

The Energy 202: Pentagon eases into squabble with Congress over sage grouse

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THE LIGHTBULB



A male sage grouse tries to impress a group of hens, at left, near the base of the Rattlesnake Range in 2014 in southwest Natrona County, Wyo. (Alan Rogers/The Casper Star-Tribune via AP, File)

There are few provincial issues in the American West that create dust-ups back in Washington in the same way as a chicken-like bird called the greater sage grouse.

The latest pecking match is happening in Congress. There, House Republicans attached a [provision](#) to a defense reauthorization bill preventing that bird from being declared endangered for the next 10 years. Democrats in

the chamber [are responding](#) by denouncing that and other "anti-environmental provisions" as "unrelated to military readiness."

Now the Pentagon itself is weighing in — at least informally. Its answer: What does this bird have to do with the U.S. military?

According to an "informal view" sent by the Defense Department to members on Capitol Hill, the Pentagon "objects to the House provision and urges its exclusion" from the National Defense Authorization Act, a bill that sets military priorities.

The Pentagon said blocking the sage grouse from being placed on the endangered species list "misleadingly implies that the DOD has had or may have difficulty managing for these species without degrading military testing or training." The department added that the provision "may undermine" its relationship with federal and state wildlife authorities.

The office of House Natural Resources Committee Chair Rep. Rob Bishop (R-Utah), who submitted the sage-grouse amendment, noted that past assessments by military branches have determined that protecting the sage grouse could hamper readiness. In 2015, for example, the U.S. Army [determined](#) that officially listing the bird as endangered would limit access to training grounds in Nevada, Utah, Washington and Wyoming.

"You can't argue with facts clearly documented by the service branches," Bishop spokeswoman Kristina Baum said. "This will impact training and readiness, and Congress has an obligation to finally address the threat through the NDAA."

The document outlining the Pentagon's informal view on the provision was obtained by The Washington Post and confirmed by a Senate staffer. Although

the Defense Department declined to confirm the document, Pentagon spokeswoman Michelle Baldanza said the military "periodically provides informal input to Congress on proposed legislation. Sometimes this is done by request, and sometimes it is proactive."

By contrast, she said, the official opinions of the Pentagon are signed off on by the White House Office of Management and Budget.

John Conger, a former principal deputy under secretary of defense under President Barack Obama, said the Pentagon usually prefers such "non-germane" riders stay off the annual defense bill because "they want it passed in a timely fashion." House and Senate leaders will hammer out the differences between the chambers' versions of the NDAA in conference committee.

Much to the chagrin of oil and natural gas drillers, the Obama administration put protections in place for the sage grouse to keep energy infrastructure from fragmenting its habitat. Now environmentalists are enraged that Obama's successor, President Trump, is trying to unravel that conservation plan.

But that Obama-era policy was a compromise between federal bureaucrats and western leaders. The federal government would regulate drillers, miners and ranchers in exchange for not listing the sage grouse as endangered and bringing to bear even stricter rules for businesses working in the sage brush.

For that reason, some western governors are worried that reversing this particular Obama policy could backfire. Should Trump lose reelection, a new Democratic administration may push ahead with declaring the bird endangered.

However, if successfully added to the defense bill, Bishop's provision would stop the president after Trump from doing that.

Republicans in Congress, led by Bishop, are [pursuing](#) major revisions to the 1973 law by pitching bills they say will modernize what has done little to help rehabilitate species. Just this month, Bishop's Senate counterpart, Environment and Public Works Chair Sen. John Barrasso (R-Wyo.), [proposed](#) legislation granting states a greater role in the process.

Democrats say those efforts are simply a way to aid industries that do not like the law.