



Nevada counties cry foul over Sandoval-Jewell grouse deal



23 HOURS AGO • BY SCOTT SONNER ASSOCIATED PRESS

RENO (AP) — It sounded like one of those win-win situations that are so hard to find when divvying up public lands in the West.

A rural Nevada town near the Utah line would get to build their new water storage tank, and federal land managers would make sure it was done in a way that didn't harm sage grouse in the high desert nearby.

But now county officials are crying foul.

They say they were snookered by a deal — privately brokered by Republican Gov. Brian Sandoval and U.S. Interior Secretary Sally Jewell — that is impossible to carry out given a tiny four-month window for construction otherwise prohibited during breeding and nesting seasons.

Lawyers for White Pine, Elko, Eureka and six other Nevada counties say it proves that the Bureau of Land Management planning amendments the Obama administration insists are necessary to continue to keep the bird off the list of endangered species are both illegal and impractical.

"The one size-fits-all seasonal constraints ... mean that in situations like this where BLM must balance sage-grouse protection with public health and safety, the agency's hands are tied," they said in federal court filings in Reno this week.

The counties suing to void the protections lost a bid earlier this month for a temporary restraining order blocking their implementation. But the case continues before U.S. District Judge Miranda Du — who since her appointment in 2012 has inherited several cases involving similar conflicts.

Sandoval, a former U.S. judge who sat on the Reno bench before he was elected governor in 2010, knows how long such litigation can drag out.

Since 1999, Elko County has been waging a legal battle with the Forest Service over protection of a threatened fish and ownership of a road in a national forest near the Idaho line. And for more than a decade, the government, ranchers and wild horse protection advocates have locked horns over roundups of mustangs in Nevada.

Sandoval has urged a more cooperative approach in trying to work with the administration since Jewell announced in September she was denying the greater sage grouse protection under the Endangered Species Act. He criticized his own attorney general, Republican Adam Laxalt, for backing the counties' lawsuit.

Sandoval met privately with Jewell for more than an hour at the Western Governors' Association annual meeting in Las Vegas on Dec. 4, then told reporters during a hastily called news conference that night they had reached agreement on a number of fronts, including the water tank in Baker.

Laura Granier, lead attorney for the counties, said Baker and White Pine County officials were kept in the dark until the two politicians announced to the media they had "negotiated a resolution."

"Secretary Jewell and Governor Sandoval have orchestrated what at first appeared to be the ... happy ending to a vexing situation for BLM," she wrote in a brief filed Wednesday. "However, upon closer examination, BLM's fast-tracked ... amendment contains rigid and unworkable seasonal constraints that impose several months of delay and only give Baker four months to complete a 12-month project."

Officials in neighboring Eureka County say the side deal on the water tank does nothing to address concerns about the impact of grouse protections on their own water development plans. They urged Sandoval join the lawsuit intended to force the government to develop a protection scheme based on plans developed in the 11 individuals states where the grouse lives from California to the Dakotas.

"It is simply impossible, as well as counter to a legally acceptable process, for the governor to address the legion of outstanding concerns and issues through a post-process private and unilateral dialogue," the Eureka County Resources Advisory Commission said in a statement. "How many individual closed-door meetings addressing problems piecemeal, rather than getting to the heart of the flawed process, can we expect?"

Sandoval said late Thursday he has not ruled out joining the suit "if we do not achieve our desired outcomes."