



*Bringing back the birds*

## Legislation Threatens Greater Sage-Grouse Conservation

American Bird Conservancy (ABC) strongly supports existing regional grouse conservation plans as well as follow-up policies to the Bureau of Land Management's planning initiative, including the proposed 10-million-acre mineral withdrawal, prioritized grazing-permit renewal for sagebrush focal areas, public disclosure of soft and hard trigger reviews, and application of a no-net-loss mitigation policy.

The grouse's 2015 not warranted finding was based largely on the federal management plans being fully implemented, including the adaptive management process. Legislation has been introduced in the House and Senate (S. 273/H.R. 527) that would undermine Greater Sage-Grouse conservation by allowing adoption of weaker conservation measures for managing grouse habitat, exempting the grouse from Endangered Species Act (ESA) protection for ten years, and halting the proposed mineral withdrawal for the most important grouse habitats. A more detailed review is below.

**It is essential the federal conservation plans be kept in place and that Greater Sage-Grouse not be exempted from the ESA. Please express your support for a strong ESA and to help make the sage grouse initiative a success by opposing S. 273/HR 527.**



### **S. 273 -- The Greater Sage-Grouse Protection and Recovery Act of 2017**

The stated purpose of the S. 273, the Greater Sage-Grouse Protection and Recovery Act of 2017 is to implement and demonstrate the efficacy of state management plans for the protection of recovery of

Greater Sage-Grouse. The state management plans are inadequate for the conservation of Greater Sage-Grouse and inappropriate for management of federal lands which are owned by all Americans. Moreover, there is considerable debate about conservationists as to whether the federal plans they would replace are sufficient to recover grouse populations. Adopting an even weaker standard is a recipe for likely grouse declines in the future.

Sec. 4 (a) (1) would prohibit any action affecting the grouse ESA not-warranted finding until Sept. 30, 2027. This moratorium on listing, would also prevent the planned status review in 2020. This review is essential to assess the status of the grouse population and efficacy of conservation measures. This provision infers that the grouse will be doing fine until 2027 whether it is or not.

Sec. 4 (a) (3) states that the conservation status of the grouse is such that it does not warrant listing under the ESA. Listing needs to be based on an assessment of the population status and best available science. This provision legally mandates that under the ESA the grouse is doing fine whether it is or not.

Sec. 4 (b) (1) grants extraordinary authority to Governors over federal lands in the states they govern. The Governor may notify the BLM or Forest Service that it may not make or amend any land management plans for five years. This has the potential to nullify the proposed mineral withdrawal in sagebrush focal areas.

Sec. 4 (b) (2) applies this power retroactively to June 1, 2014. This would allow Governors to overturn the grouse conservation measures in the federal management plans deemed inconsistent with state plans, and replace them with the weaker conservation measures found in state plans. Sec. 4 (b) (3) states that if there is any disagreement regarding whether a measure is inconsistent with the federal plan shall be decided by the Governor of that state.

Sec. 4 (c) waives National Environmental Policy Act protection for grouse from any federal action that is consistent with a state plan. Remarkably, it states that any analysis or conclusions regarding sage grouse or its habitat shall not have a preclusive effect on the approval or implementation of the federal action in that state. So no matter how great the negative impact a project to grouse or habitat, projects consistent with state plans can still be approved.

Sec. 4 (e) waives judicial review for any determinations under subsection (b)(3), granting to Governors tremendous power and discretion regarding management of federal lands.