

Sandoval gets results on sage grouse — without lawsuits

By Steve Sebelius Las Vegas Review-Journal

December 8, 2015 - 10:00pm

Friday was a good day for Nevada Gov. Brian Sandoval.

During a meeting of the Western Governors' Association in Las Vegas, Sandoval met on the sidelines with Interior Secretary Sally Jewell. The subject: A list of concerns over efforts to protect the sage grouse, a chicken-size, ground-dwelling bird with habitat across the West.

Long story short: By the end of the day, Sandoval had resolved or received commitments to resolve every single issue on his list. The governor looked on as Jewell outlined the agreement to assembled reporters, and not a discouraging word was heard.

"We will be reasonable, flexible and work with the states," Jewell promised, adding later, "We're continuing to execute on our plans, we're continuing to be open to work with all governors from all states."

"We know this is the right thing," she summed.

First, a disagreement over which maps to use in sage grouse planning was resolved, and the Interior Department will use new maps that will, for example, allow Washoe County to proceed with a school project and a veterans cemetery under the normal development process.

Second, the Interior Department will immediately allow a pilot project recognizing Nevada's conservation credit system, which provides some flexibility in dealing with protecting sage grouse habitat.

Third, Jewell agreed to work with the state on existing mineral rights. And fourth, she agreed to resolve by early next year a dispute over the construction of a replacement water tank in the town of Baker, Nev. The town needs the tank for drinking water and fire protection.

Progress!

Contrast the Sandoval Approach with the alternative pursued by Attorney General Adam Laxalt, who joined a lawsuit filed by several Nevada counties to attack some of the policies put in place to protect the sage grouse. (Those policies, by the way, went a long way toward keeping the bird off the endangered species list, an outcome that would bring much more Draconian land restrictions to Nevada.)

Where Sandoval calmly but firmly pressed Nevada's case in a face-to-face meeting with Jewell, Laxalt went to court. While the governor tried to understand and appreciate the entire dimension of the problem and its complex solution, Laxalt insisted the situation required litigation.

And while Sandoval got quick and immediate results, Laxalt's approach will take much longer to resolve, with much less certain results.

Ever circumspect, Sandoval said only that he hopes the litigation Laxalt joined won't interfere with his efforts to minimize the impact of sage grouse protection efforts.

Then again, Sandoval has the advantage of years spent in government, as an Assembly member, a Gaming Commission chairman, the attorney general and a U.S. District Court judge, to fall back on. He knows that — reduced to its simplest — the civil court system in America is designed only to determine if an injury occurred and, if so, who's

responsible and what compensation should be assessed to compensate for that injury.

That's it.

It's most pointedly not to make a political statement better suited to the campaign trail than the courtroom. And it's certainly a last resort, not an opening salvo. That's especially true when the adversarial party seems more than willing to negotiate, compromise and resolve contentious issues without the need for lawyers.

Sandoval's efforts Friday certainly don't resolve every issue related to the sage grouse, and the lawsuit against the Interior Department will continue. But he made plenty of progress with a personal appeal, with nary a legal brief in sight.

The governor — still a pretty good lawyer after all these years — knows the aphorism attributed to Sun Tsu is still true: It is best to win without fighting.

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