

Rural counties lose battle to block federal sage grouse regs

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December 8, 2015 - 10:16pm

CARSON CITY — A federal judge Tuesday denied a preliminary injunction seeking to block federal land use regulations [intended to protect sage grouse](#).

U.S. District Judge Miranda Du, in a 16-page order, said the plaintiffs failed to show the likelihood of [irreparable harm if the rules imposed in September take effect](#).

The lawsuit, filed initially by Elko and Eureka counties and two mining companies, argued the rules would cause tens of millions of dollars in economic losses.

It was filed the day after the Department of Interior announced sage grouse would not be listed under the Endangered Species Act, but critics argued that the amended land use regulations adopted instead were just as onerous to rural economies.

Nevada Attorney General Adam Laxalt and seven other counties later joined the suit, but were not allowed to argue on the motion for a preliminary injunction.

The case is expected to go to trial next year.

Du's ruling was not unexpected. During a two-day hearing last month, she warned the counties they had a high hurdle to clear to block the new regulations. She reiterated that in her ruling.

"Because plaintiffs fail to meet their burden of demonstrating a likelihood of irreparable harm in the absence of the requested preliminary injunction the court denies plaintiffs' motion," Du's order said.

The suit alleges "serious concerns about plan amendments' repercussions on travel in rural Nevada, as well as grazing, mining, and local land use planning," Du wrote.

But she added "much of the alleged harms seem to be driven by confusion and uncertainties over ... implementation."

Du noted the Bureau of Land Management amendments on grazing indicate grazing "will continue in a manner consistent with the objective of conserving" greater sage grouse and improve efforts to reduce the risk of wildland fires, which threaten critical sage grouse habitat.

Gov. Brian Sandoval, who opposed Nevada joining the lawsuit, Friday announced he reached agreement with Interior Secretary Sally Jewell on a number of key issues over the federal government's regulations.

Sandoval said the federal government agreed to use maps drawn by Nevada showing specific sage grouse areas and to honor existing mineral rights. Additionally, he said Jewell agreed to consider Nevada's plan for mitigating habitat loss by setting aside other areas for the chicken size bird as a pilot program.

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