiveness.

In addition to San Miguel County, plaintiffs in the current litigation include Audubon, Black Canyon Audubon Society, Center for Biological Diversity, Center for Native Ecosystems, The Larch Company, Public Employees for Environmental Responsibility, Sheep Mountain Alliance and WildEarth Guardians. No local groups or organizations joined the lawsuit.

Amy Atwood, senior attorney with the Center for Biological Diversity and one of the attorneys in the litigation, said, "It is promising that the Department of Interior has apparently realized that defending Julie MacDonald's antics in this matter would be a waste of resources, and has voluntarily gone back to the drawing board."

Dr. Clait Braun, former avian research program manager for the Colorado Division of Wildlife said, "It is time to move forward to benefit Gunnison Sage-grouse and the habitats they depend upon before it is too late for some populations to recover."

(Michelle Burkhart can be contacted at 970.641.1414 or [michelle@gunnisontimes.com](mailto:michelle@gunnisontimes.com))