



MINING LAW

Sandoval calls for changes in sage grouse mining rule



17 HOURS AGO • SCOTT SONNER ASSOCIATED PRESS

RENO (AP) — The governor of gold-rich Nevada is pressing the Obama administration to alter its sage grouse protection plan to free up thousands of mining claims by shrinking the restricted area in exchange for making other unprotected areas off limits, restoring burned out rangeland and reining in wild horse herds.

Gov. Brian Sandoval maintains his alternative would exclude only about 6 percent of the federal land the government has temporarily withdrawn from future mineral development in Nevada, where previously unverified mining claims are effectively frozen across 4,200 square miles — a swath nearly as large as the state of Connecticut.

The moderate Republican wants to swap about one-fifth of the withdrawn area, some 555,000 acres, for 394,000 alternative acres he says contain higher quality habitat more critical to the survival of the imperiled bird, according to interviews with his aides and documents obtained by The Associated Press.

Interior Secretary Sally Jewell decided in September the greater sage grouse didn't warrant Endangered Species Act protection across 11 western states, where its numbers once totaling an estimated 16 million have dwindled to 200,000 to 500,000.

But almost simultaneously, the Forest Service and Bureau of Land Management adopted new regulations restricting development around grouse habitat that some critics say are just as onerous for ranchers, miners and others.

Jewell also initiated a 2-year ban on new mining exploration in grouse habitat while the government studies whether tens of thousands of square miles across the West should be withdrawn from potential "mineral entry" for another 10 years.

In a Jan. 15 letter to BLM Director Neil Kornze, Sandoval argued a more effective way to protect the chicken-sized bird is to step up wildfire restoration and reduce "out-of-control" mustang populations. He says there's no scientific basis for the mining withdrawal, but asks that if necessary, it be limited to a maximum of five years. He also urged federal officials to clarify their "confusing" definition of "valid existing claims," which Jewell insists are exempt.

In detailed comments attached to the letter, Sandoval's office outlined the plan he says would protect 49 additional leks — the bird's traditional breeding grounds — while dropping protection of five others in the government blueprint.

Slightly shifting protection boundaries based on new maps would release all but 1 percent of the 3,726 mining claims currently in limbo in the biggest U.S. gold-producing state, he said.

"Nevada has developed maps that propose better boundaries that take into account existing mining operations and exploration activities that are crucial to the economy of Nevada and the nation," Sandoval wrote.

BLM Nevada spokesman Stephen Clutter said the agency appreciates Sandoval's "leadership on this issue."

"We will certainly give serious consideration to these ideas as well as the other scoping comments we have received," Clutter said.

Sandoval joined Jewell at her listing announcement in Denver in September, and started lobbying her directly on alternative approaches during an hour-long private meeting at a Western Governors' Association meeting in Las Vegas in December.

His refusal to join a lawsuit intended to block implementation of all new grouse protections — backed by his fellow GOP Attorney General Adam Laxalt — has drawn the ire of rural leaders who fear the regulations could put mines and ranches out of business. But last month, U.S. District Judge Miranda Du refused to grant a temporary injunction freezing the rules, which means a trial won't begin in Reno before mid-summer.

Sandoval maintains that offering reasonable, detailed alternatives is the only realistic way to win any relief, especially for mining companies in Nevada with claims at varying stages of development. He believes the government's plan "will not be able to show any measurable results except for the demise of the mineral exploration industry in Nevada."