

Grand Junction (CO) Daily Sentinel, Jan. 13, 2021, <https://www.gjsentinel.com/news/blm-affirms-sage-grouse-plans-that-court-has-barred-implementing>

## BLM affirms sage-grouse plans that court has barred implementing

- [By DENNIS WEBB Dennis.Webb@gjsentinel.com](mailto:Dennis.Webb@gjsentinel.com)
- Jan 13, 2021 Updated 2 hrs ago

The Trump administration has affirmed its 2019 Bureau of Land Management greater sage-grouse land use plans for Colorado and other states.

But still to be determined is what effect, if any, the action will have on management of sage-grouse habitat.

The BLM said in a news release Monday that its determination not to revise the plans following additional review represent its response to issues identified in an October 2019 order by a federal judge in Idaho that placed a preliminary injunction barring implementation of the plans.

Judge B. Lynn Winmill ruled among other things that the BLM failed to take a hard look at the environmental impacts of its new plans or their cumulative impacts, or consider reasonable alternatives. The BLM and Interior Department have said the additional analysis it undertook was intended to address those concerns by providing clarification and more detail about what went into the plans and the 2015 Obama administrations plans they were meant to replace.

Winmill's ruling meant the BLM was again bound by the 2015 plans, which govern things such as oil and gas development and livestock grazing. Michael Saul, a senior attorney with the Center for Biological Diversity, a party to the litigation, said the 2015 plans continue to remain in effect even after the Trump administration determination.

He contends the BLM didn't really do any new analysis but just reiterated its previous argument to the court that it is in the right. President-elect Joe Biden is to be inaugurated in a week, and Saul said that as of Tuesday the Trump administration has filed nothing in court asking for further consideration based on its new determination.

"So this looks to me really just sort of like a last-minute symbolic parting shot at the sage-grouse by the departing administration, but I don't think it has any legal effect," he said.

Saul hopes that the Biden administration will take a fresh look at how to best recover the greater sage-grouse's population numbers. He said he is optimistic that administration will include new leadership at the Interior Department, BLM and U.S. Fish and Wildlife Service "that takes their conservation and multiple-use mission seriously and listens to scientists and the public as well as ... extractive industries."

Tripp Parks is vice president of government affairs for the Western Energy Alliance oil and gas trade association, an intervenor in the sage-grouse case. He said in a statement that "the 2015 plans will remain in place unless and until Judge Winmill approves of the 2019 plans and the supplemental environmental reviews that were completed late last year.

The Biden administration will have the opportunity to reexamine both the 2015 plans and the 2019 plans, as both are currently subject to litigation, and they will have to decide whether to defend one or both of them in court.

“It’s also possible they could decide to initiate a new environmental review process, but as we’ve seen with the Trump Administration that effort would take years to complete, and would almost certainly be subject to further lawsuits.”

The BLM adopted the 2015 conservation plans as part of a successful effort to persuade the Fish and Wildlife Service that the bird didn’t warrant listing for protection under the Endangered Species Act. The litigation over the 2019 plan is a continuation of a legal challenge by conservationists of the 2015 plans, who contend they weren’t sufficient to protect greater sage-grouse. They say the 2019 plans are weaker yet.

Colorado’s plan is limited to northwest Colorado, the part of the state where the bird is found. The 2019 Colorado plan sought to open about 350 square miles to oil and gas leasing that the 2015 plan had closed, within a mile of grouse spring mating grounds, called leks. However, surface development on that acreage by energy companies would be prohibited.

The BLM says the 2019 plans were adopted following coordination with states who primarily manage wildlife, and are better aligned with state plans for conserving greater sage-grouse.

It said in its release that in deciding not to change its plans it affirmed “the collaborative process begun under the leadership of Secretary of the Interior David Bernhardt to develop sage-grouse plans that reflect the needs of Western communities and sagebrush-steppe habitat.”

The BLM also says it continues to prioritize efforts to conserve greater sage-grouse by restoring sagebrush habitat, investing more than \$37 million in the 2020 fiscal year restoring such habitat on 584,000 acres of public lands.