



C.L. "BUTCH" OTTER
GOVERNOR

NEWS RELEASE

FOR IMMEDIATE RELEASE:

September 25, 2015

15:061

CONTACT: Jon Hanian

(208) 334-2100

GOVERNOR OTTER, LEGISLATURE SUE FEDS OVER FLAWED PROCESS BEHIND SAGE-GROUSE DECISION

(BOISE) – Governor C.L. "Butch" Otter and the Idaho Legislature filed a lawsuit today challenging the federal government's failure to stick to a transparent, collaborative process in setting new land-use restrictions on greater sage-grouse habitat in Idaho and other states in the West.

Interior Secretary Sally Jewell announced on Tuesday that listing sage-grouse under the Endangered Species Act (ESA) was "not warranted." But Governor Otter and other Idaho stakeholders contend the process behind amendments to federal land-use plans aimed at protecting the birds imposed unprecedented and unnecessary restrictions on Idaho farmers and ranchers, sportsmen, recreationists, employers and others.

"We didn't want an ESA listing, but in many ways these administrative rules are worse. This complaint is an unfortunate but necessary step to protect the rights of Idaho citizens to participate in public land decisions that will impact their communities, their economy and their lives," Governor Otter said. "Our people deserve to be involved in development of critical land-use plans that will responsibly address the most serious threats to Idaho's sage-grouse population – wildfires and such invasive species as cheat grass that are fueling them."

The Governor contends the flawed amendment process by the Bureau of Land Management and U.S. Forest Service effectively undermined years of open and partnership-driven work by local and State leaders and other stakeholders. Their goal was to avoid the potentially draconian impacts of a "threatened" or "endangered" ESA listing for sage-grouse.

Then-Interior Secretary Ken Salazar asked Idaho and ten other western states in 2011 to develop and submit state-based conservation plans for incorporation into a National Sage-Grouse Planning Strategy primarily focused on updating nearly 100 federal land-use plans. Governor Otter responded by gathering a diverse Idaho sage-grouse task force and submitting a consensus- and science-based Idaho alternative.

Once the Idaho plan was submitted, the federal government ended collaboration and turned to developing a national solution that includes new and tougher land-use restrictions. Interior Department officials contend the last-minute, closed-door effort was necessary to prevent a sage-grouse listing decision. The lawsuit filed today in U.S. District Court in Washington, D.C., alleges the federal government violated the law by failing to complete the federal planning process in an open and transparent manner, or to complete a necessary analysis of the newly ordered land-use restrictions. The full complaint can be found [here](#).

“Under a collaborative framework that included industry, the conservation community, and state and federal experts, we achieved something pretty remarkable for sage-grouse and the citizens of Idaho through our planning effort,” said Dustin Miller, administrator of the Idaho Office of Species Conservation. “Unfortunately, the Interior Department has chosen to ignore our local efforts and replace them with top-down and unnecessary restrictions through the land-use plans that weren’t properly vetted with the states and the public.”

Idaho Department of Fish and Game Director Virgil Moore said, “Idaho’s conservation actions and science support keeping sage-grouse off the Endangered Species list. But U.S. Fish and Wildlife Service leaders recently stopped using science and common sense when it came to identifying sage-grouse habitat for federal land managers. The Service ignored Idaho sage-grouse experts and arbitrarily designated thousands of additional acres as sage-grouse strongholds when they don’t even contain sage grouse habitat. Unfortunately the Forest Service and BLM relied on flawed information in making their land-use decisions for Idaho. It’s important we focus sage-grouse conservation on habitat and actions that really matter.”

“The Idaho Legislature values sage-grouse and their habitat; but we also value the people who use the land and make their livelihood there,” Idaho Senate President Pro Tem Brent Hill said. “Idaho developed a plan that conserved sage-grouse and its habitat while maintaining predictable levels of land use, but the federal government rejected it. It is imperative that we defend our plan and Idaho’s way of life.”

“Dwight Eisenhower said, ‘Farming looks mighty easy when your plow is a pencil and you’re a thousand miles from the corn field.’ His admonition rings particularly true regarding the Obama administration’s heavy-handed sage-grouse mandates on millions of acres of western land that have no impact in Washington, D.C., but make a world of difference to us here in Idaho,” Idaho House Speaker Scott Bedke said.

“Secretary Jewell, and Secretary Salazar before her, promised a transparent public process, but in the end they imposed unnecessary land management policies that have little or nothing to do with the birds – all developed during closed-door sessions with no input from Idahoans who have worked hard on our state management plan,” Bedke said. “That’s the kind of thing that leaves Idahoans not only questioning the process but doubting the Obama administration’s intentions. These additional burdensome measures seem to speak to something besides the protection of sage-grouse. I appreciate the Governor’s leadership in challenging them.”

###

FREQUENTLY ASKED QUESTIONS

Q: Why is Governor Otter suing when the Fish and Wildlife Service (Service) determined that the species did not warrant protection under the Endangered Species Act?

A: While the Governor is supportive of the decision to not list greater sage-grouse under the Endangered Species Act (ESA), he does not support the process used in arriving at that decision. The Governor is not suing over the “not warranted” decision on an ESA listing. Instead, the Governor is suing over the BLM’s and Forest Service’s recent adoption of land-use plan amendments that include new overly restrictive conservation measures for sage-grouse that were developed late in the process in Washington, D.C. This was done without proper analysis and vetting by the states or the public. The process used by the federal government in developing the last minute changes to the land-use plans is legally flawed. The Governor and the State of Idaho were key collaborators in the land-use plan amendment process until they were shut out late in the process. Through this legal challenge, the Governor intends to protect the integrity of the process and the rights of Idaho citizens.

Q: What are the Governor’s claims against the sage-grouse land-use plan amendments?

A: In short, the land-use plan amendments are illegal because they violate the federal agencies’ mandate to manage public land for multiple-use, which includes recreation, resource development, fish and wildlife, and livestock grazing. In an effort to get to a “not-warranted” listing determination, the federal government earlier this year developed a new land-management scheme focused on addressing impacts to secondary threats to sage-grouse. Unfortunately, the federal agencies failed to properly analyze the impacts of last-minute changes to the land-use plan amendments and failed to comply with the law requiring public vetting of these actions.

Q: Weren’t the Governor and the State of Idaho instrumental in developing the sage-grouse land-use plan amendments?

A: In 2012, at the invitation of then Secretary of the Interior Ken Salazar, Governor Otter assembled an Idaho Sage-Grouse Task Force to assist in developing a sage-grouse conservation plan for federal lands. The plan was developed using the best available science, Idaho’s best sage-grouse biologists and a diverse group of stakeholders. The plan was tailored to meet the unique needs of the state while focusing on the primary threats to sage-grouse in Idaho, which are invasive annual grasses and wildfire. Ultimately, the major elements of the Governor’s plan were approved by the Fish and Wildlife Service and the plan included as a co-preferred alternative within the federal land-use plan amendment process in Idaho.

Years of negotiation and collaboration between the Governor’s Sage-Grouse Task Force, the State and federal agencies at both the local and national levels produced a locally developed solution based on the Governor’s Plan and driven by the best available science. This collaborative approach had the potential to serve as a model for future conservation efforts.

Unfortunately, the collaborative process ended in early 2015 when federal officials in Washington, D.C. unilaterally developed additional land-use restrictions for secondary threats in Idaho and other states. These additional restrictions only serve to divert the federal agencies’ limited resources away from combatting primary threats such as wildfire and invasive species.